

**IS DEMOCRACY POSSIBLE IN THE BALKANS?
ON PRECONDITIONS AND CONDITIONS IN BOSNIA,
KOSOVO, AND SERBIA**

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Executive Summary

Why is there a divide between the new political entities emerging from the former Yugoslavia between countries already accepted as democracies and those where skepticism about the very possibility of democracy is shared by both outsiders and politically active insiders? This article proposes to explain this difference by analyzing the consequences for Bosnia-Herzegovina, Kosovo, and Serbia of their unresolved stateness. In contrast to the political-science literature which argues that stateness (settled borders, political community, international recognition, and some basis of national unity) is a necessary precondition for democracy, analysis of these cases demonstrates that external promotion of democracy to solve the stateness questions creates further delays in resolving them while using democratic elections as the primary vehicle of state-building has become the primary obstacle to further democratization and to developing the social and economic bases of any stable democracy.

In the last days of Yugoslavia, from January to June 1991, US Secretary of State James Baker and his envoy to Belgrade, Ambassador Warren Zimmermann, told Yugoslav leaders that Americans supported democracy and unity – but if there was a choice between the two, democracy came first.¹ The consequence was Slovene independence and war. No one would doubt today that Slovenia is a democracy, indeed, it is almost so by definition as a member of the European Union.² As candidate members of the European Union, Croatia and Macedonia are also considered democracies.³ The peaceful secession of Montenegro in May 2006 from the state union with Serbia (the former Federal Republic of Yugoslavia) was sufficient to qualify it internationally as a democracy, whatever doubts there may have been since electoral competition in the republic began on that path in 1997.

In the other three political units to emerge from the former country, Bosnia-Herzegovina, Kosovo, and Serbia, however, there is a deep, pervasive skepticism about the possibilities for democracy -- despite multiple rounds of democratic elections and, with the partial exception of Kosovo, peacefully held. Moreover, this skepticism is shared by outsiders and insiders, members of the international community who are in these three countries to promote democracy and also politically active citizens in all three cases who are, at least, participating in democratic rituals themselves. This conclusion presents a serious dilemma for policy makers: it is in these

¹ I discuss this in *Balkan Tragedy*, p. 161.

² But see Guillermo O'Donnell, "Illusions of Consolidation," on the meaning of such a label (in his discussion, in relation to Italy).

³ The database on political regimes, Polity IV (2003 data), does however rank both Croatia and Macedonia in the "partial democracy" category; moreover, rankings by Polity IV, Freedom House, and World Bank CPIA and governance indicators all suggest a clear pattern of association in the region, from the most consolidated and stable democracy to the least as a direct inverse relationship of the extent of international intervention and negotiation. Polity IV codes Bosnia-Herzegovina and Kosovo, in fact, as "interrupted" states because executive power in both cases is in the hands of international authorities, while all the others except Slovenia are classed as "tentative" democratic regimes.

cases that democracy matters most in their articulation of objectives in the region, but the causes these skeptics identify are particularly resistant to change in the short and medium term. These obstacles are said to be (1) their respective national cultures and, surprisingly given their common origins with the other four, (2) the legacy of the communist system.

The purpose of this paper is to ask, is this skepticism justified? And can the scholarship on democracy and democratization tell us how to answer that question? It will argue that there is, indeed, a difference between the two groups of post-Yugoslav states and that this difference can be explained by the political-science distinction between democracy and statehood and the related argument that statehood is a necessary precondition for democracy. Before elaborating why and how it helps us analyze the prospects for democracy in these three, I will lay out the common arguments for why democracy matters.

Why Democracy Matters

When Secretary Baker and Ambassador Zimmermann prioritized democracy in 1991, it did not mean what we mean today after a decade and a half of democratization experience in eastern Europe and the former Soviet Union and the development of explicit strategies of democracy promotion by the US and many others. Then, democracy was still defined by Cold-War anti-communism and antinomies; democracy meant a rejection of the communist system and support for anti-communist political forces.⁴ Now, democracy promotion has multiple objectives. In these cases, treated as countries at risk of violent conflict or emerging from it, three goals dominate in the policy and academic literature.

In the international-relations literature on the democratic peace, the thesis beginning with Immanuel Kant and now extensively researched and debated, democracies do not go to war with

⁴ I have analyzed the consequences of the fact that this position meant supporting nationalists, without regard to their democratic credentials or those consequences, in Balkan Tragedy and “Costly Disinterest.”

each other. Far more contested is the assumption that democracies do not go to war at all, since this is clearly not true, but the reasoning for a lower likelihood of international conflict when the relevant governments are democratic is the same. The policy world has embraced this thesis wholeheartedly, without its caveats.

Second, in the policy literature on state fragility and failure and the academic literature on political stability and instability, democratic regimes were until recently considered far less vulnerable to breakdown and its violent domestic consequences, such as civil war, genocide, and politicide, than are authoritarian regimes.⁵ To prevent civil war, therefore, democratize an authoritarian regime. This, too, is highly contested by academic research, but the empirical challenge is not to democracy itself but to the highly destabilizing process of any political transition in regime type. The process of creating a democratic regime is considered especially vulnerable to conflict, according to this literature, because the institutional restraints on free speech, electoral rhetoric, and other opportunities to mobilize extremist views, nationalist hatreds, and similar types of intolerance for political gain in electoral competition, have not had time to develop.⁶

Unfortunately, the newest empirical literature finds that authoritarian regimes can be as stable as democratic regimes and that it is partial democracy that is associated with the threat of both international and domestic conflict (war). Moreover, the best current explanation for this pattern is economic. Above \$6000 per-capita income (in 1995), “democracies are impregnable and can be expected to last forever”; the probability of a democracy surviving declines

⁵ These terms are the particular phrasing of the experts gathered into the Political Instability Task Force.

