

The Effectiveness of the EU as a Peace Actor in Post-conflict Bosnia Herzegovina: An
Evaluative Study

A dissertation submitted in partial fulfillment of the requirements for the degree of
Doctor of Philosophy

By

Ulas Doga Eralp
Master of Arts
Sabanci University, 2002
Bachelor of Arts
Koc University, 2000

Director: Dennis J.D. Sandole, Doctor
Institute for Conflict Analysis and Resolution

Spring Semester 2009
George Mason University
Fairfax, VA

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DEDICATION

This work is dedicated to my grandmother Rabia Ünver.

ACKNOWLEDGEMENTS

It has been a long journey, with ups and downs. Thank you all who passed through my life in the last six and a half years. My dissertation chair Dr. Sandole deserves the biggest applause for his insightful remarks as well as Dr. Paczynska who helped me structure my thoughts efficiently and of course Dr. Dinan without his remarks on the EU this dissertation would not be possible. I also like to thank my dear friends Daniel Stillwagon, Talha Kose, Orli Fridman, Elham Atashi, Mery Rodriguez, Cary Morrison, Amar Kadribasic, Amina Terlikbaeva, Nihal Koseoglu, Amy Moffit, Dr. Nimet Beriker, Dr. Daniel Druckman and many others who had been pivotal at different stages of the writing of this dissertation. My great research companion in Bosnia, Inan Ruma deserves a special note of gratitude here as well. Sue Marsh Akyel, my compatriot from Buyukada helped me out with the language. I also would like to thank the International for Peace Research Association for their generous grant. My final words of gratitude go to my family, Özgen-Incilay and Ekin Eralp: thanks a lot for putting up with me and standing by my side.

As the great poet Nazim Hikmet puts it:

“Living is no laughing matter:

 you must live with great seriousness

 like a squirrel, for example-

I mean without looking for something beyond and above living,

 I mean living must be your whole occupation.”

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LIST OF ABBREVIATIONS

BiH- Bosnia Herzegovina

CCM-Civilian Crisis Management

CFSP-Common Foreign Security Policy

EPLO-European Peacebuilding Liaison Office

ESDP-European Security and Defense Policy

EU-European Union

EUFOR- European Union Peacekeeping Force

EUPM-European Union Police Mission

EUSR-European Union Special Representative

fBiH- Federation of Bosnia Herzegovina

ICG-International Crisis Group

MCC-Mennonite Central Committee

MCM-Military Crisis Management

NDC-Nansen Dialogue Center

OHR-Office of High Representative

OSCE-Organization for Security and Cooperation in Europe

PAR-Public Administration Reform

RoL-Rule of Law

RS-Republika Srpska

SAA-Stabilization and Association Agreement

SAP-Stabilization and Association Process

SIDA-Swedish International Development Cooperation Agency

UNDP-United Nations Development Programme

USAID-United States Agency for International Development

ABSTRACT

THE EFFECTIVENESS OF THE EU AS A PEACE ACTOR IN POST-CONFLICT BOSNIA HERZEGOVINA: AN EVALUATIVE STUDY

Ulas Doga Eralp, Ph.D.

George Mason University, 2009

Dissertation Director: Dr. Dennis J.D. Sandole

The dissertation evaluates the effectiveness of the European Union as an actor of peace in post-conflict Bosnia Herzegovina. While doing that it discusses the use of democratization as a form of peacebuilding in a post-conflict society. The EU membership perspective that has been a tool of EU's soft power that transforms aspirant countries into working liberal democracies surprisingly underlines the divisions of the Bosnian society. Reforms necessary for the EU integration fail over disagreements between the constituent nations of Croats, Serbs and Bosniaks on the notions of the state and its functions as well as the character of the society that it is supposed to serve. Dissertation argues that without the advent of the political subject by itself it is not possible to talk about civic politics. Manufacturing the political will for conflict transformation and democratic transition would just postpone the imminent political catastrophe in Bosnia Herzegovina. Instead the European Union should assume the role of a moderator and be honest about the EU membership prospect of the Western Balkan

countries. When a post-conflict society like that of Bosnia Herzegovina is locked in a constant paradox between the dream of EU membership and the reality of ethnic fragmentation, efforts for peacebuilding and democratization requires honesty.

CHAPTER 1: INTRODUCTION

1.1 Focus of the dissertation

This dissertation examines the effectiveness of the European Union (EU)'s intervention in post-conflict Bosnia Herzegovina (BiH). I look at a case of transition in post-conflict Bosnia from a state of an ethno-nationalist authoritarian competitive regime under the monitoring of an international executive authority -the Office of the High Representative of the International Community (OHR) - to a country in democratic transition towards the liberal democratic model implicit in the EU integration process. This means that the EU as an actor of peace in post-conflict Bosnia has the potential to encourage the democratic transition of the country. As a form of evaluation research this dissertation assesses the transformative impact of the EU intervention in post-conflict BiH by looking at how the European Union institutions and the EU membership perspective affect the ethno-politics of BiH. The Dayton Peace Agreement signed in December 1995, imposed a negative peace where the political institutions of the country were ethnically defined. The politics of the country is locked in three different ethno-political systems between the Bosniaks, the Bosnian Serbs and the Bosnian Croats in two political entities. The political culture emerged under the control of the international community, produced a hybrid regime with an authoritarian character strictly confined by

the boundaries of ethno-politics, and a foreign-donor dependent civil sector. The EU membership perspective is expected to undo this political culture by encouraging the Bosnian politicians to own the European reforms that are thought to bring the country to the level of western liberal democracies by the time of membership.

The EU is a project of peace that has built a free democratic Western Europe out of the ashes of WWII. This dissertation helps to determine if the EU is able to encourage democratic transition in a country whose authoritarian political value system is far from the western liberal democratic model. It helps us to see whether the European Union project is an effective entity that could help Bosnia rebuild itself from the structural, social and psychological terror of the civil war and redefine its politics along non-ethnic lines. This question comes at a crucial time when the building blocks of the EU have begun to question the validity of further enlargement. Before moving on with the essentials of the EU involvement in post-conflict Bosnia, I find it helpful to go over the main arguments on the concept of democracy without which it is not possible to become a member of the EU.

1.2 What is Democracy?

Robert Dahl gives a very precise definition of democracy in his seminal work “Polyarchy” (1971). For Dahl, democracy remains and should remain more of an ideal that needs constant effort rather than a status that can be reached by accomplishing certain reforms. For him there is no perfect democracy practiced so far. For that reason, he coined the term polyarchy for pluralist liberal democracies in practice. In polyarchy, having free, fair, and competitive elections is not enough to qualify a regime as a

democracy; it requires the freedoms of organization and expression that are thought to give the true meaning to electoral processes, as well as alternative sources of information and institutions that would guarantee that government policies reflect and are affected by the votes and preferences of its citizens.

On the other hand, Joseph Schumpeter's definition of democracy (1942) could be considered to be modest in terms of standards, taking the presence of electoral processes as a necessary condition. Democracy from such a minimalist perspective is a political system in which the main positions of power are taken "through a competitive struggle for the people's vote". Yet, contemporary applications of electoral processes heavily overlap with Dahl's polyarchy (1971) by implying the civil and political freedoms necessary for political debate and electoral campaigning.

There are also those who prefer to come up with more than one criterion for a functioning democracy:

Modern democratic regimes meet four minimum criteria: 1- executives and legislatures are chosen through open, fair and free elections; 2- virtually all adults possess the right to vote; 3- political rights and civil liberties including freedom of the press, freedom of association, and freedom to criticize the government without reprisal are broadly protected; and 4- elected authorities possess real authority to govern in that they are not subject to the tutelary control of military or clerical leaders (Herbst, 2001, Carothers, 2002).

According to Samuel Huntington, a system is democratic when "its most powerful collective decision makers are selected through fair, honest, and periodic elections in which candidates freely compete for votes" (1991). Yet these concepts remain unclear and relative depending on the country you look into.

1.2.1 Conditions for Democracy

There are a number of different perspectives on the needed ingredients for democracy that might be helpful in explaining why the conditionalities embedded in the EU integration process for Bosnia are crucial for the transition to liberal democracy.

1.2.2 Modernization Approach-Socioeconomic terms

What might be called the ‘modernization approach’ emphasizes the social and economic prerequisites. According to this approach, the development of democracy in a given society correlates with its level of socioeconomic development and modernization. Authors like Lipset (1960)¹ and Cutright (1963) see the level of socio-economic development, such as high per capita income, widespread literacy, and established urban residence, as crucial elements for the development of an active civil society, and the consolidation of democracy. Bosnia Herzegovina satisfies only one of Lipset’s conditions with its high literacy rate (96.7% overall)².

1.2.3 Structural Approach-Culture of Democracy as a civic culture embracing conflict management

The ‘structural approach’ focuses on the changing structures of power as the main explanation for democratization processes. Barrington Moore (1966) emphasized the relations between the social classes and the state as the determinant of the type of regime in different countries. France, England and the USA had an experience of politics that

¹ Martin Lipset (1960) conducted a quantitative analysis of 16 socio-economic variables in a number of countries and concluded that the more well-to-do citizens there are in a given country, the more attempts at democratization should be expected.

² According to the CIA World Factbook, Bosnia Herzegovina has an overall 96.7% rate of literacy. This number is 99% among the males and 94.4% in the female population (2000 estimates). See <https://www.cia.gov/library/publications/the-world-factbook/geos/bk.html#People>

gave birth to a culture of liberal democracy, whereas the relations between the social classes and the state led to the rise of fascism in Germany and Italy. Moore (1966) argues against making generalizations about the conditions for democratization, since each country is unique with its socio-economic conditions and political history.

Ernest Barker (1942) underlines the need for consensus as the basis of democracy, either in the shape of common beliefs in certain fundamentals, or of procedural consensus on the rules of the game. A form of civic culture in which a capacity for empathy and a willingness to participate is embedded (Lerner, 1958), is pronounced not only through acts of participation, but is also present in other traditional and parochial attitudes (Almond and Verba, 1963). The structuralist approach explains the resilience and development of certain beliefs and psychological attitudes among the citizens as a result of the history of the relationship between the state and the social classes. Looking into the functions of informal networks could prove to indicate a set of common beliefs that might open the way to the development of a culture of democracy.

Putnam, in his comparison of the impact of informal networks in Southern and Northern Italy (1993) and later in his analysis of the US informal societal networks (2000), utilizes the idea of social capital as “a common characteristic of any society”. Social capital can be both inclusive (bridging) and exclusive (bonding) (Portes, 1998). In an ethnically diverse, transitioning post-conflict society like the one in BiH, high levels of bonding social capital can be harmful for the consolidation of democracy and can provide fertile ground for the revival of ethnic nationalist political propaganda (Dowley and Silver, 2002).

1.2.4 Transition Approach-Elite Based

The 'transition approach' focuses on political processes, elite initiatives and choices. This elite-oriented approach emphasizes the necessity of an evolution to take place before democracy is stabilized in a society. Dankwart Rustow (1970) identified four main phases for democracy to take hold. The first phase is having national unity, meaning the majority of the population shares a political identity. The second phase is inconclusive political struggle between different political elites within the society out of which democracy is born. The third phase is the decision phase in which a compromise between the conflicting parties is achieved and democratic rules are agreed to be adopted. The fourth phase of the transition paradigm is the habituation phase where a general acceptance of the democratic rules takes place. Historical political processes, agency of the political elites, and human initiatives are deemed essential for democratization.

All of the above mentioned democratization approaches identify six factors for democratization: economic development, social divisions, state and political institutions, civil society, political culture and ideas, and transnational and international engagements and war. All of these factors have the potential to explain one part of the democratization story in different cases.

1.3 EU Intervention in post-conflict Bosnia Herzegovina

To understand the effectiveness of the EU intervention in Bosnia Herzegovina, it is essential to look into the logic of the EU membership perspective represented by the European Partnership and the Stabilization and Association Process (SAP) and functions of the European Security Defense Policy (ESDP) institutions under the heading of the

civilian and military crisis management concept (see Chapter 4). These two separate pillars set the framework for EU intervention in post-conflict Bosnia.

The EU membership perspective asserts that for an aspirant country to become an EU member, it has to embrace Europe, in its value system by accepting the Copenhagen criteria and the *Acquis Communautaire*³. The EU membership perspective for overall EU activities applies to Bosnia proper whereas the ESDP instruments provide security support to BiH on its path into the EU. But before going into more detail on the EU, let's look at the situation of post-conflict Bosnia Herzegovina before the EU perspective was offered to the country.

1.3.1 Dayton Era and the OHR

The war in Bosnia Herzegovina between 1992 and 1995 has resulted in 200,000 deaths⁴ and millions of refugees. The General Framework Agreement for Peace in BiH (GfAP), or the Dayton Peace Agreement, was signed in Paris in December 1995. It put an end to the fighting. A Peace Implementation Council (PIC)⁵ was set up and various

³ Any country seeking membership of the European Union (EU) must conform to the conditions set out by Article 49 and the principles laid down in Article 6(1) of the Treaty on European Union. Relevant criteria were established by the Copenhagen European Council in 1993 and strengthened by the Madrid European Council in 1995. To join the EU, a new Member State must meet three criteria:

political: stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities; economic: existence of a functioning market economy and the capacity to cope with competitive pressure and market forces within the Union; acceptance of the Community *acquis*: ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union. (available at http://europa.eu/scadplus/glossary/accession_criteria_copenhagen_en.htm).

⁴ This number is an estimate. On 29 March 1996, Bosnia's state Health Protection Office issued the data on the war casualties during Bosnia's war 1992-1995. Killed/missing are 278,000 people (6.37% of pre-war BiH population), and displaced 1.37 million residents of BiH (31.39%). Most of the victims (140,800: 50.65% of all casualties, 7.39% of pre-war Bosniaks in BiH) are Bosniaks, (mostly civilians) who are followed by Serbs (97,300 - 35% of the victims, (mostly soldiers) 7.1% of Serb pre-war population in Bosnia) and Croats (28,400 - 10.22% of all victims in BiH, 3.76% of pre-war Croats in BiH).

⁵ According to the official website: "Following the successful negotiation of the Dayton Peace Agreement in November 1995, a Peace Implementation Conference was held in London on 8-9 December, 1995, to

international bodies were tasked with overseeing and managing the implementation of the Agreement. The Dayton Peace Agreement (DPA) sets the guidelines for post-conflict reconstruction efforts with a clear focus on state building. The Agreement is composed of annexes, each of which regulates one aspect of the post-conflict restructuring/state building process, such as the creation of a united Bosnian Army (Defense Reform), constitution, human rights monitoring and training, police mentoring and monitoring (Police Reform), etc⁶. Different international organizations were tasked with each of these functions under the coordination of the Office of the High Representative⁷. For instance, until the elections in October 2006, the Organization for Security and Co-operation in Europe (OSCE) was responsible for elections together with a Provisional

mobilize international support for the Agreement. The meeting resulted in the establishment of the Peace Implementation Council (PIC). The PIC comprises 55 countries and agencies that support the peace process in many different ways - by assisting it financially, providing troops for the Stabilization Force of NATO (SFOR), or directly running operations in Bosnia and Herzegovina. There is also a fluctuating number of observers. The London Peace Implementation Conference also established the Steering Board of the PIC to work under the chairmanship of the High Representative as the executive arm of the PIC. The Steering Board members are Canada, France, Germany, Italy, Japan, Russia, United Kingdom, United States, the Presidency of the European Union, the European Commission, and the Organization of the Islamic Conference (OIC), which is to this date represented by Turkey. The Steering Board provides the High Representative with political guidance. In Sarajevo, the High Representative chairs weekly meetings of the Ambassadors to BiH of the Steering Board members. In addition, the Steering Board meets at the level of political directors every three months.”

⁶ Annexes 1A and 1B of the DPA include Military Aspects of the Peace Settlement and Regional Stabilization. Annex 2 covers Inter-Entity Boundary Line and Related Issues whereas Annexes 3, 4 and 5 deal with Elections, Constitution and Arbitration, respectively. Annex 6 deals with the Human Rights violations and Annex 7 covers possible problems with the rehabilitation and return of the Refugees and Displaced Persons. Annex 8 sets up a Commission to Preserve National Monuments and Annex 9 aims to establish joint Bosnia and Herzegovina Public Corporations. Annex 10 establishes the guidelines for the Civilian Implementation of the Peace Settlement, whereas Annex 11 introduces an International Police Task Force under a UN Mandate to tackle organized crime and illegal trafficking.

⁷ According to the “general information” in the official website: “The position of High Representative was created under the General Framework Agreement for Peace in BiH (Dayton Peace Agreement) of 14 December 1995 to oversee implementation of the civilian aspects of the Peace Agreement. The mission of the High Representative (who is also the European Union’s Special Representative) is to work with the people of BiH and the International Community to ensure that Bosnia and Herzegovina is a peaceful, viable state on course to European integration.”

Election Commission that it established; the Constitutional Court of Bosnia and Herzegovina still gets three out of its nine members from the European Court of Human Rights; the governor of the Central Bank was appointed by the IMF; 8/14 of the former Human Rights Chamber of BiH⁸ members were from the Committee of Ministers of the Council of Europe etc. Above all this, the Office of the High Representative is still the main responsible body for observing the implementation of the Peace Accords as well as being the final authority in theatre. The High Representatives have their own implementation plans called Mission Implementation Plans (MIPs) that assign specific tasks to different organizations going through changes as Bosnian politics progress⁹. Since the inception of the OHR in late 1995, BiH has had six high representatives¹⁰.

This interventionist policy of the international community had both negative and positive aspects. The positive impact is that the OHR started building some of the state-level institutions that are needed to run a country immediately after the end of a very

⁸ According to the Agreement Pursuant to Article XIV of Annex 6 to the General Framework Agreement for Peace in Bosnia and Herzegovina entered into by the Parties on 22 and 25 September 2003, the Human Rights Chamber's mandate expired on 31 December 2003. This Agreement established the Human Rights Commission to operate between 1 January 2004 and 31 December 2004 within the Constitutional Court of Bosnia and Herzegovina. The Human Rights Commission has jurisdiction to consider pending cases received by the Human Rights Chamber on or before 31 December 2003; after 1 January 2004, new cases alleging human rights violations were to be decided by the Constitutional Court (available at <http://www.hrc.ba/>). All of the members of the Commission are Bosnian citizens.

⁹ Mission Implementation Plan (MIP) sets out the core tasks remaining for the OHR. Introduced in 2003 to have the OHR focus its efforts on outstanding priorities, the MIP is updated annually to mark the progress made by the authorities in BiH (taken from the OHR website). As the Bosnian state institutions develop, the MIP has fewer core tasks. Currently three core tasks of the MIP are entrenching the rule of law, reforming the economy and institution building. The MIP enables the OHR to coordinate the activities of other international actors in each specific reform area. With the closing date of the OHR set for June 2007, the MIP would also be eliminated with the rest of the competencies of the OHR, to be replaced by the core issues identified by the feasibility study of the European Commission and those specific issue areas of the SAA.

¹⁰ Former High Representatives of the International Community in BiH have been: Carl Bildt (December 1995-June 1997), Carlos Westendorp (June 1997-July 1999), Wolfgang Petritsch (August 1999- May 2002), Paddy Ashdown (June 2002- January 2006), Christian Schwartz-Schilling (February 2006-June 2007) and Miroslav Lajcak (July 2007-March 2009). Valentin Inzko is the current High Representative.

bloody war. But as a negative aspect the intrusive measures of the international community fell short of making these institutions truly Bosnian, or to create local ownership of the institutions on the state level. The ethno-political culture of the country in the post-conflict period has become more solidified under the interventions of the international community and its high representatives (Knaus and Martin, 2003; Interview with an official from the OHR on March 2006). This one-way dependency at the expense of the Bosnian politicians recreated a form of authoritarianism for the international community's intervention in the country as indicated by the *sovereignty deficit* inherent in the political culture of the Bosnians.

1.3.2 EU intervention and the Start of the Brussels Era

The Brussels era is a term that is used to signify the expected start of a contractual relationship between the European Union and the Bosnian state government¹¹. This contractual relationship assumes mutual obligations between the EU and BiH as the Bosnian government will be tasked with adapting the *acquis communautaire*¹². In 16 June 2008 a new era started in the relations with BiH and the European Union with the signing of the Stabilization and Association Agreement (SAA) by the two parties¹³. This is the start of an official contractual relationship where BiH authorities are tasked to fulfill requirements on certain areas of reform to advance in the EU integration process.

Initiation of the Stabilization and Association Process (SAP) is also the start of the

¹¹ Paddy Ashdown used this term in an article published in the Reporter Magazine in Banja Luka, Republika Srpska on 12 May 2004, saying Bosnia “ has gone beyond cold peace, moving out of the era of Dayton and into the era of Brussels” (2004).

¹² The entire body of legislation of the European Communities and Union, of which a significant body relates to justice and home affairs. Applicant countries must accept the *acquis* before they can join the EU.

¹³ SAA document is available at <http://www.delbih.ec.europa.eu/docs/sap2.pdf>

Brussels Era in Bosnian politics. This is the clearest example of the use of the accession perspective and thus democratization as a form of conflict intervention by the European Union in post-conflict Bosnia. The extent of the EU involvement is further discussed in Chapter 3 but below is a brief overview of the prior European Union involvement in Bosnia Herzegovina.

1.3.3 Earlier EC and EU Involvement

Passivity of the former European Community and then the European Union had been decisive in BiH's post-Yugoslav political history. Mass killings and atrocities that followed the disintegration of Yugoslavia and the independence declaration of Bosnia on April 1992, revealed the farce of ambitious remarks such as the "hour of Europe"¹⁴. The War in Bosnia Herzegovina had devastating impact on the political credibility of the European Union in taking effective action, making NATO, under US leadership, the main player in the region. Now, after 13 years of negative peace the EU wants to come back into the picture as the key actor in post-conflict Bosnia. According to the EU officials I interviewed in Brussels and Sarajevo, the EU membership perspective constitutes 'the most influential motive' for transforming Bosnian society.

This "most influential motive" for change did not come easy for Bosnia Herzegovina. The involvement of the EU in the immediate post-conflict period (1996-2000) and its aftermath did not include any membership perspective for the country until the Thessaloniki Declaration on June 2003. The EU involvement in that period (1996-

¹⁴ The term, "hour of Europe" was coined by the former Luxembourg foreign minister, M. Jacques Poos, in the summer of 1991 during the presidency of the EC of Luxembourg, underlining that the disintegration of Yugoslavia was a European problem and it was the European Union that would fix the problem, not the Americans. He said "This is a European problem. We shall find a European solution."

2003) consisted of billions of euros worth of financial assistance for post-conflict reconstruction and relief efforts which actually made the EU the largest donor to BiH from the international community¹⁵.

1.3.4 Membership Perspective

The instrument that the EU developed as a result of its learning process in that period took the form of Stabilization and Association Process (SAP). The Zagreb Summit (24 November 2000) initiated the SAP for the entire Western Balkans region. It is regarded as a long-term commitment of the European Union to the Western Balkans. It has three main components; Stabilization and Association Agreements, EU Financial Assistance and Autonomous Trade Measures. The countries of the region have agreed to a clear set of objectives and conditions in return for eventual EU membership. The promise of “eventual” membership embedded in this contractual relationship is thought to be sufficient enough to justify an unavoidable inequality between a lender (EU) and a borrower (BiH) by the EU officials¹⁶. The hope is that the belief in this eventual membership by the Bosnians will generate an emancipatory wave of civil politics.

Stabilization and Association Agreements (SAA), once signed, will put these countries in a contractual relationship with the European Union. The SAA is seen for these countries as the “means to begin to prepare themselves for the demands of the perspective on the accession to the EU” (taken from the enlargement website of the EU).

¹⁵ Between 1996 and 2003, the amount of financial assistance provided to BiH authorities from the community budget adds up to a figure of 1, 3434.73 millions € (figures available at http://www.delbih.ec.europa.eu/en/eu_and_country/issues2.htm).

¹⁶ All of the EU officials I interviewed in Sarajevo agreed that the relationship between the EU and Bosnian Government is asymmetric, yet natural given the “horrible” state of politics in Bosnia.

The Stabilization and Association Agreement (SAA) signifies an expansive contractual relationship between the EU and each Western Balkan Country involving mutual rights and obligations. SAAs are tailored to the circumstances of each country. SAAs are based on the “gradual implementation of a free trade area and reforms designed to achieve the adoption of EU standards with the aim of moving closer to the EU” (taken from the enlargement website of the EU). Careful preparation with each country before the EU offers such a contract has been and remains a vital component of the SAP.

1.3.5 European Partnership, a path to membership?

The EU-Western Balkans Summit in Thessaloniki on 19th and 20th of June 2003 started a new phase in the EU’s involvement in Bosnia under the heading of European Partnership to materialize the European perspective for the Western Balkans. The Thessaloniki Agenda strengthens the Stabilization and Association Process with elements inspired by the pre-accession process that led to 10 new member states joining the Union in May 2004. The European Council adopted on 14 June 2004 a first European Partnership with Bosnia and Herzegovina¹⁷. The SAP was set as the framework for the European course for Bosnia, all the way to its “eventual” accession. After that date the European Union has become increasingly interested, if not involved, in the governance of BiH by diversifying its first pillar (Community Affairs) activities and introducing its second pillar (Common Foreign Security Policy) competencies¹⁸. This increasing interest

¹⁷ Council Decision 2004/515/EC of 14 June 2004 on the principles, priorities and conditions contained in the European Partnership with Bosnia and Herzegovina (OJ L 221, 22.6.2004, p. 10).

¹⁸ First pillar includes the Stabilization and Association Process, European Partnership and activities of the deconcentrated EU Commission Delegation. Second pillar instruments include an extending European

or involvement has consequences related to the effectiveness of the EU in BiH. A significant question that I attempt to answer in this dissertation is to examine whether the promise of “eventual” membership is influential enough, as expressed by the EU officials, to be able to talk about an emancipatory EU intervention. The relationship between the EU and Bosnia, includes the power asymmetry inherent in the economic assistance by the Union and naturalization of the asymmetry. The emancipatory variable is thus the “eventual” membership and its capability to manufacture consent for change in Bosnian post-conflict politics.

The main priorities identified for Bosnia and Herzegovina relate to its capacity to meet the criteria defined by the Copenhagen Criteria and the conditions set for the SAP¹⁹. The renewed European Partnership Document sets out new short term and medium term priorities for the county, where the monitoring of the progress is done by the framework of mechanisms established under the SAP, notably the annual reports of the Commission.

1.3.6 Sovereignty Deficit of BiH

The form of the EU intervention in post-conflict Bosnia has direct implications for how the construction of full domestic sovereignty is understood. Sovereignty in classical terms is defined as the possession of territory through the use of coercive power, with clear-cut boundaries that include the people that live within those boundaries. Since the Treaty of Westphalia (1648), sovereigns have agreed to operate only within nation-

Union Special Representative (EUSR), European Union Peacekeeping Force (EUFOR), and European Union Police Mission (EUPM).

¹⁹ Notably the conditions defined by the Council in its conclusions of 29 April 1997 and 21 and 22 June 1999, the content of the final declaration of the Zagreb Summit of 24 November 2000 and the Thessaloniki Agenda.

state boundaries. Krasner (1999) calls this domestic sovereignty. Domestic sovereignty implies a hierarchical relationship between the sovereign and the subordinates. It requires a single political hierarchy with its peak in the “sovereign” that effectively controls the territory claimed by the state (Lake, 2003).

1.4 Interventionism

Stanley Hoffman (1996) talks about the relationship between sovereignty and ethics of intervention as a paradox that needs to be taken into consideration by any peace actor in post-conflict settings. Hedley Bull (1977) defines sovereignty as independence from any outside authority and equality of rights of state and non-intervention in a state’s domestic affairs. According to Lori Damrosch (1993), the norm of non-intervention is the basis of classical sovereignty and serves the functions of minimizing interstate conflict and preserving a state’s autonomy versus the human rights of its citizens. Michael Walzer (1977) points out the legalist paradigm that sees that the community’s autonomy requires freedom from outside intervention. Decolonization processes reinforced the ideology of sovereignty which is challenged by growing economic interdependence, environmental problems and migration between countries. For this reason, Robert Keohane (1993) talks about a discrepancy between legal sovereignty and operational sovereignty. Especially after the end of the Cold War, more and more emphasis has been put on citizens having a right for the state to provide law and order, a nation state, democratic government and fundamental human rights and their protection.

Hoffman (1996) claims that all interventions are embedded with selfish motives of the intervener, causing intentional and unintentional damage to the autonomy of the

helped. Following a similar line of thinking, Michael Smith (2000) argues that the protection of the target's autonomy is important. Thus, the justification of the use of force should be analyzed by looking at the cause, political ends, and appropriateness of the means to the ends, proportionality and long term effects on the target following the intervention.

Stanley Hoffman (1996) distinguishes between unilateral and collective interventions and argues for the moral superiority of the collective intervention over the unilateral, suggesting it is easier to control operational selfishness under collective operations. For this reason, he develops two different practical ethics for unilateral and collective interventions. The practical ethics of unilateral interventions need to be licensed by the UN; to provide protection to the human rights in the target, it should grant the right of self determination and it should assist the democratic government in its fight against rebels. Ethics for collective intervention calls for actions when a state's actions threaten the peace and security of the surrounding states and the region, and in the event of massive violations of human rights. Collective intervention is deemed necessary when a broken contract between the state and society destabilizes other countries as well. For this reason, protection of the right to live and to physical integrity and the right of states and people, to peace and security become the bedrock of collective intervention effectiveness arguments.

Hoffman is conscious of the difficulties in applying the principle of early prevention in intrastate conflicts. Therefore legitimate collective intervention in intrastate conflicts depend on the effectiveness of the cooperation between states, process of

decision making and actual capabilities and backlash to intervention by those who lost power as a consequence of the intervention. The gap between ethics and law, the difficulty of universalizing key criteria for action, ethical difficulties of execution, and political obstacles to collective intervention are but a few challenges in handling a “successful” collective intervention in domestic conflicts. Failed states and weak states dominate the international security agenda during the post-Cold War era which could easily make the collective interventions conducted on humanitarian grounds an alibi for returning to normal politics (Roberts, 1993). In other words humanitarianization of collective intervention can result in depoliticization in the target countries where there are weak or failed institutions of state.

Robert C. Johansen (1994) in an earlier article defends the opposite saying that there is a need to keep collective security and humanitarian intervention separate, as well as humanitarian intervention and violation of human rights. Intervention is open to abuse by powerful states. Humanitarian intervention is intervening in a country without its consent, using coercive means, not only military, with the intent to end gross human rights violations by the government. To prevent abuse by powerful countries, there is a need for clarity of norms. Carter, Perry and Steinbrunner (1992) emphasize the need to build consent for intervention among the local population. James Sterba (1994), on the other hand, distinguishes between non-moral and moral approaches to intervention. Non-moral approaches include the legal, self-interest, and technocratic approaches.

The difference between the moral and non-moral approaches to intervention is that moral approaches are prescriptive and acceptable to all. Utilitarian approaches aim to

maximize the utility for all the parties affected in a conflict setting. Aristotelian approaches choose actions that are thought to further help the proper development of all parties affected; this is more of a preventionist approach, with the claim that virtuous activity precludes intentional evil. Rawlesian approaches, on the other hand, provide that actions should be chosen for intervention that are acceptable to everyone

1.5 The need for a new definition of effectiveness in peace and conflict studies

In the mainstream study of conflict, effectiveness is dependent on whether the *intervener* has obtained the approval of the international community and if so at what point of the process of intervention. Secondly, the values of those who are *the subjects of intervention* do not constitute a major part of the discussion on the effectiveness of the intervention. Most of the literature on conflict intervention focuses on understanding the factors that affect the intervention decision and its aftermath (Kriesberg, 2003).

The earliest principles of peacekeeping, defined by Secretary-General Hammarskjöld and Canadian Prime Minister Lester Pearson (General Assembly President 1952/3), emphasized the neutral character of the peacekeeper and the impartiality of peacekeeping²⁰. A neutral peacekeeper focuses only on the purpose of his or her peacekeeping mission and tries to achieve the mission regardless of the changes in the context. Effectiveness of the peacekeeper at that time derived from its impartial

²⁰ Fetherston summarizes these principles as follows (1994):
the principle of consent of the parties to the dispute for the establishment of the mission;
the principle of non-use of force except in self defense;
the principle of voluntary contributions of contingents from small, neutral countries to participate in the force;
the principle of impartiality;
the principle of control of peacekeeping operations by the Secretary General.

quality. This impartiality was a consequence of the emerging Cold War between the capitalist and socialist blocs where the United Nations, as a neutral international political entity, needed to have neutral peacekeeping. After the end of the Cold War, a new unipolar global political structure emerged and definitions of interveners and conflict intervention had to be readjusted to the realities of the new era. This readjustment can be illustrated with the Kuhnian (1996) explanation of paradigm shifts. Thomas Kuhn argues that social realities are real as long as they are confined within the real of the paradigm. The cold war paradigm required impartial, neutral peacekeepers who would not challenge the delicate balance between the two superpowers. Thus the mandate of peacekeeping missions during the Cold War era aimed to legitimize if not to reify the neutral identity of the peacekeeper. The Post-Cold War paradigm required changes in the mandate of the conflict intervention missions to meet the uncertainties as ethnic and religious tensions resurfaced.

The major characteristic of the Post-Cold War era was the “humanitarianization” of peacekeeping operations and policies that were previously a form of military, albeit non-forcible, intervention (Weiss and Campbell, 1991). In his *Agenda for Peace*, Boutros-Ghali (1992, and 1995), laid out the new mandate of the peacekeeping missions which was not only to end civil strife but also to “support structures which will tend to consolidate peace and advance a sense of confidence and well-being among people” (32). This has added extra qualities to what was to be achieved in conflict intervention. In the same year, the UNDP Human Development Report (1994) set out explicitly to promote a view of human security as grounded in the most basic economic and social well being of

individuals and populations²¹. The threats to security listed in the UNDP report were intentionally selected to reveal seven distinctive categories of human insecurity (health, food, economic, personal, community, political and environmental) and to illustrate that the concept being projected was “all-encompassing” and directed towards “freedom from fear” as well as “freedom from want” (24). This means that the definition of success for conflict intervention has changed from impartiality to effectiveness in dealing with humanitarian issues. It could be suggested that as long as the intervention has addressed novel humanitarian and structural concerns that linger in conflict settings, it should be deemed as effective.

Henryk Sokalski (2003:27) notes the shift in the understanding of conflict intervention strategies in the 1990’s as follows:

the international community’s focus has broadened significantly in the past few decades to include the level of individuals as the most salient stratum of international action, and this evolution has spanned a considerable breadth- from the concept of basic needs, through equitable and sustainable human development, to the most recent ideas of human security and the responsibility to protect.

