

Ethnic Lobbying of the EU: The Role of the National and Sub-national Regions in the EU Policy-Making Process

By

Elmina Kulasic

*Submitted to
Central European University
Department of Public Policy*

in partial fulfillment for the requirements of the degree of Master of Arts in Public Policy

Supervisor: Professor Alex Fischer

Budapest, Hungary

2011

Abstract

Ethnic lobbying of the European Union (EU), through sub-national and national regions, is a marginalized topic in the lobbying literature. The primary focus of academic research has been on corporate, business and interest group lobbying, while regional representation has been analyzed through the process of Europeanization. In order to understand the role of regional representation in the EU, this paper draws upon a problem-solving approach, as well as semi-structural interviews with representatives from Catalonia, Spain, and Bosnia, to answer what lessons can Bosnia, - a non-EU member State, learn from Catalonia, Spain – an EU member-State, when it comes to regional representation and lobbying in Brussels? Bosnia's unbalanced EU representation is a dilemma due to the partial implementation of the Dayton Peace Accords and the creation of two entities - Republika Srpska (RS) and Federation of Bosnia and Herzegovina (Federation) – which has resulted in two different political structures and has undermined Bosnia's aspirations to join the EU. The thesis suggests that a parallel approach to EU lobbying by establishing Cantonal Representation in Brussels is politically a feasible option in order to have a balanced representation of Bosnia. In addition, it may help Bosnia to address EU policy in regards to non-member State regional representation and its implication for the process of EU integration.

Key words: Bosnia, Catalonia, EU, lobbying and ethnicity

Acknowledgements

I would like to extend my gratitude to my Public Policy Department colleagues for their support and friendship and the interviewees who have been the foundation of my research findings and recommendations. I would also like to thank John Harbor and Reka Futasz for their patience and advice during the thesis writing period, and my supervisor Alex Fischer.

Lastly, I owe my deepest gratitude to my family whose love, guidance and encouragement has been the key to my success. I remain deeply indebted to them.

Table of Contents

Abstract	i
Acknowledgements	ii
Chapter 1 Introduction	1
1.1 Definitions.....	4
1.2 Methodology.....	7
Chapter 2 Bosnia Unbalanced EU Representation: Problem Analysis	9
2.1 Background of the unbalanced representation	9
2.2 EU regional representation and ethnic lobbying.....	11
Chapter 3 Possible Solutions for Bosnia	14
3.1 Spain's institutional structure	14
3.2 Ethnic lobbying in the case of Catalonia, Spain	17
3.3 RS and the Federation	19
3.4 Possible solutions for Bosnia	21
3.4.1 Option 1.....	21
3.4.2 Option 2.....	21
3.4.3 Option 3.....	22
Chapter 4 Conclusions: The Road Ahead	24
4.1 Recommendations to solve Bosnia's unbalanced EU representation.....	24
4.2 Summary of key findings and implications.....	28
4.3 Future Research.....	29
Bibliography	31
List of Interviewees.....	34

Chapter 1

Introduction

The complex and multilayered composition of the European Union (EU), a supranational institution, has been “characterized by the presence of different forms and styles of political representation which reflect the ideas and strategic interests of various groups of actors and institution” (Rittberger 2009, 43). The EU was constructed on the principles of representative democracy embedded in the quest to balance different political and economic interests between a number of States and political actors (Rittberger 2009, 43). The emphasis given to balanced representation has resulted in a number of different means of representation within the policy-making arena in the EU; one is lobbying through regional representation. The lobbying mechanism, approach and access to influence EU institutions have been under academic scrutiny and a vast of lobbying literature is available. However, academic research has primarily focused on corporate, business and interest group lobbying via different organizations and as a result regional lobbying has been marginalized (Schendelen 2005, Bouwen 2002). It is important to understand regional representation in terms of lobbying because regions are representing their own interests at the EU level which are related to specific territorial units (Bukowski 2010). At the same time, the aspirations of national and sub-national regions and their representation have been conducted through the lenses and quest for self-representation and the process of Europeanization; as such, the representation is primarily linked to a territorial affiliation and more or less ethnic

identification (Roller and Sloat 2002, Jeffrey 2000).¹ Therefore, it is imperative to look at the role of national and sub-national regions and their insider approach of lobbying of EU institutions (Broscheid and Coen .2003).

The approach of regional lobbying of the EU has resulted in a number of challenges for Bosnia and its path toward EU integration (Massari 2005). Bosnia's internal factors, such as political composition and construction of identity, have contributed to different approaches of regional representation. It has affected the overall process of integration into the EU because of the territorial division and different political aspirations (Lyon 2009). The delayed process is a result of the institutional structures created by the General Framework Agreement for Peace in Bosnia, commonly referred to as the "Dayton Peace Accords," (Malcolm 1994, 139). The Dayton Peace Accords, a peace agreement signed between Bosnia, the Republic of Croatia and the former Federal Republic of Yugoslavia (Serbia and Montenegro), created two entities - Republika Srpska (RS) and Federation of Bosnia and Herzegovina (Federation) - and the District of Brcko.

The territorial division also created two distinct political structures prescribing political autonomy to the entities while decentralizing the federal government (Oluic 2007). The RS has its political autonomy centralized at the entity level, while the Federation is divided into ten Cantons (each Canton is equally representation at the entity level). Adopting a divisive agreement intended to pave the way for constitutional reforms in order to centralize Bosnia's government (Oluic 2007). However, instead of a constitutional reform which would contribute to a balanced process of power-sharing, reconciliation and democratic consolidation, the division backfired. The backfire has created obstructionist

¹ The ethnic representation within a territorial unit is referred to the identification of the inhabitant to specific identity. In the definition section of the thesis ethnic identity is defined and conceptualized in regards to regional representation and lobbying in the EU.

results for Bosnia's representation in Brussels because RS is represented at the entity and regional level, while the Federation is represented by one Canton, Canton Sarajevo, at the sub-regional level. As a result, the RS has been lobbying for more political autonomy, self-representation and even succession, while the Federation has been focusing on Canton Sarajevo representation. This unequal and unbalanced approach to representation and lobbying is undermining Bosnia's EU integration because different policies are lobbied for in Brussels. Therefore, the thesis casual hypothesis claims that in the case of Bosnia, as a result of Dayton Peace Accords, it is much more difficult for the Federation to represent and lobby its interests in Brussels and contribute to a balanced representation of Bosnia. In order to address the representation and lobbying challenges Bosnia is facing, the interventionist hypothesis in the third chapter claims that the case of Catalonia, Spain, is a reasonable choice for solution recommendations. Spain is divided into a number of different regions and Catalonia has been in the forefront to represent its interests while complementing and contributing to Spanish State representation and policies at the EU level.

