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WESTERN BALKANS SECURITY OBSERVER

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a centre for security,
development and
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Editor's Word

"War made the state and the state made war". This state-making formula, offered in the 70s of the previous century by the famous American political scientists Charles Tilly (1929-2008), has been the starting point of all discussions on state-building in the past several decades. There is no doubt that even today it offers a concise description of the contemporary state and its origins in the fire and ashes of organised violence. However, the last few decades have been characterised by more complex processes and discourses regarding the preservation of sovereignty of the present states and the establishment of new forms of statehood. The growing economic, security, political, cultural and information inter-dependence brought about by the process of globalisation, along with the end of the Cold War, which, while it lasted, provided stability for a number of states, gave rise to many new questions. What is the relationship between globalisation and the state? Does globalisation promote state-building or state-dissolution? What international mechanisms are available to support the building of new states? What is the level of their legality and legitimacy?

Firmly resolved to tackle these questions, while bearing in mind the experience of the states built on the territory of former Yugoslavia, a group of young researchers of international relations from Serbia and Romania got together at the Faculty of Political Science of the University of Belgrade on May 3 and 4, 2011. The Conference was opened by professor Iver Neumann from the Norwegian Institute of International Affairs, the institution that helped the organisation of this event. Neumann's plenary session was dedicated to an overview of theoretical studies of the state from times of Plato, Hobbs and Machiavelli, to modern time thinkers such as Charles Tilly and Michel Foucault. He specifically focused on the sociological approach to state-building established by Max Weber and Emile Durkheim, and further developed by their followers. In his second lecture, Neumann elaborated on different types of political communities, including early European rulerships, empires, nomadic steppe empires, as well as on the systems created by these communities. In his final lecture, professor Neumann focused on the position of the state in the globalisation era. He criticised a frequently repeat-

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ed claim that the states in the era of globalisation are gradually being replaced by other actors such as civil society or international organisations. Drawing upon Michel Foucault's concept of the rationality of rulership, Neumann provided many examples to support his claim that contemporary states do not lose their significance, but rather change the manner of governance. Neumann's lectures were followed by the presentations of other conference participants. The texts of the presentations, modified after peer review, have been published in this issue of the Western Balkans Security Observer.

The issue opens with two texts dealing with the influence of globalisation on the autonomy and functional capacity of the state. Nikola Lakić focuses on the vulnerability of the state, resulting from its inability to protect its citizens from the effects of decisions of other actors and the chain-reactions started from outside its borders, either in terms of the preservation of its social-economic position (i.e. the preservation of the state as an economic unit with fiscal and monetary sovereignty) and security, or in terms of the prevention of development of new identities. However, the political role of the state and its psychological significance in the realisation of onthological security remain intact. The externalisation of functions, that were once typical only of the governments, results in the creation of a polyarchical model of governance based on multifold networks. Consequently, globalisation challenges the state to improve its skills in inclusivity, participation and delegation management. Nikola Jović analyses the grounds for criticism of globalisation coming from the perspective of the nation state. Building on the hypothesis that the globalisation is perceived, often unjustly, as a trend with negative consequences for the very nature of nation state, the author gives an overview of critical opinion related to the economic, political and cultural aspects of globalisation. Jović contests the oversimplified view of the state as an *a priori* expression of good, and of globalisation as an expession of evil, ruling with an iron fist, and emphysises that there is not only one model and way of participation in global processes.

The next two papers deal with the building of new states in the conditions of globalisation. Mladen Stojadinović points out the negative consequences of the building of new sates, as they appear in practice: the complexity of international coop-

eration, potential destabilisation of regional and global security (their development is usually followed by violence), a frequent functional weakness, etc. In author's view, a state should be formed when it benefits global political community, brings about a more effective governance, and when it does not generate violence and even greater risks. To this end, the criteria should be precisely defined, based on the benefit of the citizens, and not the state itself. Dejan Pavlović examines the inter-dependence between international law and international politics in the process of state-building, particularly the role of international law as an instrument for the improvement of quality of democratic institutions in the so-called weak states. The absence of legal basis and precisely defined rules for engagement in this process result in the perception of the existing legal system as a primitive one. In fact, who has the competencies to make decisions and qualify states as desirable objects of the process of democratisation and institution-building? Fear (unsafety) and solidarity are the usual arguments of those who are in favour of intervention and restriction of sovereign rights of the state, but the interpretation and implementation of interventions are subject to discretionary decision-making of powerful states.

The texts of Marko Kovačević and Miruna Troncota look at the regional dynamics of state-building, focusing on the role of the European Union as an external actor in the Western Balkans. Kovačević uses the Regional Security Complex Theory and the corresponding concept of security put forward by the Copenhagen School as a theoretical framework for the analysis of state-building and its influence on the the regional security dynamics. The author observes that the state-building process can be viewed as a form of "penetration" of great powers into other security complexes or sub-complexes. To prove the validity of this claim, he uses the example of the engagement of the European Union in the Western Balkans sub-complex, where the regional security dynamics was modified under external influences, from the originally conflict formation, followed by security regime, into the "elite security community", which represents a phase of integration in the European security community. In her paper, Troncota builds on the constructivist perspective, i.e. the concept that actors and structures create one another through transformative

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logic of interactions which are most visible in identity building. For this reason, the state-building model applied in the Western Balkans by the international community, especially the European Union, must be understood as a symbolic process in which two actors participate in a "give and take relationship". As both balkanisation and europeisation are ideal types, they can be used only as theoretical standards. Any attempt at utilising them as the categories for explanation that have axiological implications (one positive and another negative), represents a methodological mistake. The author emphasises that balkanisation is not necessarily opposed to europeisation.

The last two texts in this issue deal even more directly with the problem of post-Yugoslav state-building. Marko Žilović examines the effects of state-dissolution, war and international sanctions on state-building strategies. By focusing on cases of Serbia and Croatia, he demonstrates how, under the above-mentioned conditions, political elites tend to weaken formal state institutions, and strengthen "informal and criminalised channels", which in turn determines the further path of not only the economic and political transition, but of the state-building strategy as well. Drawing upon the experiences of the sub-Saharan Africa and the Western Balkans, Zoran Ćirjaković argues that globalisation, led by the West, served only as a deterrence in overcoming the ethnic-political principles in the state-building. He claims that the discourses of democracy, human rights and accountability were used only to hide the fact that the state-building in the Western Balkans mostly amounted to the building of "sustainable" states of the majority nations. By pointing out the case of the post-Dayton Bosnia and Herzegovina, the author examines the possibility of further violent re-shaping of post-Yugoslav states.

This number of the *Western Balkans Security Observer* does not only mark the sixth anniversary of the publication of the magazine, but also the end of an important phase in its development. Since 2006, when the *Western Balkans Security Observer* was established, the magazine has transformed from the originally internal publication of researchers of the then Belgrade School of Security Policy, into a peer-reviewed scientific magazine with a growing international visibility. The time has come to raise the magazine to the next level. To this end,

the publisher and the editorial board have made several important decisions. First, the magazine will be renamed from the *Western Balkans Security Observer* into the *Journal of Regional Security*. The rationale for this decision was that, while the texts should keep their regional focus, the content of the publication will be expanded to include the security analyses of other regions as well. This is especially important given the fact that, with the progress of European integrations, the region of the Western Balkans is rapidly "shrinking" in terms of security and blending into a wider European regional security complex. The magazine will continue to be open for different disciplines and theoretical contributions. However, the topics that will especially be encouraged include: security communities, regional security complexes, regional processes of security sector reform, security regimes, regional conflicts, security integrations, region-building and comparative regional security analysis. Another change in 2012 is that the magazine will be published bi-annualy and in English language, instead of three times a year and in bi-lingual version. The enormous resources needed for the publishing of the bilingual edition outweighed the benefits of using that model, and after serious consideration of costs and benefits, we made a difficult decision to publish from now on a larger, bi-annual English version of the magazine. We sincerely hope that the readers will appreciate the forthcoming changes and that time will prove their purpose.

Filip Ejdus and Svetlana Djurdjevic Lukic
co-editors of this thematic issue

Is globalization a challenge or a threat to nation-states as a dominant form of polity?

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Abstract

A true Nation-state has never yet existed in our diverse and vibrant world. For states to remain in the game, they need to understand they are no longer the only actor. The current policy arena is a kind of unstructured complexity in which a lot of actors are key for policy making. The descriptive label governance is used for the changing nature of the policy process. The dispersion of the power and activities of the state towards stakeholders at different spatial levels is the most visible change in the state, in a globalized world. The thesis about the end of the state is unsustainable. According to Poulantzas, a nation-state should be seen as 'self-replaceable'. Economic globalization is seen as the force which most threatens the authority of the nation-state. The state's ability to act in opposition to market forces is devastated by the fact that the state must reduce regulatory standards in order to attract capital. The theory which satisfactorily reflects the nexus of globalization and reduction of regulatory policy is the 'race-to-the-bottom' (RTB) hypothesis. In today's globalized states, there is a trend towards subordinating social policy to the needs of structural competitiveness and the flexibility of the labour market. Such a state is called a Schumpeterian workfare post-national regime. Globalization causes the state to be unable to protect its population. Contemporary security threats and challenges, which are by nature transnational and largely a product of globalization, make nation-states vulnerable and interdependent. The result of globalization is also new non-space-based identities that do not derive from the nation-state.

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Key words: nation-state, globalization, governance, The Schumpeterian workfare post-national regime, RTB hypothesis, theories of growth, new security dilemma, non-space identities.

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The state can be understood as a multi-faceted phenomenon which changes over time. For Thomas Hobbes in the seventeenth century it was a 'mortal god', for Hegel in the nineteenth century it was 'something earthly heavenly', (Spektorski, 2000:22) while in today's common view, the sovereign state is a normative claim rather than a descriptive statement, with responsibility for this assumed to lie with globalization. Globalization is a multidimensional phenomenon which involves a *qualitative and quantitative growth in the economic, political and cultural integration of the modern world*. Space and time are compressed and condensed and the exchange of information, population and capital is accelerated. Globalization is the dominant paradigm of today's political and theoretical discourse, part of Bourdieu's 'new planetary Vulgate', and it shows unprecedented epochal dynamics. Its many layers transform military-political, cultural and economic geography and deconstruct the recent mode of political conceptualization. Thus globalization certainly should have a role in explaining the (possible) decline or reconceptualization of the nation-state due to new challenges.

The nation- state and governance in a global world

The nation-state is a kind *of political organization and territorial union with supreme authority and political axioms of independence and autonomy*. The nation-state prevailed as the dominant political unit in international relations from the nineteenth century until the 'third wave' of globalization. The process of globalization has greatly disrupted the traditional analytical and conceptual framework through which policies can be understood. (Kennett, 2008:3) The nation state as defined above has never yet existed in our diverse and vibrant world, and therefore the framework needs to be re-examined. In order to respond to the challenge of globalization, it is appropriate to remedy the lack of adequate national framework, which in the modern world takes a static, in fact a metaphysical character, due to the effects of transnational factors

which increasingly challenge the autonomy and functional capacity of the nation state. In order for states to remain in the game, they need to understand that they are no longer the only actor and that many factors undermine their authority. This requires a modification, transnationalization and cosmopolitanization of the state. The state will have a better chance in the future as soon as it takes on a new architecture of international relations. (Ćirić, 2008:210) The thesis of the decline of the state or the threat of its death are inadequate because it is precisely on a type of re-configuration and re-adaptation of the state which is taking place as part of the process of globalization, bringing about a transformation of the existing geometry of power. Bifurcation of global political structures and the creation of *two parallel worlds* (state and non-state actors) as well as the emergence of *manufactured risks* (diseases, environmental threats etc.) press the state to face the big challenge. Reality is so diversified and complex due to globalization that no one has enough power or knowledge to solve the problem, thus creating doubts about the nation-state as the key actor in the policy arena. The current policy arena is a kind of *unstructured complexity (GO, IGO, TNC, NGO)* which challenges the hierarchy of authority and government as a top-down strategy with the nation-state being in the spotlight. (Kennett, 2008:4) There are now plenty of actors which are key in policy making and for the changing nature of the policy process, the descriptive label *governance* being used to describe this. We say that *technologies of government* have changed because there is a continuous movement of state power upwards, downwards and sideways, reflected in the shift from government to governance. (Jessop, 2000:12) *This dispersion of state power and activities toward stakeholders at different spatial levels is the most visible change of the state in a globalized world.* Globalization is the crucial context in which the policy process must be understood, due to the presence of multiple parallel spatial powers and the externalization of some government functions. Actually, the only solution to the challenges of globalization is the reallocation of functions to different political and economic organizations and the creation of polyarchic network-based modes of governing. However, the structural trend of hollowing out the nation state, reflected in the territorial and functional reorganization of government capacity at the supranational, transnational and sub-national level, should not be brought into connection with the thesis about the end of the nation-state. The philosophical point of origin of the state is not explained in temporality, but in *purposefulness* and so one should not talk

about replacing the nation-state. *Poulantzas's* view that the nation state is in some sense '*self-replaceable*', is helpful. If we rely on *Aristotle's* teleology of the state that its goal is to provide a good life, we will examine *to what extent states, within globalization, have to give up autonomy and independence in order to provide a good life and how globalization constrains the state in providing a good life for its citizens.*

Gladiators of economic growth

Economic forces are the true determinants in the interpretation of current policy. Economic globalization is seen as the force which most threatens the authority of the nation-state and reduces its power. Special attention needs, therefore, to be paid to this point.

Globalization of production, transport, communications and finance escalates the split between the state as 'an economic unit' and 'a territorial and administrative unit'. (Jakšić, 1997:1) Globalization undermines the historical constellation characterized by the coextensive stretching of the state and economy within the same national borders. This is due to the creation of a transnational economy in which states are primarily located within the market rather than having a national economy located inside the borders. (Habermas, 2001:140) This is all a result of the proclamation of the inconvertibility of dollars to gold (1971) and as a result, the abolition of controls on the flow of international capital, which began to wander freely in search of investment opportunities and profits. World currencies then lost formal backing in precious metal and, as a reaction to the new conditions in the international currency and financial markets, unfamiliar financial instruments appeared with far-reaching impact on the effectiveness of national economic policy, especially in three areas: monetary, fiscal and also exchange rate policy. (Čaušević, 2004:72) National economies began to open up due to the free movement of capital but the increased size of flows and the need for economic efficiency created an imperative for competition between states due to the 'logic of capital', meaning that it moves towards jurisdictions that do not threaten profits. As George Soros said, 'Capital will tend to avoid countries where employment is heavily taxed or heavily protected.' (McBride, McNuttand and Williams, 2007:80) So, the state's ability to act in opposition to market forces is devastated by the fact that the state must reduce regulatory standards in order to attract capital. The theory which

satisfactorily reflects the nexus of globalization and the reduction of regulatory policy is the 'race-to-the-bottom' (RTB) hypothesis. (Drezner, 2001:58; Mosley, 2005) The RTB hypothesis assumes that the governments of nation states must increasingly deregulate their economies, *inter alia,* to sell their policies to international investors and must carefully consider the preferences of market participants[2]. This created a 'ratchet effect' where each new deregulation increased both the complexity of the structure and price sensitivity, preventing a return to national regulation. Vast deregulation, according to Saskia Sassen, is another name for the deterioration of the state (Sassen, 2008:299).

Contemporary theories of growth such as the *Harrod-Domar theory* see the lever of domestic product growth in capital, as a result of investment and economic growth, associated with an exponential increase in investments each year. In the process of globalization, this means that national economies must rid themselves of 'functional completeness' and governments of nation-states must largely limit their own power to govern so that it is not a burden on capital.

In reality, the *Monetary doctrine*, with the starting point of removing the state from the economy, is widely applied. Another theory of growth is recommended – *Supply-side economics*, which deals with restrictive monetary policy and stimulative fiscal policy, based on the incentives for the state (stimulation of investment with tax policy, lowering marginal tax rates and deregulation of the economy). *So a nation-state is faced with reduced budget revenues from real sources and with the 'chronic disease' of an inability to intervene to achieve full employment and the social welfare of its citizens, in the context of globalization.* Globalization undermines the state in many ways, especially in its essential foundations of legitimacy, because it has made the transition from the *Keynesian welfare national state* towards a *Schumpeterian workfare post-national regime*. The differences between these types of states lie in the valorization of capital and the reproduction of labour power. Actually, in today's globalized states, there is a trend towards subordinating social policy to the needs of structural competitiveness and the flexibility of the labour market. (Jessop, 2000, Fulcher, 2000:530) Social policy and the labour market are going to become more flexible, which is achieved by removing 'politically constructed' obstacles from the uninterrupted operation of market forces. The Economics Secretariat of the OECD issued a recommendation for political reforms in its *Jobs Study* (1994) concerning rigidities

[2] John Maynard Keynes claimed that independent management of the economy is conditioned by free determination of the appropriate tax rate and does not depend on the rates that exist in the world

such as social benefits and strong legislation, which were pro-claimed as being responsible for increased unemployment in the OECD area. (McBride, McNuttand and Williams, 2007:81) Therefore, in terms of globalization, the essential nature of the nation-state has obviously changed and there has been a transfor-mation in character and the focus of policy. (Laffey and Weides, 2005:66) The nation-state no longer has a powerful role in ensur-ing the welfare of its citizens. Now more than ever, it is dependent on external factors, which is why we say that the state has 'feet of clay', as the process of globalization allows citizens to reassess its legitimacy more frequently (walkouts and riots, especially in Greece).

The macroeconomic authority of the state is largely limited. This is reflected in the inability of states to pursue ambitious monetary, fiscal and incomes policies. National monetary policy loses its autonomy because it can no longer be turned towards domestic real aggregates in an introverted manner, but has to be extrovertedly turned towards international capital flows and must merge and engage in international macroeconomic coordination. (Jakšić, 1997:5) The *European Union* is a good example, showing that monetary policy is completely removed from nation-states and that European supranational sovereignty is established for economic (competition policy, public spending and state aid) and monetary matters. The European Central Bank is solely responsible for the conduct of monetary policy and has the freedom to decide on infla-tion targets or money supply and price stability. (Hiks, 2007:310; Wells, 2008:41) *Romano Prodi* emphasized that waiving the state's exclusive right to print money and accepting the euro as the refer-ence currency means abandoning an important instrument of the sovereignty of nation states. (Prodi, 2002:11) It can be said that EU countries which are members of the monetary union with Euro exchange rate policy no longer have the instruments of traditional politics available to them, and thus lack 'room to move'. (Greve, 2006:2)

Globalization has gone further and has revealed the declining and narrowed power of national states in the field of international finance. As a result of the extent of the contemporary process of globalization, international financial markets have linked together the world's financial markets in such a way that economic cycles, in most countries, are closely synchronized and if a crisis breaks out in the land of the reserve currency (dollar), it will quickly expand to the whole world (thus: the world economic crisis of 2008). (Kovač,

2009:14) In today's world, globally integrated banking, working twenty four hours a day, alongside deregulation, securitization (packages of credit arrangements which can be traded) and the ability of corporations to enter the market diminishes the role of the central bank as an institution which provides national monetary stability and creates a potential credit backed by the state. (Jakšić, 1997:6)

Globalization has also produced 'harmful tax competition', the so-called 'fiscal termites' which threaten the taxation regime and thus create dangerous consequences for the state's fiscal system. These 'fiscal termites' are increased labour mobility, the growth of electronic commerce and the possible replacement of bank accounts by electronic money placed on 'smart cards' and the difficulty of collecting information on income and consumption as well as the expansion of tax havens. (Volf,2003:310) The government can still impose taxes (*de jure tax sovereignty*), but on the other hand, this does not mean that it will receive the desired tax revenues and effectively achieve the desired goal of tax policy (*de facto tax sovereignty*). Governments have retained *de jure* tax sovereignty but *de facto* tax sovereignty is greatly reduced because the government is powerless to receive increased tax revenues, while there is also a change in tax competition visible in the shift of the tax burden from mobile capital to immobile labour. (Rixen,2008:27)

The nation-state is, under the conditions of globalization, in a situation where it cannot fully realize its normative ideals as before. *Anthony Giddens* believes that the ability of long-term national planning is greatly compromised by the process of globalization. (Bleses and Seeleib-Kaiser, 2004:116)

The nation-state in a cage of globalization

Simply put, there has never been such interdependency, nor a situation in which external influences determine the fate of more nation-states. Individual states are unable to use their own power to protect their citizens against the external effects of decisions made by other actors or from the effects of the chain's process, the source of which is outside the state's borders (spontaneous overdraft limit). (Habermas, 2001:141) Globalization in itself increases the risks but 'A world without borders means that with all the icebergs floating outside territorial waters, none of the governments have any sense of responsibility or the power to devise a radical solution.' (Pečujlić, 2001:47) *Michael Mandelbaum* succinctly describes it, 'Post-Cold

War states were able to keep the army at bay, but everything else, ideas, products and technology easily exceeded the limits.' (Mandelbaum, 2004:65).

The key issues that interest me are *whether globalization makes the state unable to protect its population* and *whether extended cooperation between societies and countries represents a threat to the nation-state as the dominant form of polity.*

Some historical sociologists believe that the central reason for the rise of the state was national security. The nation-state's most important role is to protect its national borders and to preserve the physical intactness of national life. Contemporary security threats and challenges, that are in nature transnational and largely a product of globalization (terrorism, organized crime, proliferation of weapons of mass destruction, disease, environmental threats etc.) have made nation-states so vulnerable and interdependent that they almost no longer have a monopoly on individual troubleshooting.[3] As the state is geographically limited and security threats come from non-state actors, security is increasingly sought through regional organizations, *and as soon as the state seeks assistance from outside the country, this means that it is not capable of ensuring security anymore.* (Ripsman and Paul, 2010:35). Given that terrorists are transnationally organized, that their structures are dispersed and that organized crime is no longer hierarchical, but structured as a network, it is difficult for states to provide security.

Due to the globalization of communications, technology and transport, the state's control over what happens within its borders is significantly reduced. The accessibility of weapons of mass destruction and the presence of international terrorism have created a new historical situation in which states with few financial resources may endanger the security of many powerful countries. (Krasner, 2007:204) Therefore, in this era of globalization, a threat to any country is seen as a threat to the security of all states. This new situation, which is characteristic of the globalized world, is called the *new security dilemma*. This shows that taking into account only the national interest represents an inadequate and unsafe policy. There is, then, an increasing need for coordination at global level and integration into regional organizations (NATO).

Emerging diseases and infections pose a particular threat to international security, through their negative impact on sovereign states. Global microbial proliferation is greatly facilitated by tourism and migration. Globalization has increased the genetic 'library of codes' available to all organisms, as pathogens from different regions are now able to share genetic traits with other organ-

[3] In modern thinking about international relations, special attention should be given to material and contextual factors: nature, the environment, infections, technology etc.

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isms. As health is the cornerstone of the material power of the state, every epidemic disease represents a direct threat to the state's power, as it affects its prosperity and destabilizes the relationship between the state and society.[4] (Price-Smith, 2009:18) This implies that the statement on globalization as a threat to nation-states is viable and accurate. Although there are numerous examples in history of such threats to states and societies, globalization today makes nation-states particularly vulnerable and constrains almost all states in providing safety for their citizens. The frequent number of such threats in recent years shows that states are actually powerless and are just witnesses to their losses. They are merely capable of cooperating with international organizations in order to prevent major damage to the public infrastructure.

The challenges that we have already noted as undermining the state as a sovereign territorial unit are economic, technological and demographic processes. A particular challenge is posed by the changing nature of identity we see today. Growing interdependence in the world and the pressures of globalization push the nation-state from both above and below, and modern conditions reveal new identities, meaning that the nation-state is no longer the only option for loyalty or the primary basis of identity. The results of globalization are new non-space-based identities that do not derive from the nation-state[5]. Economic interdependence and globalization have led European integration mostly in the direction of undermining the territory and function of the nation-state. Author *Caroline Klamer* uses discourse analysis of the *European Pact for immigration and asylum* (2008) to successfully prove that EU immigration policy creates the conditions for the emergence of an EU identity. (Klamer, 2009:14-19) Since the European Pact relates to EU citizens as European citizens, for *Klamer*, this is the beginning of overcoming the nation-state. *Joel Tufvesson* also shows that the state is no longer a kind of marriage between culture and politics, using the example of certain elites who no longer identify themselves primarily with the state. A new kind of loyalty was seen by *Tufvesson* in the example of the *Öresundskomiteen*. According to him, loyalty acts in a vacuum between national states. Specifically, as a result of globalization and as part of it, this committee was created in order to create regional integration of the areas of Southern Sweden and Northern Denmark with jurisdiction covering economic, cultural, ecological, political and legal areas. The committee is made up of and administered by individuals from both countries who are the 'new elite' in a globalized world. This new elite does not primarily identify with the state due to a privileged position in accessing cer-

[4] For example a SARS epidemic in 2002/2003 was a direct threat to the material interests of China, Canada, Hong Kong and Singapore. (Price-Smith, 143-150)

[5] Edgar Moreno argued that identity is not one and indivisible, it is actually a *unitas multiplex*. According to Moreno, all people are beings in the sense of self – uniting family, local, regional, national and transnational, and possibly religious and doctrinal identity. (Moreno, 1990:154).

tain resources and networks outside the country. (Tufvesson, 2005) For the author this is a significant exemplar that reflects how the nation-state can no longer effectively control events within its territory, due to global processes which materialize in national territories.