⁶ See, in particular, Snyder (2000) and Snyder and Ballantine.

dramatically with declines of economic wealth.⁷ Although the reasons why democracies are less vulnerable to destabilizing threats than are authoritarian regimes differ, according to this research, all countries regardless of the type of government they have, are more stable above \$6,000 than all those below that level. If the goal is political stability and its correlate peace, then, should not the focus return to the causes of economic development and growth, including the debate on what used to be called the “development dilemma,” that economic development was more likely to be undertaken successfully by authoritarian regimes than democratic ones because the latter are too vulnerable to pressures for redistribution when labor and the poor are free to organize? While the newer literature says that democracies do create greater equality than authoritarian regimes through public policies of redistribution, those policies, such as expenditures on education and health and the moderating effect politically of less inequality, generate more rapid economic growth.⁸ This does not reduce the independent significance of economic conditions, however, and the strong evidence of growing disillusionment with democracy in large parts of the world where inequality is high, especially but not only Latin America, has led to a more sobering discussion of democracy. Do not expect democracy to solve everything, particularly economic underdevelopment and poverty in a highly globalized economy, say its defenders; appreciate, instead, its intrinsic merits in terms of more open information, the rule of law and thus predictability, and respect for human rights.

⁷ Translating those probabilities into years, Przeworski, et al. (1996) state “These numbers mean that a democracy can be expected to last an average of about 8.5 years in a country with per-capita income under \$1,000 per annum, 16 years in one with income between \$1,000 and \$2,000, and 33 years between \$2,000 and \$4,000, and 100 years between \$4,000 and \$6,000. See also, Przeworski, et al., (2000), and the debate with Boix and Stokes on the data.

⁸ And see Boix on a longer historical trajectory of this tendency toward more egalitarian outcomes.

These intrinsic merits fall in the third category of goals, increasingly associated with the “sovereignty-as-responsibility” camp.⁹ International recognition of a state’s sovereignty brings a host of rights and privileges under the legal definition of equal membership in international bodies and relations. But rights always entail duties as well, and the rights of sovereignty, this camp argues, carry certain responsibilities, such as signing and upholding the international conventions and norms that make international intercourse possible and protect international peace and stability -- being a “reliable partner” internationally in the current policy jargon. At the top of this list of sovereign obligations is the responsibility of a government to protect the human rights of its citizens and the rule of law that is the means for such protection. Whether democracies are more likely to uphold treaties and contracts, be a reliable trading partner, police their borders, control epidemics, and perform other tasks essential to international commerce and peace, however, is less clear empirically than the strong presumption in the policy community.

That there is a tension between the normative discussion about democracy and the empirical evidence is true as well in the academic literature, where the two primary ways of assessing democracy, Ian Shapiro writes in his recent survey of democratic theory -- the normative and the explanatory -- “grow out of literatures that proceed, for the most part, on separate tracks, largely uninformed by one another” (Shapiro: 2). In the policy world, however, the normative reigns and there is little gain to be had in fighting the normative consensus. As Shapiro writes and the current debate about the less than democratic character of many of the world’s newer “democracies” reveals, “the democratic idea is close to nonnegotiable in today’s world.” The primary reason for this is American foreign policy which, in Secretary of State Condoleeza Rice’s policy label, “transformational diplomacy,” aims to repeat the success of the

⁹ International Commission on Intervention and State Sovereignty; Deng, et al.; and A more secure world.

Marshall Plan period to create reliable foreign allies by transforming their domestic systems.

The soundest basis for cooperative allies, Leo Panitch and Sam Gindin demonstrate beautifully in their new work on the way the United States built the postwar world, what they call creating an empire in a new way, was to create allies “from within.” The Marshall Plan policies made sure, through specific economic reforms and through an aid strategy to undermine left-oriented political parties and groups, that the countries of western Europe had the same political and economic interests as the U.S.. Whether Secretary Rice will succeed in extending this policy beyond western Europe, the Europeans themselves are now doing the same – imposing conditions and detailed instructions for the transformation of the new regimes in eastern and southern Europe so as to create cooperative new members or allies in its “neighborhood.”

The foreign policy goals of democratization are completely clear in the case of the Balkans. If one looks at the actual statements and policies of international actors toward the region, and most specifically, Bosnia-Herzegovina, Kosovo, and Serbia, democracy means three things: (1) moderate leaders (which are defined as non-nationalist), (2) “European”-oriented policies, and (3) multiculturalism, defined as the domestic protection of minority rights. Thus, for example, the electoral defeat in October 2000 of Slobodan Milošević was roundly proclaimed a democratic revolution in Serbia, even though Serbia had had since 1991 contested elections (if not fully free and fair), freedom of organization and the media, freedom to travel, and, until the late 1990s, judicial protection of property and individual rights. Similarly, the political parties considered moderate (either non-nationalist or what Jacques Rupnik calls “Eurocompatible nationalists” [Rupnik: 102]), those outsiders hope will form a coalition government after the January 2007 parliamentary elections, were immediately labeled the “pro-European bloc” and,

interchangeably, the “democratic bloc.” In Kosovo, the list of “Standards” which United Nations officials in the transitional administration expected Kosovar authorities to meet before the grant of sovereign status (despite UNMiK’s rather loose enforcement of this policy) gave priority to the protection of minority rights in the province. And in Bosnia, those politicians who call for a popular referendum on the constitutional principles of the Dayton Accord, even if popularly elected as in the short-lived president of Republika Srpska in 1998-1999, Nikola Poplašen, or who now resist efforts to strengthen the central government in Bosnia and reduce the powers of the entities, also popularly elected leaders in Republika Srpska such as current prime minister Milorad Dodik, and, less noticed in both instances, in the Croatian community, are considered anti-democratic forces – and in some cases such as Poplašen, even removed from office by international fiat (the “Bonn Powers”).

Indeed, support for a policy of Europeanization (progressive adoption and implementation of the criteria for eventual European Union membership, beginning with the signing of an Association and Stabilization agreement¹⁰) is universally said to be the way to a lasting peace, while the alignment between Europeanization and democracy is not a matter of geopolitics or economic interest but cultural identity and membership. The European Union is a community of states based foremost on cultural values, it is now said repeatedly, with democracy at its core. Those who are less enthusiastic about such a policy, for whatever reason, and especially those politicians who hint at alternative foreign alliances, such as with Russia, are not democrats.

¹⁰ An ASA is particular to the countries of the “western Balkans” (former Yugoslav states minus Slovenia plus Albania) in recognition of the European security objectives in the region – association with the EU requires additional criteria to those of other states in the rest of the formerly socialist sphere, ones which aim to stabilize regional security.