The case of Catalonia, a region with a successful record of EU representation within a nation-state, is a feasible model, according to the research findings, for Bosnia because the region is "mobilised, defensively, to attain a constructive role in Europe commensurate with that which they already have in domestic politics" (Marks and McAdam 1996, 266). The process of EU integration and regional representation has "influenced culturally distinctive regional movements away from the demand for full national independence towards the demand for greater autonomy in the context of the European Union [...] diverted ethnic groups away from a focus on forging a separate state as their ultimate goal" (Marks and McAdam 1996, 266). The approach to understand Spanish institutional structure and how Catalonia is working within its framework at the State and EU level, it can provide a new

dimension to the existing EU lobbying and regional representation research, as well as to resolving Bosnia's current situation. In order to understand the role of regional representation this thesis will aim to answer the following question: *What lessons can Bosnia, - a non-EU member State, learn from Catalonia, Spain – an EU member-state, when it comes to regional representation and lobbying in Brussels?*

Catalonia and its political representation at the EU level as well as its lobbying strategies will be accessed to aim to answer the research question, to draw conclusions and recommendations for Bosnia's regional representation in Brussels.

1.1 Definitions

In order to frame the ethnic lobbying of the EU, it is important to define lobbying, ethnicity, outbidding effect and ethnic lobbying. EU literature does not specifically define regional lobbying in terms of ethnicity; as a result, the concepts will be defined explicitly to conceptualize the notion of ethnic lobbying in regards to regional representation. However, in order to relate the regional representation to Bosnia's unbalanced EU representation and Catalonia serving as a model, it is necessary to understand the role of 'ethnic' reference which is operating within and through regional representation.

The concepts will be used in a practical approach rather than a theoretical one. The practical approach underlines the problem-solving application in analyzing institutional structures and the interaction of different actors in the policy-making arena. The interaction of different actors and their agenda-setting as well as exchange of expertise rests within their bargaining position and political autonomy. The supranational composition of the EU policy-making process and the integration process shows that the role of regional experiences provide an insight into the relationship between member-states political

structure, regional political autonomy as well as representation (Schendelen 2005). The political characteristics of regional representation have not been specifically defined as ‘ethnic’ in lobbying literature; rather, it has been defined in the context of Europeanization (Roller and Sloat 2002). In order to understand the role of regional lobbying, one needs to understand the concepts.

Lobbying is defined in the context of providing and collecting information from and to the EU institutions as well as any other political institution in order to influence their decisions (Coen 2007, Greenwood 1997, Schendelen 2005). It encompasses exchange of knowledge and expertise to exert influence and access to political institutions within the framework of national State institutions and EU (Baurin 2007, Greenwood 1997). Since regional representation has developed through the coordination of national policy, EU funds for regional development and EU regional policies, it aspires to be part of the decision and implementation process which concerns particular territorial interests (Greenwood 1997, 218).

Ethnicity is defined in terms of fluid characterizations, given that the “collective realisation of a common [identity] is often connected with the process of political transition” (Cordell 1999, 5). The political transition in Bosnia, during and after the war, has resulted in accommodation and politicization of ‘ethnic’ identity based on religious affiliation rather than pure racial differences (Oluic 2007). Consequently, the conceptual formulation of ethnicity has been a political process and as a result can be affected and changed by future political events (Cordell 1999, Panayi 2000).²

² The Constitution of Bosnia does not allow citizens who do not identify themselves with one of the three constituent people of Bosnia to stand as candidates for the Presidency and the House of People of the Parliamentary. In 2009 the European Court of Human Rights has ruled that such a legal binding is incompatible with European standards and will hinder Bosnia’s EU membership.

The *outbidding effect*, in the context of ethnic politicization and the role played by group identity vis-à-vis ethnic identity division, is defined around the notion of fixed or fluid ethnic identities, which can either undermine or strengthen political representation and democracy (Chandra 2005, 236). This applies to the formation and representation of ethnic parties. In the party system, ethnic parties can either contribute to democratic destabilization because they are not willing to compromise on ethnic issues (ethnicity is fixed), or ethnic parties can contribute to democratic consolidation by compromising on ethnic issues (ethnicity is fluid or fixed) and diversifying the political arena. While ethnicity is fluid in Bosnia, its institutionalization and politicization after the war has undermined democracy and led to unequal representation of Bosnia because the parties are not willing to compromise. In Spain, with the example of Catalonia, it has led to democratic consolidation.

In order to articulate the conceptual relationship of regional lobbying, ethnicity and the consequences of outbidding effect; *ethnic lobbying* is defined as a categorization and mechanism of national and sub-national regions identified with a community within one territorial unit whose interest are represented at the EU level. The interests of the national and sub-national regions are represented through State and EU institutions according to the needs of the respective State and regions. The regions are, as a result, composed of a community understood in a cross-border perspective, where ethnicity is fluid and preserved in the context of the State rather than regions. In addition, the term is loosely associated with “ethnic sovereignty,” which alludes to the attempt of entities to develop, stimulate and self-construct qualities of formal sovereignty through a number of means in order to attain more political autonomy and independence which is undermining national governments (Oliver and Richmond 2009, 205). In the case of Bosnia, it is evident that ethnic lobbying is a crucial element of its representation in the EU.

1.2 Methodology

The research question; what lessons can Bosnia, - a non-EU member State, learn from Catalonia, Spain – an EU member-state, when it comes to regional representation and lobbying in Brussels, will be analyzed through an integration of the problem-solving approach and qualitative research technique. In this research, the example of Catalonia, Spain, is provided as a possible model for Bosnia's unbalanced and unequal EU representation. The model is assessed through two criteria's: one is a balanced representation between regional lobbying when it comes to States' national interests and the other is political feasibility. Furthermore, the analysis will rely both on scholarly articles, books and reports as well as semi-structural interviews with representatives from Spain and Bosnia. The interviews are crucial for the research question because there is a lack of theoretical and empirical research availability on the role of regional lobbying when it comes to Bosnia.³ It was imperative to conduct the interviews because the information gathered is the original added value to the existing lobbying literature and the problem-solving approach for Bosnia.

