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Types of Autonomy, Representation, and Participation of the Subnational Political Communities in the Western Balkans: The Case Study of Serbia, the Former Yugoslav Republic Macedonia and Kosovo (under UNSCR 1244/1999)

Abstract

Borders are changing constantly in the turbulent Balkan region. In the same vein the status of one community from majority to minority changes overnight. This work aims to, through comparative analysis, examine how the subnational political communities are integrated in Serbia, FYR Macedonia, and Kosovo by discussing three elements: autonomy, representation, and participation. The work is going to illustrate the applicability of Arend Lijphart's consociational democracy elements in FYR Macedonia, limited applicability in Kosovo, and despite the existence of some elements the non-existence of consociationalism in Serbia. The work underlines the role of international community, and the armed conflicts in establishing certain provisions that are tangible to the subnational political communities. Finally, the work seeks to demonstrate the importance of the communicating vessels principle in the counties and entities in question.

Key words: Western Balkans, subnational political communities, consociational democracy, national minorities, autonomy, representation, participation

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Introduction

Many will agree that the Balkans is one of the most complex areas in the world – for an outside observer it is a region which is hard to understand and catch up with. The successor states of Yugoslavia are nowadays collectively dubbed the ‘Western Balkans’ (minus Slovenia, plus Albania) only due to geographical reasons that is being the west of Bulgaria and Romania. These countries became on the one hand independent nation states, and on the other hand plural, multi-ethnic in character. Regardless, the new-born nation states are internally considered in rather ethnic than civic terms. Many ethnic communities different from the dominant one stayed inside or outside the newly established borders. Having that in mind this work is going to examine in a comparative perspective how subnational political communities are integrated in Serbia, the former Yugoslav Republic of Macedonia (FYR Macedonia) and Kosovo (under United Nations Security Council Resolution 1244/1999, thereafter Kosovo) from three aspects: the first chapter is going to examine the types of autonomy granted to these communities; the second representation in national and local representative bodies; and the third the formal and informal forms of participations of these communities.²

The term subnational political communities is a joint term referring to all national minorities in respective countries and entities regardless of how they are defined by domestic legislatures. It includes every community that is non-dominant one in Serbia, FYR Macedonia and Kosovo. Except the Jewish community in Serbia which opted for its religious character, all other non-majority communities in the respective countries and entities are defined in terms of their ethnic affiliation, which in many cases coincides with their linguistic or religious affiliations (Albanians are an ethnic group, of Islam faith and use the Albanian language). It should be mentioned that the major subnational communities in countries and entities under examination are territorially concentrated in one region, for instance in Serbia Hungarians are concentrated in Vojvodina, Albanians in the northwestern parts of FYR Macedonia, and the Serbs in northern Kosovo.

2 In the work will be used name references that are in the United Nations official usage. Moreover, the aim of the work is neither to discuss status of Kosovo, nor name dispute between governments in Skopje and Athens.

The period that this work is covering are the years from the independence declaration (self-proclaimed in the Kosovo case) onward. It will be argued how the tradition of ethnic conflict affected the constitutional solutions and informal rules in the respective countries and entities.

The case studies that I have chosen for this work Serbia, FYR Macedonia and Kosovo are multi-ethnic, plural societies. That is the reason why I am going, for the purpose of this work, to rely on Arend Lijphart's model of consociational democracy which is presented in his 1977 book *Democracy in Plural Society: A Comparative Exploration*. Lijphart (1977: 3-4) deals with heterogeneous, plural societies tarred with segmental cleavages which may be of a religious, ideological, linguistic, regional, cultural, racial, or ethnic nature. Lijphart (1977: 25) defines consociational democracy by using four indicators: a grand coalition, the mutual veto, proportionality in political representation and public administration of all substantial groups, and a high degree of autonomy for each segment. A favourable number of segments is about three or four (Lijphart 1977: 57). The following chapters will discuss the applicability of consociational democracy in three examined cases.

For the purpose of this work, between August and September 2016, I travelled to five cities: Subotica, Belgrade, Kosovska Mitrovica (North and South), and Skopje. In those cities I conducted interviews with the intellectuals of different academic and ethnic background aiming to compare various approaches of the issues in question.

In order to maintain comparative approach in the work I will be combining the legal frameworks, the findings of the books and articles on this topic, with opinions of my interviewees, and with my own findings from the field research.

Autonomy

The autonomy which central government grants to subnational levels may take different shapes depending on many factors. The reasons why countries embrace autonomy as a way of integration of subnational elements might be found in their inner demographic structures but also in external pressure. Serbia, FYR Macedonia, and Kosovo were exposed to external pressure to grant a certain kind of autonomy to subnational political communities due to segmental cleavages that occasionally occur in these countries, but primarily due to armed conflicts that took place in Kosovo (1999) and FYR Macedonia (2001).

According to Ruth Lapidoth, Christoph Pan and Beate S. Pfeil, three types of autonomy can be distinguished: territorial autonomy, cultural or personal autonomy, and local autonomy (local self-administration) (Benedikter 2006: 5-6). Territorial autonomy is granted to a group that constitute a majority or a significant part of a specific region, and thus enjoy autonomous legislation, government, administration, and judiciary in managing their own affairs, sovereignty claim is excluded though (Benedikter 2006: 5). In the case of more dispersed communities the special status is not granted to a specific unit, but contrary to the territorial autonomy to the members of a specific community (ethnic, religious, linguistic) and it is called cultural or personal autonomy (Benedikter 2006: 6). The local autonomy depends on several indices: the ethnic majority, the preparedness of the majority to grant autonomy, the presence of a kin-state, the size, the influence of the ethnic minority, the general international environment (Benedikter 2006: 7). Residents enjoying local autonomy are guaranteed the possibility of looking after their own, national minority-related matters, and in particular those matters which essentially lie exclusively or predominantly in the interest of the local community (Benedikter 2006: 7). In paragraphs below I am going to examine which type of autonomy is implemented in Serbia, FYR Macedonia, and Kosovo.