An alternative to the conclusion: Plato's "Euthyphro problem"

The picture of international relations has greatly changed over the last thirty years. The state-centric paradigm has changed and the state is no longer the most important *modus operandi*. The Roman politician Lentulus used to say that every novelty is a danger. New transnational actors are not yet dangerous to the extent that they represent a mortal threat to national states. Globalization does not displace the nation-state from the throne but deprives it of the privilege of being the highest authority. The most powerful agent which tore apart the existing fusion of sovereign public authority with physical space defined by borders, thereby altering the relationship between function and territories, is *economic restructuring*. (Keating, 2001:134) It becomes harder both for states to impose their fiscal and monetary authority and also to create national prosperity independent of the international market. In order to achieve tangible gains from globalization, states increasingly act as an agent of globalization, by reducing their own power and becoming accountable to external economic agents. Mittelman says that the state is no longer the primary acting force as it is already reacting to global economic forces. (Mitelman, 2003:165)

New threats, risks and challenges in the age of globalization have made states so vulnerable and interdependent that they almost no longer have a monopoly on individual troubleshooting. Newly created regulatory and governing gaps exist which circumvent the construction of the new architecture of political governance beyond the nation-state-*transnational policy regimes*. (Grande, 2002:100) States can no longer independently solve problems without international cooperation and supranational integration, so they become less able to control their own destiny. Therefore, it can be argued that the state is no longer the sole or even the main source of authority. (Sending and Neumann, 2006, 655)

Plato's Euthyphro problem, 'If something has not always been there, should it be there in the future?' gives the most useful description of the fate of the nation-state. It is necessary to re-examine the nation-state in modern conditions. Although the state is losing much of its authority in the process of globalization, its political

function and psychological significance in the provision of ontological security still does not disappear. After the events of the World Economic Crisis (2008), states were the actors which took part in the formulation of policies and moving of the global economy out of recession. Nowadays, the only threat is the *new zone of ungovernability* (weak states, terrorism, crime and the ineffective form of global governance) which the state must play a decisive role in order to overcome. In the economic sphere, the weakness of the state is evident and the lack of power to control processes occurring on its territory is also apparent. But a nation-state in terms of globalization may very well increase its power only by international cooperation and integration into international organizations. The old type of exclusive and timid nation-state is dysfunctional. Globalization is challenging the state to become more inclusive, delegatory and participatory in order to improve its governance skills.

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Justification of Criticism of Globalization from a Nation-State Perspective

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Abstract

The aim of this paper is to discuss the credibility of criticism of globalization from the point of view of the nation-state. The main body of this paper consists of three sections. The first section analyses criticism of the political aspect of globalization; the second gives special attention to criticism of the economic aspect of globalization; the third deals with criticism of cultural globalization. The initial hypothesis is that globalization is characterized, often unfairly, as a trend which has negative consequences for the nature of the nation-state. This paper is intended as a response to criticisms from authors claiming that globalization reduces state sovereignty, is an instrument of the new economic imperialism, and that the very act of globalization amounts to standardization and cultural homogenization.

Key words: globalization, sovereignty, democracy, economic inequality, transnational companies, cultural homogenization.

* * *

'*Each epoch of modern society has its central concept which is the sum of the main trends in development, power structure and the dominant ideological code. In the current era that is the concept of globalization.*'

(Vidojević, 2005: 19).

Globalization in a broader historical context

The end of the cold war and the implosion of the socialist-communist regimes changed the world completely. New concepts of politics were established and reconstructed the system founded at

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Westphalia and Osnabruck. The basic characteristics of this new system are: the end of the bipolar international system, reallocation of power centres, deepening of integration processes, regionalism and fragmentation, division of global structures, a new list of challenges, risks and threats and the increased importance of soft power. All these changes are of great importance for changing the social habitat, and almost all are, with or without reason, associated with globalization, which affects their intensity, their spatial-temporal dimension, or the conditions of their manifestation. Since the 1980s, globalization has thus become the basis for understanding the changing world *with the increased scope and intensity of communications and transactions which transcend national boundaries, and has economic, environmental, political, technical, technological and many other aspects, which cause positive and negative consequences*. These complex processes of globalization constantly provoke controversy and theoretical disputes. Precisely because globalization is a complex and controversial process, which is both positive and negative, a balanced analysis is required, taking this ambivalence into account and providing a valid understanding.

Globalization and the state

The political aspect

Anyone unfamiliar with modern political history, in which state-centrism plays a key role, might mistakenly believe that globalization can easily cause the disappearance of state power, or that the state is no longer important and has lost its power and sovereignty. This is the main criticism of globalization heard from defenders of the nation state perspective. This question is of great importance: has the state as *summa potestas* (in Jean Bodin's definiton) i.e. 'a community that has the sovereign authority' (Matić & Podunavac, 1997: 122) ceased to exist? Changes occurring as a result of globalization reveal that the state has not lost its importance, but that its sovereignty has weakened. Global institutions such as the IMF, the WTO, the WB, the UN, the EU etc. have a special role in this process, but also important are the intensifaction of international economic relations, the introduction of the individual as the subject of international relations, the compression of space and time (Harvey) and the impact of the internet and new technologies etc. All these processes affect the stability of state sovereignty. According

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to James Rosenau, the world of is not only state-centred, but branches out into at least 'two overlapping worlds within one world: there is a parallel system of sovereign states consisting of nearly two hundred units on the one hand and a many-centred world consisting of tens of thousands of non-state actors, on the other hand.' (In Simić, 2009:38) The world has become too complex to be evaluated only according the criterion of national borders. Under the influence of globalization, 'the state has become the arena in which national and international forces operate.' (Held, 1997: 393) The reality of social relations is such that some problems cannot be dealt with effectively by state prerogatives, and broader political action is needed for their successful control. In other words, as pointed out by Leslie Sclera, 'the core of the idea of globalization is that most modern problems cannot be adequately analysed at the level of nation states, within individual countries and their international relations; instead they should be viewed in terms of global processes.' (Vuletić, 2009: 9) This applies particularly to issues such as the proliferation of nuclear weapons, environmental disasters, economic crises and other problems that intersect boundaries and for which countries simply do not have adequate solutions. Considering that at the global level there is still a lack of a sovereign to regulate all these issues, governments are forced to cooperate and transfer their powers to supranational bodies in order to increase efficiency. In this context, the adaptation of state sovereignty and its own relocation to a higher authority is not a matter for criticism. Static categories soon become anachronistic in dynamic times. A symbiosis of state and global supranational action for solving global problems would be omnipotent. This is particularly true because, as emphasized by David Held, 'modern processes of globalization are unprecedented in history, so that governments and societies must adapt to a world in which there is no longer a clear division between international and domestic, external and internal affairs.' (Held, 2003: 55)

Today we can hardly restrict sovereignty discourse to a single level. The concept of sovereignty is essentially related to the size and power of a particular state, its position in international relations, its economy, etc. Furthermore, 'sovereignty in one underdeveloped state, especially in starving countries, even if it were possible would not mean much.' (Vidojević, 2005: 284) This is why it is of great importance for sovereignty preservation policy and development policy to be complementary, strengthening and imitating each other, because, as George Washington said, 'one who expects to be poor

but independent, expects something that never was.' This is why it is of great importance for a state to create a rational balance in the matter of inclusion into the processes of globalization. Without a proper *cost-benefit* analysis, integration into the global system could be lethal to the state. Nevertheless, as Hedley Bull asserts, considering that states are rational actors, led by their own interests, their decision to integrate into wider communities like the European Union is aimed at increasing their own power. This means that if a state enters into supranational arrangements like the EU, one cannot talk about losing sovereignty, but about voluntarily renunciation of part of its rights in the name of accomplishing both the general and its individual interest. In the same way, delegation of jurisdiction can be considered an act of sovereignty.

In the political, as well as the cultural and economic spheres, there is a widespread view that globalization has a uniform character, that there is a globalization of equivalent political behaviours, activities and organizational models of overall political life. Globalization is also seen as an *iron hand*, having full power over countries, including socio-political organization, or seen in terms of the 'end of history'. (Fukuyama 1992) The role of government in this process is reduced to the mere acceptance of what political globalization *imposes*. In the globalized world of politics there is no more room for *mimesis* (imitation), everything is imposed. However, there is neither only one form of globalization, nor only one way of inclusion into global processes. Globalization does not create a uniform world, although similar processes and outcomes in different parts of the globe can be seen. Just look at the different ways in which globalization is treated by China, India, Japan, America, South Africa, Sweden, Denmark, France etc. In accordance with this, globalization has made diversity visible on a planetary scale. Today more than ever, information about different civilizations, peoples and cultures is available. Different models: cultural, political and economic, surround us and spread easily. On this threshold, *new states* in a delayed processes of *national state building* do not imitate just one model. In the economic sphere they can build their economies on the same basis on which successful economies in Europe, North America and East and Southeast Asia are built. In the political sphere, the range of possible models is even more diverse. States model their constitutions on those of Canada, France or, probably in the future, based on a new way of organizing countries, such as the European Union. In cultural terms they may be drawn to American culture as exemplified by MTV and

Hollywood, or to the French model of protecting national culture and favouring national cinema. *In summa*, even if this is the era of liberal democracy we must emphasize that the 'liberal component cannot be simply treated as unique … there are distinctive liberal traditions which embody different conceptions of the individual subject, the autonomy, rights and obligations of the governed, and the true nature and form of community…There is not simply one institutional form of liberal democracy.' (Held, 1997: 18)

The economic aspect

Speaking of global economic processes, one can freely say that in the literature they are considered to be the most important aspect of globalization, the aspect in which globalization had advanced the furthest. The impression can sometimes thus be created that 'the whole discourse of globalization is attached to the economic dimension of globalization.' (Vuletić, 2009: 50) Consequently, the greater part of criticism of the outcomes of globalization refers precisely to the scope or rather the failures of economic globalization. Re-thematizing an old phrase, Joseph Stiglitz criticizes the economic aspect of globalization, saying that *because of globalization the rich got richer and the poor poorer.* Analysing the stated attitude, we can affirm that hidden in its essence are two very important criticisms. First of all, globalization assures a privileged position for its protagonists and for those who have already adopted its patterns of economic liberalism: that is the USA and Western Europe. Besides, it is obvious that globalization is being criticized for producing an uneven distribution of goods: for being unfair. Regarding the first criticism, it has been thought for a long time, especially during Argentinean economist Raúl Prebisch's chairmanship of the UN's Economic Council, that the origin of underdevelopment and poverty in the rest of the world can be attributed to the present form of world capitalism. 'It was claimed that those who contributed to early economic development in Europe and the USA actually created the world economy for their own purposes, condemning the suppliers of goods, who came after, to a subordinate position.' (Fukuyama, 2004: 67) Regarding the other criticism, critics consider that economic globalization encourages and deepens inequality. The strongest critics are Ignacio Ramón and Joseph Stiglitz who emphasize that the gap between the richest and the poorest states is

increasing, mostly due to the harmful influence of globalization in the economic sphere.

Criticism that economic globalization provides a privileged position to already modernized and developed states in the West is based on the opinion that it is the initial as well as the final advantage, and that the world's economic system is ranked in a way that puts these states in an untouchable position. However, it appears that this view of how the world's economic system functions does not match its emphatically dynamic and variable nature. If not so, China would still be the world's number one power, as it was in the Middle Ages. In economics only change is constant, as shown by the latest changes in the hierarchy of economic power between developed and underdeveloped states. Today's understanding is much changed from that of the 1950s when Raúl Prebisch's opinion was dominant. As early as the 1990s presidents such as Fernando Collor, Carlos Salinas and Carlos Menem rose to power, while the Chicago Boys started implementing reforms aimed at an export-orientated market economy in the 1970s. For them, underdevelopment was merely an expression of the inconsistent enforcement of liberal principles and 'flirting' with mercantilism rather than inherent flaws in globalization or exploitation by more developed economies. Ever better performance by these countries' economies, led by Brazil, proves that they were correct. East and Southeast Asian states are even more representative examples. The *woken giants* (S.Adamović) of Asia and Latin America became separated from their passive economic role and very quickly, unthinkably quickly, became a fundamental component of the international economy and a key subject of turbo-capitalism. The developing countries have increased their share of world exports from 20% in 1970 to 43% in 2005. Measured by purchasing power parity 'to the so-called emerging markets.... goes 40% of the world economy.' (Zakaria, 2008: 20) In addition, these countries are the world's largest banker with over 70% of world currency reserves. Their contribution to world GDP per person has grown by an annual rate of 3.2% in a five year period in the first decade of the 21st century. It is obvious that economic globalization has proved beneficial not only for the USA, but for Western Europe as well.

However, there is much talk, probably with good reason, about the problems that economic globalization and economic reforms bring, and which can be seen as a failure of national economies. When talking about failure, it should be considered whether critics focus too much on globalization as a cause of poverty and misery,

while war and other armed conflicts, corruption, crime, dictatorships and the weakness of states are much greater enemies of development and stability. It is clear that success is a matter of implementing the market principles of organization of the economic base and integration into the world economy. Important factors in success were: 'low inflation, low deficit, high savings, education, persistence...and the crucial desire to become part of the global system of international trade.' (Yergin & Stanislaw, 2004: 156) Those who did not follow that example soon realised that they had pursued the wrong policy. As an example, we can compare the modern history of South Korea and India. Only 50 years ago, income per capita was the same in both countries, but after South Korea turned to the market, income per capita rose and today is ten times higher than that in India, which took a path between capitalism and socialism. Having seen what happened, India has altered its policy. Although it started reforms after the Asian Tigers and China, India has already made great progress, and has established some companies known around the world, such as Tata, Infosys, Ranbaxy and Reliance. The most interesting fact about the rise of India is the fact that 'Indian investment in Britain in 2006 and 2007 was higher than British investment in India.' (Zakaria, 2008: 135)

Economics, unfortunately, is not physics, thus it is hard to predict which problems might occur. Inequality represents one question encountered by economists *post festum*. Basically, this question refers to the problem of fair distribution, which is of great importance in every society. It refers to how much money one earns and spends, who sells and who buys. Inequality is an essential question in modern discussions about the effects of economic globalization, as it refers indirectly to the problem of poverty. Therefore, when we talk about the benefits of inclusion in the global system, one question to be asked is whether it will lead to a decline in inequality and poverty. Although it is important to methodologically separate inequality from poverty, these two problems are related to each other, especially through the world economic system. Inclusion in the system provides economic growth, thus leading to a significant decline in poverty. It is, however, correct that a number of countries have suffered from the introduction of liberal and free-market principles into their economies, but it is also true that some countries, thanks to the transformation of their economic base, have managed to develop their societies and raise a large part of their population out of misery. This can be seen especially in developing countries. According to data from the Asian Development Bank, the incidence

of poverty in China declined from 28% to 9% in 20 years, while in India the poverty rate was halved, from 51% to 26%, in under 30 years. As stated by Xavier Sala-i-Martín, the poverty rate in Asia was 76% in the 1970, but by 1998 it had declined to 15%. In Africa, which did not turn to economic liberalization and globalization in such an efficient or consecutive way, poverty increased by almost 50% in 30 years. (Bhagwati, 2008: 90) The fact is that Asia, or, better said some parts of Asia, globalized faster and deeper than Africa. This is precisely what can be a guideline for Africa.

States very often criticize the activities of transnational corporations (TNCs) as threatening the scope and origins of their national economic policies. Almost 80 percent of foreign direct investment flows outwards via TNCs. Their constantly increasing power is based on a 'financial wealth, overflowing onto the political arena, prompting many researchers to conclude that it is the TNC and not the state which is the main actor in shaping world events.' (Vuletić, 2009: 55) Relationships between economics and the politics of nation-states are indeed complex. The magnified importance of global economic institutions and TNCs is changing the role of the modern state. After the fall of communism, the government began to retreat, freeing up control over the commanding heights. In response 'to the high cost of control and disappointment in their own efficiency, the government launched privatization... This was the biggest sale in the history of the world.' (Yergin & Stanislaw, 2004: 11) TNCs took advantage of this. What frightens critics of globalization is the conclusion of American economist Jeremy Rifkin, who believes that a 'change in relations between governments and markets has become particularly apparent with the emergence of international trade agreements that transfer more and more political power from the national state to global corporations...with these agreements hundreds of laws of sovereign nation states are potentially annulled if they threaten the freedom of transnational companies to freely operate.' (In Vuletić, 2009: 8) However, 'the strength of these companies is left without answer... just a year ago, it seemed that Monsanto, one of the largest global biotech corporations and a leader in the trade in genetically modified crops, was in an impregnable market position. Protest movements, beginning in Europe and spreading world-wide, have changed all that. ...there is talk of the Monsanto group having to break up and dispose of its agricultural chemicals section whose market value has decreased to almost zero.' (Giddens & Hutton, 2003: 6). From such a complex reality, however, it can be conclud-

ed that the power of TNCs has increased with incredible speed, but that countries still play a role. States are, in the end, no matter how many critics they have, fighting to ensure the most favourable conditions to attract TNCs. The state's economic role is being reduced to ensuring optimal conditions in their economic-legal-political systems for the activities of TNCs.

The cultural aspect

The dizzying rise of the "*Gutenberg Galaxy*" and the recent development of electronic media and the internet have radically changed the world. As a consequence of this technological revolution, we are now in the time of the 'electronic global village' in the phrase of Canadian professor Marshall McLuhan. (Reljić, 2003: 89) This means the end for time delay in the diffusion of cultural contents. News does not spread ever faster, rather it is everywhere at the very same time. Satellites, global TV networks and the internet raise awareness of *one world*. Is there one culture too? Are the claims of critics too pretentious and unsubstantiated when they say that traditional cultures and identities are disappearing and that we are now witnessing the homogenization of culture with 'American character', as an aftereffect of the spreading of cultural models across national state borders.

As the process of globalization accelerates and deepens, national cultures change. The technological revolution has made possible a global market in cultural models and values, where a fruitful synthesis of the local and global can occur. It is no longer simply Americanization, nor Westernization. There are several paths to globalization. The processes of cultural globalization began in the past, when the great religions of the world spread. Although their spread was eventually limited, they are the best example of how ideas and beliefs can overcome enormous spatial distances. (Vuletić, 2009: 82). Nevertheless, the rise of the national state put this process under some degree of control, because culture was considered to be a key element of every state, representing a mainstay in the preservation of state order. Critics consider that globalization has brought this cultural role into question because it denies an authentic cultural identity. In view of this, global homogenization should mean complete domination of the western understanding of art and culture and the standardization of values, wishes, ideas, styles and beliefs. But this is not the case. One could say that there is total cultural chaos rather than order, with creolization being an

indicator of this type of condition. Cultural differences survive, but, due to expansion they become familiar to us, so today we do not perceive them as something unknown. The *familiar* (known) *can be different*. The fact that Benetton stores are everywhere in the world, that in every nightclub in the world one can listen to Madonna songs, or that American movies play in the cinemas tells us little about the modern cultural reality except that the channels of distribution of those contents are dispersed. People who wear Benetton clothes and listen to Madonna on their iPods while going to the cinema to catch Tarantino's latest movie nonetheless do not cease to be who they really are. But the truth is that they do not remain unchanged. So, what are we talking about here? If the ultimate virtue is to remain unaltered, it is unachievable, because even the most traditional cultures vary as time passes. Cultural transmission has always been around us. In our society, which was isolated for so long, one cannot find, with certainty, an expression of our cultural authenticity. It is a symbiosis of different influences with which we have been in contact for centuries, which gain their own authentic character through our point of view, our prism. Even Moličre's language was rich in Anglicisms! Is it justified, then, to assert that the disappearance of national cultures is due to the aftereffects of globalization? After all, 'national cultures and identities are deeply rooted in the nation's history, thus it is unlikely that they can be erased by the influence of global mass culture.' (Held, 1997: 150) The point is to understand that states, no matter how much they want to homogenize national culture, have not succeeded. Globalization cannot achieve that either. The culture exists, but it is also important to recognize that it has changed. Francis Fukuyama's thesis about cultural differentiation bears testimony to this, saying that the basic differences in the globalization era are of a civilizational character. So, if it is possible to talk about standardization, it can be more easily done in economics or politics rather than culture. As Kate Nash states, today's culture is 'pluralistic….and syncretistic'. (Nash, 2006: 85) Literature provides the best example, as Mario Vargas Llosa, Günter Grass, Orhan Pamuk, Oscar Wilde, Haruki Murakami and Neil Gaiman are equally available, and equally read today. In addition, the bestselling book of 2008 was written by Khaled Hosseini, an Afghan writer. The 2010 Nobel Prize in Literature was won by Mario Vargas Llosa, while in 2006 the same prize was won by Orhan Pamuk, a Turkish writer. It is not correct, therefore, to reduce great civilizations in culturological way, i.e. Hindu, Chinese, Buddhist, Latin American, African, Islamic, Orthodox, Japanese etc. (Huntington, 2000: 26), to the object of a

'westernization' that imitates the American cultural model. The Western world isn't just a wellspring of globalization, but is also its object, just as are other civilizations, while 'no civilization develops in hermetic conditions.' (Zakaria, 2007: 83).

Changes which occur in culture are the consequence of modernization rather than globalization, as in the case of Turkey under Atatürk. Modernization is an essential, yet difficult, decision. This is why there is so much discussion about it. Changes which occur are best understood using Vargas Llosa's words: 'festivals, costumes, customs, ceremonies, beliefs and rituals, which in the past gave humankind folklore and ethnological diversity, gradually disappear or are limited to minorities, and the majority of society abandons them and accepts others, *more adequate for the reality of our time*.' (Llosa, 2003: 101) Although from this point of view we glorify those times as full of originality and fun, it is unlikely we would be happy to return there. States who try to 'carve in stone' their culture return their community into prehistory, since, to finish with Vargas Llosa's words, 'which are those cultures which stayed intact in time?' (Llosa, 2003: 102).

State in a broader historical context

The national state arose in a completely different historical context from the time in which we now live. At the moment of its formation, the national state was *ahead of its time*, the time of feudal fragmentation. Then for some 300 years it existed in *accordance with its own time*, the time of the reason of state. Now, in the era of globalization, its role is redefined and re-conceptualized in accordance with changes brought by the era. In this era, *the state has not yet defined its role*. As Ludwig Schlötzer observed, 'Why can nobody tell me when the word **state** gained the meaning it has today? Old languages are not acquainted with this concept.' (in Matić & Podunavac, 1997: 119) This tells us that the state has not always existed, it arose from the need of the hour. The needs of our time are not entirely different, yet are not the same. Thereof the necessity, not for state to be abolished, but for its role to be adjusted. Globalisation is not an iron hand, globalization can be handled, and states can adjust. From the viewpoint of the individual, the attitude that 'the state' is *a priori* something good, and 'globalization' something bad, cannot be correct. For individuals, what once was known as a state during history, was not always the very best thing. First of all, every 'state is imposed on people.' (Fukuyama, 2004: 229) States usually arose from a vortex created by bloody wars.

Once established, they have continued a politics of war in order to settle international disputes. During the short twentieth century, the results of that kind of international politics could be seen in concentration camps, genocide, exodus etc. If the state and its defenders believe that the state ought to be defended from globalization, they might consider defending it from itself first.

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The Creation of a New State in the Globalization Era: A Step in the Right Direction?

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Abstract

The question of state formation should be associated with the more general debate about the role of the state in the globalization era. In principle, most new states complicate international cooperation and often contribute to the destabilization of regional and global security, since their emergence is usually accompanied by violence. Newly-formed states are usually weak, do not succeed in improving citizens' lives, and even if they do, this improvement could have been made without creating a new state. Recognition mechanisms reproduce anarchy and power politics, in a time characterized by the necessity for very close cooperation in order to handle global challenges. It is not enough to be assured that the state does not practise repression on its population, but that the state really has the power to govern, that it can perform its functions, especially nowadays when the situation in other countries can be enormously impacted by state failure. States should sometimes be created if this brings more benefits to the global polity, increases the effectiveness of governance and if it does not augment violence or risks, but more precise criteria should be defined, dependent on the well-being of people and not of states. Global democratic bodies have to take the main role in this process.

Key words: state formation, sovereignty, recognition, global governance, state functions

Introduction: Globalization and the role of states

Globalization makes control of the processes of interdependent risks more complicated for states. (Orlović, 2007: 103-104) Yet

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states are still the key players in international politics, and they can influence the character and form of the concrete realization of the flows of globalization. Some states fail, while some lack internal legitimacy; some breach the rights of individuals and groups on their territory. It is not only the case that states are unable to address the challenges posed by a global community which they entered only reluctantly, but they are also inefficient at addressing, and fulfil only partially, the tasks which they are traditionally expected to carry out. However, new states are still being formed, and will continue to emerge as long as the rules for their formation are set by other states, which often misuse the uniqueness of their legal position in their own narrow national interest. This is why humanity now has a larger number of states (mainly undeveloped and of disputable governance abilities) and has less chance of reaching agreement on problems which traverse sovereign borders. A process of state formation seems overdue in situations in which states are unable to address epidemics, financial crises, organized crime networks etc. But this should not be an excuse for existing countries to do whatever they feel appropriate within their own borders. Precisely the reverse: the entire state-centric system must be redrawn to take account of states' responsibilities in the wider context of the survival and well-being of all people. The ultimate aim is 'to enhance the capacity of these states to perform the functions that define them as states.' (Ghani et al., 2005: 4) This applies to both old and new members of international society.