In order to provide the necessary analysis, this thesis will not measure the success of EU lobbying by regions; rather, through a comparative approach it will draw lessons from Spain for Bosnia when it comes to regional representation.

The first chapter of the thesis conceptualizes ethnic lobbying and states the research question. The second chapter introduces a detailed description of the research question and problem in the case of Bosnia's EU representation. It analyzes the role of the Dayton Accords Peace and the internal political structure of territorial units. The third chapter

³ Some additional interviews in Bosnia were canceled on a short notice because of the political situation in Bosnia regarding RS call for a referendum. I have contacted the representatives a number of times but was not able to reschedule the interviews.

provides possible solutions for Bosnia's unbalanced representation in Brussels and the forth chapter includes recommendations followed by conclusions.

Bosnia's Unbalanced EU Representation: Problem Analysis

The previous chapter has defined lobbying, ethnicity, outbidding effect and ethnic lobbying in order to conceptualize Bosnia's representation in Brussels. However, a description of the dilemma of Bosnia's representation in Brussels is of vital importance when it comes to ethnic lobbying. In order to draw attention to the unbalanced lobbying activities in Brussels, which is creating a problem for Bosnia's representation and EU integration, this chapter, will provide an analysis of the unbalanced representation and the role of Bosnia's constitution as well as national and sub-national regions. The first part will describe the dilemma of representation. The second part will introduce EU regional representation and EU ethnic lobbying. The third part will cover RS and the Federation in order to provide the causes of the unbalanced representation.

2.1 Background of the unbalanced representation

The disintegration of former Yugoslavia in the early 1990's led to the war in Bosnia after international recognition of its independence. The war erupted in 1992 after Bosnia held a referendum, following Slovenia and Croatia, to declare independence from Yugoslavia (Malcolm 1994, Oluic 2007). The referendum was supported by 63.4 percent (98% of the participants) and boycotted by a significant number of Bosnian Serb population who represented approximately 32 percent of the population as a whole (Emerson and Storajova 2010, 85). The war aimed to eliminate the multiethnic composition of Bosnia and as a result almost destroyed Bosnia's political structure and institutions (Malcolm 1994, Oluic 2007). The war ended after the international community intervened, specifically the United States of America, and on November 22, 1995, the General Framework Agreement for Peace in

Bosnia, commonly referred to as the Dayton Peace Accords, was signed (Malcolm 1994, Oluic 2007).

The Dayton Peace Accords divided Bosnia along ‘ethnic’ lines into two entities, Republika Srpska (RS) and the Federation of Bosnia and Herzegovina (Federation), and the District of Brcko (Oluic 2007). The RS has a centralized government, while the Federation is divided into ten Cantons (Oluic 2007). Dayton Peace Accords further identified the three constituent peoples – Bosniacs (Bosnian Muslim), Croats (Bosnian Catholics), and Serbs (Bosnian Orthodox Christians), as determining the Constitution where it is mandatory for all three to be equally represented (Kulasic 2011). The identification of the three constituent peoples, based on religious affiliation, constructed and institutionalized by the Dayton Peace Accords, has enabled ethnic identity to become politicized and used for nationalistic purposes (Interviewee 7).

The ethnic composition and the internal structure of the entities also created a double standard (Kulasic 2011). The double standard created by the Dayton Peace Accords, has not only undermined Bosnia’s ability to reconstruct its multiethnic mosaic; it provided political autonomy for the two entities, RS and the Federation (Malcolm 1994). The political autonomy provides an avenue for the outbidding effect which is undermining Bosnia’s democratic consolidation (Kulasic 2011). The outbidding effect is emphasized given that the entities can “establish special parallel relationships with neighboring states consistent with the sovereignty and territorial integrity of [Bosnia]” which is a reason for non-cooperation between the two entities (OHR 2011). This provision in the Dayton Peace Accords does not provide an incentive to work on joint efforts to strengthen Bosnia’s political institutions; rather, it is used to bypass them. The circumvention of State institutions is evident in Bosnia’s unbalanced and unequal representation in Brussels. At the same time, the two

entities have embarked on two different roads; one road is that of the Federation and the other is that of the RS (Kulasic 2011).

The international community negotiated the Dayton Peace Agreement in order to stop the war and the purpose of the territorial division was intended to create political conditions in order to restore the multiethnic composition of Bosnia (Malcolm 1994). It envisioned that after the full implementation of the Dayton Peace Accords, Bosnia would have a constitutional reform and be on its path toward EU integration (Domm 2007). However, due to the partial implementation of the Dayton Peace Accords, Bosnia did not have a constitutional reform (Interviewee 7). As a result, the partial implementation and territorial division has negatively affected Bosnia's post-conflict and post-socialist transitional period (Domm 2007). Moreover, it is affecting Bosnia's EU integration because the lack of necessity to cooperate is enabling the two entities to advocate and lobby for different policies.

2.2 EU regional representation and ethnic lobbying

The division of territorial units and political autonomy ascribed to the two entities has enabled each to follow, to an extent, the example of different national and sub-national regional representation in Brussels (in addition to private lobbying via public relation firms)⁴. The status of regional representation in the EU possesses political and administrative competences and power (Boronska-Hryniewiecka 2010). The legal premise of regional representation in the EU has a wide scope of influence on the decision making process (Boronska-Hryniewiecka 2010). The legal status not only enables the different regions to influence their State's national agenda; it enables them to represent their interests at the EU

⁴ Information obtained by Interviewee 7.

level given that the EU is in the process of constant adaptation and integration of new policies (Boronska-Hryniewiecka 2010, 2). The regions “actively use the window of opportunity offered by the European integration process to present their interests at EU level and to participate in [...] European affairs” (Boronska-Hryniewiecka 2010, 2). As a result, regional representation is part of the EU policy-making process as a whole because it represents issues related to domestic policy.⁵

In order to influence the EU policy-making process, the “domestic actors are never just passive receivers and implementers of the European norms” (Boronska-Hryniewiecka 2010, 3), they are part of the policy-formation process and provide the expertise needed for EU policies to be as closely related to the needs of its citizens as possible. Nonetheless, the access to EU institutions is mainly through State mechanisms and constitutional provisions (Bukowski 2002). The regions can have and do have their won agendas, but their agendas are related to the scope of the respective State they are part of given that the State provides the political autonomy in the first place (Uvalic 2002). The capacity of the State “to satisfy the normative aspirations of political participation of the regional actors” (Boronska-Hryniewiecka 2010, 3) has to be taken into consideration because the State is the guarantor of regional representation legitimacy.