In accommodating the distinct nature of national minorities, Serbian Parliament passed the 2002 Law on Protection of Rights and Freedoms of National Minorities which introduced the institution of the National Council of National Minorities (thereafter national councils) in order to protect the different ethnic, religious, linguistic and cultural natures of the national minorities. The 2009 Law on National Councils was passed defining in detail the role and competences of national councils in four areas: culture, education, the media, and the official use of language and alphabet.

National councils represent national minority in four aforementioned areas, they decide or participate as advisors in the decision-making process, found institutions, companies and other organizations in these areas. The national councils are largely dependent on financial sources granted from the central government. All national councils are represented in the Council of the Republic of Serbia for National Minorities. In addition, the minimum of 15 pupils is required for lectures in a minority language, and the minority language is in the official use on condition that the minority in question constitutes 15% of the total

population of the municipality (Law on Protection of Rights and Freedoms of the National Minorities).

The autonomy that Serbia granted to national minorities is in elaborated typology cultural or personal autonomy. Florian Bieber (2007: 249-250) viewed this as symbolic steps and declaratory despite the fact that the status of minorities has progressed dramatically since the 1990s.

Professor Nebojša Vladislavljević (Interview, August 19th, 2016) stated that the cultural autonomy in Serbia is big enough, but depends on a national minority's capacity to enjoy it. For Bálint Pásztor (Interview, August 17th, 2016), the representative of Hungarians in the national parliament, the national council is the institution of essential importance, furthermore Pásztor underlined the fact that the national councils were defined according to the model that was initially offered by Hungarians. On the other hand, Slaven Bačić (Interview, August 17th, 2016), the president of the Croatian National Council, on behalf of the small minorities, pointed out that the national council is an impotent body without representatives in the parliament, it is a formal body without essential autonomy. Forum for Ethnic Relations' fellow Ksenija Marković (Interview, August 18th, 2016), defined national councils as the 'advisory mechanisms of cultural autonomy', furthermore Marković argued that the cultural autonomy is not what some minorities wish it were, for instance Bosniaks, that is minority self-governance which includes control over a certain territory.

Worth mentioning is that the autonomy of Vojvodina is derived from its history rather than its ethnic heterogeneity, hence the question of Vojvodina is not a minority question. My interlocutors from Vojvodina agree that bigger autonomy for Novi Sad means less dependence on Belgrade, nevertheless, as Bálint Pásztor (Interview, August 17th, 2016) confirmed no secessionist demands are on the agenda of any national minority. On the other hand, in 2001 as a follow-up to the Kosovo War, there was the armed conflict in so-called Preševo Valley (Southern Serbia), which forced Serbia to set the Coordinating body for the municipalities of Preševo, Bujanovac, and Medveđa in order to calm down the tensions and establish peace. According to a member of the Coordinating body Jelena Marjanović (Interview, August 22nd, 2016), the purpose of the body is to reintegrate rebel Albanians and generally Albanian community in Serbian society; Marjanović excludes any fear of secession of these municipalities or annexation to Kosovo, as it is, in light of the unrecognized 1992 referenda demanded by the nationalis-

tic Albanians. The demands for autonomy of the Sandžak/Raška region according to the unrecognized 1992 referendum are occasionally made by Bosniak politicians represented in the Bosniak National Council, but without a real plan of implementation.

Serbia endorsed cultural autonomy as a principle in accommodating its minorities, especially the big minorities. This implies that national minorities do not have any veto power, but rather advisory. Occasional claims for more autonomy, making references to unrecognized referendums aiming in long-term independence, and hence centrifugal tendencies just deepen the fear in Serbia that granting new autonomy or strengthening the existing one is just one step toward a secession as it was the case with Kosovo.

Following Kosovo 2008 declaration of independence the parliament in Priština voted in favour of new constitution. The independence of Kosovo was primarily the goal of Kosovo Albanians, while Kosovo Serbs as second biggest ethnic group strongly opposed and have since then boycotted the statehood of Kosovo to a large extent. In order to make Serbs embrace the new-born country, Kosovo lawmakers adopted many provisions which were initially prescribed by the UN envoy Martti Ahtisaari. The Ahtisaari plan envisioned a strong EU civilian and military presence, and it also aimed to establish 'a multi-ethnic society exercising self-government' through its own legislative executive and judicial institutions (Cohen, Lampe 2011: 84).

Serbian and Albanian are the official languages in Kosovo. The languages of other communities can also be recognised as official if they constitute at least 5% of the total municipal population (2006 Law on the Use Languages).

Apart from cultural autonomy, embodied in nurturing a distinct religion, language, traditions, and culture which enable the preservation of community's identity, the core of deeper institutional autonomy in Kosovo lays in a significant empowerment of municipalities. Apart from traditional municipal competences, for instance local economic development or urban and rural planning, the Serb-dominated municipalities are enjoying enhanced competences. The 2008 Law on Self-governance proscribes that the Serb-majority municipalities North Mitrovica, Gračanica, and Štrpce have the competence in secondary health care, North Mitrovica has competence in higher education; all municipalities in which the Kosovo Serb community is in the majority have the authority to exercise responsibility for cultural affairs. In addition, all

Serb-dominated municipalities have the right to select the local police commander.