The intervener qualities like neutrality and impartiality have given way to the efficacy²² and depth of its intervention. Contemporary mission mandates include a greater

²¹ According to the report, “the concept of security has for too long been interpreted narrowly: as security of territory from external aggression, or as protection of national interests in foreign policy or as global security from the threat of a nuclear holocaust. It has been related more to nation-states than to people ... who sought security in their daily lives. For many of them, security symbolizes “protection from the threat of disease, hunger, unemployment, crime, social conflict, political repression and environmental hazards” (1994:22). This definition of security was therefore “people-centered” and “universal”, and consisted of “interdependent” components. Interdependency refers to the interconnectedness of economic and social problems.

²² Here efficacy is used to refer to the speed with which an intervener can mobilize its peacekeeping forces to the conflict region and its scope.

non-military dimension: human rights education and monitoring; supervision of elections; assisting with judicial reform and civil administration; training public officials at various levels of government; providing humanitarian relief; repatriation and resettlement of refugees and displaced persons; demining; reconciliation and post-conflict reconstruction (Ratner,1995). The problem with this humanitarian shift is that it did not come about as a response to the resurfacing of ethnic and religious fault lines as the new sources of conflicts in the world²³, but as a response to a change in structure, in the way anarchy plays out itself in global politics. Using a neo-realist analysis of global politics might be helpful at this point. According to structural realism anarchy is the prevalent trait in the structure of international politics and the practice of international politics (Waltz, 1979). The major interveners in post Cold-War conflicts did not change their perspectives about whether anarchy exists or not, but started looking for creating a new formula for achieving and maintaining a balance of power.

Zartman and Rasmussen outline this change of focus from impartiality to humanitarianism by dividing peacekeeping into two main bodies, “first generation” and “second generation” (1997). First generation peacekeeping missions ranged from several hundred to several thousand troops and the majority of the mission mandates were restricted to observing and monitoring cease-fires and separating the combatants. The size of the force was determined by the nature of the mandate and the expected level of cooperation from the parties (Zartman and Rasmussen, 1997). The main difference

²³ According to the 2005 data on the Global Conflict Database conducted by the University of Uppsala in Sweden, following the end of the Cold War most of the conflicts on a global scale are intra-state conflicts of an ethnic or religious nature.

between “first-generation” peacekeeping and “second generation” is that the latter seeks to implement positive peace, not just to freeze conflicts in place.

Renowned scholars of conflict and conflict resolution have long argued that a successful intervention is the result of a sound analysis of the issues, actors, dynamics and processes of conflict (Sandole, 1998b and 2003; Mitchell, 1981). These scholars oppose replicating the exploitation of the oppressed inherent in the structure of conflicts (Dahrendorf, 1959) by interveners who enter one conflict setting with a pre-determined moral supremacy. Conflict intervention is inherently subject to the value system of the intervener. The approach taken in analyzing the conflict thus determines the type of the intervention that the third party chooses (Fisher and Keashly, 1991; Fisher, 1997). There are different sets of interventions at different stages of the conflict. Ideally as part of a comprehensive design third parties should use one set of intervention tools to reduce the intensity of the conflict and once the goal of the initial intervention has been concluded, they initiate other forms of interventions to achieve the goals specific to that stage of the conflict (Sandole, 2003).

1.6 Violence and Fragmentation in post-conflict Bosnia Herzegovina

Vayrynen (1991) sees violence as a reflection of the underlying social reality. Charles Tilly (1975) sees violence as the only means to alter structures of inequity. Vayrynen (1991) posits that the issues, actors, and interests in a conflict setting undergo transition as the politics, society and economy change in time. For this reason, conflicts are not static; hence, conflict resolution could be possible only through healthy transformation of the issues, actors, rules and structures (1991). Positive peace is the

product of new interdependences between collectivities (Elias, 1982). Civil wars result from fragmentation of social structures and political actors. Conflict resolution requires political space in which actors, interests and mutual relations can be reorganized.

Territoriality is a socially constructed phenomenon and depends on who is controlling whom and why. A key geographical component is to understand how society and space are interconnected (Sack, 1986:3). Conflicts carry territorial characteristics; actors are classified by geographical areas divided by boundaries. These distinguishing classifications are communicated to other actors, and access to delineated territories is controlled and the control is enforced (Sack, 1986:3). Richard Falk (1991) points to the fragmentation processes taking place on a global level since the 1950s. Peter Wallensteen (2007) claims that conflict transformation is a generalized learning from historical experience.

Annex 4 of the Dayton Peace Agreement, the Constitution of BiH²⁴, divided the domestic sovereignty between two political entities built on ethnicities, the Federation of Bosnia and Herzegovina (fBiH) of Bosniaks and Bosnian Croats and the Republika Srpska (RS) of Bosnian Serbs with executive powers while very little power rests on the state level. Execution of sovereignty is dispersed on four different levels of governance: state-level, entity-level, cantonal level and city level. There are 155 ministers at various levels²⁵. Financing this complicated system costs approximately 60% of the State Budget,

²⁴ See the Constitution of Bosnia Herzegovina at <http://www1.umn.edu/humanrts/icty/dayton/daytonannex4.html>.

²⁵ There are nine ministries at the State Level. At the Federation of Bosnia and Herzegovina, there are sixteen ministries at the entity level. Federation has 10 cantons each of which has 12 ministers, which make

thus hindering further allocation of resources to social services (European Forum, Report on Bosnia Herzegovina, 1 June 2006). For this reason, the current political system in Bosnia is regarded by many in the international community as a functional deficiency, hindering the development of a system based on citizenship rather than on ethnicity. The political parties in RS voice their opposition to any substantial change in the constitution that could put the existence of RS in jeopardy, as is evident in the lack of implementation of the legislation of the police reform even after the signing of the Stabilization and Association Agreement.

1.7 Evaluating the Effectiveness of the EU intervention

The EU membership perspective intends to create functional state-level institutions competent to negotiate with the EU Commission and implement the necessary reforms on all levels of governance. As such, these reforms challenge the ethno-politics of the country and the negative peace imposed by the Dayton Agreement. A new form of sovereignty, based on providing effective services to all citizens of BiH, evident in the EU model, contradicts the essence of ethno-political structure of Bosnia. The lack of a strong civic political culture in the ethno-politically divided country is a challenge to the effectiveness of the EU as a peace actor in post-conflict Bosnia. Democratization in the European way is a direct challenge to the negative peace of the international community based on separation and fragmentation. In that respect, the EU's

a total of 120 ministers. There are 10 ministers in Republika Srpska and the total number of ministers throughout Bosnia adds up to 155.

effectiveness has to be evaluated by analyzing if the success of the EU policies concerning the membership perspective provides for positive peace.

1.8 Chapters to follow

The dissertation has five chapters in total. I explore the concepts of democracy, nationalism, democratization as a form of conflict intervention, liberalism, civil society, security, sovereignty, and genocide. I also identify paradoxes, and de-construct the underlying value system embedded in the European Union integration perspective.

The second chapter provides an outline and description of the method used to make sense of the interviews conducted.

The third chapter is a discussion of the state of democracy in BiH. The lack of a strong civic tradition, the ethno-political culture that dominates the institutions at all levels of governance is identified as the main problem of BiH in the post-conflict era. The non-democratic suzerainty of the international community and the competitive authoritarianism dominating Bosnian political thinking and obstructing the development of an ethnic-free space for liberal democracy, qualify BiH as a hybrid regime with a competitive structure built upon authoritarian political tendencies.

The fourth chapter starts with an overview of the foreign policy of the EU during and after the Bosnian War until the introduction of the EU membership perspective in 1999. The period between 1999 and 2009 saw a multiplication of the EU actors in Bosnia taking over the security competencies from the international community as in the case of the EU Police Mission and EUFOR. The introduction of the membership perspective brought new community instruments to develop the relationship between the EU and

BiH. The Stabilization and Association Process (SAP) and the European Partnership aim to encourage the Bosnian political leadership to own the political process through the implementation of reforms. Strengthening the competencies of the state-level institutions at the expense of the entities is the essence of the reforms required for the signing of the SAA. In this regard, the reform on police structures has proven to be rather controversial.

The fifth chapter concludes chapter of the dissertation. I discuss the development of the crisis management approach of the EU in relation to the standing of the EU in world politics. The effects of the EU membership perspective on BiH politics as well as the performance of the ESDP instruments in BiH, are evaluated by looking at their effect on the post-conflict relations between the RS leadership and the Federation. The European reforms and the presence of the ESDP instruments in the country promise democratic transition, a shift from ethno-political authoritarianism to a system embracing the civic values of western liberal democracy, an end to the non-democratic control of the international community, and a BiH belonging to all of citizens regardless of their ethnic backgrounds. I discuss whether a possible transition from the Office of the High Representative to an empowered EU Special Representative could be a move in such a direction. The issue of Kosovo and the deployment of the EULEX mission is also discussed in tandem with BiH. This last chapter is a reality check to determine whether the promise of membership in the case of Bosnia, and the multi-pillar presence of the EU do qualify the EU as an effective peace actor in a European post-conflict setting.

CHAPTER 2: METHODOLOGY

2.1 Research Design

This dissertation presents the results of an evaluation research investigating the effectiveness of the European Union (EU) as an actor of positive peace in post-conflict Bosnia Herzegovina (BiH). It aims to give an account of the extent to which the design of the EU's post-conflict intervention strategy is in line with the needs and expectations of all Bosnian citizens alike. The EU integration perspective and the conditionalities that need to be fulfilled by the BiH government have the potential to speed up the democratization process. For this reason, it looks into the democratization process and the state of democracy in the country. To evaluate this process, two issues needed to be identified:

- a) The overall policies of the EU regarding Bosnia in issues like enlargement, security and defense policy, and
- b) The problems dominating politics in post-conflict Bosnia since the end of the war in 1995.

I have specified two research sites: the political centers of the European Union in Western Europe (Brussels, Paris and Berlin), and Bosnia Herzegovina. This is a two level analysis where the practice of politics in Bosnia Herzegovina is checked by the intrusive

measures of the international community. The EU integration process is thought to be able to provide the much-needed breakthrough for the country to do away with the competitive authoritarian political system of the post-conflict era. Hence, it is necessary to have a two-faceted research design. The policies of the EU prepared in Brussels, and other Western European capitals, are thought to be the driving force setting the pace for democratization reforms in Bosnia. The extent of overlap of the analysis of the post-conflict political system in BiH, by the EU officials and policymakers/analysts in Western Europe with those of the Bosnians and the representatives of the international community in Bosnia, indicates the extent of effectiveness of EU policies in Bosnia, and thus, the democratic transition.

2.2 Evaluation Research

There are two types of evaluation research: summative and formative (Druckman, 2005). The form of evaluation research used in this dissertation is both formative and summative. It is summative since it evaluates the effectiveness of EU policies in post-conflict Bosnia Herzegovina vis-à-vis analyzing the state of the democracy. It is formative because it focuses on the progress of the EU integration process of Bosnia. In the field of conflict resolution, the process is what matters. The activities and policies of the relevant EU institutions regarding BiH, their internal organizations and communication capacities are analyzed and are utilized as intervening variables that explain the connection between the EU accession perspective (input) and the democratization of post-conflict BiH (output). Evaluation research is concerned with

measuring success. Druckman (2005) points to the varying definitions of success in conflict interventions by asking questions, such as:

Are interventions successful if violence is reduced without improvement in the well-being (living conditions) of the people affected by the conflict? Are interventions successful if change is assessed only in the short term? Are interventions successful if viewed only from the standpoint of the elites? Are interventions successful if inter-group conflict subsides without changes in social justice or human rights? Are interventions successful if they encourage combatants or disputants to think in more complex ways about the conflict, even though the hostilities continue? Are interventions successful if judged only on the basis of quantitative criteria (number of casualties, frequency of interaction, and number of agreements)?

In this dissertation, I do not set a specific definition for success; instead I use the term “effectiveness”. I am concerned with the effectiveness of EU policies in post-conflict BiH. The EU integration process is expected to encourage democratic transition by changing the ethno-nationalist authoritarian political culture of BiH. Similarly, considering that eventual EU membership sets the conditions for Bosnia’s democratic transition, the pace of democratization reforms, at the same time, signifies the pace of conflict transformation in the country, and thus the effectiveness of the EU as an actor of peace.

2.3 Research Sites

As mentioned above, I set up two main research sites for the field research: the political centers of the European Union and Bosnia Herzegovina. I divided my field research into two phases. The first phase lasted approximately six months between September 2005 and February 2006. Being mostly stationed in Brussels, I occasionally traveled to Germany, France and the UK. During the second phase of field research, from

March 2006 until the end of July 2006, I spent my time in and around Bosnia Herzegovina, with some visits to Croatia. I also paid a follow-up visit in May 2007.

2.4 First Phase

Brussels is a political hub. The offices of the General Secretariat of the Council of the European Union and European Commission are located there. A number of European policy research institutes in Brussels have weekly conferences and information sessions regarding EU policies on different political and economic issues. My affiliation was with the Brussels School of International Studies (BSIS) of the University of Kent at Canterbury in England. The BSIS offered its office facilities to me as a visiting researcher, and as a show of courtesy, I taught an introductory course on International Relations theory for their masters program. Institutional affiliation is advantageous in contacts with the EU because the EU, as a bureaucratic institution, deals better with institutions than it does with individuals. Having an institutional title simplified the appointment procedures. Affiliation with an academic institution close to the EU policy circles provided me access to other academicians in universities in Brussels who also work as researchers at the policy centers. I made use of the geographic proximity of Brussels to travel to Germany, France and the UK, and visit policy institutions, especially those in Germany. It was essential to get the views of researchers in other European capitals since EU policies are not manufactured in Brussels alone, but also in the prominent EU capitals of Berlin, London and Paris. Being focused only on Brussels could have created a false image on the presence and depth of the EU in Western Europe.

2.5 Second Phase

In Bosnia Herzegovina, I selected Sarajevo as my main research and residential location. The international community is situated in Sarajevo, as are the State Parliament, State Ministries and the Presidency. I visited Banja Luka, the political capital of Republika Srpska, a couple of times to balance the pro-centralization attitude dominant in Sarajevo political circles. In Sarajevo, I was affiliated with the International University of Sarajevo (IUS), a private university funded by a Turkish education foundation. My identity as a visiting researcher from George Mason University in the USA also proved to be helpful for gaining entry to both the international community and the BiH political circles. The image of the USA as a friend to Bosnia still prevails in the country.

2.6 Data Sample

Sample Outline

I made use of both primary and secondary data. Primary data came from the texts of interviews conducted and from official policy declarations, speeches and press releases.

Table 2.1 Sources of Primary Data

Sources of Primary Data
Interviews
Speeches at policy panels
Official policy declarations
Press releases

Secondary data came from prior research available on Bosnia Herzegovina and the European Union published in books, articles and policy analyses.

Table 2.2 Sources of Secondary Data

Sources of Secondary Data

Books
Articles
Policy Papers

2.6.1 Sources of Primary Data

Interviews

Snowball Sampling

I conducted a total of 91 interviews in the two research sites. The sample of interviews was purposive. I knew the populations well enough to draw my sample beforehand. Before going into the field, I had a few contacts in both research sites from which I developed further contacts. This is called snowball sampling, where the researcher recruits subjects through their acquaintances (Goodman, 1961). Snowball sampling is generally employed by researchers who want to access “hidden populations” (Heckathorn, 2002) in ethnographic studies, such as the Roma people dwelling in the run-down neighborhoods of Istanbul. One significant bias of snowball samples is the possibility that people who have many friends are more likely to be recruited into the sample (Salganik and Heckathorn, 2004). The variety of sampling I used was not prone to such a bias since the sampling frame was limited, and the people holding offices in certain institutions are known within their respective environment. One such effect of

sampling bias might have been experienced in the population sample of BiH civil society. The reason for such a bias is the underdeveloped state of BiH civil society; the sample population is very mobile and the educated BiH elite move from working for the international community to BiH civil society. The impact of bias is reduced when more time is spent in the field; the researcher creates his own acquaintances, diminishing the effect of the gatekeeper. That was very much the case in my field research; after the initial two months in both research sites, it became easier for me to develop my own contacts and gain entry.

Semi-Structured Interviews and Confidentiality

The interviews were semi-structured; the range of questions was pre-set, but open-ended. I did not audio record the interviews due to the official/political roles of the interviewees. Instead, I took written notes with interviewee consent. The questions were impersonal and addressed the two pillars of this evaluation research: the overall policies of the EU regarding Bosnia in issues like enlargement, security and defense policy, and the problems dominating post-conflict Bosnian politics since the end of the war in 1995²⁶

²⁶ *Confidentiality*: I decided not to use a tape recorder during the interviews, primarily because of the sensitivity of some of the topics mentioned during the interviews. Indeed, some interviewees preferred a clandestine place to meet in order to frame some of their responses as policy objectives of certain institutions not yet heard by the larger international community in Bosnia and by BiH politicians. I kept notebooks to simultaneously record what the interviewee said. For each interview, I indicated the date and the location of the interview, along with the name and affiliation of the interviewee. For security purposes, I always kept the interview notebooks locked in a drawer chest in my apartment room and carried the key with me. I also used a password on my laptop so as to block access to the interview data. When using the data from the texts of the interviews, I only referred to the respondents' titles, save for the panel speakers in open public policy panels.

Distribution of Interviewees According to their Occupations in Western Europe

Table 2.3 Distribution of Interviewees in Western Europe

| | |
|-------------------------------|------------------|
| Council of the European Union | 8 ²⁷ |
| European Commission | 6 ²⁸ |
| Policy Research Institutions | 12 ²⁹ |
| European Parliament | 1 ³⁰ |
| Academics | 2 ³¹ |
| EU Military Personnel | 1 ³² |
| Total | 30 |

²⁷ The respondents from the Council of the European Union involved four from the DGE IX of the General Secretariat, one from the Conflict Prevention Unit, one from the Office of Policy Planning and Early Warning Unit, one EUPM official, and one from the DGE VIII of the General Secretariat.

²⁸ The respondents from the European Commission involved two officials from the Bosnia Desk of the Directorate General (DG) Enlargement, one official from the DG External Relations (RelEx) responsible for the EU Police Mission (EUPM) in Bosnia, one principle administrator from the Security and Stability, Counter Terrorism, Non-Proliferation and Disarmament Unit of DG RelEx, one official from the Conflict Prevention and Crisis Management Unit, and one policy officer from the European Peacebuilding Liaison Office.

²⁹ The respondents from the policy field worked in different institutions in Western Europe: One researcher at the European Policy Centre (EPC) in Brussels; two ISS- European Union Institute for Security Studies in Paris (an affiliate of the Council of the European Union), one researcher at the EGMONT Institute in Brussels (formerly the Belgian Royal Institute for International Relations); one researcher at the CEPS (Centre for European Policy Studies in Brussels); four researchers at the Stiftung Wissenschaft und Politik (SWP) in Berlin, Germany; two researchers from the Peace Research Institute Frankfurt (HFSK); and one researcher/practitioner from the CSSProject for Integrative Mediation (CSSP).

³⁰ A specialist from the Security and Defence Policy Department of the European Parliament.

³¹ The academics included a professor from the Institute for European Studies (IES) at the Vrije Universiteit Brussel (VUB), and one from the International Relations Department at Keele University, UK.

³² A colonel from the EUFOR representation in SHAPE NATO Headquarters in Mons, Belgium.

The size of the sample of respondents in Western Europe adds up to a total of 30, half of which are EU officials.

The EU Officials

European Council Officials: There are 16 respondents in the sample from different institutions of the EU. Eight of these respondents are from the General Secretariat of the Council of the European Union working in departments concerned with security, early warning and crisis management. I chose to interview these officials in order to explore how the General Secretariat formulates its policies in post-conflict BiH as a result of intergovernmental bargaining in the Political and Security Committee (PSC). The responses demonstrate how the EU defines conflict prevention, the concept of civilian crisis management and security. The questions asked were more geared towards the understanding of the policy mechanisms formulating these concepts.

Could you tell me about the concept of Civilian Crisis Management (CCM) as the EU understands it?
What is unique about the EU CCM when compared to NATO's conflict prevention strategies?
What are the aims of the EU's CCM in the Western Balkans and other parts of the globe?
How do you measure the success of the EUFOR mission in Bosnia?
What is the role of the EUPM in the integrated approach of the EU?

Figure 2.1 Sample of questions directed to the European Council officials

European Commission Officials: Six of the respondents were from the European Commission. The European Commission is the bureaucratic machinery of the European Union, busy with developing programs for economic integration and enlargement. My main concern in interviewing the European Commission officials was to get their

perspectives on the effectiveness of the accession perspective on Bosnia. I did not emphasize the post-conflict characteristics of the country, but rather chose to frame my questions regarding BiH as if it was basically a potential candidate country for the EU. The interviews of two people from the Bosnia desk of the DG Enlargement were coupled with interviews with Commission people involved in coordinating security policies with the European Council. It turned out that the European Commission developed its own concept of peacebuilding as a separate entity from the Civilian Crisis Management concept of the European Council, which was the one that was put into practice.

Could you tell me how does the Commission then take a part in the ESDP overall?
What are the instruments of the European Commission to implement the Conflict Prevention approach?
What are the political and economic instruments that the European Commission DG Enlargement uses in Bosnia?

Figure 2.2 Sample of questions directed to the European Commission officials

European Union Military Staff: I visited the headquarters of EUFOR, located within the SHAPE headquarters of NATO in Mons, Belgium. My aim was to get the perspective of the military personnel responsible for coordinating the EUFOR activities with NATO assets.

How do you measure the success of EUFOR in Bosnia, is there a scale?
How do you make use of the NATO assets for the EUFOR mission and what is the level of coordination between?

Figure 2.3 Sample of questions directed to EUMS personnel

European Parliament Official: The European Parliament is an important political institution of the EU that does not have any binding powers, but rather, is an institution with the potential for supranational legislation in a real sense. I interviewed a specialist from the Security and Defence Policy Department, which provides advice and policy briefings to EUMP and is interested in foreign policy and security issues. I focused my questions on understanding if the European Parliament had an alternative definition for security and conflict prevention from the ones in the European Commission and the European Council.

Could you tell me why the EU is interested in developing Conflict Prevention skills and why the European Parliament should be involved in the development of prevention tools?

Figure 2.4 Sample of questions directed to the European Parliament official

The Policy Institutions: I interviewed 11 people working for policy think tanks in Brussels, Germany (Frankfurt, Berlin) and Paris.

Brussels: Three respondents worked for independent think tanks in Brussels, such as the Centre for European Policy Studies (CEPS), the European Policy Centre (EPC), and the EGMONT Institute (the former Royal Institute for International Relations). These institutes' main foci are the evaluation of the EU's performance around the globe, and in important conflict zones such as the Western Balkans, BiH in particular, and Sub-Saharan Africa. My goal in interviewing them was to bring in their independent perspectives from Brussels.

What are the operational implications of the European Security Strategy (ESS) in delivering Global Public Goods (GPG) to troubled regions of the world?
Do you find the EU successful in its transformation from a peace project to a peace actor?
How does the EU try to achieve its goals in Bosnia?

Figure 2.5 Sample of questions directed to think tanks in Brussels

Germany: I made a week-long visit to Germany to interview six researchers in policy institutes in Frankfurt and Berlin. The Peace Research Institute Frankfurt is an independent institution that is involved both in peace education and peace research. I asked questions that would elicit the academic perspectives of the researchers on the EU's effectiveness as a peace actor. Similarly, the German Institute for International and Security Affairs (SWP) is a policy institute affiliated with the German Federal Government, and is engaged in various research projects reflecting the foreign policy interests of the German government with regard to the EU and world politics. The CSSProject for Integrative Mediation (CSSP) was established by the former OHR, Christian Schwarz-Schilling, built on his prior experiences of mediation between the ethnic communities of Bosnia in the immediate post-conflict period. I interviewed an academic/practitioner who did occasional mediation work in BiH and questioned him on the effectiveness of EU policies in diminishing the animosity between the nationalities.

Would you agree that the EU tries to legitimize its actions by referring to the values that it claims to represent?
What is the German policy regarding the solution to the paradox between EU identity and the enlargement in Western Balkans?
Could you speculate on different conflict prevention/resolution approaches embraced by the European Commission and the European Council?
What does the EU have in its toolbox for Bosnia?

Figure 2.6 Sample of questions to German think tanks

Institute for Security Studies in Paris: ISS is an EU-affiliated policy research institute situated in Paris. It has organizational ties to the General Secretariat of the Council of the European Union. Resident researchers conduct academic/policy work on ways to enhance the effectiveness of the EU presence in global politics, especially in conflict zones. I interviewed two researchers whose main foci of research interest are Bosnia Herzegovina and the Western Balkans.

How does the EU learn from its practice of civilian crisis management?
Is the EUFOR presence really necessary for the security of BiH?

Figure 2.7 Sample of questions to ISS researchers in Paris

Academics: Although most of the researchers and practitioners interviewed had academic titles, only two of these remained pure academics. I wanted to get their perspectives on the general functioning of the EU in the matters of foreign and security policy and its implications in the Western Balkans. One was a scholar who did extensive work on EU studies from Keele University, UK and the other was a professor of international relations and security at the Vrije Universiteit Brussel.

What are the models of legitimation for ESDP activities in general, and in the Western Balkans in particular?

What distinguishes the EU as a conflict intervener from other actors in the field?

Figure 2.8 Sample of questions directed to academics

Distribution of the Interviewees in BiH:

Table 2.4 the distribution of interviewees in BiH

| | |
|---|-----------------|
| Organization for Security and Co-operation in Europe (OSCE) | 2 ³³ |
| Office of the High Representative (OHR) | 5 ³⁴ |
| Council Of Europe (CoE) | 1 ³⁵ |
| Delegation of the European Commission in BiH | 6 ³⁶ |
| US Embassy | 4 ³⁷ |
| USAID | 1 ³⁸ |
| NATO contingency at the Ministry of Defence of BiH | 1 ³⁹ |
| Office of the European Special Representative (EUSR) | 2 ⁴⁰ |
| European Union Police Mission (EUPM) | 1 ⁴¹ |
| European Union Peacekeeping Force (EUFOR) | 1 ⁴² |
| International Organization for Migration (IOM) | 1 ⁴³ |

³³ Respondents included the deputy director of the Democratization Department and a policy officer from the Office of the Director of Policy and Planning.

³⁴ Respondents from the OHR included the senior political adviser from the Strategy and Planning Section, an officer from the OHR POL/MIL Section, double-hatted with the EUSR, the OHR's Strategy and Planning Section, and a strategy analyst, one political analyst, and an official from the Political Department.

³⁵ Higher Education project coordinator with the Council of Europe.

³⁶ Respondents from the Delegation of the European Commission included the Head of the Economic and Political Section, one political adviser, one expert on Legal Reform, one task manager for Public Administration Reform, the Second Secretary, the Head of the Democratic Stabilisation and Social Development Section, and one representative of DG External Relations for police reform-CARDS.

³⁷ The respondents included an economic counselor, an official responsible for Police Reform, an official responsible for Defense Reform, and a major from the Office of Defense Cooperation (ODC).

³⁸ The director of the Democratization Program.

³⁹ Head of the NATO contingency in the Ministry of Defence of Bosnia and Herzegovina.

⁴⁰ One official from the EUSR section of the Office of the High Representative, one from the Political Department of the Office of the EUSR.

⁴¹ Political adviser at the EUPM.

⁴² POLAD officer at the European Union Force (EUFOR) in Bosnia Herzegovina.

⁴³ The project assistant for the Counter-Trafficking Department.

| | |
|--|------------------|
| United Nations Development Programme (UNDP) Bosnia Office | 1 ⁴⁴ |
| International Policy Institutes/International Non-Governmental Organizations in Bosnia | 8 ⁴⁵ |
| SUB TOTAL (International Community) | 34 |
| BiH Political Parties | 5 ⁴⁶ |
| BiH Civil Society | 10 ⁴⁷ |
| BiH Media | 3 ⁴⁸ |
| BiH Foreign Ministry | 3 ⁴⁹ |
| Office of the Chief Negotiator with the EU | 1 ⁵⁰ |
| Directorate for European Integration (DEI) | 1 ⁵¹ |
| BiH State Investigation and Protection Agency (SIPA) | 1 ⁵² |
| BiH Academics | 2 ⁵³ |
| SUB TOTAL (BiH Sample) | 26 |
| TOTAL | 60 |

I divided the sample in two between the representatives of the international community and the Bosnian respondents from different sections of political and civic life. The practice of politics is divided in half between the Bosnians and the representatives of

⁴⁴ An official from the Human Security Department of the UNDP.

⁴⁵ Respondents included the director for Southeastern Europe of the Mennonite Central Committee (MCC), the director of the Konrad-Adenauer-Stiftung (KAS), the policy director of the Governance Accountability Project (GAP) sponsored by the USAID and SIDA, the policy director from the Friedrich-Ebert-Stiftung (FES), the director of the Media Projects at Friedrich-Ebert-Stiftung, an analyst at the Heinrich Böll Foundation, the director of the Nansen Dialogue Center (NDC) and the long-term national expert at the EU funded project “Support for Competition and State Aid in Bosnia and Herzegovina”.

⁴⁶ The respondents from the BiH political parties included the spokesperson for the SDP, an MP from SBiH, a SNSD representative for social services, a SDS political adviser, and the secretary general of SNSD.

⁴⁷ One practitioner from the Centre for Nonviolent Action (CNA), two people from the DOSTA! movement, the executive director of the Helsinki Committee for Human Rights in Bosnia, the general manager of the Fund for Memorial Places, one representative from the Interreligious Council, two co-founders of the Association Alumni of the Center for Interdisciplinary Postgraduate Studies (ACIPS), a co-director of the GROZD movement and the director of the Center for International Politics in Banja Luka.

⁴⁸ BiH media members included a reporter for Radio Free Europe, a director of the News Magazine Reporter and a freelance journalist/commentator.

⁴⁹ Two ambassadors responsible for relations with the EU at the Ministry of Foreign Affairs and the BiH ambassador to NATO (former ambassador to the USA, former Defense Minister).

⁵⁰ The chief negotiator with the EU Commission.

⁵¹ The director of the Directorate for European Integration.

⁵² An officer from the Department on Fight Against Organized Crime at the State Ministry of Security.

⁵³ Professor of Journalism at the University of Tuzla and a Human Rights expert at the Faculty of Political Science at the University of Sarajevo.

the international community, of which the representatives of the EU in the country are a part. Furthermore, the two communities engage in cycles of monologues regarding the speed and direction of the EU accession process and the reforms. Thus, the perspectives of the respondents from these two communities lay out the extent of overlap on the perceptions over the problems of Bosnia that hinder the pace of democratic transition. I conducted 34 interviews with the representatives of the international community and another 26 interviews with the Bosnian sample, making a total of 60 interviews in BiH alone.

The International Community

Organization for Security and Co-operation in Europe (OSCE): I interviewed two people from the OSCE's Sarajevo office. The OSCE is the most extensively involved international body in BiH. It was essential to get their views on the pace of democratic transition and the EU integration process. The deputy director of the Democratization Program and the policy officer from the Office of the Director of Policy and Planning provided valuable insights on the future of Bosnian democracy.

What are the solutions offered by the OSCE to the lack of civic capacity in BiH?
How do you evaluate the role of the OSCE in the democratization process in Bosnia?

Figure 2.9 Sample of questions to the OSCE officials

Office of the High Representative (OHR): The OHR's mission in BiH is confined to its UN mandate. The High Representative acts in accordance with the decisions of the

Steering Board of the Peace Implementation Council on behalf of the UN to oversee the full implementation of the Dayton Peace Agreement. I interviewed five people from the Office of the High Representative.

Two officials were from the Strategy and Planning Section, which is tasked with the policy prerogatives of the OHR with regard to BiH's progress on reforms. This section is staffed with diplomats tasked by their respective governments to shape the policies of the OHR on the ground. My questions attempted to explore how they define the area of focus and how they evaluate the success of Bosnian politicians.

Could you tell me about the role of mission implementation plans?
How does the OHR react in cases of obstruction?

Figure 2.10 Sample of questions to the officials from the Strategy and Planning Section of the OHR

Two other officials were from the Political Department of the OHR tasked with coordinating the policies of the OHR with other international organizations in BiH. The Political Department is in daily coordination with the EU Delegation Office in the country. It was important to get their perspectives on the performance of EU institutions in BiH, as well as their views on the performance of Bosnian politicians in fulfilling the reform program.

What is the main goal of the international community in BiH and does it contradict with the agenda of Bosnian politics?
What are the problems that you have observed within the EU presence in Bosnia?

Figure 2.11 Sample of questions to the officials from the Political Department of the OHR

I interviewed an officer from the OHR's POL/MIL Section, doubled-hatted with the EUSR. This section of the OHR coordinates with the NATO contingency on the implementation of Defense Reform and BiH's progress into full NATO membership. I asked him questions regarding the overall security situation in Bosnia and the Defense Reform.

Are there real security threats in BiH today and how did Defense Reform help alleviate such threats?

Figure 2.12 Sample question to the official from the POL/MIL section of the OHR.

Council of Europe (CoE): I interviewed the Higher Education project coordinator from the Council of Europe Office in Bosnia. BiH is a member of the CoE and needs to adapt regulations in the fields of human rights, education, jurisdiction, and the pension system. I spoke with the official on the overall state of education in BiH and its politicization.

What are the problems that you associate with the lack of unity in the education system of BiH?

Figure 2.13 Sample question to the CoE Official

Delegation of the European Commission to BiH: The European Commission Delegation is responsible for handling operations with the BiH state-level government. It is an extended delegation that, aside from the regular functions of reporting and evaluating the

process of EU integration, watches over the implementation of Commission-led projects,. I interviewed six officials from the Sarajevo delegation. Three of the interviewees had tasks related to general policy strategies of the Commission Delegation: the head of the Economic and Political Section, a top political adviser, and the head of the Democratic Stabilisation and Social Development Section. I asked them how they view the progress of Bosnia in the EU integration process and how the European Commission Delegation in Sarajevo assists Bosnian politicians.

How does the EU Commission Delegation support the development of Bosnian civil society?
How would the Stabilization and Association Process (SAP) transform Bosnian politics?
Why is Constitutional Reform not a precondition to the SAA?

Figure 2.14 Sample of questions to EC delegation officials tasked with general policies

The rest of the European Commission Delegation is involved in overseeing the implementation of different reform areas. I interviewed one expert on Legal Reform, one task manager for Public Administration Reform and one representative of DG External Relations for Police Reform-CARDS. I asked them questions regarding the effectiveness of the European Commission programs in the country.

Why is Public Administration Reform not owned by the BiH politicians?
Do you think the programs of the delegation are effective in strengthening the rule of law in Bosnia?
How do you see the level of coordination between the Commission Delegation and other international actors in supporting the initiatives for Police Reform?

