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6. Leaders' Meetings: Facilitating or Replacing the Formal Political Processes in the Western Balkan Countries?

Leaders' meetings, an informal practice for resolving political conflicts, have become a common feature of the political systems in the Western Balkan (WB) countries: Albania, Bosnia and Herzegovina (BiH), Kosovo and Macedonia. Formal parliamentary political institutions and processes in the WB are often incapacitated by boycotts, blockades or rejections from political actors, which turn political deliberation into political conflict. In turn, political conflicts have created and/or intensified political crises, rendering formal institutions dysfunctional, and opening the space for interventions by external actors. Indeed, the deadlocks in political decision-making and the fragility of formal political institutions have led to a reliance on leaders' meetings as an informal political mechanism. These include both meetings of leaders themselves and leadership meetings, which are attended by delegated representatives, and in many cases, external actors are also involved. This chapter explores the nature and the effects of the leaders' meetings in political decision-making. It asks whether the leaders' meetings facilitate or replace the formal political processes in the WB countries.

Keywords: informality, formal politics, leadership, actors, Western Balkans

Introduction

Leaders' meetings, an informal practice for resolving political conflicts, have become a common feature of the political systems in the WB countries: Albania, BiH, Kosovo and Macedonia. Formal parliamentary political institutions and processes in the WB are often incapacitated by boycotts, blockades or rejections from political actors, which turn political deliberation into political conflict. Indeed, the deadlocks in political decision-making and the fragility of formal political institutions have led to a reliance

on leaders' meetings as an informal political mechanism. Leaders' meetings include both meetings of leaders themselves and leadership meetings, which are attended by delegated representatives, and in many cases, external actors are also involved. Leaders' meetings are negotiations among the major political party leaders that seek a consensual resolution on contentious issues and that occur outside formal institutions, in public places, commercial, as well as in diplomatic premises. The purpose of this informal practice is to deal with political disputes, which, having gone outside formal institutions, cannot be contained by them, so are resolved in private meetings, mainly between party leaders. As the political actors involved have little faith that what they agree will be respected and implemented, it is necessary for an external actor to facilitate, mediate and guarantee the leadership negotiation process to ensure that what is agreed in the meetings will be honoured. Most commonly, this role has been performed by the president of the country or representatives of the European Union (EU) and the United States (US).

Hence, against this backdrop, the book chapter, explores the nature and the effects of the leaders' meetings in political decision-making. It asks whether the leaders' meetings facilitate or replace the formal political processes in the WB countries. The chapter is divided into three parts. The methodology section lays out the methods used, theoretical framework and the concept of leaders' meetings. The second part offers four country specific case illustrations on contentious issues and where political actors resorted to informality in politics through leaders' meetings followed with an analysis of the outcomes and impact on formal politics. The third part presents concluding remarks. Finally, the chapter discusses the policy implications and it also proposes a set of recommendations to be addressed by domestic political actors and the 'international community' alike to address informality in political decision-making in WB countries. The chapter shows that leaders'/leadership meetings serve some sort of 'substitutive' function as the domestic political actors and 'the international community' aim at reaching a political decision in the context of dysfunctional formal institutions. It recommends ways to strengthen political dialogue, foster consensus-building on major political issues and strengthen democratic institutions.

Formal and Informal Political Institutions and Decision-Making

The chapter is based on a qualitative methodology, namely process tracing, interviews with actors involved in the leaders' in all four case studies, and archival research: media reports and press releases as well as legislation. Informality constitutes an integral part of the functioning of societies in WB, as is the case in all former communist countries. As Giordano and Hayoz observe, 'no organization or democratic state can avoid informal practices, which make sense only with regard to a formal rule' (Giordano and Hayoz, 2013: 12). Informal practices, and informality as a phenomenon exist in Western societies as well, but differences in its scope, frequency and functioning are considerable compared to the former communist societies (Sampson, 1985: 44–66). To be sure, informality is embedded in the past experiences of post-communist countries, where formal institutions were often insufficient in solving everyday problems of citizens. As such informal practices developed as responses to the constraints of formal institutions. They were a form of reaction and 'tactical' means of survival in a highly insecure societal atmosphere. In post-communist societies, the state is still perceived more as a generator of crisis rather than an effective means of social organization, which is directly connected to past experiences during communist times. As Giordano observes:

> Informality as an adequate principle of social organization (along with its social practices, mentioned above) is strictly linked to the dreadful experiences that members of a given society have continuously had with the state both in a recent and distant past. (…) these negatives spaces of experience, which have a marked influence on the actors and the formation of their horizons of expectation, do not reproduce themselves automatically by tradition (…) These spaces of experience must be constantly confirmed in the present. (…). In accordance with the members' perception of these experiences, the corresponding systems of representations and behavioural models will be strengthened, modified, or discarded (Giordano, 2013:42).