It should be noted that according to the 2007 Ahtisaari plan seven new municipalities with Serb majority were created, in total four municipalities in the north and six to the south of the river Ibar where Serbs are in the majority. These exact ten municipalities were prescribed in the 2013 Brussels Agreement to consist the Association/Community of Serbian Municipalities (A/CSM). On the one hand, in Belgrade it is seen as a new level of governance in Kosovo empowered with the executive competences, but, on the other hand, Priština perceives the A/CSM as an association prescribed in Kosovo legislation without additional executive powers. Since the agreement was signed, almost nothing has been done in term of its implementation. Malazogu, Ejduš, Nič, and Žornaczuk (2015: 5) see the A/CSM as 'a supra-municipal structure', and point out two levels in perception of the ASM: "Viewed positively, the ASM is a major compromise which increases the clout of Kosovo Serbs in Kosovo in exchange for their integration; But viewed negatively, the ASM could be a new vehicle for the north's ongoing centrifugal tendency, acting as Belgrade's hand-brake over Kosovo's functionality".

Nebojša Vladisavljević (Interview, August 19th, 2016) stated that the A/CSM is nothing but a glorified self-governance which is Priština's compensation for the recognition of its independence by the West. On the other hand, Albanian intellectual Prof Nexhmedin Spahiu (Interview, September 04th, 2016) claimed that the Serbian municipalities exercise big power, they are like little states, and the A/CSM is disguise for Belgrade, it exists for the purposes of propaganda, it is not of essential importance. For historian Jovan Aleksić (Interview, September 4th, 2016) the A/CSM in the North is seen as a mechanism for protection of the remaining Serbs in Kosovo, but until the formation it represents nothing. Aktiv's fellow researcher Milica Andrić (Interview, September 05th, 2016) agreed with Aleksić pointing out that until 2013 everybody in the North believed in the partition of Kosovo. Andrić (Interview, September 05th, 2016) assessed the A/CSM as the legal channel for money from Serbia in Kosovo. Gorani activist Dijana Hasani (Interview, September 05th, 2016) argued that the A/CSM is a replacement for the partition, and the reason for other communities to feel marginalized because they are omitted in the Agreement. Hasani (Interview, September 05th, 2016) went further claiming that due to assimilation fear, Gorani people would like to join the A/CSM. Ana Marija Ivković (Interview, Septem-

ber 5th, 2016), a KoSSev portal journalist, stated that the best solution for the Serbs is status quo, being part of Serbia and Kosovo at the same time.

The Serb-majority municipalities empowered with enhanced competences go in line with the third type of autonomy in Lapidoth, Pan, and Pfeil's typology. Overall, *de jure* the system leaves lots of opportunities, but *de facto* the unresolved status of Kosovo puts the affirmative provisions in a deadlock.

FYR Macedonia had first-hand knowledge of what the principle of communicating vessels means in the Balkans. The armed conflict in FYR Macedonia took place two years after the Kosovo war and had implications on the post-2001 statehood of FYR Macedonia. The EU-USA-NATO-brokered Ohrid Framework Agreement (OFA) aimed to bridge the gap between Albanians and Slav Macedonians. As Cohen and Lampe (2011: 83) stated, the Ohrid Agreement was "designed to accommodate Albanian demands for greater standing and equality in the state by changing the preamble to the Constitution (...), altering the system of parliamentary voting, promising a larger representation of Albanians in the police, broadening the use of the Albanian language in official proceedings, and providing for more religious freedom and decentralization". The Macedonian Constitution proscribed the minimum of 20% for communities to enjoy the equal use of their language, only Albanians are managing to meet this requirement on a national level, and the small communities in several municipalities, for instance, Serbs in Kumanovo.

The core of decentralization was not in creating a new level of governance but in empowering the municipal level with enhanced competences. Furthermore, the boundaries of new municipalities were drawn according to ethnic lines in order to accommodate ethnic differences. Territorial autonomy was not prescribed in the OFA, but instead strengthening local self-government has been a key aspect of the Macedonia arrangement (Bieber 2004: 231). Decentralization aims to provide local, culturally diverse communities greater control over their own affairs (Lyon 2001: 87). This means that, for instance, in the dominantly Albanian town of Tetovo, the mayor is Albanian as well as most of the local parliament deputies, and thus Albanians can manage their local affairs the way they see fit.

I asked my interlocutors to appraise the OFA, and here I am going to present their answers. Prof Veton Latifi (Interview, September 07th, 2016) argued that the OFA created a language federalization of Mace-

donia, furthermore it was just about granting some rights, not autonomy, thus autonomy is in Albanian perception still an aspiration. Prof Agon Demjaha (Interview, September 07th, 2016) appraised the OFA, on the one hand, by Macedonians as maximum rights for Albanians, and, on the other hand, for Albanians as a starting point. Prof Zhidas Das-kalovski (Interview, September 07th, 2016) highlighted two aims of the OFA, first to end the war, and second to create the multi-ethnic identity which the OFA failed to establish, because there are no joint media, political parties etc. hence there are no signs of a supranational identity. Prof Dane Taleski (Interview, September 09th, 2016) saw the OFA as an instrument for communities to take part in public life, which set up the rules of the game which are not obeyed.

Since the general impression was that the OFA hasn't solved all issues, and that communities continue to live parallel lives, I asked what the solution would be for FYR Macedonia. Agon Demjaha (Interview, September 07th, 2016) offered four different scenarios: first, the most radical one is secession; second, territorial federalisation; third, functional federation with bicameralism and a double-majority vote which is the best option; finally, citizens' concept which is not working in the Balkans. Veton Latifi (Interview, September 07th, 2016) argued that FYR Macedonia should be a bi-national state, which is not easily accepted by Macedonians, without borders changes, but in the future everything is possible. Both Demjaha and Latifi look with sympathy toward the Association/Community of Serbian Municipalities in Kosovo as a model to accommodate Albanian demands in FRY Macedonia. Researcher Kaltrina Selimi (Interview, September 08th, 2016) stated that demands for new rights or autonomy by Albanians will disappear if the issue of budgeting the municipalities is solved.