Figure 2.15 Sample of questions to EC Delegation officials tasked with overseeing the implementation of reforms in BiH

US Embassy: The US Embassy in Sarajevo is an influential embassy due to its effective intervention, through NATO, that put an end to the war and formulated the Dayton Peace Agreement. Bosnian politicians and representatives of the international community both care about the US position on the state of affairs in BiH. I interviewed four people from the embassy. Each of these officials was tasked with overseeing the developments in different areas of reform in BiH. The respondents included an economic counselor, an official responsible for Police Reform, an official responsible for Defense Reform and an official from the Office of Defense Cooperation (ODC).

Could you tell me about what the US Embassy does here in Sarajevo?
How did the US Embassy support Defense Reform in BiH?
How can the international community be more effective to support Police Reform?
Have the Bosnian Armed Forces completed its adoption of NATO standards and why is it important?

Figure 2.16 Sample of questions directed to US Embassy officials in Sarajevo

U.S. Agency for International Development (USAID): USAID provides financial support to projects that help the liberal market transition and democratization reforms in BiH. I interviewed the director of the Democratization Program and asked him questions related to the progress of democratization in the country.

What are the priority areas of involvement for the democracy building office of USAID?
What is the difference between USAID's support for democracy and that of the European Commission Delegation?

Figure 2.17 Sample of questions directed to the USAID official

NATO Contingency at the BiH State-Level Ministry of Defense: The NATO contingency embedded within the BiH Ministry of Defense provides expert advice and support on the full implementation of Defense Reform, and coordination between the facilities as BiH strives for full membership to NATO. The contingency provides support in the search for war criminals and conducts counter terrorism activities. I asked the head of the contingency about the peculiarities of Defense Reform and how its full implementation could help BiH's EU integration perspective.

Is the NATO membership perspective more realistic compared to the EU membership perspective?
Can the eventual NATO membership of BiH encourage Bosnian politicians to take EU reforms more seriously?

Figure 2.18 Sample of questions directed to the head of the NATO contingency in Sarajevo

Office of the European Union Special Representative (EUSR): The High Representative of the international community is also the Special Representative of the EU. It is expected that the OHR will be replaced by the Office of the EUSR in the near future. In line with this expectation, there were a number of officials within the OHR representing the Office of the EUSR. I questioned two EUSR officials about the overall effectiveness of EU policies in the country and the coordination of EU policies.

Could you tell me briefly about the mandate of the Office of the EUSR?
What is the level of coordination between the EUPM and the EUFOR missions in fighting against organized crime?

Figure 2.19 Sample of questions directed to EUSR officials

European Union Police Mission (EUPM): The EU's police mission took over from the International Police Task Force (IPTF) of the UN in 2003. The EUPM mission is an experiment for the EU to put its civilian crisis management concept into practice. The EUPM in BiH provides training to BiH police officers to improve their working standards and effectiveness in the fight against organized crime. I interviewed a political adviser at EUPM headquarters on the performance of the EUPM mission in BiH and the state of progress in the fight against organized crime.

Is the EUPM as effective as the IPTF was in the fight against organized crime?
Is the EUPM coordinating well with other EU institutions in the country and how does it help BiH's EU integration perspective?

Figure 2.20 Sample of questions directed to the EUPM official

European Union Peacekeeping Force (EUFOR): After taking over from the NATO-led Stabilisation Force (SFOR) in 2004, the EUFOR operation ALTHEA maintains a robust military presence in Bosnia, along with an Integrated Police Unit (IPU). The main task of EUFOR is to provide psychological support to the political stability of Bosnia through its presence. I interviewed a POLAD (policy adviser) officer from EUFOR on the effectiveness of the mission and on how they support the EU integration process for BiH.

How does EUFOR build its credibility in Bosnia after the end of the assertive SFOR mission?
Is there good coordination between the European Commission Delegation and EUFOR?

Figure 2.21 Sample of questions directed to the EUFOR official

International Organization for Migration (IOM): The IOM has been involved in BiH since 1992, initially coordinating the movement and settlement of internally displaced people (IDPs) and helping Bosnian refugees abroad in their temporary settlements. Currently, the Sarajevo office is active in the areas of assisted returns and counter-trafficking. I interviewed the project assistant in the Counter-Trafficking Program of the IOM on the role of organized crime networks in human trafficking in BiH.

Are Bosnian police structures well equipped to handle the problems associated with human trafficking?

Figure 2.22 Sample question directed to the IOM official

United Nations Development Programme (UNDP): The United Nations Development Programme has been involved in BiH since 1996. The main focus of the Programme in recent years has switched from humanitarian relief to development. Democratic governance and human security are two important pillars of the UNDP approach in Bosnia. I interviewed an official from the Human Security Department of the organization on ways to enhance human security in BiH.

How do you define human security in the Bosnian context?

Does the EU institutions' performance help strengthen human security in Bosnia?

Figure 2.23 Sample of questions to UNDP official

International Policy Institutes/International Non-Governmental Organizations in BiH:

The international civic sector in BiH serves as a channel of communication between the international community and Bosnian politicians and civil society. Through joint projects supported by their respective governments, and by setting up panels and workshops to discuss the political agenda, the Bosnian branches of international NGOs are an important part of the post-conflict reconstruction efforts of the international community in BiH.

German Policy Institutes in BiH: I interviewed seven people from the international policy institutes and NGOs in Bosnia, four of whom worked at the local branches of these German policy institutes: Friedrich-Ebert-Stiftung (FES), Konrad-Adenauer-Stiftung (KAS) and the Heinrich Böll Foundation. These foundations have organic links with the German political parties and are essential in creating partners for European Commission funding.

FES is the policy foundation of the German Social Democrats. The foundation has been extensively involved in BiH during the post-conflict period, providing training to the social democratic parties in BiH. I interviewed the policy director in Sarajevo and the director of media projects in the Banja Luka office. I asked questions related to Bosnian civil society and the role of media in the post-conflict period.

What do you think of the development level of civil society in Bosnia in the post-Dayton period?
How do you evaluate the connection between Bosnian politicians and the media?

Figure 2.24 Sample of questions directed to FES officials

KAS is the policy foundation of the German Christian Democrats. The KAS has been in BiH since 1997. The foundation is involved in providing support to BiH political parties in the EU integration process, as well as initiating interreligious dialogue between different faiths in BiH. I interviewed the director of the KAS branch in Sarajevo on the involvement of youth in politics and public apathy.

Is there a correlation between negative political practice and the lack of political involvement of Bosnian citizens?

What are the roots of the political apathy of Bosnian youth?

Figure 2.25 Sample of questions directed to KAS director

The Heinrich Böll Foundation is the policy foundation of the German Green Party. The foundation supports projects that are focused on the environment and civil society development. I interviewed a policy analyst at the Sarajevo office.

Is EU integration an important factor for empowering Bosnian civil society?

Figure 2.26 Sample question directed to Heinrich Böll official

I interviewed the director for Southeast Europe of the Mennonite Central Committee (MCC), an American-based Christian faith organization, and the director of the Nansen Dialogue Center (NDC) Sarajevo, the local branch of the Norwegian NGO. Both of these organizations focus on building dialogue among the Bosniak, Serbian and Croatian communities in the country. I inquired about the peacebuilding work they conduct on the ground.

Figure 2.27 Sample of questions directed to MCC and NDC officials

What are the main problems between different ethnic communities in post-conflict BiH?
How effective are trauma healing workshops for people to overcome the pains of the war?

I interviewed the policy director of the Governance Accountability Project-GAP sponsored by the USAID and SIDA (Swedish International Development Cooperation Agency). GAP aims to improve the accountability of Bosnian politicians toward the public. I asked questions regarding the level of corruption and how the EU integration perspective could help curb the high levels of corruption in the country.

How do you view the European Commission Delegation's support on Public Administration Reform?
Is there a sufficient level of coordination between your project and the delegation?

Figure 2.28 Sample of questions directed to the GAP official

The Bosnian Sample

BiH Political Parties: I interviewed five people from different political parties in both the Federation and the Republika Srpska. I asked them about what they perceive the problems of BiH to be and what are the possible solutions to these problems. The interviewees included the spokesperson for the SDP (Social Democratic Party of BiH), an MP from SBiH (Party for BiH), the secretary general of the SNSD (Independent Social Democrats of Republika Srpska), a SNSD representative for social services and a SDS (Serb Democratic Party) political adviser.

Is it possible to achieve civic democracy without solving the question of nationalities in BiH?
Do you see any connection between the status of Kosovo and the status of RS?
Is it time for the OHR to leave Bosnia?
What needs to change in the new constitution in Bosnia?
Why do you think the RS is a more successful entity than the Federation?

Figure 2.29 Sample of questions to political party officials in BiH

BiH Civil Society: Bosnian civil society was one of the main pillars of my field research in BiH. A developed civil society is essential for a sustainable civic democracy. I wanted to get the opinions of members of Bosnian civil society on the level of democracy in the country. The Centre for Nonviolent Action (CNA) and Interreligious Council are two local NGOs involved in peacebuilding activities. I interviewed two representatives from these respective NGOs.

In what areas can peacebuilding activities be more effective in BiH?
What is the role of religion in post-conflict Bosnia?

Figure 2.30 Sample of questions to local Bosnian NGO's involved in peacebuilding activities

The Helsinki Committee for Human Rights conducts studies on cases of violation of human rights, and publishes occasional reports on the state of the human rights regime in BiH. I interviewed the executive director of the NGO on the types of human rights violations and their frequencies.

To what extent do the democratic reforms in the EU integration process affect the human rights regime in Bosnia?

Figure 2.31 Sample question to the executive director of the Helsinki Committee for Human Rights Bosnia

The Association Alumni of the Center Interdisciplinary Postgraduate Studies (ACIPS) and the DOSTA! movement are two initiatives by young people. ACIPS represents young, educated Bosnians who wants to play a more active role in politics. DOSTA! is an anti-politics anarchist organization, with an anti-political cynical stance against the practice of politics in the country. I interviewed four people from the respective movements and asked their opinions on the state of politics and young people in BiH.

How is youth affected by the use of nationalism by BiH politicians?
Is the alienation of the public from politics a result of nationalism, or nationalism a result of public apathy?

Figure 2.32 Sample of questions to the ACIPS co-founders and to DOSTA! members

I interviewed the co-director of the GROZD movement. GROZD is a network of citizens in favor of civic social democracy, which became an influential organization before the general elections of October 2006. I asked questions regarding the lack of accountability in Bosnian politics and the EU future of the country.

How does the international community's change of policy orientation affect Bosnian civil society?
Do you see EU membership as an attainable goal for BiH?

Figure 2.33 Sample of questions to the co-director of the GROZD movement

I interviewed the director of the Center for International Politics in Banja Luka. This center serves an important function by providing a space for foreign journalists to meet with RS politicians and other important policymakers in Banja Luka. I asked the director about the involvement of the civil sector in policy making in RS.

Is there wide support by civil society in RS toward the politics of RS Prime Minister Dodik in relation with the reforms intended for the EU integration?

Figure 2.34 Sample question to the director of the Center for International Politics in Banja Luka

I interviewed the general manager of the Fund for Memorial Places in Sarajevo. The Fund is known to embrace a Bosniak nationalist line in terms of the political direction of BiH.

Why do you think the Republika Srpska is a genocidal entity?
How do you evaluate the stance of EU institutions against the RS?

Figure 2.35 Sample of questions to the general manager of the Fund for Memorial Places in Sarajevo

BiH Media: I spoke to journalists, both in Banja Luka and Sarajevo, about the role of the media in fueling ethnic differences in the country, as well as the close connections with politicians. Interviewees included a reporter for Radio Free Europe, the director of the News Magazine Reporter in Banja Luka, and a freelance journalist/commentator.

What are the reasons for the lack of public trust toward the media?
Do the media encourage nationalism against each other in the post-conflict period?

Figure 2.36 Sample of questions to media people

BiH Foreign Ministry: I interviewed two Bosnian ambassadors responsible for relations with EU at the Ministry of Foreign Affairs in Sarajevo. I wanted to get their perspectives on the progress of EU integration.

What are the successes in BiH's relationship with the EU so far, as well as the failures?
What are the regional factors that affect BiH's progress into the EU?

Figure 2.37 Sample of questions to ambassadors in the Ministry of Foreign Affairs in Sarajevo

I talked to the BiH ambassador to NATO (the former ambassador to the USA and former Defense Minister), right before his departure to Brussels. I wanted to get the ambassador's insights on the future of EU involvement in the country.

What is the way forward in the EU integration process?
Do you think a stronger EU second pillar involvement can replace the OHR?

Figure 2.38 Sample of questions to the BiH ambassador to NATO

Office of the Chief Negotiator with the EU: The Office of the Chief Negotiator with the EU is the state agency that conducts the negotiations with European Commission officials, along with the Directorate for European Integration (DEI). I spoke with the chief negotiator and asked him about the difficulties in the process.

What are the internal political difficulties that you face in your negotiations with the EU?
Do the European Commission officials act in an understanding manner?

Figure 2.39 Sample of questions to the BiH chief negotiator with the EU

Directorate for European Integration (DEI): DEI is a state-level institution, independent of state-government's influence, tasked with formulating the necessary legal adjustments for EU integration. I spoke with the director of the institution and asked him about the increasing prominence of nationalist ideologies and the reforms.

Does the latest surge of nationalist ideologies threaten the transition of BiH from a post-conflict country to an EU candidate?
Are the politicians honest about their willingness to enter the EU?

Figure 2.40 Sample of questions to the director of DEI

State Investigation and Protection Agency (SIPA): SIPA is the state-level institution tasked with the fight against corruption. I spoke with a police officer working in the Department on the fight against organized crime. I asked him about the extent of organized criminal networks and the impact Police Reform is thought to make on these networks.

Does the EUPM provide you with enough support in intelligence gathering for your operations?
Will Police Reform, once put into practice, add substantial support to the quality of policing in both entities?

Figure 2.41 Sample of questions to the SIPA official

BiH Academics: Bosnian academicians are actively involved in politics and have close connections with the political parties. I interviewed two academicians: a professor of -

journalism at the University of Tuzla and a human rights scholar from the Faculty of Political Sciences at the University of Sarajevo. I wanted to get their opinions on civil society and the public attitude about EU integration.

Why are politics “paralyzed” in BiH and what does this have to do with civil society?
To what extent does the media’s nationalism affect political public behavior?

Figure 2.42 Sample of questions to Bosnian academicians

Policy Panels

Speeches at policy panels and meetings were important sources of data. The primary policymakers took part in the discussions and reflected on their present and past experiences.

Brussels: One such meeting took place at the European Policy Centre commemorating the Bosnian war on the tenth anniversary of the Dayton Peace Agreement. The conference, named “Bosnia: Ten Years after Dayton”, convened on November 25, 2005, and was attended by prominent international policymakers during and after the war. I took notes on their speeches and comments regarding the way forward with EU integration.

One of the participants, General Sir Rupert Smith, the ex-field commander of the UNPROFOR (UN Protection Force) stationed in Sarajevo, talked about how to design effective conflict intervention models building on the failure of the UNPROFOR in BiH.

Another speaker was Lord Owen, one of the designers of the failed Vance-Owen peace plan for the Bosnian war. He voiced his observations on the lack of effectiveness of the UN peacekeeping forces and if, and how, justice could be achieved in post-conflict BiH.

Carl Bildt, the first High Representative of the international community in the immediate post-conflict period, talked about the early days of the OHR and how the policies of the international community evolved into what it is now.

Javier Solana, Secretary-General of the Council of the European Union and EU High Representative for Foreign Affairs, was present in the meeting. He commented on the progress BiH has made since the end of the war in 1995, and the changing involvement of EU forces in the country.

Ambassador Lidija Topic, the representative of BiH to the European Union, talked about the importance of the EU integration perspective as a vehicle for the transformation of Bosnian society from a post-conflict one into an EU candidate.

One other policy talk I attended was by the UK Minister of State for the EU at the time, Douglas Alexander, at the Centre for European Policy Studies (CEPS) on October 13, 2005. He talked about the UK presidency, the enlargement fatigue of the Union and the relations with the larger Western Balkans as a challenge to the EU's security policies.

Bosnia Herzegovina: I attended one policy panel in BiH. It was a policy forum on the state of progress of the EU integration of BiH. The German Heinrich Böll Foundation organized the panel, titled "Bosnia Herzegovina and the European Union-one sided association process or mutual learning?", on June 19, 2006. It was attended by prominent

representatives of Bosnian civil society and academia, as well as important representatives of the international community and European Union institutions in BiH.

The highest-ranking participant of the policy forum was the then-High Representative of the International Community, Christian Schwarz-Schilling. The High Representative emphasized the need for the completion of reforms in the fields of policing, public broadcasting systems and education, and in creating an integrated economic space for foreign investments in order to move forward with the EU integration process.

Michael Humphreys, the then-Head of the European Commission Delegation in BiH spoke about the need for Bosnian politicians' ownership of the reforms and the need for action, pointing to the wide public support for EU integration.

Claude Weinber, the head of the regional office of the Heinrich Böll Foundation in Brussels, talked about the need for further involvement of Bosnian civil society.

Dzenana Hodzic from the Directorate for European Integration complained on the inherent asymmetry in the negotiations with the EU.

David Johns, the official from the European Commission for DG Enlargement for Croatia and Turkey reiterated Brussel's belief that the SAA would provide the necessary incentive for reform to Bosnian politicians.

Dr. Dino Abazovic from the University of Sarajevo, who was also a member of the Human Rights Council, talked about the democracy deficit in BiH.

Dr. Alexander Dzivanovic from the University of Banja Luka talked about the paradox between the constitutional model knit by the West in the Dayton Peace

Agreement and the EU membership aspirations of the country as the biggest obstacle in the lack of democratic reforms.

Ugo Vlaisavljevic, the director of the PEN Center in Sarajevo, accused the EU centers of recreating the imperial language of the Austro-Hungarian and the Ottoman Empires through the forced reform process.

Gisela Kallenbach, the Green MEP in the European Free Alliance Group of the European Parliament talked about the problems of the European Union on issues like the new European constitution and enlargement.

Zlatko Dizdarevic, a journalist and an ex-ambassador, talked about how the European integration perspective is misunderstood among the public and politicians.

2.6.2 *Secondary Sources*

Aside from the interviews conducted, I made use of other documents, namely the texts of official policy declarations, policy reports and daily press reviews.

Official Releases of the Office of the High Representative: I looked into the conclusions of the meetings of the Steering Board (SB) of the Peace Implementation Council (PIC) and the communiqués of the SB. The meetings and declarations of the SB, along with the press releases of the High Representative, demonstrate the stance of the international community on the progress of BiH in the EU integration process.⁵⁴

Summit Conclusions of the European Council: The summit conclusions of the European Council declare its overall policies regarding the issues of enlargement in the Western

⁵⁴ Available at <http://www.ohr.int/pic/archive.asp?sa=on>

Balkans and BiH. These declarations set the tone for the EU in accordance with the progress achieved by the aspirant countries.⁵⁵

Progress Reports of the European Commission: Progress reports are jointly prepared by the European Commission Delegation in Sarajevo and the relevant Enlargement Desk at the European Commission Headquarters in Brussels. These progress reports help to shape overall EU policies toward Bosnia.⁵⁶

UNDP's (United Nations Development Programme) Quarterly and Annual Early Warning Reports: The findings in these reports serve as indicators for the political, economic and social stability in Bosnia Herzegovina. I used the findings of the UNDP reports to support my own field research findings on democratization reforms.⁵⁷

Think Tank Policy Reports: I made use of the reports prepared by the European Stability Initiative (ESI) and the International Crisis Group (ICG) on Bosnia Herzegovina. Both the ESI and ICG are set up to provide alternative voices to the practice of grand politics, with joint reports prepared by multinational researcher groups. Their reports on the state of progress of Bosnia toward EU membership resonate heavily among the international community in the country.⁵⁸

Daily Press Reviews: The daily press reviews on the EUPM official website served as one of the main sources of information for following the political developments in BiH.

⁵⁵ Available at

http://www.consilium.europa.eu/cms3_applications/Applications/newsRoom/loadBook.asp?target=2008&bid=76&lang=1&cmsID=347

⁵⁶ Available at <http://www.delbih.ec.europa.eu/?akcija=clanak&CID=39&jezik=2&LID=57>

⁵⁷ Available at <http://www.undp.ba/index.aspx?PID=14>

⁵⁸ For ESI reports on BiH, please see <http://www.esiweb.org/index.php?lang=en&id=158> and for ICG reports on BiH, visit <http://www.google syndicated search.com/u/crisisgroup?q=Bosnia&ie=UTF-8>

Especially during the pre-election campaigns, the translated press reviews of the Bosnian newspapers proved to be helpful in delineating the role of the media in Bosnian politics.⁵⁹

2.7 Data Analysis

This dissertation is an evaluation of the effectiveness of the EU as an actor of peace in post-conflict Bosnia Herzegovina. It is a policy analysis based on the evaluation of different views.

2.8 Analytic Procedures

Level 1: Recording, transcription and typing of interviews:

Level 2: Specifying the bullet points: I took the comments that I underlined at the first level as the bullet points of the interviews. I removed repetitive and irrelevant remarks.

Level 3: Action frames: I adopted a textual analysis technique called frame analysis to filter the action frames in the interview texts. I chose the statements of a formal nature evaluating EU policies and/or the problems in post-conflict BiH, which are institutional action frames. Institutional action frames are “the beliefs, values, and perspectives held by particular institutions and interest groups from which particular policy positions are derived” (Schön and Rein, 1994: xiii). Action frames are used to emphasize specific policy matters and offer a particular interpretation of situations and events, as well as attribute blame and responsibility. Moreover, they suggest suitable courses of action related to the problem at hand (Schön and Rein, 1994).

Level 4: Topical categorization: The scale for measuring the impact of EU performance is the state of democracy in the country. For that reason, I looked into indicators that

⁵⁹ Available at <http://www.eupm.org/MediaMonitoring.aspx>

demonstrate the social, economic and political stability. In that respect, I made use of the stability indices of the UNDP Early Warning Reports, and my own interview data. Below are the frames as the indicators for democratic maturity that I extracted from the texts of the interviews and speeches from the policy panels I attended (91 respondents + 16 panel participants in both research sites). I grouped these indicators under the general heading, “The Problems of BiH”. They are as follows:

Dysfunctional Dayton Constitution (21)
 Underdeveloped Economy (16)
 Weak State-Level Institutions (15)
 Entity Structures (14)
 Political Apathy (12)
 Weak Civil Society (11)
 Very Slow Political Reforms (10)
 Ethnic Social Fragmentation (10)
 Post-Conflict State of Mind (10)
 Organized Crime (10)
 Republika Srpska (10)
 Nationalist Politics (10)
 Huge Bureaucracy (8)
 Persistence of War Structure (8)
 Need for Judicial Reform (7)
 Youth Unemployment (7)
 PIFWICS (7)
 Public Desperation of Living Conditions (6)
 Lack of Police Reform (6)
 Lack of Strong State Apparatus (6)
 Corruption (6)
 Brain Drain (5)
 Anti-EU Politicians (5)
 Dysfunctional, Disintegrated Education System (4)
 Lack of Reconciliation with the Past (4)
 Rivalry of Executive Politics (4)
 Youth Apathy Toward Politics (4)
 Political Involvement of Religious Leaders (4)
 Illegal Human Trafficking (4)
 Terrorism Potential (4)
 Politicized Media (4)
 Push for Centralization (4)
 Social and Ethnic Discrimination (3)
 Ineffective Social Services (3)
 Serbian Intervention (3)
 Tribal Voting (2)
 Lack of Public Administration Reform (2)
 Weak Political Opposition (2)
 Democracy Deficit (2)
 Difficult Visa Process (2)
 Failed State Image (1)
 War Image (1)
 Euro-Skepticism (1)
 Pan-Slavism vs. Democracy (1)
 Loss of Global Attention (1)

Figure 2.43 Problems of BiH

Then I regrouped these indicators among the three main headings of social, economic and political indicators. Some of the indicators categorically overlap among these three groups.

Dysfunctional Dayton Constitution (21)
Weak State-Level Institutions (15)
Entity Structures (14)
Political Apathy (12)
Weak Civil Society (11)
Very Slow Political Reforms (10)
Post-Conflict State of Mind (10)
Nationalist Politics (10)
Huge Bureaucracy (8)
Persistence of War Structure (8)
PIFWICS (7)
Lack of Police Reform (6)
Lack of Strong State Apparatus (6)
Corruption (6)
Anti-EU Politicians (5)
Lack of Reconciliation with the Past (4)
Youth Apathy Toward Politics (4)
Political Involvement of Religious Leaders (4)
Terrorism Potential (4)
Politicized Media (4)
Push for Centralization (4)
Social and Ethnic Discrimination (3)
Serbian Intervention (3)
Tribal Voting (2)
Lack of Public Administration Reform (2)
Weak Political Opposition (2)
Democracy Deficit (2)
Failed State Image (1)
War Image (1)
Difficult Visa Process (2)
Euro-Skepticism (1)
Pan-Slavism vs. Democracy (1)
Loss of Global Attention (1)

Figure 2.44 Political Problems of BiH

Similar treatment was applied to the group for economic and social indicators.

Weak Civil Society (11)
Ethnic Social Fragmentation (10)
Post-Conflict State of Mind (10)
Youth Unemployment (7)
Public Desperation of Living Conditions (6)
Corruption (6)
Brain Drain (5)
Dysfunctional, Disintegrated Education System (4)
Lack of Reconciliation with the Past (4)
Youth Apathy toward Politics (4)
Social and Ethnic Discrimination (3)
Ineffective Social Services (3)

Figure 2.45 Social Problems of BiH

Underdeveloped Economy (16)
Entity Structures (14)
Huge Bureaucracy (8)
Public Desperation of Living Conditions (6)
Youth Unemployment (7)
Lack of Strong State Apparatus (6)
Corruption (6)
Ineffective Social Services (3)
Lack of Public Administration Reform (2)
Difficult Visa Process (2)
Failed State Image (1)
War Image (1)

Figure 2.46 Economic Problems of BiH

Each indicator is also categorized among itself with regard to the identity of the respondents. Let's take the first indicator in the cluster of political problems, the dysfunctional Dayton Constitution:

Table 2.5 Distribution of Respondents claiming that the Dayton Constitution is Dysfunctional

| Dayton Constitution is Dysfunctional | |
|---|------------------|
| Respondents | # of Respondents |
| EUSR | 2 |
| Intl Community | 4 |
| Intl NGO | 4 |
| European Commission | 2 |
| Bosnian NGO | 4 |
| Bosnian Politicians | 5 |
| Total | 21 |

Table 2.5 above shows that the dysfunctionality of the current Dayton Constitution is a problem, as agreed by respondents in the BiH sample: respectively 34% (12 out of 35) of the international community and European Union representative interviewees and panel participants and 36% (9 out of 25) of Bosnian interviewees and panel participants. The constitution problem ranks almost the same in both samples and demonstrates a significant level of overlap among them.

The second pillar of this evaluation research was the performance of EU institutions. I evaluated the performance of the Office of the High Representative, due to the unity of the goal of having BiH progress on the EU integration track and the possible transfer of power from the OHR to the EU Special Representative (EUSR). The analysis of the texts provided different frames on the performances of the EU institutions in Brussels and Sarajevo, the policies of the Union on BiH, the EU integration perspective for BiH, the performance of the international community, European Partnership and the Stability Pact. The textual analysis of the interviews and panel speech notes revealed a dialogical framing of the performances of the institutions and policies. The strengths and

weaknesses of the institutions and policies, and the agreements and disagreements on policies were emphasized in the statements.

EU in general: 7 Strengths, 10 Weaknesses
Conflict management and foreign policy approach of the EU: 12 Strengths, 20 Weaknesses
EU's general policy on BiH: 21 Strengths, 58 Weaknesses
EU Membership Effect: 35 Strengths, 21 Weaknesses
International Community (OHR): 20 Weaknesses
Transition from the OHR to EUSR: 19 Agree, 16 Disagree
EUSR performance: 5 Weaknesses
European Commission and Commission Delegation in BiH performance: 13 Strengths, 19 Weaknesses
EUFOR performance: 16 Strengths, 3 Weaknesses
EUPM performance: 10 Strengths, 6 Weaknesses
Stability Pact: 6 Positive
European Partnership: 2 Strengths, 2 Weaknesses

Figure 2.47 Evaluation of the performance of EU institutions

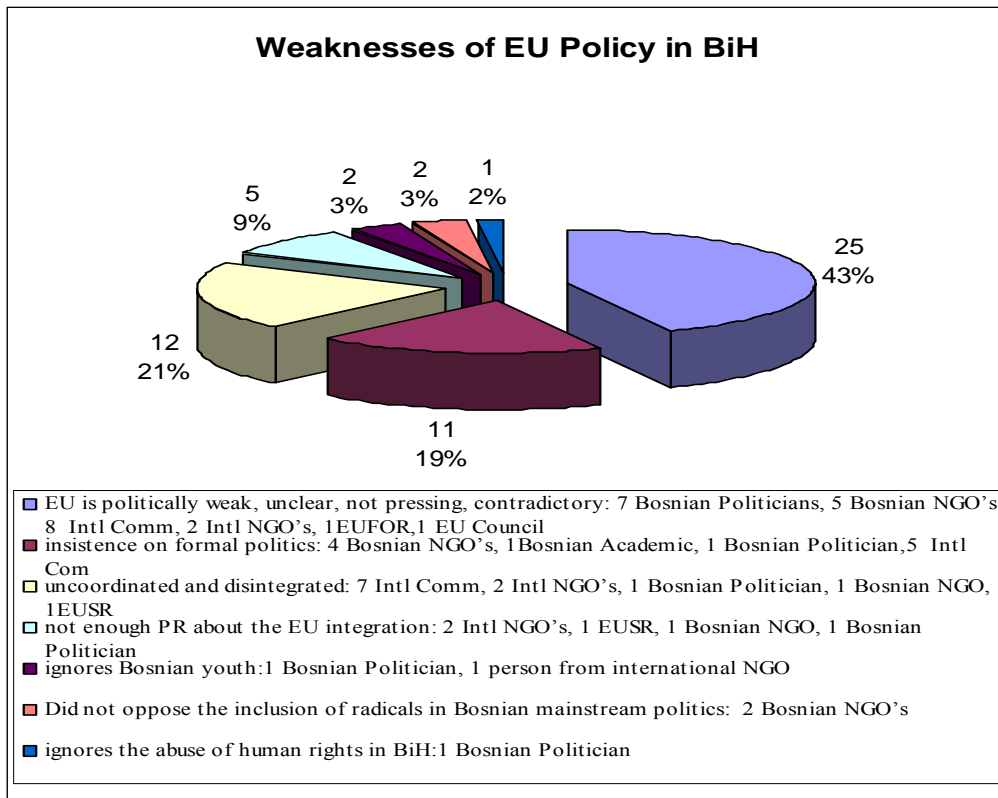
Figure 2.47 above shows that the biggest number of comments came regarding the European Union's general policies on BiH (21 comments underlined the strengths of the overall EU policy on BiH, whereas 58 comments pointed to the weaknesses of the EU). Please note that the numbers correspond not to the number of respondents, but to the number of responses; that means the same respondent could make both positive and negative comments.

Table 2.6 Weaknesses of EU policy on BiH

| Weaknesses of EU Policy on BiH | |
|---|----|
| Responses | # |
| <i>The EU is politically weak, unclear, not pressing, contradictory:</i> 7 Bosnian Politicians, 5 Bosnian NGO's, 8 Intl Community, 2 Intl NGOs, 1 EUFOR, 1 European Council | 25 |
| <i>Insistence on formal politics:</i> 4 Bosnian NGOs, 1 Bosnian Academic, 1 Bosnian Politician, 5 Intl Com | 11 |
| <i>Uncoordinated and disintegrated:</i> 7 Intl Community, 2 Intl NGOs, 1 Bosnian Politician, 1 Bosnian NGO, 1 EUSR | 12 |
| <i>Not enough PR about EU integration:</i> 2 Intl NGOs, 1 EUSR, 1 Bosnian NGO, 1 Bosnian Politician | 5 |
| <i>Ignores Bosnian youth:</i> 1 Bosnian Politician, 1 person from International NGO | 2 |
| <i>Did not oppose the inclusion of radicals in Bosnian mainstream politics:</i> 2 Bosnian NGOs | 2 |
| <i>Ignores the abuse of human rights in BiH:</i> 1 Bosnian Politician | 1 |
| <i>Total</i> | 58 |

Table 2.6 above shows not only the statements about the weaknesses of EU policy on Bosnia and the number of times the statement was repeated, but also the titles of the respondents giving the responses. As such, it is possible to look at the extent of convergence between the EU representatives and the Bosnian sample on the issue.

Table 2.7 Pie diagram of the weaknesses of EU policy on BiH



Laying out the negative and positive aspects of the policies and institutions helped to demonstrate the main convergences and divergences of comments between the BiH politicians and civil society, with regard to the international community and EU policies and institutions in particular.

2.9 Logistics of the Field Research

Identity of the Researcher: This field research was not a typical one where the researcher, especially in anthropological studies, has to reposition his or her identity so as to become a participant observer of a given social context. In my field research, I did not aim to

become a participant observer of the EU-BiH relationship. Because the practice of EU integration and the negotiation process on the completion of the necessary reforms is restricted to the BiH political elites and the EU officials, to claim a participant's role in this high level political process would have been nonsensical.

Thus, my position in the field as a researcher was primarily academic. Academic interest in making sense of the impact of EU policies on post-conflict Bosnia was just enough to develop rapport with the interviewees, who largely circulated at the level of high politics. Yet, being a conflict researcher of Turkish nationality had two different meanings in Brussels and Bosnia. In Brussels and Western Europe, Turkey's relationship with the European Union has somehow become a point of reference for EU officials and policy people. The interviewees themselves wanted to learn my opinion about the prospect of Turkey entering the EU. This has, in turn, helped me to further question the interviewees on their underlying frames, suggesting specific courses of action in post-conflict BiH.

In Bosnia Herzegovina, the national identity factor played itself out in a different way when talking with Bosnian politicians and the civil sector, due to Turkey's historical relationship with the country. The interviewees of Bosniak origin did not hide their sympathy, while my guide in Banja Luka, Republika Srpska, did not hide the fact that he boasted to his friends that he knew a "real Turk", as opposed to the often-used derogatory term for Bosniaks used by the Bosnian Serbs.

