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## POLICY DEBATE

### Government and Governance on the Western Balkans

Andreas Faludi

afaludi@outlook.com  
Delft University of Technology

With no direct exposure to 'The Western Balkans Network on Territorial Governance,' I take it to be a joint effort concerning a loosely-defined region for which there is no unitary government, nor will there be one. Hence, we are talking about 'governance' rather than 'government,' the former referring to anything that goes beyond or comes in lieu of exercising formal competences, and/or spending the treasures of a government body. To invoke the concept of governance recognizes that the powers and/or resources of government are insufficient, so much so that the latter becomes dependent on the acquiescence of and/or active support from other actors able to fill the gap. Where, as in the Western Balkans, there is not one, but rather a multitude of governmental bodies, collaborative governance is the only option.

But why bother with government and governance in the Western Balkans in the first place? The answer is that the Western Balkans form a gaping hole in the body of the European Union (henceforth EU), which turns the region into an object of its concern and vice versa: the concerned countries see advantages in joining the EU. In other words, a process called enlargement (integrating the states concerned through their becoming members) is an issue both for the EU as well as for those would-be Western Balkans members. To complicate matters, each country in the Western Balkans has a different agenda and the prospects of each for a speedy resolution of the issues involved in starting, yet alone completing the process vary.

Once completed, the whole area would of course no longer be the gaping hole in the body of the EU which it is now. If such a thing existed, the Western Balkans could become the object of EU spatial planning. Such planning could play a role in sorting out the many issues involved in coordinating investments and harmonising regulations amongst new member states and between them and the existing members, issues of which, of course, there would be many. To be more precise, if such planning were amongst the so-called competences of the EU, the new member states concerned could participate in whatever went on under this label. In general, such a shared competence gives the European Commission the right of initiative, empowering it to put before the Council of Ministers proposals for relevant regulations and/or directives. Subject to the approval of the Council, and also the European Parliament under co-decision making, member states would be required to tackle specific issues as stipulated by those regulations and/or directives (which of course has happened in countless other areas). However, there is no such competence for spatial planning, so why give the matter attention?

There have been intensive, but inconclusive efforts in the past to investigate the matter, for instance during the preparation of the 'European Spatial Development Perspective,' also known as the ESDP (CEC 1999; see Faludi and Waterhout 2002). Prepared as an 'intergovernmental'

document, but with support from the European Commission, the story of the ESDP shows that much can be done, even without a formal competence. This situation continues today with the 'European Spatial Planning Observatory Network,' commonly known as ESPON<sup>1</sup>, and with the successive versions of the 'Territorial Agenda.' These initiatives demonstrate two things. Firstly, even without a formal competence, forms of territorial governance exist. Secondly, sometimes non-members of the EU participate, including in cross-border and transnational cooperation. In Faludi (forthcoming) I revisit my work above and what I have done since concerning European territorial governance. Which has made me quite critical, not so much of the valiant efforts of planners of various denominations, but of European integration generally being framed by what I call 'territorialism.' Giving pride of place to state territories, it stands for member states, each defending its sovereignty and reluctant to cross borders in a literal as well as metaphorical sense to play a dominant role in the EU. Whoever has followed the spectacle of the European Council debating the Multi-Annual Financial Framework 2021-2027 and the Recovery Fund will understand what I mean: There, the same insistence on defending one's own has dominated the proceedings.

These comments are very much written with my claims concerning 'The Poverty of Territorialism' (Faludi 2020[2018]) in mind. Below I return to discussing, albeit briefly, the subtitle of that same book: 'A Neo-Medieval View of Europe and European Planning.' Since publishing that book, I have discovered even more sources on the territorial nation-state, a privileged building block of the EU though it is, being (in some respects) unfit for dealing with present and future challenges. In my forthcoming chapter mentioned earlier, I show myself particularly impressed by David J. Elkins (1995) from Canada.

Elkins is important because of his reference to the French-Canadian province with separatist inclinations, Québec, as well as to the existence throughout Canada of 'First Nations' with constitutional rights but without a territorial base. He covers not only these specifics of Canada but also offers interesting insights on more macro-trends, starting with the bold statement that I have chosen as the epitaph of my forthcoming paper. There he says: We have not yet witnessed "...the transition away from the assumptions that a nation-state must have territory and that the territory should be contiguous, continuous, and exclusive" (Elkins 1995, pp. 22-23). Not concerned specifically with the EU, this author concludes from this that "...if the process of globalization were to encompass a world government and worldwide free trade, it would be a less radical change ... than what I have suggested is under way – the demise of territory as the sole basis of political units and the consequent decline of all-purpose political units, especially nations" (Elkins 1995, p. 28).