Flawed laws and a disloyal population – why mankind needs global governance

International law provides societies with some guidelines on the creation of new states, but they are not always respected, and it is fairly common for particular states' interpretations of the guidelines to differ. Because of the principles of exclusivity of territorial rights and territorial integrity, it is almost impossible for a state to be born in accordance with international law, especially without the consent of the state which previously controlled that territory. In practice, however, states are created when other states (through recognition mechanisms or by other means) support forces which seek independence. This is done in an inconsistent manner, with such polity-seeking forces supported in one place, but support withheld in another. Sometimes it appears that global relations are reverting to

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the 18th century principle of *ex factis oritur ius* – the law arises from fact. (Avramov, Kreća, 2008: 86) This implies that the law is a pure consequence of acts carried out on the ground (often violently) and not of previously derived norms based on reason and justice. As long as the rules for forming new states are devised only by other states following their own geopolitical, strategic and Realpolitik interests, the field of state formation will remain under-regulated and confusing. Globalization brings about transnationalization and shows the powerlessness of individual societies to deal with organized crime, ecological threats, terrorism, financial and economic crises, demographic and migratory issues, growing technological complexity etc. No state can solve the problems of the contemporary world alone, which is why, generally speaking, the creation of a new state does not mean that the problems of globalization are averted. This could be done only through global governance, or (in the final instance) a global state. Nevertheless, a global state is impossible unless states are forced to help, or at least not to counteract, this perspicuous tendency of supranationalization.

The perception is still that it is desirable, or even necessary, for a particular community or nation to have 'its own' state, although if existing states functioned properly (i.e. according to the population's needs) everything the new state could provide the community would already be available. Although existing states do not always function properly, they could be compelled to do so, either through internal legal channels or through legitimate actions by international and supranational forces. The failure of existing states to provide all their citizens with what they are entitled to is not an argument for a case-by-case creation of new states which still leaves the entire system anarchical. Every individual or group (other than the stateless and those living in occupied territories) already has a state (in the sense that the territory where he is living falls under a certain clear jurisdiction and authority), bearing in mind that the area of *terrae nullius* is nowadays negligible. Lack of a sense of loyalty to the state on whose territory an individual lives is predominantly the result of the state's failure to satisfy basic security and access claims, of historical circumstances (sometimes related to myths and prejudices) or of malicious foreign interference. In the first case, as sometimes in the third, there *is* a legitimate reason for discontent. However, we have to bear in mind the needs and interests of other, loyal sections of the population, as well as practical difficulties for the functioning of the new state, and possible power-projection from other interested states, all of which could represent

an obstacle to the well-being and autonomy of all people living in the area.

The only appropriate solution would be to establish, if not a global state, then stable global governance. (Masciulli, Day, 2007: 435-436) This would address issues of wide international importance and have the legitimacy to compel states to respect the rules even inside their borders, and the ability to do so. In this case, citizens would be guaranteed (by a supranational body) physical protection from their state, and also protection for their identity and at least a certain level of self-governance, which should decrease the practical importance and/or necessity of establishing 'their own' sovereignty. In developed states like Belgium or Canada perhaps, secessionist movements are not founded on dissatisfaction regarding basic needs like survival or security (in other places they often are), but even so, language and identity issues and relative deprivation cause distrust in the state. Again, it is not necessary to create a new state to deal with these issues (nor is this a majoritarian stance), although in such cases the dangers of violence, violations of minority rights, diplomatic scheming, obstacles to recognition and the ineffectiveness of the new state authorities are surely less serious.

Protecting citizens vs. prolonging anarchy – the emergence of a new state and the (in)direct effects of globalization

Globalization is not the direct cause of new state formation. Since 1990, some 33 states have been formed.[2] (Rosenberg: 2011) Most of these new states are the result of the collapse of the USSR and the dissolution of Yugoslavia and Czechoslovakia, while the origin of some is closely related to the completion of the decolonization process. Clearly, then, the reasons for their creation should not be sought in the last three or four decades, commonly regarded as the period of globalization, but are deeper and more historically rooted. Globalization can, however, help new state formation, if not otherwise, then through improvements in communications and intelligence mechanisms which can be used for political mobilization and to influence domestic and foreign opinion. The informational, technological and even economic dimension of globalization can, therefore, aid the creation of new states. But, it is up to states to decide whether to accept as justified efforts to acquire sovereignty, whether to recognize the new political entity or how to, through action or inaction, encourage or oppose the change of effective

[2] Or perhaps slightly fewer, as some states are not universally recognized as such.

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authority over a certain territory and population. The international community, if it should be so called, has not succeeded in imposing rules for state formation. (Avramov, Kreća, 2008: 86) Globalization requires that this deficiency be remedied, although it (neither as an objective process nor as a planned project) cannot substantially influence states' decisions in the final instance.

Numerous thinkers have argued, following Weber's line of reasoning, that the state as an institution exists primarily as an instrument for fighting wars. (Poggi, 2004: 99) For Weber, the state is in the first place an organized monopoly of violence, and in the final instance may theoretically be reduced to the army and police. Modern states in Europe (which represent today's universal model for political structure) were created to help rulers uphold their military might through centralization. (Poggi, 2004: 100) But one should be careful not to overemphasise the connection between the state and war as an institution in general, especially since war is now illegal and ensuring military power is not a legitimate reason for state formation. Furthermore, the international order has been grounded on collective security since the 20th century, and the creation of any new state apparatus (including army and police) must be supervised. Another important determinant of the formation of new states is the fiscal capability of the new authorities, a relation which has been discussed extensively. (Moore, 2004: 297) It is argued that states are created and developed only where there is plenty of financial income and well-established methods for their collection. In addition, it is a strong hypothesis that it is better for a state to be responsible to its taxpayers than to foreign commissioners. (Moore, 2004: 133) However, it is possible for it to be in the interest of states or international organizations to keep a new state weak and indebted. Besides this, issues which surpass the framework of individual states, including the strongest and oldest among them, will not be solved by further fragmentation. This assertion is supported by the empirical evidence that new states such as East Timor, Eritrea, Kosovo and South Sudan, to name just a few, often do not have enough capacity to fulfil their basic functions. Nor do they have the institutional culture and human capital to meet the demands of their citizens better than the state which previously controlled the territory. This is especially the case when we are talking about states being formed for the first time, i.e. those which have never previously existed as states. Global powers which wish to support the emergence of a new state can use the opportunity to declare themselves the protectors of a newborn nation, both to gar-

ner internal support and to satisfy neocolonial pretensions. The former government, its allies or neighbours could act as a counterweight to these tendencies, challenging the new nation's statehood. Anarchy can never be transcended if the struggle for recognition is not constrained.

Hypothetical example: Would two Libyas be surely better than one?

During the now largely complete NATO intervention in Libya, not a few commentators were discussing the possible partition of Libya. The division of the country is probably now less feasible (although still a possibility, with several cities and areas being resolutely defended by supporters of the old regime), but I would like to briefly evaluate a hypothetical emergence of a new state or states on Libyan territory. Would an independent Cyrenaica threaten both international and regional security less than Libya as a whole does? The mutually antagonistic political entities and their governments would be recognized by some countries, while others would refuse recognition. The existence of two or three states instead of one would complicate relations between the other actors, while the successor states would be in permanent tension themselves. The civilian population is already suffering major losses, basic services are already suspended and the arms trade is flourishing. It is hard to believe that an independent state occupying the eastern part of Libya would be truly capable of providing safety to its citizens, not to mention economic problems, weakening of the general cohesion of North Africa and the Arab world, and even the arms race that could be expected to begin in such a scenario, giving the fact that Algeria is already rearming Gaddafi across Libya's western border. (*Economist*, 24.03. 2011) It seems to me that a potential new state with its capital in Benghazi would resemble Eritrea, which today has problems similar of those of Ethiopia and to those it had before independence, with the additional problem of being in constant conflict with that same Ethiopia.

Libya is large country by land area, so undefined borders and competencies or badly governed areas would allow space for armed groups and fundamentalists. Dealing with the consequences of Somalia's failure cost much money and thousands of human lives.[3] To be certain of not paying that price again, what humanity really requires is a globalization of values. This means a move towards a

[3] The non-existence in practice of a functional Somali state was the cause of piracy, instability and permanent civil war in the Horn of Africa. It was also at the root of cooperation with terrorist cells in Asia, via Yemen, which faces Somalia across the Gulf of Aden, and generated UN and US interventions and an EU mission

cosmopolitan culture which would impede mass murder and ethnic cleansing, would equally prevent death from hunger; a culture capable of recognizing every actor responsible for violence, whether direct or structural – states, groups or individuals. The existence of the state should not be seen as a pure fact, as something given in a political and practical sense, as has been the case historically. The state must rather function in the interests of its people and be overseen, of course, by democratic supranational bodies. In an era of complex interconnectedness, mankind cannot afford for territories to remain anarchic and so easy ground for the clash of competing interests and ideologies. The problems in the Libyan case lie both in state-terror (violence and radical inequalities of power and wealth inside the country), and in the impossibility of a quick, adequate and unbiased response by supranational forces. Inequality exists beyond Libya's borders as well as internally, as certain interceding countries are taking more decision-making power than they are authorized to do. These countries misuse their mandate to maintain security and protect civilians and act in a way that (in my view) they should not – they change regimes, support one side in civil wars and create new states, although it is (in principle) useful that in a globalized world sovereignty becomes compromised by the work of the UN Security Council.[4]

Legitimacy formulas: Self-determination and/or trustful state-capacities

Norms are very important elements of the international political arena (Evans, 1997: 70), and the formula of legitimacy is one of the crucial norms. International legitimacy applies to collective judgment about the readiness or adequacy of a polity to enter the family of states. (Wight, 1977: 153) Acquiring or maintaining sovereignty was once justified by dynastic principles or patrimony; today it is (more often) justified by the consent of the population under the state's rule. Many dilemmas and problems remain, however. Seen from an international perspective, consent is manifested primarily through the people's right to self-determination. But what is perceived and defined as 'the people' is rather a difficult question. Furthermore, there is no single source of law which guarantees priority to the right of self-determination over the principle of territorial integrity; in fact the latter principle appears to have a sounder basis in international law. This is why diplomats and citizens need

[4] The SC, an undemocratic organ, must undergo reform itself if just and successful global security is wanted.

to be creative and consider constructive, needs-based alternatives to such legally irreconcilable principles. '... There will have to be new forms of autonomy invented for pockets of ethnicity.' (Ferguson, Mansbach: 1996: 418) There are two thousand nations in the world but only two hundred countries; it is impossible to guarantee nations an exclusive right to their own territory. By claiming the right to sovereignty, nations or groups decide unilaterally to raise themselves 'above' those who do not have their own recognized exclusive territory and thus shape not only their own future, but that of others. And what about self-determination within a sovereign territory? The separation of state and nation could be an achievement of the 21st century, as an achievement of recent centuries was the separation of church and state. (Beck, 2001: 4) The question is, then, how self-determination can be claimed and carried out. Plebiscites can complicate the situation as majority-minority issues can be brought into the open, especially if we take into account propaganda and manipulation, the formulation of a question, border issues, entitlement to vote, the legal character of the decision etc. Legitimation formulas must be discussed and deliberated again, as compression of time and space increases the chance of risk amplification unless strict rules are imposed.

Although it is a risk, globalization is also a chance for governance to be put on a firm basis. Three perspectives of state observation (military, economic, managerial) can offer a deep understanding of the role and structure of state power. (Poggi: 2004: 97-106) In an era which, at last, deems it quite inappropriate for a war to actually take place (especially if a ruler starts it for personal reasons), and the destructive power of weapons is exponentially magnified, it is hardly understandable to insist on a military approach to state formation. Moreover, within developed societies a consensus has more or less been reached on the toleration of certain economic inequalities, while the ruling elites' attempt to exploit the labour of its co-citizens (if it existed in the first place) has been frustrated. What is expected of the state today (at least in the West) is governance, the offer of services and the enforcement of rules with the help of an organized class of civil servants. I would like to add that all these functions must be for the benefit of citizens and provided with a minimum of violence. In a situation where intergovernmental organizations, transnational groups, regional organizations and non-governmental organizations share interests and the ability to tackle a range of issues,[5] it is highly important to possess an efficient state apparatus that can solve conflicts of competencies,

[5] This is especially true for health-care, education, humanitarian work, environmental and religious issues etc.

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take care of complex procedures and standards, enable cross-border cooperation and assume responsibility for steps taken in these regards. However, states interpret organizations as instruments for strengthening their power. If it is not easy to determine what constitutes good governance (as the criteria can differ), it is relatively apparent which states are effective (or capable of being so) and which are not. In the process of state-creation, meanwhile, such capacities are rarely assessed; this is evidence for the fact that states do not in actuality honestly worry whether citizens of other countries have their rights guaranteed and needs satisfied. Many authors would argue that this concern can never be expected of states, but globalization means that a state's omissions and inabilities can cause negative effects in a completely different part of the world. (Fukuyama, 2004: 18) From this comes the idea of the necessity for more solid control and surveillance beyond a state's borders.

The redefined nature of sovereignty
– the increased likelihood of state success

One potential direction that the theory and practice of the legitimization of new states (and of states in general) could take is to understand sovereignty as conditional; namely, to grant membership in the community of states only *after* a state fulfils certain tasks. The basic obligation, of course, is to protect the life and security of individuals and groups. In that regard the concept of the responsibility to protect is worth mentioning. (ICISS, 2001: 13) But we also have to deal with the selective use of this concept (dependent on which state is being dealt with), so crimes are sometimes tolerated, and sometimes not. The functions of states must be concerned with developing and enabling the satisfaction of the needs of the people (including their well-being), because states could otherwise easily become merely an apparatus for maintaining order and providing the infrastructure of global capital. (Robinson, 2001: 188) Thereafter, a state must govern to be called sovereign. With globalization, sovereignty is redefined and its contingent nature now becomes clear. (Neumann, Sending, 2010: 67) It is contingent because states (which are supposed to be sovereign and not tolerant of meddling by other authorities) cannot any longer govern all or almost all social spheres alone, as they could for example in monarchical times. Sovereignty is an ideal type that does not ontologically represent the foundation of the international sphere, but is the

result of concrete historical and social circumstances; its role is *functional*. The meaning of sovereignty is not given, but is changing; sovereignty was not always regarded as a constitutive element of international politics (Neumann, Sending, 2010: 67), nor must it be so in the future. In the era of globalization, responsible officials cannot simply prioritize territorial differentiation in a world in which powers and interests overlap, governance is multi-level and close interconnectedness exists in many areas. Governmental actions, nevertheless, have to manifest themselves in certain ways and in certain forms – in that sense sovereignty is still a useful idea and institution. Yet the primary goal is to succeed in specific areas of governance (security, standard of living, social policy, environmental issues) to which globalization presents tough challenges and increased puzzles and risks.

I find that the cosmopolitan community is building a solution to the challenge of globalization. However, this process is not honestly backed by most powerful states, precisely those which can afford to relativize the sovereignty of others who are ethically and legally equal. Without an open dialogue and sincere equality in rejecting today's harmful hypothesis of absolute authority over territory, the issues of globalization cannot be truly settled. 'It is the essence of sovereignty that power and violence can be exercised against non-members without any accountability.' (Wendt, 2003: 526) States can and do practice repression and terror (including brutal violence) against their populations which is why some groups and communities attach an existential importance to the process of self-protection, through secession for instance. But, this is just evidence of the character of existing states and the impotence or unwillingness of the international public and other states to combat these crimes. I want to say here that the state's basic function of protection of its citizens could possibly be assured within the existing territorial framework if there were a level of governance superior to the state. Otherwise, a community remains the 'hostage' of other states, who may support it because of self interest, favourable destabilization of the region, or supposed economic gains. Or they may refuse help due to their cooperation with the previous central government, the same government which is sometimes responsible for human rights violations and repression towards the community. Additionally, satisfaction of many of the population's legitimate claims against the irresponsible state could be hampered or even precluded by the formation of the new state, and governments which decide to support new states should also not forget the position of potential new

minorities where borders are redrawn. Recently formed states in particular have difficulty addressing contemporary challenges and threats, which encourages academics to view the emergence of a new state in the era of globalization as the wrong answer to the right question of securing the needs of groups and individuals.

Conclusion

It may be useful for a particular community to acquire its own state, but for humanity in general the formation of that state would probably bring more harm than benefit. In view of the scarcity of resources, huge global challenges and the contribution made by the proliferation of military alliances to the confused perception of threats, perhaps the creation of new states is not the most promising development, especially when the rules are undefined and subject to hard-power and the impact of pure economic strength. How precisely humanity will achieve appropriate legal regulation of the international system and dense transnational links is a question for another paper. It must be mentioned that the role of civil society organizations and social movements seems unavoidable in that enterprise, which leads us to the issue of the (in)existence, practicability or danger of global civil society and its supporters. (Bartelson, 2006: 387-390) In the long view, the position of sovereignty must be less prominent. But, to approach that goal, humanity has to adapt its politics to changes in the social and historical environment. The emergence of a new state often does not seem, in these developments, to be a measure which leads adequately towards better adjustment. Cosmopolitan democracy and various forms of autonomy and layered governance represent a more plausible answer.

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International law and State-Building

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Abstract

The aim of this paper is to assess the interdependence of international law and international politics in the process of state-building. More precisely, it is about the role of international law as a tool for attaining the institutional development desired in weak states. This is a grey area in which the sovereignty of states clashes with certain internationally recognized values, while international law manifests certain weaknesses and deficiencies which have provoked some scholars to label it as a primitive legal order. A lack of legal basis and the absence of elaborated rules of engagement in state-building bring the process under strict scrutiny. Is it legitimate and legal to unconditionally launch a process of democratization and institution building and who is competent to make the decisions and qualifications? Fear and solidarity are the most common underlying principles for intervention and violation of the sovereign rights of states, while both are highly complex concepts often left to the discretion of powerful states for elaboration and application.

Key words: State-building, international law, international politics, fragile states, intervention.

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This paper addresses the interrelation between international law and politics in the complex venture of state-building. The state-building process is characterized by the extensive presence of various international actors, both governmental and non-governmental. Some of these actors, states and international organizations, are also subjects of international law. There is a need for a particular set of rules regulating important issues related to the initiation, operation and termination of the state-building process. Such rules are by

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their nature part of international law. Of course there are numerous features of the process that are not strictly regulated by legal provisions, but remain governed by means of international politics. We try here to examine what role international law has or should have in order to improve the international community's rather controversial endeavour: to cure fragile states and their institutions.

The concept of state-building was invented for the purpose of dealing with the institutional problems of post-conflict or decolonized societies. State-building, by definition, means that some external actors control some prerogatives of sovereign power and one can see clear examples of such arrangements in the cases of Bosnia and Herzegovina or Kosovo. Chesterman (2004, p.5) defines state-building as 'extended international involvement (primarily, though not exclusively, through the United Nations) that goes beyond traditional peacekeeping and peace building mandates, and is directed at constructing or reconstructing institutions of governance capable of providing citizens with physical and economic security. This includes quasi-governmental activities such as electoral assistance, human rights and rule of law technical assistance, security sector reform, and certain forms of development assistance.' According to Fukuyama, state-building is the 'creation of new government institutions and the strengthening of existing ones.' (Fukuyama: 2004, ix) Is state-building an inherently good concept? If we accept that the main goals of state-building are democratization and the rule of law, than it is the validity of these concepts that is in question. In the contemporary world it seems that the rule of law is above critique, while democratization as a concept survives doctrinal review, so we do not intend to challenge its validity.

What we find most interesting are the legal uncertainties that arise in the context of state-building. The following questions should be answered on a case by case basis: Is there a valid legal basis for specific state-building activities under international law; what is the status of the affected territories; and are there proper mechanisms for holding international actors accountable for their actions during the process?

Following the two world wars international law became a kind of social contract among the international community. (Weiler 2004) International law has also become a powerful tool for setting a framework for institutional design in harmony with the mainstream values of the contemporary international community. For a long time international law was an instrument designed to guarantee the sovereignty of states, but during the 20th century it became

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a subtle instrument for the derogation of the powers of sovereign states.

Some apparent standards exist which regulate what a state should be and how it should operate. Between the 15th and 20th centuries, the better-performing European states colonized territories inhabited by less efficient and developed communities. This action was even recognized by the League of Nations as noble and oriented towards the well-being and development of such peoples and territories (Article 22 of the League Covenant). There are still states and territories labelled as weak, fragile or failed, and the international community submits some, but not all, of them to a kind of tutelage. There are no clear rules on how or when the client is selected, but the process is framed through both international politics and international law.

The sovereign state is the most obvious common denominator in the fields of international law and international politics. For Max Weber (1997, p.154), the state is more complex than a mere instrument of the ruling class or an arena for social competition. It is 'a compulsory political association (*politischer Anstaltsbetrieb*) with continuous organization whose administrative staff successfully upholds a claim to monopoly of the legitimate use of physical force in the enforcement of its order in a given territorial unit.' States are also the primary subjects of international law, being entities which, besides controlling territory, are the primary lawmakers and implementers of law. (Cassese 2005, p.71) International organizations, as subjects of international law, emerged particularly in the 20th century as forums for better global or regional cooperation and for solving problems occurring in interactions between states. After the problem of perpetual war of all against all (*bellum omnium contra omnes*), which characterized the state of nature, was solved by an absolute state with a monopoly of the legitimate use of force (Hobbes, 1651), the state remained the sole agent for the provision of human rights to citizens. One may argue that international law appeared at a certain point in world history as competition for states in the market for providing services to citizens in the field of human rights. According to Koskenniemi, (2001, p.7) international law is, like any social phenomenon, 'a complex set of practices and ideas, as well as interpretations of those practices and ideas, and the way we engage in them or interpret them cannot be dissociated from the larger professional, academic or political projects we have.' International politics initiates and structures international law, while, on the other hand, law seeks to constrain and disci-

pline politics. The same feature of international law is highlighted by Christian Reus-Smith when he defines it as a regulatory regime, a framework of rules and institutional practices intended to constrain and moderate political action. (Reus-Smith, 2004, p.2)

The modern system of states and their interaction within that system should not be assessed without due consideration for the international rule of law. In many situations international law is apparently tolerated only inasmuch as it does not seriously disturb or interfere with a state's actions in the world order. Depending on its power and capability, a state may permit itself to avoid some of the constraints set by international law. While international law as a set of ideas continues to develop and advance, it has its ups and downs in practice due to the strategic behaviour of states and international organizations which comply with the rules of international law in an inconsistent manner. They decide when and to what extent they carry out their international obligations. In that respect it is not encouraging to hear the optimistic tone of Louis Henkin's observation that 'almost all nations observe almost all principles of international law and almost all of their obligations almost all of the time.' (Henkin, 1995, p.47) The question of why states obey international law is an evergreen in international legal scholarship. (Henkin, 1968; Koh, 1997; Franck, 1990) It would be naive to believe that states tend to comply with the international legal norms because they accept Kant's advice to follow international law as the route towards perpetual peace. (Kant, 1795) International legal theory and the theory of international relations tend to offer a number of sound explanations for such an interesting phenomenon.

International relations theory has a fundamental interest in observing all interactions between the law and politics. Realists see states as the key actors in world politics, engaging with each other through power struggles, and so explain states' behaviour as the constant pursuit of power. Although there is some temptation to call this process the 'power game' (in this context) it would be improper, as the term 'game' implies a certain set of rules, while realists perceive the system as anarchic. (Bull, 1977)

From the standpoint of international law, a balance of power is necessary for the existence of international law. Morgenthau (1985, p. 296) formulates this condition thus: 'Where there is neither a community of interest, nor balance of power, there is no international law.' That being said, international law is, for realists, nothing more than a reflection of the political interests of powerful states. According to such a formula, secession might be feasible if

there is correlation between the interests of powerful states and the aspirations of a certain separatist movement.

Rationalists observe states as rational egoists who seek to maximize their gains through interaction with each other. International law is, from that perspective, a set of functional rules accepted and promulgated in order to overcome the problems of cooperation under anarchy. (Reus-Smith, 2004, p. 15) The best strategy for states is to cooperate (the prisoner's dilemma), while international law serves as a mechanism for the prevention of cheating. The international rule of law is important for the reduction of conflicts, so states negotiate treaties in order to foster their interests, while avoiding the use of force. According to a General Agreement on Renouncing War as an Instrument of National Policy (the Kellogg-Briand Pact, 1928), states declare that they condemn the practice of resorting to war for the purposes of resolving international disputes and renounce it as an instrument of national policy in international relations. Furthermore, solutions to all disputes or clashes must always be sought through peaceful means. The most important change in the content of international law in the last hundred years was related to the prohibition of the use of force. (Brownlie, 1963) Of course, according to doctrine, defensive wars are not prohibited. (Milojevic, 2001, p. 588) Rationalists acknowledge sovereignty, but not as a non-derogable principle. It could be bypassed, for example, in the case of serious human rights violations. It seems that the major strength of the rationalist approach is its potential to explain why a state does comply with international law. (Keohane, 1984, p. 3)

Constructivists put emphasis on the social nature of international relations: the way in which both normative and material structures shape the behaviour of states and other actors. (Wendt, 1999, p.73, cited in Reus-Smith, 2004, p. 22) Furthermore, in order to understand the behaviour of states and other actors, one has to assess how their social identities condition their interests and actions. (Neumann and Sending, 2010, p. 6)

We can avoid much doctrinal dispute by claiming that in the international community both international politics and international law serve as a tool for reaching certain ends. Peace and security, human rights protection and economic welfare are just some of the classic examples of desired goals. State building is a specific goal with an instrumental value. It serves as an indirect tool for securing peace, stability and prosperity in the targeted state or province.