The decentralization outlined above goes in line with Lapidoth, Pan and Pfeil's local self-administration as a type of autonomy. The OFA created conditions for power sharing between Macedonians and Albanians, but excluded small communities (Turks, Vlachs, Serbs, Roma, Bosniak) which are, as Demjaha (Interview, September 07th, 2016) pointed out, 'a décor of political agenda'. The discussion of whether the OFA is the starting point or the apex will remain a priority question in the post-2001 FYR Macedonia.

By using typology elaborated above I can conclude that neither Serbia, nor FYR Macedonia, and Kosovo opted for territorial autonomy in integrating the subnational political communities. On the one hand,

Serbia embraces cultural autonomy in accommodating its minorities, on the other, in FYR Macedonia, and Kosovo apart from provisions which aim to protect the distinct nature of non-majority communities, the core of autonomy is embodied in decentralization, in empowering the municipal level of governance. The reasons behind this difference may be found in the armed conflicts that took place in FYR Macedonia and Kosovo which influenced the communities to concentrate in certain municipalities. Due to their concentration, non-majority communities are enjoying autonomy to run their own affairs on the local level where they constitute the majority. On the other hand, national minorities in Serbia are dispersed, and personal autonomy is more applicable. One way or another, some kind of autonomy is exercised by the subnational political communities, and hence the three meet the Lijphart's autonomy requirement for consociational democracy.

The key similarity in the cases under examination is a tendency to create a system which will answer to the demands of the biggest non-majority community. The national councils are thus created after the Hungarian blueprint; the Ahtisaari plan and the Ohrid Framework Agreement were designed to accommodate the Kosovo Serbs and Albanians, respectively.

Finally, centrifugal tendencies are noticeable in the region, as outlined above the Sandžak, Preševo Valley, Northern Kosovo, and Western FYR Macedonia are the locations such tendencies are coming from. Furthermore, the mechanisms used in one country might be highly influential in another. Hence the Association/Community of Serbian Municipalities in Kosovo, which as notion exists only on paper, gained lots of attention among the Albanians in Preševo Valley, and those in northwestern parts of FYR Macedonia. The mirror effect, and wider implications for the region have to be taken into consideration before making new arrangements which concern the subnational political communities.

Representation

Sufficient and real representation is very important in enjoying all prescribed rights and freedoms granted to subnational political communities. Serbia and FYR Macedonia ratified the Council of Europe's Framework Convention for the Protection of National Minorities (Stras-

bourg 1995), and Kosovo incorporated the Convention in its Constitution despite not being a member of the Council of Europe. The main message of the Convention suggests the pluralist democracies should not only respect national minorities but also create conditions enabling them to preserve and develop their identity. In the case that a country lacks mechanisms to fulfil this goal the 1999 OSCE's Lund Recommendations suggests special representation of national minorities through a reserved number of seats in one or both chambers of parliament or in parliamentary bodies. Aiming to facilitate minority representation and influence the Lund Recommendations suggest a proportional representation system which enable national minorities to more easily win the seats in the parliament, furthermore, a lower numerical thresholds for representation help the inclusion of national minorities in governance.

Daniel Bochsler (2010: 153) in his analysis of representation of ethnic minorities in post-communist democracies underlines how electoral rules have a major impact on the inclusion of minorities in political life. Florian Bieber (2004: 233) argues that electoral systems play significant role in representation of groups in parliament as well as how votes are counted, the level of threshold, and existence of reserved seats, and a degree of overrepresentation or positive discrimination in case of smaller minorities. In this chapter I will discuss how lawmakers in the countries and entities under examination understood these recommendations, and which method in minority representation they opted for.

Serbia opted for the proportional representation system using a positive discrimination method in including political parties of national minorities in main representative bodies at the national, provincial, and local level. In line with the Law on Election of Deputies political parties of national minorities and minority coalitions will participate in the distribution of mandates even if they win less than 5% of the total number of voters who voted. For the election of national minorities' representatives the so-called natural threshold is applied. Natural threshold requires for a mandate 0.4% or about 16,000 obtained votes with the expected turnout of 60% of registered voters, which is a threshold that for most national communities may be difficult to reach (Lončar 2011: 6-7). This affirmative method is more suitable for the big minorities such are the Hungarians, or Bosniaks, and territorially concentrated minorities such are the Albanians, but not for the small and dispersed minorities, for instance Croats. An example of a bilateral attempt to ensure minority representation is the 2005 agreement between Serbia and Montene-

gro (S&M) and Croatia aiming equal representation of the Serbian and Montenegrin minority in Croatia, and the Croatian in S&M. Serbs were granted reserved seats in Croatia, and Croats positive discrimination in sense of natural threshold in Serbia.

Furthermore, the affirmative method is omitted when it comes to the number of signatures needed for the National Assembly elections candidacy. The electoral list is confirmed when it is supported by at least 10,000 voters (Law on Election of Deputies). For many small minorities this request is hard to fulfil. According to the Provincial Assembly decision this number is reduced from initial 6,000 to 3,000 signatures.

The differences in attitudes of my interlocutors are expected in this matter as well. While Slaven Bačić (Interview, August 17th, 2016) claimed that guaranteed seats are the pivotal factor or *conditio sine qua non* in enjoying minority rights, for Bálint Pásztor (Interview, August 17th, 2016) it is unrealistic to seek guaranteed seats due to the fact that it would require constitution changes which are unlikely to happen because of the fear of change to the preamble which states that Kosovo is Serbia. Ksenija Marković (Interview, August 18th, 2016) suggested the combination of the guaranteed seats for the small minorities, and the natural threshold for the big minorities. For Nebojša Vladislavljević (Interview, August 19th, 2016), on the other hand, the guaranteed seats are a non-democratic and descriptive model, a source of clientelism due to lack of real voters' support.

