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**INSTITUTE FOR SOCIOLOGICAL AND POLITICAL-LEGAL RESEARCH**

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**"Can volatile societies support stable states -**

**cases of Bosnia and Herzegovina, Montenegro, Kosovo and Northern Macedonia"**

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In 2021, a research team from ISPPI launched a research project under the original title "Can volatile societies support stable states". The idea of this team was to start a regional research that should provide an excellent analysis of the current situation in four countries – Bosnia and Herzegovina, Montenegro, Kosovo and Northern Macedonia. We wanted to analyse these four countries in three contextual frames: an existing social conflicts, the impact of global politics, and their legal-political determinants.

This is the second public presentation of the results from the research team. These elaborations include acquired knowledge, as well as the positions of authors according to main research questions. After this presentation, the project's activities will continue by publishing monography and public presentation of the publication.

**Petar Atanasov**

**COMPARATIVE ANALYSIS OF SOCIAL INTEGRATION IN BOSNIA AND HERCEGOVINA AND NORTH MACEDONIA**

**Political history**

**Most of the national states in the Balkans were established,** among other important factors, because of and **under direct influence of the Great powers** that were trying to guide the Europe and the Western world towards the liberal model of states.

The former Yugoslavia, organically speaking, did not produce a stable political model and the political practice did not find solution from the firm ideological matrix. Consequently, **integrationist Yugoslavia was never built** and it was always on troubled water.

The Communists in Yugoslavia tried but did not succeed to manage and resolve the “national question(s)” of the Yugoslav people and the Yugoslavia itself. The republics of **Bosnia and Macedonia were established because then it seemed like a good solution**.

**National identity**

**Nationalism is a political request** (i.e. an active ethnic group with the political agenda) that aim at building a nation and national identity as one of the most important projects of their national state. **The national principle** **once started in western Europe had to be led to the end.**

The same process was happening in the Balkans in 19th and 20th centuries. The categories of national identification were cultural, but **this time the catalyst was the religion**, in addition to the language and the ethnicity of the group as prime identifiers.

**In Bosnia the Islam was used for politicization of the Muslim identity in the state.** The choice of certain structures in Bosnia was the building of separate national identity which was finally defined as the “Bosniaks” national identity.

**Ethnic differences/similarities**

**The culture is subject of permanent transformation. It is important how the individuals will identify themselves.** The ideas for ethnic identification are not fixed in some essentialized past. They are products of continuous interplay of history, politics and power.

**Many nations have roots in the existing ethnic groups. Ethnic groups have specific cultural collective identities.** It consists of objective elements and subjective elements, as the feeling of continuity and connectedness in the past. Many wars have been fought for ethnic cause.

The ethnic groups in the Balkans sometimes waged wars because of ethnic differences, sometimes because of similarities. **In Bosnia all ethnicities have same language, they are culturally very close, and belong to the same Slavic stock.** They are divided only by religion.

**The democratic society**

**The rationale for bloody conflict in Yugoslavia was as military organized and violent interethnic war.** The “pure” ethnic states were established. The democracy that followed was exclusively ethnonational. In new states, the “new” was repacked old, but less creative version of old.

Bosnia is country with imposed constitutional democracy with three constitutive peoples. There is no single demos as political community on the state level. **Dayton was almost made not to be successful and the internal conflict destroyed more than they have built it up again.**

The average citizens were then and now not interested in public politics and official political discourse. The ethnic divide must be overcome. **There should be post-ethnic political alliances and the loyalty to the state should be built – not just winners and losers.**

**Social integration processes**

**Unfortunately, nationalism is still the dominant Balkan ideology!** It still has the power to provoke political processes within, as well as between the states!

Meanwhile, in recent years, **the political forces in the Balkans have ‘managed’ to transform into “modern” political parties**, but also to defend mostly “their” national interests.

Attempts to build a different political model that does not correspond to ethnic myths are doom to fail. **Social conflicts abound and exist, intertwining the politics and ethnicity.**

**Bosnian reflections**

The research on Bosnia and Herzegovina, in the context of identifying social conflicts, focused on two levels – **socio-political and socio-cultural**. Through this analysis of different influential factors, we distinguished a couple of factors related to the existence of social conflicts that today affect Bosnia and Herzegovina’s condition as a state – **the politicization of ethnicity** and **the political disintegrative processes** that prevents the higher level of social/state integration.