But there is a legitimate preliminary question: why is there so much concern for failed and fragile states? What is the rationale for an individual state, group of states or the international community to care if a certain state does not perform at the level and in the manner that is perceived as the standard? If the football club I support is not performing well in a certain competition I do not expect FC Barcelona or AC Milan to invest their resources in my club's revival. Football is a zero sum system and my club's success would mean someone else has to lose out, unless they are afraid that my club could spoil the sport itself, or they just sympathize with the club's players and supporters for being ill-treated by the club's management. States have never performed on the same level, for historical, geographical, political, cultural and other reasons. Answering the question of international actors' motives for state building is relevant to the issue of how to draft international rules for initiating the state building process. Are security considerations or humanitarian concerns the driving force? In some cases, both responses could be accepted as sound. Sometimes it is clearly fear and precaution that underline a state's actions in international relations. Preservation of one's own way of life sounds like a legitimate aim. There is, at a first glance, also nothing problematic about an action inspired by moral or legal concern for the life, dignity and general wellbeing of a human, group or nation. But is there such a thing as equal treatment and fairness in international politics and international law? Do all failed states get the opportunity to be rebuilt? Are Somalia, Sudan, Libya and Syria treated in the same way? Intervention may still emerge from solidarity and superiority and it is hard to tell which alternative provides the better frame of interpretation. (Koskeniemi (2001, p. 514) But is there a responsibility not to intervene? If the 1999 Kosovo intervention was valid, what moral, political or legal responsibility do those states which did not send any resources to fight Milošević's regime have? To what extent did positive international law actually constrain many states from participation in the campaign? Is the principle of non-intervention in a states' internal affairs still a rule of international law? The Friendly Relations Declaration (UN General Assembly, 1970) says the following:

'No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. Consequently, armed intervention and all other forms of interference or attempted threats against the person-

ality of the State or against its political, economic and cultural elements are in violation of international law.'

On the other hand, what happens if a regime brutally and systematically oppresses its people? Who is competent to declare a humanitarian catastrophe and who is obliged to respond? Is there anything that we can conclude from the Darfur crisis and the reluctance of the international community to intervene? (Piiparinen: 2007) It seems that these questions also remain in the realm of politics.

For a proper assessment of the legitimacy of the state-building process and consequently for the design of adequate normative solutions in international law, one has to establish what the attitude of the state or province targeted for state-building is towards such intervention. The problem is whether one should look at the attitude of government officials or that of citizens, given that the two can be totally opposed. It is true that state-building can be successful only if it has domestic support, while it would be costly and inefficient otherwise.

The rule of law and democracy are proven liberal instruments so one would imagine that most weak states would be willing to subject themselves to them. We can assume that the majority of citizens would be supportive of an international presence in the process of institution building. Examples from Kosovo and Bosnia and Herzegovina do not confirm that hypothesis, although this does not undermine state-building as an idea or a project. According to Robert Pastor, the real challenge for the 21st century is not overthrowing repressive regimes, but building democratic states on their backs. (Pastor, 2004, p. 251) From the international law perspective, clear criteria should be formulated which stipulate under which conditions the international community can impose a state-building process. If that issue remains in the realm of international politics, one can expect continuing selectivity and discretion exercised by the most influential states, with plenty of examples of inconsistency. This kind of record is detrimental to the legitimacy of the state-building process. Whether a state would be selected for intervention or state-building, or both, which state to select, and when and why, exclusively depends on the political process. The acceptance by developed states of a legal obligation to eradicate poverty in the Third World is no longer seriously expected. (Koskenniemi, 2001, p. 513) In that respect, Koskenniemi (1990, p.7) warns that 'our inherited ideal of a World Order based on the Rule of Law thinly hides from sight the fact that social conflict must

still be solved by political means and that even though there may exist a common legal rhetoric among international lawyers, that rhetoric must, for reasons internal to the ideal itself, rely on essentially contested – political –principles to justify outcomes to international disputes.'

The other issue is related to the very implementation of programs designed to improve the institutional capacity of a failed state. The main problems are selectivity and poor implementation of state-building programs in the field. There is a lack of transparency and accountability in the operations of international agents. Furthermore, when dealing with weak states in the process of institution building, international agents of change are very often too impatient to wait for local officials to succeed, so they write positive reports regardless of results achieved. As an old Chinese proverb says, 'Give a man a fish and you feed him for a day. Teach a man to fish and you feed him for a lifetime.' The method should be to implement proper training and monitor its results. If the results are not good enough, the program should be repeated or modified.

It is hard to avoid comparing the relationship between international agents of state-building and the state which is the object of such an undertaking with Foucault's notion of dominance as a direct type of power relation where there is no question who is the master. Subject A disciplines subject B and the result is that subject B develops a new ability. (Foucault, 2000, p. 219; 1994, p. 728; cited in Neumann and Sending, 2010, p. 24) There could be a dignity issue involved in this process, so it is worth considering this problem from such a perspective and seeking modalities for carrying out state-building with more sensitivity and in a truly client-oriented manner.

From the international law perspective, increased accountability for international agents is required. It is interesting to monitor, for example, how the International Representative for Bosnia and Herzegovina uses his prerogatives, frequently disrespecting even democratic institutions, as was the case with the prohibition of the advisory referendum in Republika Srpska on certain laws in the area of judiciary. The Representative has unprecedented prerogatives at his disposal and is politically accountable only to the United Nations.

In this paper we have attempted to delineate the desired role of international law for improvement of the state-building process. If state-building remains governed exclusively by international politics

there is a danger that international law will lose further credibility. International law is still based on the formal equality of sovereign states in international relations, while the domination of political considerations in relation to the state-building process shows more than anything else how unequal states truly are. There are no clear standards to decide in what circumstances the international community will intervene and there is almost no responsibility for how programs within the state-building process are implemented. The post-Cold War international community is characterized by an increasing number of interventions in failed or fragile states, such as Bosnia and Herzegovina, East Timor, Iraq, Afghanistan and Kosovo. There is nothing to suggest that the frequency of such interventions will decrease. On the other hand, there are many signs that the concept of state-building needs improvement, and such improvement should take the form of international law.

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The Influence of State-Building on Security Dynamics within the Framework of Regional Security Complex Theory

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Abstract

State-building is a topic of particular interest in international relations scholarship. The concept of state-building implies an international mechanism applied either as a response to the potential failure of states or as a means of halting their further decline. Given that the matter of weak states contains a very strong security component, it is worth examination also within the framework of security studies. This paper builds upon the assumption that state-building is a mechanism which can significantly affect the removal of security threats stemming from the weakness of states. Despite the fact that the problem of weak states (as well as their failure, i.e. the decline of the state as the ultimate form) is global in scope, its security dimension mainly encompasses national and regional levels. For this reason, Regional Security Complex Theory (RSCT) and the corresponding concept of security put forward by the Copenhagen School have been chosen as a theoretical framework for analysing state-building and its impact on regional security dynamics. This paper argues that state-building is a factor that can affect regional security dynamics. In order to prove this, we use the analytical tools of RSCT and view state-building as a form of 'penetration' (thrust) by external actors within a given RSC or within a regional sub-complex. By applying this approach, we also contribute to the theoretical debate on RSCT. The Western Balkans have been used as an example of state-building representing a form of 'penetration'. In other words, this paper describes the influence which the European Union has, due to its enlargement policy, in the area of the Western Balkans security sub-complex.

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Key words: state-building, Regional Security Complex Theory, international security, security dynamics, thrust, Western Balkans, weak states.

Introduction

During the last decade of the 20th century, the weakness of the state was viewed as a major threat to international security, while state-building, along with humanitarian intervention, became a favourite concept for the international community. Helman and Ratner (1992) – after having observed, quite correctly, that there were a number of states whose survival was threatened by internal pressures and whose political instability and potential for generating conflict could spill over to other states – were the first to put forward a hypothesis that weak states can represent a serious security threat. The rise of internal state conflicts and the decreasing ability of states to resolve them independently resulted in the need for 'new' solutions, including external intervention (military and humanitarian intervention) and the involvement of the UN in post-conflict peace building. (Hehir and Robinson 2007: 3–4) The concept of sovereignty became more problematic in practice, through considering the relationship between state autonomy and its capacity as a functional actor in international relations. (Krasner 1999) This resulted in the possibility of using the state-building concept as a tool for establishing and improving national and international security. The issue of the weak state and the state-building process has become increasingly important for security studies since the end of the Cold War. This is in keeping with the shifting of focus of most security interactions from global to lower levels within the international system. (Buzan and Waever 2003)

As global security threats ceased to dominate the scene, the majority of interactions in the security field shifted to the regional level. Having identified this trend, representatives of the Copenhagen School developed the 'Regional Security Complex Theory'. (Buzan 1991; Buzan et al. 1998; Buzan and Waever 2003) They argue that security issues are still closely linked to territory and that security threats, primarily generated by states, travel more easily over short distances. Consequently, security dynamics are better understood when analysed at the regional level.

This paper aims to demonstrate how the concept of state-building can affect security dynamics within a security region, which was

not the point of interest for the devisers of RSCT. For this reason, state-building will be considered as a form of 'penetration' of external actors into the security dynamics of a security complex or sub-complex, which will be further explained in several steps. In Chapter 1, we offer a definition of the state, which we can use in analysing international security. In addition, and based on the analysis of the literature pertaining to the topic, this chapter also provides an appropriate approach to state-building. In Chapter 2, the theoretical tools of RSCT have been used, as well as the concept of security proposed by the Copenhagen School, to demonstrate, while building on theoretical insights from the previous chapter, how state-building can become a form of 'penetration' into regional security dynamics. This represents our theoretical contribution to the regional security debate. Such an approach makes it possible for state-building to be viewed in the context of EU enlargement policy. The EU uses state-building as a means to influence security dynamics in the Western Balkans region (subregion). This issue will be addressed in Chapter 3.

1. The concept of state in security analysis and in RSCT

Legal and sociological definitions of the state imply that a state must contain certain constitutive elements (territory, population, sovereign power) applicable on the 'internal plane'. However, what we need is a definition of state which will enable us to determine the relationships among these elements as well as their dependence on the influences coming from an anarchic international environment. This will make the definition applicable in analysis of international security. (Buzan 1991) Nevertheless, a complete understanding of the role of the state in international security would be impossible without knowledge of two classic concepts of state elaborated in the works of two sociologists, Max Weber and Emile Durkheim.[2] According to Weber, the state represents a set of institutions of central power which claim the right to the legitimate use of force, and which, among other things, should also provide security for citizens. On the other hand, Durkheim views the state as a form of political organisation which implies the intertwining of central power and society. However, the state defined solely as a set of institutions of central power is not adequate for the analysis of international security, nor is Durkheim's broader concept of the state as a relationship between state authority and society, for that matter.[3]

[2] Weber (1958: 78) defines the state as 'a human community that successfully claims the monopoly of the legitimate use of physical force within a given territory.' Durkheim defines the state as 'an organ of social thought that encompasses feelings, ideals, beliefs developed collectively by a society over time.' Durkheim, Emile. *The Division of Labor in Society.* New York: Free Press, 1964: 79; cited in: Lemay-Hebert 2010: 9. For a good analysis of both Weber's and Durkheims's sociology of the modern state see: Palumbo and Scott 2003.

[3] If the state is understood exclusively as a set of institutions of central power, the analysis of international security could not take into account factors coming from the social sphere. On the other hand, if the state is viewed as a fluid product of social interactions, the abstraction of states and the study of inter-state relations from the system's perspective become impossible.

Furthermore, for the purposes of international security analysis, the state should not only represent a 'billiard ball' (Wolfers 1962), viewed from a systemic level (Waltz 1979), but simultaneously also an entity whose internal characteristics influence the quality of international relations.[4] Barry Buzan (1991) developed an all-encompassing concept of the state, which represents a relationship between the physical basis of the state, its central power and the idea of the state. This concept partly resolves the problem of using the idea of the state in international security, as the notion of the state encompasses on the one hand the mechanisms of management and on the other the socio-political entity. Buzan's concept of the state is constructed in such a manner as to make it applicable in analysis of security relations. In addition, it enables us to view state-building in the international security context.[5] The existence of internal and external legitimacy is important for state security, whereas 'organisational ideology' is closely linked to the security of state institutions. In this manner, Buzan's concept of 'socio-political cohesion' (which draws upon Durkheim's concept of organic solidarity) becomes directly linked to national security, which was elaborated in his theory of the state by making a distinction between states possessing differing degrees of 'power' (i.e. by distinguishing strong and weak states).[6] In our opinion, this aspect of Buzan's theory made possible the introduction of the 'state-building' notion which can influence inter-state security dynamics.

Buzan makes a distinction between weak and strong states according to their existing level of socio-political cohesion, while the state represents a socio-political unit, and not just a set of institutions of central power. If a state is strong, the main threats to its security come from the outside, whereas if a state is weak, most threats come from the inside, which is then reflected in its concept of national security. (Buzan 1991: 100) Weak states are susceptible to external influences from other states, while their internal problems cannot be fully distinguished and separated from those generated by external influences. The anarchical character of the international system, in combination with the large number of weak states, is a threat to international security, as there is a growing risk of internal and inter-state conflicts. (Buzan 1991: 106) For this reason, we believe that it is appropriate to take into consideration, within the RSCT framework, the relationship between state-building as an instrument for solving the problems of weak states, and the mechanism of 'penetration', viewed as a factor influencing the state of national and international security.[7]

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[4] The definition of the state should be such as to make the constitutive elements of the state (physical basis, institutions, idea of the state) inter-related in a manner which would enable them to demonstrate its internal qualities, while, at the same time, the state acts as a uniform unit in relation to other such units in the international system. (Buzan 1991: 61; 67)

[5] Buzan (1991: 60) argues that the state, if viewed at a systemic level, is a territorial socio-political entity, which means that, when analysing security, special attention must be given to inter-relations among its components as well as to the influences of the systemic environment.

[6] The four criteria against which Buzan (1991: 100) measures the weakness of a state are: the level of political violence, the role of the political police, political conflicts about the ideology that underlies the state system and the absence of a stable national identity, or the existence of several rival national identities. In keeping with his all-encompassing concept of the state, Buzan (1991: 97–98) in consequence distinguishes national security from state security (the security of state institutions). Compare with Fukuyama's (2004) concept of *the strength of state* and *the scope of state*.

[7] For an overview of RSCT see: Waever 2005.

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As far as the study of the region is concerned, RSCT can be said to be the only theory that deals with regional security in a comprehensive and systematic manner while managing to integrate various general theories of international relations (e.g. neorealism or constructivism) or specific theories of certain international security phenomena (security regimes, security communities etc.). (Buzan and Waever 2003: 80) As Buzan claims (1991: 187), security is a 'relational phenomenon', where national security cannot be understood properly without understanding the pattern of security interdependence in which it is embedded. As this security interdependence is most reflected at the regional level,[8] we will present the parts of the RSCT which are relevant for understanding the implications for security of 'external' state building. When Buzan (1991: 190) defines regional security, he introduces, as well as power as a constitutive factor, two important concepts: amity and enmity. These include relationships developed between states over time and relating to certain issues, ranging from resolving border disputes, to ideology, and the establishment of long-term historical bonds. The resulting patterns of amity or enmity within a specific geographical area are reflected in regional security complexes,[9] which are primarily defined by a 'high level of threat or fear mutually felt between two or more bigger states.' (Buzan 1991: 193–94; Waever 2005: 156)

A regional security complex (subcomplex) can develop, on the one hand, its own security dynamics and distribution of power, but on the other hand it can also be exposed to the 'penetration' of influence from external actors.[10] That involvement or 'penetration' can be indirect (various forms of support and assistance offered to a state) or direct (the involvement of foreign military forces or economic support). (Buzan 1991: 213) As a rule, external actors can considerably affect the distribution of power between states, while their influence on enmity patterns is far smaller. (Buzan 1991: 214) In this paper we assume that a state building project within a given region, when implemented externally over a longer period of time (in this case, it is the Western Balkans region, which represents a security subcomplex) can: a) result in changes in the power of the state and b) contribute to changes in both amity and enmity patterns (the strengthening of the relationship in which the security community will be safe and protected from the actions of the security regime).

[8] In RSCT, the security region is 'the level at which the states or other units are linked together sufficiently closely that their national securities cannot be considered apart from one another.' (Waever 2005: 156) The regional level is most important for states encompassed within it as well as for forces projecting their power at a global level (e.g. between the regions). A distinction should be made between security regions and geographical ones, which are considered subregions at a systems level. In this paper, the term 'region' is used narrowly, as a synonym for a subregion or to denote the security subcomplex of the Western Balkans.

[9] In the language of the theory of securitization, which was developed in the 1990s by the authors of the Copenhagen School of security studies in order to avoid the issue of 'objective security', RSC can be defined as a 'series of units with their main processes of securitization and desecuritization so inter-connected that their security problems cannot be reasonably analysed or resolved separately.' (Buzan et al. 1998: 201)

[10] Waever (2005: 156) points out that without understanding regional security dynamics, it is impossible to understand either state security or the intervention of global powers.

2. How the state is built, or how international state-building 'penetrates' regional security dynamics

Having defined the state (the object of building) in a manner that makes it applicable in the analysis of international (and regional) security, within the framework of RSCT we can choose the way it is built and the subjects that take part in building it. Given that the state is a socio-political subject, capable of interacting with other similar subjects, state building is the building of its overall capacity for governance (the Weberian element), as well as being the raising of the level of its socio-political cohesion (the Durkheimian element).[11] International security places state-building within a context which in the related literature is linked to the phenomenon of *weak states*, states which can be a refuge for terrorists and international organised crime networks, and as such become a source of instability, illegal migrations and terror. Stephen Krasner and Carlos Pascual point out that weak states pose a 'structural threat, like fallen leaves piling up in the forest, (...) and that the only long-term way of creating a lasting peace is by promoting better governance.' (Chandler 2007: 3) The relevant literature classifies the approaches to state-building as follows: a) according to the position of the subject which builds a state (*internal vs. external building)* and b) according to the perception of what the object of building is (*institutionalist vs. all-encompassing building).*

Internal state-building implies an authentic local effort by a state to build institutional capacities and strengthen socio-political cohesion independently, whereas external (or international) state-building implies the involvement of external actors (states and international organisations) in the process. Involvement in this process, as well as ownership over it, may vary and fluctuate between the two ends of the spectrum. For this reason, Charles Tilly (Tilly 1975) viewed state-building as an internal effort within the process of modern state formation. On the other hand, external state-building attracted attention during the last decade of the 20th century as a form of involvement by Western countries in the institutional capacity building of 'non-Western states', which was supposed to be a response to their 'weakness' and to an altered concept of sovereignty. Chandler (2007: 26) advocates external state-building and defines it as 'the development of international mechanisms aimed at addressing cases of state "collapse" or at shoring up "failing states"...' His definition is very close to our view of state-building as a 'penetration' into regional security dynamics.

[11] 'Anthony Giddens observes that "state" can sometimes signify the instrument of rule or power, while at other times it can signify an overall social system susceptible to the rule of that power.' (Lemay-Hebert 2010: 10).

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The institutionalist concept of state-building is close to internal state-building, as it implies strengthening of the institutional capacity of the central power. Roland Paris (2004), who observed this concept in the context of external influences, suggests that a state-building model which prioritises 'institutionalisation' over 'democratisation' should be implemented in post-conflict societies. This approach primarily implies institutional capacity building of the judiciary, the police and the public administration. The concept of good governance is in many ways close to the institutionalist concept of state-building which contains both external and internal concepts of state-building. Chandler (2006) defines this external form of 'regulation', implemented by Western states, as 'international state-building'. The all-encompassing concept of state-building is closest to the 'nation building' concept which, apart from the institutional component, contains socio-political cohesion as a specific 'idea of the state' in certain political communities.[12] According to Huntington, 'the solution for reaching stability does not lie in the power of institutions as such, but rather in the relationship between these institutions and the wider society that they should represent, which is expressed in the ability of state authorities to create internal consensus and a legitimate public order' (as cited in Lemay-Hebert 2010: 21).

Therefore, of all the above-mentioned approaches to state-building, the one that is most likely to be applied in practice is the approach which combines external influence with institutionalism.[13] EU enlargement policy has a key role in the stabilisation of these states, which is a process that Chandler calls *member state-building*. (Chandler 2006: 4) In the language of RSCT, the EU is a 'major power' which makes its strength manifest in other security regions (subregions) as well, by 'penetrating' the regional subcomplex of the Western Balkans.

3. State-building as the 'penetration' of the EU into subregional security dynamics

The RSCT defines 'penetration' as a phenomenon where 'external forces align in security with the states within the RSC.' (Buzan et al. 2003: 46). From the systems point of view, and in relation to the European security region (Europe-EU), the Western Balkans is a subregion and a security subcomplex with pronounced security characteristics, in which the European

[12] For more information on nation building see: Fukuyama 2004. For Tilly and his associates, the national state is only one of several possible outcomes of state-building. They define nation building as 'the development of national awareness, participation and commitment.' (1975: 70–71)

[13] EU enlargement policy shows that state-building, apart from institutions, implies a requirement for the development of social cohesion and the strengthening of civil society in states that apply for membership.

Union, as a supranational creation, affects regional security dynamics.[14] In line with the proposed definition, we will consider the influence of the EU on the Western Balkans subcomplex as a form of 'penetration', given the fact that the EU affects regional security in this subcomplex more than in other security regions (complexes).

The change of security dynamics in the subcomplex of the Western Balkans, occurring under the influence of the EU, can also be considered as the expansion of the 'European zone of peace' (Kavalski 2007), or in other words as a long-term process of integration of this region into the wider security community on the continent. When the wars on the territory of the former Yugoslavia ended in the last decade of the 20th century, the European Union influenced post-conflict peace building and the normalisation of relations among the newly formed states by providing assistance and support for large-scale institutional and political reforms, which was an indication that the patterns of amity and enmity among states in the region could be changed. The key mechanism that the EU used to influence the process of changes in security dynamics was its enlargement policy, manifested in the Stabilisation and Association Process (with the prospect of membership). Generally speaking, it was a 'conditionality' mechanism for the Western Balkan states. By 'using the proper stimuli to alter the behaviour or politics of a state', the states in the region adopt 'the standards of acceptable international behaviour' (Kavalski 2007: 62–67). It can easily be conceived that, in time, the newly adopted standards of behaviour, as well as institutions, will influence decision makers to become more socialised, namely, to change mechanisms for solving political conflicts. (Russeau 2005) This may also effect changes in more lasting relational patterns among the states over time.

War as a form of inter-state communication in the Balkan subcomplex has become inconceivable, and it seems that the Balkan subcomplex, by improving the capacity of state institutions and intensifying regional cooperation, can be transformed from a security regime into an 'elite security community'. (Kavalski 2007) The ruling elites are regional actors in this process. They participate in 'international socialisation' by making decisions that reflect externally imposed standards.[15] As an external actor, the European Union has exerted its influence on the region through its state-building policy, and not only with its own institutionalist paradigm. Nominally, it insisted within its

[14] Buzan and Waever (2003: 378) argue that, despite the fact that the level of security interdependence is higher within the borders of a subcomplex than outside it, the subcomplex cannot be understood outside the larger complex in which it is embedded. It is important to make a distinction between 'overlay' and 'penetration'. The former blocks the autonomous security dynamics within the region, as the entire dynamics is under completely dominant influence from external actors with a strong military and political presence. (For example: Europe during the Cold War)

[15] The 'elite security community' is, expressed in the terms used by Adler and Barnett, *a nascent security community* (first level), characterised by a common perception of threats, an expectation of gain from mutual exchange and a certain level of collective identity. (Kavalski 2007: 45) This concept is suitable for analysis of the relationship between the EU and Balkan states, as it was defined as 'the framework for the strategic interaction between the main actors from the European zone of peace and the state elites of Balkan countries, which they use to promote their interests and values, while building a consensus on political goals.' (Kavalski 2007: 58)

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enlargement policy on the strengthened role of civil society and on democratisation.[16] The socialisation of the region's states and their social and political inclusion in a wider European zone of peace will result in the rejection of the conflict formation as a possible form of security subcomplex in the future. Despite the fact that the influence of the EU is limited to raising the level of socio-political cohesion within political communities in the region (as it primarily depends on local efforts), it can be concluded that this is an approach which combines the strengthening of state capacities with an all-encompassing approach to state-building.