In order for regional lobbying to be legitimized, the State is the main facilitator and mediator when it comes to policy implementation; whether the policy is domestic which needs to be advocated and implemented at the EU level or is an EU policy which needs to be domestically implemented (Boronska-Hryniewiecka 2010, 8). The transfer of policies is carried out through an appropriate mechanism which includes the provisions and approval

⁵ Domestic policy does not necessarily mean national domestic policy. In this context it means regional domestic policy.

of the central State government, primarily the legislative body (Boronska-Hryniewiecka 2010, 14).

However, the quest of regional representation to have their interests be part of the EU agenda is conducted through a number of means. One of the means is internal and direct lobbying, because the EU has enabled a parallel structure where the regions are dependent on the administrative resources and regulations of their perspective EU member-states while at the same time have access to EU institutions (Boronska-Hryniewiecka 2010, 15). The fact that regions have access to EU institutions is a mechanism used by regions, as in the case of Bosnia a non-EU member state, in order to have an impact not only on their State representations but their status overall. The ability to circumvent the state to represent their interests is a reason for Bosnia's unbalanced representation in EU because the Dayton Peace Accords lacks the necessary provisions to regulate entities' lobbying activities (Domm 2007).

Chapter 3

Possible Solutions for Bosnia

The second chapter provided the necessary description of the case of Bosnia in regards to its representation in Brussels at the EU level. It provided an overview of the Dayton Peace Accords. The chapter showed that as a result of the Dayton Peace Accords, there is an unequal representation of Bosnia in Brussels. The division of the country into two entities has enabled one entity, the RS, to lobby for succession while the other, the Federation, is divided into ten Cantons and only one Canton is represented at the sub-regional level. It was argued that it is much more difficult for the Federation to present and lobby its interest in Brussels in order to balance off RS lobbying efforts because of the internal structure.

The first part in this chapter will provide an overview of the Spanish institutional structure in order to see what lessons can Bosnia, - a non-EU member state, learn from Catalonia, Spain – an EU member-state when it comes to regional representation and lobbying in Brussels? The second part will provide an overview of ethnic lobbying in the case of Catalonia. The third will conceptualize the lobbying of RS and the Federation, and the forth will provide possible solutions for the problem of Bosnia's unbalanced representation in Brussels.

3.1 Spain's institutional structure

In order to address Bosnia's challenges in the area of EU representation, it is imperative to balance its regional and lobbying activities in Brussels. The case of Catalonia, Spain, provides some possible solutions because of Spanish internal political structures such

as recognition of autonomous regions political representation and Catalonia's parallel lobbying approach. The criteria assessed for the present case study is if the existence of a balanced representation between regional lobbying is not hindering Spanish national institutions and the second is political feasibility both in Spain and the Federation. The criteria's have been chosen in order to draw some lessons from Catalonia, Spain, for Bosnia's unbalanced EU representation. As a result, the mutual interest of Catalonia to work with Spanish institutions is "conditioned by the constitutional framework within which the different levels or institution co-exist" (Roller and Sloat 2002, 69). The Spanish "central government retains a key role in this process, transferring functions and competencies within an intricate framework of constitutional measures and institutionalised mechanisms of co-operation" (Roller and Sloat 2002, 69). It allows Spain "to exert a high degree of control" through constitutional and State evolution, while the regions are seeking more autonomy rather than self-determination for secession (Roller and Sloat 2002, 69). This shows that the competence of the State is not undermined because it exerts political power through its constitutional framework which granted regional political autonomy. As a result, Catalonia is working with the State to enhance its political autonomy in order to represent its interests both at the national and EU level.

The Spanish transition to democracy after the death of the Dictator Francisco Franco in 1978 led to the re-establishment and recognition of autonomous regions (Llera 2009, 305). The Spanish Constitution recognized Catalonia as a nationality in the second Article (Generalitat de Catalunya 2006, 9). It also recognized the right to autonomy of regions and nationalities and promoted solidarity among the regions and nationalities (Guell 2007, 4). Furthermore, the Constitution extended the right to regions to have decision-making competences as well as regional parliaments and political institutions (Guell 2007, 4).

It also guaranteed “democratic coexistence within the Constitution and the laws in accordance with a just economic and social order” (ICL 1992). Moreover, it encompassed the protection of “all Spaniards and peoples of Spain” to have their basic rights protected (ICL 1992). This transition enabled Catalonia not only to regain its political autonomy but to consolidate its political representation. The process of transition from dictatorship to democracy consolidated Spain’s political institutions and provided space where ethnic politicization was not a result of the outbidding effect (Llera 2009, 309). The process led to the development of cooperative and joint procedural mechanism where, the Spanish government extended the right of autonomous regions representation in the European policy-making process (Borzel 2000, 17).

The change in Spanish intergovernmental approach to regional representation is a result of EU integration (Borzel 2000, 18). The transfer of EU policies to EU member-state changed the distribution of responsibilities when it comes to policy implementation at the local level; it increased the mutual dependency between the two levels of government because each has to adhere to the EU policy implementation (Borzel 2000, 18). As a result, the State depends on regional cooperation to implement EU policies while the regions depend on the State for political autonomy as well as access to EU institutions (Borzel 2000, 18). Based upon the research, the redistribution of policy implementation in Spain is an avenue for the regions to use lobbying as a mechanism to exert more influence on the national and EU policy-making process. It also resulted in the balanced approach of lobbying and democracy consolidation.

3.2 Ethnic lobbying in the case of Catalonia, Spain

In the case of Catalonia, its political autonomy was regained during the political transition after the death of Franco. It led to the “re-establishment of the Generalitat in 1977 and the 1979 Statute, coinciding with the return of democracy” (Generalitat de Catalunya 2006, 7). The Generalitat is the political and institutional body through which Catalonia is represented, and it consists of Parliament, the Presidency, Government and other institutions (Generalitat de Catalunya 2006). The recovery of the Generalitat enabled Catalonia to be part of the consolidation of democracy “in solidarity with Spain as a whole, and incorporated into Europe” (Generalitat de Catalunya 2006, 7). The solidarity between Catalonia and Spain is “based on the principle of mutual institutional loyalty,” (Generalitat de Catalunya 2006, 12), and the bilateral policy approach to EU representation and lobbying.