The legacy of socialism has shaped the process of democratic transition of post-communist countries, with informality being perpetuated as a practice in the new democratized settings. This has led to continuation of old and emergence of new informal practices. Looking at informality in politics, the chapter has taken North's definition of institutions as 'humanly

devised constraints that structure political, economic and social interaction consisting of 'informal constraints (…) and formal rules…' (North, 1991: 97). Similarly, Helmke and Levitsky define institutions as 'rules and procedures (both formal and informal) that structure social interaction by constraining and enabling actors' behavior' (Helmke and Levitsky, 2004: 727). Along these theoretical lines, informality could be perceived as 'a set of one-on-one behaviours – highly personalized – which can be regarded as the most simple, basic and universal of human relationships' (Giordano, 2013: 30) which does not exclude the possibility of informality taking place between groups, with informality brokers on both sides, notwithstanding that both domestic and foreign political elites could play the role of informality promoters.

However, an important definition on informality in this inquiry is the one that interprets informal institutions as 'socially shared rules, usually unwritten, that are created, communicated, and enforced outside of officially sanctioned channels' (Helmke and Levitsky, 2004: 727). As such this definition differentiates informal institutions from the formal ones, but is also points to informality being an integral part of the formal rules. Moreover, looking at the motives of informal institutions, Helmke and Levitsky offer three motives for emergence of informal rules and institutions. They have included the following:

– Actors create informal rules because formal institutions are incomplete;
– Informal institutions may be a 'second best' strategy for actors who prefer, but cannot achieve a formal institutional solution;
– Actors create informal institutions when they deem it less costly than creating formal institutions to their liking (Helmke and Levitsky, 2004: 730).

Moreover, as Hans-Joachim Lauth argues, there are three types of institutions, defined by the interplay of the informal and formal institutions. They are 1) the complementary type, in which they co-exist side by side and mutually reinforce and support each other; 2) the substitutive type, in which either formal or informal institutions are effective in the sense of being functionally equivalent to each other; and 3) the conflicting type, when the two systems of rules are incompatible (Lauth, 2000: 25).

Yet, to understand how (in)formal political decision-making through leader's meetings works, it is important to engage in explaining two crucial aspects that relate to EU's conditionality policy and the role of the 'the international community' in the state politics in the WB countries. EU integration processes is often broadly referred in political discourse via the concept of 'Europeanisation.' Indeed, this concept has become widely used to describe the process of (a) construction, (b) diffusion and (c) implementation of formal and informal rules, procedures, policy paradigms, styles, 'ways of doing things', as well as shared beliefs and norms, which are first defined and consolidated in the making of EU public policy and politics (Radaelli, 2004: 3). However, the more generic term institutionalization often time used also in the context of approximation of aspiring states for EU membership points to 'the process by which the actions and interactions of social actors come to be normatively patterned' (Schimmelfennig and Sedelmeier, 2002: 503). This 'includes the transposition of EU legislation into domestic law, the restructuring of domestic institutions according to EU rules, or the change of domestic political practices according to EU standards' (Schimmelfennig and Sedelmeier, 2002: 503). Indeed, both concepts refer to the same outcome of adjusting societal structures and behaviour to patterns given by external actors, being that such structures need not be necessarily formal. Looking at the institutional change as a result of EU conditionality, Antoaneta Dimitrova has pointed out that

> institutional change conceptualized as the interplay between formal and informal rules can be seen in a different light when analysing EU enlargement (…) a process where new institutions arise as a result of changes in informal rules that are later followed by changes in formal institutional rules, enlargement brings changes in formal rules which may later be followed by changes in informal rules (Dimitrova, 2010: 139).