The importance of this lies in what it implies for European integration, including enlargement encompassing the whole of the Western Balkans. For better or for worse, integrating states, each with their territories, in so doing creating a larger territorial entity and endowing that entity (in this case the EU) with at least some governmental functions, may be a vain effort to sustain territorialism. Elkins diagnoses that the "...**demise of territory as the sole basis of political units...**" will hit us in the face.

Indeed, in our very first account of the making of the ESDP, we concluded that seeing European planning (and European matters generally) through the lens of the nation-state was unhelpful. Our still timid reaction then was to exult the role of networking and mutual learning through the formation of cross-national working groups and other ad-hoc arrangements working as a 'learning machine' (Faludi 2008). My idle hope was that learning might change attitudes towards integration: that the 'Europeanisation' of planning through learning would lead to a qualitative

jump towards a **European policy-making state** – to borrow the term from Richardson (2012). The end-game, I thought (2014), might just might be the ‘EUropeanisation’ proper of planning. This was the last of my expressions of pious hope for some form of **EU-level planning**.

As already indicated, and as its sub-title specifies, what has dawned on me since is that even if its members were to allow the EU to work as intended – which they do not – the best we could hope for is an EU as the kind of territorial polity, which Elkins has allocated to the dustbin of history.

This was the message of ‘The Poverty of Territorialism,’ written before I had read Elkins. I could have arrived at similar conclusions from reading Keating (2012). His theme is regional autonomy, which he relates in novel ways to sovereignty, more specifically to nationality claims made by regions (he lives and works in Scotland). Dividing territories into separate states is now widely discredited, he says. The reason is a radically different meaning attached to statehood. Like Elkins writing about ‘non-territorial provinces’ as options for the French language community or ‘First Nations’ in Canada, Keating points to the **possibility of non-territorial self-government**. This is why he prefers talking about autonomy as his way of reframing issues in manners that could be of great relevance, and not only to the Western Balkans: **“One is autonomous in relation to some other person or entity”** (Keating 2012, p.17). But, Keating adds, autonomy becomes meaningful only when one has the power to do something.

In this respect, the Ottoman Empire giving autonomy to minorities, as the Austrian part of the Habsburg Empire did, may have done better than their ill-deserved reputations as the ‘prisons of nations’ would suggest. In particular, religious minorities were given the right to administer their own affairs. Since the Western Balkans partake in the heritage and traditions of both these empires, unearthing such historic memories is worth considering for their implications on present issues and their resolution.

Autonomy rather than sovereignty is even more relevant to consider since Keating also points to what I describe as **the production of democratic legitimacy**. Rather than strictly confined to elections being held within and by territorial constituencies, the production of democratic legitimacy also needs to be adapted to the new, fluid situation whereby spaces are only loosely bounded. The answer may not be government as it exists; Nor may it be new, more encompassing, but still bounded spaces, with their establishment absorbing significant vital, and sometimes lethal energy. **The answer may be more networking**.

This leads to territory, and with it to territorial autonomy, acquiring new meaning. Pursuing autonomy is not the same as creating **spatial monopolies of authority, identity, or capacity**. Rather, it requires more complex forms of authority by creating different bundles of competences for different territorial configurations. Such configurations can be unbundled and re-combined more easily than sovereign territories. Even recognising the symbolic importance of particular spaces does not necessitate their becoming subject to sovereign control. So remember, the nation-state provides only one answer to the conundrum of reconciling identities, institutions of government, and systems of representation.

These are vast issues involving the rethinking and possibly the reshaping of our ways of pondering and doing politics with outcomes that are uncertain, which poses a challenge not only for the current issue of enlargement, but for shaping the future of the EU and, in fact, for global governance. Unfortunately, (and here I return to the geopolitical situation in the Western Balkans), none of these considerations resonates well with the present situation. Currently, the only option seems to be the consolidation of the parts of the Western Balkans not yet members

of the EU by state formation based on the model of the existing members as a condition of their accession. This only serves to sustain an EU as a union of member states, each retaining its hard-won sovereignty as much as possible.