**Endless politicization of ethnicity** is the most influential negative process or factor for the stability of a society. This politicization is continuously emanated from three standpoints and manifested as particular ethnic nationalism(s). In fact, there are three similar but still different relational nationalisms: the majoritarian Bosniak, minority Croatian and sub-state Serbian. **Ethnic political elites dominate most of the time and obstruct greater integration of society, not allowing the decrease of ethnic monopoly and power.**

**Political disintegration processes** manifest themselves through political struggle, but for three different ideas. Bosniak political elites are pushing for bigger centralization of the state, as opposed to the current entities position. Serbian political elites are advocating for the frozen Dayton Bosnia and Herzegovina. Croatian political elites are advocating for their own third entity and bigger influence. **The attempts to reduce the influence of ethnic factors (privileges and personal interests) in the politics are opposed by many political parties.**

**Macedonian reflections**

The biggest similarities in the Macedonian society are identified in relation to the first social conflict – the **politicization of ethnicity** among Macedonians and Albanians. The second social conflict, namely the **political disintegration is less pronounced**, probably because of different approaches to the post-conflict resolution.

In Macedonia, also, there is more pronounced ethnicity in everyday reality, but this is less reflected in the laws, at least compared to Bosnia. Still, three decades after the independence of the state, **the governing structures do not seem to have a will to find an integrative model for social integration**. **Without it, North Macedonia will be neither democratic, nor stable.**

Speaking of change, it has been seen in the region for years that it is impossible to change things, especially if the **status quo works in favour of the corrupted elites and their hybrid ideologies,** and vice versa. But when only the citizens are dissatisfied, even though they are in huge majority, then the chances for change are slim.

**Conclusions**

For both states, **eventual creation of new multi-ethnic political majorities (political parties or some political alliances) is an opportunity for the higher level of social integration and more stable political model**. **We argue that only stable societies can support stable states.**

The ethnicity in politics should be de-monopolize through establishment of new multi-ethnic political majorities that are ideologically based. **Besides that, the significant social gap between the rich elites and poor constituencies have to be overcome.**

**Bosnia have open political conflict vis-a-vis Macedonia which do have a social conflict, but not with the potentials for war.** Either Bosnia will follow the Macedonian example or Macedonia will becoming more and more federal in its essence as Bosnia.

**Slavejko Sasajkovski**

**BOSNIA AND HERZEGOVINA, MONTENEGRO, KOSOVO, NORTH MACEDONIA - POLITICAL-LEGAL DETERMINANTS OF THEIR STATE AND THEIR SOCIAL DISINTEGRATION**

Here, quite briefly, even vulgarly briefly, is a possible overview of the content of my text. More specifically, state by state.

In the BH section, Annex IV of the Dayton Peace Agreement/Constitution of BiH, the Position of the High Representative for BH (Annex X of the Dayton Agreement, together with the so-called Bonn powers from 1999), the Komšić phenomenon and the case (Dervo) Sejdić - (Jakob) Finci are analyzed.

I emphasize: From today's political/geo-political aspect, looking, analyzing and concluding, primarily from the aspect of the determinations and impositions of the "western" political/geopolitical factor for the unitarization of BH as a solution to the dysfunctionality of its constitution, then the nature and provisions of the Dayton Agreement, the participation of the FR Yugoslavia as a party to its signing, the acceptance of the Agreement by the UN General Assembly, and especially by the UN Security Council, and the establishment of the Republic of Srpska as a constituent entity of the confederation, are transformed into provisions that are of the greatest benefit to ethno-national and state interests and goals precisely on the Serbian side.

In the section on Montenegro, the Constitution of Montenegro, dated 19.10.2007, and the Law on Freedom of Religion or Beliefs and on the Legal Status of Religious Communities, dated 01.02.2021, are analyzed, i.e. the same revised law adopted in December 2019, a law who was the direct instigator of the distinctly massive lithias. Their massiveness is also due to the joining of all those individuals or social strata who were dissatisfied with the government of DPS and Milo Djukanović.