Hence, EU's conditionality politics arises as a mechanism of 'political give and take', where political elites of aspiring countries for EU membership can effectively recognize the reward of institutional adaptations and embark on harmonization of the EU rules. Mutual political manoeuvring requires constant adaptation of strategy on both sides, given that the actors on the side of candidate countries can often have diverse and heterogeneous interests, especially during political crises occurring in the countries that aspire EU membership. Ambitious political goals set by the EU to aspiring states are implemented through conditionality which basically

denotes 'a bargaining strategy of reinforcement by reward, under which the EU provides external incentives for a target government to comply with its conditions' (Schimmelfennig and Sedelmeier, 2002: 670). The mechanism of conditionality entails that

> […] it is simple and based on granting rewards for the fulfilment of given conditions and, conversely, withholding rewards for failure to meet the conditions. Very rarely has the EU opted for direct negative sanctions in cases when the EU's conditions were not met. In most cases, failure to comply with the conditions resulted in ineligibility to transition to the next phase of integration or withholding of EU funds earmarked for the potential candidate state in question (Blagovcanin, 2017: 16).

The logic of conditionality implies that it 'rewards those countries that have successfully mastered the quantifiable and urgent challenges of political and economic reform rather than the less tangible long-term objectives of regional cooperation' (Meurs and Yannis, 2002: 3). In order to satisfy conditionality requirements, aspiring countries —the four analysed here— have to frequently overcome political turmoil that occurs when socially divisive questions arise. Even more so, if one has in mind that the base of conditionality is *democratic conditionality* driven from the Copenhagen criteria which encompass 'the fundamental political principles of the EU, the norms of human rights and liberal democracy' (Schimmelfennig and Sedelmeier, 2002: 677) where the 'main external incentive in this context is, first, the establishment of institutional ties, such as association, and subsequently, the opening of accession negotiations (Schimmelfennig and Sedelmeier, 2002: 677).

The 'International Community' and Politics in Western Balkan Countries

State-building in post-communist and post-conflict societies in WB countries, occurs based on interaction between domestic and international actors through on an interplay of imposing values by 'the international community', reflexive feedback by domestic political elites and gradual internalization of these values in domestic political systems, or the lack thereof. This does not imply a deficit of authentic internalized political values; however, it implies a

frequent impossibility to resolve political crises and to align with the external demands as the EU's *acquis communitaire* or more fundamentally the Copenhagen criteria. Fragile and often defunct institutions, informal pressure groups, corruption and political interests of domestic veto players often stand in the way of a more effective state-building process that is both suffering from excessive particularism (Mungiu Pippidi, 2005: 49–68) and visible social, ethnic and political cleavages.

In Albania, BiH, Kosovo and Macedonia, 'the international community' has played a great role in post-socialist and post-conflict democratisation in the region. Yet, the involvement of 'the international community' is short of decisive when it comes to political processes and internalization of democratic values. The transformational efforts of 'the international community' have focused not only at the institutional level, but also social level, trying to create common and shared values and norms with a focus on interactions between institutions and individuals' (Pilavdzija, 2013). Yet, shared norms in post-communist and post-conflict societies have proven challenging due to deep social and political divisions. Such institutional approaches may assist the functioning of the political institutions, but they fail to satisfy the citizens expectations and needs, as political elites often compromise on values they represent, and by deepening the divisions that influence political processes from within.

Leader's Meetings: An Informal Practice in Politics

The political systems in Albania, BiH, Kosovo, and Macedonia, have produced an informal practice in political decision-making termed as the 'leaders' meetings'. Formal parliamentary political institutions and processes have faced with s stalemates in the political decision-making. This has signalled the fragility of formal political institutions and it has led way to the informality through leaders' meetings, in which substantive political disputes are resolved in private meetings between party leaders circumventing legislative and other decision-making institutions.

The leaders' meetings constitute a practice of negotiation among the leaders of the major political parties taking place outside the framework of formal institutions reaching an agreement on a politically contentious

issue. Unlike in formal institutions, where a policy is adopted by the decision of a majority, in this setting leaders reach a solution consensually. The leaders' meetings represent a mid-point from when the formal processes fail to resolve the problem at stake and the informal ones fill the void in an attempt to reach a resolution. Often the leaders themselves are not directly involved in negotiating the various aspects of the issue at stake, which are being discussed by negotiators, similarly in form to a working group. The negotiators act as 'informality brokers,' although they operate without full authorisation to decide on the issues and must consult with the leaders throughout the negotiation process. However, through their 'delegates,' the leaders monitor all the lower level meetings throughout the process. They are defined as the leadership meetings.

