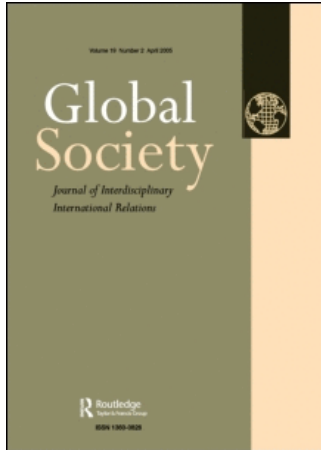


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EU Statebuilding: Securing the Liberal Peace through EU Enlargement

DAVID CHANDLER

This paper suggests that the liberal peace, secured by state capacity building in the process of EU enlargement to the Balkans, hides a dual process taking place within the political establishment of the European Union. On the one hand, the European Union seeks to project its power into what is perceived to be a vacuum in the region, on the other hand, it seeks to avoid the direct political responsibilities associated with empire. This exercise of power and avoidance of responsibility is driven by the European Union's own lack of confidence in its expansion to the east, particularly with regard to its ability to legitimate this project to the citizens of EU member states. However, the consequences of the policies which seek to deny the power exercised by the European Union are destabilising ones for the Balkan states, where the relations of power are separated from relations of accountability. This tends to create weakened states which have international legal sovereignty but lack genuine mechanisms for politically integrating society. The pre-existing fragility of state–society relations in this region means that these relations of domination risk exposing the weakness and external dependency of political elites and the discrediting of the European project.

Introduction

According to the April 2005 report of the International Commission on the Balkans, chaired by Guiliano Amato, former Italian prime minister, entitled *The Balkans in Europe's Future*:

If the EU does not devise a bold strategy for accession that could encompass all Balkan countries as new members within the next decade, then it will become mired instead as a neo-colonial power in places like Kosovo, Bosnia and even Macedonia. Such an anachronism would be hard to manage and would be in contradiction with the very nature of the European Union. The real choice the EU is facing in the Balkans is: Enlargement or Empire.¹

This quote sharply sums up the dilemma facing Western Europe, or the European Union, with the end of the Cold War—how to relate to and manage its new eastern

1. International Commission on the Balkans, *The Balkans in Europe's Future* (April 2005), p. 11, available: <<http://www.balkan-commission.org/activities/Report.pdf>> (accessed 2 June 2005).

empire. The response of the European Union has been to engage in external regulation and relationship management interventions but at the same time deny that it is exercising its authority over the region. It is entirely appropriate for the International Commission to pose the EU's policy choices as statebuilding or empire and it is this dilemma which has driven the enlargement process. This denial of the new West/East hierarchy of European power, and the European Union's de facto "empire" to the east, has taken the form of statebuilding and the extension of the enlargement process to South Eastern Europe (SEE) and the Balkans.

Where the International Commission is slightly out of step with reality is in the assertion that the question of "Enlargement or Empire" was one being posed in 2005. In fact, it was essentially resolved in 1999 when, with the end of the Kosovo war in April, the European Union headed an ambitious international experiment in statebuilding in the SEE region. Statebuilding has enabled the European Union to project its power in the therapeutic framework of the liberal peace and of the capacity-building and empowerment of its eastern neighbours, rather than posing the questions of political responsibility which are raised with empire.² Instead of posing the question of Europe's imperial mission, statebuilding shifts the focus to the governing regime of the potential candidates.

Statebuilding involves no less expenditure of resources than empire, in fact, if anything, statebuilding is more invasive and regulatory. The European Union has not been hesitant to intervene, merely reluctant to assume political responsibility for intervention. The statebuilding process of EU enlargement has been able to be highly regulatory precisely on the basis that the regulatory mechanisms invest political responsibility in the candidate countries while denying the EU's domination. In the process of enlargement, the two drives of domination and denial come together in a particularly forceful way. The European Union's experiments in shifting the political responsibilities of power away from Brussels have been described as implying no less than the "reforming and reinventing [of] the state in South Eastern Europe".³ As the European Stability Initiative observed:

A new consensus is emerging among both regional and international actors that the most fundamental obstacle to the advance of democracy and security in South Eastern Europe is the lack of effective and accountable state institutions. Strengthening domestic institutions is increasingly viewed as the key priority across the diverse sectors of international assistance, as relevant to human rights and social inclusion as it is to economic development and democratisation.⁴

This paper considers the attempt to impose the liberal peace through the statebuilding practices of the European Union in SEE in more detail, particularly as they have operated since 1999 through the mechanisms of the Stabilisation

2. See, for example, William Bain, *Between Anarchy and Society: Trusteeship and the Obligations of Power* (Oxford: Oxford University Press, 2003).

3. East-West Institute and European Stability Initiative, "Democracy, Security and the Future of the Stability Pact for South Eastern Europe: A Framework for Debate" (April 2001), p. 18, available: <http://www.esiweb.org/pdf/esi_document_id_15.pdf> (accessed 1 June 2006).