I emphasize:

1. The constitution of Montenegro is unique among the constitutions of these four states, or the so-called states, which is not determined by any internal or external political agreement, or by any international legal act.

2. It is most essential to know that the modern Montenegrin national identity is a classic example of relational identity. Relational to some other such identity. In this case the Serbian. Montenegrin identity is built and developed in direct opposition or conflict with Serbian identity.

In the section on Kosovo, the Ahtisaari Plan is analyzed, as the constitution of the Constitution of Kosovo, the Resolutions of the UN Security Council that refer to the status of Kosovo in accordance with international public law, first of all Resolution 1244/99, together with several other Resolutions that it is preceded by the Constitution of the Republic of Serbia, i.e. its Preamble which most directly refers to the status of Kosovo, the Brussels Agreement of 2013, primarily through the prism of the establishment of the Community of Serbian Municipalities of Kosovo, the Resolution of the General Assembly of the UN, A/63/L.2, adopted at the request of Serbia, on 08.10. 2008, and referred to the Court of Justice in The Hague, on the international legal status of the Declaration of Independence of Kosovo, adopted on 17.02.2008, and the Opinion of the Court, from 22.07.2010, the Hallstein doctrine and the distinct specificity of the Position of Spain in relation to the (non)recognition of the independence of Kosovo, and comparatively in relation to the recognition of the independence of Montenegro.

I emphasize:

1. It is of utmost importance to know that the Resolution was adopted in accordance with Chapter VII of the UN Charter, which means that it is legally/internationally legally binding and not time-bound. As well as the fact that already in the Preamble of the Resolution, the inviolability of the sovereignty and territorial integrity of FR Yugoslavia and all other countries in the region is recalled and confirms the call for the establishment of "broad autonomy and substantial self-government for Kosovo and Metohija".
2. It is very important to know and keep in mind that it is not an international legal problem that Resolution 1244/99 refers to the state of FRY, and today a state with that name does not formally exist, because in accordance with the Constitutional Charter of the State Community of Serbia and Montenegro, since 2003, which is, in turn, the international-legal successor of the State of FRY, the Republic of Serbia is the exclusive legal/international-legal successor of the aforementioned State Community, that is, of the FRY. That's why R. Serbia did not run a procedure for membership in the UN, but exclusively inherited the place of the State Community. Such a procedure was conducted by Montenegro.
3. The declaration of independence of Kosovo, from 2008, was not adopted by any political institution of Kosovo. So, it was not adopted by the Parliament of Kosovo either. That Declaration was made by "We, the democratically elected leaders of our people,...". And the signatories of the declaration individually are all those participants in its adoption.
4. The avoidance of naming the political institution that carries the declaration will later be used by the International Court of Justice to issue a specific opinion regarding the international legal status of the Declaration. He published his opinion at the request of the UN General Assembly on July 22, 2010. The opinion is an answer to the question posed to the Court, it is of extraordinary importance to know exactly this, to know this wording, among other things, and as a lesson for some future same or similar cases: "Is the unilateral declaration of independence by the Provisional Institutions of the Self-Government of Kosovo from February 17, 2008 in accordance with international law?". So, the question is whether the Declaration, we emphasize the declaration, is in accordance with international law. The declaration as an act, as a "paper" with a certain content.

The Court explains in its Opinion that "...the Declaration does not constitute a violation of international law because it does not prohibit declarations of this type as such, the authors of the declaration did not act as temporary institutions of self-government, but as persons acting together outside the framework of the temporary administration...", as well as that "the Court did not decide on the right to self-determination".

In the section on Macedonia, the Process of anticipated transformation of the Republic of Macedonia as a binational state and the Process of degradation of the Macedonian national identity are analyzed.

The Law on Territorial Organization of Local Self-Government, adopted on August 11, 2004, and amended and supplemented three times-in 2005, in 2008 and in 2014-is analytically focused here. Of course, in unity with the Law on Local Self-Government, adopted on January 24, 2002. This law dethrones one of the most important declared and signed framework principles, at least at the level of local self-government, the principle that there are no territorial solutions for ethnic issues.