The Debate

A striking effect of this framing of democracy in the western Balkans¹¹ is to differentiate those countries already considered by outsiders to be in the European circle, as members or candidate members (Slovenia, Croatia, Montenegro, Macedonia [and Albania]), from those that are not, in terms of the prospects for democracy. There is no debate about whether democracy is possible in the first group whereas the debate is ever present in the other three -- Bosnia-Herzegovina, Serbia, and Kosovo. Moreover, it is their international status that defines the terms of this debate.

Most familiar is the ongoing debate about Bosnia. Bosnian politicians -- elected representatives at many levels of government and party leaders -- seem incapable of or unwilling to take decisions, particularly those required by the international authorities, and thus -- the charge continues -- of being responsible to their electorate. The debate emerged and still revolves around the role that external authorities should take toward the Bosnian transition to statehood and democracy. On one side are those who believe that the Bosnian project will only succeed if international authority is assertive (with support for the “Bonn Powers” of the High Representative created in 1998 and even the firing of the most recent High Representative, Christian Schwarz-Schilling, in January 2007 because he was not sufficiently directive), represented most distinctively by the International Crisis Group. On the other side are those who believe that Bosnia can never become a democracy as long as it is under external fiat, with the European Stability Initiative leading the team.¹² But, this debate actually hides a much stronger difference between the two camps -- whether Bosnians are capable of self-government or not.

¹¹ Even this new geographical category originates from Brussels.

¹² The power of the first camp politically can be seen in the effort by Schwarz-Schilling to square the circle between his position in favor of “A Bosnia Run by the Bosnians” and the need for just a bit more international overlordship, as if to hide the fact of his firing, in The Wall Street Journal Europe, February 12, 2007.

Thus, explanations provided for the first position are that Bosnians cannot escape the decades of communist rule and resulting anti-democratic culture or, worse, their centuries of ethnic hatred and religiously driven culture. Hints of an old European debate about the relation between Protestantism and capitalism (including tolerance and democracy) are almost audible – how could a country of Roman Catholics, Eastern Orthodox, and Muslims become democratic?¹³ Explanations for the other position reverse the causal arrow. The international role in Bosnia – a “European Raj” (Knaus and Martin) -- has been “faking democracy” (Chandler) and is responsible for the patrimonial politics and clientelistic corruption that the first camp emphasizes (Bose). Among Bosnians themselves, the debate is more frequently between citizens who feel disempowered, some of whom want the foreign “boss” to do more, some less, and those who have tied their own futures to Bosnian membership in the European Union and believe that this goal will only be achieved through external imposition because their politicians are not capable of it themselves. A related, but in theory separate, debate concerns the sources of Bosnian nationalism, on the argument that nationalist views are by definition extremist and opposed to the values necessary to stable democracy.

The debate in and on Kosovo is similar because the international authorities have even greater authority and Kosovar politicians much less than in Bosnia, but the local positions are reversed. The more politically active in Kosovo, the more critical of the international authorities for not being sufficiently decisive (Veton Surroi represents this position most clearly). The debate about local democracy focuses instead on the level of violence, against minorities on the one hand, and by organized crime networks and trafficking activities, on the other. Reinforced by the explosion of anti-Serb violence in March 2004 at the very time when the “Standards

¹³ Alfred Stepan has taken up this challenge in his most recent empirical work, with delightfully contrary results.

before Status” policy required greater demonstration of both will and capacity for democracy before sovereignty could be recognized, the debate took on a cultural, ethnic rhetoric. Was there something “Albanian” about this behavior and a long history of blood feuds in the culture or a result of Serbian repression and Albanian resistance during the 1990s. Explanations for the failure of the Kosovar leadership to meet the UN’s list of Standards thus divide, for example, between those who criticize Kosovo Albanians’ cultural lack of tolerance and those who sympathize with what they call a human need for revenge and retribution against the Serbs.¹⁴ In either case, the debate defines the obstacle to democracy as characteristics of the population, its social structure, and their culture, not of political leaders only. Patrimonial behavior – a politics based on “family and clan”¹⁵ -- is viewed as part of that cultural package, not as a result of international policies, as the literature on Bosnia argues.

The debate in Serbia is distinctly different, although much of the behavior at issue -- irresponsible politicians, lack of institutions, corruption, politically influential organized crime, and both political and criminal violence -- is notably similar. Here the initial hopes of the electoral results in October 2000, both among locals and outsiders, have given way to a great disillusionment with subsequent developments and a search for explanations. Outsiders almost uniformly blame the unwillingness of Serbs “as a nation,” invoking deep historical and cultural causes, to accept their responsibility for the wars of the Yugoslav dissolution and their failure to come to terms publicly with this guilt. Concrete evidence is the failure to find and extradite Ratko Mladić (the Serb from Croatia who led the Bosnian Serb army) to the International Criminal Tribunal for Yugoslavia at the Hague, with particular criticism of President, then Prime

¹⁴ On the difficulty this latter position posed for the UNMiK office on human rights, see William O’Neill, Kosovo.

¹⁵ Steven Burg, in recent lectures on Kosovo politics.

Minister, Vojislav Koštunica for this nationalism. Many in the local human rights community agree with this explanation. The inside debate actually ranges among many possibilities, such as the lack of consensus on basic goals and democratic principles (which members of the former democratic opposition [DOS] that won in 2000 often blame on the extremism of the Serbian Radical Party), the lack of political skill among top leaders, and especially the political personalities of current party leaders and their deep personal rivalries, struggles for power, and self-promotion rather than compromise and institutional development. Most interesting, perhaps, is the argument that the structure of real (political-economic) power in Serbia has not changed for many decades, and it prevents a “democratic revolution,” condemning Serbia to a pattern of “cyclical revolution,” that is, one that goes nowhere. This widespread feeling of being “stuck,” whatever the explanation, was reinforced by the electoral results in January 2007 where almost no change was registered at all in the parties’ voting constituencies and relative power over the entire six and one half years, except perhaps the elimination of many very small parties.