2.10 Validity

“Validity in field research is the confidence placed in a researcher’s analysis and data as accurately representing the social world in the field” (Neuman, 1997: 369). I addressed different forms of validity in the research design. Construct validity refers to establishing correct operational measures for the concepts being studied. To address such concerns, I used multiple sources of evidence during data collection. As I outlined above, the data came from interviews, policy declarations and policy reports. Internal validity, on the other hand, is used for researches looking for causal relationships between different variables. Since this is an evaluation research exploring and describing the performance of the EU as an actor of peace in post-conflict Bosnia, I did not look for signs of causality between the EU presence and the problems of BiH. External validity establishes the domain to which a study’s findings can be generalized. In essence, this is a single case study, although there is a comparison with Kosovo in the last chapter. I used theories of democratization and conflict to analyze the data derived from the sources. The extent of the applicability of the theories in my study of the Bosnian case satisfies the external validity concerns.

2.11 Reliability

Reliability demonstrates that the operations of a study, as in data collection procedures, can be repeated with the same results (Yin, 2002:34). That means another researcher following the same procedures in the case of BiH would reach the same results. For that reason, the research protocol should be as clear as possible. By laying out the data evaluation procedures step-by-step, I addressed the issue of reliability. I did not

have a pre-determined coding scheme when I started the categorization of the responses. The categories were driven from the text through my lens of reading the interviewee comments on the political processes between the EU and BiH during the post-conflict period. In that sense, the results of an intercoder reliability test should be high when the other researcher interviews the same sample, uses the same official declarations and policy reports and asks the same questions. Even in such a case, due to the fact that time changes the social realities and frames of action, different responses might come from the interviewees. As every social fact does, the relationship between BiH authorities and the EU is bound to change and so do the reflections on these changes over the action frames.

CHAPTER 3: PROBLEMS OF BOSNIA HERZEGOVINA

3.1 Introduction

Is democracy bound to fail in multiethnic societies? It is not easy to give a quick response to this question. There are many different views on this matter. Bosnia Herzegovina is a fine example of such a dichotomy. A paradox between the domination of every day politics by nationalist rhetoric and the dream of being a liberal democracy in the European Union constitutes the main fault line in today's politics in Bosnia Herzegovina. The state of Bosnia Herzegovina has ethnic subjects, as opposed to political. The logic of the imposed peace at Dayton, Ohio in December 1995 was based on the principle of separating the conflicting parties that were engaged in ethnic fighting on presumed ancient hatreds (Kaplan, 2004) and with the aim of building a consociational democracy (Lijphart, 1969), under the guarantorship of the international community. The Dayton Constitution, being the bedrock of the Bosnian political system, recognizes three different nationalities of Bosniaks, Croats and Serbs under the domain of two political entities (Federation of Bosnia Herzegovina and Republika Srpska) instead of defining all under one common Bosnian citizenship. The electoral system further constrains the democratic participation of citizens within their own national constituencies, limiting the right to vote for candidates only of the same ethnic origin (see Article IV.3 of the Constitution). These provisions and many others have been put in as

safety measures to prevent the repetition of violence that occurred between 1992 and 1995.

As such, 13 years on, politics in BiH remain nationalist and as mutually opposed as ever. Safety measures that served to keep the peace in the immediate post-conflict phase are no longer functional. The Dayton system of national separation obstructs the political evolution of a functioning civil society and state in Bosnia Herzegovina and further slows down the conclusion of necessary reforms for EU integration. Politics fail to normalize in BiH where each issue is seen from a nationalist perspective and negotiated like bargaining chips in a peace negotiation. A virtual war is waged in the media between the political leaders of the nationalities on a spectrum of issues from football games to the Eurovision song contest⁶⁰.

This chapter discusses the main problems of Bosnia Herzegovina. I have grouped the dataset under three main headings of political, social and economic problems.

⁶⁰ A good example of nationalization of non-political issues is when the Prime Minister of Republika Srpska Milorad Dodik commented that he will not support Bosnia Herzegovina's national football team in its game against Turkey in the qualifiers for the 2008 European Championship.

- Dysfunctional Dayton Constitution (21)
- Weak State-Level Institutions (15)
- Entity Structures (14)
- Political Apathy (12)
- Weak Civil Society (11)
- Very Slow Political Reforms (10)
- Post-conflict state of mind (10)
- Nationalist politics (10)
- Huge Bureaucracy (8)
- Persistence of War Structure (8)
- One-sided, politically controlled media (8)
- PIFWICS (7)
- Lack of Police Reform (6)
- Lack of Strong State Apparatus (6)
- Corruption (6)
- Anti-EU Politicians (5)
- Lack of Reconciliation with the Past (4)
- Youth apathy towards politics (4)
- Political Involvement of Religious Leaders (4)
- Terrorism Potential (4)
- Politicized Media (4)
- Push for centralization (4)
- Social and Ethnic Discrimination (3)
- Serbian Intervention (3)
- Tribal voting (2)
- Lack of Public Administration Reform (2)
- Weak political opposition (2)
- Democracy deficit (2)
- Failed state image (1)
- War image (1)
- Difficult Visa Process (2)
- Euro-Skepticism (1)
- Pan-slavism vs. Democracy (1)
- Loss of global attention (1)

Figure 3.1 Political problems of BiH

These problems are related to the development of civil society, the functioning of the state structures, ethnic nationalism and the transition from a post-conflict society to a ‘society in transition’. Building on these four main issue areas, I have traced two related post-conflict processes in action. The first such process is democratization pronounced as

state-building. The second process is the evolution of ethnic nationalism as the dominant characteristic of post-conflict BiH politics.

Weak Civil Society (11)
Ethnic Social Fragmentation (10)
Post-conflict state of mind (10)
One-sided, politically controlled media (8)
Youth unemployment (7)
Public Desperation of Living Conditions (6)
Corruption (6)
Brain Drain (5)
Dysfunctional disintegrated education system (4)
Lack of Reconciliation with the Past (4)
Youth apathy towards politics (4)
Social and Ethnic Discrimination (3)
Ineffective Social Services (3)

Figure 3.2 Social problems of BiH

Below you will find a discussion of the problems along the lines of the two post-conflict processes mentioned above. In the first part, problems related to the development of civil society and the functioning of state structures are analyzed with relevant democratization and state-building theories. The second part lists the problems associated with ethnic nationalism and the transition from a post-conflict society to a 'society in transition' in relation to theories of nationalism and ethnic conflict. Some of the problems listed below are endemic to most societies in transition, but in a post-conflict society, like the one in BiH, such problems are experienced as 'perpetual crises' creating desperation and hopelessness about the political future of the country.

3.2 Problems of Civil Society and State in BiH

The discussion in this section starts with a list of the problems associated with the state of the civil society in BiH today.

Civil society is the crucial component of a liberal democracy. Democratization aims to balance the impact of the state with the influence of the civil society as an end goal. Any regime that is less than a liberal democracy faces problems in regards to the effectiveness of its civic sector. Different definitions of democracy are given in terms of specifying the goal. What is meant by democracy? What are the conditions? What is a hybrid regime? Can Bosnia be regarded as a hybrid regime? What do we understand of civil society?

In the second part of this section, the list of problems about the BiH state and its efficiency are put in the spotlight. I identify the regime governing the BiH as a form of consociational democracy trying to function on an ethno-federal structure. This part seeks to shed light on the weak links between the Bosnian citizen and the Bosnian state and the deficits of the ethno-federal consociational system.

3.2.1 Problems of Civil Society

BiH public is politically apathetic (12)
Civil society is weak and donor dependent (11)
Lack of a strong political opposition (10)
Post-conflict state of mind (10)
Media coverage is one-sided and politically controlled: 8
Youth unemployment (7)
Public Desperation of Living Conditions (6)
Brain drain (5)
Lack of Reconciliation with the Past (4)
Political Involvement of Religious Leaders (4)
Youth is not apolitical, but apathetic: 4
Social and Ethnic Discrimination (3)
Ineffective Social Services (3)
Social and Ethnic Discrimination (3)
Tribal voting (2)
Exclusion of artists from the European integration debate: 1
Exclusion of Women in politics: 1⁶¹

Figure 3.3 Problems of Civil Society in BiH

Above is the list of problems associated with the effectiveness of civil society in BiH (figure 3.1). A quick look at the list paints the picture of a country where political apathy is common among the youth and the general public, a country where there is no strong civic political opposition, a country where the docile civil society that exists is weak and dependent on foreign donations, a society that has either lost or is in the process of losing its educated elite to foreign countries as a result of the desperate living conditions and hopelessness, a society where the majority of the population does not take

⁶¹ For further details on the list, please see the Appendix at the end of the dissertation.

an active part in politics⁶² and a country where the media tells three different stories about the same event and is exposed to political manipulation and control.

What does this gloomy panorama of a post-conflict society have to do with democratization? A straightforward answer to this question is that democratization might very well be the key for BiH to vitalize its civil society. Democratization is the transition from formerly non-democratic regimes to democratic political systems (Huntington, 1991). It is a political change moving in a democratic transition where political space that has formerly been occupied by the state apparatus is checked by an active civil society that is the promoter and defender of social and individual rights of all citizens against any harassment by the state (Gellner, 1994). Therefore, in a country in transition towards democracy, the civil society will be enlarging the scope and depth of its activities vis a vis the state. Below I provide a number of explanations for the weakness of civil society in BiH.

Lack of an urban population

The majority of Bosnia Herzegovina's population lives in rural areas (the estimated rural population in 2007 is about 2.3 million people in contrast to 1.9 million living in the cities)⁶³. Urban space, namely 'the city' has been understood as vital for the development of political citizens since the time of Aristotle. Aristotle (1983) defines the

⁶² Women constitute the majority of the population in BiH (for further details please see <https://www.cia.gov/library/publications/the-world-factbook/geos/bk.html#People>).

⁶³ According to the 2002 report on Environment in Bosnia and Herzegovina published by the Civil Society Promotion Center in Sarajevo, it is expected that the urban population will become larger than the rural in 2014 and will reach 2.4 million by 2030. The rural population is expected to decline from 2.3 million in 2005 to 1.6 million in 2030. For further information please see <http://enrin.grida.no/htmls/bosnia/bosnia2002/acrobat/Population.pdf>

individual as a ‘political animal’⁶⁴ living in polis, the most developed human plurality where the state and individuals exist in harmony as natural phenomena. Following the Aristotelian line of thinking, a politically active citizenry is a natural fact of the cities. The political apathy of the Bosnian public (see Figure 3.3) could be explained by the vast rural population. The possible impact of Bosnia’s demographic distribution on the development of home-grown civil society is discussed in the civic culture section below.

Lack of a strong middle class

In terms of income, Bosnia rates as a middle-income country where the GDP per capita rated US \$5,600 in 2006⁶⁵. When you compare that figure with the EU-27 GDP per capita in 2006 that rated US \$ 29,900⁶⁶, the assumption of Lipset (1960) could be considered as confirmed. BiH, with a GDP per capita that is about one-sixth of the EU-27 average, is far from developing a strong middle class that would act for the extending of the civil political space. Indeed when looked at the figure 3.4 below it is seen that the underdeveloped state of the economy creates desperation in the public. There is no strong state to provide effective social services to those in need, nor are there opportunities for employment for the young people.

⁶⁴ Politikon zoon, ‘who lives/whose nature is to live, in a polis (state)’; from Nichomachean Ethics, I vii ad fin.

⁶⁵ Please see <https://www.cia.gov/library/publications/the-world-factbook/geos/bk.html#Econ>

⁶⁶ Please see <https://www.cia.gov/library/publications/the-world-factbook/geos/ee.html#Econ>

Underdeveloped Economy (16)
Entity Structures (14)
Huge Bureaucracy (8)
Public Desperation of Living Conditions (6)
Youth unemployment (7)
Lack of Strong State Apparatus (6)
Corruption (6)
Ineffective Social Services (3)
Lack of Public Administration Reform (2)
Difficult Visa Process (2)
Failed state image (1)
War image (1)

Figure 3.4 Economic Problems of BiH

Lack of modern societal networks

Informal networks exert extensive influence if the context in which they operate is characterized by the weakness of the rule of law (Solioz and Dizdarevic, 2003). They mediate between different spheres: the private sector and the state, bureaucracy and the market, communities and society (Tönnies, 1935). Such networks can not be classified through an oppositional conceptualization like state vs. private sector, or centralized vs. decentralized institutions. They function in many distinct areas and are not confined to just economic or political spheres. They are multifaceted and multidimensional with participants with multiple layers of loyalty acting simultaneously in several different spheres of action (Wedel, 1998).

In Bosnia Herzegovina, kinship/clan ties and clientalistic networks control not only the black market and grey economy, but also the local police and the financial

resources of the state, and engage in drugs and arms smuggling⁶⁷. The presence of such groupings “inhibit people from fulfilling their official duties to formal institutions, or prevent organizations from operating in an efficient, transparent way” (Sampson, 2002: 3). According to the 2005 Global Corruption Barometer, 70% of Bosnians questioned suggest that corruption has a huge impact on political life and 40% of the respondents believe that corruption will only increase in the following year⁶⁸. These findings correspond to my findings from field interviews which ranked the political apathy of the Bosnian public as the most important among the problems related to civil society in BiH (see Figure 3.1).

The operation of such exclusive networks is highly visible in Bosnia, curbing the potential for the transition to transparent civic politics. Yet I think it is worthwhile to evaluate if the traditional Bosnian informal network, ‘komsiluk’ (neighborliness) might be conceptualized as an inclusive/bridging informal network and a possible starting point for the consolidation of a pluralist liberal democracy in BiH. As a part of its Ottoman legacy, Bosnia Herzegovina maintained a cosmopolitan culture in its cities in ‘mahalas’ (quarters) where different ethnic communities existed together without mingling in the internal affairs of the others. According to Bieber (2000), aside from the spatial meaning of komsiluk, within the concept of mahala, referring to the situation of being next-door

⁶⁷ According to the 2006 Global Survey conducted by Transparency International, BiH ranked between 93rd to 98th place among 163 countries with 2.9 out of a clean score of 10. In 2003 BiH was 70th, in 2005 88th-96th place. For further details, please see http://www.ti-bih.org/documents/20-02-2007/National_Integrity_System_Study_2007.pdf

⁶⁸ For further, details please see <http://www.transparency.org.pk/documents/Global%20Corruption%20Barometer%202005%20Report.doc>

neighbors, it suggested rituals based on a common understanding of reciprocity where mutual obligations to visit and help each other on a regular basis constituted the basis of social exchanges. Bringa (1995) also points out that beyond the neighborly exchanges, formal visits between the Muslim, Orthodox and Catholic communities for occasions such as births, deaths, illnesses, and religious festivities were also part of komsiluk practiced both in rural areas and cities alike.

Nonetheless, according to Bougarel (1996), komsiluk was able to function only as long as the state guaranteed economic and social stability and, as Sampson (2002) agrees, interest groups and good citizenship as such require stable institutions and effective states, of which none is present in post-conflict BiH. Bringa (1995), in a similar line, argues that komsiluk essentially entailed social distance and separateness constructed as parallel opposites: the practices chosen to represent difference were of the same kind. “Each religious community needs the presence of the other in order to construct an ethno-religious identity, since it is mainly through this presence that a person is taught to be aware of his or her own identity” (Bringa, 1995:79).

Pickering (2006) looked at the practice of quasi-komsiluk, reciprocity-oriented informal networking in post-conflict Bosnia in two mainly Bosniak dominated multi-ethnic cities (Sarajevo and Bihac) and found out that the norm of reciprocity is strongest in multi-ethnic voluntary organizations, followed by multi-ethnic workplaces as there is a wider choice of interaction partners and is the least in multi-ethnic neighborhoods (p.79). An inclusive informal network can exist only as long as it is voluntary. Attempts to strengthen and support the civil society in Bosnia Herzegovina by the international

community could easily prove to be counter-productive when the core motivation for starting a CSO becomes receiving financial assistance from foreign donors (Sampson, 2002). The transformation of traditional informal networks into modern civil society, with international assistance, is bound to remain elusive in BiH when you remove the genuine voluntary motive for democratization.

As a controlled, competitive, authoritarian democracy, BiH lacks the “cross-cutting membership in politically relevant associations” (Lipset, 1960:88) and “multiple memberships in potential groups” (Truman, 1951:514) among its citizenry. Such channels are thought to provide channels for expression of discontent and reconciliation in political and social structures as the main components of stable democracies (Friedrich, 1942; Schattschneider, 1960; Crick, 1964; Dahrendorf, 1959; Lijphart, 1968).

Lack of commitment to democratic values among the elites

McClosky (1964) sees the commitment to democratic values and rules between the political elite, rather than among the citizens, as the key feature for the development of democratic stability. Considering the split in Bosnian society among three parallel, yet similar, ethnic communities with cross-cutting membership pegged only in a segment of the elite level (members of the State Parliament, Council of Ministers and Presidency), if the elite level agreed on the meaning of democracy, there might still have been a chance for democratic stability.

However, as the result of my field interviews indicate, there is no strong political opposition in BiH (see Figure 3.4). Political elites running for designated seats in the state-level political apparatus in the general elections represent their respective ethnic

groups against the others, not in totality of the Bosnian society. Thus, it will not be an exaggeration to claim that O'Donnel's model would not be applicable to BiH due to the fact that politics are built on the representation of ethnic subjects not on 'subject politique'. All incumbent and opposition political parties, and their elites, in all of the three constituencies, with the exception of a few, are ethnic nationalists with different tones of authoritarianism in their party programs⁶⁹.

The transition from an authoritarian regime to a liberal democratic one takes place in the form of negotiations between the representatives of the authoritarian coalition and opposition forces. O'Donnel and Schmitter (1986) emphasize the relationship between the political actors in a transitioning country as crucial for democratization. They claim that democratic transitions are more successful when they are handled through cooperation between soft-liners of the authoritarian coalition and moderates from the opposition⁷⁰. Eckstein (1961 and 1966) looks for congruence between all levels of society in their commitment to democratic values and rules including families, businesses, religious institutions and schools. The October 2006 elections brought political elites with nationalist agendas to power in both entities of the BiH who campaigned using a very strong antagonistic rhetoric against the other (Haris Silajdzic in fBiH, Milorad Dodik in

⁶⁹ According to the Freedom House 2007 report on Bosnia, "the October 2006 elections shifted power to more moderate parties, which nonetheless took nationalist stances in order to appeal to the constituents in their respective ethnic groups. The Alliance of Independent Social Democrats (SNSD) emerged as the winner in the Republika Srpska, and the Party for BiH (SzBiH) won the most votes in the Bosniak-Croat federation". For further details, please see

http://www.freedomhouse.org/inc/content/pubs/fiw/inc_country_detail.cfm?year=2007&country=7140&pf

⁷⁰ Oppositional forces vary from opportunists, former regime supporters who hope to gain something from regime change, moderates, pro-democratization forces who still maintain a degree of respect to traditional elites such as the military and church, to radicals who demand major democratic transformation with no compromise, whereas the authoritarian coalitions consist of hard-liners committed to maintain the authoritarian rule and soft-liners who are willing to negotiate.

the RS). Yet the political stability index published in the 2006 UNDP Early Warning Report on BiH demonstrates that there is a significant rise in the degree of optimism among the citizens living in the Bosniak majority areas and Serb majority areas who believe that politics in BiH is getting better⁷¹. Unfortunately, there is a strong congruence between the beliefs of the constituencies and political party programs, not on shared democratic values but on ethnic nationalism. If a political culture based on reconciliation existed in BiH, we would have observed the opposite phenomenon. Partially this could be read as a result of the weakness of civil society in BiH that could have stood for a multi-ethnic society, which again corresponds to my findings from field interviews that ranked problems associated with the civil society in BiH as number two.

3.2.2. Structural Problems: Qualities of the Political Regime in BiH

BiH is not a unitary state; its constitution does not make any references to civic citizenship. The state of political freedoms does not satisfy that of a liberal democracy. BiH is a ‘controlled democracy’ under the surveillance and sometimes active political engagement of the Office of the High Representative of the International Community (OHR). The state structure is designed in a ‘consociational’ fashion composed of ‘ethno-federal’ units under the post-war Dayton constitution. The practice of politics, on the other hand, distinguishes the Bosnian political regime as being ‘competitive authoritarian’.

⁷¹ According to the index from September 2006, 31.1% of the population in Bosniak Majority Areas (BMAs) believed that politics were getting better in BiH; this number rose to 40.0% in December 2006. Similarly, in September 2006, 29% of the population in Serb Majority Areas (SMAs) believed that politics were getting better in BiH; this number rose to 53.4% after the victory of Milorad Dodik’s SNSD that used antagonistic nationalist rhetoric during the election campaign. For further details, please see <http://www.undp.ba/index.aspx?PID=14> p.14.

This section discusses the set of problems (see Figure 3.5 below) derived from the social, political and economic problems associated with the forms and functions of the state structures in BiH.

- Dysfunctional Dayton Constitution (21)
- Weak State-Level Institutions (15)
- Entity Structures (14)
- Very Slow Political Reforms (10)
- Organized Crime (10)
- Republika Srpska (10)
- Huge Bureaucracy (8)
- Persistence of War Structure (8)
- Need for Judicial Reform (7)
- Lack of Police Reform (6)
- Lack of Strong State Apparatus (6)
- Corruption (6)
- Dysfunctional disintegrated education system (4)
- Political Involvement of Religious Leaders (4)
- Push for centralization (4)
- Social and Ethnic Discrimination (3)
- Ineffective Social Services (3)
- Tribal voting (2)
- Lack of Public Administration Reform (2)

Figure 3.5 Structural Problems of BiH

A closer look at the set of structural problems would reveal that the political regime in BiH could be classified in a number of ways. The biggest problem indicated by the respondents is the dysfunctional Dayton constitution. Rest of the problems is variants of the dysfunctionality of the Dayton system. The presence of strong entity structures obstructs the strengthening of the state-level institutions. The disintegrated, fragmented structure is evident in justice, education and police. The wide-spread corruption and

organized crime exploit and reinforce fragmentation. Most of the respondents blame the Dayton constitution as the root cause.

This section starts with a discussion of the consociational nature of the Dayton Constitution. Following that is a further elaboration of the regime, evaluating its qualities as a competitive authoritarianism and controlled democracy.

Consociational Democracy as a Solution to Multi-ethnic Bosnian Society

Incompatibility between national disunity/multi-nationality and democratization has long been an issue of discussion among political thinkers. John Stuart Mill in his “Considerations on Representative Government” (1958) argued that “free institutions are next to impossible in a country made up of different nationalities. Among a people without fellow-feeling, especially if they speak and read different languages, the united public opinion, necessary to the working of representative government do not exist” (230). Rustow (1970) understands democracy as a phenomenon that could be achieved by any country through electoral experience, provided that there is national unity to begin with. By national unity, Rustow means “the vast majority of citizens in a democracy-to-be must have no doubt or mental reservations as to which political community they belong to” (1970:350). Robert Dahl similarly argues that nationality differences within states limit participation for some citizens, thereby curbing the likelihood for a successful Polyarchy (1971: 110-111). Dahl’s empirical data supported his reasoning; among 114 polities, 58% with a low degree of subcultural pluralism, 36% with moderate pluralism, and only 15% with marked pluralism were considered polyarchies.

Bosnia Herzegovina is a plural society composed of three different ethnic groups, each defined in its own political space⁷². Furnivall (1956) defines plural societies as the societies in which different segments live side by side but separately within the same political unit. These segments mix with each other but do not combine. Bosniaks, Croats and Serbs of BiH have their own political and informal social networks with hardly any cross-cutting memberships, aside from professional environments⁷³. A second characteristic of plural societies, according to Lijphart (1977), is the relatively higher tendency for the breakdown of democracy. However, this is a qualitative statement based on the data that democracies exist mostly in nation-states. From such perspective, plural societies are deemed infertile territory for democracy.

Lijphart (1969) foresees three possible solutions to plural societies: assimilation, consociation and division. Consociationalism is a solution that aims to prevent both assimilation and the division of plural societies through the framework of democracy. The Dayton Constitution is an attempt to construct a working consociational democracy in post-conflict BiH. Indeed, as Basch (1998) has argued, if there is any chance for ethnic separation in a country, all political institutions must be overtly pluralistic for a democratic state to persist.

Evaluation of the Success of Consociationalism

According to Lijphart (1969), consociational democracies are characterized by four elements:

⁷² Ethnic groups in BiH call themselves 'narod', meaning 'nationalities'.

⁷³ See the discussion on the practice of Komsiluk as a form of informal social network

- (1) The formation of grand coalitions of the political leaders of all segments of plural societies.
- (2) The mutual veto that enables the concurrent majority rules to protect vital minority interests.
- (3) The proportionality in political representation, civil service appointments, and allocation of public funds.
- (4) A high degree of autonomy for each segment to run its own internal affairs.

Formation of Grand Coalitions in BiH

The first element is the formation of grand coalitions of the political leaders of all segments of plural societies. Consociational democracy is related to segmented pluralism (Lorwin, 1971) and concordant democracy (Lehmbruch, 1967). In a concordant democracy, conflict management is done by cooperation and agreement among different elites rather than by competition or majority decision. Lipset argues that the chances for a stable democracy increases as the cross-cutting membership within a homogenous political culture increases. Almond and Verba (1963) underlines the importance of the civic culture in which the political cultures operate. For political stability in consociational democracies, along with the segmented pluralism and concordant democracy, cooperation between the leaders of different groups transcending segmental and subcultural cleavages is crucial.

Bosnia Herzegovina is an ethno-federal state. In an ethno-federal state at least one constituent territorial governance unit is intentionally associated with a specific ethnic category (Roeder, 1991). In a typical federal state there are two levels of governance over

the same land and people. At each level there is at least one area of action in which it is autonomous. A guarantee of autonomy is given to each government with a minimum level of democracy (Hale, 2004). The Dayton Constitution makes sure that the executive powers vested at the state level are shared between the three constituent nations respectively. The three-member Council of Presidency is a fine example of a consociational arrangement; it consists of one Bosniak and one Croat, each directly elected from the territory of the Federation, and one Serb directly elected from the territory of the Republika Srpska⁷⁴. The bi-cameral Parliamentary Assembly of BiH is a further demonstration of the distribution of power among the constituent peoples, both in the House of People and in the House of Representatives. The aim of such a consociational arrangement, both in the composition and the functions of state level institutions like the Parliament and Presidency, is to ensure that the mutual security dilemma between the people of BiH that led to the conflict between 1992 and 1995 does not happen again.

Unfortunately, such a system of mutual checks and balances has not proven to be an efficient conflict management mechanism in post-conflict BiH for two reasons. Firstly, the state level bodies are structured on top of the entities; which means that without satisfying the political demands of the constituencies at the entity level, it is not possible for a politician to get elected to the state level executive bodies. The real power rests within the entity structures, locking the candidates in their immediate entity

⁷⁴ For further details on the form and function of the presidency, please see Article V of the 1995 Dayton Constitution, available at <http://www1.umn.edu/humanrts/icty/dayton/daytonannex4.html>

boundaries. This arrangement works more efficiently in the RS given the more or less ethnically homogenized population, but within the Federation, executive power is further diminished in favor of the ten cantons composed of varying degrees of multi-ethnicity.

This form of arrangement could, at first sight, be interpreted as making the national politics accountable to the grass roots⁷⁵. On the contrary, in post-conflict Bosnia where politics are ethno-politics, it eliminates the possibility of forming grand coalitions between the Bosniak, Croat and Serb politicians on national issues since all Bosnian politicians are accountable to their respective ethnic groups, not to the whole Bosnian society. Secondly, such delegation of executive power to the entity level makes the state level politics vulnerable to the good will of entity politicians. Good will politics as a concept is elusive in a post-conflict country where ethno-politics is the only game in town. Any chance for the development of good will politics at the state level is compromised with demands of loyalty by ethnic constituencies in BiH. As a result, as cited by four respondents in my field interviews, state level politics become *places for rivalry and strife among Bosnian politicians* (see Figure 3.2).

On these two grounds, the Dayton Constitution fails the first condition of consociationalism. This failure is visible in my findings from field interviews. Among the set of problems associated with the forms and function of the state structures, *demands for the change of the Dayton Constitution* was voiced very strongly by 21 respondents, followed by the *calls for the strengthening of the state-level institutions* (15 respondents)

⁷⁵ Lijphart sees the enhanced involvement of the local politics in the running of the regime as a positive side of Consociationalism. He argues that a higher level of democratic accountability is possible through this arrangement (1969).

and the *abolishment of the entity structures* (14 respondents) (see Figure 3.4). These demands make sense as BiH engages in closer relations with the European Union bodies on its integration process. The majority of the reforms, such as the reform on Police Structures, Higher Education and Public Broadcasting Services demanded by the European Commission, that were deemed necessary for the signing of a Stabilization and Association Agreement (SAA) are vested at the state level. However, the agreement on the need for these reforms by the Bosnian side is restricted by the need for good will politics of nationalist leaders. Even if such good will is generated through the influence and facilitation of the international community and the European Institutions, BiH would still be in *need of strong state structures* (6 respondents). Yet attempts for the creation of stronger state level institutions is understood by many in the Republika Srpska as a centralization push against the autonomy of the RS disguised as European Reforms, which they argue is against the consociational spirit of the Dayton Constitution. Four respondents from RS openly claimed that *centralization attempts do not and will not work*. Indeed, the language used by the RS politicians during and after the October 2006 elections reminded many of the irredentist jargon of Radovan Karadzic in 1991 and 1992.

The Dayton system, as a form of consociationalism, is not able to generate positive politics in post-conflict BiH. Multiple sovereignty is a sign of a possible collapse process in Bosnia where the contenders- Serbian parties from Republika Srpska appear to hold the state-level government captive, with a significant portion of the public committed behind the contender – a significant portion of the RS constituency and the state-level BiH government remains incapable of thwarting the threats of separation from

the RS political leadership. For that reason, the international community in BiH under the leadership of the OHR feels self-obliged to intervene in daily Bosnian politics to keep the system running. Such interventions by extra-systemic actors qualify the political regime in BiH as a controlled democracy, as discussed in more detail in this chapter. Below I continue the discussion of the Dayton Constitution with analyzing the practice of the vote of vital national interest.

Vital National Interest as practice of Mutual Veto in BiH

A second element of consociationalism is the mutual veto that enables the concurrent majority rules to protect vital minority interests (Lijphart, 1969). The mutual veto system can immobilize decision making if being used with bad intent. This has proven to be the case in Bosnia so far. The Dayton Constitution includes provisions that guarantee the protection of the ‘vital interests’ of three constituent peoples (Article IV.3.d)⁷⁶. The Constitution suggests the setting up of joint commissions comprised of 1 Bosniak, 1 Croat and 1 Serb to review decisions on the state level when a majority of one of the constituent nations voices the violation of its vital interests. The BiH Constitutional Court, whose composition and procedures reflect the consociational motive of the Dayton constitution (Article VI. 1 and 2)⁷⁷, acts as the final arbiter if the joint commission fails to come up with a solution.

⁷⁶ For further details on the procedures of the Parliamentary Assembly of BiH, please see <http://www1.umn.edu/humanrts/icty/dayton/daytonannex4.html>

⁷⁷ According to Article VI of the Dayton Constitution, the Constitutional Court is composed of 9 members. ‘Four members shall be selected by the House of Representatives of the Federation, and two members by the Assembly of the Republika Srpska. The remaining three members shall be selected by the President of the European Court of Human Rights after consultation with the Presidency’ with a majority of all members of the Court required to constitute a quorum.

The biggest difficulty in the application of vital national interests has been in the definition and protection of the principle which, to this date, resurfaces as a form of obstruction in the reform process. The failed constitutional reform process is a great example of how an element of consociationalism could create further crises among the constituents of the state if there is no agreement on the definition and scope of the concept. Before 2002 there were two types of constituent people in BiH: Croats and Bosniaks in the Federation, and Serbs in the Republika Srpska. The preamble of the Dayton Constitution recognizes Bosniaks, Croats and Serbs, along with the others, as the three constituent peoples of Bosnia Herzegovina. Yet Bosniaks and Croats were constituent peoples only within the territories of the federation, whereas they were recognized only as a minority in the RS proper. The same inequality of status existed for the Serbs who were constituent peoples in the RS, but a minority in the Federation. In March 2002, with the intervention of the OHR, parties were asked to bring the entity constitutions in line with the state constitution making all Bosniaks, Croats and Serbs constituent peoples in the entire territory of Bosnia Herzegovina. Article 4 of the Agreement on the Implementation of the Constituent Peoples' Decision of Constitutional Court of Bosnia Herzegovina of 2002 defines the vital national interests of the constituent peoples as follows:

Exercise of the rights of constituent peoples to be adequately represented in legislative, executive and judicial bodies, identity of one constituent people, constitutional amendments, organization of public authorities, equal rights of constituent people in the process of decision making, education, religion, language, promotion of culture, tradition and cultural heritage, territorial organization, public information system and other issues treated as of vital

(see http://www.ccbh.ba/public/down/USTAV_BOSNE_I_HERCEGOVINE_engl.pdf) .

national interest if so claimed by two-thirds of one of the caucuses of the constituent peoples in the House of Peoples or Council of Peoples.⁷⁸

An analysis of the failed constitutional reform process in 2006 could summarize how ‘vital’ is the phenomenon of national interest in Bosnian politics. The European Commission for Democracy through Law, the Venice Commission’s Opinion on the Constitutional Situation in Bosnia and Herzegovina and the Powers of the High Representative published in March 2006⁷⁹ defined the use of vital national interest as one of the greatest obstacles to efficient and effective governance in Bosnia. The commission recommended the abolishment of the House of Peoples and moving the VNI veto to the House of Representatives. Another recommendation was to replace the Council of Presidency with a single indirectly elected president who would act as head of state with a limited mandate, thus concentrating the executive power in the hands of the Council of Ministers. Building on the recommendations of the Venice Commission, a working group was set up comprising seven political parties from the three constituent peoples with the involvement of American and EU Institutions. After one year of negotiations, there was general agreement that the parliament needed to be streamlined and the House of Peoples’ mandate to be limited solely to reviewing legislation related to VNI issues as a part of the package agreed among five of the seven BiH political parties. Unfortunately, the constitution reform package did not pass in the BiH State Parliament; it was short two

⁷⁸ Article 4 of the Agreement of the Implementation of the Constituent People’s Decision of the Constitutional Court of Bosnia Herzegovina can be reached at <http://www.ohr.int/print/?content id=7274>

⁷⁹ The complete text of the Venice Commission Report can be reached at [http://www.venice.coe.int/docs/2005/CDL-AD\(2005\)004-e.asp](http://www.venice.coe.int/docs/2005/CDL-AD(2005)004-e.asp)

votes due to the last minute withdrawal of Haris Silajdzic's SBiH (Party for BiH), thinking it would rate better in the October 2006 elections.