In order to reserve the parliamentary seats, many minority parties go for pre-election coalitions with nation-wide parties. But in such arrangements the coalition interests are of primary importance, and minority interests of secondary. Minority coalitions are also possible, like the one from the 2012 elections called "All Together" (Svi zajedno) which gathered representatives of several minority parties. The Prime Minister-designate tends to include mainly the Hungarian and Bosniak parties in the government, but such governments are far from being a grand coalition explained by Lijphart.

In conclusion, the positive discrimination method is acceptable for the representation of the big and territorially concentrated minorities (Hungarians, Albanians), but not particularly good for the small and dispersed minorities (Croats, Slovaks). The question will remain whether the guaranteed seats are a good alternative due to a democratic deficit or are not.

Compared with the other counties under examination, only Kosovo through proportional system has reserved parliamentary seats for non-majority communities. Out of one hundred and twenty seats, twenty seats are guaranteed for the non-Albanian representatives. Following the 2008 Kosovo Constitution Serbs have a minimum of ten seats guaranteed, if the number of seats won is less than ten; the other communities have a minimum number of seats in the Assembly guaranteed as follows: one per Roma, Ashkali, Egyptian, and Gorani community, three seats are guaranteed for the Bosnian community, two for the Turkish community, and one additional seat is awarded to either the Roma, Ashkali or Egyptian community with the highest number of overall votes.

Joseph Marko (2008: 450) stated that the balance between the 'civic' and 'ethnic' elements is achieved by granting ethnic overrepresentation and thereby attempt to create a feeling for 'effective participation' in the exercise of state authority. Thus, under the Constitution communities of Kosovo have guaranteed seats in the executive bodies, i.e. one ministerial position for Serbs, one for others, and there shall be at least two Serb Deputy Ministers, and two Deputy Ministers from other non-majority communities. The absolute veto power for any ethnic group, as was the case in the Dayton Constitution, is omitted and replaced after the 'Badinter' formula of the Ohrid Agreement through a complex system of double majority requirements (Marko 2008: 450). For certain issues it is required the double-majority vote that is the majority of all deputies in the Assembly, and the majority of twenty non-majority representatives in the parliament. This may be perceived as a veto power of non-majority communities but limited on a few issues, for instance education or constitution changes.

I asked my interviewees how they appraised these provisions and Serbian participation in Kosovo institutions. Milica Andrić (Interview, September 05th, 2016) stated that there are lots of mechanisms, like the double majority, but they are not used. Ana Marija Ivković (Interview, September 05th, 2016) offered the reasons stating that the problem with Serb representatives in Kosovo institutions is lack of popular support due to the widespread boycott of 2014 Kosovo elections by Serbs. Moreover, neither Serbs from North nor from South of Ibar River believe in the statehood of Kosovo, and forcing Serbs to integrate in Kosovo system does not offer solutions to problems but rather provokes new ones. In the same vein, Dijana Hasani (Interview, September 05th, 2016) claimed that the representatives of Gorani community are not perceived

as the community's representatives, but rather incompetent. On the other hand Nexhmedin Spahiu (Interview, September 04th, 2016) argued that guaranteed seats are a good mechanism because they facilitate the integration in Kosovo society. Spahiu (Interview, September 05th, 2016) went further claiming that the problem of Serbs is a double life they are living, as a minority in Kosovo, and as a part of Serbian majority in Serbia. All my interlocutors from Kosovska Mitrovica agreed that no one wants to integrate in the system which is worse than the Serbian.

Despite generous affirmative methods granted to non-majority communities, the integration in Kosovo system and the acceptance of Kosovo statehood are still major challenges for the Serb and Gorani communities in Kosovo, while other minority representatives accepted Kosovo independence and hence fully exercise prescribed rights.

The secondary aim of the Ohrid Framework Agreement after establishing peace was to provide an equal and proportional representation of Albanian and other community in FYR Macedonia. The 2001 amended constitution underlines as a rule the equitable representation of the members that belong to the non-majority communities in public life. In practice this means that if, for instance, Albanians constituted 25% of the total population, then Albanians should occupy this percentage of positions in the state's public administration.

When it comes to the parliamentary elections FYR Macedonia is divided into six electoral districts, each electing twenty deputies with no prescribed threshold but effectively being around 3.5% (Daskalovski, Interview September 07th, 2016). This means that there are no guaranteed seats for the non-majority communities. The Albanian parties are acting independently, and face no problems in entering the Sobranie (the Macedonian parliament). But one has to take into account the nature of Macedonian political system which is described in Cohen and Lampe's (2011: 245) words as a 'bipolarized party [system with two] subsystems', where the two ethnic subsystems also include many smaller parties. Thus the channel used to secure the seats in the Sobranie by other minority parties is in making the pre-election coalitions with the two major Macedonian parties, The Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity (VMRO-DPMNE), and the Social Democratic Union (SDSM). Given that it is expected that the non-majority parties of the Roma, Turks, Serbs, and Bosniaks communities win one seat each per coalition which is two seats per community in total.