This bilateral policy approach led to the opening of the Catalan office in Brussels in 1986 which led to direct Catalanian representation in Brussels (Interviewee 5). In 2004, the Catalan Delegation in Brussels was created which is governed by the Catalanian Statute and is also a framework for regional lobbying, since its main goal is to influence the EU (Guell 2007, 8-11). The office in Brussels monitors and exchanges information with Spanish as well as EU policy-makers, in order to enhance its interests; the interests range from economic development to cultural promotion (Guell 2007, 11). As a result, the flow of information and the opportunities offered through institutional incentives and lobbying mechanisms are enabling Catalonia to influence the policy-making process.

This comprehensive comparative approach sheds light on the role of regional representation, EU integration and identity (Laffan 1996). Catalan representatives sought to improve their lobbying strategies through State and EU mechanisms rather than to seek independence (Nagel 2009). The Catalanian representatives understood that “an economical

and politically strong Spanish state would serve Catalonia's interest best" (Nagel 2009). The premise of a strong State, enabled Catalanian "elites [to] recognize that they already enjoy relatively high level of influence [within the State]...by sustaining bilateral negotiations with Spain [and the] other regions," (Roller and Sloat 2002, 81). Moreover, the lobbying efforts of Catalonia via EU institutions shapes "national government capacity to maneuver in Brussels," by channeling information in both ways; national and EU (Guell 2007, 12).

In addition, the emphasis given to regional representation in the Spanish constitution was further solidified with the passage of the Maastricht Treaty of 1991; the treaty "signaled that the path towards the future of Europe depended on regions, since the concept of 'region' was recognized by Brussels" (Guell 2007, 4). Furthermore, it created the Committee of Regions, which is the only association recognized by the Commission at the EU level (Guell 2007, 7). The establishment of the Committee of Regions further enabled Catalonia to exert influence especially since regular meetings between central government and autonomous representation are held (Roller and Sloat 2002). At the same time, the Committee has formal consultative status which "created a labyrinth of transnational networks linking regions based on industrial specialisation, geographical location, transnational cultural ties and common political role" (Marks and McAdam 1996, 266). The Committee as well as regional representation provides information to the Commission "outside the regular state executive channels [... given that] the Commission has to rely on externally generated information, and it seeks a diverse an informational base as possible" (Marks and McAdam 1996, 267). The channels are used by lobbyists to extract information related to EU policies that may affect them (Marks and McAdam 1996, 265). The regions demand information from the EU institutions since they want to provide their expertise to the relevant policy-makers at the European level. This process allows the regions to voice

their specific concerns which are aimed to influence the policy (Marks and McAdam 1996). As a result, the Spanish Constitution guarantee of political autonomy and EU regional representation provides the political feasibility, and one of the criteria for this thesis, for a balanced representation of Catalonia and Spain.

3.3 RS and the Federation

The Dayton Peace Accords did not create a regulatory mechanism in regards to equal representation. At the same time, it enabled the ‘three constituent people’ of Bosnia to use nationalism interchangeable with ethnic representation (Interviewee 5). The blurred line between nationalism and ethnicity is affecting the overall political sphere. The nationalistic rhetoric is utilized to portray ethnicity as a fixed identity rather than a fluid one and as a result, RS is lobbying for secession (Interviewee 1). RS is able to lobby for secession due to the internal structures as compared to Federation because it is not divided into different Cantons or political units; rather, its powers are centralized at the entity level.

The structural and regulatory issue for Bosnia enabled the entities to construct their own representative and lobbying agenda; particularly in the case of RS rather than the Federation (Interviewee 7). Furthermore, the empowerment of collective identity over individual one is one of the key elements used by the RS in its lobbying efforts (Fawn and Richmond 2009). As a result, RS lobbying approach has been destructive, given that its attempt is to show that Bosnia is a dysfunctional state unable to meet EU membership conditionalities, and as such should be allowed to disintegrate; whereas Federation’s lobbying activities are almost nonexistent (Interviewee 7). Since RS is developing a direct route to Brussels, the Federation needs to embark on it as well because “[e]ffective, ethnic sovereignty in RS is being maintained to prevent shared and cooperative governance from

emerging” (Fawn and Richmond 2009, 217). The non-cooperative policy has been a key objective in order to obstruct the process of EU integration while at the same time working to undercut the ability of the Federation and Bosnia as a whole to have a national representation (Interviewee 7).

The non-cooperative result of the Dayton Peace Accords was a temporary agreement which resulted in some aspects of the ethnic sovereignty to lead to aspects of ethnic lobbying (Fawn and Richmond 2009, 216). The “RS never possessed any distinct [historical] identity or administrative experience [...] it lacks institutional precedent [and] is a product of the Bosnian war” (Fawn and Richmond 2009, 215). This is not to say that Bosnian Serbs have not lived on the territories of RS; however, “they have never done so exclusively,” (Fawn and Richmond 2009, 215) until the Dayton Peace Accords acknowledged RS as an entity. In addition, RS lacks the main precedents for succession and “because of the previous multi-ethnicity of that area, it can hardly be seen as an exclusively Serbian homeland (though such claims are made)” (Fawn and Richmond 2009, 215). Nevertheless, to further its arguments the RS has established a regional office in Brussels, RS Representation, along with paying millions of Euros to the Hill Knowlton International public relations firm (Interviewee 7). The Federation, on the other hand, has opened Canton Sarajevo Representation in Brussels as a sub-regional representation without hiring a law firm (Interviewee 5). As a result, the push-and-pull factor between the RS lobbying for succession and the Federation minimal representation is an evident challenge for balanced representation in the EU. This is an undermining factor that needs to be addressed if Bosnia is going to consolidate its democratic institutions and be able to integration into the EU.

3.4 Possible solutions for Bosnia

The case of Catalonia provides an insight into three possible solutions for Bosnia.

3.4.1 Option 1

The Spanish constitution has undergone a number of amendments and reforms to adjust to the growing need to represent its regions. The amendments adopted guaranteed Catalonia and the other regions political autonomy as well as representation within the Spanish government apparatus and international institutions.