The supremacy of the people's national interest over the interest of the individual citizen remains as problematic as ever. It is in contradiction with the European ideal of citizenship based on the rights and obligations of the liberal individual. My field research findings also indicate that two respondents have read the structures of vital national interest as an indication of the democracy deficit of BiH in the form of *tribal voting* (see Figure 3.5). A BiH citizen is not recognized just as a citizen of BiH, but also, and more importantly, as a member of one of the constituent peoples who have separate interests. The above mentioned Agreement on the Vital National Interest provides an expanded definition of vital national interest that underlines the separateness of the communities in BiH. If the constitution reform package passed in April 2006, it would have reduced the mechanism for the protection of vital national interest to one institution, but would not necessarily curb its scope. Constitutions operate on the legal rational level, but in post-conflict societies where the present 'constituent peoples' were enemies only a decade before, vital national interest is an institution of conflict management based on the separation of former combatants. A real change in the use of vital national interest could be possible through the good will of the political leaders of the constituent peoples.

Proportionality in BiH

The third element of consociationalism is the proportionality principle in political representation, civil service appointments, and allocation of public funds. The proportionality principle enables minorities access to public institutions. It can run

against the efficiency and meritocracy needed for public offices⁸⁰. In Bosnia Herzegovina there is not a question of minority, but a question of constituent peoples. The 2002 Agreement on the Vital National Interest actually aimed to correct the de-facto *minoritization* of constituent peoples in two entities. This is also one of the edges of the double-edged sword called the Dayton Constitution. The Dayton Constitution recognized the de-facto post-conflict territorial division of BiH among two entities, upon which de-facto minorities were created out of the populations that somehow remained despite the ethnic cleansing and forced migration policies during the war and in the immediate post-conflict era. The 2002 Agreement aimed at encouraging the rate of return of the internally displaced persons, during and after the war, to their former houses without any fear of being stigmatized as minorities, is in danger from discrimination under the tyranny of the majority population. Looking at Table 3.1 below, the highest minority returns happened in 2002.

Table 3.1 Minority return - by year⁸¹

| 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 |
|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| 67,445 | 92,061 | 102,111 | 44,868 | 14,199 | 5,326 | 2,974 |

Source: UNHCR Representation in Bosnia and Herzegovina

Therefore, the proportionality principle of consociationalism is not applicable in the BiH political setting in its literal sense, as in the shape of proportional representation

⁸⁰ Proportionality in representation, civil appointments and allocation of public funds at the state level in BiH results in a high level of perceived corruption in the eyes of the Bosnian public. BiH rated 93rd in the 2006 Corruption Perception Index of Transparency International. For further details, please see http://www.ti-bih.org/documents/20-02-2007/National_Integrity_System_Study_2007.pdf.

⁸¹ For further details, please see <http://www.unhcr.ba/return/T4-092006.pdf>

of the minorities in state structures. It is instead more focused on a somewhat coerced partnership among the constituent peoples in the execution of daily politics in the entities. The House of People in the Federation and the Council of People in the RS are institutions created with the intention of creating partners among the constituent peoples on the entity level structures. The negative side of such an arrangement is the slowing down of the decision making processes at the entity level.

Segmental authority

The segmental authority principle assumes a high degree of autonomy for each segment to run its own internal affairs. According to Lijphart (1969), this is essential for preventing possible demands for cessation by one of the segments. In Bosnia Herzegovina, the Dayton Constitution sets the political authority at the entity level, making the entity level authorities accountable for the regulation, generation and distribution of the finances and services within the entity territories proper.

Table 3.2: approval ratings of BiH political institutions

| Do you approve the work of? | | | | | | | | | | | | |
|-----------------------------------|------|------|------|------|----------------------|------|------|------|------------------------|------|------|-----------|
| Bosniak Majority Areas | | | | | Croat Majority Areas | | | | Serbian Majority Areas | | | |
| 2006 | Mar | Jun | Sep | Dec | Mar | Jun | Sep | Dec | Mar | Jun | Sep | Dec |
| FBiH Parliament | | | | | | | | | | | | |
| Yes | 46.2 | 43.7 | 44.0 | 43.9 | 41.3 | 36.8 | 36.5 | 47.4 | 47.9 | 26.3 | 45.7 | 48.8 |
| No | 42.8 | 33.3 | 40.3 | 39.4 | 45.8 | 32.6 | 44.9 | 27.9 | 31.3 | 40.9 | 34.8 | 36.1 |
| FBiH Government | | | | | | | | | | | | |
| Yes | 46.1 | 44.6 | 42.5 | 44.0 | 40.8 | 35.9 | 37.3 | 46.9 | 48.0 | 26.5 | 47.0 | 49.5 |
| No | 43.8 | 32.2 | 40.9 | 38.5 | 45.6 | 33.2 | 43.8 | 29.0 | 30.9 | 40.7 | 33.7 | 35.8 |
| RS National Assembly | | | | | | | | | | | | |
| Yes | 34.7 | 24.4 | 29.8 | 35.4 | 18.8 | 22.3 | 31.9 | 39.2 | 70.4 | 45.1 | 61.4 | 72.3 |
| No | 46.9 | 52.2 | 52.4 | 41.7 | 62.1 | 46.7 | 48.0 | 33.7 | 18.5 | 32.4 | 26.8 | 17.5 |
| RS Government | | | | | | | | | | | | |
| Yes | 33.8 | 23.5 | 29.2 | 35.0 | 19.5 | 23.5 | 31.4 | 36.9 | 75.6 | 52.3 | 68.1 | 74.5 |
| No | 46.7 | 53.0 | 52.8 | 42.3 | 61.8 | 44.8 | 48.2 | 34.2 | 15.4 | 27.9 | 21.1 | 15.7 data |

extracted from Table IIA from the UNDP Early Warning Annual Report 2006 on BiH

The Table 3.2 above indicates a significant level of consolidation of segmental authority within the Republika Srpska. The data from the survey points to a very significant level of support for the RS National Assembly (62.3% average support in 2006) and the RS Government (67.6% average support in 2006) in the Serbian majority areas. Whereas the average support for the Federation Parliament is 44.5% in Bosniak majority areas and 40.5% in Croat majority areas, which rates below the 50% approval threshold. The average support for the FBiH Government is, respectively, 44.3% in Bosniak majority areas and 40.3% in Croat majority areas. These findings demonstrate that there is a higher level of trust in the work of the Republika Srpska legislative and executive organs among its overwhelmingly Serbian majority population. The segmental authority within RS territories is consolidated. The work of the FBiH legislative and executive organs, on the other hand, falls below the 50% threshold of citizen approval and signifies disenchantment among the Croat and Bosniak constituencies.

For this reason, the reforms intended to strengthen the state level institutions can easily be shown as threats to the consolidated RS segmental authority by the RS politicians. On the contrary, these reforms are largely supported among the populace living in the FBiH. Yet with the demands of reform for stronger state level institutions by the international community, some of the powers had to be moved up to the state level⁸². Indeed looking at the findings from the list of structural problems from my field research, 14 respondents claimed that entities are one of the important structural problems, while

⁸² See the Venice Commission Report on the need to move competencies to the State Level for the EU accession negotiations.

10 respondents named the existence of RS. On the other hand 4 respondents emphasized the push for centralization as an important structural problem (See Table 3.3, 3.4 and 3.5).

Table 3.3 Entity Structures not working

| Entity structure not working | |
|-------------------------------------|----|
| Respondents | # |
| Bosnian Politicians | 2 |
| Bosnian Civil Sector | 3 |
| Intl Community | 3 |
| Intl NGO's | 2 |
| EU Commission | 2 |
| EUSR | 1 |
| EUHR | 1 |
| Total | 14 |

Table 3.4 RS is a problem

| Republika Srpska | |
|-------------------------|----|
| respondents | # |
| EUSR | 2 |
| EU Comm | 2 |
| Intl Comm | 2 |
| Intl NGO | 2 |
| Bosnian Politician | 1 |
| Bosnian NGO | 1 |
| Total | 10 |

Table 3.5 centralization push is counterproductive

| centralization push is counterproductive | |
|---|--------|
| respondents | # |
| Bosnian Civil Sector | 2 (RS) |
| Intl NGO | 1 |
| EU Commission | 1 |
| Total | 4 |

In the EU's negotiations with the country, Brussels needs a single interlocutor with the capacity to manage a wide array of issues in the *acquis communautaire*; the EU does not want to negotiate with two entities separately⁸³. According to a 2007 report of the International Crisis Group, the central government needs to be strengthened in order to create the conditions for an SAA and implement its conditions⁸⁴. At present, the state level government is too weak to conclude any binding agreements with the EU, CoE or ICTY⁸⁵. A study conducted by the Foreign Policy Initiative BH on governance structures in Bosnia Herzegovina calls for scaling down the competencies of the entities on legislative matters, strengthening the Council of Ministers with executive powers, transferring the legislative powers to the state on matters of shared competencies while entities retain the bulk of the implementation responsibilities.

⁸³ Opinion on different proposals for the election of the Presidency of Bosnia Herzegovina, European Commission for Democracy Through Law (Venice Commission), CDL-AD (2006) 004, Strasbourg, March 20, 2006.

⁸⁴ Further details on the report titled 'Ensuring Bosnia's Future: A New International Engagement History' dated February 2007 can be found at

http://www.crisisgroup.org/library/documents/europe/balkans/180_ensuring_bosnias_future.pdf

⁸⁵ Opinion on the Constitutional Situation in Bosnia Herzegovina and the Powers of the High Representative' European Commission for Democracy Through Law (Venice Commission). CDL-AD (2005) 004. Venice, March 11, 2005

Available at [http://www.coe.ba/pdf/CDL-AD\(2005\)004-e.pdf](http://www.coe.ba/pdf/CDL-AD(2005)004-e.pdf)

The European Partnership of the European Commission provides a list of key reforms to be completed by Bosnian officials to enable the signing of the Stabilization and Association Agreement. Most of these key priorities concern a form of strengthening state level institutions, such as ensuring that all state level ministries and institutions are adequately financed, operational and properly equipped, namely in terms of premises and staff; completing the *Public Administration Reform* by adopting and starting to implement a comprehensive action plan; creating a real internal market in Bosnia and Herzegovina and *Police Reform*. Out of these key priorities, police reform proved to be the most troublesome. The police reform process indicates how segmental authority means more than an administrative adjustment in a post-conflict society. Below is a brief analysis of the case.

The Case of Police Reform

The Guiding Principles of Police Reform (three requirements of the European Commission from Article 1 of the Agreement on Restructuring of Police Structures of October 2005) are as follows:

1. All legislative and budgetary competencies for all matters are to be vested at the State Level.
2. No political interference in the operational work of the police.
3. Functional local areas to be determined by technical policing criteria.⁸⁶

Police reform impacts the everyday life of ordinary citizens. The police, in comparison with the army, is much more connected with the culture, administrative

⁸⁶Available at http://www.ohr.int/ohr-dept/rule-of-law-pillar/prc/prc-keydoc/default.asp?content_id=36200

arrangement of the country, tradition and the laws of the country. A recent report of the International Crisis Group (ICG) claims that Bosnia Herzegovina has long needed substantive police reform (2005)⁸⁷. During the 1992-1995 war, the police were used as a key instrument of ethnic cleansing -- particularly in Republika Srpska (RS) and the Croatian areas of the Federation to build territories free from the other. The war left Bosnia with three police forces: Bosniak, Croat and Serb, each with its own jurisdictions. The first two have since joined, at least technically, but the RS has declined all efforts to reform its structures or integrate them with those of the other ethnic groups.

Among the three principles, two of them relate to the sovereignty concerns of the RS. The crossing of the Inter-Entity Border Line in ten different places is not understood as a technical matter of creating functional police areas, but as an attempt to destroy the territorial integrity of RS. An article by the relatively liberal media professional Vaskovic⁸⁸ in the pro-EU Patriot magazine is a good indicator of this bitter sentiment as he mentions a crucial detail: "There are now 12 existing police administrations (11 in the Federation, 1 in the Republic), under the new plan, there would be 10. This is no doubt an attempt to abolish the Republika Srpska" (Patriot Weekly Magazine. #168, May 9, 2005). It is easy to understand how the 'administrative rationalization' argument of the EU principle falls short of convincing a liberal opinion leader in the RS when the focus is not

⁸⁷ In September 2005, the International Crisis Group (ICG) published a report on Bosnia titled 'Bosnia's Stalled Police Reform: No Progress, No EU'. This document is available at http://www.crisisgroup.org/library/documents/europe/balkans/164_bosnia_stalled_police_reform_no_progress_no_eu.pdf

⁸⁸ Slobodan Vaskovic, editor-in-chief of the Banja Luka weekly Patriot, received telephone threats on May 29, 2004. An unidentified voice allegedly said, "You and your family, and your paper will fly up in the air in the next 24 hours if you don't leave the Republika Srpska instantly." (taken from the BiH report of the 2004 World Press Freedom Review By South East Europe Media Organization (SEEMO). Available at http://www.freemedia.at/cms/ipi/freedom_detail.html?country=/KW0001/KW0003/KW0052/&year=2004)

the ten times more complex Federation structure, but Republika Srpska. The proposed police reform inevitably looks as a centralization push by the European community disguised as cutting bureaucracy.

Another principle proposed by the police reform is the transfer of all legislative and budgetary competencies for all police matters to the state level. The essential part of this reform is the fact that local police forces will be responsible to the state and not to the local authorities, through the chain of command. According to the latest report produced by the Police Reform Directorate⁸⁹ on how to implement the ‘much-needed’ reform, local authorities such as the cantons in the federation, both entities and the Brcko district will have a right to control security but not to manage the police⁹⁰. This is not considered as an acceptable proposal by the RS leadership. The conclusion of the implementation plan by the Directorate for Police Reform was not received with the same tone of optimism in the RS as it was in the EU circles. According to the report, nothing dramatic will happen; the police officers, who are in Banja Luka today, will be maintained for the foreseeable future, and only the structure and the chain of command will be changed. The implementation plan foresees transitional periods for the changes to happen, which will last until the proper laws are adopted; a timeline of five years is given as the expected

⁸⁹ The Police Reform Directorate was established by the BiH Council of Ministers on December 8, 2005 following the Political Agreement on October 5, 2005 regarding Restructuring of Police Structures in BiH (available at http://www.ohr.int/ohr-dept/rule-of-law-pillar/prc/prc-key-doc/default.asp?content_id=36200/). The Directorate has been tasked with exploring options on how to make the implementation of the reform possible that is acceptable to all the parties involved (for further details on the composition of the directorate see <http://www.eupm.org/Documents/DPRI/Decision%20Establishing%20the%20Directorate%20for%20Police%20Restructuring%20Implementation%20ENG.doc>).

⁹⁰ The EU Special Rep and HR Schwartz Schilling celebrated the conclusion of the report and urged the acceptance of the report by Council of Ministers by March 2007 (see http://www.ohr.int/ohr-dept/presso/pressr/default.asp?content_id=38773/).

time of transition. It looks like the Directorate has reached a compromise. Yet maintaining the operational command of the police forces while giving up the control over the budget allocations of the RS police, still annoys the Social Democrat RSPM Milorad Dodik. Dodik clearly stated that Bosnian Serb leadership will not tolerate the loss of their police force and indicated they would agree only to a partial unification that would leave their interior ministry intact⁹¹ (2006). At this point, amid all the pretend optimism of the international community, the fate of police reform in Bosnia Herzegovina is still a big question mark. The RS leadership seems determined not to delegate the monopoly of violence to a higher body of governance.

The stand-off on the issue of Police Reform, initiated by the RS political elite against the Federation politicians and the international community, is an indication as to what extent the fourth element of the consociationalism has been embraced by the Serbian constituency (Eralp, 2007). Six respondents have pointed out that *the stand-off on the issue of police reform is a problem* associated with the form and function of the state structures in BiH. The main reason behind the recent prevalence of the issue of police reform is not the sudden dysfunctionality of entity structures, but drastic consequences of not having agreed upon the reform, namely lagging behind in the European integration process.

Previous polls conducted on police reform provide insight into the Bosnian public opinion on police reform over the past three years. A poll conducted by the Delegation of

⁹¹ “If we will have to choose between the European Union and the police of Republika Srpska, we will choose the police of Republika Srpska” (See RSPM Milorad Dodik’s comments in an interview published on October 31, 2006, available at http://www.bosnia.org.uk/news/news_body.cfm?newsid=2235).

the European Commission to BiH on July 2005 indicate an overall 74.3% aggregate support for the police reform (39.1% very much support police reform; 35.2 % support it somewhat; 9.1% were somewhat against; 10% were very much against). Another survey conducted by the Center for Security Studies in BiH *on the Perceptions of Citizens on Current Security Issues* undertaken in February and March 2004 provides somewhat different results, with 67% of people in the Federation (72% Bosniaks, 51% Bosnian Croats, 62.5% Bosnian Serbs) responding that a "unified (state-level) police" would positively affect security in their local areas, 30% of RS respondents agreeing and 22% stating that collective policing would worsen security⁹². Furthermore, results from the public opinion poll conducted in October 2005 by Dnevni Avaz show that although citizens are concerned about the cost of police reform and the consequent loss of jobs, 67% believe that the "five-year timeframe for the police reform implementation (...) should be shortened", while 28% of those polled are against a reduction of the deadlines⁹³

Ten respondents have indicated that *organized crime is a big threat to the stability of BiH*. Although such allegations of wide-spread corruption and organized crime were refuted by a state level Ministry of Security official in one of my field interviews, the international community insists on severe measures to tackle this problem⁹⁴. The European Security Strategy (ESS) paper of the European Council describes organized crime as one of the key threats to the EU, portraying it as an "internal threat" with an

⁹² Centre for Security Studies, Sarajevo: "Perceptions of Citizens on Current Security Issues".

http://www.css.ba/docs/survey_analysis.doc and <http://www.css.ba/research/results.html>

⁹³ EUPM PPID Daily Media Summary, October 25, 2005. Dnevni Avaz (Predominantly Bosniak Newspaper). Available at [http://www.eupm.org/Details.aspx?ID="68&TabID=5](http://www.eupm.org/Details.aspx?ID=)

⁹⁴ Interview with Officer D. from the State-Level Ministry of Security held on April 12, 2006 in Sarajevo.

“important external dimension” mainly as a component of the post-conflict regions and failed states (2003)⁹⁵. One of the main mandates of the European Union Police Mission (EUPM) in Bosnia is described as coordinating the policing aspects of the European Security and Defense Policy (ESDP) efforts in the fight against organized crime and assisting local authorities in planning and conducting major and organized crime investigations⁹⁶.

Table 3.6 satisfaction with the performance of the police

Were basically or entirely satisfied with police assistance received:

| Survey | Total | | Bosniak Majority | | Croatian Majority | | Serbian Majority | |
|--------|--------|-------|------------------|-------|-------------------|-------|------------------|-------|
| | 05/#4 | 06/#4 | 05/#4 | 06/#4 | 05/#4 | 06/#4 | 05/#4 | 06/#4 |
| In % | 39.9 | 47.5 | 41.4 | 12.3 | 29.3 | 66.8 | 66.3 | 85.6 |
| Index | 119.05 | | 29.71 | | 227.99 | | 129.11 | |

Data extracted from Table VII of UNDP Annual Early Warning Report 2006

Table 3.7 Account of police abuse

Experienced or witnessed the clear abuse of police authorities during the past six months

| Survey | Total | | Bosniak Majority | | Croatian Majority | | Serbian Majority | |
|-------------------|-------|-------|------------------|-------|-------------------|-------|------------------|-------|
| | 05/#4 | 06/#4 | 05/#4 | 06/#4 | 05/#4 | 06/#4 | 05/#4 | 06/#4 |
| In % | 7.2 | 6.5 | 6.3 | 3.7 | 18.9 | 15.9 | 4.8 | 6.9 |
| Index 06/#4-05/#4 | 90.3 | | 58.7 | | 84.1 | | 143.8 | |

Data extracted from Table XII of UNDP Annual Early Warning Report 2006

⁹⁵ For further details on the discussion of Organized Crime in European Security Strategy, please see <http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>

⁹⁶ Mandate of the EUPM in BiH can be reached at <http://www.eupm.org/Our%20Mandate.aspx>

Corruption and Segmental Authority

Segmental authority creates huge bureaucracies with expensive mechanisms. In an ethno-federal consociational system like the one in BiH, bureaucracies both at the state level and the entity level become a place for political rivalry and a means for political control. The political rivalry demonstrates itself via connections with organized crime networks. One of the clusters of problems driven from my field research findings also indicates a problem of *politicization of the system* (see Figure 3.6). This is an observation of the consequence of the *general desperate living conditions* in BiH (six respondents have pointed out desperation as another structural problem in BiH). Bosnia rated 62nd among 171 countries in the Human Development Index (HDI), just above Mauritius, in the group of high HDI countries⁹⁷. This is actually not that bad for a post-conflict country when Russia rates 65th and Turkey is 92nd, both Council of Europe members. Below is a table indicating the perception of corruption in different layers of governance in BiH.

⁹⁷ http://hdr.undp.org/hdr2006/statistics/countries/country_fact_sheets/cty_fs_BIH.html

Table 3.8 perception of corruption at different levels of politics
How widespread do you think corruption (understood as taking bribes and abuse of office for personal gain) in the following institutions? (in %)

| | Bosniak Majority | | | | Croatian Majority | | | | Serbian Majority | | | |
|-----------------------------|------------------|---------|---------|---------|-------------------|---------|---------|---------|------------------|---------|---------|---------|
| | Mar 06. | Jun 06. | Sep 06. | Dec 06. | Mar 06. | Jun 06. | Sep 06. | Dec 06. | Mar 06. | Jun 06. | Sep 06. | Dec 06. |
| BiH Presidency | | | | | | | | | | | | |
| Not at all | 1.3 | 1.3 | 2.9 | 3.8 | 1.5 | 0.6 | 2.5 | 8.3 | 4.6 | 0.8 | 1.1 | 6.8 |
| A little | 12.9 | 15.3 | 11.6 | 14.4 | 22.9 | 10.2 | 11.4 | 17.5 | 9.0 | 11.4 | 13.5 | 16.9 |
| Moderate | 18.3 | 16.3 | 14.7 | 14.6 | 32.1 | 19.7 | 10.9 | 16.3 | 26.9 | 15.5 | 14.2 | 23.0 |
| Fairly | 28.0 | 26.6 | 29.0 | 22.4 | 25.3 | 27.7 | 21.9 | 22.9 | 24.9 | 36.6 | 34.6 | 26.4 |
| Very | 39.5 | 40.4 | 41.9 | 44.8 | 18.2 | 41.8 | 53.3 | 35.0 | 34.5 | 35.7 | 36.6 | 26.9 |
| Total | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 |
| BiH Parliament | | | | | | | | | | | | |
| Not at all | 1.1 | 0.9 | 1.9 | 2.2 | 1.8 | 0.8 | 3.1 | 7.1 | 4.4 | 1.2 | 0.8 | 5.0 |
| A little | 12.9 | 15.3 | 12.3 | 14.0 | 23.1 | 13.2 | 8.3 | 15.6 | 9.8 | 12.1 | 12.8 | 16.2 |
| Moderate | 17.2 | 15.9 | 14.1 | 15.4 | 32.0 | 16.5 | 12.5 | 18.8 | 26.0 | 16.0 | 15.2 | 24.7 |
| Fairly | 30.0 | 28.0 | 29.5 | 23.5 | 28.2 | 28.0 | 23.7 | 22.9 | 26.0 | 35.8 | 35.3 | 28.0 |
| Very | 38.8 | 39.9 | 42.2 | 44.9 | 14.9 | 41.5 | 52.3 | 35.7 | 33.8 | 34.9 | 35.9 | 26.1 |
| Total | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 |
| Council of Ministers | | | | | | | | | | | | |
| Not at all | 1.1 | 1.6 | 1.9 | 2.0 | 2.0 | 0.7 | 3.1 | 6.5 | 4.2 | 1.0 | 0.8 | 5.0 |
| A little | 13.9 | 15.0 | 11.5 | 13.9 | 21.4 | 8.2 | 8.2 | 14.2 | 9.5 | 12.0 | 12.6 | 14.3 |
| Moderate | 15.3 | 15.6 | 14.0 | 15.7 | 33.3 | 19.6 | 12.6 | 19.5 | 24.9 | 17.0 | 15.3 | 25.5 |
| Fairly | 31.6 | 29.3 | 29.1 | 21.7 | 28.2 | 27.2 | 24.8 | 24.8 | 24.5 | 35.3 | 33.9 | 27.8 |
| Very | 38.2 | 38.6 | 43.6 | 46.8 | 15.2 | 44.4 | 51.3 | 35.1 | 36.9 | 34.7 | 37.4 | 27.5 |
| Total | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 |
| FBiH Parliament | | | | | | | | | | | | |
| Not at all | 1.1 | 1.3 | 2.3 | 1.4 | 1.3 | 0.7 | 2.5 | 6.4 | 4.3 | 1.1 | 0.8 | 5.8 |
| A little | 12.4 | 15.1 | 11.5 | 13.0 | 22.8 | 9.6 | 9.9 | 14.3 | 10.7 | 12.8 | 11.4 | 16.2 |
| Moderate | 17.0 | 16.1 | 14.0 | 15.8 | 32.8 | 20.0 | 12.2 | 20.3 | 25.2 | 15.8 | 14.3 | 23.8 |
| Fairly | 29.9 | 28.9 | 27.9 | 23.1 | 28.7 | 28.2 | 23.1 | 23.2 | 25.8 | 35.3 | 37.7 | 25.4 |
| Very | 39.6 | 38.6 | 44.4 | 46.7 | 14.3 | 41.6 | 52.5 | 35.7 | 34.0 | 35.1 | 35.8 | 28.8 |
| Total | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 |
| FBiH Government | | | | | | | | | | | | |
| Not at all | 0.9 | 0.9 | 3.0 | 1.6 | 2.9 | 0.7 | 2.6 | 6.0 | 4.2 | 1.1 | 0.8 | 4.7 |
| A little | 12.2 | 15.5 | 11.6 | 12.1 | 19.0 | 11.6 | 8.7 | 15.0 | 8.2 | 11.5 | 10.6 | 15.4 |
| Moderate | 14.4 | 15.1 | 13.1 | 14.5 | 33.3 | 15.7 | 12.8 | 18.1 | 24.0 | 16.6 | 14.2 | 20.9 |
| Fairly | 32.2 | 29.4 | 27.2 | 23.6 | 27.4 | 29.3 | 21.5 | 23.4 | 6.4 | 35.0 | 37.6 | 28.8 |
| Very | 40.3 | 39.0 | 45.2 | 48.1 | 17.4 | 42.8 | 54.4 | 37.5 | 37.1 | 35.9 | 36.7 | 30.2 |
| Total | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 |
| RS National Assembly | | | | | | | | | | | | |
| Not at all | 0.7 | 0.8 | 2.3 | 2.3 | 1.1 | 0.8 | 2.4 | 5.0 | 4.0 | 1.7 | 1.3 | 8.3 |
| A little | 12.0 | 13.5 | 8.9 | 11.3 | 15.1 | 9.5 | 9.2 | 14.8 | 10.6 | 11.0 | 10.5 | 18.8 |
| Moderate | 11.7 | 13.1 | 11.7 | 11.5 | 36.6 | 12.8 | 11.1 | 17.0 | 26.1 | 19.5 | 14.3 | 25.5 |
| Fairly | 29.1 | 26.0 | 26.1 | 19.6 | 28.2 | 27.7 | 22.0 | 25.1 | 26.3 | 34.8 | 40.5 | 27.5 |
| Very | 46.5 | 46.7 | 51.0 | 55.3 | 19.0 | 49.2 | 55.2 | 38.1 | 33.0 | 33.0 | 33.4 | 19.9 |
| Total | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 |
| RS Government | | | | | | | | | | | | |
| Not at all | 0.5 | 0.9 | 2.1 | 1.9 | 0.7 | 0.7 | 3.8 | 5.1 | 4.6 | 1.8 | 2.1 | 7.9 |
| A little | 12.2 | 13.4 | 7.8 | 12.3 | 14.6 | 10.6 | 7.9 | 12.9 | 8.5 | 11.2 | 11.4 | 18.1 |
| Moderate | 12.0 | 13.0 | 11.9 | 11.5 | 38.0 | 13.4 | 12.1 | 17.8 | 23.8 | 20.7 | 14.5 | 26.6 |

| | | | | | | | | | | | | |
|--------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| Fairly | 29.8 | 25.1 | 27.1 | 19.6 | 26.6 | 26.6 | 21.3 | 25.4 | 27.9 | 32.5 | 38.8 | 26.5 |
| Very | 45.5 | 47.6 | 50.9 | 54.7 | 20.1 | 48.7 | 54.9 | 38.9 | 35.2 | 33.9 | 33.3 | 21.0 |
| Total | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 |

Data extracted from Table IVA of the UNDP Early Warning Annual Report 2006⁹⁸

The analysis of the data demonstrates a significant lack of public trust in the state and entity level executive and legislative organs. All of the constituencies surveyed view state level legislative and executive institutions as highly corrupt (average corruption perception ratings are 69% for Bosniaks, 61% for Croats and 64% for Serbs). The Bosniak constituency turns out to be the most pessimistic group in their perception of corruption. One significant finding is that both the Bosniaks and Croats perceive the RS institutions as more corrupt than the Federation institutions. 75% of Bosniaks consider the RS Government and RSNA corrupt, compared to a 70% corruption perception for the Federation. Similarly, 66% of the Croat constituency surveyed perceives the RS Government and RSNA as corrupt, whereas the corruption perception rate is at a lower value of 62% for Federation institutions. Similarly, the Serbian constituency surveyed has a corruption perception of the Federation Parliament and the Government at a 66% average, compared to the lower value 62% for the RS legislative and executive organs⁹⁹.

The findings are not very surprising when the irrational sprawl in the legislative and executive organizations in many levels of governance is taken into consideration.

⁹⁸ Ibid. see footnote 25

⁹⁹ A more detailed layout of the Corruption Perception Rates (including only fairly and very corrupt) is as follows:

For BiH Presidency: Bosniaks 68.2%, Croats 61.5%, Serbs 64%
 For BiH Parliament: Bosniaks 69.3%, Croats 61.8%, Serbs 64%
 For Council of Ministers: Bosniaks 69.7%, Croats 62.8%, Serbs 64.5%
 For FBiH Parliament: Bosniaks 69.3%, Croats 61.8%, Serbs 64.4%
 For FBiH Government: Bosniak 71.3%, Croats 63.4%, Serbs 67%
 For RSNA: Bosniaks 75%, Croats 66.2%, Serbs 62.1%
 For RS Government: Bosniaks 75%, Croats 65.7%, Serbs 62.3%

There are 155 ministers at various levels¹⁰⁰. A large number of these ministries are in the Federation, which to a certain extent might explain why the Bosniak constituency has the highest rate of perception of corruption among the others. Another observation is the apparent mirror imaging in both the Federation and the RS.

Under consociationalism, governance becomes the same thing with the regime. Governments' successes are interpreted as the success of the regime. The high perception of corruption on all levels of politics in Bosnia puts the success of the consociational regime in question as well. The political and social stability indicators become indicators of the democratic quality in the country also. The following two sections on controlled democracy and competitive authoritarianism attempt to categorize the form of the BiH political regime. The aim is to provide insight on the limits of political action defined by the international community and the ethno-politics of the country.

3.2.3 International Community and Democratic Practice in BiH

Controlled Democracy and Competitive Authoritarianism

According to Bojkov (2003), the main elements of 'controlled democracy' are as follows:

(1) imposition of controlled democracy is legitimized through reference to the security and welfare of the citizens of the polity and the inability of local politicians to achieve those objectives; (2) controlled democracy is most cost-effective in small states - and hence more likely to be attempted within a small state; (3) control together with conditionality is exerted and sanctioned by western liberal democracies; (4) there are domestic institutions of decision making that meet the fundamental procedural requirements for democracy; (5) there exists a framework

¹⁰⁰ There are nine ministries at the State Level. At the Federation of Bosnia and Herzegovina, there are 16 ministries at the entity level. The Federation has 10 cantons, each of which has 12 ministers, which makes a total of 120 ministers. There are 10 ministers in Republika Srpska and the total number of ministers all over Bosnia adds up to 155.

of permitted domestic action. If it is respected, control becomes monitoring, and vice versa. Unlike in the case of conditionality; (6) there is *no universally agreed international norm or implementing mechanism.* Consistency is logically lacking because power politics and foreign policy considerations often trump altruism; (7) *the exerted control is not unilateral.* There is agreement on basic principles of action among the actors involved; however, institutional conflict is not precluded; (8) paradoxically, *the ultimate goal of controlling democracy is to strengthen domestic democratic political mechanisms and institutions* and to engender mutual trust on the part of politicians and citizens that the only viable way to adjust differences is through a political process within the rule of law and through respect for human rights; (9) *stability and security is an equally, at times even more, important goal and a potent guiding principle of action* (43, emphasis added).

Controlled democracy implies a hierarchical relationship between the international community and the BiH politicians built around the question of how domestic sovereignty should function in Bosnia. The constructivist school of international politics describes sovereignty as a social fact or social kind (Wendt, 1999; Bhaskar, 1979). Sovereignty is conceptualized as a reproduction of the system through practice. Christian Reus-Smit (1999) claims that throughout the course of history, the meaning and practice of sovereignty has changed and varied even within relationships in which the parties are clearly not subordinate to a common authority. In Bosnia, controlled democracy as a social fact is the basic premise upon which political actors condition other behaviors. The authoritarian behavior of the political actors in Bosnia is reinforced by the authoritarianism of the international community. In that respect, the competitive authoritarianism of Bosnian political practice fits perfectly with the enlightened authoritarianism of the International Community, making domestic sovereignty in Bosnia the space of intersection between these two authoritarianisms.

Extent of Control

Linz and Stepan (1996) claim that international governments are most successful when:

1. The state has not failed and state institutions have remained largely intact
2. The incumbent regime, although de-legitimated, still exerts a high level of control on the means of violence and other state institutions of legal rational aspiration
3. The conflicting parties are bound to foreign patrons who are united in their desire to end strife and influence the behavior of rival leaders and factions
4. The conflicting parties are interested in accommodating each other democratically and are encouraged to do so by foreign patrons
5. The presence of a symbolic control authority figure respected by all parties and population bolsters the thread of communication (64).

Initial Period

The element of control was at the core of the International Community's strategy in BiH from the beginning. The content of the General Framework Agreement for Peace (GFAP) defines post-conflict Bosnia and Herzegovina as a state with a democratic political system that emphasizes the definite involvement of foreign actors in BiH politics, and sets a well-defined framework and guidelines for political action.