The process of degradation of the Macedonian national identity is analyzed through the Final Agreement for the Resolution of the Differences described in Resolutions 817 (1993) and 845 (1993) of the United Nations Security Council, for the termination of the validity of the Interim Agreement from 1995 and for establishment of a strategic partnership between the parties, from June 17, 2018, and through the Agreement on friendship, good neighborliness and cooperation between the Republic of Macedonia and the Republic of Bulgaria, from August 1, 2017. Regarding these two acts, now in this explanation of mine there is nothing to highlight. We can talk about that later. The text in this section is quite detailed and I think you have received it electronically.

In conclusion, it can be very briefly emphasized that these are four states that, among other things, are characterized by strong lines of conflict and their disintegration, both as states and as societies. This problem in the cases of these states, their weakness as quite deeply divided states and societies along the lines of internal diverse conflicting social interests and the absence of political will and political culture for their appropriate and necessary balancing and overcoming on the basis and within the general state and social interest is very easily and effectively multiplied by external state and national interests, very clearly publicly posed, suggested, argued and implemented as political and geopolitical interests.

**Pande Lazarevski**

**Dragor Zarevski**

**COUNTRIES WITH DISPUTABLE SOVEREIGNTY – FROZEN CONFLICTS IN DIVIDED SOCIETIES**

Even though initial assumption would be that subject of analysis is relation between “society and country” of the entities mentioned in the title, at the very beginning there is a dilemma whether or not this is a case of valid “countries”. This dilemma is still present besides the fact that 3 out of 4 are formal members of the United Nations, so this assumption would be possible, however in the case of the “Republic of Kosovo” even this basic element which is decisive is not completely present. Kosovo, with a status regulated by the Resolution 1244 of the United Nations Security Council, “de jure” is autonomous province of the Republic of Serbia (with a name “Kosovo and Metohija”), and, despite the fact that in 2008 unilaterally proclaimed independence. The “Republic of Kosovo” was not recognized as a sovereign country by half of the countries - members of OUN, by 2 out of 5 permanent members of UNSC and by 5 members of EU.

Identifying Bosnia and Herzegovina, Montenegro, and North Macedonia as “countries”, (“de jure”), the issue is that the societies are deeply divided without the capacity to practice the most important attribute of a country, it’s sovereignty, which opens up the question if these “countries” de jure are countries “de facto”.

Bosnia and Herzegovina is established in agreement with the Dayton Peace Agreement (1995), administrated by “high representative”, lookalike governor with executive power, set by the United Nations Security Council, without defined and definite timeline. In the case of Bosnia and Herzegovina, even though member of the United Nations, they are “loose confederation” of two entities established on ethnic basis, constantly monitored by the “high representative” ).

Montenegro even though independent country, recognized in 1878 (and governing as such till 1918 until it was absorbed by Kingdom of Serbians, Croats and – Slovenians), 95% of the population identify as Serbs in year 1909. After the second independence proclaimed in 2006 there are strong inner divisions regarding identity, as well as the relationship with the Serbian Orthodox Church (that is also reflected in the public support of being NATO member).

Republic of North Macedonia, with proclaimed its statehood in 1944, existed as a state (“republic”) in Yugoslav federation until Yugoslav dissolution. The Republic of Macedonia, that declared its independence in 1991, is one more “country” with negligible politic and economic relevance. Their deep ethnic cleavages were overcome with the solutions stipulated by (so called) Ohrid Framework Agreement in 2001. In addition to ethnic disputes (between ethnic Macedonians and ethnic Albanians), the deep cleavage also exists inside Macedonian ethnic majority, reflecting political party affiliation that is not perceived as a rivalry but as enemies. Analyzing political complexity of the Republic of Macedonia, important moment are disputes regarding “Macedonian identity” challenged both by the Hellenic Republic and the Republic of Bulgaria. After closing the dispute between Athens with Skopje, new, even dipper dispute arise between Sofia and Skopje regarding the issues related to historical events and personalities, language and ethnic identity, including the issue of officially declared “Bulgarians in Macedonia” (more than 120.000 Macedonian citizens applied and were granted with Bulgarian citizenship). The latter now become even an obstacle in forwarding “European agenda” of the Republic of North Macedonia (the new name, “North Macedonia’, came up as a part of the solution in dispute with the Hellenic Republic).