Florian Bieber (2004: 238) underlined a key difference between Macedonia, on the one hand, and Kosovo and Bosnia, on the other, and it is in the nature of government coalition building, which can be partly related to the difference between the informal tradition of grand coalition versus the formal requirement of such. Since 1991 the grand coalitions have been established as an informal pattern in constituting the government which include the winning Macedonian party, and the winning Albanian party, plus minority parties on the list of the winning Macedonian party. Limited veto power is exercised through a double minority voting or so-called 'Badinter' in the Sobranie on issues that are tangible for communities, namely for laws that directly affect culture, use of language, education, personal documentation, and use of symbols. The double majority requires majority of all deputies in the Sobranie, and the majority of deputies representing non-majority communities.

For Agon Demjaha (Interview, September 07th, 2016) the equal representation provisions are insufficient, due to lack of real influence of Albanians in the decision making and occupying high positions. Zhidas Daskalovski (Interview, September 07th, 2016) argued that for ethnic minorities, it is more important to what party they belong than what their ethnic background is. Furthermore, as Kaltrina Selimi (Interview, September 08th, 2016) stated MPs are making agreements to ensure seats for themselves, not to represent their community. For Dane Taleski (Interview, September 09th, 2016) the system of proportional representation is not a meritorious system, but a spoiled system instead, where employment quota in practice means employment of the Albanian Democratic Union for Integration party members. On the other hand, Veton Latifi (Interview, September 07th, 2016) highlighted the accountability problem of Albanian representatives who have lost the link with electorate, and have fallen into nepotism.

The proportional representation, grand coalitions, and a limited veto power are features of FYR Macedonia political system whose aim was to facilitate the warming of inter-ethnic relations, but it created many open questions regarding the efficient implementation of these provisions.

In conclusion, Serbia, FYR Macedonia, and Kosovo adopted the proportional representation system which is differently implemented in each country. Minority parties in Serbia, and FYR Macedonia tend to make pre-election coalitions in order to reserve parliamentary representation. These representatives are to a large extent linked to coalition

agendas not the minority ones. The big communities, namely Hungarians in Serbia and Albanians in FYR Macedonia, face no problems in entering parliaments independently. Kosovo, on the other hand, opted for guaranteed seats in providing representation for non-majority communities. The Kosovo Serbs are in a privileged position due to ten guaranteed seats in comparison with the biggest non-majority communities in Serbia, and FYR Macedonia. The proportionality requirement in Lijphart's consociational democracy model is to a higher extent adopted in FYR Macedonia, and Kosovo, but less in Serbia.

When it comes to the remaining two characteristics of consociational democracy, a grand coalition and the mutual veto, FYR Macedonia, and Kosovo prescribe such arrangements. The key difference between FYR Macedonia, on the one hand, and Kosovo, on the other, is informality in building the grand coalition governments in FRY Macedonia, and formal provisions for it in Kosovo. Due to weak political power of minority parties in Serbia, the grand coalitions explained by Lijphart are non-existent. Furthermore, national minorities in Serbia are exercising veto power neither through national councils nor in the parliament. On the other hand, the double majority voting in FYR Macedonia, and Kosovo leave limited veto powers for the subnational political communities on the issues tangible for these communities.

Taking into consideration only the three characteristics of consociational democracy, proportionality, grand coalition, and mutual veto, FYR Macedonia, and Kosovo are more likely to be considered as consociational democracies than Serbia is.

Participation

Subnational political communities use different, formal and informal, channels in order their voice to be heard and respected. The formal, conventional way of expressing attitudes is through political parties which gather people of one community. These parties exercise the participation in political life throughout election process and in representative and executive bodies if they are elected. Meanwhile by organizing meetings, party congresses, open discussions, and thus advocating interests of respective communities. Forming community-based non-governmental organizations or the media, and cultural or educational centres, also contribute to opinion shaping of one community. On the other

hand, the informal channels derive mainly from the traditional nature of the communities. The family-based politics or so-called 'proxy voting' is feature of parochial societies in which *pater familias* determinates political attitudes of family members. It will be seen how in the countries under examination the former fighters of armed conflicts mobilize political body of one community; furthermore the foreign fighters, and radical Islamists are becoming more influential. In countries where around 60% of registered voters take part in elections, signals that another way of expressing the political attitude is abstention.

In fragile societies such as Serbia, FYR Macedonia, and Kosovo alienation of minorities from their state of residence and responses ranging from extraparliamentary organizations to armed secessionist movements have been key challenges to states in recent decades (Bieber 2002/03: 2). Hence Florian Bieber (2002/03: 2) suggests that it is in the interest of state stability to provide for political inclusion of minorities, in order to avoid the consequences of exclusion. The Lund Recommendations highlights how effective participation of national minorities in public life is an essential component of a peaceful and democratic society.

This chapter will elaborate which format of political participation prevails in Serbia, FYR Macedonia, and Kosovo, and to offer the reasons why one community or its parts opted for certain channels of political participation.

The most practised way of inclusion of national minorities in Serbia's political life is political activism through political parties. In order to register a political party of national minority it is enough to have the support of 1,000 voters, which is ten times less than usual requirement (Law on Political Parties). This affirmative method led to proliferation of political parties that represent interests of national minorities. In the Register of Political Parties, out of the total number of 113 parties 68 are minority parties. But only Hungarian, Bosniak, Albanian, and Slovak parties managed to win the seats in the 2016 parliamentary elections without being part of wider coalitions. Hungarian, Bosniak, and for the first time in recent Serbian history the Albanian party has partaken in the government, occupying some of the top ministerial and secretary positions. The reason for minority participation is best described by Bálint Pásztor (Interview, August 17th, 2016) stating that as part of opposition, the budget cannot be influenced.