For clear reasons, right after the war, control was first directly exercised by the interim administration before any elections took place. As for the electoral process, the OSCE, mandated under Annex 3 of the Dayton Agreement, did not allow the participation of overtly nationalist candidates, barred propaganda that had ethnic hatred elements and devised electoral rules against the three powerful nationalist parties. The OSCE aimed to make sure that political representation in Bosnia and Herzegovina met the criteria of inclusive nationalism, reconciliation, support for reforms, respect for GFAP and, where possible, return to a non-conflictual political *modus operandi* in existence before the discourse of secession took hold (Bojkov, 2003). The HR, alternatively, was designated with the mandate of monitoring, maintaining contacts, coordinating activities and periodically reporting (see Annex 10 of GFAP, Article 2.1). Yet the victory of the

nationalist parties in the first post-war elections in 1996 proved the futility of such precautions.

The rush of the International Community to hold general elections in Bosnia at such an early stage in the post-conflict period is a point of contestation. Bojkov (2003) underlines two main reasons. The first reason is the liberal conviction of the international community on the healing dimension of democracy. In that respect, the ballot box was introduced to replace the attraction of political violence as soon as possible (Pugh, 2000: 4). Secondly, the international community in BiH, with its expansive involvement at the time, wanted to legitimize its presence by building contacts with democratically elected Bosnian politicians.

Bonn Powers and Their Use

At the Bonn meeting in 1997, the Peace Implementation Council (PIC) revised Annex 10 of GFAP significantly and gave the High Representative the mandate to make “*binding* decisions, as he judges necessary, on the following issues:

- (a) Timing, location and chairmanship of meetings of the common institutions;
- (b) Interim measures to take effect when parties are unable to reach agreement, which will remain in force until the Presidency or Council of Ministers have adopted a decision consistent with the Peace Agreement on the issue concerned;
- (c) Other measures to ensure implementation of the Peace Agreement throughout Bosnia and Herzegovina and its Entities, as well as the smooth running of the common institutions.

Such measures may include actions against persons holding public office or officials who are absent from meetings without good cause or who are found by the High Representative to be in violation of legal commitments made under the Peace Agreement or the terms for its implementation (Article 11.2)¹⁰¹.

¹⁰¹ Paragraph XI.2 of the Conclusions of the Peace Implementation Conference held in Bonn on December 9 and 10 is available at http://www.ohr.int/pic/default.asp?content_id=5182#11

The decision of the PIC in Bonn concentrated the legislative, judicial and executive authority in the hands of the high representative of the international community without any legal accountability to the democratically elected Bosnian officials and Bosnian society. The scope of execution of the Bonn Powers cuts across all levels of government in BiH producing an extraordinary pool of horizontal and vertical power at the will of the High Representative. Initially, the use of the Bonn Powers was instrumental in the development of state level institutions and the implementation of the Dayton Peace Agreement as planned. In later stages, the focus of the use shifted more to the *promotion and imposition of effective governance* of the country. Each successive High Representative used the Bonn powers more frequently, and in a changing scope, from implementation of the DPA to undemocratic management of the country. Below is a review of how each successive High Representative made use of the Bonn Powers.

Carlos Westendorp (June 1997-July 1999)

Westendorp interpreted the use of the Bonn powers mainly to put together the most fundamental building blocks of a state: the identity of a state; the identification of symbols and the integration of legislations of the state (such as the citizenship law, the flag, the national anthem, currency, license plates, etc.), and to dismiss local officials who blocked the return of the refugees or the aforementioned reforms. Westendorp handed down an average of four impositions a month.

Wolfgang Petritsch (August 1999- May 2002) Period

This figure was tripled under Petritsch. From 2000 and onwards, the trend towards using the OHR's mandate on other reforms became more visible, as decisions targeted the setting up of new state institutions (i.e. State Border Service) and reforming the socioeconomic environment (reforms on wage taxes, privatization, payment systems, etc.). The individuals removed from office were no longer mostly community level officers, but included politicians who were obstructing economic and media reforms and privatization. The 2001 clampdown on the initiative for a third Croat entity is also an important milestone showing the use of the Bonn powers as an instrument for maintaining the constitutional basis and balance of the DPA¹⁰².

The rate has nearly tripled in annual terms as well: The year 2001 saw 54 OHR decisions, while 2002 witnessed 153 such actions. On April 4, 2002, the OHR abruptly suspended every single judge and public prosecutor in the country, "pending the restructuring of the judicial system."

Paddy Ashdown Period- 'King Paddy' (June 2002- January 2006)

On June 14, 2002, the FBiH finance minister was removed on the grounds that he failed to stand down despite allegations of involvement in a procurement scandal. The head of BiH's intelligence agency was fired without the public presentation of any evidence. As 2003 began, the PIC granted the OHR expanded powers to veto nominees

¹⁰² The Croat member of the BiH Presidency, Ante Jelavic, was removed from office for promoting a separate Croat Entity along the lines of the war-time Croat mini-state inside BiH. At the same time, the financial heart of the self-government movement, the Hercegovacka Banka, was put under international administration (Decision of the OHR, March 7, 2001. The text of the decision can be found at http://www.ohr.int/decisions/removalssdec/default.asp?content_id=328).

for numerous posts across a wide range of ministries and agencies. A few weeks later came word that the newly formed European Union Police Mission, which had taken over from the UN International Police Task Force, would have the power to recommend removals to the OHR.

Paddy Ashdown, former head of the Liberal Party in the UK, who served as the High Representative between May 2002 and February 2006, was imposing about 14 decisions each month. HR Ashdown used the powers 307 times (June 2002 - July 2004): 91 times in 2002, 96 in 2003, and 120 in the first seven months of 2004¹⁰³. He used the Bonn Powers in specific issue areas, such as defense reform, police reform, taxation reform and education reform (Lexau, 2004). He further introduced new standards for “political responsibility” with the 2002 dismissal of the fBiH Finance Minister. It is unclear whether Bosnian politicians are responsible to their electorate or to the High Representative who can remove elected officials and can judge the higher good for the Bosnian public. The reason for removing someone from a public position was no longer obstructionism of the Dayton Peace Agreement, but violation of European standards of ethics and failure to maintain the confidence of the general public. This principle was said to be part of the wider activities to bring more transparency, accountability and professionalism into the public sector. In the latter instance, the High Representative acts as a president or head of state more than an international overseer.

¹⁰³ Ashdown’s predecessors resorted to the Bonn Powers 323 times between December 1997 and June 2002: 1 in 1997; 31 in 1998; 90 in 1999; 86 in 2000; and 62 in the first half of 2002. The last in-house comprehensive look by the OHR was conducted in July 2004. It would not be difficult to continue the count beyond July 2004, using the OHR website.

However, many impositions have been relatively routine. Others have served to "split the difference" or "go the extra mile" in finishing off almost-agreements or compromises (interview with an OHR Official on March 2006). These are the so-called "soft impositions"¹⁰⁴. Ashdown's use of the Bonn Powers to impose or amend laws declined over time, while removal decisions increased, largely because of the spate of ultra nationalist SDS (Serb Democratic Party)/ PIFWC (Persons Indicted for War Crimes)-supporter removals in 2004. For this reason, Ashdown was criticized by some for playing the "European Raj" in Bosnia with no checks on the use of Bonn Powers (Knaus and Martin, 2003). The scope of the use of the Bonn Powers no longer included the violation of DPA, but daily governance issues like determining the sales tax which, in an EU aspirant country like BiH, should be the task of the government. Ashdown's supporters within the OHR defend his period by saying the impositions have been used more as an instrument to initiate, encourage and accelerate reforms, rather than as a negative sanction. But this does not change the fact that governance of Bosnia is done by the international community, for the Bosnians, in spite of the Bosnians, and that the Bonn powers further deepen the sovereignty deficit of the country. The OHR legitimized its intervention through coercion and the threat of coercion on daily Bosnian politics. It

¹⁰⁴ A good example in this respect is the decision on constitutional amendments in the RS and fBiH. The decision was based on the rulings of the Constitutional Court of BiH, judging on a motion from the late President Izetbegovic that declared several provisions of the entities' constitutions as discriminatory and not in line with BiH's constitution (Lexau, 2004). The Constitutional Court's final ruling gave all three constituent peoples (Bosniaks, Serbs and Croats) equal rights in both entities instead of imposing the whole legislative gap by amending a few provisions on which the entity legislators were unable to agree despite extensive political negotiations (Lexau, 2004). This was one of the "soft impositions". It may be noted that this was probably possible only because the BiH political leadership already knew the "hard impositions".

forced EU standards on a semi-sovereign country that has not been allowed to govern itself by the international community.

Christian Schwartz-Schilling (February 2006- June 2007)

‘Clear failure’ is the right term that could summarize the time of Christian Schwartz-Schilling in the Office of High Representative. The failure of the OHR policies during the term of Schwartz-Schilling became more apparent as 2006 proved to be a bad year for reforms in Bosnia. One of the main miscalculations of the HR was ignoring the fact that 2006 was a year of general elections when BiH political parties traditionally resort to nationalist rhetoric. In post-conflict societies, regeneration of constructive relations between the former combatants is of grim importance. The election processes and the language used in the elections are indicative of the progress towards the normalization of politics in the country (Pugh 2004). The former high representative Christian Schwartz-Schilling, from his first day in office, emphasized his intention to leave the Bosnian politics to Bosnian politicians indicating that ‘elections are the crowning moment in any democracy. It is not the selection of the new High Representative but the choices of the voters of this country that will determine how this country will be governed’¹⁰⁵.

On March 16, 2006, in a speech to the OSCE Permanent Council in Vienna, Schwartz-Schilling reiterated his position with regard to the Bonn Powers very clearly:

I have made it clear that I *will* use the Bonn Powers without hesitation should this be necessary to maintain peace and stability or to further BiH’s cooperation with

¹⁰⁵ This text is extracted from HR Schwartz-Schilling’s first public appearance on Bosnian TV on January 31, 2006. For further details, please see http://www.ohr.int/ohr-dept/press/presssp/default.asp?content_id=36501.

the ICTY. I have made it equally clear that I will *not* use the Bonn Powers for anything else... The days when OHR micromanaged the political process in BiH by using – or simply by threatening to use – the Bonn Powers are over... *We are entering an era where if BiH politicians make mistakes, the International Community in general, and the OHR in particular, will not step in to make things right.* There are two possible responses to this:

- BiH Political leaders can make mistakes and then blame the IC for doing nothing to minimize the consequences of these mistakes.
- Or they can work more conscientiously to avoid making mistakes.¹⁰⁶ (emphasis added).

It seems that the High Representative missed a third option, which is that BiH politics can exist only in the form of ethno-politics. Following the failure of the constitutional reform package in the State Parliament in April 2006, the Federation and RS politicians declared war on each other. In June 2006, the Montenegrin independence process led to calls for a referendum for independence by the RSPM Dodik, which were countered by demands for the abolition of RS as a genocidal state by the Bosniak political elite. The demands for special status for the city of Srebrenica after the ICJ's decision in February 2007 that genocide was committed in Srebrenica led to a further game of mutual accusations and insults between the Federation and the RS. The persistent lack of progress on the issue of police reform is also another indication that BiH politics has not transformed into normal politics based on discussion of issues.

In June 2006 the International Community decided to take the risk and initiated the process of phasing out the Office of High Representative. The Steering Board meeting of the Political Directors of the Peace Implementation Council openly declared

¹⁰⁶ Schwartz-Schilling's speech can be found at http://www.ohr.int/ohr-dept/pressop/presssp/default.asp?content_id=36763

that the OHR was going to be closed down by June 2007¹⁰⁷. Schwartz-Schilling argued for not necessarily terminating the international community's presence in BiH, but rather transfer of some of the OHR competencies to an expanded EUSR without the Bonn Powers¹⁰⁸. The turn of events before and following the general elections had forced the optimistic Schwartz-Schilling to change his mind about phasing out the OHR and the Bonn Powers. His last report to the UN Secretary General proved his newest conviction before he left BiH for good:

The highly divisive and occasionally inflammatory rhetoric that characterized the election campaign put my resolve to promote domestic ownership to the test; but it also made it possible to make a realistic assessment of the extent to which the domestic political establishments could take on ever-increasing responsibility for their own country's affairs. Only by establishing the reality of the situation in BiH did it prove possible to identify the mechanisms that will be required in future to assist this country in completing its transition from post-communist and post-war fragility to Euro-Atlantic integration and security.¹⁰⁹

Miroslav Lajcak (July 2007-present)

Miroslav Lajcak's first priority when he took the seat of the HR was to have BiH sign the SAA with the European Commission. For that the biggest obstacle was the lack of goodwill between the politicians to move forward with the necessary reforms. The most important of such reforms as argued above is the Police Reform. Lajcak followed a

¹⁰⁷ The Steering Board of the Peace Implementation Council at its meeting in Sarajevo on June 23, 2006, has indicated the board agreed to review and confirm in early 2007 the OHR closure, taking into account the overall situation in BiH and the region (available at http://www.ohr.int/pic/default.asp?content_id=37503).

¹⁰⁸ The Communiqué of the Steering Board on June 23, 2006, also talks about the creation of a reinforced EUSR: "The EU has decided in principle to reinforce its presence in BiH in the context of the closure of the OHR. The Steering Board welcomed this decision and expressed the view that this could include a role for the EU Special Representative in coordinating meetings of the IC and engaging with BiH counterparts on a range of issues, including maintaining peace and stability and facilitating the continued reform process, including constitutional reform" (taken from the website http://www.ohr.int/pic/default.asp?content_id=37503).

¹⁰⁹ The 31st Report of the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina to the Secretary-General of the United Nations dated May 16, 2007, is available at http://www.ohr.int/other-doc/hr-reports/default.asp?content_id=39813

policy of active engagement in Bosnian politics compared to his predecessor. Rather than using the threat of Bonn powers he tried to create neutral platforms on which politicians from the RS and the Federation could discuss their differences on the implementation of the demanded Police Reform and try to find common ground. HR Lajcak embraced the role of an honest broker promising to the Bosnian politicians that he could convince the European Commission to move forward with the SAA once there is a show of goodwill by the politicians. Another tactic he used during this process was to underline the approaching deadline for an agreement. He associated himself with the EU integration prospect of BiH very clearly in his press declarations and public appearances. In the face of rising ethnic nationalism following the failure of the April 2006 partial constitutional reform package and the reaffirmation of the ethno-political authoritarian structure in October 2006 general elections it was his policy to turn the signing of the SAA as a panacea against nationalist politics.

As the representative of the international community Lajcak managed to give a clear signal to Bosnian politicians that it was their last chance if they were sincere about taking BiH into EU. A last minute deal among the Bosnian politicians known as the Mostar Declaration that outlined the basic features of Bosnian police structure in future was deemed satisfactory by the European Commission to advice that BiH could sign the SAA with the EU. The international community hailed the agreement as a success and a turning point for BiH. Yet during the months followed Bosnian politics remained as nationalistic and oppositional as ever.

Lajcak's policy of active engagement did not bring the much needed momentum for European reforms. There are two reasons for that. Firstly the international community's focus in the Western Balkans had been focused on handling of the final status of Kosovo during this period. As a result the international community was not too pressing on the Bosnian politicians to implement the reforms. Secondly Lajcak predicted the positive impact of the signing of the SAA on Bosnian politics too optimistically. His "take it or leave it" rhetoric become less fruitful once the Bosnian politicians realized that the European Commission is not interested in the implementation of the reforms but on occasional shows of goodwill for reforms. HR Lajcak did not choose to remove the nationalist leaders from office in the heated nationalist political debate between President Haris Slajdzic and RSPM Milorad Dodik to show that it is the Bosnian politicians themselves to handle their problems. Nonetheless as nationalist politics are becoming more of a political reality as the pre-war BiH conciliatory warnings of the High Representative not supported with coercive measures find lesser audience.

Do the Bonn Powers make BiH a protectorate?

The Dayton Peace Agreement fortified the Office of High Representative with the facilitative powers of monitoring, maintaining close contact, coordinating the activities of civilian organizations and agencies and periodically reporting on a political process for the way to eventual reconciliation and full domestic ownership of politics (GFAP, Annex 4, Article 2.1). The consociational essence of the DPA necessitated such involvement of the international community. The Bonn Powers were devised only after the 1996 elections brought the hard-line nationalists to power, with whom eventual reconciliation

looked impossible. The introduction of the Bonn Powers can be interpreted as the self-realization of the international community that the system set up in Dayton, with a facilitator role for the international community, was not feasible. Local democracy in BiH needed to be shaped in a way to bring moderates to power in subsequent elections. The mandate of the High Representative for imposing interim measures, for example, comes into force when BiH political parties fail to reach an agreement with each other. In that respect, the Bonn Powers can be understood as a part of a correction mechanism in case of political action that is thought to be against the Dayton Peace Accords.

Formally, the final word rests with the OHR, yet it is not spelled out unless BiH makes use of their democratic power for building constructive relationships among the constituent peoples of the country. In case of destructive politics by BiH politicians, the High Representative is entitled to impose his judgment as the appropriate action in line with Dayton. This is a functional role that had been used for state-building purposes initially. Institutions tend to legitimize their existence; the Office of High Representative is not an exception to the institutional logic. A number of reports sent to the UN Secretary-General from the OHR demonstrate this desire for legitimacy very clearly¹¹⁰. In the OHR Report to the UNSG #14, covering the period April-June 1999, Carlos Westendorp appears to understand the functional influence of the Bonn Powers in BiH politics if used properly:

“Were it not for the powers I was granted at Bonn and Madrid, there would have been almost no progress. Some Bosnian leaders still seem to see the Dayton implementation as a continuation of the war by other means. The proposed downsizing of the SFOR presence will not make things any easier. The High

¹¹⁰ Available at www.ohr.int/other-doc/hr-reports/archive.asp

Representative's powers are still indispensable. They should continue to be used without hesitation whenever local institutions and authorities fail to support Dayton or to impede our work to put Bosnia and Herzegovina back on its feet and enable it progress towards European integration'¹¹¹.

As the institutionalization of the BiH state went further, the presence of the OHR and the Bonn Powers began to be put under more scrutiny. The Bosnian public at large disapproves of the work of the OHR according to the survey of the UNDP Early Warning Annual Report in 2006. In Bosniak, Croat and Serbian majority areas, the average approval ratings of the OHR are below 50%.

Table 3.9 approval ratings of the work of the OHR¹¹²
Do you approve the work of OHR (in %)?

| Sample | BMA | | | | CMA | | | | SMA | | | |
|--------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| | Mar 06. | Jun 06. | Sep 06. | Dec 06. | Mar 06. | Jun 06. | Sep 06. | Dec 06. | Mar 06. | Jun 06. | Sep 06. | Dec 06. |
| Yes | 51.4 | 46.3 | 54.6 | 44.5 | 45.2 | 42.5 | 41.1 | 52.6 | 41.2 | 30.8 | 40.4 | 39.5 |
| No | 29.3 | 22.3 | 19.5 | 31.8 | 39.8 | 26.9 | 39.5 | 24.8 | 36.1 | 39.2 | 45.0 | 45.9 |

Bojkov's model is derived directly from the experience of the international community in Bosnia and cannot be generalized to other cases. The competitive authoritarian character of BiH's regime needs to be discussed to make sense of why the international community wanted to control the dynamics.

¹¹¹ Report #14 can be accessed at http://www.ohr.int/other-doc/hr-reports/default.asp?content_id=3678

¹¹² Data are selectively extracted from Table IIb of the UNDP Early Warning Annual Report 2006 on BiH.

Table 3.10 Dependency of Bosnian politics on international intervention

Dependency Syndrome of Bosnian Politics

| Respondents | # |
|----------------------|----------|
| Intl Community | 3 |
| Bosnian Civil Sector | 3 |
| Intl NGO | 2 |
| European Commission | 2 |
| EUSR | 1 |
| Bosnian Politician | 1 |
| Bosnian Academic | 1 |
| Total | 13 |

Table 3.11 Weaknesses of the International Community in BiH

Weaknesses of the International Community in BiH

| Responses | # |
|--|----------|
| <i>Let nationalists into politics: Bosnian politician, Bosnia NGO, 1 Intl Community</i> | 3 |
| <i>Timing for reforms is wrong: 2 Bosnian NGO's</i> | 2 |
| <i>Responsible for apolitical youth since no good future promised: 1 Bosnia NGO</i> | 1 |
| <i>Assumes a false democracy taking root in Bosnia: 1 Bosnian NGO, 2 Intl NGO's</i> | 3 |
| <i>No common roadmap for all international actors: 1 European Commission</i> | 1 |
| <i>No agreement if BiH is a 'post-conflict' or a 'transition' country: 2 European Commission</i> | 2 |
| <i>Can't give up continuous and strong pressure for reforms in BiH: Bosnian Police, International Community, 2 Intl NGO, 1 European Commission</i> | 5 |
| <i>Ignores its own role during the war: 1 Bosnia NGO, 1 International Community</i> | 2 |
| <i>Doesn't help the creation of a democratic opposition in the country: 1 Intl Community</i> | 1 |
| <i>Total</i> | 20 |

The two tables above drawn from my field research demonstrate a dichotomy in the attitude of the Bosnian respondents and representatives of the international community toward the performance of the international community. Table 3.7 clearly indicates that the post-conflict Bosnian politics developed a dependency syndrome on the

interventions of the international community blocking the evolution of a genuine Bosnian democracy. Findings on Table 3.8 indicate that evident tendency of the HR to use Bonn Powers less is counterproductive. The ethno-political authoritarian structure of Bosnian politics does not allow the development of civic democracy to replace the interventions of the international community. Once the lid is removed Bosnian politics are feared to fall back to the mutual destructive cycle of ethno-nationalism. Below is the discussion of the regime type in BiH that provides further elaboration on the practice of politics in BiH.

3.2.4 Electoral Processes at Work

BiH as a competitive authoritarian regime

BiH politics is caught between the control imposed by the international community and the authoritarianism of competitive nationalism. This makes BiH politics a hybrid regime. Thomas Carothers (2002) points out that in the wake of the ‘third wave of democratization’¹¹³ a great number of new regimes emerged that are not themselves democratic, or any longer “in transition” to democracy. Some of the countries falls into the “political gray zone . . . between full-fledged democracy and outright dictatorship”

¹¹³ Huntington (1991) observes that the third wave of democratization (1974-present) is coming to an end. He identifies three different waves of democratization, with advances and setbacks. These include the first wave from 1828 to 1926, the second wave corresponding to 1943-1962 and the third wave being the democratization that took place from 1974-on. According to Huntington (1991), there were five changes in the world that led to the latest wave of democratic transitions: 1- deepening legitimacy problems of authoritarian governments unable to cope with military defeat and economic failure; 2- the burgeoning economies of many countries with rising life standards, education levels, and urbanization raising civic expectations and the ability to express them; 3- changes in religious institutions which have made them more prone to oppose governmental authoritarianism than opt for the status quo; 4- the push to promote human rights and democracy by external actors such as NGO’s and the European Community; and 5- the effects of previous transitions in other countries from the use of new media technology. The third wave appeared first with the end of dictatorships in Portugal, Spain and Greece in the Mediterranean region of Europe in the second half of the 1970s and then among the former Eastern Block countries in the mid-1980s and in Sub-Saharan Africa in the early 1990s.

(Diamond, 1999:22). He calls such regimes in the grey zone ‘hybrid regimes’, emphasizing the mishmash of democratic and authoritarian elements (2002). In BiH, the democratic yet authoritarian elements of domestic politics are mixed with the non-democratic practice of democratic intentions of the international community. The biggest spectacle of hybrid regimes is ‘feckless pluralism—the whole class of political elites, though plural and competitive, are profoundly cut off from the citizenry, rendering political life an ultimately hollow, unproductive exercise’ (Carothers, 2002: 11). They are the most common forms of governments who pay lip service to democratic rules, without serious compliance. The authoritarian nature of BiH’s domestic politics can further be classified as electoral or competitive to be more specific¹¹⁴. Electoral authoritarianism is a form of non-democracy where elections take place within a limited political space (Snyder, 2006). Levitsky and Way (2002) argue that in competitive authoritarian regimes, there is an uneven playing field between the government and the opposition:

Although the general elections are held regularly and generally free of massive fraud, incumbents use structural measures not to let the opposition receive adequate media coverage, harass opposition candidates and their supporters, and, in some cases, manipulate electoral results. Journalists, opposition politicians, and other government critics may be spied on, threatened, harassed, or arrested. Members of the opposition may be jailed, exiled, or—less frequently—even assaulted or murdered.(2002:53)¹¹⁵.

¹¹⁴ Diamond comes up with a typology of six different regime types that include liberal democracies, electoral democracies, ambiguous regimes, competitive authoritarian regimes, hegemonic electoral authoritarian and politically closed authoritarian.

¹¹⁵ Levitsky and Way (2002) identify two other paths to competitive authoritarianism. The first path is decay of a full-blown authoritarian regime followed by competitive authoritarianism. Another path is the decay of a democratic regime as a result of intense and long-standing economic and political crisis where freely elected governments undermine democratic institutions. Bosnia Herzegovina’s switch to competitive authoritarianism was through the collapse of an authoritarian regime, to be followed by the emergence of weak electoral regimes where governments lack the capacity to consolidate authoritarian rule even in the absence of democratic traditions and weak civil society.

The electoral process and its consequences, the performance of the legislative bodies and the state of the freedom of expression in the media are indicators of competitive authoritarianism in BiH. The authoritarian nature of BiH's domestic politics is evident in all of the three areas.

Electoral arena

In democracies, electoral systems reflect the preferences of the voters (the will of the people) on the executive level. According to Horowitz (2003), there are six goals in the design of electoral systems: '(1) proportionality of seats to votes; (2) accountability to constituents; (3) durable governments; (4) victory of the "first-past-the-post"; (5) inter-ethnic and inter-religious conciliation; and 6) minority office holding.' (116). In Bosnia, the electoral system satisfies some of these conditions, but it is not possible to speak of durable governments and inter-ethnic and inter-religious conciliation in Bosnian society due to the ethno-political system. Below is an evaluation of the electoral system for the offices at the cantonal, entity and state level. During the post-conflict era, BiH has gone through a number of general and municipal elections that helped to create a complex electoral system that reflects the plurality of the society in an ethnic manner. The representation of all constituent nations in the entity political institutions is guaranteed through the electoral system by using a mix of proportional-list systems, as well as majority-based systems.

Proportionality of seats to votes and minority office holding

The House of Representatives of Bosnia and Herzegovina and House of Representatives of the Federation: FBiH voters elect 28 members through a proportional system. Of

these, 21 are from five multi-member constituencies, while 7 seats are awarded as compensatory mandates to achieve maximal proportional representation. RS voters elect 14 members, including 9 in three multi-member constituencies and 5 through compensatory mandates.

The National Assembly of Republika Srpska, Canton Assemblies of the Federation, and Municipal Councils are elected by a system of proportional representation on the basis of political party or coalition lists and independent candidates¹¹⁶. The political result is that the distribution curve is somewhat flattened, resulting in a couple of extra seats for smaller parties at the expense of larger parties.

The National Assembly of the RS: A total of 83 members are elected from the territory of RS; 62 of these are elected from six multi-member constituencies and 21 are elected from the political parties' compensatory lists. Each constituent people must have a minimum of four delegates in the assembly. If less than four delegates from a given constituent people are elected from the multi-member constituencies, priority is given to these constituent peoples when allocating compensatory seats, until the minimum of four is reached.

¹¹⁶ The system used for the proportional distribution was the Saint-Laguë method, in which the total valid votes cast for each electoral subject are divided by 7.1, 3, 5, 7, etc. sequentially until the number of divisors used corresponds to the number of mandates for the respective legislative body. The “resulting numbers” from the division are arranged in order from the highest number to the lowest. Mandates are then distributed in order, from the highest to the lowest, until all mandates for that institution have been distributed. Open lists were also introduced in the 2000 municipal elections. Voters had the opportunity to vote not only for political parties, coalitions or independent candidates, but also for individuals within a party or coalition candidate list. In the 2006 general elections, open lists were provided for the elections in multi-member constituencies. Out of the mandates won by a party/coalition, seats are first distributed to the candidates with the most votes among the candidates who received five percent or more preferential votes (out of the total number of votes for the party within the electoral unit). If free mandates still exist after all such candidates have been allocated seats, they are allocated to candidates with less than five percent of the preferential votes, starting with the candidate highest on the list. For further details, see also NORDEM Working Paper no. 10/2001, *OSCE Mission to Bosnia and Herzegovina: Human Rights Officer Oct. 1997 – Dec. 2000*, by Ingvild Burkey.

The Federation House of Representatives: A total of 98 members are elected from the territory of the Federation; 73 of these are elected from 12 multi-member constituencies and 25 are elected from compensatory lists. As with the RS national assembly, each constituent people must be represented with at least four delegates. If necessary, the compensatory seats are used to achieve this. Also, the FBiH presidency is indirectly elected by the FBiH House of Representatives.

The Cantonal Assemblies in the Federation: Voters in each of the ten cantons in the Federation elect a cantonal assembly. There are no multi-member constituencies in the cantons and each canton is considered as one electoral unit. Any party receiving a minimum of three percent of votes is allocated a proportional number of seats in the assembly. The number of delegates elected to cantonal assemblies varies from 21 to 35, depending on the size of the canton.

Victory of the Condorcet Winner (First-past-the-post)

The Presidency of Bosnia and Herzegovina: The Bosniak and Croat members are elected by a single direct ballot by the voters registered to vote in the Federation. The Bosniak and Croat receiving the highest number of votes among the candidates of the “same constituent people” are elected. The Serb member is elected by a single direct ballot of voters registered to vote in the Republika Srpska. The candidate receiving the highest number of votes is elected.

The President and Vice-Presidents of Republika Srpska are elected by a majority system. Voters registered in RS elect the president and two vice presidents from a single list of candidates. The candidate from each of the three constituent peoples gaining the most

votes is elected. Of these three, the candidate with the most votes is elected president, while the other two become vice presidents.

The democratic nature of multiparty elections is related to the extent to which a multitude of viewpoints is expressed in the newly elected bodies. Pluralism is the essence of democracy. The electoral systems, designed for the different posts discussed above, aim to provide a certain level of plurality in BiH politics. The problem with such plurality is that it is on an ethnic basis. All constituent nations are represented on different levels of governance, as long as they remain ethnic. Civic politics based on the discussion of issues are exempted from the focus of the electoral system. This is an indication of competitive authoritarianism in the electoral arena, excluding the non-nationalist agenda as an anti-systemic element.

The electoral system breeds ethnic nationalism in every general election. Is this a systemic phenomenon? Is it the ethno-nationalist will of the Bosnian society reflected in the results? Or is it the result of a general resignation from politics? Elections are held regularly in BiH, but winners happen to be the nationalist parties whether from the right or the left of the political spectrum. The election results in the past four elections demonstrate that the parties following the nationalist line of propaganda win the elections. In four out of five elections in the post-conflict era, the politicians who played the ethno-nationalist card won. Below is a condensed analyses of the past general elections held in post-conflict BiH from 1996 all the way up to 2006.

September 14, 1996 General Elections

The Nationalist SDS (Serbian Democratic Party) won 52% of the votes for the RS National Assembly and 54% for the BiH assembly in Republika Srpska. In the Federation, the Bosniak nationalist SDA (Party for Democratic Action) received 54% of the votes for the Federation House of Representatives and the BiH Assembly, while the Croatia nationalist HDZ BiH (Croatian Democratic Union of Bosnia Herzegovina) obtained 25% for each. The SDA received 16% of the votes in the RS for both Assemblies, which are the votes of the refugees and IDPs who could not return but voted for their prewar constituencies in the RS territories¹¹⁷.

There have been several criticisms towards the international community's insistence on the timing of the first elections in 1996, and the lack of clear guidance from the international community in setting up a sound law on political parties. As I have argued in the previous section while analyzing the reasons for not calling BiH a protectorate, holding the general elections soon had two moral bases for the international community: the belief in the virtue of democracy to bring peace internally and the quest for the legitimacy of the international community's huge presence in the country. Another reason, which was much more realpolitik, was the desire of the American President Bill Clinton to make a quick exit from Bosnia before he lost support in the American Congress.

¹¹⁷ Further analysis of the results by Noel Malcolm on the 1996 elections can be accessed at http://www.bosnia.org.uk/bosrep/report_format.cfm?articleID=1873&reportid=116

The OSCE's Commission for International Monitoring Report of the 1996 elections in BiH points out the impact of the immediate post-conflict environment on the election results:

Fear and need for security were the driving factors in the pre-electoral period. The people of Bosnia and Herzegovina have thus far had limited opportunities to think and act freely and differently, to travel and associate without fear, to hear and reflect upon different points of view. The amount of pluralism during the electoral cycle was less than could be expected under a system of proportional representation. Pluralism includes a serious role for opposition parties, which may never be marginalized. The further development of Bosnia and Herzegovina in terms of conflict resolution and democracy building will have to ensure that the very thin space available at present for tolerance of all viewpoints is widened and extended to all governing bodies of Bosnia and Herzegovina.¹¹⁸

Indeed, such premature elections, held only ten months after the violent conflict ended, served to legitimate only the consequences of the war, which was three separate constituent ethno-political groups and two mutually opposed political entities forced to stay together under the roof of the Dayton Agreement. The introduction of the Bonn Powers to the mandate of the High Representative within a year demonstrated that the international community also had to accept the ethno-nationalist division of post-conflict Bosnia as the reality and look for ways to circumvent it.

1998 Elections

The 1998 general elections were further confirmation of the nationalist separation of the winners of the Presidential Election from the Bosniak and Croat constituencies from the nationalist parties (Alija Izetbegovic from the Nationalist Coalition of SDA and

¹¹⁸ Second Statement of the Coordinator for International Monitoring (CIM) of the Elections in Bosnia and Herzegovina of the OSCE dated September 14, 1996 is available at http://www.osce.org/documents/odhr/1996/09/1194_en.pdf

SBiH, 86.9%, Ante Jelavic from HDZ, 52.9%), who received the majority of the votes cast¹¹⁹. In the RS, although the lesser nationalist coalition, Sloga, led by Biljana Plavsic¹²⁰ managed to receive 51.3% of the votes for the BiH presidency, its defeat in the RS presidential election race (given the fact that real political power rests within the entities) against the hard-line nationalist SDS proved the difficulty of dealing with ethno-nationalist politics in BiH. The 1998 elections also marked the start of the era of nationalist politicians who chose to cooperate with the international community by attending the meetings and paying lip service to the Dayton Agreement, while keeping up the nationalist rhetoric.