It is necessary that analysis should be multi-dimensional in analyzing the concept of sovereignty in the context of the internal complexity of the analyzed entities, the social processes that are result of the population characteristics, specifics of population territorial distribution as well as governing capacity of “national” and local authorities. In addition, it is important to be aware of the Balkans history and the role of the religious communities as a key agent in construction of ethnic animosities or sympathies.

Also, the analysis should not be located in something that will resemble international political vacuum. As relevant factors that determines internal political dynamic in any country or region and on the Balkans in particular, there are interests and activities of the both local and regional international political actors, including and local implications of the tectonic shifts on global (macro-political) level in long time perspective. More precisely, this is about the great powers interest for the Balkans along with their perception of the Balkans importance in their “grand strategies”.

However, even it was expected the focus of this analysis to be local, the global perspective is unavoidable, both historically and though the prism of current developments. Even the focus is on the “countries” (or “states”) with disputable sovereignty (depending on the internal socio-political and ethnic cleavages) and the whole region reflects typical case of “area of frozen conflicts”, it is unavoidable to make some comments about so called “new reality”. The new reality reflects collision of the concept of globalism with the concept of multi-polarity, challenging “Unipolar moment” and “Exeptionalism” of only super power dominating the globe. The challengers, in addition to their advancement on the field of “realpolitic”, imposed to the liberal ideological narrative ideological challenge with the the concept of so called “Sovereigntism”. It is not necessary to say that these shifts, both in reality or in the sphere of ideology, affects the foundations of the “old world order”, the basic structure of Europe in general and European union in particular, and, of course, the fragile balance of the Balkans, threatening to defreeze frozen conflicts in the Balkan`s divided worlds, heavily sponsored by great powers.

If we make an attempt to summarize above mentioned, it is unavoidably to say that the Balkans are not the trigger for the calamity looming on the horizon. Defreezing frozen conflicts in the Balkan`s will be the consequence of the defreezing frozen conflicts on global or at least regional scale and in Europe in particular. The developments on the Balkans will be just a collateral damage in the process of creation of the new world order

Just as a reminder, this paper, in its final version, will emphasize, at least, the following questions:

* Could be treated as “states” (“countries”) entities without capacity to practice attributes of sovereignty in real world geopolitical surrounding?
* Is phenomenon of “defreezing frozen conflicts” exclusively immanent to internally divided societies or it is contextually defined depending of global geopolitical shifts?
* Is international law real legal instrument capable to regulate international relations or it is just a fiction, without substantial capacity to make order in international arena?

**Driton Maljichi**

**SOCIAL CRISES IN MONTENEGRO AND KOSOVO**

The research focuses on the social crises between Serbs and Montenegrins in Montenegro as well as the relations between Kosovars and Serbs in Kosovo.

**Social Crises in Montenegro**

Factors detected in our research in Montenegrin society are the historical aspect, national identity, linguistic identity and inter-religious relations. Serbs and Montenegrins have opposing views on what kind of state they want. Serbs wish to be a vast or federal Serbia, but Montenegrins and other minorities seek their own country.

**Montenegrin Identity**

In Montenegro, the subject of identity is one of the most contentious. Serbs have kept this issue hidden as a secret identity. Following Montenegro's independence, charges against Montenegrins began. Is there a difference between them and the Serbs, or are they the same people? The percentage of Serbs in Montenegro has increased while the percentage of Montenegrins has dropped. The categories ‘Serb’ and ‘Montenegrin’ were not mutually exclusive and many of the people of Christian Orthodox faith associated themselves with both identities.

Most Montenegrins closely identify themselves therefore with the Serbs through common historical and cultural ties. Indeed, the majority of Serbs consider Montenegrins to be “Mountain Serbs” and most Montenegrins regard themselves as Serb in origin. The reason to this is that they share many characteristics, despite some existing differences. Separate “Montenegrin-ness” is, however, backed up by political history, a unique mountain lifestyle and a traditional society based on clan and tribe membership. Not all Montenegrins like to consider themselves identical to Serbs, many feel resentment towards Serbian efforts to minimize their national distinctiveness and have instead strong Montenegrin national feelings.