4. *Ibid.*, p. 18.

and Association process and the Stability Pact for South East Europe. It seeks briefly to highlight how the European Union has denied its power in the very processes of exercising it, through presenting its diktat in the language of “partnership” and country “ownership”, internationalising the mechanisms of its domination through engaging a multitude of external states and international organisations, internationalising or Europeanising the candidate state’s core institutions of governance and through engaging with and attempting to create a policy-advocating “civil society”. The paper concludes by considering some of the limitations to this process of imposing the liberal peace through statebuilding.

Statebuilding

Although some ideas for the extension of external involvement in the region had developed prior to the Kosovo war, “the NATO intervention undoubtedly acted as a catalyst in strengthening international political will for co-ordinated and preventive action in the region”.⁵ The European Union’s Regional Approach of 1997 was replaced with a more ambitious one in April and May 1999—the Stabilisation and Association process (SAP). This process went beyond the offer of “contractual relations” (Trade and Co-operation Agreements) to motivating reform through the prospect of potential membership once the relevant conditions had been met. The prospect of future EU membership was offered explicitly to Albania, Bosnia, Croatia, Macedonia and the FRY (Federal Republic of Yugoslavia, at the time of writing, the state of Serbia and Montenegro) at the Feira European Council in June 2000. The SAP involved preferential trade concessions, the Community Assistance for Reconstruction, Development and Stabilisation programme (CARDS) and a new contractual relationship of reform assistance, the Stabilisation and Association Agreement (SAA).

In July 1999, the Stability Pact for SEE was launched which also sought to shape governance in return for the promise of integration into Euro-Atlantic structures. Founded at the European Union’s initiative, in the Stability Pact’s founding document more than 40 partner countries and organisations undertook to assist in the capacity building of the SEE states. The states and organisations involved in the Stability Pact make an impressive list, demonstrating the international collaborative nature of the statebuilding project which was to take a more generalised form in the 2000s. The members included the G8 members, EU member states, the European Commission, the countries of the region and their neighbours, international organisations, such as the UN, OSCE, Council of Europe, UNHCR, NATO, OECD and international financial institutions, including the World Bank, IMF, EBRD, European Investment Bank and the Council of Europe Development Bank.

Unlike the European Union, the Stability Pact was not a formal international organisation, following the earlier creation of ad hoc international bodies to co-ordinate international activity in the region, for example; the Contact Group (of France, Germany, Britain, Italy, Russia and the United States), responsible for

5. Stability Pact for South Eastern Europe, “About the Stability Pact”, Stability Pact for South Eastern Europe (2005), available: <<http://www.stabilitypact.org/about/default.asp>> (accessed 6 November 2005).

co-ordinating policy on the Balkans, and the ad hoc coalition of 55 states and international institutions which formed the Peace Implementation Council (until 1995, known as the International Conference on the Former Yugoslavia), which took on formal responsibility for regulating the international administration of Bosnia. The Stability Pact had no formal constitution and no independent financial resources, relying on the Special Co-ordinator and a 30-member team funded by the European Union and headquartered in Brussels.

Under the auspices of the Stability Pact there has been an international division of labour, through which different areas of policy making have been guided by various international bodies. The leading role in infrastructure development, economic restructuring and in general private-sector development has been taken by the World Bank, European Investment Bank, European Bank for Reconstruction and Development and the International Monetary Fund, with facilitating support from the European Commission. Initiatives in post-conflict reconciliation, refugee return, good governance, democratisation and institution building have been led by the European Commission, bilateral EU member state programmes and other international organisations (e.g. the Council of Europe and the Organisation for Security and Co-operation in Europe). States in the SEE region have also received support under the European Community Humanitarian Office aid programme, macro-financial assistance to stabilise national budgets and since 2001 in Macedonia, support from the Community's Rapid Reaction Mechanism.

The international institutions, involved in stabilising and integrating the SEE states within European structures, viewed the question of governance as one of the three central issues (along with security and economic reform) which needed to be addressed for a successful statebuilding outcome. Within the sphere of SEE state governance, it was the key issues of institution building and of civil society development which attracted the focus of international regulatory bodies. Both institution building and civil society development were fairly new areas for international policy initiatives at the time and both reflected the existing power that the European Union had over the region which enabled external institutions to take an active interest in questions which were previously seen to be ones of domestic political responsibility.