In regards to a possible solution, one approach is for a constitutional reform in Bosnia which would reconstruct internal political structures in order to enable the Federation to have a holistic representation rather than a fragmented one. This option would replace the Cantons with political autonomy given to entity as a whole. This reform would enable the Federation to centralize its government on an entity level similar to the one of RS. The constitutional reform approach is a desired one given that Bosnia needs to have a constitutional reform in order to meet EU integration conditionalities; however, the political atmosphere, structure and political will are not present for such a reform at this time (Interviewee 5). It is a long-term approach which will be addressed in accordance to EU policy of enlargement, policy formulation and conditionalities toward Bosnia and the Balkan region (Interviewee 1). The question of constitutional reform will be addressed by the EU once Bosnia moves further on its path toward EU integration.

3.4.2 Option 2

The Spanish constitution guarantee of regional political autonomy led to the establishment of Catalonia Delegation to the EU. The Catalonia Delegation to the EU

represents its interests both at the State and EU level. The Federation has the option to establish a Delegation to Brussels along side its Canton Sarajevo Representation as well given that it can have more than one avenue to lobby. This would enable the Federation to be represented at the entity and regional level. The Federation Delegation would function as a governmental body balancing RS approach of regional representation. At the same time, it can form alliances with other regions and legitimize its presence, as it can provide information that does not undermining Bosnia's institutions but strengths them (as opposed to the RS secessionist agenda).

The establishment of a Delegation to Brussels would have political implications as the internal structure of the Federation is divided between the Croats and Bosniacs (Interviewee 5). The two constituent people, Croats and Bosniacs, would have to have a common policy, which at this time is not feasible (Interviewee 5). One of the reasons this option is not feasible is that some Croat nationalist parties are calling for a third entity rather than Cantonal reconstruction (Interviewee 5).

3.4.3 Option 3

As the third option, the Federation can approach the process of lobbying through a parallel process. The case of Catalonia emphasizes a parallel approach to EU lobbying. It is a balanced and equal approach in the sense that while Catalonia is lobbying for its interests, it is not undermining or hindering Spanish representation or institutions. One of the reasons why Catalonia is not undermining the State institutions is due to the fact that it is one of 16 regions recognized in the Spanish Constitution trying to gain more political autonomy. Moreover, even though Catalonia is in the forefront when it comes to representation, its representatives have understood that a complementary approach is of their best interest. As

a result, Canton Sarajevo Representation could incorporate the other nine Cantons to form a Cantonal Representation in Brussels in order to create an alliance of similar interests.

The creation of Federation Cantonal Representation is a politically feasible option because all of the Cantons would be represented on a regional level; this representation would not hinder their entity autonomy, since the cooperation would be directly between Cantons rather than the entity level. It would create a Cantonal alliance which would provide an opportunity to create conditions for flexible structures in order to adopt EU policies and regional practices (Guell 2007, 16). In the next chapter, a full analysis will be provided where only one option will be recommended due to political feasibility of its implementation.

Chapter 4

Conclusions: The Road Ahead

The third chapter provided an overview of the Spanish institutional structure and ethnic lobbying in the case of Catalonia. It also conceptualized the lobbying of RS and the Federation and provided possible solutions for Bosnia's unbalanced representation in the EU based on the lobbying experience of Catalonia, Spain. Based on the research findings, the first part in this chapter will provide recommendations and an answer to the research question: What lessons can Bosnia, a non-EU member state, learn from Catalonia, Spain, an EU member-state, when it comes to regional representation and lobbying in Brussels?

4.1 Recommendations to solve Bosnia's unbalanced EU representation

The territorial division of Bosnia into two entities, RS and the Federation, has contributed to a number of structural challenges, such as the representation and lobbying approach of the RS and Federation. However, based on the analysis of Spain's autonomous regional representation the following lesson can be drawn for Bosnia. In the case of Spain, the inter-state regional representation has contributed to the consolidation of democracy, where Catalonia and the rest of the 16 regions in Spain, was guaranteed political autonomy. This political autonomy enabled Catalonia to further its representation through a parallel approach. One approach was to work directly with the Spanish political institutions which are the guarantors of its representation within the State and provide access to EU, and the second approach was the lobbying of the EU via regional representation (Interviewee 4). The interventionist hypothesis, which claimed that the case of Catalonia, Spain, is a reasonable choice for solution recommendations, has been confirmed because Bosnia can

balance its EU representation if it takes a parallel approach to EU representation and lobbying.

- Based on the Catalonia experience the recommendation for Bosnia is to have a Cantonal representation in Brussels instead of just Canton Sarajevo Representation. The recommendation derives from the notion of share-power and the Spanish model that inter-State regional cooperation can be transferred into inter-Cantonal cooperation since the Federation is already divided into ten Cantons (Interviewee 7). The inter-Cantonal cooperation would be a joint effort of the Cantons to, first, represent their interests and, second, the interests of the Federation. The internal structure and political autonomy would not change, which makes it a politically feasible recommendation (Interviewee 3). According to the research findings, the current territorial structure of the Federation should not be viewed as an obstacle but rather as an opportunity to offer the ten Cantons an opportunity to be represented in Brussels. At the same time, the Cantonal representation would not pass over into the jurisdiction of the RS; it would be a complementary approach to representation and lobbying.
- The division of the Federation into ten Cantons was the result of the war; the division was created to balance Bosnian Croat and Bosniak representation, and as such this structure can be used to balance Cantonal representation as well. The Croat and Bosniak population would have a representation in the EU through the Cantonal representation, which is a feasible political policy because there are no solid grounds to oppose it given that more political autonomy would be granted to the Cantons (Interviewee 2). At the same time, it would provide an incentive for the Cantons to want to be represented at the EU level because EU integration is a shared foreign policy between the Croats and Bosniacs in the Federation (Interviewee 2).

- The policy recommended above resembles the EU Commission's proposal for the establishment of five regions in Bosnia, which was undermined because it proposed a cross-entity approach (Interviewee 3). The cross-entity establishment of regions was viewed as an attempt to undermine entity power, especially in the RS, and as a result the proposal was not accepted (Interviewee 3). In this regards, the Cantonal representation would not be a cross-entity approach of representation and economic development; it would be an inter-entity plan. The stakeholders, Bosnian Croats and Bosniacs, are already working within the Cantonal structure, and a Cantonal cooperation and joint-representation in Brussels would enhance their opportunities rather than hinder them. Even though inter-entity approach decreased the geographical compactness and potential of regional development to ethnonational and political basis, the Cantonal representation approach emphasizes that to achieve minimal progress on both, economic and political fronts, the current structure in place can be a means to an end when it comes to a balanced approach of representation (Osmankovic 2004).
- The attribution of Cantonal representation would give more political autonomy and power to the municipalities as well, which are the main representative components on the Cantonal level (Interviewee 1). This would be a first step towards giving municipalities more power, which is a policy that a number of political analysts and EU representatives are advocating for (Interviewee 1). The political debate about reconstructing territorial division in Bosnia, or who will be represented and who will not, is not one of the main features of the proposal because the Cantons are already divided based on balanced representation; rather, Cantonal representation would be of regional importance as a unit which influences not just political development but economic development (Interviewee1). The Cantonal representation would also be able to form links with other regional representation in

Brussels and attract possible foreign investments if it is viewed as a functioning alliance with positive influence on the overall Bosnian representation. It would also enable the Cantons to exchange expertise and balance off internal development capacity.