**Linguistic Identity**

In Article 13, the Constitution of Montenegro of 2007 stipulates that the ‘official language in Montenegro is Montenegrin’ and Latin scripts were equally valid , while ‘Serbian, Bosnian, Albanian and Croatian’ are ‘officially used languages’.

The overall language situation in Montenegro is complicated and difficult, the language question is very politicized and do not like the fact that declaring oneself a Montenegrin speaker is often considered a political statement. For them, being a Montenegrin speaker is more like a responsibility to their country and people.

Being a Montenegrin speaker means, for some people being a supporter of certain political parties. On the other hand they understands the need for a Montenegrin language – every nation should have its own language.

**Interfaith relations**

The goals of the Montenegrin people to have their own state were accomplished in 2006; following that, the Montenegrins aspired to have their own Montenegrin language distinct from Serbian was accomplished in 2007, and the third aspiration was to have their own church separate from Serbian. The goal of having the Montenegrin Orthodox Church separate from the Serbian Orthodox Church is facing obstacles and riots around Montenegro.

Despite their growing cultural and political differences, religion remain the area where the two countries Montenegro and Serbia remained interlinked. Not only was it seen as incompatible with its status as an independent country, many Montenegrins, including key figures of government, argued that the links between the Serbian government and the Serbian Orthodox Church meant that the church was a powerful way for Belgrade to continue to exert influence over Montenegro – especially the large part of the population that still identified as Serbian.

**Social Crises in Kosovo**

According to the results of the research, factors which are detected are Аssociation of serbian municipalities, Orthodox cultural heritage and the way of living of the Serbs in enclaves.

**Association of Municipalities**

To the Albanian community it is a fundamental issue of sovereignty and statehood. They perceive the Association as an offer given by Belgrade (not the Kosovo Serbs) that will be used to undermine and make their country dysfunctional. The way Belgrade controls Kosovo Serbs feeds their fears. For them Kosovo got nothing and Serbia got everything. To northern Kosovo Serbs in particular, a Community of what was agreed would be much less than what they have today. They understand it to be a way to survive without the protection of Belgrade as they are integrated fully into the Kosovo state. They want the Community to serve them only, preserve their way of living in practical terms. The lack of understanding of one another’s concerns stands as a central obstacle to the formation of the Association.

According to Albanian Kosovars, the concept of association of municipalities is outside the constitutional-legal-political system, which would seriously harm the constitution of Kosovo.Kosovo politicians fear the Association and it is just a step towards creating Republika Srpska in Kosovo. Kosovo Serbs view an Association from a very practical point of view: a reward instrument for painful integration into Kosovo and a replacement for departing Serbian-funded institutions.

**Interfaith Relations**

The Ahtisaari Plan also foresaw the establishment of special protected zones around key Serbian Orthodox religious sites to protect them from illegal construction and other threats. This special status has been particularly controversial in Kosovo, as its critics saw it as a form of extra-territoriality giving Belgrade direct control. Due to this situation the government have been unwilling to pass the legislation that is needed and as result continually have been tensions between the authorities and Serb Orthodox churches and monasteries on the municipal plans that appeared to contravene the protected status. The land of the Serbian Orthodox Church is at the center of the dispute between the two ethnic groups and was the subject of a judicial proceeding where it was determined that the property in question truly belonged to the Serbian Orthodox Church.

**Enclaves**

Kosovo Serbs are marked as a politically marginal community both in Kosovo and in Serbia.

Serbs in North Mitrovica rejected the integration into new institution, resulting in creation of parallel system. During the period 1991-1999, when the Serbs were dominant group in Kosovo, or had the support of Miloshevich, Kosovo Albanians developed parallel structures in education and health care. At the time, Kosovar Albanians had little trust in the Serbian system and often complained of discrimination, violence, and a lack of access to healthcare and education. Serbs, especially those in the north, are repeating what the Albanians did previously.

A significant number of Serbs are directly dependent on income from Serbia. Most Serbs in Kosovo continue not to speak Albanian, as it is not taught in Serbian schools following the curriculum of Serbia—only the Serbian is available—and have little everyday contact with Albanians. As a result, not only is the segregation of the communities preserved, but Serbs have fewer opportunities in mainstream Kosovo society, reinforcing the divide.