The Statehood Precondition

Could it be that there is a common explanation for these three, otherwise different cases? In the literature of political science, it is obvious. A long-standing and accepted argument is that the political decision to become a democracy, whatever the starting point and whether a result of compromise and pacting among political elites or pressured by popular protest and organization, cannot go anywhere, let alone succeed, until the question of statehood is resolved. One cannot be a democracy until the elements of statehood are settled. Political scientists differ on the element they consider essential. In his classic article on the transition to democracy (and the importance of distinguishing genesis from consolidation), Dankwart Rustow (1971) insists that

“national unity” is a *precondition*. Robert Dahl, the preeminent American theorist of democracy, writes, “the democratic process presupposes a unit ... If the unit is not considered proper or rightful – if its scope or domain is not justifiable – then it cannot be made rightful simply by democratic procedures” (Dahl). The European state theorist, Otto Hintze, already in 1906, emphasized the relationship between regime type and uncontested or contested borders: countries that had geographically defensible borders (e.g., islands or mountains) or long-settled border relations with neighbors, could have the kinds of governments we now associate with democracy. Those with contested borders and other perceived external threats to the country’s territorial integrity focused on building state structures, including military apparatuses, for external defense not for domestic competition and institutionalized restraints on power.¹⁶ Philippe Schmitter and Terry Karl argue that the most distinctive characteristic of democracy is citizens, and thus until one knows what state one is a citizen of and until leaders competing for elective office know the reach of their potential constituents, democracy has no meaning. Juan Linz and Alfred Stepan refer to “stateness,” by which they mean all three: territorial borders, the political community (the *nation* or national identity) which the state represents, and who has the right of citizenship in the state.

These arguments in the academic literature are largely definitional and logical, and they are contested by some on the basis of existing exceptions, such as Bangladesh whose negotiations over independence from Pakistan lasted 20 years, the Palestinian authority, or Sri Lanka. The experience of the specific democratic transitions in countries of eastern Europe and the former Soviet Union, however, strongly supports this logic. Throughout this region of transformation after 1989-91, the political agenda over which politicians and publics fought had

¹⁶ Cited and discussed in Gibler and Sewell, p. 415.

three elements – democratization (the choice of political regime and constitution, whether democracy or something else), economic reform (debates on a system based on private property and a globally open, free market economy), and statehood (borders, citizenship, international recognition, and national identity).¹⁷ In all cases, it turns out, the statehood question had to be solved first, before anything else could be decided and acted upon. It acted as an uncircumnavigable roadblock. Interesting too is that in most cases, the choice on economic reforms came second, before those on democracy and democratic institutions. There are many reasons why the countries of central Europe (including Slovenia) moved so much faster on economic reforms and growth, but one is surely the settled issues of statehood in Poland, the Czech Republic, Hungary, Slovenia, and the 3 Baltic countries once they gained independence, whereas Slovakia, Romania, Bulgaria, and Croatia had issues of national unity and perceived threats to their borders to resolve first.

No one would challenge the statement that the three cases of concern here have not settled their statehood issues. Kosovo does not yet have sovereign status, thus at least the borders and citizens of Serbia are not yet clear (and have changed twice already since 1991), and many believe that it is only the presence of the international military and civilian administration in Bosnia and Herzegovina that keeps the country together against two communities that would still prefer secession and who retain hope that the decision on Kosovo's status will give them an internationally legal precedent on which to leave. Although the debate about prospects for democracy is most vocal in regard to Kosovo and Bosnia because they are under international tutelage (the label of the Polity IV coding is "interrupted" state), one might argue that Serbia faces the greatest number of unresolved issues and uncertainties. If we think of stateness as

¹⁷ The literature is vast, but a good starting point is McFaul (pp. 9-13) and McAuley (ch. 1).

composed of three aspects – international recognition, settled territorial borders and population, and national unity – then Bosnians face uncertainty about two (borders and unity), Kosovar Albanians also two, with both soon to be solved together (recognition and borders), while Serbian politicians face all three.

Table 1

	<u>Elements of Stateness Settled or Still Uncertain</u>		
	Bosnia-Herzegovina	Kosovo	Serbia
International Status	Yes	No	No
Territorial Borders	No	No	No
National Identity/Unity	No	Yes	No

Moreover, unlike Bosnia and Kosovo, Serbian politicians are held to be the cause of their own lack of settled stateness and also that of Bosnia and Kosovo. If Serbian politicians would accept the independence of Kosovo, with Kosovar Serbs as a minority there, accept the reality of a sovereign Bosnia and Herzegovina, with Bosnian Serbs as an integral part of that state, and accept their responsibility for the wars by cooperating fully with the International Criminal Tribunal, then all the borders for these three would be clear, international recognition for Kosovo would follow, Bosnians could redirect their energies toward national unity, and Serbia would know its borders, be able to create a sense of Serbian nationhood within those borders (national unity), and leave behind their current international isolation and uncertain status to become fully recognized as an equal, sovereign member of the international community.¹⁸

¹⁸ For a different path to the same argument, that the resolution of the Serbian national question is exceptional in its comparative difficulty among transitional countries, see Vujačić (2004).

If this political-science literature on the relation between democracy and stateness is correct, then the answer to the question this paper poses is, we don't know. Worse, with the start of a European supervisory administration for Kosovo that is designed, at least, on the Bosnian pattern, and with the Contact Group decision to remove Bosnian High Representative Schwarzschild in January 2007 because he was transferring authority over to Bosnian politicians too rapidly, we are unlikely to have an opportunity to answer the question for many years to come. What we can analyze, however, is whether the unsettled issues of statehood are a plausible explanation for the characteristics of politics which provoke the current skepticism about democracy's prospects in these three cases.