The Dayton Peace Agreement has undermined the principle of regionalization with the creation of the RS and the Federation because it divided Bosnia into two. Nonetheless, the structure of the Federation can be the source of this policy implementation. The Cantonal representation is an avenue to represent all of the different components ranging from municipalities needs, Cantonal needs, the entity needs as well as the need to balance the RS lobbying and representation approach of the EU (Interviewee 1). The policy can simply be implemented by registering Canton Sarajevo Representation as Bosnia's Cantonal Representation in Brussels or even establishing a representation of the Cantons without making any changes to the Canton Sarajevo Representation status. This can be achieved by securing support from the Cantons and their representatives, which the research emphasizes, would not be an obstacle or a great problem because it would provide the Cantons with more political representation.⁶ Furthermore, the Cantons would directly be part of Bosnia's EU integration process, given that they would become an actor in the expertise and knowledge exchange in Brussels. As the research points out, the role of Cantonal Representation would result in an increase of lobbying activities and as a result would balance the RS.

⁶ Due to the time limit, I was not able to schedule interviews with Croat representatives in the four Cantons where they are the ruling parties. However, given that the structure of the Cantons would not be affected with Cantonal Representation in Brussels, I think that it is reasonable to argue that they would accept the proposal because it would give them access to the EU.

4.2 Summary of key findings and implications

The role of ethnic lobbying in the case of Catalonia, Spain, has been a parallel process in regards to regional representation and lobbying, and has provided some lessons for unbalanced representation at the EU level in the case of Bosnia.

The Spanish political transition from a dictatorship to democracy has paved the way for guaranteeing political autonomy to its regions, and Catalonia was one of the first to regain such political autonomy. The re-establishment of political autonomy and representation has enabled Catalonia to establish regional representation in Brussels via its Catalonia Delegation to the EU. The Catalonia Delegation not only generates and advocates for policies important to its own interests, it works with the Spanish State and institutions to gain more access to the EU in order to influence the policy-making process. This parallel approach to representation has provided a positive correlation between regional and State representation.

Even though Catalonia's historical quest for political autonomy, self-representation and self-government can not be compared to the two entities, the RS and Federation, in Bosnia, its experience of working with State institutions to increase its presence in the EU does provide lessons for non-EU member States. The lessons that the case of Catalonia, Spain, provides for Bosnia is that State structure can be utilized for representation through a parallel approach of representation. This approach is to have Cantonal Representation in the EU, which would balance off RS representation.

In order to address some of the regional lobbying implications, the case of Bosnia would have to be taken into consideration if Bosnia is going to make minimal progress from the current stalemate situation. The current composition of the Federation should not be reconstructed at this time but utilized to improve Bosnia's representation in Brussels. The

Dayton Peace Accords has established the Cantons to pave the way for a balanced representation of its Bosniak and Croat populations, and in order to have a balanced representation of the Federation, the Cantons and their interests have to be taken into consideration. In order to meet the needs of a balanced representation, the research recommends to have all of the ten Cantons represented in Brussels. Furthermore, since this approach does not require entity or federal level restructuring because it is a parallel approach, the Cantonal Representation would use the Federation and State structures in order to gain more representation. This representation would increase the representation and lobbying activities of the Federation and as a result balance it with the representation of the RS.

While divisions along ‘ethnic’ lines may have been necessary at the time of the signing of the Dayton Peace Accords, ethnic lines should not be allowed to be the main factor in Cantonal representation. Moving beyond the prism of ethnic division, Cantonal representation would create incentives for cooperation, especially when it comes to economic developments and opportunities which would enable them to interact in a coherent and functional manner. The integration of the economic and cultural sectors of the Cantons, in order to monitor and contribute to the initiatives and policies at the EU level, is an avenue to influence politics and the overall representation of Bosnia (Guell 2007, 11).

4.3 Future Research

The regional approach to ethnic lobbying is a new dimension in EU lobbying, where the role of regional representation plays a vital role. In the case of Bosnia, the parallel approach provided by the experience of Catalonia, Spain is a feasible political option for balancing its EU regional lobbying representation between the two entities, the RS and the

Federation. However, a number of crucial questions remain to be answered such as what are the implications of regional representation and lobbying of the EU? What are some of the challenges for regional lobbying in the EU? How is ethnic lobbying similar and/or different from business/corporate/interest groups lobbying of the EU, and what is the role of the EU when it comes to institution building whether it is State building or nation building, as is in the case of Bosnia?

For these reasons, in order to identify the political, economic, and social factors that facilitate or influence the process of EU lobbying and State representation, it is important for future lobbying related research to look at ethnic lobbying as well, given that most of the regions are constructed along ethnic lines.

In order to further understand regional representation in the case of Bosnia and if the recommendation can be implemented, I will try to turn this thesis into a working paper to further my research. The next steps will include interviews with representatives from the different Cantons, especially the Croat representatives since they are representatives of four Cantons and how at times demanded for a third entity to be established within Bosnia.

Bibliography

Baurin, Daniel. 2007. *Deliberation Behind Closed Doors: Transparency and Lobbying in the European Union*. Hampshire: ECPR Press.

Boronska-Hryniewiecka, Karolina. 2010. *Institutional adaptation to Europeanization in the state of asymmetries: participation of the Spanish Autonomous Communities in the European affairs*. Paper for the ECPR Conference, Dublin.

Borzel, Tanja A. 2000. From Competitive Regionalism to Cooperative Federalism: The Europeanization of the Spanish State of the Autonomies. *The Journal of Federalism*, 30 (2), 17-42.

Bouwen, Pieter .2002. Corporate Lobbying in the European Union: the Logic of Access In. *Journal of European Public Policy*, 9(3), 365-390.