It is important to note from the start the artificial and somewhat forced nature of the justifications for the European Union's statebuilding project. The problems identified in the governance sphere were not with the formal mechanisms of democratic government or the electoral accountability of government representatives but were concerns that went beyond procedural questions of "free and fair elections" to the administrative practices and policy choices of governments and the attitude, culture and participation levels of their citizens. Regarding institution building, the European Commission asserted that:

The lack of effective and accountable state institutions hampers the ability of each country to co-operate with its neighbours and to move towards the goal of closer integration with the EU. Without a solid institutional framework for the exercise of public power, free and fair elections will not lead to representative or accountable government. Without strong institutions to implement the rule of law, there is little prospect that states

will either provide effective protection of human and minority rights or tackle international crime and corruption.⁶

Where, only a few years previously, free and fair elections were seen to be the main indicator of representative and accountable government, institution building was now held to be the key to democratic development. According to the Commission, strengthening state institutions was vital for “assuring the region’s future, being as relevant to human rights and social inclusion as it is to economic development and democratisation”.⁷ While SEE states met the traditional democratic criteria, necessary for the incorporation of new members, such as Spain and Portugal, into Europe-wide mechanisms in the past, they were now held to fail in meeting the new, more exacting standards which are being laid down for membership of European bodies.⁸

Regarding the second aspect of governance—civil society—the Commission was even more forthright in its condemnation of the aspiring members involved in the SAP:

... none of the countries can yet claim to have the level of vibrant and critical media and civil society that is necessary to safeguard democratic advances. For example, public and media access to information, public participation in policy debate and accountability of government and its agencies are aspects of civil society which are still largely undeveloped in all five of the countries.⁹

In this case, the member states from the SEE region could apparently not even make a “claim” that they could safeguard “democracy” in their states without external assistance in the form of civil society capacity building. In fact, the Commission was clearly concerned by society in the region as much as by government, arguing that the aim of its new programmatic development was necessarily broad in order “to entrench a culture ... which makes forward momentum towards the EU irreversible”.¹⁰

The Commission argued that its focus on building the capacity of state institutions and civil society development reflected not only the importance of this question and the clear needs it had identified “but also the comparative advantage of the European Community in providing *real added value* in this area” (emphasis added).¹¹ It would appear that the SEE states were fortunate in that their wealthy neighbours to the West had not only identified their central problems but also happened to have the solutions to them already at hand.

6. European Commission, “Regional Strategy Paper 2002–2006: CARDS Assistance Programme to the Western Balkans”, European Commission, p. 11, available: <http://www.reliefweb.int/library/documents/2001/ec_balkans_22oct.pdf> (accessed 1 June 2006).

7. *Ibid.*

8. Hugo Storey, “Human Rights and the New Europe: Experience and Experiment”, *Political Studies* (special issue), Vol. 43 (1995), pp. 131–151.

9. European Commission, “Regional Strategy Paper 2002–2006”, *op. cit.*, pp. 10–11.

10. European Commission, “The Stabilisation and Association Process: First Annual Report”, European Commission, Brussels (4 April 2002), p. 8, available: <http://www.europa.eu.int/comm/external_relations/see/sap/com02_163.pdf> (accessed 9 November 2002).

11. European Commission, “Regional Strategy Paper 2002–2006”, *op. cit.*, p. 9.

The Unequal “Partnership”

Accession

The European Union has operated a series of concentric circles of membership with regard to the states of SEE. In the first circle are the accession states Bulgaria and Romania. Accession negotiations were concluded in December 2004 and a Treaty of Accession signed in April 2005 with the view to the two states joining as full members in January 2007. In both these states the European Union has provided aid to support the governance framework through the Phare initiative. Approximately one-third of this funding was given to support institution building, one-third for strengthening the regulatory infrastructure needed to ensure compliance with the *acquis* and the remaining third to support policies of social and economic cohesion.¹² The financial support provided by the European Union was an important resource for both these states; Bulgaria, for example, received around €300 million a year in EU grant-financed, pre-accession assistance, equivalent to over 2% of its GDP.¹³

The accession process effectively transfers large areas of government policy making into the hands of EU officialdom as strict measures are laid down for adopting the EU *acquis* covering 29 Chapters amounting to almost 90,000 pages of EU regulations which must be adopted and implemented for membership.¹⁴

Both governments followed a prescribed framework establishing the National Programme for the Adoption of the *Acquis* which detailed policy progress in each area as well as addressing additional accession criteria. There can be little doubt about the far-reaching nature of EU mechanisms intended to reshape the governance framework of these candidate countries. In order to facilitate this process, the governments of Bulgaria and Romania were funded by the CARDS programme, which assisted

... in their efforts to adopt the *acquis* and strengthen the institutions necessary for implementing and enforcing the *acquis*. This also helps the candidate countries develop the mechanisms and institutions that will be needed to implement Structural Funds after accession and is supported by a limited number of measures (investment or grant schemes) with a regional or thematic focus.¹⁵

12. European Commission, “Regular Report on Romania’s Progress towards Accession”, Commission of the European Communities, Brussels (13 November 2001), p. 9, available: <http://europa.eu.int/comm/enlargement/report2001/ro_en.pdf> (accessed 1 June 2006).