1. The persistence of nationalist parties and politics: Examining electoral results for each – Bosnia since 1996, Kosovo since 1999, and Serbia since October 2000 (Table 2 below) – we can see that nationalist and nationally focused parties are alive and well. It is clear in all cases that political competition continues to be focused primarily on the national question. This focus has two elements, an intra-communal fight in the form of ethnic outbidding – contest between parties over voters' loyalties in terms of who is trusted most to protect the national interest of their community, and an inter-communal contest in the form of a continuation of the fight over sovereignty itself. Although Kosovar Albanians returned to war against Serbs in March 2004 to try once again to create a physical *fait accompli* of national unity, using violence to frighten Serbs into leaving the province in a pattern that began (and was most successful) in Croatia and characterized all three parties' wartime strategy (but especially that of Serbs and Croats) in Bosnia, all political parties in the three cases continue to use the electoral mechanism as a way of establishing leverage and bargaining power with international powers over the rights of

sovereignty. Efforts by outsiders to support and reward the parties they consider non-nationalists (SPD BiH¹⁹ and their Alliance for Change, which governed for 2 years only, in Bosnia; the Democratic Party in Serbia) or more moderate nationalists (the LDK in Kosovo, NHI and SNSD in Bosnia, and DSS in Serbia) have repeatedly failed, with voting fortunes quickly rebounding for nationalist-labeled parties.

2. A democratic constitution: Another striking characteristic of these three cases is their prolonged delays on finalizing a new constitution, either in writing one at all as in Serbia until October 2006 or in completing the process of constitutional revision as in Bosnia and Kosovo. None have settled constitutions. More important, all three constitution-writing processes are part of the national fight, not a product of domestic bargaining and negotiation over rules to stabilize the shifting balance of power among contending political factions and parties. In Serbia, Vojislav Koštunica has succeeded in dominating the constitutional process, both in opposing pressure for a new constitution to replace that of 1992, between October 2000 and October 2006, and in proposing alternatives (including that which was adopted) as instruments of foreign policy, to keep Kosovo and Montenegro within the country. This tactic was most blatant in the new constitution, the entire purpose of which (and especially its timing) was to strengthen the position of the Serbian side in the negotiations in Vienna over the status of Kosovo and thus Serbia's borders. That it is relatively easy to amend not only affirms its external bargaining role, but also leaves a large element of uncertainty about Serbia's future constitutional order. At the same time, one could argue that the European Union is equally responsible for the delays, by imposing a new constitutional order in the Belgrade Agreement of 2003 to force Montenegro to

¹⁹ For party acronyms, see Table 2.

stay within a “state union” with Serbia. Three years of efforts to design such a new state were obstructed at every turn by Montenegro.

The international role dominates in the case of Kosovo and Bosnia-Herzegovina. Both the limits in UN Security Council Resolution 1244 and the UNMiK rules for a provisional (interim administration) government kept Kosovo’s constitutional status ambiguous for eight years, and the conditions placed on a constituent assembly and domestically bargained constitution in the Kosovo status ruling by Martti Ahtisaari in March 2007 will continue those delays. But also, as in Serbia, all three documents aim at resolving the national question – is Kosovo sovereign or a part of Serbia, who are its citizens, and how can the rights of national minorities be protected (such as through decentralization or territorial autonomy within the province)? The Dayton constitution for Bosnia and Herzegovina was written by a U.S. legal team on the basis of earlier peace plans, also internationally designed, for Bosnia, and negotiated between the representatives of one of the three Bosnian state-building parties, the president of neighboring Serbia, and the American negotiators. No other Bosnian parties were involved nor was the constitution put to a democratic referendum in Bosnia or even made public in local languages. Moreover, the constitution is under constant revision by international fiat or proposals with the aim of settling the balance of constitutional power among the three national communities of Bosnia and thus strengthen the sovereignty and territorial integrity of the country. Even the most recent effort at constitutional reform, which did bring representatives of major political parties together in one room under a US diplomatic initiative, provided an opportunity for ethnic outbidding within the Bosniak and Croatian communities on the claim that these reforms were “imposed” by outsiders and did not satisfy their respective national

aspirations. This first type of nationalist politics then strengthened the second, the intercommunal conflict on the nature of the Bosnian state, which together led to the victory at the polls in October 2006 of nationalists in all three and of the intracommunal conflict over the definition of the national question as a result.²⁰

That all three constitutions are aimed at creating states and their territorial and national borders and all three remain explicitly incomplete and transitional also prevents the first consequence of a democratic constitution – the establishment of the rule of law, a *Rechtsstaat* – and its precondition for democracy itself.

3. Democratic controls over the military and wider security apparatus Delays in all three cases in establishing civilian and democratic control over the security apparatuses – the armies, internal security police, and intelligence services -- are also a cause for concern about the prospects for democracy on the part of both outsiders and critical insiders. A tenet of the democracy literature is that a primary threat lies in the independent power of the military to stage a coup against democracy at any time. The evidence is extensive. A second and more immediate concern of democracy-promoters in the Balkans is driven by the peacebuilding literature and related policies which emphasize demilitarization and security sector reform as the key to the transition from war to peace.

And indeed, international authorities in Bosnia and Herzegovina not only emphasized the vetting of military officers and the downsizing of the three armies after 1995 but also the integration of these armies into one Bosnian army in support of a unified state and the creation of a state-level commission on national defense to counteract the control by each of the three

²⁰ Particularly interesting is the revival of the political fortunes of Haris Silajdžić; on the conflict this increased among Bosniak parties, see the open letter from Muhamed Čengić, of the rival SDA, “Silajdžić’s mistakes have cost Bosniaks dearly” published in the Bosnian Serb newspaper *Nezavisne novine* on 27 January 2007.

communities over separate armies which was agreed in the Dayton peace accord. Integration was achieved on paper only in the summer of 2005 under persistent NATO-led negotiations.

In Kosovo, despite the agreement (called an “Undertaking” to avoid sovereign recognition) of the commanders of the Kosovo Liberation Army (KLA) in June 1999 to “demilitarize and transform” the KLA within 90 days after the withdrawal of Yugoslav security forces from the province, the Chief of the KLA General Staff, Agim Ceku (who is now the prime minister of Kosovo), insisted on transforming the KLA into a proper army to defend the province. NATO authorities compromised between those who insisted that genuine security for the province and the region would only emerge through effective demobilization and those (specifically SACEUR Wesley Clark) who insisted that the primary threat in the region was Yugoslav forces and that Kosovo needed a military deterrent. The compromise was to transform the KLA into a Kosovo Protection Corps (KPC) with responsibility for humanitarian and disaster relief within the province, yet experience with the KPC has shown them to be a shadow army, a continuing element of the national liberation strategy of all Albanian Kosovo political parties, and a serious threat in its own right to regional peace, within Kosovo and in neighboring Macedonia and southern Serbia. Its termination and replacement is only now a requirement of the future status agreement proposed in February 2007.