One may wonder how the 'penetration' of the EU into the security dynamics of the Western Balkans is evaluated. Chandler offers an interesting commentary on the success of the state-building project in the region. He defines Bosnia and Herzegovina and Kosovo as forms of 'full guardianship' and 'quasi-guardianship'. (Chandler 2006: 41) He also criticises the European state-building project for its overly technical and administrative approach, while local actors are not given an opportunity to participate properly in the process, and social interests in a state built in this manner are not adequately represented. The insistence on institutional mechanisms, without parallel work on creating legitimacy for the newly established institutions, resulted in a lack of trust in such institutions and their 'external builders'. According to Chandler, the EU is an 'empire in denial' which intends to cover up the 'relationship between power and responsibility' within its own state-building project. Since the 2000, EU policy and its 'penetration' into areas which affect regional security issues have been reflected in the 'co-production of sovereignty', where the relationship between the two parties has been shifted away from external conditionality towards state-building (supported by the Stability Pact and the Stabilisation and Association Process). (Chandler 2007: 37–38)

In his analysis of the security subcomplex in the Balkans, Buzan (2003) points out that international actors, after negative experiences in peace building and development in Bosnia and Herzegovina, as well as after the war in Kosovo in 1999, decided to change the external involvement approach by establishing mechanisms for cooperation with the region's states. Although analysis of these mechanisms is not the focus of our research, we will define them as an external approach to institutional building of the states in the region within the framework of the

[16] The European Commission (EC) has stressed in its reports the importance of a developed civil society for the state of democracy in states which are potential candidates for membership. In other words the EC was equally interested in the building of state institutions in the Western Balkan states and in the building of a new society, as it had to 'root the culture (...) which will make the trend towards the EU an irretrievable process.' (Chandler 2007: 597)

Stabilisation and Association Process. This was a way of transforming external conditionality into forms of institutionalised cooperation between the EU and the region's states, where the states have to implement institutional and economic reforms as a prerequisite for future EU membership. External state-building has become an integral part of the internal policies of the states in the region. This concept of the relationship between the EU and the Western Balkans has influenced overall security dynamics, by changing the priorities of regional political elites as well as by shifting the focus away from external actors' military presence to their political and economic involvement.

EU state-building policy has, it is true, resulted in the strengthening of the state by means of institutional capacity building (which does not automatically imply the strengthening of sovereignty). However, the level of socio-political cohesion and the consistency of the idea of the externally built state cannot be 'imposed', but rather must be accepted and built internally (which is evident in the case of Bosnia and Herzegovina). Kosovo remains the only area in the Western Balkans with potential for conflict security dynamics. The European Union, through the EULEX civilian mission, implements its foreign and defence policy in Kosovo by building the capacity of Kosovo's institutions. This is an external form of state-building, where the local government is assisted in building the capacities of the judiciary, police and customs authorities.

When the security dynamics of the period of wars in former Yugoslavia (1991–1999) is compared with the subsequent state-building phase during the first decade of the 21st century, it becomes obvious that a dramatic shift in security dynamics has occurred, one which further leads to increasing cooperation and inter-dependence. The formation of responsible political institutions and the acceptance of the 'rules of behaviour' have influenced the de-securitization of previous security issues as well as the removal of inter-state existential threats. However, the acceptance of externally imposed standards affects the socialisation of political elites, which relates to the hypothesis about the formation of the 'elite security community'. The changed security dynamics of the Western Balkans leading to peace, stability and integration, which is the result of the EU's 'penetration', can also influence changes in the dominant European security-related discourse. The building of stable and cooperative states that accept common values and also work on fulfilling the criteria for

future EU membership is related to the de-securitization of the issue of Europe's return to the 'notorious past of wars and power play', (Buzan and Waever 2003: 356) as well as to the de-securitization of the consequences of ethnic conflicts which raged in the southeastern part of the continent in the 1990s.

Conclusion

The aim of this paper has been to demonstrate that state-building can be a factor in the analysis of regional security within the framework of RSCT. The problem of weak states became a central issue in security studies after the end of the Cold War, while security interactions occurred primarily at a regional level. As state-building was not the focus of RSCT, we came to the conclusion that this process could also be observed as a form of 'penetration' of major powers into other security complexes and subcomplexes. The validity of this hypothesis has been proved by the example of the EU's involvement in the Western Balkans subcomplex, where regional security dynamics were altered under external influence, and which was transformed from the initial conflict formation and later security regime, into an 'elite security community' representing a phase of integration into the European security community. The EU's membership policy, along with the expansion of the 'European zone of peace' to include the Western Balkan states, is essentially a state-building project aimed at strengthening the institutional capacity and socio-political cohesion of local political communities. For this reason, the state-building concept has been considered a factor in security analysis within the framework of RSCT, which provides an additional opportunity, both theoretical and political-practical, for analysing the influence of external actors on the security dynamics of regional security complexes and subcomplexes.

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"Balkanization of the Europeanization Process": How state-building was affected by axiological matters in the Western Balkans

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Abstract

Numerous scholars have shown that we have witnessed in the past 15 years a unique political phenomenon of state-building in the Western Balkans (WB). The simultaneity of both reforms and external influence has made it extraordinarily difficult for local actors to address the interrelated and complex problems of democratic state-building. The main scope of the article is to outline a possible scheme of explanation for the way state-building (one of the core processes that has shaped the political evolution of the WB since the end of the Bosnian War) was influenced by external actors (mainly European Union) and globalization. The article argues that the EU, with its delayed change of strategy from an 'exogenous' towards an 'endogenous' pattern, provided incentives for a 'local model of state-building' (which the article identifies with so-called 'Balkanization') which directly 'distorted' the implementation of the Europeanization state-building pattern. The result was an intermingled strategy defined as the 'Balkanization of the Europeanization process'. Applying the constructivist conceptual framework, this is an attempt to sketch a theoretical scheme of analysis that is worth testing within future empirical research in each country of the WB.

Keywords: state-building, Europeanization, Balkanization, Western Balkans, constructivism, European Union, ideal types

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Motto

*'Resemblances are the shadows of differences.
Different people see different similarities
and similar differences.'*

Vladimir Nabokov

Introduction

Studying the Western Balkans (WB)[2] has recently become a provocative academic endeavour for social scientists, mostly because the task is comparable on the symbolic level with the act of 'solving the final part of the European puzzle'. Over the past 20 years the region has raised profound political questions regarding post-conflict democratization, border agreements, multi-ethnic governance and remaining nationalist discourses, and these questions may be why the WB is still surrounded by a vivid on-going debate. The main assumption of this article is that what makes the WB worth researching as an 'exceptional' case of state-building is its internal 'dilemma of simultaneity'. (Offe, 1998) This refers to the fact that WB countries faced a 'triple transition' which is not comparable with any other Central or South-East European experience: (1) from war to peace, (2) from humanitarian aid to sustainable development and (3) from a socialist political system to a free market economy. Studying the WB may therefore be assimilated with the challenge of solving a difficult puzzle, with plenty of missing components. One of the basic missing parts of the puzzle is an axiological debate about what type of values should lead this triple transition. This is one of the main aims of this article – to theoretically frame and define the starting point for such an axiological debate regarding the process of state building in the WB in the past decade. I believe that this starting point is highly provocative because the so-called 'puzzle metaphor' used in the social sciences for explaining political phenomena is even more demanding than in other fields, especially due to the profound implications of theoretical observations about social practice. For example, a certain theory about constitutional design in a multi-ethnic society directly influences the rules which a peace treaty establishes in a war-torn region as was the case in the post-Yugoslav space in the 1990s. So solving this puzzle at the theoretical level is not only intellectually exciting, but important for future policy making. Assuming this

[2] I have decided to use 'Western Balkans' to refer only to those ex-Yugoslav countries outside the EU (Bosnia and Herzegovina, Croatia, Serbia, FYR Macedonia, Montenegro and Kosovo under UNSCR 1244), thus omitting Slovenia and Albania, which are included in the EU's official understanding of the term.

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position, this article will try to outline some possible elements of 'a theoretical jigsaw' regarding the way external actors (or more precisely the European Union) influenced state-building in the WB. The main method for this attempt is categorization, a basic theoretical process which helps stress the differences and similarities between opposing ideal types identified in a certain context. The aim of the paper is therefore to outline the impact of external influences of Europeanization on state-building in the WB after the disintegration of Yugoslavia. The challenge is to determine which type of explanation better fits the WB region and its intricate specificities. This is where the hybrid concept of the 'Balkanization of the Europeanization process' will be tested later as a mixture between two apparently dichotomous patterns of state-building – exogenous and endogenous. The hypothesis advanced here is that the EU's tailor-made approach to the WB state-building process, defined as Europeanization (which was significantly delayed), created space for the development of a legitimate local pattern of state-building – 'Balkanization' – as a response to outside pressures so that the evolution of WB countries is placed between these two models.

The main method of investigation used to test this hypothesis is a simplified form of process-tracing used to identify which principles and actors determined or guided certain institutional patterns at certain points in time. I believe that process tracing can be a valuable approach to use in a research paper which tests a theory by addressing a small number of cases in a comprehensive manner, as is done here for the ex-Yugoslav countries. Through process tracing, these cases can be thoroughly researched and analysed by looking at the pertinent facts and sequence of events in each case, and applying to them the tenets of 'Europeanization theory'. 'The relevance of the theory can be construed and other potential explanations can be proven either inapplicable or potentially significant. In this manner, process tracing can be a useful test of a theory's viability.' (Checkel, 2008) This paper is merely the foundation for more detailed research on the specificity of state-building in the WB.

Theoretical Approaches towards State-building

In order to create a new explanatory scheme for solving the WB puzzle, we need first to explore the main theoretical perspectives towards state-building. Much of the literature on state-building is preoccupied with post-conflict issues and from this perspective

analysing the ex-Yugoslav space may provide very fruitful results. After the fall of the Berlin Wall and the end of communism, state-building became the core concept of transition and democratization theories in Europe, especially in countries where the change of regime was violent and ended with the de-structuring of the entire society, as in the case of the WB. Two decades after the 1990s milestone, a number of theoreticians still consider state-building in the WB to be an 'unfinished process'. (Nation, 2003) Some ex-Yugoslav successor states which take nationhood for granted (e.g. Serbia and Croatia) still face precarious stages of transition and border disagreements with neighbours. Others are even further from being fully fledged national states (Bosnia and Herzegovina, Kosovo under UNSCR 1244/99), while others face contestation of the country's name (FYROM - Macedonia) or develop a sort of 'independence enthusiasm', building statehood on economic growth (Montenegro). In such a heterogeneous area, there is a need not only to define what exactly state-building means and then to identify its main characteristics, but also to find out who the actors that conduct this process are and who exactly is responsible for the final outcome. Thus an axiological debate about the negotiation of values between actors seems legitimate. From this point of view the choice of a theoretical paradigm to define state building becomes crucial.

The concept of state-building primarily designates the construction of a functioning state. It therefore refers to a process which has to be coordinated by certain objectives and expected results. Moreover, this basic definition refers to the political process of creating organizational and institutional capacity, legitimacy and political processes for managing expectations and the resource base of the state at the domestic level. (Chandler, 2006) In the case of the WB, defined fundamentally as a post-conflict region after the disintegration of Yugoslavia, the process is usually called 'international state-building', adding to the above definition the fact that external factors and the international environment provide the main incentives and make the final decisions, meaning that they are in charge of the process. (Zaum, 2007) Consequently, in this region state-building is a process of multi-tasking, due to confrontation with the same 'dilemma of simultaneity' which the Balkan states themselves face. The strategy is aimed at bringing not only economic growth, stability and the rule of law, but also peace, demilitarization and avoidance of ethnic conflict. Even though the type of state-building which this external model describes is now taking place only in

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Bosnia and Herzegovina and Kosovo, the entire region was subject to such external aid and intervention in the post-conflict period of the mid-1990s. One of the limits of this analysis is thus the generalization of these assumptions to the entire region, but a strong reason for doing so is the need for simplification and also the need to identify 'symptoms' that should be further analysed in each particular case.

There are two questions which need to be addressed once state-building is defined: *who should coordinate/implement state-building*, and *who should be responsible for the results*? Two main approaches give two possible answers to this very delicate issue: one says that the input should come from outside ('exogenous') the other states the opposite – that the main efforts for reform should come from inside ('endogenous'). The 'exogenous' approach to state-building sees this process as an activity undertaken essentially by external actors (foreign countries or international organizations) attempting to build, or re-build the democratic institutions of a weaker, post-conflict or failed state. This 'exogenous' school views state-building as the activity of one country in relation to another, usually following some form of intervention (such as a UN peace-keeping operation, EULEX etc.) and it is mostly influenced by the realist school of thinking. (Chong, 2009) The implications of this model are mainly the creation of a chain of asymmetrical dependence between states and the 'embedded' weakness of the state receiving aid, which becomes incapable of governing itself because external influences perpetuate its lack of accountability towards society.

In direct opposition to this perspective, the 'endogenous' strand of thinking considers state-building to be an indigenous process of state-society relations which needs no interventionist overtones and makes clear that national leadership is centrally important in shaping state authority and finding local solutions to local problems. Authors who view state-building as an indigenous, national process driven by state-society relations argue that state-building is primarily a 'political' (meaning a feature of the 'polis') and symbolical process rather than just a question of 'technical capacity enhancements'. (Unsworth, 2010) These views are widely shared by opponents of the realist school, neoliberals and constructivists and in general by authors who promote a cultural understanding of state-building, stressing aspects other than just the functional, economic and rational side of the process. The implications of this approach are from my point of view also critical, because such a model guar-

antees that the self-help attitude of society will end up building a strong and legitimate state. In the case of post-colonial states especially, the total indigenous empowerment in state building ended with a handful of corrupt elites controlling the state against society, without any democratic legitimacy or respect for the rule of law. Some tragic cases of this type ended in genocide.

Because of the critical implications of these opposing models (which will be taken as ideal types as they rarely exist in such in a pure form in reality, usually being rather mixed) the article shall present later some reasons why neither of the two explanations is sufficient to explain the evolution of state building in the WB region. following that, it will argue that a 'third way' is more appropriate.

First, both perspectives are biased on an axiological choice which is taken for granted, which should be, at least on the theoretical level, more carefully investigated. Both strands of thinking, the exogenous and the endogenous, consider their own model as a guarantee for state building success in any circumstance, as if the variables could always be kept constant (reified). Realists assume that the international community (often confusingly defined) has the capacity and objectivity to provide external solutions to internal problems which endanger the functioning of a state, especially as states are responsible for their own security. So external involvement is always legitimate and is in the interests of international security and the national interests and security of certain actors. This debate became crucial especially during the American intervention in Iraq in 2003. The input of international actors is from the outset not neutral, but guided by certain values and goals which are supposed to determine the actions of the local actors who are being 'delegated' to implement their own state-building projects. We should be aware of the fact that these local actors do not formally agree on these values and goals, but are expected to take them for granted, as the best solution for viable state-building. The problem, then, is what happens in the face of empirical proof that the external solution has not worked, and who is then responsible for that. Can the international community be responsible for a failed state? From the perspective of the diffuse collective identity of the 'international community', which is usually represented by a few powerful states who lead the process, I would say that the answer is no, the international community cannot be held accountable before the local community for a state's failure. In this context, we may argue that the process of state-building was used in the WB by the inter-

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national community to outline a 'desired' process in which the local actors had to be held accountable. In this exogenous view, by establishing a normatively 'positive state-building dynamic', states were expected to generate resilience and stability under the supervision of the international community. The *input* has a direct connection with the *output*. In this context, the main assumption of this so-called 'interventionist' perspective is that the pattern of state-building employed by international actors in the WB can produce nothing but positive results (a stable regime and the future integration of the WB into the EU and NATO). If the institutional outcome is not the one expected, this is solely the responsibility of local actors who did not follow the prescribed rules. The same vicious circle of the 'blame game' is also produced by the endogenous model, because local actors do not feel responsible for failure or for the 'capture' of the state by their own private interests and pass responsibility to the passivity of international actors who 'allowed' the state to disintegrate.

This article tries therefore to demonstrate that defining state-building this way raises a profound theoretical and practical confusion because it combines both a descriptive dimension which is value neutral (who are the actors involved?) and a normative one which adopts certain values or principles and rejects others (who should be responsible for the results?). In conclusion, both of these opposing theories perpetuate the political use of these explanations for the vicious circle of the 'blame game' between local actors and the international community. But the main reason why I believe this debate is valuable is its axiological implication, which I consider one of the red threads in the definition of state-building. The point where the two perspectives commit an error (or better an over-generalization) is where both assume that the main actors coordinating the process are being axiologically neutral in defining state-building. As Max Weber demonstrated, the action of defending axiological neutrality is not at all axiologically neutral. (Weber, 2000) So the main point here is that there is no state building model that can pretend to be axiologically neutral because it is in essence a process of choosing one model of state over another according to certain standards and political or social values. For this reason this paper argues that when analysing state building one should be aware of the importance of the values that structure institutional design and focus on the axiological dimension of the process. From this perspective, neither the endogenous nor the exogenous model fits the WB, where a clear mixture of both can be identified, as I shall argue

in the conclusion. For example, EU state-building regulations are influenced by a certain vision of the rationalization of law, minority status, human rights and economic growth. This article will concentrate on the consequences of this normative approach by the EU to state-building in the WB region and its impact on the legitimacy of the final outcome. I believe there is a need for a middle ground theory, with a dialogical view of both sides. We should next explore a theoretical position situated in the middle of this debate, considering that both external and internal factors are responsible for successful implementation of a certain state-building design. The paradigm fit for this purpose is constructivism which takes into consideration both the actor and the structure, internal and external factors, because the focus is on the interaction itself, not on the 'reified' goals of a single actor responsible for everything.

State-building from a Constructivist perspective

The theoretical framework that this article will apply to the process of state-building in the WB is constructivism, a rather recent approach in International Relations (IR) and Political Science (compared with its theoretical competitors, realism and liberalism, at least 50 years older than constructivism). Constructivism emerged in the 1990s as IR scholars first realized that the dominant approaches of neo realism and neo liberalism could not explain transformative events like the end of the Cold War. Constructivism is part of the post positivist 'sociological turn' in the social sciences and one of its pioneering authors in IR is Alexander Wendt. This theoretical framework asserts the existence of the social structures – including norms, beliefs, and identities – which constitute world politics (Wendt, 1999). All constructivists assert the importance of what John Searle calls 'social facts': facts which exist because all the relevant actors in a society agree they exist. (Searle, 1995) Searle also drew attention to the idea that 'social facts' cannot be separated analytically from social values; therefore the units of analysis in the social sciences must be both facts and values. Nations and nationalities are considered in this respect 'social facts' or 'imagined communities'. (Anderson, 1983) Other 'social facts' like sovereignty, property, human rights, and collective security are for constructivists the basis of world politics, and social actors construct those social facts at the symbolic level through intense social interaction. State-building may also be understood as a 'social fact'. The state

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itself is not only an agent that acts in the international arena according to its own options but, as constructivists stress, its actions are often determined by the way a state is perceived by others and by its place in the international structure.

One of the main contributions to IR theory made by constructivists is the critical assessment of the agent-structure division and their contribution to this perspective is also extremely valuable for our analysis. For constructivists, agents and structures construct each other: rules make agents and agents make rules. The (social) world is made by people, who in turn are made by that (social) world. They explain that human agency is 'enmeshed' in a web of social rules which both constitute and regulate interactions between actors. (Adler, 1997) This is the theoretical 'red thread' used to tackle state-building in the following analysis. I believe the constructivist approach is applicable to the case of the WB because the region is still in a phase of adaptation and re-definition of state structure and regulations and over the past decade it has experienced a permanent transitory process inside a complex process of social interaction between local and global actors. Finding a coherent way to 'imagine the community' (as Benedict Anderson put it) by mixing local and global input is a serious challenge for the WB and this can be profoundly investigated by the constructivist theory, which looks not only at the final outcomes of state-building mechanisms but also at the constitutive moment of this process, when certain mechanisms are chosen according to certain values and principles. The main assumption of this constructivist endeavour is that by identifying the principles that guide a certain institutional pattern, one may also identify the main 'symptoms' of state-building malfunction.

Nevertheless, constructivism pinpoints the fact that state-building is not only a 'technical' process of creating new government institutions or strengthening existing ones – these activities are more precisely described as 'institution building'. The constructivist approach also draws attention to the fact that functioning institutions depend not only on formal design, but also on the social context within which these institutions operate. Formal institutions need to be rooted in society; otherwise they risk becoming useless or being captured by private or patrimonial interests. Bo Rothstein showed that institutions themselves should not be treated as 'neutral structures of incentives' but rather as carriers of ideas or 'collective memories' which make them objects of *trust* or *mistrust*, changeable over time as actors' ideas and the discourse about them

change in tandem with changes in their performance. (Rothstein, 2005, p 465) So institutions need to be seen as being built through social processes rather than merely by rational intention or mechanical reproduction (as realist and rational choice schools argue). As Colin Hay also clearly states, constructivism stresses the importance of actors and their interaction in the production and reproduction of rules, their participation in the process of institutionalization, and the social relations structuring that participation. (Hay, 2006: 352) In the context of this article, the relations and influences between actors involved in state-building (both inside and outside the state itself) must be more accurately analysed. To sum up, I consider this theoretical approach relevant in the context of WB state-building analysis because it is a reflective analysis about the constitutive role of identity in state building, and it understands the political dimension as a question of who 'we' are - a question of separating *u*s from *them*. From this perspective, state-building is essentially a value-based interaction based on the inter-subjective relation of the *self* and the *other*. As Iver B. Neumann says, 'the study of identity formation should do away with psychologizing conjecture and focus on the drawing of social boundaries and the role played by groups who are ambiguously poised between the self and the others. Collective identities are overlapping and multifaceted phenomena which must not be reified and studied in isolation from one another.' (Neumann, 1996:1) From this point of view, this article aims to question the dialectical view of the *self* and the o*ther* in comparison with the dialogical view, in the particular case of the WB an international and exogenous state-building process. So the constructivist topics of defining interests and identities, the relation between material factors and ideas and the agent-structure debate are valuable for our middle theory approach which tries to reflect beyond the exclusivity of exogenous or endogenous models of state-building.

Another crucial constructivist concept that will be explored in the context of EU influence on WB state building is socialization, a fundamental phenomenon of cooperation and transfer of rules and values that will help us better understand Europeanization. This concept differentiates constructivism from all other IR theories referring to international interaction. The axiological divide between states as individual agents which act according to their interests and states as components of a structure where they express and negotiate action according to their values and identities is at the basis of realist theories which oppose constructivism. Using the con-

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structivist understanding of state-building, this paper argues that values are what creates (and maintains) the legitimacy of a certain institutional framework. The realist paradigm reifies the state, whereas constructivism sees it also 'in the making'. In a transition period especially, values are always shifting and are always being renegotiated and re structured. The two variables that this analysis should further focus on are, in the case of the post war WB: (1) the cultural-institutional context and (2) the constructed identity of states, governments and other actors. The three dimensions derived from this definition of state-building are *norms* (collective expectations for the proper behaviour of actors with a given identity), *identity* (constructions of nation- and statehood) and *culture* (collective models of nation-state authority or identity, carried by custom or law). Realists define norms as fundamentally *regulative* (functioning as standards prescribing behaviour, where the exogenous feature is dominant) whereas constructivists understand norms as mainly *constitutive* (defining actors' identities, with a more evident endogenous dimension coming from each society). Our model of explanation is placed in the middle of this division, because it focuses both on the evaluative dimension of state building (norms & values) and the cognitive one (rules & models). So the constructivist theory we opt for in this paper sets out a more social view of the political environment which shapes state-building and argues that political identities are constructed as a result of interaction within the environment, not exogenously given. In opposition to the Neorealists who argue that actors' properties are essential to them and exogenous to the environment, Peter Katzenstein showed that cultural environments affect both incentives for state behaviour and the nature and identity of states. (Katzenstein, 1996:56)

The next theoretical challenge which needs to be addressed is *who is responsible for state building in the particular case of the WB – the post-Yugoslav countries themselves or the EU?* The answer given by constructivists is that both sides (national and international) must work together in order to succeed in building a stable political outcome. Going beyond this simplistic answer, this article tries to show that the intricate issue to be addressed is the following: *which pattern of state-building should the two actors implement – the local or the international?* The next main issue to be tackled is: *What happens when the model for the state does not come from society?* This idea seems highly intuitive, but the challenge is also to frame the impact of the 'cultural environment' on the process. Using the present explanatory scheme realized with

constructivist theoretical instruments, the next part of the article will compare the two existing patterns of state-building (Balkanization as the local and Europeanization as the external pattern) in order to identify which is currently shaping the WB. As constructivism shows, the process in which trends of 'localization' respond to trends of 'globalization' is a socially constructed phenomenon worthy of analysis. Moreover, this phenomenon seems essential in the context of the colliding pressures of both Balkanization and Europeanization, competing to obtain legitimacy, which places the WB in a state of permanent 'in-between-ness' as Vesna Goldsworthy put it. (Goldsworthy, 2002)

One of the key actors in ending the ethnic war which started after the dissolution of Yugoslavia was the international community, a generic name given to a group of countries and IOs who played the role of the main peace keeping donor. So the international community is the first actor identified in the WB state-building process because it invested the most in the reconstruction of these emerging ex-Yugoslav states. Even though there were plenty of other international actors involved in peace keeping after the dissolution of Yugoslavia (e.g. the UN, NATO, and the OSCE) the EU was seen by both international and local actors as the most significant integrating catalyst for the WB, especially after the Thessaloniki Summit in 2003, when the enlargement agenda for WB countries was launched. Even though EU is itself a polycentric structure which rarely acts with a coherent 'one voice' foreign policy, we will take it as the main international actor involved in the process. Weber's insights about the normative power of the rational-legal authority which bureaucracies embody and its implications for the ways bureaucracies produce and control social knowledge provide a basis for challenging this view and treating IOs as agents, not just as structure. (Barnett and Finnemore, 1999:701)

The difficulty comes when we try to identify the local actors, those which represent the identities and interests of the WB. As mentioned above, the five countries included in the generic label of the WB have some significant contrasts between them, being more or less prone to various state-building weaknesses. Nevertheless, the same action of oversimplification must be made here in order to identify some general characteristics of the overall state building process in the entire region. The matter of local representatives of the state in the WB is very complicated because even though they are elected by the citizens, they represent only fragments of society (as parties are mostly divided by ethnicity, not by ideology). So, on

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this matter we conclude that local policy makers who determine the evolution of state-building are actually not acting politically in order to reach consensus and cooperation for the sake of citizens, but are strengthening lines of division for the sake of an ethnicity expressing its political will in opposition to others. This situation motivates foreign powers to proclaim external governance as the only viable solution for this post conflict area. The compromise made by these actors who were bargaining for more influence in the process of state building was the pre-accession instrument promising WB countries future EU membership, a process known broadly as Europeanization.