13. “Regular Report on Bulgaria’s Progress towards Accession”, Commission of the European Communities, Brussels (13 November 2001), p. 12, available: <http://europa.eu.int/comm/enlargement/report2001/bu_en.pdf> (accessed 1 June 2006).

14. The 29 Chapters of the EU *acquis* concern movement of goods, movement of persons, provision of services, movement of capital, company law, competition policy, agriculture, fisheries, transport, taxation, economic and monetary union, statistics, social policy and employment, energy, industrial policy, small and medium-sized enterprises, science and research, education and training, telecommunications and information technologies, culture and audio-visual policy, regional policy and coordination of structural instruments, environment, consumers and health protection, justice and home affairs, customs union, external relations, common foreign and security policy, financial control and financial and budgetary provisions.

15. European Commission, “Regular Report on Romania’s Progress towards Accession”, *op. cit.*, pp. 9–10.

The funding priorities are those that fit with the mechanisms of the European Union, reshaping the domestic policy processes to follow external institutional requirements for EU relations both now and in the long-term future. In the direct field of governance reform, the framework for the reform of the public administration, civil service, parliamentary and executive procedures, the judiciary and policing is drawn up by the European Union and the specific content is guided through “twinning” mechanisms, whereby external civil servants and policy makers are drafted in by the European Union. This process has had little input from the elected political representatives or the citizens of these two states. In fact, in the October 2005 annual monitoring report on their progress, the European Commission complained that the *acquis* have not yet been fully translated into either Bulgarian or Romanian because of difficulties in recruiting and training the necessary staff to translate and revise the required 6,000 pages a month.¹⁶

The Stabilisation and Association Process (SAP)

Launched in May 1999, to cover Albania, Bosnia-Herzegovina, Croatia, Macedonia and Serbia-Montenegro, the SAP is the cornerstone of EU policy of imposing the liberal peace through “anchoring the region permanently to the development of the EU itself”.¹⁷ This “anchoring” is seen as crucial to the encouragement of reforms in the governance sphere relating to the rule of law and democratic and stable institutions. The legitimacy of the European Union’s relationship of regulation is based on two grounds, namely the promise of aid and of EU membership at some point in the future. The policy of aid in return for the European Union’s regulatory control over the reform process is underpinned by the CARDS assistance programme providing €4.65 billion over 2000–2006. The legitimacy of this buying of external influence is bolstered by the promise of EU integration, that is “on a credible prospect of membership once the relevant conditions have been met”.¹⁸

The November 2000 Zagreb Summit endorsed the SAP objectives and conditions, namely the prospect of accession on the basis of the Treaty on European Union and the 1993 Copenhagen criteria, the CARDS assistance programme and the countries’ undertaking to abide by the European Union’s conditionality and to participate fully in the SAP process. Ahead of the EU–Western Balkan Thessaloniki meeting in June 2003 the General Affairs and External Relations Council adopted the Thessaloniki agenda for moving towards European integration, strengthening the SAP by introducing new instruments to support reform and integration efforts, including European Partnerships, and this time

16. “Comprehensive Monitoring Report on the State of Preparedness for EU Membership of Bulgaria and Romania”, Commission of the European Communities, Brussels (25 October 2005), p. 10, available: <http://europa.eu.int/comm/enlargement/report_2005/pdf/COM534_SUMMARY_PAPER_COLLEGE.pdf> (accessed 2 December 2005).

17. European Commission, “The Stabilisation and Association Process and CARDS Assistance 2000 to 2006”, European Commission paper for the Second Regional Conference for South East Europe (2001), p. 3, available: <http://www.seecon.org/region/documents/ec/ec_sap_cards_2000-2006.pdf> (accessed 1 June 2006).

18. *Ibid.*

including Kosovo, as governed under the auspices of UN Security Council Resolution 1244, within its remit.¹⁹

The European Union General Affairs Council argues that, for the SEE states, the process of formulating the SAP contract is “both pedagogical and political”.²⁰ The “pedagogical” aspect of the process highlights the relationship of subordination involved. As the European Union reports, “the Consultative Task Force/High Level Steering Group approach has proved an effective means of focusing authorities’ minds on essential reforms and of engaging with them *in a sustained way to secure implementation*” (emphasis added).²¹

The SAP is closely linked with the EU-led Stability Pact, which comprises a Regional Table and three Working Tables. The focus of this paper is Working Table I, which concerns democratisation and human rights. These Working Tables are held to treat the SEE states as equal partners:

A special feature is that at Regional and Working Tables, representatives of the South Eastern European countries are, for the first time, on an equal footing with those of international organisations and financial institutions in advising on the future of their region and in jointly setting priorities concerning the content of all three working areas.²²

However this “equal footing” does not extend to the key policy-making body, the High Level Steering Group (HLSG). The HLSG is chaired jointly by the European Commission and the World Bank and includes the finance ministers of the G8 countries, the country holding the EU presidency and the Netherlands, together with representatives of international financial institutions and organisations and the Special Co-ordinator of the Stability Pact.