The latest (though unlikely to be the last) sign of thinking about the EU in such terms is of course Brexit. From Scotland, Keating (quoted above) has dissected the very issue of sovereignty as applied in the referendum leading to Brexit. He suggests that the slogan 'take back control' to restore British sovereignty shifted the locus of sovereignty from the Parliament in Westminster to the British people. He also points out the effects this has had on other nations within the United Kingdom beyond the English; in particular the Scottish and the Northern Irish. He thus shows that the UK is an *ad-hoc* construct with "... no defined constitutional status, no unitary *demos*, no fixed telos and refusal to address the issue of sovereignty explicitly..." (Keating 2019, p.168). So too with the EU. Europe, he writes, "...provides a discursive space for ideas of shared and divided sovereignty, multiple *demos* and constitutional pluralism...Europe is understood and framed by different actors in different ways, as a free trade area, an intergovernmental body, a federation in the making or a *sui generis* polity. It has economic, social, cultural and political dimensions, stressed at different times by different actors" (Ibid.) This description is a far cry from the bogey man of a would-be federal state with a government in Brussels.

Indeed, reading Keating I feel vindicated in giving my 2018 book as its subtitle: 'A Neo-Medieval View of Europe and European Planning.' It makes my work part of a literature offering what has proven to be unheeded advice about an alternative to 'hard' European integration. Keating and others give rise to my observation that the situation on the ground seems already somewhat like in the Middle Ages, with spheres of authority overlapping and featuring more governance than government.

Elkins raises yet another point to consider when talking about Canada's 'First Nations' and French Canadians forming non-territorial provinces with devolved, non-territorial, sovereign rights. Such forms exist in Belgium featuring three language communities next to and overlapping with the three regions. If we include the federal level, this adds up to seven governments altogether, which would be alright were it not for Flanders vying for outright independence on the model of the nation state.

I only have flimsy evidence as to what is happening on the ground in the Western Balkans, but I think such lines of enquiry are well-worth pursuing, particularly for 'The Western Balkans Network on Territorial Governance.' For instance, something like one third of the population of Montenegro thinks of themselves as Serbs,<sup>2</sup> which could lend itself to thinking about autonomy in the sense of Keating discussed above: some form of non-territorial governance in matters of culture. By the same token, why not talk of cultural autonomy for Kosovar Serbs, including control of religious shrines, rather than raising the thorny issue of territorial sovereignty? And, while we're at it, rather than dividing Bosnia and Herzegovina into quasi-independent ethnic states, why not allow each ethnic and/or religious group similar forms of autonomy? This could also be a way forward for Albanians in Serbia, Montenegro, North Macedonia, and Greece. There is a cultural issue also between Bulgaria and North Macedonia concerning their common history and whether (and to what extent) their respective languages are similar. Such issues could be addressed through a language union with no implication whatsoever for statehood. In this respect, take a page out of the Dutch Language Union governing matters relating to maintaining and promoting the Dutch language spoken in the Netherlands and Flanders. It leaves the independence of either territory for what it is.

Certainly, if all this and more were done by shaping tailor-made communities on cultural and also functional lines, the result would be a confusing jumble of overlapping spaces. But, did I not say neo-medievalism was arguably the future? So why not start where nation states have not yet fully crystallised, in the Western Balkans? The very term 'territorial governance' points in the direction of issues being resolved in areas fit-for-purpose. Which means that it also implies overlapping spaces. Surely the resulting pattern seems disorderly, but this is the cost of responding flexibly to situations on the ground that do not lend themselves to easily being cast into a mould of neatly formed states with coherent territories and the homes of clearly identifiable nations. The model never really fitted the situation in Europe anyway, leading to much needless (and senseless!) conflict, not only in the Western Balkans, but throughout the continent and beyond.

## Notes

1. ESPON stands currently for European Territorial Observatory Network.
2. According to the Census 2011 data in Montenegro, as accessed in [https://eacea.ec.europa.eu/national-policies/eurydice/content/population-demographic-situation-languages-and-religions-51\\_en](https://eacea.ec.europa.eu/national-policies/eurydice/content/population-demographic-situation-languages-and-religions-51_en), on 21 September 2020.

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### Disclosure statement

No potential conflict of interest was reported by the author.