When it comes to the unconventional forms of political participation, Nebojša Vladislavljević (Interview, August 19th, 2016) singled out the case of the Albanian community in Preševo Valley which is divided into three factions: first Albanians who vote for the Albanian Party for Democratic Action; second supporters of the former fighters who advocate merging with Kosovo; finally young abstainers and NGOs. Ksenija Marković (Interview, August 18th, 2016) pointed out that the Bosniak case is similar, the first group supports the moderate politician Rasim Ljajić, the second supports the former mufti Muamer Zukorlić, and the third supports more nationalistic politician Sulejman Ugljanin. However, PM Aleksandar Vučić managed to institutionally integrate all of them, the first is a minister, the second president of parliamentary body for education, and the third president of the national council.

The traditional channel of political parties in mobilizing for political actions prevails in Serbia among national minorities. The fact that more than half of registered political parties are minority parties goes in line with the argument that minority voice can be best heard via political parties.

Political parties are a dominant way of expressing particular community demands in Kosovo, as well. Each non-majority community expresses its voice throughout political parties, and citizens' initiatives. But while Turkish, Bosniak, and RAE (acronym for the Roma, Ashkali, and Egyptian community) parties are actively participating in political life of Kosovo, it is not the case with the Serb parties and to some extent Gorani parties. Until 2014 parliamentary elections parties from North Kosovo had not participated in elections. In these elections Belgrade-backed Srpska Citizens' Initiative (SCI) won seats in parliament, and joined the government as Srpska List (together with Gorani representative). The parties that make the SCI are parties whose headquarters are in Belgrade. On the other hand, the Serb political parties from the South of Ibar River are only active in their local communities, and they were more willing to engage in Kosovo political system. For example, the United Serbian List of Rada Trajković successfully participated in several elections in Kosovo. Nexhmedin Spahiu (Interview, September 04th, 2016) offered a reason why it is so arguing that the parties from the south were forced to integrate, because they were geographically closer to Priština, whereas parties from the north did not because of the proximity of Serbia. Dijana Hasani (Interview, September 05th, 2016) claimed that even the Srpska List does not reflect Serb participation in Kosovo

institutions, but rather Serbia's participation, furthermore, Hasani also stated that proxy voting is very present in villages.

Milica Andrić (Interview, September 05th, 2016) singled out the activism of non-governmental organizations in political life, particularly in the North where more than 650 NGOs are registered, and mainly sponsored by foreign investors in civic sector, whose aim is to make Serbs integrate in Kosovo system. Jovan Aleksić (Interview, September 04th, 2016) argued that civic sector in the North is influenced by foreign capital and thus these NGOs are not in service of the citizens but their financiers.

As long as Serbs reject to accept the independence of Kosovo, their participation in its political life will be a farce, and seats will be filled with nonauthentic Serb representatives.

In FYR Macedonia political parties are the most used channel in expressing political opinions. As it was described in the part dedicated to representing one of the major characteristics of Macedonian political life, there are the huge pre-election coalitions which include minority parties, as well.

The key difference between Albanian parties, on the one hand, and the other minority parties, in the other, is a tendency of Albanian parties not to create the coalition agreements with the other parties, and to act independently in the elections. But the Albanian electorate is also divided into two factions. The two ex-leaders of the so-called National Liberation Army Ali Ahmeti and Menduh Thaçi run the two major Albanian parties, the Democratic Union for Integration (DUI) and the Democratic Party of Albanians (DPA). As Agon Demjaha (Interview, September 07th, 2016) pointed out everything is divided according to ethnic lines in Macedonia, even political parties and the NGOs, which is bad and sad.

When it comes to informal ways of participation of non-majority communities, the FYR Macedonia's case is slightly different from the cases of Serbia and Kosovo. The reasons behind this are the political activism of, as Zhidas Daskalovski (Interview, September 07th, 2016) stated the ISIS fighters in Macedonia, and Wahhabi movement which is popular among the poor, and which tends to control more and more mosques. In the same vein Veton Latifi (Interview, September 07th, 2016) argued that Islamic radicalisation sponsored by Turkey and Saudi Arabia is gaining more attention, and influence. On the other hand,

Dane Taleski (Interview, September 09th, 2016) underlined the proxy voting as an electoral feature especially in the rural areas. Kaltrina Selimi (Interview, September 08th, 2016) blamed the political elites for the creation of the system in which 'only a clientelistic formula works: a job for a family vote.

In conclusion, political parties are the most popular channel of expressing political views among the subnational political communities in Serbia, FYR Macedonia, and Kosovo. All minority parties in Serbia, and FYR Macedonia are actively participating in political life of their respective countries. The problem that minority parties are facing in Serbia and FYR Macedonia is linked with the pre-election coalitions in which minority parties partake, and which serve to fulfil primary nation-wide interests and not minority ones. On the other hand, the alienation of the Serb electorate and their authentic political parties from the Kosovo system has jeopardized attempts to make Kosovo political system functioning in full sense.

The unconventional ways of participation such as proxy voting are mainly noticeable in rural areas. But also in other areas due to high unemployment rates where family vote serves as a concession for the job. Such trends are present in each of the countries and entities under examination. By and large, the minority participation in political life is greatly marred with clientelistic practices. Abstention is a general trend which should also be considered as a political opinion.

A more problematic form of participation in political life is noticeable among the poor Albanians who easily get attracted by returnees from the war-torn counties, or radical Islam protagonists. The attention that these isolated groups are gaining is increasing significantly. That is the reason why the conventional minority participation is of interest to both the country and the non-majority community in order to stay in the safe avenue.

Conclusions

In this part I am going to give a general assessment of Arend Lijphart's consociational democracy applicability in Serbia, FYR Macedonia, and Kosovo. After I have visited five cities and three countries and entities I can answer my research question which concerns the integration of the subnational political communities from the three aspects:

autonomy, representation, and participation. Likewise, I going to share my own impressions from the field research.