The European Commission stresses that there is “a close *partnership* with SAP countries” (emphasis in original).²³ This partnership is held to start by involving countries closely in the programming, including discussions on current CARDS strategies. Countries are also involved in continuing dialogue on developing annual action plans. The European Commission strongly emphasises the importance of country “ownership”:

This partnership helps promote each country’s sense of *ownership* over Community assistance that is crucial if it is to have the desired impact on the ground. This national commitment is all the more important for future CARDS support, such as institution building, which require the

19. See, for example, “Kosovo (under USCR 1244) Progress Report”, European Commission (9 November 2005), available: <http://europa.eu.int/comm/enlargement/report_2005/pdf/package/sec_1423_final_en_progress_report_ks.pdf> (accessed 8 December 2005).

20. European Union, “Review of the Stabilisation and Association Process”, European Union General Affairs Council Report (2001), available: <<http://www.seerecon.org/Calendar/2001/Events/2536GA-Annex.pdf>> (accessed 9 October 2002).

21. *Ibid.*, IIIc.

22. Stability Pact for South Eastern Europe, “About the Stability Pact”, Special Co-ordinator of the Stability Pact for South Eastern Europe (2002), available: <http://www.stabilitypact.org/stability-pactcgi/catalog/cat_descr.cgi?prod_id=1806> (accessed 8 November 2002).

23. European Commission, “The Stabilisation and Association Process and CARDS Assistance 2000 to 2006”, *op. cit.*, p. 7

countries to undertake reforms if the assistance is to be effective. (Emphasis in original)²⁴

Country ownership is clearly a central key to both the EU SAp and the Stability Pact processes. However, it is clear that the promotion of “ownership” is being pushed by the European Union itself and does not involve any real equality of input over policy guidelines. While the formal regulatory mechanisms stress “partnership” and “country ownership”, at the informal level real ownership is exercised by the European Commission. This leaves little room for “ownership” for SEE states excluded from the international co-ordinating mechanisms, essentially under the control of the Commission itself:

First, the Commission co-chairs and is guided by the High Level Steering Group for South East Europe that provides overall guidance on donor co-ordination. Second, the Commission maintains a Joint Office with the World Bank to help co-ordinate and develop support to the region. Third, the Commission plays an active and leading role with the countries and international community in the three tables of the Stability Pact for South East Europe.²⁵

The elements of international strategy “negotiated” with the SEE states are developed in the context of broader international co-ordination with international institutions responsive to the demands of non-SEE states. As the Commission states, the CARDS strategies are determined through other regulatory mechanisms, not “partnership” with SEE states.

[T]he CARDS strategies will be part of a *coherent international community response* to help the region meet its substantial development and SAp challenges. The mechanisms for this *co-ordination* effort—on overall CARDS strategies, on annual programming and on implementation of specific programmes and projects—are already in place. (Emphasis in original)²⁶

Once the Stabilisation and Association Agreements (SAAs) are signed the relationship of regulation becomes fully institutionalised (the SAAs are legally binding international agreements).²⁷ The first SAA was signed with Macedonia in April 2001 and entered into force in 2004 and the second, with Croatia, in October 2001, which entered into force in 2005. Albania signed up to the formal process of negotiating the SAA in 2003 and Serbia and Montenegro and Bosnia-Herzegovina in November 2005. The agreements are then “the principal means to begin to prepare themselves for the demands that the perspective of accession to the EU naturally entails”.²⁸ These demands are determined by the European

24. *Ibid.*

25. *Ibid.*, p. 8.

26. *Ibid.*

27. European Commission, “The Stabilisation and Association process: First Annual Report”, *op. cit.*, p. 4.

28. European Commission, “The Stabilisation and Association Process and CARDS Assistance 2000 to 2006”, *op. cit.*, p. 3.

Union and considered to be so onerous that the SEE states will need the additional encouragement of conditionality:

The Stabilisation and Association Agreements, then, are posited on respect for the conditionality of the Stabilisation and Association process agreed by the Council. But they also bring with them a dynamic means of operationalising that conditionality and give the EU the leverage necessary to get the countries to adopt genuine reforms with a view to achieving the immediate objectives of the agreements. The mechanisms of the Agreements themselves will enable the EU to prioritise reforms, shape them according to EU models, to address and solve problems, and to monitor implementation.²⁹

The European Union attains the necessary “leverage” over SEE states through conditionality at three levels—the SAP, programme and project levels. At the SAP level, lack of progress in the reforms advocated by the European Union in the economic, political and social spheres can lead to CARDS assistance being frozen or “granted through other means”.³⁰ If the European Union chooses it can invoke “programme conditionality”, threatening to close certain aid programmes if the country concerned fails to satisfy the external administrators with regard to “specific reform targets or adoption of sectoral policies”.³¹ “Project level conditionality” can apply to ensure that the candidate state meets “specific conditions” judged to be related to the project’s success.