In Serbia, the strongest external and internal criticism of Vojislav Koštunica, as both president and prime minister, after his failure to cooperate fully with the ICTY, is his choice to ally closely with the military and refusal to promote early security reform. The assassination of Prime Minister Zoran Djindjić in March 2003 is widely seen as one consequence. So, too is the

failure to deliver Ratko Mladić to the Hague. Democracy is insecure, it is generally believed, as long as the military plays such a key role in the state.

Yet here, too, the stateness issue is the cause, for three reasons. When the borders of the state are not settled, resources for their defense will always take priority in the state-building process, as Otto Hintze argued. In contrast to Slovenia, whose natural defenses provide Hintze's condition for a liberal constitution, the lack of settled borders in these three are a consequence of delays in the international resolution of Kosovo's status and before that in Montenegrin status, and its consequences directly for Serbia and indirectly for Bosnia-Herzegovina, and these delays prevent ruling parties and their governments from serious military downsizing and cooperation with those who are still perceived as a threat to their state project. Political leaders for whom the national project is primary will seek alliances with at least one part of the security apparatus as a political resource in their leverage internationally and political competition with domestic rivals.

Second, when there is no external guarantee of a state's security, even if the borders are not contested but much more seriously if they are, domestic resources will be deployed accordingly, reinforcing the first. As Gibler and Sewell demonstrate for 14 former Soviet republics, there was a direct positive relation between "those states that openly and actively aligned with NATO and other Western allies" and a transition to democracy. Moreover, the best explanation for authoritarian or democratic regimes among the 14 was the level of external threat. Contrary to the democratic peace thesis, "a reduction in the level of external threat remains a significant factor in the likelihood of democratic transitions and survival. Democracy tends to follow peace" (Gibler and Sewell: 429). The long delays in providing any relationship with NATO (Partnership for Peace status was granted to Bosnia and Serbia on the same day in

December 2006; Kosovo remains under NATO-led protection domestically but cannot establish sovereign relations), let alone real security guarantees, together with continuing delays and conditions for association with the European Union, and the reverse causality – that democracy had to come first – have kept the external environment and their place in it undefined and insecure.

Third, defense against threats to a state's territorial integrity depend equally on the loyalty of its citizens and others who live within the territory. Until the conditions exist for defining and establishing the cultural bases of national unity in each,²¹ the force of arms, including paramilitary units and informal or even illegal security companies, as well as its cultural values and symbols will retain its attraction in the absence of shared symbols, rituals, and expectations of a national culture for the future.

Cyclical Revolution?

The pessimism about democracy in Bosnia, Kosovo, and Serbia, both from outsiders and the populations, has emerged from growing discouragement about the slow pace of progress, if any at all, in their expectations of political change. The threat of rising frustration at being stuck, of “waiting for Godot,” in fact, was what led the United Nations and particularly Kai Eide in his report to the Secretary-General in October 2005 to urge the start of negotiations on Kosovo's status even though the conditions for a stable democracy were nowhere in sight. But the frustration applies in all three cases. The longer the delays on settling the stateness issues, the slower the process of democratic habituation and consolidation. In all three cases, moreover, the frustration is focused simultaneously at local politicians and the role of the international actors. Bosnians are grasping at the straws of more international dictates with the new phase of

²¹ This is the primary task of state formation in the European tradition of Carl Schmidt (see Poggi, chapter 1, pp. 1-15), and of all states, according to Joel Migdal.

conditions – the European Union and NATO association agreements – but this reproduces the divide between the narrow numerical layer of urban cosmopolitans and the sizable layer of rural, small-town, and urban poor who feel disempowered, while delaying the domestic empowerment that could change that. In Serbia, frustration is aimed at the continuing isolation of the visa regime and the sanctions related to ICTY and at the lack of outsiders’ understanding of the political consequences of the deep psychological trauma of 15 years of isolation and blame for the violent breakup of Yugoslavia -- sentiments which tend to electoral choices (the SRS, DSS, and SPS) which outsiders consider anti- or semi-democratic.

What this discussion of the relation between stateness and democracy suggests is that the cause may indeed be its relation because the foreign policy goals of outsiders have reversed the sequence.²² Not only is democracy promoted to satisfy the foreign policy and international security goals of outside powers and interests rather than what democracy is supposed to accomplish – governments responsive to the interests of their citizens organized in political parties and interest groups and accountable to the sanction of electoral results.²³ But also, democratic elections have become the primary vehicle of state-building and the obstacle themselves of further democratization.

Most blatantly in the concept “Standards before Status” for Kosovo, but the policy is the same in each case, outside powers expect democratic leaders, what they call moderates or non-nationalists, to solve the conflicts over the national question on which they themselves do not agree and which were created in these three cases, in fact, by their policies on Yugoslavia originally – recognition of Slovene and Croatian independence as a right to national self-

²² This is not the same argument about sequencing that Thomas Carothers is currently addressing.

²³ The Bluebird research project identifies this (“responsive government” in their words) as the primary need for reform throughout the Balkans currently.

determination and then a refusal to solve the demands for the same on the part of the rest of the Yugoslav territory.