Serbia, FYR Macedonia, and Kosovo are established as nation states with many minority communities inhabiting these countries. The key difference between FYR Macedonia, on the one hand, and Serbia and Kosovo, on the other is the fact that only the Albanians in FYR Macedonia are a numerically large community. Hungarians in Serbia, and Serbs in Kosovo, despite the attention that they are gaining as the second biggest community, are national minorities in the full sense. As mentioned before, numbers matter in the Balkans.

The data presented above suggests that FYR Macedonia is the closest to being considered as consociational democracy as was explained by Lijphart. Not ideally but among the countries under the examination FYR Macedonia adopted all consociational arrangements. Autonomy is embodied in enhanced competences in ethnically exclusive municipalities, the informal pattern of grand coalitions is respected, as well as formal requirement for double majority voting (limited veto power), proportionality in political representation, and civil service appointments. But despite the fact that the Albanians constitute one fourth of the total population, still Macedonians are in the majority. Thus the ideal prerequisite of the three or four segments in consociational democracy have not been met. The two players' game in FYR Macedonia is the hardest environment for consociational democracy to succeed.

According to my field research, FYR Macedonia is divided tacitly. Due to the geographic concentration of Albanian community in a number of municipalities, the sense of Macedonian statehood is very limited and almost invisible in these regions. FYR Macedonia is from the territorial point of view a bi-national country, but the normative framework does not leave such impression.

From the legal point of view Kosovo might be considered as a limited consociational democracy. The local-level autonomy and possibly the Association/Community of Serbian Municipalities go in line with the autonomy request; proportionality in parliament exist in the form of overrepresentation of the Serbs, whereas Serbs are underrepresented in state bodies; double majority voting leaves the notion of the existence of the limited veto power; and there is the formal requirement for the grand coalitions. But there is no real consociational democracy due to only two communities in the game, and the large numerical difference between the Albanians and Serbs. An additional issue is the Serbs'

refusal to take part in Kosovo system. In the eyes of many Serbs the Srpska List in the Kosovo government represents Belgrade rather than Kosovska Mitrovica in Kosovo institutions.

One needs to take into account the fact that consociational elements adopted in the constitution were brokered by the international community not by the Albanians who declared independence. When the pressure, in my opinion, from the international community stops and Kosovo starts acting independently there will be no reasons for keeping consociational elements in the constitution but to create a system where all non-majority communities will be treated as national minorities in full sense.

Serbia cannot be considered a consociational democracy due to several reasons. National minorities neither in parliament nor in national council exercise any veto power, furthermore grand coalitions despite minority participation in executive body do not exist as explained by Lijphart. Proportional representation exists at a local and provincial level. On the other hand, positive discrimination method is not sufficient for all minorities to be represented in the main state bodies. Of all elements of consociational democracy only cultural autonomy exists. One out of four consociational elements is present in Serbia, which is enough to argue that Serbia is not a consociational democracy. Moreover, the Serbs are the dominant nation; the second biggest are the Hungarians who constitute only 3.5% of the total population, and thus an additional requirement of the number of segments is not fulfilled.

Common to the countries in focus is the fact that ethnic, religious, linguistic, and cultural cleavages coincide. Political parties are the most used channel of expressing minority opinions and demands. Proxy voting is mainly practiced in the rural areas. More dangerous ways of political participation are advocated by the returnees from war-torn countries and radical Islam protagonists. Their activism is a common threat which needs to be addressed seriously.

Moreover, the history of armed conflicts, and the presence and influence of the international community are also common features. The Ahtisaari Plan and the Ohrid Framework Agreement came as a follow-up to the armed conflicts and they were brokered by the international community, the UN, and the US, EU, NATO, respectively. Both of these agreements aimed to bridge the gap between the two biggest communities. The Coordinating body for three southern Serbian municipalities also came in the aftermath of the armed conflict. In Serbia the OSCE

played a significant role in organizing trainings for minority representatives in order to help them use the instruments provided for enjoying the cultural autonomy. The role of international community was to ensure peace, bring border stability and preserve the multi-ethnic character of these societies. Peace has been established, borders are stable but in regard with the preservation of the multi-ethnic character I would like to share my own impression.

By conducting field research I realised that the majority and minority communities are segregated, alienated, even ghettoized, and living parallel lives side by side and not together. Perhaps the best examples are the divided cities of Skopje and Mitrovica where the communities are divided by rivers. Crossing a bridge means entering a new cultural, ethnic, linguistic, religious environment with no sense of unity, but division instead, fear of the other, and hatred. Even the moderate citizens from both riverbanks will say “We don’t like each other.” The notion of multiculturalism has failed in these societies. Legal provisions do not necessarily entail bridging the gap between communities, and in my opinion the ownership of bridging the gap should be in the bottom-up approach, i.e. at the citizens’ level not the elite one.

The syndrome of “communicating vessels” is very present in the Balkans. It can be best described by using an example of the Association/Community of Serbian Municipalities which failed to come to power in Kosovo, and its content is not familiar yet, but it gained significant attention in the region with centrifugal tendencies. Hence Albanians in FYR Macedonia, and those from the Preševo Valley, and the Sandžak Bosniaks would not regret to be granted such form of association. The mirror effects in other similar regions should be taken into account when making any new arrangements that deal with the accommodation of one community. History has taught us that nobody can guarantee that there will not be any new border changes in the Balkans.

Finally, after traveling these countries, doing interviews, reading books and articles, and analysing legal provisions, I can conclude the following: first, I am under the impression, which I leave for another discussion, that just because the once established borders in the Balkans no longer exist, does not mean that these borders have vanished from people’s minds; second, nobody wants to be a minority in relation to someone else, every community strive to be a majority somewhere.

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