Leaders'/leadership meetings have entailed negotiations among the major political party leaders and their delegated representatives occurring outside formal institutions seeking a consensual resolution on contentious issues. Distrust by the political actors that what they agree will be respected and implemented opens up a space for an external actor to mediate/facilitate and guarantee the leadership negotiation process and ensure that what is agreed in the meetings will be honoured. Most commonly, the representatives of the EU and USA, and/or the president of the country has assumed this role. The ability of the outside actor to facilitate and guarantee the negotiation process depends on her/his political power and the ability to provide positive and negative incentives as stimuli to nudge the political actors to accept or concede the proposed position. Negotiations on level of political elites (as in the case of leadership meetings) reflect a practical *modus operandi* for reaching political compromises rather than reflection of political demand, which in these societies can often lack democratic substance. This practice is not only used in WB region. The scope of this use is larger in WB, but this practice has accompanied political decision-making in other contexts as well. To illustrate informal political decision-making the following is a sketch of four country case illustrations.

Case #1 Albania: The 2016 Judicial Reform

The dispute/conflict: Albania's judicial reform, intended to remove corrupt judges and suppress organised crime, was a top priority for the country to embark on the path to EU accession. However, the Socialist Party (SP) and

the opposition Democratic Party (DP) could not agree on how the reform should be carried out. It took the two parties 18 months of negotiations, disputes and mutual accusations, as well as a meeting between the SP and the DP and constant intervention from EU and USA, to reach an agreement. Eventually, at midnight on 21 July 2016, the Albanian Parliament unanimously passed a constitutional package substantially amending the judicial system of the country.

Internal actors: The three largest political parties: SP, DP were primary actors, and the Socialist Movement for Integration (LSI) was a secondary actor.

Leaders in negotiations: chair of the SP; leader of the DP.

External actors: The European Commission (EC), through the European Commissioner for Enlargement, MEPs; the EU ambassador to Albania, US ambassador to Albania.

Resolution: Adoption of judicial reform by changing the Constitution of Albania with the mutual agreement of the majority and opposition. This gave a green light for the adoption of vetting procedures for the judiciary and more efficient measures against corruption and organised crime.

Case #2 BiH: Adoption of the EU Coordination Mechanism, 2016

The dispute/conflict: BiH's fraught history of policy decision-making and implementation is the result of its complex institutional structures, which entail overlapping authorities, and mistrust between the three constitutive ethnic communities, which are fuelled by the actors of the ethnicity-based political system. The Coordination Mechanism (CM) on EU matters is thus a response to BiH's fragmented and multi-layered formal institutional structure, as it establishes procedures for the effective coordination and implementation of EU-driven policies, and structures the interaction of the country as a whole with the EU. Despite being a key EU requirement for BiH, the adoption of the CM was hindered by the Republika Srpska (RS) leadership's view that it was a threat to the entity's position within the country. When a deal on the CM was established between the leader

the Bosniak and Serbian leaders, an objection was raised by their Croatian counterpart, who regarded the CM as a threat to the position of BiH's cantons. Eventually, the CM was finalised and formally adopted, with the package being brokered through a series of leadership meetings held in the period 2015–2016, in which the EU ambassador also participated.

Internal actors: The three largest political parties: Party of Democratic Action (SDA), Alliance of Independent Social Democrats (SNSD) and the Croatian Democratic Union of Bosnia and Herzegovina (HDZ BiH).

Leaders in negotiations: leader of the SDA and Chairman of BiH Presidency, leader of the SNSD, President of RS; and leader of the HDZ BiH, member of BiH Presidency.

External actors: EU, Head of Delegation to BiH.

Resolution: The final text of the 'Decision on the system of coordination of the process of BiH's European integration' was drafted in terms that were acceptable to all sides and formally adopted by the Council of Ministers in August 2016, contributing to BiH's EU prospects.