The consequences of using democratic elections to solve the statehood issues, one can propose on the basis of the discussion above, have been:

(1) a continuing perception of political instability, including its negative effects on foreign investment, because the constitutions are not serving their primary purpose of stabilizing power relations within the country and laying the basis for a state based on the rule of law (*Rechtsstaat*);

(2) weak and underdeveloped parliaments because political parties that win elections do so, at least in part, on state-building and national platforms and have no incentive to discuss issues on which they have to bargain and make compromises and trade-offs;

(3) elite and party competition, instead, over sources of enrichment outside constitutional and parliamentary rules (which source of foreign investment, such as France vs. Germany, and of foreign aid, such as the US or the EU; which organized crime groups; which of the big business elite formed during the war or under the sanctions; and so forth), what is generally called corruption but is party capture – a political fight over the private as well as public spoils -- not state capture, and is a result of unsettled constitutional jurisdictions for fiscal and regulatory powers;²⁴

(4) a neglect of public debate and electoral competition over other issues, particularly that of economic policy, on which disagreements are major and citizens' lives depend; this reduces the possible coalitions and coalitional bargaining possible -- the stuff of democratic politics -- and

²⁴ Mary McAuley refers to the 1991-1994 period in Russia as the stage of "elite accommodation" when leaders in the provinces negotiated with the center about the terms of their autonomy and Moscow's obligations; this phase has not yet occurred in these cases for reasons of external constraint and dictate.

has demonstrably hurt those parties at the polls which have attempted to shift the debate to economic and social policy; it forces voters to use their vote as an act of protest rather than one of economic interest and policy, and open to the charge of nationalism when that protest vote is, as frequently, for parties such as the Radicals in Serbia or the Serbian Democrats in Bosnia; and it leaves economic policy to a group of technocrats in the relevant ministries and their international partners (the International Monetary Fund, World Bank, EU Commission, European Bank for Reconstruction and Development, Bank of International Settlements, and so forth) who, not being exposed to the light of public debate and political pressure, have been free to choose macroeconomic stability, insider privatization, and hyperliberal labor reforms and to neglect the creation of a national development strategy that could address the ever rising unemployment and poverty levels that characterize these three cases;

(5) perhaps, most ironic of all, unsettled stateness *under conditions of competitive elections* prevents a solution to the necessary precondition of national unity. The foundational consensus on the elements of a national identity is instead the political cleavage on which parties compete for votes, both within their electorates and among outside actors. As one Serbian human rights activist commented in regard to the constant demands to extradite indicted war criminals, from Milošević and Šešelj to Ratko Mladić and many army generals in between: the prime issue that needs to be debate and resolved for a new Serbian national identity in its recognized borders, that of war guilt, is being made into an “issue of foreign policy,”²⁵ and

(6) the obstacles to developing the other aspects of democracy than elections prevent the generation of legitimacy for democracy as a system of government itself.

²⁵ Cited on BBC.

But what of the two alternative, currently dominant explanations for the lack of democratic progress in Bosnia, Kosovo, and Serbia? The cultural argument – a Serbian mentality for internal quarreling and nationalism, a Bosnian patrimonial culture or history of ethnic hatred, or a politics based on family and clan and the history of blood feud in Kosovo – requires a counterfactual; it cannot be separated from the consequences of weak institutionalization that results from unsettled stateness in the aspect of a settled constitutional bargain among domestic elites. The legacy of communism argument can be rejected since it should also then apply to Slovenia, Croatia, and Macedonia. But there is a legacy argument deserving consideration. The path of democratization and its prospects, the academic literature demonstrates, depends on the starting point – what type of authoritarian regime (Geddes) and the path of extrication (Przeworski 1991; Stark and Bruszt). Two characteristics – one from the Yugoslav era and one from the decade of the 1990s – are relevant. Of all the possible post-Yugoslav states, these three emerged from Yugoslavia with the least stateness. As Veljko Vujačić has argued persuasively, the history of Serbian state formation since the international decision in 1918 meant that “most Serbs saw Yugoslavia as ‘their’ (but not only theirs) *national state*” (Vujačić: 34). The disappearance of that state also affected the Bosnian republic, whose very existence was created to protect both internal and external threats to the existence of that country, to create a political buffer between the two largest nations, Serbia and Croatia, and a more proportioned balance of size and resources among the republics, and, secondly, to provide the backbone of Yugoslav external defense – its “fortress” – in its geography and its military industries and supply depots. Kosovo did not even have a republic within the federation *because* of the national identity of its majority population, although its separate language, like Slovenia

and Macedonia, enhanced the legal autonomy it had in 1974-89. The three were least prepared in 1991 to establish new states when the international actors were also unwilling to take on that responsibility.

The second characteristic is the economic and social bases of democracy. While all of Yugoslavia was in the process of democratization and liberal economic reform during the 1980s with better conditions economically than much of the rest of eastern Europe and the Soviet Union, the effect of the wars, directly in Bosnia and Kosovo, and indirectly on Serbia's economy; of the sanctions beginning in the summer of 1991 on Serbia (thus still Kosovo) and later the eastern ("Serbian") area of Bosnia, and of the economic end, as well, of Yugoslavia and its infrastructural, production, and trade interrelationships, destroyed the economies of these three. Even the wealthiest of the three in the 1980s, though it had been suffering through the same processes of deindustrialization and effects of recessionary policies as Bosnia-Herzegovina, Serbia was by 2000 a poor country. None of the three meet the Przeworski, et al. measures for stable democracy (see Table 3). The social bases, too, of democracy have been destroyed by the combination of war, sanctions, and neoliberal economic policy -- whether the size of the middle class (Lipset), the size and organizational bases of a liberal-labor, urban-rural (urban bourgeoisie, organized labor, and small and medium farmers) coalition (Moore, Luebbert), or the strength of a labor party embedded in an organized working class (Rueschemeyer, Stephens [Huber], and Stephens). While an electoral constituency for democracy may yet develop, it is not there now in the social structures and modes of organization that have emerged from the 1990s in all three cases.²⁶

²⁶ But see Wantchekron, Däubler, and Horowitz for the more optimistic argument in regard to the legacy of war and prospects for democratization.

If the unresolved issues of stateness – settled and secure territorial and national borders, full international recognition, and national unity – are the primary obstacle for moving beyond elections to full democracy and the cause of the current pessimism in Bosnia, Kosovo, and Serbia on their prospects for democracy eventually, then this story is optimistic. It identifies the problem and predicts that once these issues are settled, all three can progress as their populations and outsiders hope. Nonetheless, it is worth also paying attention to the consequences of the long delay for the issues that all three democratic governments will then face. As an analyst of Kosovo politics warned in January 2007, once the consensus that currently underlies Kosovo’s relative political stability -- the goal of recognition, the unified negotiation team representing all political parties, and the agreement not to do anything disruptive at home that would threaten the desired outcome – then the issues that status cannot solve will have to be faced and the very real prospect of an explosion of social tensions over jobs, poverty, and overall living conditions.²⁷ As small states in the world economy, all three will not lose their current vulnerability to external pressures and risks, but face a shift in the bases of vulnerability and need for adjustment to the domestic risks of participating in an open economy and global markets. Then, the capacity to bargain externally and reduce the burden borne by its citizens will depend, the academic literature also demonstrates, on the organizational bases of country-wide, social pacts on economic policy and a foreign policy matched to that economic policy (Iverson and Soskice; Katzenstein; Rodrik),²⁸ not political organization based on state-building, the national question, and war.