Europeanization has recently become a 'fashionable' term in studies of the EU. There are multiple ways to define it, but none seems clear and sufficient, which creates controversy around the concept. The more it is investigated, the more it becomes a complicated 'puzzle'. Most authors consider that the comprehensive process of state-building is the essence of so-called 'Europeanization' (Grabbe, 2006), especially in the WB with its triple processes of reform after the disintegration of Yugoslavia. From an axiological point of view, Europeanization means changing society and the political structure according to EU rules, values and conditionality. The article at this point proposes a particular meaning for Europeanization within our explanatory scheme: *practices of reform, determined by both material and ideational means according to EU values, during post conflict state-building.* The process of EU enlargement, as Javier Solana has said, not only improves the technical capacity of states but also commits them to shared values and wraps them in an ongoing process of lawmaking, law implementation and norm creation. From this perspective Solana was correct to call EU enlargement 'the greatest state-building success in modern history' (in O'Brien, 2006), stressing the importance of what this article theorizes as 'Europeanization as a state-building pattern'.

From a constructivist perspective, Europeanization entails both norms and values. The process needs therefore to be understood both as a comprehensive formal process of institution-building and as a symbolic creation of a 'political community' accepted and trusted by all actors in the society. Seen as a dynamic process, Europeanization is a transfer of both practices and symbols. (Featherstone, Radaelli, 2000) It cannot therefore be analysed as an unfinished process, but must rather be understood as being always in the making. Moreover, it is a process of both defining and apply-

ing rules, so the interaction between the structure (the EU as a representative of the international community) and the agent (local representatives of the WB) is fundamental for explaining the outcome. For a better understanding of this phenomenon one should reflect on one of its most important instruments, one which has preoccupied constructivists over the past decade – socialization.

In order to avoid the recurrence of ethnic conflict in shaping institutions during WB state-building, the EU sought to identify core state competencies or functions for 'positive state-building' (and most of these standards are part of the so-called 'membership conditionality') oriented towards so-called 'European values'. The slow evolution of reforms and frequent nationalist outbursts caused the EU to alter its approach towards the WB from a regional common perspective (the so-called 'Regatta principle') to a tailor–made approach which assessed each country individually, proving that the involvement of the state in this process is highly context-sensitive and cannot be standardized to a whole region. At the beginning (in 1997, when the EU launched the Regional Approach to the WB) Europeanization claimed to be 'context-blind', the institutional effect of which on state-building was negative. The logic of qualifying for membership certainly failed to overpower domestic political forces, each with very different agendas. (Vachudova, 2003) After the Thessaloniki Summit in 2003, the EU altered its position in relation to the WB, its policies being more and more 'context bound' in order to improve its state-building model for the Balkans. Using the concepts outlined previously, we may observe that the EU changed its strategy from one which was partially exogenous, built on a collective identity of the WB region, to an endogenous strategy, focused on the specificity of each country's identity. Under this tailor-made approach, the European Commission has issued a report on the progress towards enlargement of each Balkan country each year since 2003.

The hypothesis advanced in this article is that this tailor-made approach (which was significantly delayed) created space for the development of a legitimate local pattern of state-building – which will be defined as 'Balkanization'. The appearance of such a local pattern was most salient when the institutional rules in question were constitutive and legitimate and resonated with 'national' values and norms. In the aftermath of the Bosnian War, there was no time or space for constructing on a 'local' pattern given the complex situation of ethnic conflict, so the pattern proposed by the international community was 'the only game in town'. It is useful to men-

tion here Colin Hay's observation regarding the behaviour of international organizations in relation to local actors and to connect this with the way globalization structures these asymmetrical relations: 'The goals and procedures of international organizations are more strongly determined by the standards of legitimacy and *appropriateness* of the international community to which they belong than the utilitarian demand for efficient problem solving.' (Hay, 2006, p 238) This shows us that Europeanization was not intended as a value-free pattern of state-building in the WB, but was bound by its own 'universal' vision of solving state-building problems, without accepting and adapting to the local perspective. Frank Schimmelfennig, another author who studied this very issue in CEE countries, considers that actors in the process of European integration act strategically on the basis of individual specific policy preferences, but do so in a community environment that affects their strategies and the collective interaction outcome. (Schimmelfennig, 2003:141) This article therefore argues that the EU, with its delayed change of strategy from an 'exogenous' to an 'endogenous' pattern, provided incentives for 'Balkanization' which directly 'distorted' the implementation of the Europeanization pattern (local values and principles of interaction were chosen instead of 'global' – EU-required ones). In this point we can see that as a middle ground theory, constructivism explains why Europeanization was neither an exogenous nor an endogenous model for state building but rather acted to contaminate them both within the socialization process of norm creation. The conclusions will largely discuss this aspect and especially the consequences of this approach for policy making.

The Europeanization Pattern of State-building vs. The Balkanization Pattern of State-building

It is important to note how the EU uses persuasion and socialization in an attempt to change the resonance of and identification with norms for the domestic community. 'Socialization refers to the process of inducting new actors into the norms, rules and ways of behaviour of a given community. Its end point is internalization, where the community norms and rules become taken for granted.' (Checkel, 2008:197) One way to reach this end point is via persuasion, and this is the main soft power mechanism of Europeanization, which constructivists define as a social process of communication which involves changing beliefs, attitudes, or

behaviour, in the absence of overt coercion. For this purpose we use two ideal types – Europeanization and Balkanization, incorporating mainly the two models that have shaped state-building in the WB in the past decade – with prominent local or foreign influences. The main distinction between the two concepts is, as Dorian Jano argues, that 'Europeanization is a (Member-)State-building' process while Balkanization is Nation-state-building (Jano, 2008).

With its over-arching motto (Latin: *In Varietate Concordia* or *Unity in Diversity)* the EU is considered to be 'the most densely institutionalized international organization in the world'. (Pollack, 2005: 357) No wonder EU conditionality, as the main instrument of political Europeanization, has proved to be problematic due to the diversity of tools directed towards two sets of countries within the same region – the Stabilization and Association Process (SAP) on the one hand functioning on bilateral conditionality, and the Stability Pact on the other promoting regional co-operation. EU conditionality must therefore be understood here as a multi-pur-pose process of imposing standards and social values in shaping democratic reform in the WB. Not only does EU conditionality influence institution-building (as the primary technical step in state-building), but this instrument also aims to bring peace, stability and prosperity to the region. This multi-purpose strategy has been much criticized by political scientists, who argue that this tool was prima-rily conceived by the Western powers as a peace-building strategy after the Bosnian war of 1992-1995 and the war in Kosovo in 1999, using the EU as a 'one for all' instrument for solving state-building problems. (Papadimitriou, 2001; Parish, 2007) The EU's strategy was contradictory: increasing unity within the region through regional integration schemes, yet creating division by granting applicant status (with the costs and benefits this entails) to some countries within the region, but not to others. Peace building, understood as a set of activities coordinated by international or national actors to prevent violent conflict and institutionalize peace, is often an important part of the state-building dynamic, helping to consolidate security and political stability and establish the founda-tions for trust and social reconciliation among societal groups. But it is important not to confuse the immediate challenges of peace-building with the long-term challenges of state building. The Europeanization pattern of state-building implemented in the WB seems to have fallen foul of this confusion. In this context, the two actors of the analysis – the WB on one side and the EU on the other – have faced over the past 15 years a contradictory process of unre-

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alistic expectations from each other. The rise in expectations from both sides is also a result of the successful experience of CEE Europeanization which motivated both the EU and the WB to expect similar results, thus maintaining what I shall call 'the *great expectations* trap'. The EU expects the WB to progress in the same way CEE did, while at the same time the WB region expects the EU to transform it in the way it transformed CEE. Unrealistic expectations are usually followed by disappointment. In this context, the failure of local actors to implement the state-building pattern provided by the EU contributes directly to their low level of accountability and creates a dangerous symbolic trend that might be understood as 'Balkan-scepticism' that is backed also by 'Euro-scepticism' creating a delayed and problematic state-building process. As a conclusion, the main features of the Europeanization pattern referred to here are the following: it is basically a technical process, focused on institution-building (the civic approach towards citizenship); in the WB it also had the purpose of peace-building; it puts a lot of pressure on local elites and it creates high expectations from endogenous factors (the responsibility is theirs, even though the values are ours); failure or delay in fulfilling the formal criteria of state-building and EU conditionality produce disappointment and doubt regarding the future evolution of the process – 'Balkan scepticism'. This lack of accountability caused local actors to create an alternative state-building model – Balkanization, which will be discussed further on.

Following the severe ethnic conflicts which persisted for over a century in the WB, the word *Balkanization* became a synonym for 'fragmentation' and gained currency in the general vocabulary[3]. In the WB after 1995, ethnic hatred was used for clearly defined political purposes, due to the region's long history of contested borders and ethnic tensions. The constructivist explanation for this situation is simple: for a newly independent state to be governed, first it has to symbolically internalize the division, the separation and the difference between the s*elf* and the o*ther*, and in the WB this distinction is essentially ethnic. The most active principles that coordinated political decisions in the WB were the 'remaining ethno-nationalist patterns' which showed that 'identity matters in state-building' an observation which is fundamental for the development of a local pattern of state-building. These features of Balkanization challenge most of the contemporary theories of globalization and its influence on local political action. The problem which needs to be addressed is: *was this fragmentation a 'natural' feature of the WB or did it*

[3] *To balkanize* - **1:** to break up (as a region or group) into smaller and often hostile units **2:** to divide, to compartmentalize. (Merriam-Webster English Dictionary)

develop as a reaction towards the externally imposed pattern of Europeanization which was not socially rooted here?

The Bosnian wars and the Dayton and Paris Peace Agreements led to the adoption of a Regional Approach in 1996-97, while the Kosovo crisis opened the way for the Stabilization and Association Process (SAP) in 1999. The purpose of all these international frameworks of cooperation was a kind of process of 'De-Balkanizing the Balkans' to assure security and stability in Southeastern Europe. (Severin, Gligorov, 2007) From the constructivist point of view this approach created a void of identity inside the newly created institutions, which created a built-in lack of legitimacy in the eyes of local actors and also false expectations of institutional performance in the eyes of the International Community.

Les us now underline some characteristics of this local pattern of state-building in the WB. The nation-building phase proved the most intricate. In the WB the nation-building part of state-building is the most problematic factor and the international community sought to avoid this chapter by neutralizing the role of potential ethno-nationalists. The great political dilemma '*What was first – the State or the Nation?*' proved to be a corner-stone in establishing new institutions in the post-war Balkans. In the civic (as opposed to the ethnic) approach towards state-building, states should not have a monopoly on the idea of nation. Precisely the opposite to the classical conception which asserts that 'states make nations, not the other way around' (Gellner, 1983) is applied inside the WB. Here nations and ethnicities make the state. So, fragmentation comes from the fact that there is no state but multiple layers of authority and legitimacy which confuses not only citizens and their loyalties but also institutional mechanisms which interact chaotically with 'different' and overlapping centres of power. Legitimacy is directly connected with ethnicity not with citizenship. The distortion created by the Balkanization pattern is that it considers nation-building as the main factor in state-building in direct contradiction to the requirements of Europeanization. This confusion affects institutional performance and promotes exclusive policies to the detriment of inclusive ones[4].

The other important issue posed by the Balkanization pattern is identity-building, another sensitive dimension directly connected to the perception of the nation and sources of state legitimacy in the WB context. As this article suggests, Balkanization was a reaction towards an interventionist approach to state-building, so the 'endogenous' and 'exogenous' approaches are in direct competition

[4] See a discussion of nation-building vs. state-building in Rand Corporations's *Beginners Guide to Nation Building* http://www.rand.org/pubs/monographs/2007/RAND_MG557.pdf

for legitimacy. This mainly involved WB elites, most of them 'capturing' society and failing to represent the interests of citizens. I argue in this point that the criteria for and benefits of EU conditionality had to be visible to and rooted in the expectations of WB society as a whole, not just the elites, in order to sustain momentum for reform along the long and difficult road to Europeanization. This symbolical process of managing social expectations during state-building is a core point which needs to be better investigated in the constructivist framework. It argues that state-building is not a technical and value-free process of making a state function, especially because the social identities which fuel the main pattern of implementation are fluid and subject to frequent changes (Neumann, 1996) and the social actors need to be aware of the fact that identity is reflected in norms.

The lack of trust in local institutions created a wave of unrealistically high expectations of exogenous factors in the WB, and the EU was seen at first as the miraculous solution to all problems. This type of 'sentimental projection towards the EU' combined with the acute under-performance of state institutions was soon followed by disappointment and a crisis of hope and expectations from EU-integration. (Gallup Balkan Monitor, 2008) This subsequent feeling of 'failed Europeanization' created a high level of Euro-scepticism as a response to the continuous 'blame-game' between local authorities and EU representatives. The Balkanization pattern of state-building that has developed over the past 10 years in the WB was formed under this very negative impact on the efficiency of reform and the de-legitimation of governing institutions in the eyes of confused citizens, who felt 'neither here nor there' as Marko Andrić put it.

A Third Version: 'The Balkanization of the Europeanization process'

The hypothesis formulated in this paper is that tensions and misunderstandings between actors arose from two distinct political processes intermingled at the level of state-building, which directly influenced the institutional result. This phenomenon is what this paper identifies as 'the Balkanization of the Europeanization process'. Its main features are ongoing processes of questioning, weakening and re-negotiating the national framework and its legitimacy in weak ex-Yugoslav countries. By proposing this concept of *Balkanization of Europeanization* (suggesting mainly the way

externally led Europeanization was contaminated by the local influences of Balkanization), this paper follows the Weberian stance that conceptual analytical tools are ideal-typical oversimplifications of empirical situations according to the cultural values which the researcher is bringing to bear on the project. (Weber, 1949) Therefore, categories used in a critical analysis are contingent and specific to the situation at hand – in this case the specific reaction of the WB towards the Europeanization mechanisms employed by the EU. The aim is therefore to create a contingent theoretical category that can grasp the specificity of the WB's response to the Europeanization model of state-building. This new concept explores not only the dialectical aspect of these two opposing phenomena, but also the dialogical dimension, the way values and identities as argued by constructivism interact and shape each other, as with any other middle ground theory attempt.

Both state and nation building occurred contemporaneously following the Bosnian war and this simultaneity (along with the other three processes named by Offe) distorted the Europeanization process, creating a hybrid. This is mostly obvious when results are compared with the Europeanization of the CEE countries, as did Schimelfenning and Sedelmaier (2005).

What the alternative Balkanization pattern proved to international actors is that state-building must be understood as a continuous process which is non-linear and asymmetrical. State-building is rooted in the history of a state and it constitutes an ongoing process of change and institutionalization relevant to all actors involved: periods of achievement are followed by periods of setback because social actors need to negotiate their place in society and giving them a certain 'place' is not a viable solution for democratic state-building, even if it is cost-effective. There is rarely a neat symmetry in state-society relations between social expectations and state capacity or will. State-building in post-conflict areas is therefore a process of continuous negotiation of values and sometimes of contestation and strife in order to reach equilibrium (legitimacy), especially in severely segregated communities as in our case study. State-building can never be just a technical process of transfer of rules as the realist view of Europeanization asserts. Balkanization may be therefore understood in this context as a plea for a 'non-universal' model of state-building because the legitimacy of the state must be built on the values of local actors. Balkanization as a local state-building pattern should therefore be understood as the reaction of a local community wishing to define *itself* when the *other*

ignores its existence. The 'narcissisms of difference' (Freud) typical for the late evolution of the WB do not occur in any context, but they stem out of a profound symbolical tension, when *the self* feels that it can express itself only by showing its particularities violently contrasting with *the other*.

Conclusions

Even though there were plenty of other international actors involved in peace keeping after the dissolution of Yugoslavia, the EU was accepted by both international and local actors as the most significant integrating catalyst for the WB, especially after the Thessaloniki Summit in 2003, when the enlargement agenda for the WB countries was launched. This has proved from the beginning to be a sort of over-estimation of the EU's capabilities for restructuring this post-conflict region. The so-called 'conditionality-led enlargement strategy' of the EU in the WB subsequently played the roles of conflict resolution strategy and post-conflict democratization with external aid at the same time. The 'dilemma of simultaneity' in external influences of state-building coincides with an internal dilemma, which gives rise to the complexity of this case study and strives for a more in-depth theoretical and empirical approach. The present article tries only to sketch a theoretical scheme of analysis that is worth testing in future empirical research in each WB country.

As this article has shown, in the WB the authority of governing institutions is very much challenged by the actors themselves, being at the same time subject to very strong external influences, creating a mix between local and global forces for change. This 'lack of social ownership' of the problem solving capacity of the main democratic institutions has a detrimental effect on acceptance by the local population, and thus on the functioning of the state, which degenerates into the failure of 'state-building'. The main obstacle for successful state-building in the WB is the lack of identification between state and society. The poor performance of state and local institutions originates in the lack of legitimacy the Europeanization pattern had in the first place. The estrangement between political elites and citizens and the interplay between internal and external factors are two of the main challenges for Europeanization in the WB. This makes citizens act against the political community, producing fragmentation rather than cooperation. A low degree of

accountability both before their own citizens and before the EU is part of the uniqueness of WB states.

In this context, the conclusions will focus on the idea that neither the Balkanization nor the Europeanization pattern fully succeeded in determining a successful state-building model in the WB, the result being a strange combination of the two. The main argument is that the logic of qualification for EU membership certainly failed to overpower domestic political forces with very different agendas creating a competition between these two state-building patterns – Balkanization vs. Europeanization. The result was the distortion of state-building and the delay of EU integration and stability in the region. Constructivism underlines in this context that rules are not reducible to the meanings that individuals attach to them; they also exist in the shared meanings of their users and are reproduced through their social practices. This shared view towards the proper pattern for state-building created the 'Balkanization of the Europeanization process'.

Comparing local and international patterns of development, we can easily observe that the 'exogenous' understanding of state-building is in direct relation with the principles of globalization (based on transnational interactions and international standardization and coinciding with what was later called 'Europeanization'), whereas the 'endogenous' model promotes the full empowerment of each local actor in state-building, which is seen as an intimate and unique process coming from society, which cannot follow other examples (Balkanization). What the constructivist perspective brought to this debate was that actors and structures constitute each other through a transformative logic of interactions mostly visible in identity-building. The international state-building model employed in the WB must therefore be understood also as a symbolic process with two actors involved in a 'give and take relationship'. Looking at the constitutive moment for EU-WB relations, we must observe the assumptions that participants hold about interacting with *the other* and analyse the so called 'status-quo bias' that actors use when restructuring a post-war society (this is the basis for process-tracing qualitative research of this subject).

Another important conclusion of this theoretical application is that Balkanization needs to be understood outside the dialectical perspective which positions it negatively, as Balkanization is not necessarily the opposite of Europeanization. Some authors use this opposition in order to explain the EU's failure in state-building by making only the WB accountable for the results. I have tried to

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argue that both Europeanization and Balkanization are ideal types, so they may serve only as theoretical standards of analysis, but they do not exist in reality as they have been described. Any analysis which uses them as explanatory categories with axiological implications (one positive, the other negative) commits a methodological mistake: it mixes the descriptive with the normative dimensions of state-building.
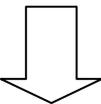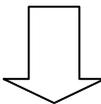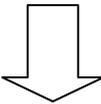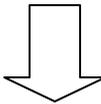
Using a constructivist scheme of explanation, this article has emphasized the idea that the EU's impact in the WB does not (only) depend on constellations of domestic material interest, but on the extent to which there is a 'cultural match' or 'resonance' between EU demands and domestic rules and political discourses. It has revealed that the EU puts a lot of stress on formal development criteria, losing sight of the contextual elements which hinder Europeanization in the WB (Table 1). Moreover, the article has focused on showing that state-building is not a linear process. The lack of uniformity in applying rules, the differentiations of rhythm of implementation and level of commitment may explain the nonlinear feature of Europeanization itself, which is profoundly challenged in the WB area. The reaction of the EU towards this reality was the creation of a country-by-country assessment of development towards fulfilling the conditionality inside tailor-made Strategy Papers.

It is therefore important for international actors to use state-building to assess how things 'are' in the Balkans, rather than how development dogma or EU conditionality tell us they should be. The main lesson which should be taken from the WB is that identity matters in state-building. This complex experience of state-building with the WB should cause the EU to question its own normative concept of Europeanization, which proves to be a 'reified concept'. The 'identity blindness' feature of Europeanization strategies created violent reactions in the case of newly independent WB states. This was a way of defining the s*elf* aggressively only against the *other*, not the essence of, but a distortion of Balkanization, the local reaction to globalization forces. In the past decade of state-building efforts, the EU has acted as if Europeanization was 'the only game in town' for the WB, in order to programmatically 'avoid' Balkanization and its negative implications. I have tried to argue that this strategy worked actually as an incentive for the Balkanization pattern to become manifest. The antagonistic approach that opposes Europeanization to Balkanization (comprised in Table 1) creates no room for communication between the two patterns and distorts the social reality of the WB. By accepting the concept of 'Balkanization of the Europeanization process' (formulated in this paper) the two actors

can employ a dialogical and dialectical approach that would allow an in-depth understanding of each position. Such a theory has a better chance of grasping the uniqueness of the WB state-building experience. This idea, when emphasized in a future empirical study, will prove to have profound implications for policy makers now active in the region. In order to identify whether this model of explanation is applicable to all WB countries and how it relates to each country's specificity, future research will be carried out with the aim of empirical validation of all these theoretical assumptions.

Table 1 Edited by the author

Symbolical process	STATE-BUILDING		Technical process
	1. The Balkanization pattern	**2. The Europeanization pattern**	
	Nation-building (Ethnic approach) ⬇	Institution-building (Civic approach) ⬇	
	Identity-building (fragmentation) ⬇	Peace-building (cooperation) ⬇	
	High expectations from **exogenous** factors ⬇	High expectations from **endogenous** factors ⬇	
	'Euro-scepticism'	'Balkan-scepticism'	
⬇			
'Balkanization of the Europeanization process'			
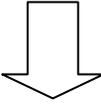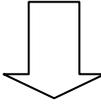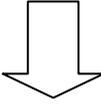
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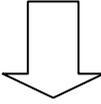
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Dissolution, War, Sanctions And State-Building In The Post-Yugoslav Region

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Abstract: The intervening influence of state-dissolution, war and international sanctions on processes of state-(re)building is examined in this paper. It is argued that the influence was corrosive and that it was largely transmitted by undermining formal state institutions and weakening the rule of law. The paper identifies some of the mechanisms of this corrosive influence but does not seek to fully explain post-Yugoslav state-building strategies. Instead it seeks to illustrate the usefulness of the state-building paradigm in post-communist studies both theoretically, and by situating two brief case studies (of Croatia and Serbia) within the larger comparative perspective of state-building in the post-communist region.

Key words: state-building, post-communism, institutions, Yugoslavia, Serbia, Croatia, state-dissolution, war, international sanctions, rule of law.

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The literature on the post-Yugoslav space has focused on exploring various aspects of the appalling course of the wars of dissolution, and their consequences for the Yugoslav legacy, and on conceptualising the ethnic-nationalism believed to be responsible for those wars. However, in doing this, the literature has often missed the point that these societies underwent large-scale political and economic transformations simultaneous with *and* endogenous to the armed conflicts that they were engaged in.

The focus on war and nationalism is not mistaken but is too limited, and neglect of these factors' interaction with political and economic transition can lead to a failure to appreciate important elements of the narratives of war and nationalism. The broader litera-

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ture on post-communist transformation argues correctly that the war makes special cases of the post-Yugoslav states, but has often failed to fully describe this divergence, or explain it. This paper should be seen as an attempt to bridge this gap[2] by looking into the institutional dynamics of post-Yugoslav state-building, rather than by revisiting more familiar aspects of state-building such as the territories of states or ethnically defined populations.