Case #3 Kosovo: The 2014 Parliamentary Elections

The dispute/conflict: The 2014 Kosovar parliamentary elections were evaluated overall as transparent and well-organised, but there was no clear winner and a government could not be formed for six months. The Democratic Party of Kosovo (PDK) coalition, despite coming first in the elections, faced a challenge to form a government when the opposition parties – the Vetëvendosje Movement, the Democratic League of Kosovo (LDK), the Alliance for the Future of Kosovo (AAK) and the Initiative for Kosovo (NISMA) – joined forces to form the so-called VLAN coalition, thus becoming the majority political force in the Assembly. The VLAN coalition claimed the right to form a government as they had the majority of seats. However, the PDK coalition persisted, arguing that they had won the plurality of votes in the elections and thus had the right to form the government. Eventually, a Constitutional Court of Kosovo ruling granted the

PDK coalition the power to form the government, rather than the VLAN post-election coalition.

Internal actors: Political parties who won seats in the Assembly of Kosovo in the 2014 national elections: PDK, LDK, AAK, NISMA, Vetëvendosje.

Leaders in negotiations: leader of the LDK; leader of Vetëvendosje; chair of the AAK; chair of NISMA; leader of the PDK.

External actors: The German ambassador, the German Ministry of Foreign Affairs representative for Southeast Europe; the UK ambassador; the US ambassador.

Resolution: The rupture between the leaders of the LDK and the AAK over the Prime Minister's post led to the disintegration of the VLAN coalition. The LDK then joined the PDK and the deadlock was broken.

Case # 4 Macedonia: The 2014 Parliamentary Elections
and 2014–2016 Political Crisis

The dispute/conflict: The credibility of the 2014 parliamentary elections was rejected by the Social Democratic Union of Macedonia (SDSM)-led opposition, which abandoned formal political processes and boycotted Parliament, claiming that state institutions had been captured by the much more powerful VMRO-Democratic Party for Macedonian National Unity (VMRO-DPMNE). After a period of stagnation, SDSM's release of wire-tapped conversations of political elites in February 2015 triggered a process of leaders' and leadership meetings for resolving the political conflict, facilitated by the EU and the US. Political party leaders and their representatives were in continuous negotiations until August 2016. Ultimately, they reached an agreement to implement measures in the electoral, judicial and media systems that guaranteed the trust of all parties in these institutions before new parliamentary elections were held.

Internal actors: The four largest political parties: VMRO-DPMNE and SDSM were primary actors, and the Democratic Union for Integration (DUI) and Democratic Party of Albanians secondary actors.

Leaders in negotiations: leader of VMRO-DPMNE; leader of the SDSM; leader of the Democratic Union for Integration; and leader of the Democratic Party of Albanians.

External actors: EC, through the European Commissioner for Enlargement; the USA, through the US ambassador, MEPs.

Resolution: The Przino Political Agreement, which introduced: a special public prosecutor; electoral reform measures; media reform measures; an interim technical government; an end to the release of wiretapped conversations; and parliamentary elections, which took place on 11 December 2016.

The Outcomes of the Leaders' Meetings and Impact on Formal Politics

The country case illustrations evidenced that important decisions were made in informal meetings among politicians of biggest political parties and the EU and US officials and diplomats. In Albania, the 'leaders' meetings' became a rule rather than exception on the justice reform. The political processes in BiH, after the country's stalemate in the EU accession process. Yet it led way to an informal approach resolving political dead-ends. The issue of the EU coordination mechanism was moved outside the formal decision-making. The 'soft' pressure of 'the international community' was less publicly visible in the Kosovo case. In the period from July to December 2014 several leaders' meetings among the coalition parties took place in Kosovo. The meetings were neither facilitated nor organised/or called by the US or EU member states ambassadors, as in the case of Albania, BiH and Macedonia. Yet the media attributed the breaking of the deadlock to the Ambassador of the German Ministry of Foreign Affairs for Southeast Europe. In Macedonia, numerous leaders' meetings were often called and led by the international actors, and with the EU Commissioner himself and four MEPs of the European Parliament, as facilitators in the process.