The SAP is a contractual relationship, but a contract made between two unequal parties, with only one party being the judge of whether the conditions of the contract are met and in a position to coerce the other. From the EU perspective, the political strategy towards the region “relies on a realistic expectation that the contract it enters into with individual countries will be fulfilled satisfactorily”.³² The contracts commit the SEE states to a relationship of subordination to EU mechanisms. They establish formal mechanisms and agreed benchmarks which enable the European Union to work with each country towards meeting the required standards and focus attention on key areas of governance concerns—human and minority rights, stable democratic institutions, standards of political behaviour and independence of the media.³³

CARDS programmes of assistance, the major external aid associated with the SAP, focus on clearly defined EU priorities. The first priority institution-building area in terms of overall CARDS support is:

Familiarisation of the *acquis communautaire* as countries start to move their legislation—especially on areas covered under the SAA—more into line with the approaches used inside the EU. This will focus on core *acquis* issues relating to the internal market.³⁴

29. European Union, “Review of the Stabilisation and Association Process”, *op. cit.*, III.

30. European Commission, “Regional Strategy Paper 2002–2006”, *op. cit.*, p. 24.

31. *Ibid.*, p. 25.

32. European Commission, “The Stabilisation and Association Process and CARDS Assistance 2000 to 2006”, *op. cit.*, p. 3.

33. *Ibid.*

34. European Commission, “Regional Strategy Paper 2002–2006”, *op. cit.*, p. 37.

This is followed by civil service reform to develop “administrative procedures in conformity with EU standards”, fiscal and financial management reforms, trade and customs regulation and reform of the legal and administrative framework of justice and home affairs.³⁵ The SAP and the priorities within it reproduce the framework that has already been adopted by the European Union in its dealings with the accession states, as illustrated above.

The European Commission’s desire to impose a pre-established liberal peace agenda of statebuilding governance reform, which seems to assume that there is a “one size fits all” method of strengthening SEE government institutions, its desire to enforce its “leverage” over the SEE region through a number of mechanisms of conditionality and the stress upon EU managerial control and “co-ordination” of external directives, together leave little doubt that the SAP process is far from one of “partnership”. Yet the “partnership” element has been central to keeping the EU’s options open with regard to the membership process. As Christopher Bickerton notes, partnership does not just conceal the power inequalities involved in the process of integration, preventing candidate states from negotiating the transitional measures adopted by existing members. It also helps to mitigate tensions and uncertainties of existing member states about enlargement by creating a flexible framework in which the vicissitudes of internal EU institutional wrangling can be played out as problems with the pace of capacity building and ownership in the applicant states.³⁶

In many ways the relationship of inequality between elected representatives in the region and the external regulatory bodies, such as the European Union, is highlighted in the international regulation of Bosnia and Kosovo. Bosnia and Kosovo, rather than standing out as exceptions because of the restrictions on local sovereignty and self-government—thereby institutionalising a relationship of inequality and external domination—in fact indicate with greater clarity the problems of governance and civil society in the context of an unequal “partnership”. In both Bosnia (under the administrative regulation of the international Office of the High Representative) and Kosovo (where the highest civilian power is the UN Special Representative) there are elected governments at local, regional and state levels. In both cases the international administration is held to be part of a contractual process moving towards “ownership”, self-government and integration into European structures.³⁷

The Dynamic of External Regulation

There is ambiguity and uncertainty in the framework of integrating the SEE region which stems directly from the fact that this is not a process involving equal partners. The speed and nature of the association process lies largely out

35. *Ibid.*, p. 38.

36. Christopher Bickerton, “Re-building States, De-constructing State-building”, Paper presented at the SAID Workshop, University of Oxford, 28 April 2005. See also Heather Grabbe, “Europeanisation Goes East: Power and Uncertainty in the EU Accession Process”, in Kevin Featherstone and Claudio M. Radaelli (eds.), *The Politics of Europeanism* (Oxford: Oxford University Press, 2003).