OSCE's Office for Democratic Institutions and Human Rights (ODIHR), in its final report on the 1998 elections, criticized the involvement of the international community in the electoral process for being unaccounted for and excessive:

The environment in which the 1998 elections were held reflects the difficult situation prevailing since the war, including the fact that indicted war criminals remain at large. The special circumstances stemming from this unsettled situation, and the desire to implement the peace agreement, have resulted in the implementation of some extraordinary elements in the process, which would not be acceptable in normal electoral situations. Such measures included striking candidates off party lists for transgressions in which they had no personal role, the absence of an adequate appeals procedure, and providing assistance to parties on the basis of their political program. In pursuing these and some other policies,

¹¹⁹ Results of the 1998 general elections can be reached at <http://www.izbori.ba/Documents/Rezultati%20izbora%2096-2002/98results/results98.pdf>

¹²⁰ Biljana Plavsic is not a moderate at all. She is a former member of the SDS war-time leadership. In 2000, she was indicted for war crimes, surrendered to the ICTY in January 2002, and after pleading guilty to the charges against her, she was sentenced to serve 11 years of imprisonment by the ICTY in February 2003 (see <http://www.un.org/icty/indictment/english/kra-cai020307e.htm> for details of Plavsic's indictment). She was supported by the international community in the 1997 RS general elections to curb down the influence of Radovan Karadzic and his notorious SDS party due to her open approval of the Dayton Accords.

there was an increased involvement of the electoral authorities in the political process, leading to a perceived politicization of the election authorities.¹²¹

November 11, 2000 Elections

The 2000 elections were a first in Bosnia in the sense that the nationalist parties, SDA, SDS and HDZ, received less than 50% of the votes for the first time in BiH's political history. The coalition among the non-nationalist parties, called the Alliance for Change, had the mandate to establish the government on the state level. The nationalists' loss of votes was not as substantial as it could have been on the entity level. The total votes of the nationalist parties at the entity level added up to 60% in the Federation and 55% in RS¹²². In the elections of the Parliamentary Assembly of BiH, the SDP received 27.3%, above the 27% of the SDA and 19.3% of the HDZ. Nevertheless, the distribution of seats in the parliament did not really prove advantageous for the Alliance for Change to make effective governance possible¹²³. The Democratic Alliance for Change¹²⁴ of the Federation-based parties of different sizes, ideological orientation and national

¹²¹ The final report of the Office for Democratic Institutions and Human Rights Bosnia and Herzegovina Elections held September 12-13, 1998 is available at http://www.osce.org/documents/odhr/1998/10/1201_en.pdf

¹²² In the elections for the House of Representatives of the Federation, SDP won 26.1% of the votes, while the Bosniak nationalist SDA won 26.8% and the Croat nationalist HDZ, 17.5%, and another Bosniak nationalist SBiH, 14.9%. In the elections in the Republika Srpska, the social democrat coalition, including SNSD, received 10.6%, while PDP got 15.2% and SDS, 39.7%. The Final Results of the General Elections 2000 is available at http://www.izbori.ba/Documents/Rezultati%20izbora%2096-2002/2000gen/400_horfbih.pdf

¹²³ The SDA (Bosniak nationalists) had 8 seats, the SDS (Serb nationalists) had 6, the HDZ (Croat nationalists) had 5, while the SDP (Social Democrat multi-ethnic) had 9, the SNSD (Serbian independent social democrats) had only 1, the PDP (Serbian nationalists) had 2, and finally the SBiH (Bosniak nationalists) had 5.

¹²⁴ The member parties of the Alliance were the Social Democratic Party (SDP), the Party for BiH (SBiH), the New Croat Initiative (NHI), the Bosnia-Herzegovina Patriotic Party (BPS), the Republican Party, the Civil Democratic Party (GDS), the Croat Peasant Party (HSS), the Liberal Democratic Party (LDS), the Democratic Party of Pensioners of BiH, and the Party of Pensioners of the Federation of BiH. The Herzegovina-based People's Party of Work for Betterment and the RS-based Party of Independent Social Democrats (SNSD) later attended the Alliance's coordination meetings, but without formally joining the coalition. The two pensioners' parties subsequently merged.

coloration, cooperated at the state level with parties from Republika Srpska that were both in power and in opposition in that entity.

As a non-nationalist political option, the Alliance was expected to carry out lasting reforms and to prove that implementation of the Dayton Peace Accords might yet produce a viable state. Both the international community and non-nationalist Bosnians expected much from the Alliance: the eradication of rampant corruption, economic reforms, jobs, regular pensions and a new relationship with BiH's foreign overseers. The reforms in areas where there was a consensus among the parties, such as enhanced revenue collection and fiscal reforms (for example, the merger of pension funds), or where there was minimum confrontation, like the fulfillment of the conditions for accession to the Council of Europe, or that were perceived as inevitable, as in the case of constitutional reforms and anti-terrorist measures after September 11th, were completed. As part of the coalition politics on reforms that could cause friction within the Alliance (such as reform of the social services sector, privatization and, above all, economic revival), action was either postponed or abandoned.

2002 elections

The 2002 elections were the first to be handled by the Bosnians. The results of the elections, on the other hand, demonstrated the difficulty of following non-nationalist politics in Bosnia. The Alliance for Change coalition, composed of an uneasy cooperation between different political parties in different levels of governance, failed to get the approval of the Bosnian voters. The certainty of ethno-nationalist politics proved to be an easier choice for the Bosnian citizens. The 55% turnout at the polls further underlined the

growing apathy of the public toward daily politics; the nationalist parties managed to mobilize their constituencies much easier to come to the polling stations. The tri-partite Bosnian presidency was distributed among the nationalist candidates from each constituent nation. For the Bosniak presidency member, the SDA's Sulejman Tihic received 37.3% of the votes, above the 34.8% of charismatic Haris Silajdzic, RS's Mirko Sarovic of the SDS won 35.5% of the Serbian constituency vote and Dragan Covic received 61.5% of the Croat vote for Croat member. The three major nationalist groups (SDA, SDS and HDZ) dominated the House of Representatives of Bosnia-Herzegovina, the country's Central Parliament, as well as the Chamber of Representatives of the Federation of Bosnia-Herzegovina and the National Assembly of the Serb Republic. In the Central Parliament, the SDA was the leader, with 32.5% of the vote and 28 seats reserved for the Federation of Bosnia-Herzegovina; the SDS dominated the election with 36.8% of the vote, winning 14 seats for the Serb Republic. In the Chamber of Representatives of the Federation, the SDA won 33.3% of the vote, ahead of the HDZ (17.5%). Finally, in the National Assembly of the Serb Republic, the SDS led with 33.5% of the vote, followed by the Independent Social Democrats (SNSD), who won 27.4% of the vote.¹²⁵

According to the OSCE report on the October 5, 2002, general elections being the first general elections administered by the BiH authorities since the Dayton Peace Agreement, it marked important progress toward the consolidation of democracy and rule

¹²⁵ For an election analysis of the 2002 BiH General Elections, please see <http://www.robert-schuman.eu/oee.php?num=34>

of law under domestic control¹²⁶. These were essentially transitional elections. The adoption of an Election Law marked a substantial improvement over previous elections, and a further step toward national control of the election process under rule of law¹²⁷. A significant achievement was the creation of state level bodies responsible for the elections, although there was continued international membership in several of these.¹²⁸

The international community adjusted its approach, looking at the victory of the nationalists in the elections, to form a ‘partnership’ approach, which was advocated by Petritsch. The following period saw an imposing High Representative, Paddy Ashdown, over the nationalist coalition between the SDA, SDS, HDZ and SBiH¹²⁹. The international community’s position had been divided between the OHR and the American Embassy. The Americans would have liked to work with a non-nationalist coalition¹³⁰. The High Representative Ashdown, however, preferred to work with BiH politicians with strong mandates rather than with tenuous coalitions even weaker than the Alliance¹³¹. Indeed,

¹²⁶ Although administered by BiH authorities, they took place in a legal context in which ultimate authority still rested with the international community.

¹²⁷ The Law provided the essential bases for democratic elections, although the system was extremely complex. Provisions of the Election Law limit voters and candidates by ethnicity for several high offices.

¹²⁸ The final report on the general elections in Bosnia and Herzegovina on October 5, 2002, is available at http://www.osce.org/documents/odihr/2003/01/1188_en.pdf

¹²⁹ The three nationalist parties took 20 of the 42 seats: SDA 10; HDZ 5; and SDS 5. The coalition-ready SBiH and PDP took 6 and 2 seats, respectively, making it possible to establish a ruling majority of 28. The core opposition comprised the SDP (4) and SNSD (3). For details, see the BiH Election Commission website at www.izbori.ba.

¹³⁰ After the elections, U.S. Ambassador Clifford Bond met with non-nationalist party leaders several times, and he asked them to forge coalitions both at the state and RS levels. Right before the general elections, Bond told journalists, “Nationalists in governments here would not be considered legitimate by European and other partners in the international community. Simply, there would be no trust in dealing with such partners. We are not sure that they would fulfill their declarations about bringing BiH into Europe”. “Nacionaliste u vladama ne bi smatrali legitimim”, *Dnevni avaz*, October 3, 2002.

¹³¹ See the International Crisis Group’s Report titled “Bosnia’s Nationalist Governments: Paddy Ashdown and the Paradoxes of State Building” dated July 22, 2003, for more on the processes of government

through such an asymmetric relationship between the IC and BiH governments, defense reform and a preliminary agreement on the need to have Police Reform passed in both the entity and state level legislative bodies.

2006 Elections

The 2006 elections saw a partial transfer of power from classical nationalist parties to neo-nationalists at the state level and entity levels in BiH¹³². The difference between the classical nationalists and neo-nationalists is the belief that the pursuit of ethno-nationalist politics should be confined within the existing Dayton constitutional structure. Previously as had been discussed the 1974 Yugoslav Constitution gave the right to secede to nations if their national interests could be satisfied outside the Yugoslav political system. In post-conflict Bosnia Herzegovina the main political players were the ones whose mutually opposing ethno-nationalisms right after the declaration of independence led to violent conflict. These parties are respectively SDA (Party for Democratic Actions) of the Bosniaks, HDZ (Croats Democratic Union) of the Croats and SDS (Party of Democratic Socialists) of the Serbs. Although during the post-conflict process these parties seemed to embrace and exploit the Dayton system their domination of the political field remained uncontested until 2006 elections.

This change was more obvious in the race for the presidency troika at the state level. For the first time, the classical nationalists, SDS, HDZ and SDA would not be represented in the presidency. Nebojsa Radmanovic of the SNSD (Independent Social

formation after the 2002 elections, which is available at
http://www.crisisgroup.org/library/documents/report_archive/A401057_22072003.pdf
¹³² http://www.osce.org/documents/odhr/2007/02/23206_en.pdf

Democrats) won with 53.3% of the votes for the Serbs, above the 24.22% for the SDS; Zeljko Komsic of the SDP received 39.6% of the votes for the Croat seat, above the HDZ with 26.14%; Haris Silajdzic of the SBiH received 62.8% of the votes for the Bosniak seat, ahead of the 27.5% for Sulejman Tihic of the SDA. The classical nationalist parties managed to maintain their lead in the Federation¹³³, whereas the biggest change was observed in the RS.

The SNSD got 46.92% of the votes and obtained 7 seats, above the SDS, which received 19.46% and 3 seats. The neo-nationalist social democrat SNSD was not an alternative to the Serb SDS's classical nationalism. Not so long ago, the Prime Minister of Republika Srpska Milorad Dodik was cheered as the moderate democratic leader of the Serbian entity by the international community, who through his personal charm would finally end the dictate of the radical Serbian Democratic Party¹³⁴. Indeed, his huge victory in the RS put an end to the SDS rule, but his rhetoric was not less inflammatory and nationalist than the SDS politicians. During the election campaign in May 2006 following Montenegrin independence from the State Union with Serbia, Milorad Dodik mentioned that the RS did not rule out its right for an independence referendum from Bosnia Herzegovina¹³⁵. In the post-election period, with his comments on the Police

¹³³ In the BiH Parliament, the SDA got 25.54% of the votes and kept its 8 seats, over the SBiH which had 22.99% of the votes and 7 seats; the HDZ obtained 7.99% and secured 3 seats against 6.10% of the other Croat nationalist bloc which had 2 seats.

¹³⁴ In 1997, Biljana Plavsic, the RS President at the time chose Dodik as her vice president to distance herself from Karadzic's SDS.

¹³⁵ For Dodik's comments, please see <http://www.axisglobe.com/article.asp?article=924>

Reform, he managed to draw an unbinding Serbian nationalist profile for himself¹³⁶. His comments were further supported by one official from the SNSD general secretariat in an informal interview I conducted in May 2007. The return of Haris Silajdzic to the center of political power was less sensational than that of Dodik's. Campaigning with a neo-nationalist agenda, calling for the complete abolishment of the Serbian entity as a genocidal entity, put Silajdzic back into the game. After becoming part of the tri-partite Bosnian Presidency, Silajdzic did not cease his naming of the RS a genocidal state and kept emphasizing the unification of the country as one entity¹³⁷.

The biggest surprise was the president-elect of the Bosnian Croats for the presidency. Željko Komšić, a Croat member of the multi-ethnic Social Democrats, possibly with the support of the non-Croat votes of the Federation, gained the presidency seat held for a long time by the Croat nationalist HDZ.¹³⁸ It is a question mark whether the defeat of the HDZ can be taken as the defeat of Bosnian Croat nationalism, but it definitely demonstrated a hopeful perspective into the possible changes a constitutional rearrangement could bring to the Bosnian political scene in terms of pluralism and multi-ethnicity. The OSCE's Office for Democratic Institutions and Human Rights emphasized that the full administration of the electoral process was handled by the Bosnians. This, indeed, could be perceived as a level of democratic maturity by the Bosnian political

¹³⁶ "If we will have to choose between the European Union and the police of Republika Srpska, we will choose the police of Republika Srpska" (See RSPM Milorad Dodik's comments in an interview published on October 31, 2006, available at http://www.bosnia.org.uk/news/news_body.cfm?newsid=2235

¹³⁷ Silajdzic's comments following the decision of the International Court of Justice on genocide in Bosnia calls for abolishing the political consequences of the genocide, including the self-proclaimed Republika Srpska. Please see <http://www.predsjednistvobih.ba/saop/1/Template.aspx?cid=10340.1.1>

¹³⁸ Nerma Jelacic, Saida Mustajbegovic, Gordana Katana, "While old nationalist parties all suffered losses, it is not clear the winners can deliver a brighter future" Balkan Insight, October 5, 2006.

system that it is able to conduct free and fair elections without the assistance of the international community¹³⁹. This assertion actually can be challenged as democracy at work, and the will of the people is being represented at the entity and state-level legislature¹⁴⁰.

The pre and post-electoral processes, as well as the results, indicate a strong ethno-nationalist bias in Bosnian politics. This nationalist bias is the sign of authoritarianism in BiH. The electoral system works free and fair, and BiH state authorities finally acquired the necessary competencies to handle the elections by their own means. The consociational structure of the electoral system has been adjusted to be more in line with a pluralist democracy throughout the years. Yet Bosnia remains a competitive authoritarian state in regard to its electoral system. The problem lies in the scope of competition. The competitive quality of the electoral system is pretty secured in the entities, but running for legislative and executive positions in the total territory of BiH is not possible. The political rights of an individual Bosnian citizen are curtailed in favor of the group rights of the constituent peoples. As noted in the OSCE/ODIHR reports and in the Council of Europe documents¹⁴¹ both the BiH Constitution and the Election Law

¹³⁹“The October 1st general elections in BiH were the first elections since the 1995 Dayton Agreement to be fully administered by the BiH authorities. The manner in which these elections were conducted was generally in line with international standards for democratic elections, although further efforts are needed, particularly with regard to the vote count. The election campaign was generally calm, but was marked by sharp nationalist rhetoric and occasional inflammatory statements from key election contestants.” The OSCE/ODIHR Election Observation Mission Final Report on the BiH General Elections held on October 1, 2006, is available at http://www.osce.org/documents/odihr/2007/02/23206_en.pdf

¹⁴⁰ 55% of the registered electorate went to the polls on October 1, 2006. This means that 45% of the national electorate is not represented in the legislative organs of the state and entity bodies.

¹⁴¹ The OSCE/ODIHR EOM Final Report on General Elections in Bosnia and Herzegovina, dated October 5, 2002, http://www.osce.org/documents/odihr/2003/01/1188_en.pdf; Opinion of the Venice Commission

continue to preserve ethnicity-based restrictions that are considered vital to suffrage rights and citizens' ability to stand for office. Citizens who do not identify themselves as one of the three "constituent peoples", Bosniak, Croat or Serb, are effectively barred from standing for the State and Republika Srpska (RS) presidencies. Voters registered in the Federation of BiH (FBiH) are also limited in their choice of presidential candidate to either a Bosniak or a Croat, and RS voters can only vote for a Serb presidency member. Such measures are discriminatory and run counter to the OSCE Copenhagen Commitments and other international standards¹⁴².

Alienation of the public from politics

The research conducted by Oxford Research International for the UNDP titled 'Silent Majority Speaks' looks into the relationship between BiH citizens and politics through the use of public opinion survey and quantitative methods.

on the Constitutional Situation in Bosnia and Herzegovina and the Powers of the High Representative of March 11, 2005 (CDL-AD(2005)004), and PACE Resolution 1513 (2006).

¹⁴² See paragraph 7.3 of the OSCE 1990 Copenhagen Document, Art. 25 of the International Covenant on Civil and Political Rights, Protocol 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms, Art. 4 of the Framework Convention for the Protection of National Minorities.

Table 3.12 Citizens' interest in politics (derived from Oxford Research International Study)¹⁴³

| Not at all interested in politics | | |
|-----------------------------------|----------------------------|--------------|
| Country | Not at all interested in % | N = |
| Vietnam | 3.3 | 1,000 |
| China | 8.8 | 1,000 |
| Germany (East) | 8.9 | 999 |
| Latvia | 11.6 | 1,200 |
| Belarus | 16.3 | 1,000 |
| Bulgaria | 16.8 | 1,000 |
| Russian Federation | 18.7 | 2,500 |
| Macedonia | 19.3 | 1,055 |
| Croatia | 23.1 | 1,196 |
| Serbia | 23.2 | 1,200 |
| Romania | 23.8 | 1,239 |
| Azerbaijan | 24.8 | 2,002 |
| Albania | 25.7 | 1,000 |
| Poland | 25.7 | 1,095 |
| BiH | 33.3 | 3,580 |
| Other: | | |
| United States | 11.1 | 1,200 |
| Germany (West) | 11.9 | 1,037 |
| Sweden | 12.0 | 1,009 |

Looking at the table above, political interest among BiH citizens is low. One third (33.3 %) of the citizens polled by the Oxford Research Group claims that they 'are not at all interested' in politics. BiH passes all other former Warsaw Pact transformation countries in terms of 'no interest at all'. If those endorsing 'not very interested' are combined with 'not at all interested', the figure is close to six in ten respondents (56.9%) For those below the age of 30, the number of non-interested approaches two in three (64.2% combined). In other words, this figure shows that most young people do not think or care about the political process in BiH. The findings from this spectacular research paint the relationship between BiH voters and the political world as one of passivity and

¹⁴³ Data selectively extracted from Table 4.1.1. of the Section 4 of the report on Citizens and State available at <http://www.undp.ba/?PID=7&RID=413>

non-engagement. No other transformation country has a similar proportion of respondents who say they are ‘not at all’ interested in politics.

Table 3.13 Logistic Regression¹⁴⁴ – Dependent Variable: Political Interest

| | β | S.E. |
|---|---------|------|
| Education – High compared with low | 0.90 | 0.13 |
| Socialization cohort – Tito-era compared with post-war | 0.84 | 0.11 |
| Gender – Male compared with female | 0.66 | 0.07 |
| Socialization cohort – Post-Tito compared with post-war | 0.59 | 0.12 |
| Religion – Muslim compared with Roman Catholic | 0.50 | 0.12 |
| Education – High compared with mid | 0.47 | 0.12 |
| Life satisfaction – Satisfied compared with other | 0.42 | 0.08 |
| Income – High compared with low | 0.41 | 0.14 |
| Socialization cohort – War compared with post-war | 0.41 | 0.14 |
| Displacement and return – Non-returnees compared with non-displaced | 0.26 | 0.10 |
| <i>Constant (α)</i> | -0.13 | 0.17 |

The Oxford Research Group conducted a logistic regression analysis to look into the factors that effect political interest in BiH. The results, indicated in Table 3.13, demonstrate that political interest is affected by (high) education, gender and age: better-educated, middle-aged and male respondents turn out to be more likely to be interested in politics. Moderate effects come from religion, life satisfaction, income and, in a minor way, displacement status. Low interest in politics predominantly affects young people and those with low education. Similar to low political interest, the Oxford Research Group’s study finds that non-voting affects the young and people with low education. Abstention from voting did not necessarily indicate an action to make a political

¹⁴⁴ logistic regression is a model used for prediction of the probability of occurrence of an event by fitting data to a logistic curve. It is a generalized linear model used for binomial regression. It makes use of several predictor variables that may be either numerical or categorical (Agresti,2002).

statement, as half the non-voters justified their abstention with logistical reasons rather than with alienation¹⁴⁵.

The report argues that all forms of political participation are relatively low in Bosnia. Remarkably, almost twice as many respondents say they have voted in elections than have talked with other people about politics. This is an inconsistency between voting behavior and interest in politics. Just over three in five (60.4%) who say they are ‘not at all’ interested in politics, nevertheless, claim to have voted in the last election. More active types of political participation have only a small minority of adherents. As a matter of fact, there is a significant minority among BiH voters who say ‘they vote but take no interest in political matters’. The report puts forth two plausible explanations for this contradiction: one is that, to some respondents, voting is somewhat ritualistic and involves little cognitive effort; the other is that questions about voting behavior are affected by response bias in interviewing. I subscribe to the first explanation. In the previous section on civil society, I talked about the lack of the political subject in Bosnian society, claiming that BiH politics operate over the ethnic subject. In that respect, it makes sense to further argue that the inconsistency between the high rate of non-engagement in politics and the controversially high rate of voting behavior is not really a matter of contention in the minds of the Bosnian respondents who participated in the Oxford Research Group’s study. For them, voting is not a political action, it is a matter of

¹⁴⁵ According to the report of those who state they did not vote (25.3%), a large proportion rationalized their abstention through logistic difficulties such as incapacity, an inability to get to the polling station and other non-politically-related reasons (41.7% of the combined scores). Less than half (46.0% of the combined scores) gave reasons which indicate alienation from the political process, such as ‘I found it difficult to choose a party to represent my views’.

showing your solidarity with the ethnic group you belong to, a ‘ritual’ that takes place more or less every other year. This is how authoritarianism operates in a hybrid regime. The soundness and working standards of the electoral system, unfortunately, are not signs of the birth of pluralism in BiH; but rather a mechanism that now operates on international standards that serves to demonstrate the competition between constituent nations and their representatives. For that reason, politics remain as a form of partisanship that the representatives of each nation in Bosnia have to know in order to deal with the representatives of other nations. A citizen does not necessarily have to know about politics; that is not in the list of responsibilities.

Role of the Media

The role of the media is deemed crucial for the creation of the informed citizen for the development of liberal democracy. Being ‘informed’ of different perspectives enables the individual to make choices between the options provided (Jefferson 1789. ME 7:253). Impartiality, pluralism and freedom of choice are three factors that define media freedom. The 1990 European Parliament resolution similarly understood that the public broadcasting service in Europe provides “support to informing the citizens”, is an “agent of representative pluralism,” with a commitment to “maintain and support the cultures of the European nations and regions,” to “serve minority interests” and to “encourage understanding of non-European cultures and ethnic groups present in the Union”. The resolution characterized the public broadcasting service with the following qualities:

- Universal service available to everyone irrespective of income or geographic location;

- Strives for balanced programming and balanced time slots which include different program genres;
- Balanced and impartial political programs; and
- A certain degree of financial independence from state and commercial bodies' (Raymond Kuhn, 1995: 4).

In terms of impartiality of the media, BiH has been the focus of the international community for the creation of a sound law on media. In hybrid regimes following the fall of single-party rules, national radio and television stations became one of the most important foundations for building state identity and protecting national interests. During the armed conflict in BiH, television especially became a tool of propaganda and an instigator of hatred. The stalled Public Broadcasting Services Reform, due to the Croat veto of vital national interest, demonstrated that the reformed systems of media are still a matter of contention in Bosnia. The media is controlled by a combination of private ownership, advertising strongmen, elite sources, state pressure and cultural dominance.

The post-war years brought atypical limitations to the media in BiH by the international community. The international community believed that the media had a substantial role in the path to war. The fear of the international community was the possible resumption of inflammatory reporting and use of hate speech that could definitely slow down efforts to stabilize the country. The international community invested huge resources to bring about the creation of a democratic environment in the country through the media, especially radio and television. The goal of these efforts was: breaking down communication blockades, coverage of the entire BiH, balanced information, and spreading trust among people. At one point, the international community did not refrain from using military force to stop inflammatory speech by an

RS TV station in 1997 against the Dayton Agreement¹⁴⁶. By this action, the High Representative actually started applying his new Bonn powers in the media field. According to Ranson (2005), the use of force by the international community turned out to be more effective than all other media and political actions that had been taken. Some criticized the use of force, as the use of undemocratic means was in contradiction to the goal of achieving a free media (Carpenter, 2000). However, the deeply rooted servile behavior toward authorities on the part of all state televisions in BiH placed them in a completely devoted position toward the then incumbent authorities.

The process of transformation of the state-run televisions into a public service started in 1998. The Public Broadcasting System of BiH (today BHT), the joint public television for all of BiH, started broadcasting in 2002. The international community and domestic supporters managed to stop a number of partitioning and nationalist efforts to keep the most powerful medium under its own auspices. Bosnian State public television operates with relative independence and struggles to find a balance between the diametrically opposed political and ethnic views in BiH. All of the relevant legislation and regulation documents were adopted as a result of overwhelming pressure from the Office of the High Representative (OHR); the legislation looks up to date with European standards on paper, but in practice there is not a domestic will to implement it (Ranson,

¹⁴⁶ Serb Radio Television, broadcasting from two studios, Pale and Banja Luka, in 1997 launched an aggressive campaign against the international community and against the peace agreement, reactivating warmongering speech. Under the influence of changes in the Republika Srpska (separation of President Biljana Plavšić from the Pale regime), Studio Banja Luka split away. In September 1997, SFOR, after several warnings to the editors and founder of RTV Srpska, took control over the transmitters and practically terminated the program from studio Pale.

2005)¹⁴⁷. The Law on Public Broadcasting System and Service, which laid down the structure of the broadcasting system in the country and established a joint legal entity, called Corporation, which is responsible for the infrastructure, the international presentation and foreign programs and regulating relations between the three public broadcasting services. A second law, which should regulate the Broadcasting Service, its registration, activities and organization, was not adopted until September 2005, and only after concession was made upon the request of Bosnian Croats for three channels in the languages of the constituent people, which was first rejected by the OHR, OSCE, EC and CoE, but later endorsed by the international community's representatives in BH by allowing three production centers in Sarajevo, Banja Luka and Mostar. According to many media experts, journalists and politicians, this was regarded as just one step toward exclusive national channels. The Bosnian Croats insisted on an exclusive Croat channel as the only way to protect their linguistic, cultural and national identity. However, the Constitutional Court did not find any violation of the so-called vital national interests in the proposed law on PBS, as suggested by Bosnian Croats, and the law on PBS was finally adopted by both houses of the BH Parliament.

Editorial independence of public broadcasters formally exists; the existing rules are supposed to safeguard the independence of editorials. The interviews I had with journalists from Republika Srpska paint a different picture, however. All of the journalists pointed out that there are strong relations between media groups, businesses

¹⁴⁷ These laws include the Defamation and Libel Law and Freedom of Access to Information Law. Bosnia and Herzegovina was one of the first countries in the Western Balkans that adopted a Defamation Law – in Republika Srpska in June 2001, and in the Federation of Bosnia and Herzegovina in November 2002.

and politicians. The BiH print media, unlike the broadcast media, is not under close scrutiny by the Communication Regulatory Agency (CRA), but instead it is supposed to be self-regulated. But since the self-regulation formula has not worked so far, print media is left to do whatever they want. Striking examples for such irresponsible behavior of the print media outlets were the 2002 and 2006 general elections. There was a revival of hate speech in the print media during the electoral campaign periods. According to Ranson (2005), the Press-Council, the self-regulatory body, simply failed to perform its duty in a proper manner.

Pluralism is indeed the essence of a liberal democracy. In a multi-ethnic society, pluralism in the media means the plurality of views from the different ethnic groups in the domain of the other ethnic groups. Such broadcasting requires a high degree of self-control and care by media groups. Yet the influence of political groups¹⁴⁸ (and leader fetishism) on the narratives of media organizations recreates competitive authoritarianism of the different ethnicities in the living rooms of the citizens.

3.3 Ethnic Nationalism in BiH

The discrepancy between the state and the nation constitutes the biggest fault line in BiH today. If the 19th century nation state model were implemented in Bosnia, we would have three nations with states. The model that the Dayton Constitution set up in Bosnia is one of a liberal consociational multi-ethnic society. What the international community strives to achieve today, through the reforms on police, public broadcasting,

¹⁴⁸ Political influence might be in the form of bribes, the cutting of state advertisement, pressuring through debts and taxes, as was indicated by Igor Gajic, Director of the News reporter Magazine from Banja Luka on May 17, 2007.

judiciary and in the economic field, is the construction of a liberal pluralist democracy with political subjects. Horowitz (1985) argued that liberal democratic principles assume ‘congeries of free-floating individuals’ (87) unconstrained by attributions of kinship, whereas ethnicity is built on ‘fictive elements like ideas of common ancestry which makes it possible to think in terms of family resemblance...mutual obligation and antipathy towards outsiders that are applicable to family relations’ (57). The institutions, values, and mechanisms of the liberal democratic model fail to provide the same sense of cohesiveness offered by principles of ethnic nationalism. Cohesiveness promised by ethno-nationalism is safer than the individual centered freedom of the liberal democratic system for the Bosnian citizen. The ongoing popularity of ethno-nationalism in post-conflict BiH can be explained by its appeal to the subconscious and emotions, rather than the conscious and rationality (Connor, 1994:204). According to Kemper (1978), people who share similar structural circumstances tend to have similar emotional responses. Basic emotions such as anger, sadness, fear, guilt, joy and shame are reactions to one’s own social relations of power and status. For this reason, “to the degree that one community lives in certain power and status relations against another community, characteristic feelings are likely to be present in each social group that reflects perceived superiority or inferiority” (Hearn, 2006:58). As discussed in the sections on consociationalism, democracy and civil society, BiH politics is built upon the ethnic subject. The forms and functions of politics reinforce the discrepancy between nationalism and the desire to have a state.

This section looks into the main theories of nationalism and goes through how nationalism has affected BiH and how it continues to affect it now. Below is the set of problems clustered from my field interviews; they all point to a perceived problem of ethnic fragmentation on the societal level, in political life and in the post-conflict forms and functions of the state. I am not going into too much detail on the problems of the ethno-federal form and function of the BiH political structures since I have largely discussed these aspects in great detail in the previous sections.

BiH society is ethnically and socially fragmented: 10
Change in Republika Srpska is needed: 10
Nationalist politics still prevail in BiH: 9
Serbia is still an important factor: 3
Discrimination of minorities, returnees on education, health care, infrastructure and registration: 2
Voting should be done on an issue-basis, not on ethnic or tribal grounds: 2
RS should stay since it is a pride issue for Bosnian Serbs, lack of employment and social security and constitution of BiH allows RS for a referendum: 1
Balkans is going to stay between ethnic Slavs and democracy: 1

Figure 3.6 Issues related to ethnic fragmentation

3.3.1 Ethnic and social fragmentation of the Bosnian society

There is no single Bosnian national identity in BiH, nor can we speak about one common Bosnian state. There are three different nationalisms in BiH: Bosniak, Bosnian Croat and Bosnian Serb with their separate interpretations and imaginations of national and state identity in Bosnia. The myths of the nationhood of each constituent nation are fragmented and mutually opposed.

In BiH, nations look into the past rather than the present to make sense of their communal identities. Golden ages serve to define the moral and aesthetic standards of the cultural group, providing hope and inspiration for moral regeneration and national rebirth (Smith, 1999: 263-4). The idea of a chosen people connotes a divine appointment by a deity for a worldly mission, to a given territory and a belief in the regenerative power of individual and collective sacrifice (Smith 2003:255).

Myths of the past are generally more about being the 'first' nation in the lands of what constitutes BiH today. The Bosnian Serbs claim that they are the direct descendants of the first Serbs, while the Croats and Bosniaks, while having the same kinship, became separate ethnic groups through the adaptation of different cultures. The Croats, in a similar fashion, claim affiliation with the first Croat ancestors, while blaming the Serbs and Bosniaks for losing their identities with foreign influences. The Bosniaks, on the other hand, emphasize that they are not converts, but a unique ethnic group with their own separate ancestors who were members of the medieval Bosnian church.

The myths of election adhere to an imagined special mission bestowed on a nation by God, or by History, due to its inherent unique virtues (Schopflin, 1997:31). Each nation has its golden age when the nation reached its potential and expressed its true, glorious self. For Serbs, the myth of 'Heavenly Serbia' corresponds to such a golden age. According to this myth, the Serbian nation adopted, through Saint Sava, 'evangelic justice' when the Serbian army chose the kingdom of heaven to the worldly kingdom against the Ottomans in a Kosovo battleground on June 28, 1389. On the other hand, the Bosniak nationalists see the Islamic character of their community as the demand for the

conjunction of faith and knowledge, morals and politics and ideas and interests; Islamic order is a unity of religion and law, an integrated way of life. The authority of the Koran as law must be restored, for there cannot be a Muslim identity separate from Islam (Izetbegovic, 1998: 129-130). The golden ages of ethnic groups do not correspond to each other. According to Schopflin (1997), ethno-nationalist myths can be understood as myths of powerlessness and compensation for loss; the myths of primacy and a golden age 'make a virtue of fatalism and passivity, claim a special moral superiority for having suffered...and thereby demand recognition for certain claims in the present' (1997:29-30).

Ambiguity of the BiH state is not separate from the ambiguity of Bosnian nationhood. The fact that Republika Srpska controls 49% of the BiH territory, with 34% of the population, creates a node of tension in Bosnian politics as a perceived discrepancy between the nation and the state. As discussed previously, each constituent nation corresponds with each other through the 'leader cults'. Silajdzic in the Federation and Dodik in the RS present themselves as the speakers of their nations. Ethno-national politics of BiH, for this reason, cannot be explained without looking into the dynamics of elite manipulation.