This paper has three sections. First, I will make the case for reconceptualising processes of post-communist political and economic transition as processes of state-(re)building. Second, I will build on the exposition by Anna Grzymala-Busse and Pauline Jones-Luong (2002) (hereinafter: AGB and PJL) of the main factors likely to have influenced any particular state-(re)building strategy in the post-communist period. Third, I will make several hypotheses about the intervening influence that state-dissolution, war and international sanctions (hereinafter: the DWS complex) have had on the effects of the factors AGB and PJL identify. I will do this by focusing on the cases of Croatia and Serbia, and showing that the DWS complex had the effect of strengthening informal institutions and weakening the inherited formal institutions in the two states.

In this paper I do not argue that the particularities of post-Yugoslav state-building were caused primarily by state-dissolution, war and international sanctions. To make that claim, one would need to first make a plausible counter-factual argument that, in the absence of at least some of these intervening variables, the state-building strategies used by post-communist elites in former Yugoslavia would have been markedly different. Examination of this claim, however, falls well beyond the intentions of this paper. This paper is written with two more modest goals in mind. First, to show the analytic utility of using a state-building paradigm in examining post-Yugoslav and other post-communist cases of transformation. Second, to uncover some of the mechanisms through which the DWS complex may influence the state-building processes.

Transition as state-building

Two famous scholars of transition expressed the scholarly consensus of the early days of post-communist studies when they wrote that 'questions regarding stateness are irrelevant to political transitions that occur within established nation-states or state-nations.'

(Linz and Stepan 1996) This conclusion has since been rigorously questioned for reducing the state-building research agenda to a mere focus on modern nationalisms. (Ganev: 2001a, 2001b, 2005)

Indeed, amidst the rapidly and comprehensively evolving setting of post-communism it seems highly unlikely that the very basic institutional rules of the game could be safely reduced to a neutral background of transitions of political regime and economy. Using the succinct definition provided by AGB and PJL (2002: 531), if we see the process of state formation as 'elite competition over the authority to create the structural framework through which policies are made and enforced,' it seems that state transformation was to a considerable extent endogenous to the comprehensive struggle between the competing political interests and strategies of post-communist actors.

Early modern elites, spurred by exogenous pressure from the increasing cost of waging war, had to devise a strategy for efficiently and legitimately extracting resources from society. In pursuing this goal they, often unintentionally, created state institutions. (Tilly 1992) Post-communist elites, undertaking a more or less radical overhaul of the system, faced a similar, but in a sense the opposite, challenge of extracting resources, not from society, but primarily from the state. (Ganev 2005) Communism had already accumulated most resources within the state, leaving societies rather weak. (Howard 2003)

In choosing optimal extraction strategies, post-communist elites are empowered or constrained by the specificities of different communist legacies. Post-communist state-building is perhaps better seen as state-rebuilding, in which some institutions are strategically supported or created, while others are intentionally weakened or abolished in order to enable the extraction of resources. Moreover, far from the stereotypical picture of an ever-present monolithic structure, communist states exhibited significant variance within the broadly similar pattern of single party rule. For instance, one of the legacies of Yugoslavia's relatively liberal communism, relevant to the theme of this paper, was the greater amount of resources in the hands of citizens. Yugoslav citizens could engage in some private enterprise, many received remittances from relatives working in the West, and the system of self-governing enterprises discouraged investment and favoured salaries.

Twenty years after the initiation of 'transition', the post-communist region exhibits a bewildering variety of outcomes. At one pole there are states which have emerged as strong, liberal and market

[3] This paragraph has some characteristics which overlap with a stream of literature critical of the policy discourses of international developmental aid and new humanitarianism (e.g. Duffield 2001). What these perspectives share is their ambition to analyse the really existing social and political processes in 'deviant cases', instead of simply classifying them as *not-yet* liberal, developed, secure, etc. From this shared ambition comes a shared interest in issues such as the political economy of armed conflict, or the privatization of security. However, beyond these similarities, a number of differences emerge. Foremost, the critical-developmental paradigm over-emphasises the historical distinctiveness of 'new wars' (c.f. Kalyvas 2001). This leads it to explain the variety of state-transformation trajectories as being caused by the variety of available models of integration into a (supposedly similarly distinctive) globalised phase of capitalism. In my view, the state-(re)building perspective, by seeking causes of the different trajectories mainly in the domestic arena, offers less broad-brushed and thus more testable theoretical propositions. Still, I thank one anonymous reviewer for pushing me to go beyond my comparative politics comfort zone to engage this interesting critical stream of literature in developmental studies.

democracies with a reasonable record of the rule of law, integrated into the European and world economy. At the other pole, we have weak, corrupt states based on networks of clan identities and/or political patronage, with consolidated or unconsolidated authoritarian regimes. In fact, the very idea that the last twenty years of developments in the states near this second pole can be reasonably conceptualised as cases of protracted democratic or market transition has come, rightly, under increasing doubt. (Carothers 2002; Levitsky and Way 2010) Thus another advantage of the state-building perspective is that it can provide a conceptual framework for accommodating differences in processes and outcomes in a way that retains the usefulness of intra-regional comparison.[3]

These years have been anything but boring or un-transformative in the post-communist region – coloured revolutions, civil and ethnic strife, economic collapses, and the emergence and sometimes the fall of economic oligarchies – the region has been strikingly eventful. The state-(re)building paradigm offers the prospect of conceptualising these changes without implying any preordained teleology. Instead, a relatively straightforward transition to state institutions favouring liberal democracy and a market economy is conceptualised as one of several possible state-building outcomes and rendered comparable with other, different post-communist trajectories.

Causes of state-building strategies in post-communism

The usefulness of the state-building paradigm can only be justified if it can help explain the strange mixture of similarity and divergence in the post-communist region. That is, if it can sort out the constraints and incentives that caused different state-building outcomes, despite apparent initial similarities. (Bunce 1999: 20-37) In an early article on the state-building paradigm in the post-communist context AGB and PJL (2002: 537-546) tried to do precisely that by offering a legacy-based argument. Their comparative framework provides a way to situate Croatia and Serbia in a broader regional context of variable state-rebuilding trajectories, and thus offers a good starting point to explore how the intervening DWS might have affected the path-dependent trajectories of Croatia and Serbia.

Two specific traits of communist era institutional arrangements were crucially important, in the view of AGB and PJL, in shaping elite competition for post-communist state-building. First, the degree to which communism succeeded in blurring the boundary between state and society was negatively correlated with the

amount of communist era pluralism in society. More autonomous mobilization produced in turn more *representative* competition as competing post-communist elites sought to engage mobilized groups which could offer ready-made political resources. The type of mobilization (civic, economic, ethnic, etc.) did not matter in this respect. Where prior mobilization was largely absent, the pattern continued in the post-communist period, making state-building elite competition more *self-contained*.

Second, the presence of a central state apparatus – with post-communist elites already in its possession or available for capture – induced a pattern of more *formalised* competition. State institutions – such as parliaments, tax agencies, and local governments – were the main prize in political struggles. Formal institutions were used to formulate and implement policies making governance more codified, depersonalised and predictable. The two authors assert that, where these central state institutions were not available, informal institutions mattered more. *Informal* competition proceeded through channels which were discretionary, personalised and unaccountable. Rulers competed over existing networks based on clan or patronage or they sought to create them anew if they had time and resources.

Apart from the influence of legacy, AGB and PJL see post-communist state-building as influenced by the pace of transformation (with a more rapid pace favouring existing institutions) and the international context. They see the effect of the international system largely as a function of the pressure that the EU, NATO and other Western IOs exercised (or not) on states to adopt certain institutional models. However, the post-Yugoslav region was a special case in the 1990s as it was excluded from integration processes, but still had a strong international presence in the form of various peace-making initiatives and military interventions.

Combining the two criteria yields four ideal types of state-building pattern in the post-communist region. AGB and PJL do not systematically relate these models of state-building to different extraction strategies. Still, by extending their conception it is possible to make the connection to state-building strategies as a by-product of elites' extraction strategies. (Tilly 1992, Ganev 2005)

Where competition is representative and formal, a *democratic* state-building pattern emerges. Competing elites constrain eachother, thus they engage in building institutions that offer guarantees to the losing side. Extraction in these societies primarily occurs through formal tax collection agencies, so rulers have an incentive to provide public goods that will increase the tax base. If they fail

to deliver public goods, mobilized societal groups may switch their allegiance to their opponents. Central European states such as the Czech Republic, Hungary and Poland provide examples.

Where competition is self-contained but formal, an *autocratic* state-building pattern will dominate. Elites compete over formal institutions, but use them to monitor and coerce the population and deny their political rivals a fair playing field in the future. Elites seek to concentrate economic resources in the hands of the state or their political allies. Russia following Putin's successful consolidation of state power is the best example of this pattern.

Where competition is representative but informal, a *fractious* state-building model is the norm. Elites need to engage the population at large and there is usually some degree of genuine competition, since it is not easy to marginalize an already mobilized society. However, since informal institutions are prevalent, political strategies largely rely on building patronage networks which deliver targeted goods to supportive constituencies. To extract the resources needed to build and preserve patronage networks, elites strategically weaken the rule of law, allowing rent-seeking, crony privatizations and resource stripping of enterprises. The formal institutions of classical European state-building, such as 'the extensive bureaucracy of fiscal surveillance, and the representation of wronged interests via petition and parliament,'[4] (Tilly, 1985: 185) remain underdeveloped empty shells. Examples are Russia in the 1990s, Georgia, and as I shall argue in more detail, Croatia and Serbia.

Where competition is self-contained and informal, *personalistic* state-building prevails. Formal institutions do not have the legitimacy to command popular consent, nor do they have the capacity for full-scale monitoring and control of the population. Instead, the entire system consists of personalistic patronage networks reliant on buying off allies and coercing occasional pockets of organized opposition. The scope of overall state presence is likely to remain modest. Examples are Azerbaijan, the Central Asian states, and possibly Albania.

Post-Yugoslav intervening variables

In this section I examine the mechanisms through which state dissolution, war and international sanctions (the DWS complex) influenced state-building processes in Croatia and Yugoslavia. As noted before, my aim is not to be comprehensive or systematic

[4] Remarkably, the third building block of modern European statehood – 'the relative subordination of military power to civilian control' – remained largely in place throughout the post-communist region. However, while autonomous political initiatives by the military did not materialise, many post-communist states had more trouble controlling their intelligence agencies.

about the *relative* importance of the DWS complex in causing the actual outcomes in the two cases. Rather, I am interested here in shedding more light on the neglected mechanisms through which the DWS complex influenced state-building and in identifying the general tendency of this influence, which I claim has been to undermine formal state institutions and to encourage competition via informal channels. A comprehensive assessment of all the variables and a more systematic test of the findings must be set aside for a longer research project.

Compared to other communist era legacies, Yugoslav communism bequeathed a relatively pluralistic society, (Linz and Stepan 1996; Dragovic-Soso 2002) which made its subsequent competition pattern unmistakably representative. The mobilization of society against a particular communist nomenklatura happened somewhat earlier in Serbia than in the other communist countries (Vladisavljević 2008). This mobilization partially contributed to reactive or supportive mobilization of societies in other republics, including Croatian society. (Gagnon 2004; Dragovic-Soso 2002) The first multi-party elections held in Yugoslav republics in 1990 were genuinely competitive affairs in which old and new elites competed for the support of broad segments of the population.

To some extent, ethnic violence in the Yugoslav wars served the regimes elected by popular support by reducing citizens' mobilization. (Gordy 1999; Gagnon 2004) The regimes in Croatia and Serbia tried to silence opponents by labelling them as traitors to the national cause. However, as seen in the rather disruptive street protests in Serbia in the early 1990s, this method of silencing the opposition was only partially successful. It may have had more success in Croatia, where the effects of war were felt more directly. Mass protests by the opposition were not only absent from Croatian politics in the early 1990s, but the need to fight a war to re-establish full territorial control also motivated several important opposition parties and figures to support the HDZ dominated government during the periods of conflict. Finally, the HDZ used the euphoria following the victorious end to the war in Croatia to call an early election in 1996, securing its biggest ever electoral victory. (Kasapović 2001)

In any case, competitive, if not always fair, elections early on became the only viable way of legitimising control of the government in both Croatia and Serbia. Apart from continuously mobilized domestic constituencies, the international focus on electoral

rules also facilitated the emergence of representative elite competition. (Levitsky and Way 2010: 17-20)

The picture becomes more complicated when it comes to what the legacy of Yugoslav communism meant for the availability of the central state apparatus. Formally speaking, none of the newly created states could use the *central* state apparatus to govern itself within its new boundaries. Even Serbia and Montenegro, as AGB and PJL (2002: 546) note, did not have any ready-made state institutions designed to govern their and only their joint affairs. This formal observation enables AGB and PJL to fit the fractious state-building patterns of Croatia and Serbia into their explanatory matrix. However, if the two authors' knowledge of the Yugoslav political system were slightly more contextualised, it would be apparent that the unusually high degree of devolution in the Yugoslav quasi-confederation actually provided all republics with institutions which were easily convertible into sovereign state institutions.

Yugoslav republics had their own police and intelligence services, their own economic policies, including fiscal and even monetary authorities. They had their own republican citizenship that could be used as the basis for registering nationals, they had their own parliaments, governments and judicial systems, supreme and constitutional courts included. Serbia and Montenegro, far from having to create federal institutions from scratch in fact inherited most of the federal structures. If anything they were over-endowed with federal administration as they inherited a system designed to govern a country twice the size. Serbia and Montenegro also retained most of the resources of the former Yugoslav National Army which was converted into the army of the new Yugoslavia. More or less the only sinews of an independent state that Croatia and the other republics had to create anew were their own national armies.

However, creating national armies was a momentous challenge. The new Croatian government started preparations for this months before its official declaration of independence in June 1991. Three things were essential to this task – arms, money for arms and training. Routes that the faltering Croatian state was able to use in its early days to obtain each of these three resources speak directly to the analytical task of this paper. Prompted at least in part by the necessities of the DWS complex, the routes taken resulted in the undermining of existing formal institutions.

First, as usual, came money. As Croatia was still part of Yugoslavia when the ruling HDZ decided it needed more arms, it

could not utilise official channels to finance the acquisition. Such a move could have provoked a decisive reaction by the federal army, and it would probably have harmed the international standing of the new Croatian regime. Equally important, in the early days the HDZ's appeal in the eyes of many Croats was in its perceived moderate nationalism, and its pro-democratic and pro-western stances. (Silber 1993; Longo 2006) The HDZ turned instead to the well-off and staunchly nationalistic Croatian diaspora.

Unlike the Serbian diaspora which mainly consisted of migrant workers who had left Yugoslavia in the 1970s and early 1980s to seek employment, large parts of the Croatian Diaspora were political émigrés who had left the country after WWII. Tudjman himself visited the North American diaspora in 1989 and 1990, winning them over to his cause. (Naylor 2008: 340) It is indicative that his defence minister Gojko Šušak, one of his closest political allies, came to that position from Ottawa, where he was a businessman and a prominent member of Canada's Croatian community.

Once clandestine funds were available and set up – often with the help of sympathetic or merely opportunistic banks in Austria[5] - the next step was to move into the black market in arms, which luckily had been swollen at the time by the collapse of the Soviet Union. The need to purchase arms silently on the black market and smuggle them back into Yugoslavia provided an incentive for the emerging Croatian state to rely on people experienced in the clandestine economy. (Naylor 2008: 340-342)

Once the war in Yugoslavia actually started, things got doubly difficult. The UN SC declared an arms embargo which increased the importance of clandestine and criminalized financial and smuggling networks. The relative sympathy that many neighbouring states had for the Croatian cause, along with its long and porous coastal border, somewhat reduced the costs of arms smuggling, but they could hardly offset the startling financial problems that the new Croatian state faced from the devastation of war, lost tourist revenue, and the simple fact of state and market dissolution. (Bartlett 2008: 21-22)

Finally, the government needed to turn poorly trained units into a capable fighting army. The initial expertise came, at least in part, from murky personalities such as former French legionary and international mercenary Ante Gotovina. More decisive training was provided in 1994 by a private US military company staffed by former US generals, and supported, at least tacitly, by the US government of the time. In the words of Richard Holbrooke (1999: 73),

[5] Some of these connections, showing remarkable persistence, were recently confirmed by revelations about the Croatian political elite's links to the shady business operations of Hypo-Alpe-Adria banks. (see more at: http://www.jutarnji.hr/search.do?timePeriod=-1&publishDate=&newPhrase=&publicationId=1&searchString=ivo+sander&sortString=by_date_desc&includeCategoryId=1389)

the US needed Croatia as its 'junkyard dogs' to balance Serbian military domination which was obstructing prospects for peace. This necessity, however, reduced the international salience of authoritarian practices in Croatia, practices which continued and became increasingly harsh and personalistic toward the end of the decade. (Fisher 2006; Longo 2006)

The Serbian case is arguably even more dramatic. The FR Yugoslavia, of which Serbia was the predominant member, inherited the majority of the federal army with its arms production facilities. In fact, even during full scale military and economic sanctions against rump Yugoslavia, the country continued to export arms on the black market to friendly regimes in Iraq and Libya. (Naylor 2008: 337-338)

However, in order to import almost anything else, the country had to use criminalized routes similar to those which Croatia used to import arms. Embargo busting, sponsored and controlled by the state, was especially critical in smuggling strategically important oil. It also became very lucrative for both representatives of the state and private individuals who had the means and permission to take part in the trade. Similarly to the Croatian case, sympathetic neighbouring countries such as Macedonia and Romania facilitated the smuggling, also taking their slice of the cake. International organized crime, having the know-how the government needed, seized the opportunity. In return, the government could offer a safe-haven for the expansion of criminal activities. Serbia and Montenegro thus became one of the prime sources of counterfeit cigarettes in Europe. (Naylor 2008: 352-363) Mihalj Kertes, director of the Serbian Border Agency, became one of the most trusted and influential members of the regime's inner circle after he proved that he could successfully turn the usual legal tasks of a border agency on their head.

Similarly, the government's policy of helping the Serbian statelets in Bosnia and Croatia, while simultaneously denying any official involvement in the wars, increased the salience of organising paramilitary units led by international gangsters such as the notorious Željko Ražnatović (or Arkan). These units may have acted with relative autonomy at some times, but their creation and initial power was to a large extent the work of Serbian intelligence czar Jovica Stanišić and his deputy Franko Simatović. (Švarm 2006) These war profiteers soon used the immunity from the law granted to them by the state to engage in private entrepreneurship.

The effects of state-dissolution, war and economic sanctions crippled Serbia's economy. Especially pressing was the scarcity of

the hard currency needed to trade on the international black markets. (Bartlett 42-44) The Serbian regime tried at first to use its early popularity to encourage the population to lend money voluntarily to the state. However, the Loan to Reinvigorate Serbia produced very slim results despite an aggressive media campaign. (Dinkić 1996: 80-84) Milošević's commitment to preserving socialist era employment meant that the regime was very limited in its ability to garner money through privatization. In any event, international isolation further limited sources of investment.

After the war had commenced, the regime turned to less voluntary and more informal means of extracting resources from society. State-sponsored pyramid banks and carefully managed hyperinflation served these purposes. Serbia experienced large scale redistribution of financial resources, but this redistribution happened almost exclusively through informal channels. (Dinkić 1996)

To summarise, various incentives and constraints related to state-dissolution, war and international sanctions led political elites in Croatia and Serbia to rely increasingly on informal and often even criminalized channels of resource extraction and policy implementation. To enable these channels to function, the two states had to strategically weaken and subvert many formal state institutions such as central banks, fiscal authorities, the judiciary, customs, the criminal police, etc. This all led to the emergence of a political, economic and security elite which was highly skilled and motivated in undermining and bypassing formal institutions. As noted elsewhere, in the absence of the rule of law, elites had all the necessary incentives to strip and rob as many resources as possible before political change could occur. (Hoff and Stiglitz 2004) Moreover, once political fortunes did change in both Croatia and Serbia in 2000, those same elites had a strong incentive to look for ways to co-opt the new governments in rent-seeking practices which undermined the emergence of accountable and formalised state institutions. (Gould and Sickner 2008)

More thorough research is needed in order to isolate the causal effects of the DWS complex from the effect of the legacies of informality in the Yugoslav communist system. Only by isolating the specific effects of DSW is a more systematic testing of the hypotheses suggested here possible. However, this paper has tried to identify the mechanisms and general corruptive tendency of the effects that state-dissolution, war and international sanctions had on state-(re)building processes in the post-Yugoslav context.

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'Right-Sizing' and 'Right-Peopling' the State in the Post-Yugoslav Space

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Abstract

Since the late 1980s, state-building has been the central feature of politics in the Western Balkans. This paper suggests that, when considering why both local and transnational stakeholders have been using, or condoning the results of, brutal policies aimed at moving people and borders, account must be taken of the endurance of ethnic diversity-related challenges to the functioning of the democratic state. In this context, the impact of globalization processes and globalization-related discourses in mediating and hiding both the challenges to and the nature of various policies employed in dealing with them is considered. The author suggests that various human rights-related discourses have often effectively obscured the fact that state-building in the Western Balkans has been tilted towards creating 'viable' majority-nation states. At times this has amounted to lending legitimacy to various minority-destroying policies. In this context the paper examines the responses and involvement of the international community in state-building in the region. Finally, focusing on post-war Bosnia and Herzegovina, the author considers the prospects for further violent reshaping of the post-Yugoslav states.

Keywords: state-building, multi-ethnic states, Western Balkans, Bosnia and Herzegovina, Western Europe, Sub-Saharan Africa, 'ethnic cleansing', democracy.

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I will try to point out some relevant and, in my opinion, often neglected frameworks for better understanding of state-building in the former Yugoslavia over the last two decades. The starting point will

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be the resilience of challenges posed by ethnic diversity to the functioning, development and strength of the state. In this context I will stress that the globalization of democracy, human rights and 'transitional justice' has influenced the 'right-sizing' of the state, defined as the 'politics of moving borders' and primarily understood in terms of 'the preferences of political agents at the centre of existing regimes to have what they regard as appropriate external and internal territorial borders.' (O'Leary 2004a, p. 2) These global processes have been accompanied by the growth of related activist discourses and the empowerment of various entrepreneurs interested in the promotion of human rights, tolerance and coexistence. I will try to suggest that in the Western Balkans this activism has often been deployed not to strengthen and reaffirm the viability of inclusive ethnically diverse states, but to justify outcomes that, in reality, validate various oppressive, violent and criminal state-building strategies.

Within post-Yugoslav states this apparent paradox has often been attributed to the supposed conspiratorial policies, 'civilizational' biases, self-centeredness or hypocrisy of Western and transnational actors. However, I will try to suggest that the explanation should for the most part be sought in the implications, strength and durability of ethnic diversity-related challenges to state-building in the European context. This is why I will be making references to early modern and modern state-building in Western Europe, focused on challenges related to linguistic diversity. I will also be referring to Africa for two important reasons. First, I think that analysis of state-building in the era of globalization calls for scrutiny of the experiences of the Sub-Saharan region, the site of the most massive state-building enterprise in recent history. Second, state-builders in this highly ethnically heterogeneous region[2] have confronted many predicaments comparable to those noted in the Western Balkans.

Since the very beginning of the Yugoslav crisis, 'right-sizing' efforts have been central to both local and transnational actors' quests for 'lasting' solutions to intrastate or regional problems that have often been seen in black-and-white, urgent and fatalistic terms. The real differences among the variety of stakeholders in the Western Balkans have primarily been in the historical, moral and ideological underpinnings of various actions that were deemed 'adequate' or 'necessary' to 'right-size' a state. Although their policies simultaneously exhibited a perplexing array of local and global concerns, some issues related to globalization have, in my opinion, often been neglected or addressed selectively.

There has been a strong tendency to reduce the global dimensions of the Yugoslav break-up to great power politics, organized crime or

[2] Of 48 Sub-Saharan countries, only three are relatively ethnically homogenous: Somalia, Botswana and Lesotho.

issues related to either universal or 'universalized' Western norms, ideas and values. Local agency has often been viewed and understood too narrowly, exhibiting strong bias towards either the role of individuals or ethnocentric interpretations, primarily through stressing national histories and culturally ('nationally') specific factors. Nationalist leaders and their complex agendas have habitually been reduced to aspects identified as criminal, chauvinistic, irrational, retrograde, anti-modern or pathological.

However, an important motive for the nationalist local elites who played a key role in the 1990s, and who still exert huge influence in the region, was how best to respond to the challenges posed to 'the nation' by modernization and globalization. Their state-building policies should be examined with regard to the viability and endurance of various impediments to the functioning and development of the multi-ethnic state.[3] The same approach should be applied to analysis of the ways in which the 'international community', often nothing but a byword for the West, got involved in or responded to the crisis of the multi-ethnic state in the Western Balkans.

Globalization, and various aspects of modernization and technological development, did not eliminate or significantly alter the nature of these challenges, although globalization impacted on state building in multi-ethnic states in various important ways. For example, it allowed for some serious and potentially paralyzing obstacles to the functioning and development of an inclusive and non-discriminatory multi-ethnic state to be more effectively mediated. Moreover, the de-legitimization of many violent and coercive strategies and policies aimed at 'right-sizing' a multi-ethnic state has been part and parcel of globalization.[4] Various 'institutional innovations' have been woven into a huge 'machinery of democratic transitions' to encourage non-violent consolidation of states, among other things. (Bayart 2007, p.12) Globalization of human rights and justice (epitomized by the establishment of the International Criminal Court) and the related redefinition of state sovereignty, expressed in the responsibility to protect norm (R2P), has played an important role in this process.