37. See, for example, Wim van Meurs and Stefani Weiss, *Qualifying (For) Sovereignty: Kosovo’s Post-status Status and the Status of EU Conditionality*, Discussion paper (Guetersloh: Bertelsmann Stiftung, 6 December 2005); David Chandler (ed.), *Peace without Politics? Ten Years of International State-building in Bosnia* (London: Routledge, 2006).

of the hands of the SEE states themselves. Although offering the “carrot” of EU membership, the contractual relationships established between the European Union and SEE states are flexible and ambiguous ones, liable to shift and change.³⁸ The European Union seeks to impose the liberal peace but has difficulty in legitimising its power through a coherent expression of its aims in SEE. The member states themselves are not convinced of their ability to justify their power openly to their own publics and are therefore ambivalent about taking on the responsibilities of its exercise. The International Commission on the Balkans, expresses the fears that

If Europe’s neo-colonial rule becomes further entrenched, it will encourage economic discontent; it will become a political embarrassment for the European project; and, above all, European electorates would see it as an immense and unnecessary financial and moral burden.³⁹

The European Union seeks to project its neo-colonial power without taking overt political responsibility for the policy consequences. EU enlargement is talked up as an immense achievement in the spread of democracy and liberal peace without the overt use of imperial power, but underneath the rhetoric there is an unease that the “EU’s lack of vision” and the political elites’ lack of connection with their own societies, will undermine the project.⁴⁰ The attitudes of European voters are often expressed to be the barrier which prevents European member states from more openly and honestly exercising their power—that is, that they would be unwilling to bear the financial and moral burden of empire in the East. In fact this inverts the dynamic of denial. It is the lack of self-confidence of the European elites which leads them to see their power over SEE as a burden rather than an opportunity and makes them reluctant openly to take responsibility for their power in the new enlarged Europe. Instead, the rhetoric is one of distancing, of capacity building and the talking up of the independence and accountability of the “partner” states being prepared for accession. In this way credit for any successes can be proudly taken and any failures can be seen to be the result of the candidate states themselves.

Limitations of External Governance Mechanisms

States that are not designed to be independent political subjects in anything but name are a façade without content. States without sovereignty may have technically sound governance and administrative structures on paper but the atrophied political sphere hinders attempts to cohere post-conflict societies and overcome social and political divisions. The states created, which have international legal sovereignty but have ceded policy-making control to external officials in Brussels, lack organic mechanisms of political legitimation as embodiments of a collective expression of the will of their societies. Their relationship of external dependency

38. See Jan Zielonka, *Explaining Euro-paralysis: Why Europe is Unable to Act in International Politics* (Basingstoke: Macmillan, 1998).

39. International Commission on the Balkans, *The Balkans in Europe’s Future*, *op. cit.*, p. 11.

40. Mark Leonard, *Why Europe Will Run the 21st Century* (London: Fourth Estate, 2005), p. 10.

upon the European Union means that the domestic political sphere cannot serve to legitimise the political authorities or cohere their societies.

Bosnia is possibly the clearest case of a new type of state being built through the EU enlargement process of distancing power and political responsibility. To all intents and purposes Bosnia is a member of the European Union; in fact more than this, Bosnia is the first genuine EU state where sovereignty has in effect been transferred to Brussels. The European Union provides its government; the international High Representative is an EU employee and the EU's Special Representative in Bosnia. This EU administrator has the power to impose legislation directly and to dismiss elected government officials and civil servants. EU policy and "European Partnership" priorities are imposed directly through the European Directorate for Integration.⁴¹ The European Union also runs the police force, taking over from the United Nations at the end of 2002, and the military, taking over from NATO at the end of 2004, and manages Bosnia's negotiations with the World Bank. One look at the Bosnian flag—with the stars of the European Union on a yellow and blue background chosen to be in exactly the same colours as used in the EU flag—demonstrates that Bosnia is more EU oriented than any current member state.⁴² However, the European Union has distanced itself from any responsibility for the power it exercises over Bosnia; formally Bosnia is an independent state and member of the United Nations and a long way off meeting the requirements of EU membership.

After 10 years of statebuilding in Bosnia there is now a complete separation between power and accountability.⁴³ This clearly suits the European Union which is in a position of exercising control over the tiny state without either admitting it into the EU or presenting its policy regime in strict terms of external conditionality. Bosnia is neither an EU member nor does it appear to be a colonial protectorate. Bosnia's formal international legal sovereignty gives the appearance that it is an independent entity, voluntarily engaged in hosting its state capacity-building guests. Questions of aligning domestic law with the large raft of regulations forming the EU *acquis* appear as those of domestic politics. There is no international forum in which the contradictions between Bosnian social and economic demands and the external pressures of Brussels' policy prescriptions can be raised.

However, these questions are not those of domestic politics. The Bosnian state has no independent or autonomous existence outside of the EU "partnership". There are no independent structures capable of articulating alternative policies. Politicians are subordinate to international institutions through the mechanisms of governance established which give EU bureaucrats and administrators the final say over policy making. The Bosnian state is an artificial one, but it is not a fictional creation. The Bosnian state plays a central role in the transmission of EU policy priorities in their most intricate detail. The state here is an inversion of the sovereign state. Rather than representing a collective political expression

41. See, for example, the 280-page document outlining the timetable for implementing the EU's medium priorities, BiH EDI, 2005, "European Partnership for Bosnia and Herzegovina, Medium Term Priorities Realisation Programme", available: <http://www.dei.gov.ba/en/pdf/Complet_EP_PSP.pdf> (accessed 6 December 2005).