The leaders' meetings have served as a quick fix to larger political issues and crises of the political arena. Indeed, the leaders' meetings have been successful in bringing to an end of disputed political issues and closure to political crises. Yet the connecting thread between the cases and their outcomes is that they stand in relation to the larger theme of EU membership. The success of the leaders' meetings rests on the instrumentality of EU conditionality as Albania, BiH, Kosovo and Macedonia all aspire an EU membership. To be sure, EU has used its active leverage in all four cases, where the solution to the specific crisis has been posted as a *conditio sine qua non* for furthering the EU accession process. In Albania, BiH and Kosovo active EU conditionality has been followed by more direct diplomatic pressure by US representatives, as an additional tool in the 'carrot and stick politics'. In other cases, as Macedonia, the EU has taken the leading role in the process, through involving MEPs in the developments, predominantly as mediators but also informality brokers, which signals a larger level of involvement and an attempt of the EU to have a leading role and manage specific political crisis at hand.

However, the leader's meetings have altered formal politics, positing informality as a substitutive modality of political decision-making. All cases show that the constitutional/political design does not safeguard formal decision-making and that 'informal institutions may also limit presidential power' (Helmke and Levitsky, 2004: 726). Informal leaders' meetings have a lasting impact on the legitimacy of polity and democracy. Just as any other form of informality, the leaders' meetings erode democracy. The leaders' meetings may have been efficient but not transparent, contrary to formal institutions that are projected to be transparent, but often are not efficient. They suffer from an embedded transparency deficit as they took place behind closed doors, far away from the public eye, and with no consideration of citizens' voices. The leader's meetings have shifted the political decision-making from formal channels into informal ones. They also have constituted and served as a modality through which 'the international community' is both 'invited' and legitimized as a partner in the political processes and decision-making in WB countries.

Conclusions and Policy Implications

The analysis of the practice of leaders' meetings in Albania, BiH, Kosovo and Macedonia has led us to conclude that political elites in the WB region are sometimes unable to address political disputes through regular political processes and within the formal political institutions, which exacerbates political conflicts and crises. When such situations arise, leaders' meetings become a medium of an informal process for overcoming political conflicts and crises. Due to the inability of political elites in the region to reach agreements within formal political settings, leaders' meetings circumvent the institutions of the political system, seeking more neutral ground and causing a 'spill-over' effect in the political process. As a result of leaders' meetings, political decision-making becomes more centralised, less inclusive and non-transparent. Besides the bypassing of institutional arrangements, crucial information is often withheld from the public.

The decisions made during the leaders'/leadership meetings are formalised through their adoption and implementation by formal political institutions. Leaders' meetings serve some sort of 'substitutive' function as the domestic political actors and 'the international community' have the same goal – reaching a political decision in a political context of dysfunctional formal institutions. Leaders' meetings never perform a pre-emptive function; that is, they do not aim to forestall political crises. This means that they rarely take place unless a crucial political issue has already reached a dead-end such as the examples presented here on judicial reform, coordination mechanism, elections or political negotiations related to a general political crisis. In all cases, EU and USA representatives deployed a similar diplomatic strategy of conditionality politics.

Leaders' meetings may be an effective way of overcoming political crisis in the countries of the WB. Utilising this format is undeniable when it comes to efficient decision-making in times of turbulent crises. However, in the long run, leaders' meetings create political side-effects that undermine democratic principles and institutions. Moreover, they create a long-term dependency on the actors of 'the international community', meaning that domestic political players prefer relying on external help for resolving polarising political issues to seeking a solution within the institutional setup. Furthermore, frequent utilisation of leaders' meetings decreases confidence in domestic political institutions, meaning that

they are seen merely as implementing agents of the decisions being made in leaders' meetings in a centralised, non-inclusive and non-transparent manner.

Based on this analysis, we have come to several recommendations. Leaders' meetings should be used as a pre-emptive mechanism. Their purpose should thus be altered, instead of using the format as a damage control mechanism, they should serve to strengthen political dialogue, foster consensus-building on major political issues and prevent political crisis.

The countries of the WB, in cooperation with 'international community' actors, should develop early warning mechanisms to predict possible shortcomings of the political processes that might generate political crises. Early prediction of political crises can lead to more effective management of political challenges and, in the long run, can result in increased trust in the institutions and the political system in general.

A consensus-seeking parliamentary committee for key strategic matters should be established within the formal institutional framework of the WB countries, so that political dialogue can be sustained inside institutions and addressed through formal channels. Such a body could be part of the solution to prevent similar political conflicts in the future.

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