Consequently, contemporary state-builders and 'state-managers' have at their disposal severely limited nation-building tools deemed legitimate or legal. Regardless, the past two decades of intensive and violent state building in the Western Balkans, coupled with some even more troubling developments in Sub-Saharan Africa, demonstrate that many actors, both local and transnational, have kept using or giving legitimacy to the use of organized state violence and targeted legal gimmicks in pursuit of various 'right-sizing' strategies in war-torn, dysfunctional or potentially destabilizing heterogeneous states.

[3] In the context of this paper it might be more appropriate to call them 'multinational states'. But I will stick to the term used more widely in Serbia. It is also worth noting that very few states are 'mono-ethnic' (or 'mono-national') and the criteria used to define what exactly constitutes either a 'single nation-state' or multi-ethnic state remains somewhat subjective. A statistical approach to this issue proved to be insufficient.

[4] O'Leary states that agents and 'state-managers' can attempt to 'right-size' a state in five different ways: '(1) "up-size" through takeovers; (2) stabilize their borders; (3) "down-size" through reducing their territories; (4) ally – while retaining their former spatial configuration within federalizing or confederalizing unions; or lastly (5) merge – through assimilationist or integrationist unification or reunification, which may be thought of as "upsizing by consent".' (2004, p. 2)

Later in this paper I will suggest some reasons why there has been a tendency to use both violent and highly discriminatory 'administrative' policies.

'Right-sizing' has as a rule been closely associated with the idea of the 'right-peopling' of the state – 'the relationships between borders and peoples are profoundly interdependent' (O'Leary 2004b, p. 15). Strong rhetoric and the recently developed practice[5] of democratic and inclusive multi-ethnic states in the West may obscure the pivotal role that war making, coercive policies and various legal and administrative schemes aimed at eliminating or managing linguistic and other diversity played in the building and development of most modern North Atlantic states, long after the series of wars of religion in Europe had ended in 1648. The horrors of the two World Wars further obscured how 'the incomplete nation-state' (James 2000, p. 88) in Western Europe was systematically made more homogenous, and often monolingual,[6] over the previous 250 years.[7] In his analysis of states in postcolonial Sub-Saharan Africa, David D. Laitin directly links the viability and success of state building in the West with the brutal 'nation-building policies available to the monarchs in the early modern period.' He stresses that such policies 'are not available to leaders today' and that 'this made the world more peaceful, but it may also have made state building in the postcolonial era a more difficult process.' (Laitin 1992, p. xi)

One reason why the Balkans has acquired an image with such strong negative connotations throughout the world, with the word 'balkanization' simultaneously equated with seemingly endless fragmentation ('right-sizing' the state) and brutal homogenization of the population ('right-peopling' through 'ethnic cleansing' and genocide),[8] is that it has been easy to overlook how 'a common national language and culture' that we 'now take for granted' was established in many Western states, both in Europe and in the 'New World'. (Berman et al. 2004, p. 17) Will Kymlicka writes that state building in the West was essentially 'majority nation-building' that 'typically meant "minority nation-destroying": national minorities were often the first target of majority-nation building campaigns.' (2004, p. 65) This description of an integral part of the process that resulted in the creation of strong, stable and prosperous democratic states in Western Europe aptly summarizes the most horrific aspect of the history of nation-building in the Balkans over the past century.

Some of the similarities between the somewhat forgotten Western state-building 'original' and the belated Balkan 'replica' become more pronounced if we take into account 'the multifaceted crisis of development' of young African states and the 'challenges that ethnicity

[5] Until recently, inclusive multi-ethnic states were extremely rare in the West. For example, Kymlicka writes that 'at the beginning of the twentieth-century only Switzerland and Canada had adopted this combination of territorial autonomy and official language status for sub-state national groups.' (2005, p. 48)

[6] On the other hand, today 'in most African countries, the share of the population who do not speak the official language at home is over 90 percent.' (Easterly, Levine1997)

[7] 'French did not become the widespread national language it is today until the final third of the nineteenth century. As late as 1863, about a quarter of France's population spoke no French.' (Laitin 2007, p. 87), although Laitin writes that some West European rulers 'provided some tasty carrots along with their coercive sticks' to the minority populations which they aimed to assimilate. (2007, p. 84)

[8] O'Leary lists four 'domestic grand strategies' for 'right-peopling' a state: '(1) genocide; (2) ethnic expulsion; (3) territorial elimination, such as permitting secession, active decolonization or partition; and (4) political homogenization, in the form of integration – eliminating culture from the political domain by treating all as civic equals - or assimilation (encouraging acculturation and eventual fusion).' (2004b, p. 43)

[9] '[M]uch of the early nation-building literature either ignored ethnicity or conceived it, like other local and particularistic attachments, as progressively attenuated by the multiple solvents of modernity, in particular by such universalizing, homogenizing, and thereby nationalizing social forms and forces as markets, bureaucracies, armies, cities, school systems, transportation and communication networks, and so on.' (Brubaker 1996, p. 81)

[10] 'There is of course a large literature on ethnic nationalism; but it chiefly concerns polity-seeking nationalism, directed against the framework of existing states, rather than "nationalizing" nationalisms within the framework of an existing state.' (Brubaker 1996, p. 82)

[11] 'The average country has five ethnic groups larger than one percent of the population. In roughly 70 percent of countries a single ethnic group forms a population majority. Sub-Saharan Africa is the main exception to the rule.' (Pande 2008, p. 3162)

[12] Furthermore he suggests that '[i]t is clear that African leaders have yet to systematically develop a strategy of how to build nationalism in times of peace.' (Herbst 2000, p. 130)

[13] Easterly and Levine write that 'it is noteworthy that Botswana has one of the most ethnically homogenous populations in Africa and has adopted some of the best policies in Sub-Saharan Africa' and that '[i]n sum, ethnic diversity differences are important for explaining Africa's growth tragedy versus Asia's miracle.' (1997).

poses to democratic nation-building' and the constitution of civic society. (Berman et al. 2004, p. 1) Widespread state failure and weakness in postcolonial Sub-Saharan Africa, where states are as a rule far more diverse than in other parts of the world, has prompted authors like Kymlicka and Laitin to focus on the heterogeneity and diversity of the population when analysing the entirely different outcomes of state-building enterprises in Sub-Saharan Africa and the West.

The ethnic turn in analysis of nation-building[9] helped bring attention to the impact of 'the discrepancy in scale between political and ethno-cultural units' in state building projects, especially when it comes to establishing what has often been described as 'full national integration'.[10] This is most pronounced in 'highly poly-ethnic' postcolonial states in Sub-Saharan Africa where, unlike in Western Europe, it has been 'nearly impossible to equate, even approximately, an ethno-cultural group with a potentially sovereign "nation".' (Brubaker 1996, pp., 28, 64-65, 80-82)

Various authors have linked the exceptional[11] ethnic diversity and high ethnic fragmentation of Sub-Saharan Africa with a wide range of tragedies, failures and impediments to development, democratization and consolidation of the state. For example, Jeffrey Herbst writes that 'national identity remains highly problematic in many African countries' and that the 'leaders of these states do face a particularly difficult problem in promoting the identification of the nation with the state.' (2000, p. 130)[12] In trying to understand 'Africa's growth tragedy', William Easterly and Ross Levine used data from a 'broad cross-section of countries'[13] to show that 'besides being correlated with economic growth, greater ethnic diversity increases the likelihood of adopting poor policies and underproviding growth-enhancing public goods.' They state various examples of how 'ethnic divisions can foster growth retarding policies' and list evidence of an 'association between ethnic fragmentation' and a high level of corruption, uncoordinated rent-seeking and various forms of 'market repression' and distortion. (Easterly, Levine 1997)

Numerous challenges related to 'high ethnic fractionalization' were exacerbated in various ways in Sub-Saharan states that have been described as 'arbitrary' and 'artificial'.[14] For example, Claude Ake stresses that postcolonial African political leaders 'sought power by politicizing national, ethnic, and communal formations.' Once in office they 'manipulated ethnic and communal loyalties' and in doing so 'they weakened the solidarity of the people' in weak states with a weak material base. (Ake 1996, p. 5) [15]

Kymlicka reminds us that 'nation-building policies have been elite-initiated' but 'later became a passion for the masses.' Thus the inher-

ent link between democracy and 'populist pressure' should be kept in mind when one considers democratic state-building in both the Western Balkans and Sub-Saharan Africa, especially having in mind the huge difficulties of establishing or maintaining 'pan-ethnic', 'civic nationalism'. (Kymlicka 2004, p. 64) The globalization of democracy, the fact that 'more and more nations and groups are championing the idea of democracy' (Held 1997, p. 251), should be understood in a way that takes into account the fact that elections in multi-ethnic countries and regions often resemble censuses ('ethnic voting') and that politics in these areas tends to be reduced to an ethnic contest. The most vital, 'bread-and-butter issues' tend to get sidelined or ignored.

In the context of democratic state-building, both majority and minority nationalisms,[16] framed as either 'pre-emptive' or reactive, are susceptible to a violent turn. Thus 'right-peopling' as 'ethnic cleansing', a key feature in the Western Balkans in the 1990s, has often been conceptualized and implemented with the aim of securing electoral legitimacy in the future, or of establishing ethnic hegemony over a contested territory. This has been most pronounced in those states where the minority community can elevate its demands for collective rights to a struggle for autonomy of the territory it inhabits as the dominant, majority group. Violent 'right-peopling' has been a common response to one of the biggest challenges facing multi-ethnic states in both the Western Balkans and Sub-Saharan Africa: the 'proliferation of groups demanding possibly unending rights and resources' (Solway 2004, p. 134), or territorial autonomy, a claim that has often been a prelude for secessionist struggle. This has been a typical expression of the 'crisis of statehood' in both regions over the past two decades. (O'Leary 2004a, pp. 6-9)

Democracy has not been the only salient, but often ignored, factor increasing the temptation of various 'state-builders' (and 'state-stabilizers') to employ or consider 'population engineering'. A largely parallel, though somewhat longer-term development, has been, in the words of Mark W. Zacher, that 'the territorial integrity norm has emerged as a central pillar of the international order.' The boundaries of states have been made more inflexible. The abrupt end of colonialism in the early 1960s and the equally unexpected end of communism in the late 1980s have dumped a large number of new states into a global political order that requires borders to be simultaneously strong ('boundaries have not been frozen, but states have been effectively proscribed from altering them by force') and weak (not to 'separate peoples' but to 'bind them together'). (Zacher 2001, p. 246)

[14] Alesina, Easterly and Matuszeski define artificial states 'as those in which political borders do not coincide with a division of nationalities desired by the people on the ground.' They write that '[e]ighty percent of African borders follow latitudinal and longitudinal lines, and many scholars believe that such artificial (unnatural) borders, which create ethnically fragmented countries or, conversely, separate the same people into bordering countries, are at the root of Africa's economic tragedy.' (2006)

[15] Like many other authors, Ake, Herbst, Easterly and Levine often use 'Africa' and 'Sub-Saharan Africa' as synonyms.

[16] Brubaker makes a very useful distinction between 'the autonomist nationalisms of national minorities' and 'the "nationalizing" nationalisms of the new states in which they live,' whose claims, formulated by members of the ethnic majority group, have been 'made in the name of a "core nation" or nationality, defined in ethno-cultural terms, and sharply distinguished from the citizenry as a whole.' (1996, pp. 4-5)

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As a consequence, 'the contemporary period sees many more states – often very weak ones – whose borders are typically stable.' (Hironaka 2005, p. 2) In developing and underdeveloped regions we have been faced with a proliferation of weak states, 'never-ending wars' within states and long-lasting 'neither war nor peace' conditions. Potentially explosive chronic instability and problems in maintaining or establishing control and order have repeatedly tempted actors involved in weak and collapsing states with strong borders to search for solutions that would 'adjust' or 'remake' the population.

Paradoxically, discourses of protection of human rights and war crimes accountability, a mainstay of neo-liberal 'hyper-globalist' narratives, have occasionally been deployed to make the use and acceptance of the results of such state-building policies less transparent and thus more tolerable. The 'politics of naming' (Mamdani 2009, pp. 279-280), tying together concepts of individual guilt and collective responsibility[17] and other discourses of victimization related to war crimes and genocide,[18] have often been used to legitimize violent 'right-peopling' or obscure its inhumane nature, most successfully in cases where it affected the ethnic community of the 'main', most numerous or most notorious perpetrators.[19]

Global activist discourses and practices have been integral to various morally-charged 'politics of naming' and shaming and have been paramount for the success of highly selective liberal and 'cosmopolitan' interventionism. Unfortunately, they were not used solely to stop, and thus delegitimize, extreme violence or repression. At times these discourses have been employed to (re)frame ('rebrand') the excesses of one side and thus de facto legitimize selected criminal policies used to (re)build West Balkan states. For example, in Croatia internationally sanctioned 'right-peopling' through 'ethnic cleansing' took both a violent and, less horrifyingly but equally effectively, an administrative form – receiving only muted criticism.

The human cost of the wars in the post-Yugoslav space, the sense of urgency, the fear of various 'powder kegs' and a desire 'to put an end once and for all' to the Balkan crisis and its 'serial' humanitarian disasters were some of the reasons why local actors were not alone in implementing, advocating or tacitly accepting various violent or inhumane 'right-sizing' and 'right-peopling' policies and ideas. Western powers, often disguised as 'the international community', exhibited pragmatic, ambiguous and contradictory attitudes towards state-building in post-Yugoslav states. Although it is sometimes difficult to delineate territorial and population engineering, we can recognize three distinct Western responses to, and involvement in, recent state-building enterprises in the Western Balkans.

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[17] Though some authors and activists even suggest that it is legitimate to attribute collective guilt to members of an ethnic group.

[18] Witnessed recently in, among other states, Rwanda, DR Congo, Croatia, Bosnia, Serbia and Kosovo.

[19] E.g. Hutus in Rwanda or Serbs in Kosovo and Croatia.

The first, in the case of Serbia, involved internationally-sanctioned 'right-sizing' through the 'unfreezing' of the territorial integrity norm. The (non-)precedent of Kosovo is a rare recent example of the acceptance of non-consensual secession. The dubious claim that Kosovo does not set a precedent rests most strongly, as Charles King suggests, on two premises - neatly listed one after the other in the preamble to the Kosovo Declaration of Independence. The first is that 'Kosovo is a special case', i.e. 'a historic rarity' not related to any principle or idea regularly invoked in similar recent proclamations. (King 2010, p.127) The second is a reference to 'years of strife and violence in Kosovo, that disturbed the conscience of all civilized people', thus invoking human rights violations similar to those claimed by scores of ethnic groups and 'nations' throughout the world. (Republic of Kosovo Assembly 2008)

The second response is in evidence in Croatia where the West legitimized 'right-peopling' of the state through 'ethnic cleansing' in Krajina which 'paved the way for state consolidation.' (King 2010, p. 129) The 'international community' accepted the results of a set of violent and 'administrative' polices that effectively eliminated the possibility of a territorially-concentrated Serb minority ever elevating its requests for collective rights to demands for territorial autonomy. This sets a precedent for post WW2 Europe, in which 'right-peopling' has created a largely homogenous state which is extremely unlikely to ever again face internal 'right-sizing' pressures.

The third response, in the cases of Macedonia and Bosnia and Herzegovina, involved the 'international community' preventing a full-scale, state-wide implementation of a Western-style 'majority nation-building' strategy. In these two countries we are now faced with weak, divided and fragile states. Both experienced violent and inhumane 'right-peopling', but the 'right-sizing' was limited to the establishment of mostly 'clear', though often invisible,[20] internal boundaries. The eagerness of many ethnically-defined political parties and organizations to continue to pursue 'right-sizing', 'right-peopling' or both, has been made less transparent,[21] primarily due to direct Western involvement and victimization-related politicking.[22]

The three divergent Western responses have often been framed in the same way, suggesting old-style realpolitik, deeply-rooted biases and ideological underpinnings to the promotion of human rights, democracy and international criminal justice. Recent precedents[23] suggest that powerful Western actors might yet again be ready to accept ('reward') violent state-building and non-compliance with universal norms. Many ritual evocations of 'global' discourses of 'transitional justice', 'ending the culture of impunity', multi-ethnicity, civic

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[20] For example, the easiest to spot tell-tale signs of spatial divisions in clearly territorially-divided cities in Bosnia like Novi Travnik and Mostar, are the colours of street name plates and brands on shade sails in cafes, Bosnian Muslim-patronized places typically have 'Sarajevska' branded shades (after a Sarajevo bottled water manufacturer), while Croat-frequented locales often have 'Ožujsko' labelled shades (after a Croatian brewery). Occasional 'Heineken' shades make the exercise a little more troublesome. In divided places like Srebrenica and Stolac, where the spatial divisions are less clear and more fragmentary, identification is more complex and involves a different set of meanings.

[21] For example, it would require a remarkable level of ignorance of the situation in Macedonia to conclude that the name of the largest ethnic-Albanian party in the country, 'the Democratic Union for Integration', refers to the integration of Macedonia and not that of ethnic-Albanians living in various Balkan states.

[22] Most visible in the highly choreographed annual mass-burials of victims of the Srebrenica genocide, where even the suffering of Srebrenica's women, interested above all in 'closure' and burying their brutally slain men, has been extended for the sake of 'securing' publicity-attracting mass burials aimed primarily at helping to 'rebuild' Bosnia as a unitary, de-decentralized state. In fact, some women say openly that exhumations and identifications of bodies have been delayed to 'satisfy' the Bosniak leadership's political need to have a few hundred 'bodies' for burial each 11th July, and thus prolong the media saturated event. This is just an expression of a wider trend, initiated in the region by Slobodan Milošević in the late 1980s, when he successfully used the exhumation of WW2 mass graves to enflame ultranationalist and chauvinistic policies in Serb-populated areas. Meanwhile, proving that an act of genocide, or preferably several, was committed against one's own ethnic group has become a central feature of the Balkans' perverse necropolitical discourses and related ethnocentric state-building policies in the era of globalization. (Cirjaković 2009)

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[23] As King notes (2010, p. 129), '[t]he "Krajina precedent" may ultimately prove to be a more powerful model than the Kosovo one.' It seems that borders have become more 'sacred' and 'inviolable' than peoples.

[24] Often not reflected in the statistics, as in the case of property transactions and deals in Mostar and Skopje, leading to the homogenization of ethnic majorities on either side of boundaries designated (though somewhat inaccurately) by the rivers Neretva and Vardar respectively.

[25] In Bosnia 'minority returnees' have mostly been either very poor or elderly people, who remained attached to their property or were unable to adapt to life in cities controlled by their ethnic group after the end of the war.

[26] Since 2004, during frequent visits to Srebrenica, I have regularly asked inhabitants if they had drunk in a cafe owned by a member of the other ethnic group. Most said yes, but very few could say when the last time they actually did this was.

[27] Shkelzen Maliqi used this phrase to describe the existence of a 'substantially independent society' of ethnic-Albanians in Serb-run Kosovo. (Maliqi 1998, p.185) It aptly characterizes life in both Priština and other multi-ethnic towns in Kosovo before NATO's intervention in 1999, and in many cities in post-war Bosnia.

society and the like sound rather rhetorical or hypocritical. For example, for local leaders they have often served as useful, politically correct tools of delayed ('frozen') ethnocentric, 'majority nation-building'. The use of inclusive lingo cannot be taken as an indication that key local actors have full-heartedly accepted even the most desirable facets of the globalization of human rights. These are some of the reasons why the threat of further violent 'right-sizing' and 'right-peopling' remains palpable.

Still, the scope of diversity-related challenges and pressures faced by individual countries in the region has been significantly altered over the past two decades, especially in Serbia, Kosovo and Croatia where the West has largely been compliant in ethnocentric state building and rebuilding. Unlike Croatia, both Kosovo and Serbia still face chronically destabilizing internal 'right-sizing' and 'right-peopling' pressures - though in the case of Serbia they are somewhat reduced.

In Macedonia and Bosnia the threat of renewed conflict is far greater. Large parts of the population in both countries do not see the state as 'their own' and wave the flags, both literally and metaphorically, of neighbouring 'kin-states'. Violence has abated, but voluntary ethnically-motivated 'right-peopling' has continued in both countries,[24] while migrations indicating the reversal of 'ethnic cleansing' policies (what the UNHCR calls 'minority returns') have, as a rule, been either 'not satisfactory' (UN Security Council 2006) or have been met with a mix of hostility and ignorance by members of the dominant ethnic group in the area (either the pre-conflict majority or that created by 'ethnic cleansing').[25]

Even successful 'minority returns', those that have not been met with violence (or a new round of 'ethnic cleansing'), have often led to various forms of segregation and 'ghettoization'. As a rule, these returns should not be taken as a genuine departure from the logic that underpinned the violent war-time 'right peopling' of various state and sub-state entities in the post-Yugoslav space. They often merely transplanted the logic of ethnification to new, local or sub-local, levels.

The meaning of sub-local in this context can be illustrated by the example of a street in today's Srebrenica, where a 'Bosniak' grill typically stands next to a 'Serb' grocery standing in turn next to a 'Bosniak' cafe. These Bosniak (i.e. Bosnian Muslim) and Serb 'places' form two discontinuous, but clearly defined, spaces that are rarely 'trespassed'.[26] This form of sub-local, micro-, patchwork-like ethnic distancing and segregation can also be observed in cities other than Srebrenica since 1999, the year when considerable 'minority returns' started to take place in Bosnia. Such ethnically-based delineation of space results in the formation of 'separate worlds'[27] inhabited by

delinked, alienated communities living within the same city or the same neighbourhood. This form of opaque, non-spatially defined segregation and distancing has become entrenched outside Bosnia, and today it is almost synonymous with life in many multi-ethnic communities throughout former Yugoslavia.[28]

In some areas the divisions are more obvious and more clearly demarcated – turning these places into obvious targets for further 'right-sizing' of the state. In Mostar and Novi Travnik for example, Bosniaks and Croats inhabit separate spaces. The boundary dividing the two communities follows the November 1995 frontline and non-commerce related interactions between the two communities have remained exceptions which are merely tolerated.

The situation in Stolac, a Croat-run town in eastern Bosnia, is more complex – marked by divisions that fall somewhere in between the Srebrenica and Novi Travnik type. Spatial lines are more blurred than in Novi Travnik, but far more conspicuous than in Srebrenica. Bosniak returnees are largely concentrated in specific neighbourhoods. The town's high school is a 'double school', to use the odd, but perfectly adequate, colloquial designation. The school is, de facto, 'two schools under one roof' – with separate curricula for Bosniak and Croat children who attend school in the same building, but in two different shifts and using separate entrances. (Kaletovic, 2011) In addition, they walk to and from school on opposite sides of the riverside avenue, reducing the chance of any interaction (and thus confrontation) to a minimum. The example of Stolac aptly illustrates the situation in many other multi-ethnic towns throughout Bosnia with large 'returnee' populations, especially in the 'Croat-Muslim Federation', as the larger of the two entities constituting post-Dayton Bosnia is known.

Regardless of the type of spatial divisions, or of their transparency, relations in 'mixed towns'[29] have largely been reduced to those daily contacts which are unavoidable, and are, as a rule, widely resented by the dominant ('ruling') ethnic group in a given city.[30] Bosnia remains the weakest link in the Western Balkans – Europe's (unacknowledged) protectorate, a country 'not yet ready to take responsibility for its own affairs', a perceived Balkan version of an 'artificial state' which leaves many fearful of a possible 'Western withdrawal'. (Bancroft 2010) Fortunately 'the worst is not always certain to occur' and over time the 'spectre of a bloody dismemberment', which was palpable in various regions burdened by intensive and violent state-building in the nineties, 'seems to have receded.' But on the other hand, one should not forget that 'the Dayton accords diplomatically validated ethnic cleansing' and that 'a return to multicultural-

[28] It is also perceptible (though often not visible to outsiders) in various towns in Macedonia (Tetovo and Ohrid, among others) and in some cities in Serbia (Novi Pazar and Bujanovac, for example).

[29] Sadly, it would be rather fanciful to describe today's Sarajevo as a 'mixed' city. The once multi-ethnic capital of Bosnia has become a Bosniak town, with some Croats, Serbs and Jews living in it.

[30] Croats in the Stolac example and Serbs in the case of Srebrenica.

ism in Bosnia is now no more than a utopian goal and a dangerous one at that.' (Bayart 2005, p. 63)

The above-mentioned examples from Bosnia's divided, 'double towns' aptly illustrate the nature and embeddedness of diversity-related challenges throughout the region, in all 'mixed states' that still have to deal with the latent, mostly irredentist aspirations of different ethnic communities. Separatist agendas, ethnic rifts and distrust on the ground should be considered in conjunction with the lip-service that key local actors pay to the idea of inclusive multi-ethnic state and institution-building. In spite of repeated pronouncements in Brussels (and other Western capitals) that there will be 'no more border changes' in the Balkans, both ethnic divisions and dreams of a new round of border redrawing transpire in the shadow of the two decades of inconsistent, selective and hesitant Western involvement in state-building in the region. In such circumstances various external and internal factors have strong potential to destabilize either 'nations' or sub-national ethnocentric spaces charged with secessionist passions, and to trigger the next phase of violent 'right-peopling' and 'right-shaping' of fragile and still multi-ethnic states.

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