²⁷ Nations in Transit 2007, report on Kosovo.

²⁸ Moreover, Iverson and Soskice argue, new democracies may be more vulnerable because they do not have the “entrenched” political mechanisms that protect a government from responding to the short-term results of elections as opposed to the longer-term interests of their constituents.

Table 2

Electoral Results, 1996-2006, Bosnia-Herzegovina, Kosovo, Serbia

Percentage of the Vote

Bosnia	SDA	SBiH	SDP/BiH	HDZ	SNSD	SDS	PDP
1996	37.9	3.9	5.7	14.1	5.7	24.1	
1998	[KCD: 40]		10	14	10	5	
2000	20	12	22	12	15	5	
2002	23.7	12	11.3	10.1	10.1	15.2	4.7
2004*	34	4	12	21	17	35	2
2006	16.9	15.5	10.1	4.9	19.1	7.7	2

*Municipal elections: number of mayors elected by party.

SOURCE: Organization for Security and Cooperation in Europe, BiH; Parties and Elections in Europe; Interparliamentary Union.

Kosovo	LDK	PDK	AAK	ORA	KP
2000*	58	27.3	7.7		.7
2001**	45.6	25.7	7.8		11.3
2002*					
2004**	45.4	28.9	8.4	6.2	

* Municipal elections

**Assembly elections

SOURCE: Organization for Security and Cooperation in Europe

Serbia	SRS	SPS	DSS	DS	G17+	SPO	Coalition***
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2000*	8.6	13.2				3.5	64.4
2002**	22.5	3.2	31/67			4.5	28/31
2003*	27.7	7.4	18	12.6	11.7	7.8	
2004**	30/45	3.6	13	27/53		0.6	19
2007*	28.7	5.9	16.7	22.9	6.8	3.1	5.3

*Parliamentary elections

**Presidential elections

***In every election, some parties have chosen to coalesce as a bloc; in 2000, it was the Democratic Opposition for Serbia of 18 parties; in 2004, it was Citizens' Group "Ahead Serbia"; in 2007, the Liberal Democratic Party (GSS, SDU, and LSV).

SOURCE: Center for Free Election and Democracy

Party Acronyms

Bosnia and Herzegovina

BOSS	Bosnian Party
BPS	Bosnian Patriotic Party
DNZ	Democratic People's Union of Bosnia-Herzegovina
HDZ	Croatian Democratic Community
HSP	Croatian Party of Rights
HZ	Croatian Community
KCD	Coalition for a Single Bosnia
NDZ	Democratic People's Union
NDS	National Democratic Party
NHI	New Croatian Initiative
NSRzB	People's Party - Work for Progress
PB Boss	Patriotic Block Boss
PDP	Party of Democratic Progress
SBiH	Party for Bosnia-Herzegovina
SDA	Party of Democratic Action
SDP	Socialist Democratic Party
SDS	Serb Democratic Party
SDU	Social Democratic Union
SNSD	Serb Union of Independent Social Democrats

SPRS	Socialist Party of Republička Srpska
SRS	Serb Radical Party

Kosovo

AAK	Alliance for the Future of Kosovo
BSDAK	Bosniak Party of Democratic Action of Kosovo
IRDK	New Democratic Initiative of Kosovo
KDTP	Turkish Democratic Party of Kosovo
KP	Serbian Coalition Returning
KV	Coalition Vakaf
LDK	Democratic League of Kosovo
LKCK	National Movement for Liberation of Kosovo
LPK	People's Movement of Kosovo
ORA	Reformist Party
PD	Justice Party
PDASHK	Albanian Ashkali (Roma) Democratic Party of Kosovo
PDK	Democratic Party of Kosovo
PLK	Liberal Party of Kosovo
PREBK	United Roma Party of Kosovo
PSHDK	Albanian Christian Democratic Party of Kosovo
VTN	Coalition of Bosniak and Gorani Parties

Serbia

DHSS	Christian Democrat Party of Serbia
DS	Democratic Party
DSS	Democratic Party of Serbia
DOS	Democratic Opposition of Serbia
GSS	Civic Alliance of Serbia
JS	United Serbia
LSV	Social Democratic League of Vojvodina
NS	New Serbia
RDSV	Reformist Democratic Party of Vojvodina
SDU	Social Democratic Union
SNS	Socialist People's Party
SPO	Serbia Renewal Movement
SPS	Socialist Party of Serbia
SRS	Serbian Radical Party
SSJ	Party of Serbian Unity
SVM	Alliance of Hungarians from Vojvodina

Table 3

Vote Turnout (in percentages of registered voters)

	Bosnia and Herzegovina	Kosovo	Serbia
1996	82.6		
1998	70.4		
2000	64	79	58.5
2001		64	
2002	55.4	53.7	55.7
2003			59.3
2004		53.6	I: 42/ II: 49
2006			
2007			56.7

Table 4

Per Capita Income, Bosnia and Herzegovina, Kosovo, and Serbia

	<u>Bosnia</u>	<u>Kosovo</u>	<u>Serbia</u>
1996	\$806		
1997	\$1085		
1998	\$1169		
1999	\$1250	\$886	
2000	\$1177	\$812	\$1053
2001	\$1229	\$994	\$1373
2002	\$1430	\$1012	\$1901
2003	\$1812	\$1169	\$2543

2004	\$2192	\$1265	\$3007
2005	\$2337	\$1338	\$3224
2006	\$2568	NA	NA

SOURCE: <http://unstats.un.org/unsd/snaama/resultsCountry.asp?Country>

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