Broscheid, Andreas and David Coen .2003. Insider and Outsider Lobbying of the European Commission: An Informational Model of Forum. *European Union Politics*, (4),165-189.

Bukowski, Jeanie. 2002. A space for Political Choice? Regional Development in Andalucía and Catalonia. *Regional and Federal Studies*, 12 (1), 138-170

Chandra, Kanchan. 2005. "Ethnic Parties and Democratic Stability." *Perspectives on Politics*, 3(2), 325-252.

Coen, David. 2007. *EU Lobbying: Empirical and Theoretical Studies*. London: Routledge.

Cordell, Karl, eds. 1999. *Ethnicity and Democratisation in the New Europe*. New York: Routledge.

Domm, Rory. 2007. Europeanisation without Democratisation: A Critique of the International Community Peacebuilding Strategy in Bosnia and Herzegovina. *Southeast European and Black Sea Studies*, 7(1), 159-176.
DOI: 10.80/1468350701189865. Accessed June 1, 2011.

Emerson, Peter and Stojarova, Vera, eds. 2010. *Party Politics in the Western Balkans*. London: Routledge.

Fawn, Rick and Richmond Oliver P. 2009. De Facto states in the Balkans: Shared Governance versus Ethnic Sovereignty in Republika Srpska and Kosovo. *Journal of Intervention and Statebuilding*, 3(2), 205-238.
DOI: 10.1080/17502970902830026. Accessed June 1, 2011.

Generalite de Catalunya. *Statute of Autonomy of Catalonia 2006*. Organic Law 6/2006.

Greenwood, Justin. 1997. *Representing Interests in the European Union*. London: The European Union Series MacMillan Press Ltd.

- Guell, Casilda. 2007. Regional Lobbying at the European Union through Institutions: The case of Catalonia. ECPR Conference. Session S2, LNP02, Structural Policies and Europeanisation, PP342.
- Jeffrey, Charlie. 2000. Sub-National Mobilization and European Integration: Does it Make Any Difference? *Journal of Common Market Studies*, 38(1), 1-23.
- Kulasic, Elmina. 2011. *Ethnic Politics and Political Institutions: The comparative Case of Spain and Bosnia and Herzegovina*. Term paper: Comparative Political Institutions. Budapest: Central European University.
- Llera, Francisco Jose. 2009. Spain: Identity Boundaries and Political Reconstruction. *Nationalism and Ethnic Politics*, (15), 305-335.
- Massari, Maurizio. 2005. Do All Roads Lead to Brussels? Analysis of the Different Trajectories of Croatia, Serbia-Montenegro and Bosnia-Herzegovina. *Cambridge Review of International Affairs*, 18(2), 259-273. Accessed May 19, 2011.
- Laffan, Brigid. 1996. The Politics of Identity and Political Order in Europe. *Journal of Common Market Goods* 34(1), 81-102.
- Llera, Francisco Jose. 2009. Spain: Identity Boundaries and Political Reconstruction. *Nationalism and Ethnic Politics*, (15), 305-335.
- Lyon, James. 2006. Overcoming Ethnic Politics in Bosnia. *Lit.-Verge*, 49-62.
- McAdam, Doug and Marks Gary. 2011. Social Movements and the Changing Structure of Political Opportunity in the European Union. *West European Politics*, 19(2), 249-278. DOI:10.1080/014023898425133. Accessed May 25, 2011.
- Malcolm, Noel. 1994. *Bosnia: A Short History*. London: McMillan London Limited.
- Nagel, Klaus –Jurgen. 2009. The Nationalism of stateless nations and Europe. *The Catalan case. GRURTP Political Theory Working Paper 6*, Universitat Pompeu Fabra, Barcelona.
- Oluic, Steven .2007. Bosnia and Herzegovina: Identity, Nationalist Landscapes and the Future of the State. *East European Monographs*, Colorado, distributed by Columbia University Press, NY.
- Osmankovic, Jasmina. 2004. Regionalization and Regional Development in Bosnia and Herzegovina in the Post-War Period. *Occasional Paper No. 5 Institute for Economic Research*.
- Panayi, Panikos. 2000. *An Ethnic History of Europe since 1945: Nations, States and Minorities*. England: Pearson Education Ltd.
- Rittberger, Berthold. 2009. The historical origins of the EU's system of representation. *Journal of European Public Policy*, 1(16), 43-61.

Roller, Elisa and Sloat, Amanda. 2002. The Impact of Europeanisation on Regional Governance: A Study of Catalonia and Scotland. *Public Policy and Administration* (17), 68 – 86. DOI: 1177/09520760201700205

Schendelen Rinus van. 2005. *Machiavelli in Brussels: The Art of Lobbying the EU*. Amsterdam: Amsterdam University Press.

The Constitution of Bosnia (OHR): http://www.ohr.int/dpa/default.asp?content_id=372
Accessed March 12, 2011.

The Spanish Constitution (ICL): http://www.servat.unibe.ch/icl/sp00000_.html
Accessed April 19, 2011.

Uvalic, Milica. 2002. Regional Cooperation and the Enlargement of the European Union: Lessons Learned? *International Political Science Review* (23), 290-333.

List of Interviewees

The interviewees have requested to be listed an anonymous.

Interviewee 1: a German politician and Member of the European Parliament, a conservative Christian Democratic Union, part of the European People's Party.

- Interviewed on April 18, 2011.

Interviewee 2: a Liaison Officer for Southern Europe at the EU Parliament (associated with MEP Raül Romeva i Rueda).

- Interviewed on April 19, 2011.

Interviewee 3: Assistance to the Turkish Cypriots at the European Commission.

- Interviewed on April 20, 2011.

Interviewee 4: a representative of the Catalan Delegation to the European Union.

- Interviewed on April 18, 2011.

Interviewee 5: Representing Sarajevo Canton - Representation Office in Brussels.

- Interviewed on April 18, 2011.

Interviewee 6: Associated with Republika Srpska Representation in Brussels.

- Interviewed on May 7, 2011.

Interviewee 7: an independent policy analyst in Sarajevo, Bosnia, and co-founder and Senior Associate of the Democratization Policy Council

- Interviewed on June 1, 2011.

Interviewee 8: an expert on Bosnian divisive entity educational system and form employee of the Organization for Security and Co-operation in Europe (OSCE).

- Interviewed in May 9, 2011.