42. See further Jos Poels, "Bosnia and Herzegovina: A New 'Neutral' Flag", *Flagmaster*, No. 98 (1998), pp. 9–12, available: <<http://www.flaginstitute.org/fibosnia.htm>> (accessed 8 January 2006).

43. See Chandler, *Peace without Politics?*, *op. cit.*

of Bosnian interests—expressing self-government and autonomy, “Westphalian sovereignty” in the terminology of state builders—the Bosnian state is an expression of an externally driven agenda.

The more Bosnia has been the subject of external statebuilding, the less like a traditional state it has become. Here, the state is a mediating link between the “inside” of domestic politics and the “outside” of international relations, but rather than clarifying the distinction it removes the distinction completely. The imposition of an international agenda of capacity building and good governance appears internationally as a domestic question and appears domestically as an external, international matter. Where the sovereign state clearly demarcated lines of policy accountability, the state without sovereignty blurs them. In fact, political responsibility for policy making disappears with the removal of sovereignty.

In this context, domestic politics has no real content. There is very little at stake in the political process. For external state builders, the subordination of politics to bureaucratic and administrative procedures of good governance is a positive development. In functional terms they argue that sovereignty, and the political competition it brings with it for control of state power, is a luxury that SEE states often cannot afford. Robert Keohane, for example, argues that many states, now negotiating EU ties, are plagued by economic, social and ethnic divisions which mean that elections can be highly problematic “winner-takes-all” situations. In these states, unconditional sovereign independence is a curse rather than a blessing and conflict can be prevented by instigating “external constraints” on autonomy in exchange for institutional capacity building.⁴⁴

Post-transition and post-conflict states, such as those in the Balkans, stand in desperate need of a statebuilding project which can engage with and cohere society around a shared future-oriented perspective. What they receive from EU statebuilders is external regulation which has, in effect, prevented the building of genuine state institutions which can engage with and represent social interests. These weakened states are an inevitable product of the technical, bureaucratic and administrative approach exported by international statebuilders. Where transitional, weak or post-conflict states stand in need of socially engaging state-based projects of development and transformation, they are in fact subject to external forms of domination which are uniquely unsuited to the task.

Conclusion

It seems that rather than EU membership being considered as important for the development of SEE states, for the European Union it is the relationship of tutelage that is the key factor, making the process of relationship management more important than the goal and, in many cases, an end in itself. The EU’s initial concern was not enlargement per se in SEE but the ability to exercise its power without taking on the overt responsibilities of empire. Statebuilding only developed as, in many ways, an ad hoc response to this problem through a process of experimentation. While the gains of institutionalising external regulation in this way appear clear to external policy makers, they may not be so apparent in

44. Robert Keohane, “Ironies of Sovereignty: The European Union and the United States”, *Journal of Common Market Studies*, Vol. 40, No. 4 (2002), pp. 743–765 (pp. 755–756); see also Roland Paris, *At War’s End: Building Peace after Civil Conflict* (Cambridge: Cambridge University Press, 2004), pp. 187–194.

the SEE region itself. The focus on the process as an end in itself has also meant that much of the governance or civil society programme has been an artificial one.

The Stability Pact is seen as a "two-way street" whereby SEE states "must first implement appropriate reforms" in regard to economic and political processes and, in exchange, donors undertake to support the construction process through assistance and credits.⁴⁵ This is portrayed to be a reasonable exchange or a contractual relationship of a partnership; however, in this process the domestic political process has been marginalised. In effect, the SEE states are expected to sacrifice domestic policy making for the promise of financial aid and integration into European and Euro-Atlantic structures.

There are risks attached to this form of imposing the liberal peace which threaten to reveal the content of power inequalities below the therapeutic language of capacity building and empowerment. Because the links between SEE states and their societies were already weak in the aftermath of the collapse of the state socialist systems of rule, the mechanisms of policy imposition appear fairly clearly. The state and society actors "empowered" by the West appear alien and distant from their own societies and lack the legitimacy which comes from strong mechanisms of social connection. The stability of these mechanisms of regulation may be a tenuous one.

However, the mechanisms of SEE statebuilding, such as the SAP and the Stability Pact, were not designed, in the main, to make European domination more palatable to the candidate states and societies. There is little threat to EU interests emanating from the candidate states themselves; despite growing disillusionment and alienation there is little in the way of political alternatives. The key to understanding these mechanisms and the emphasis on partnership, ownership, good governance, and civil society building is the internal need for the European Union to deny its power to itself. It is the fact that the European Union cannot handle the political responsibilities of empire that has driven the liberal peace statebuilding dynamic not the problems of asserting power over SEE.

45. Stability Pact for South Eastern Europe, "About the Stability Pact", *op. cit.*, p. 13.