Elite manipulation

According to Brown(2000: 67), ethnic nationalism is open to manipulation by 'insecure elites' that create the feeling of resentment against the others who are perceived as threatening. Greenfeld (1992) similarly argues that nationalism is a matter of ideological innovation led by elites, which influenced the course of history and the

development of the modern state. Brass (1991) underlines the role of elite competition in the production and reproduction of ethnicity and nationalism through the manipulation of symbolism, by which he argues for the existence of ethnic raw materials to work with and the means of generalized mass communication across class divisions. In his view, the ethno-national identities are strengthened by intra-ethnic competition between elite groups to control local societies, by inter-ethnic competition between elites to control new economic and political opportunities of modernity, or by a combination of both (1991:64). Milorad Dodik has become a phenomenal politician who manages to associate any political issue between the Federation and the RS as one of ethno-political rivalry in which he is the sole defender of Serbian rights against the assimilationist politics of the Bosniak politicians in Sarajevo. His unyielding stance on the issue of police reform, as well as his defiant attitude against Silajdzic's calls for the abolishment of the RS as a genocidal entity, put him in the position of the spokesperson for the Serbian people. Even on non-political issues, like the level of economic development in the entities such as the rate of privatization and the amount of foreign direct investment, the neo-nationalist social democrat leadership of SNSD boasts about its recent advances as a means for justifying the superiority of mono-ethnic structure of the RS over the multi-ethnic composition of the Federation¹⁴⁹. The embodiment of the national will in the personality cults of its leaders is not a new experience in the Western Balkans. The authoritarian quality of the BiH political system breeds authoritarian leaders regardless of ethnic

¹⁴⁹ In the Republika Srpska total industrial production rose by nearly 20% in 2006. The Federation experienced a more moderate growth rate of industrial production of 7.5%. Available at <http://www.eubusiness.com/Bosnia/bosnia-country-profile>

background and political leaning. Republika Srpska's political orientation explains the domination of ethno-nationalist thinking clearly.

3.3.2 Republika Srpska-caught between guilt and freedom

Providing security and safety to Serb people in neighboring Bosnia Herzegovina has been one of the main goals of Serbian nationalism before the war started in 1992. Brubaker defines nationalism with three functional principles in the field of political cybernetics (1996). The first of these principles is *nationalizing nationalisms of new states*, in which a core ethno-cultural nation, previously marginalized, uses state power to consolidate the ownership of state. A second principle is *homeland nationalisms*, in which an ethno-cultural nation dominant in one state aims to defend and hold up the interests of its co-nationals who are a marginalized minority within another (usually neighboring) state. The third principle is *minority nationalisms*, in which marginalized groups demand state recognition and certain cultural and political rights on the basis of their nationhood. The nationalism of the RS is minority nationalism, which was directed against the very livelihood of the other nationalities in Bosnia and manifested as genocide in Srebrenica. Yet this minority nationalism wouldn't have been that vengeful and violent if it hadn't been supported by Belgrade's homeland nationalism that provided military support to the Chetniks in Eastern Bosnia.

Hechter argues that control of the governance unit is the key objective of nationalist struggle; the governance unit is 'that territorial unit that is responsible for providing the bulk of social order and other collective goods, including protection from confiscation, justice and welfare to its members' (2000:9). Republika Srpska has been

more than just a political entity for the Bosnian Serbs. It has been understood as a reward for the sacrifices the Serb nation has made, and it represents the sentiments of the Serbian people in Bosnia Herzegovina (interview with SNSD representative in July 2006).

The preamble of the Constitution of Republika Srpska demonstrates that the entity was founded on ethnic principles. The RS constitution is noted to be:

Starting from the natural, inalienable and untransferable right of the Serb people to self-determination on the basis of which that people, as any other free and sovereign people, independently decides on its political and State status and secures its economic, social and cultural development;

- Respecting the centuries-long struggle of the Serb people for freedom and State independence;
- Expressing the determination of the Serb people to its democratic State based on social justice, the rule of law, respect for human dignity, freedom and equality;
- Recognizing the natural and democratic right, will and determination of the Serb people from the Republic of Srpska to link its State completely and tightly with other States of the Serb people(2001)¹⁵⁰.

The preamble fulfilled the chaotic desire for the organic unity of blood and soil. The entity with its own police force, minister of interior and judicial system belongs only to the Serb people as a reward for the ‘centuries-long struggle of the Serb people for freedom and State independence’ as its ‘natural and democratic right’.

Article 1 of the Republika Srpska constitution reads: “*Republika Srpska shall be the State of the Serb people and of all its citizens*”. The part “of all its citizens” was amended in 2001 amid pressure from the Venice Commission and the Constitutional Court of Bosnia Herzegovina on the grounds that Republika Srpska violated the equality of all citizens before the law for the benefit of one particular ethnic group. Republika

¹⁵⁰ Retrieved from <http://www.vladars.net/en/zakoni/ustav.html>

Srpska's constitution imagined a state with roots in the soil that was bathed by the sacred blood of the Serbs, excluding all other citizens who legally are non-Serbs.

Edin Sarcevic, a Bosniak legal scholar, in an interview given in May 2001, criticized the Dayton constitution for legalizing the genocide. According to Sarcevic, the "RS constitution is a formal codification of the wartime legal setup...The basic premise of the RS constitution, as established by the BiH constitutional court with its decision regarding national equality, is that it protects the results of genocide and ethnic cleansing..." (2001)¹⁵¹.

Republika Srpska and Genocide

According to Peter Berger (1966), whether ethno-religious or modern nationalism, 'identity creeds reassure their adherents in the face of the inescapable human condition of mortality' (46). Keane conceptualized nationalism as a pathological form of national identity that is thought to help achieve immortality (1995). Nationalism is a form of chosen ignorance simplifying the world against the complexities of democracy, but not the ignorance of innocence. Michael Mann (2004) sees the choice of nationalism as an escape from death. Ethnic nationalism erases any sense of uselessness, encouraging "the solidarity of the culpable" (Siklova, 1991). Armstrong (1982), in his book "*Nations before Nationalism*", positions ethnicity as a matter of attitude towards other groups. Group identities are defined by symbolic contrasts and oppositions with other groups, and it is the marking of the social boundaries through symbolic differences that is the definitive feature of ethnicity, rather than any enduring cultural demographic or cultural

¹⁵¹ Retrieved from the website http://www.bosnia.org.uk/news/news_body.cfm?newsid=1534

content of the group (1982). Vamik Volkan (1998) calls this phenomenon of symbolic boundedness ‘psychogeography’, a psychic space where anything symbolized by the other is not allowed and is demonized. Nationalism is fear of the other, but also seeing the other as inferior. Republika Srpska Serbs fear domination by Islamic authoritarianism and assimilation symbolized in Sarajevo. The ethnic cleansing and genocidal acts of violence were an attempt to create cohesion between the pure psychogeography of the Serb nation in Bosnia with the ethnically cleansed physical geography. The death caused by the Muslim Bosniak (myth of self-sacrifice) and by the Serb on the Bosniak (heroism) immortalized the Serb nation.

Article II of the Convention on the Punishment and Prevention of the Crime of Genocide (CPPCG) reads as follows:

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group” (retrieved from the relevant website)

Raphael Lemkin, a Polish-Jewish legal scholar, coined the term genocide in 1944. The term ‘genocide’ etymologically combines the Greek for group or tribe - *genos*, with the Latin for killing - *cide*. Radovan Karadzic, the former president of Republika Srpska, made the following comments on March 4, 1992, right before the war started in Bosnia Herzegovina, addressing the other nations in Bosnia:

I'm asking you once again, I'm not threatening, but asking you to take seriously the interpretation of the political will of the Serbian people who are represented here by the Serbian Democratic Party and the Serbian Renewal Movement and a

couple of Serbs from other parties. I ask you to take seriously the fact that what you are doing is not good. Is this the road under which you want to direct Bosnia-Herzegovina? The same highway to hell and suffering that Slovenia and Croatia are travelling? Do not think that you will not lead Bosnia-Herzegovina to hell. And do not think that you will not perhaps lead the Muslim people into annihilation because the Muslim people cannot defend themselves if there is war. How will you prevent everyone from being killed in Bosnia-Herzegovina?

Max Weber's definition of power as 'the probability that one actor within a social relationship will be in a position to carry out his own will despite resistance, regardless on the basis on which this probability rests' (1978:53). Karadzic's threat to the Muslim population of annihilation is a manifestation of will to power built on the evident powerlessness of the Bosniaks. David Easton argues that politics is distribution by command; it is the state that decides, as the principal entity, how social goods will be allocated (1993). Power politics distinguishes between 'us' and 'them' (Schmitt, 2005). Nairn characterizes nationalism as looking both inward to cultivate authority and legitimacy among its members, and outward to guard its place in competition with other states by building on the dichotomy between 'us' and 'them' (1997). The nationalist state and party machinery is cunning enough to specify and eliminate those who side with the other among us. Vladimir Srebrov, former co-founder of the Serbian Democratic Party, was kicked out from the SDS in the beginning of the 1990s, and then later served a sentence for political subversion to the Serbian state. Srebrov described the extermination plans of the Serbian natinoalist leadership in ex-Yugoslavia in an interview he gave to Adil Kulenovic on Vreme, a news magazine, on October 30, 1995:

I had come under tremendous pressure to accept a plan which, as I was subsequently to learn, had been drawn up not in 1990, but in the 1980s. This was the famous 'Ram Plan', the aim of which was to destroy Bosnia economically and completely exterminate its Muslim people. I was terribly shocked. I am not

exaggerating when I say that I felt terrible pain when I heard about this from people who had been my friends for almost twenty years. The plan was drawn up in the 1980s by the General Staff of what was then the Yugoslav People's Army (JNA). It envisaged a division of Bosnia into two spheres of interest, leading to the creation of a Greater Serbia and a Greater Croatia. The Muslims were to be subjected to a final solution: more than 50% of them were to be killed, a smaller part was to be converted to Orthodoxy, while an even smaller part - those with money, of course - was to be allowed to leave for Turkey, by way of a so-called 'Turkish corridor'. The aim was to cleanse Bosnia-Herzegovina completely of the Muslim nation, and to divide the country along the River Vrbas. The very name of Bosnia was to disappear. This was the aim behind the creation of 'Republika Srpska.

Decision of the International Court of Justice

On February 26, 2007, the International Court of Justice (ICJ) in the Hague made the following decision responding to Bosnia Herzegovina's allegations that Serbia had committed genocide between 1992 and 1995 in Bosnia:

ICJ finds that Serbia has not committed genocide, through its organs or persons whose acts engage its responsibility under customary international law, in violation of its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide; ...
Finds that Serbia has violated the obligation to prevent genocide, under the Convention on the Prevention and Punishment of the Crime of Genocide, in respect of the genocide that occurred in Srebrenica in July 1995; ...
Finds that Serbia has violated its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide by having failed to transfer Ratko Mladic, indicted for genocide and complicity in genocide, for trial by the International Criminal Tribunal for the former Yugoslavia, and thus having failed fully to co-operate with that Tribunal; (February 26, 2007)¹⁵².

This decision of the ICJ admits that genocide was committed in Srebrenica in July 1995 against 7000 Bosniak males, yet the perpetrator of the genocide remains unnamed by the court. Serbia, as the homeland of Bosnian Serbs, is accused of not preventing the genocide from happening, yet it cannot be convicted of the crime per se. VRS, the

¹⁵² Retrieved from the website <http://jurist.law.pitt.edu/paperchase/2007/02/icj-serbia-not-guilty-of-bosnia.php>

Republika Srpska Army, was named as the felons doing the killings. The repercussion of this naming for the Republika Srpska was making the entity a result of the genocide.

Srebrenica special status demands

On March 24, 2007, following the ruling of the ICJ that genocide was committed against Bosniaks in Srebrenica in July 1995, the Bosniak members of Srebrenica's municipal assembly adopted a resolution that would remove the town from the jurisdiction of the Serb-majority RS entity in Bosnia and grant it special administrative status within Bosnia, similar to that of the northern river port city of Brcko, a "neutral district" running on its own. The main argument of the Srebrenica municipal assembly was that living under the political authority of a Serb majority Republika Srpska, whose army had committed genocide on the very citizens of Srebrenica as recognized by the ICJ verdict, is no longer possible. Citizens of Srebrenica threatened the RS with a mass exodus from the RS unless their demands for special status were recognized. Republika Srpska PM Milorad Dodik denounced this decision, saying that it directly violates the RS Constitution. Dodik warned that the entity government will take legal action to defend the rights¹⁵³. The international community in BiH voiced its support for the maintenance of the entity structure within the country, claiming that demands for special status for Srebrenica would be a violation of the Dayton Peace Accords.

Independence referendum threats by Republika Srpska

Although the Srebrenica municipal assembly's call for special status was accused of being contrary to the RS and Dayton constitution, the Republika Srpska prime minister

¹⁵³ Retrieved from <http://www.seeurope.net/?q=node/6794>

made *unconstitutional* demands for political propaganda. Following the May 21st independence referendum in Montenegro, RS Prime Minister Milorad Dodik, who is also the leader of the Alliance of Independent Social Democrats (SNSD), suggested that people in BiH should also have the chance to decide on their future in a similar manner. Speaking to the Bosnian daily, *Oslobodjenje*, he said that BiH should be organized as a federal state, with each of its constituent entities given the right to self-determination through referendum. But he then sent an open letter to the media on the weekend, saying he was only reflecting on possible scenarios for the future and that he was ready to discuss the matter with everyone in BiH who considers RS an equal partner¹⁵⁴. In September 2006, before the October general elections, the RSPM brought up the issue again, claiming that the referendum is unavoidable because of the inability to keep Bosnia-Herzegovina unified in the long-term. Dodik said that one of the essential conditions for RS remaining in Bosnia-Herzegovina is for the Federation's government to give guarantees that it will not fall into the clutches of radical Islamic politics¹⁵⁵. This is a good example of elite manipulation in the dynamics of nationalism, demonstrating the RS as a reward of the Bosnian Serbs that might be torn apart in the hands of the demonic Muslim Bosniaks.

¹⁵⁴ Retrieved from

http://www.setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2006/05/31/feature-01

¹⁵⁵ Retrieved from

http://www.b92.net/eng/news/worldarticle.php?yyyy=2006&mm=09&dd=04&nav_id=36503

3.4 Legacy of the Past

Are the Dayton structures a recipe for destruction?

The Dayton constitution is based on the premise that it is possible to harmonize extreme nationalism and the civic principle of the legal state. Republika Srpska, in the post-Dayton era, proves that it is possible to transform the crime of genocide into a fundamental principle of state and legal order. In other words, the Dayton agreement is internally contradictory from a legal point of view. The international community has created a state by agreement between three ethnic communities organized into two entities. More than a decade on, one of the biggest challenges for Bosnia's integration into the EU is the need for a consolidated structure that would undertake the necessary reforms. The Dayton Accords aim to uphold the principle of legality, but this principle is in contradiction with the primacy of the ethnic principle embedded in the entity structure. The past six years witnessed an effort by the international community to pull more powers to the state level structures, through which a non-ethnic, civic character could possibly be built. The Dayton constitution remains locked in a paradox between the demand for the establishment of a legal state and the legal and political diktat of the ethnos. One of the critiques of the Dayton system is that it imitates the political system of the dysfunctional post-1974 Yugoslavia. The forms and functions of post-conflict BiH have similarities with that of the Socialist Federal Republic of Yugoslavia. It is worth it to look into the dissolution of Yugoslavia and how ethno-nationalism played a part in that.

The Yugoslav state was a pseudo-federalist, semi-authoritarian state. There are two main reasons for the breakup of Yugoslavia; one is the institutionalization of the quasi-sovereign states, and the other is the evident deficiency in the governing regime (Brubaker, 1994). The breakup of Yugoslavia resulted in the onslaught of war. Arguments about territory were in contradiction with the heterogeneous populations. The nationalist demand for the setting up of states on ethnically homogeneous grounds necessitated boundary changes and alteration of ethno-demographic structures. The fulfillment of such nationalist dreams brought frozen national questions into the forefront.

3.4.1 1974 Yugoslav Constitution's negative impact

According to Vesna Pestic (2000), a possible transition to a truly multi-ethnic federal structure was closed off with the 1974 constitutional changes that introduced a multi-national system to Yugoslavia. Post-1974 Yugoslavia consisted of particular nations and national institutions defined on territorial-political bases (Kymlicka, 1995). The full and free development of the peoples (i.e. not of Bosnian?? people, but of Serbian peoples) was permitted. Yet, with the exception of Slovenia, none of the republics had mono-ethnic structures. The heterogeneous social structures of the Yugoslav republics proved to be a challenge, if not a paradox, for nationalist intentions of building respective states on ethnos (people in the ethno-cultural sense) instead of demos (people in the political sense). In each heterogeneous republic, the nation with the most numbers became the founding nation at the expense of the others. Forced homogenization brought the question of 'diasporas' living in neighboring countries. Pestic characterizes the issue

of national questions in ex-Yugoslavia as confrontational and asymmetrical due to the diaspora effect (2000).

Rise of Serbian nationalism

The 1974 constitution extended the independence and sovereignty of the national republics from the center. The Serbian national body experienced a disadvantage for the benefit of the others, leaving a *Serbian surplus* in other republics. The expression of Serbian nationalism in the post-1990 era thus had two goals, separation of the Serbian diaspora from the other republics, and unification with the homeland in a greater Serbia. The structure of the post-1974 Yugoslavia allowed the mechanisms of self-defense and non-interference, since the meso level inter-state system of Yugoslavia was built on Balance of Power conditions. The principles of self-defense and non-interference bring self-fulfilling prophecies with them. W. I. Thomas (1928) defined self-fulfilling prophecies as follows; “If people define situations as real, then they are real in their consequences”. The first part of the theory claims that reactions of the people are not only bounded by the objective characteristics of a situation, but also by the meanings derived from the situation. Accordingly, the meanings embedded in the situation impact the way people behave and the consequences of their behaviors. If the meaning is attributed in a clear and generalized fashion, it becomes an integral component of the situation and causes the following event (475-490).

Yugoslavia could not manage to reconcile a collective state identity with the narrower national identity since it lacked the necessary institutional limitations of a civil state with constitutional rights. Until the 1974 constitutional change, the socialist

patriotism advanced by the Yugoslav state was dominated by Serbian paternalism, as the nation that had stood against the occupiers during the Second World War with the most numbers and who built socialist Yugoslavia. With the constitution of 1974, the unitary authoritarianism was replaced by a decentralized authoritarianism. The new system placed Tito as the arbiter of national problems around whom a national mythos was created. Yugoslavia became an 'agreed' state between the republics and provinces. As a result, the sovereignty that had previously rested in the center was dispersed in symmetry between the republics (Dindic, 1988).

The collapse of Yugoslav federalism at the end of the 1980s led to each locally dominant people to seek its own representative state. None of the constituent nations specified in the 1974 constitution had prior experience with democratic institutionalism, or with centralized, inter-regional institutions. After their respective declarations of independence, these new states had to ground their representative institutions in the core ethnic people as the easiest path to follow. The quest for self-determination is often strengthened by myths. The Serbian myth of Greater Serbia not only legitimated the use of violence to protect the Yugoslav (Serbian) state, but also appropriated the not-so-disguised support for the atrocities committed by Serbian paramilitaries in the neighboring countries of Croatia and Bosnia Herzegovina after 1991.

Victimization of the Serb people

Popov claims that the individual's need to define his or her problem is rarely noticed due to an acclaimed lack of need to develop personal identity (2000). Research shows that in Serbia the syndrome of the authoritarian personality is more prevalent

(Biro, 1994:19-20). The economic and political passivity of the former socialist system was also accused of putting the people at the receiving end, not the earning. Popov underlines three inseparable aspects of Yugoslav modernity: de-structuring of society, the disorganization of the state, and the depersonalization of the personality (2000:99). The changes on the global and regional level furthered the uncertainty of everyday life, which instead of opening ways to democratization, led to an escape from modernity. The Yugoslav government looked omnipotent, whereas its subjects were impotent, as could be seen in the segregated, disorganized pockets of opposition against state oppression. Fear of the government led to withdrawal from politics. So when the system that looked omnipotent and eternal collapsed, everyone behaved like victims of party clashes, war, revolution, and various campaigns against the enemy. A deadly synthesis of victims on the national level was created. The fusion of groups and classes was replaced by a chaotic desire for an organic unity of blood and soil. The whole nation was declared to be the victim of another nation. From there, collective vengeance was one step away.

Nationalism is connected to feelings of injured dignity. Various injuries found a common denominator in national wounds and revenge. Radovan Karadzic, a psychiatrist by profession, succeeding in connecting the individual psyche with the collective soul. According to Karadzic, the crouching soul of the Serbs should be freed from the state of being suppressed over the land that is Serbian, such as the Republika Srpska. Karadzic also had the support of the spiritual authority, the Orthodox Church, that helped the resurrection of the crouching soul. Thus, violence conducted by the Serbian

paramilitaries was the fault of the others resisting the realization of the mission as the word of the God.

In Croatia and in former Bosnia Herzegovina, the enemy made so many mistakes that it led us straight to the path of the complete renewal of the Serb kingdom, the renewal of the Serb state, so our way was actually a reaction to the challenges set for us, and to the need forced upon us by our enemies, and actually it all came out as the way God commanded (Karadzic, 1995).

The myths of the past, the separation of the present and the remains of the recent conflict reinforce ethnicity as the fault line that makes the unity of land and nation impossible in BiH.

3.4.2 *War*

Anthony Smith emphasizes the role of war in strengthening ethno-national identities. He claims that “historically, protracted wars have been the crucible in which ethnic consciousness has been crystallized” (1981:75). Smith came up with four reasons for this effect of nationalism:

- (1) “The mobilization of men and resources results in social solidarity against the ethnic other,
- (2) War propaganda and the deployment of positive (us) and negative (enemy) stereotypes that signify distinctions,
- (3) Inter-state wars are usually fought over territory to rearrange social and spatial boundaries, and
- (4) Inter-state wars promote centralization and institutionalization of power, requiring “a distinctive internal ordering of its population thus turning into a community with a sense of its historic identity” (1981:78).

The violent phase of the conflict ended in a stalemate with the imposition of the Dayton Peace Accords. The system of post-conflict BiH did not manage to transform the mutually opposed positions. There is a lack of reconciliation and a desire to forget the past. The transformation of a former conflictual relationship needs the development of trust. Reconciliation is “the ultimate transformation of the relationship which involves

putting the past into a manageable perspective so that it no longer blocks the development of a fully cooperative and peaceful relationship” (Saunders, 1999:44). Putting the past into a manageable perspective requires forgiveness, and confession.

Figure 3.7 Issues related to post-conflict situation in BiH

BiH is still a post-conflict country: 10
Structure of the war remains: 8
PIFWICS need to be handed to ICTY: 7
No dealing with the past and lack of reconciliation: 4
Religious community leaders still expose fear and mutual insecurity: 4
There is potential for terrorism: 4
BiH's loss of importance in the international agenda: 1
Failed state image is a problem: 1
War image is a problem: 1

The set of problems associated with remains of the war indicate a common perception among the respondents that the impact of the conflict in the daily lives of Bosnians is still present. The ethno-nationalism and forms and functions of the political structures have been discussed in length in this chapter. If anything could change the negative peace in BiH, it is reconciliation and coming to terms with past crimes committed by all parties to the conflict. The decision of the International Court of Justice on Genocide did not open channels of communication between the ethnic pillars of the society that would make a healthy exchange possible between the communities (see the section on ICJ decision on genocide).

The difficulty of reconciliation in BiH

The tables below, extracted from the UNDP 2006 Early Warning Annual Report on BiH, can be helpful in laying out the likely difficulties in the reconciliation process. John Paul Lederach, using theological arguments, defines truth, justice, mercy and peace as the four components of reconciliation (1997: 30). Truth includes acknowledgement,

transparency, revelation and clarity. Justice is built on equality, right relationships, making things right and restitution. Mercy, on the other hand, requires acceptance, forgiveness, support, compassion and healing. Peace connotes harmony, unity, well-being, security and respect.

Table 3.14 Ethnicity pride

Are very proud of their ethnicity

| | Total | | BMA | | CMA | | SMA | |
|--------|--------|-------|--------|-------|-------|-------|--------|-------|
| Survey | 05/#4 | 06/#4 | 05/#4 | 06/#4 | 05/#4 | 06/#4 | 05/#4 | 06/#4 |
| In % | 71.5 | 77.9 | 77.6 | 90.9 | 79.9 | 78.1 | 61.2 | 62 |
| Index | 108.95 | | 117.14 | | 97.75 | | 101.31 | |

Source: Opinion polls carried out for EWS by Prism Research

Table X

Table 3.14 demonstrates a significant level of ethnic pride in all of the constituent nations in BiH. But the data on the citizenship pride demonstrates the association of only one of the constituent nations, namely the Bosniak community, to BiH. The association of the Croat community is a 32% average, whereas the Serbian community overwhelmingly refuse to acknowledge BiH as their state. The ‘very proud’ category might mislead the perceptions of the moderate majority, which does not have any problems with living in BiH. To think about the possibility of reconciliation in a post-conflict society, there is a need for agreement of a common future among the citizens of the country. The fact that only the Bosniak community feels a sense of attachment to the BiH state is an unfortunate sign that attempts for reconciliation in BiH need to acknowledge the high possibility of failure from the start.

Table 3.15 Citizenship pride

| Are very proud to be citizens of BiH | | Total | | Bosniaks | | Croats | | Serbians | |
|--------------------------------------|--------|-------|--------|----------|-------|--------|-------|----------|--|
| Survey | 05/#4 | 06/#4 | 05/#4 | 06/#4 | 05/#4 | 06/#4 | 05/#4 | 06/#4 | |
| In % | 48.1 | 53.1 | 77.2 | 89.5 | 33.1 | 32.8 | 17.8 | 16.1 | |
| Index | 110.40 | | 115.93 | | 99.09 | | 90.45 | | |

Source: Opinion polls carried out for EWS by Prism Research

The education system is one of the most contested aspects of post-conflict BiH. “Two-schools-under-one-roof” is perhaps the most fitting example of segregation in the Federation primary schools of BiH. Although assimilation is common practice in schools throughout Bosnia Herzegovina, due to the presence of the multiple ethnically biased curricula, the continuation of the “two-schools-under-one-roof” system presents an exaggerated form of divisions in the BiH education system. In many divided schools, Bosniak and Croat children, as well as their teachers, do not have any mutual contact. Segregation is at the point that students often enter these schools through different entrances, they take separate breaks, and the teachers have separate common rooms. Books for primary education are segregated as well. Croat children use books published in Croatia on Croatian history, literature and geography. Concurrently, Bosniak kids go through a curriculum of their own, with a separate interpretation of Bosnian history, in the Bosnian language¹⁵⁶. The most dangerous aspect of plurality of the education system in the Federation is the imposition of different interpretations of recent history to the

¹⁵⁶ Croatian and Bosniak children can perfectly understand each other, but are called differently with respect to constitutional ethnic groups and minorities.

children and antagonism toward their colleagues at an early age¹⁵⁷. The institutionalization of different teachings of different parts of one country could make it impossible to agree on one common future. The unification of the education system in the Federation is possible given that both within the Bosniak Majority Areas and Croat Majority Areas, parents voice their entire or basic support for co-education of their children (See Table 3.16 below).

Table 3.16: public opinion on co-education

How acceptable is it for you for your children to go to the same school as...

| BOSNIAKS | Croat Majority | | Serbian Majority | |
|------------------------------------|----------------|-------|------------------|-------|
| | 06/#1 | 06/#4 | 06/#1 | 06/#4 |
| Entirely | 39.1 | 39.7 | 34.2 | 26.2 |
| Basically | 24.5 | 31.8 | 30.2 | 32.8 |
| Basically or entirely unacceptable | 29.4 | 23.9 | 27.4 | 34.5 |

| CROATS | Bosniak Majority | | Serbian Majority | |
|------------------------------------|------------------|-------|------------------|-------|
| | 06/#1 | 06/#4 | 06/#1 | 06/#4 |
| Entirely | 72.1 | 89.6 | 34.4 | 26.4 |
| Basically | 21.5 | 5.3 | 32 | 36 |
| Basically or entirely unacceptable | 4.7 | 4.1 | 25.7 | 32.3 |

| SERBS | Bosniak Majority | | Croat Majority | |
|------------------------------------|------------------|-------|----------------|-------|
| | 06/#1 | 06/#4 | 06/#1 | 06/#4 |
| Entirely | 62.3 | 87.4 | 40.8 | 37.9 |
| Basically | 24.6 | 3.4 | 25.7 | 31.1 |
| Basically or entirely unacceptable | 10.4 | 8 | 28.4 | 6.4 |

Source: Opinion polls conducted for EWS by PRISM Research

¹⁵⁷ Palme Center's BiH correspondent Majde Zeherovic's report on the education in Bosnia Herzegovina can be accessed at:
http://www.palmecenter.se/upload/filerengelska%20sidan/partysupport/report_education_wb_070404.pdf

Being able to live together in post-conflict societies is one of the biggest challenges of the immediate post-conflict stage. BiH seems to have gotten over this challenge after more than a decade. People belonging to all three constituent peoples significantly demonstrated their willingness to live together with neighbors of other ethnic origins. This should be understood as an important phenomenon since it displays an increased tolerance toward the other given they remain the majority.

Table 3.17: Willingness to live as neighbors

| How acceptable is it for you to have neighbors who are... | | | | | |
|---|------------------|-------|----------------|-------|------|
| BOSNIAKS | Croat Majority | | Serb Majority | | |
| | 06/#1 | 06/#4 | 06/#1 | 06/#4 | |
| | Entirely | 38.9 | 40.4 | 37.2 | 31.3 |
| | Basically | 30 | 34.3 | 32 | 40.8 |
| Basically or entirely unacceptable | 24.6 | 21.4 | 23.2 | 23.8 | |
| CROATS | Bosniak Majority | | Serb Majority | | |
| | 06/#1 | 06/#4 | 06/#1 | 06/#4 | |
| | Entirely | 73.2 | 92.1 | 36.5 | 30.7 |
| | Basically | 21.4 | 5.5 | 33.7 | 43.2 |
| Basically or entirely unacceptable | 3.6 | 2.1 | 21.9 | 22.4 | |
| SERBS | Bosniak Majority | | Croat Majority | | |
| | 06/#1 | 06/#4 | 06/#1 | 06/#4 | |
| | Entirely | 66.1 | 90.1 | 48.9 | 36.7 |
| | Basically | 21.7 | 4.4 | 28.1 | 36.1 |
| Basically or entirely unacceptable | 9.2 | 5.2 | 18.4 | 23.3 | |

Source: Opinion polls conducted for EWS by PRISM Research

Tolerance in the neighborhoods is also reflected in the significant level of acceptance of the present coexistence under the roof of Bosnia Herzegovina. The majority of all constituent nations entirely or basically accept to live in the same country

with the other. This is good news. But, as in the level of neighborhoods, this acceptance to live in the same country with the others is accepted as long as those accepted accept to be the minority in the accepting majority.

Table 3.18 Sharing the same country

How acceptable do you consider it to live in the same country as:

| BOSNIAKS | Croat Majority | | Serb Majority | |
|------------------------------------|------------------|-------|----------------|-------|
| | 06/#1 | 06/#4 | 06/#1 | 06/#4 |
| Entirely | 45.8 | 43.4 | 31.8 | 28.5 |
| Basically | 30.7 | 35.1 | 27.1 | 40.8 |
| Basically or entirely unacceptable | 17.5 | 17.8 | 33.4 | 26.9 |
| | | | | |
| CROATS | Bosniak Majority | | Serb Majority | |
| | 06/#1 | 06/#4 | 06/#1 | 06/#4 |
| Entirely | 74.9 | 23.3 | 32.1 | 28.6 |
| Basically | 20 | 5.5 | 28.8 | 44 |
| Basically or entirely unacceptable | 3.1 | 1.8 | 31.7 | 23.7 |
| | | | | |
| SERBS | Bosniak Majority | | Croat Majority | |
| | 06/#1 | 06/#4 | 06/#1 | 06/#4 |
| Entirely | 66.1 | 90.2 | 48.9 | 40.3 |
| Basically | 21.7 | 4.4 | 28.1 | 35.8 |
| Basically or entirely unacceptable | 9.2 | 5.1 | 18.4 | 20 |

Source: Opinion polls conducted for EWS by PRISM Research

The findings from the surveys of the UNDP indicate that the possibility of creating a truly multi-ethnic plural society in Bosnia remains as elusive as ever. This does not mean that the political trajectory of the country is heading towards destruction. Instead, there are some good signs on the possibility of a better BiH, where people belonging to different constituent nations voice their willingness to accept diversity, as long as they remain the majority.

3.5 Conclusion

This chapter focused on the problems associated with the post-conflict political structures and the political culture in BiH. These problems were discussed in four sections: the state of the civil society, the forms and functions of the state, widespread ethnic nationalism, and the impact of the war. In the section related to civil society, problems were discussed in light of prominent theories of democratization.

Bosnia Herzegovina is considered a regime in transition from an authoritarian kind to a liberal western style democracy. In such transformations, the active participation of civil society in the process is considered crucial. The traditional form of civil society in BiH fails to provide the perfect alternative for such a modern project. 'Komsiluk', the traditional form of co-existence in BiH, necessitates a sublime authority as the arbiter of conflicts between the groups. The consociational setup of the Dayton constitution forces an imitation in national politics. The Bonn Powers of the High Representative complete the picture. The realization for the expectations of the birth of a 'culture of democracy' in Bosnia remains to happen in an indefinite future.

The consociational ethno-federal structure of post-conflict Bosnia constrains the limits of political engagement within ethnic boundaries. An evaluation of the implementation of the consociational elements, such as the protection of vital interests, proportionality in representation in public offices and segmental authority in BiH, demonstrates a contradiction with the pluralist intent of such a system. Especially on the issue of corruption and organized crime networks, the complexity of the governance and legislative structures serve as influential factors. Looking into the forms of the system

demonstrated the further complexity of Bosnian politics. BiH is a controlled democracy in its relation with the extended involvement of the international community. The undemocratic role of the international community is in contradiction with the democratic goals underlined as the essence of its engagement. I argued that the undemocratic quality of the international community is further represented in the competitive authoritarianism embedded in BiH's electoral system. The alienation of the Bosnian public from daily politics is another characteristic of this authoritarianism. Voting behavior is not an indicator of democratic involvement in BiH, since elections are seen as a mechanism where the individual BiH citizen demonstrates solidarity with his or her nationality.

Ethno-politics is very much present in the daily lives of Bosnians, which fragment the society along national lines. The political elites of the country manipulate the divisions by referring to myths of the past and different golden ages. Republika Srpska's problematic relationship with its existence, as a result of the recent war, manifested a dilemma of the political elite of the Serb entity between guilt and freedom, as was seen in the case of the ICJ decision on genocide in Srebrenica. I further argued that the Dayton constitution is a weak reproduction of the 1974 Yugoslav constitution that, in many ways, legitimized the disintegration of the Socialist Federation. The difference between the two constitutions is the end of multi-ethnic coexistence, although maintaining the constituent nation principle as a result of the recent war. In the last section, I evaluated the possibility of reconciliation in BiH after more than a decade has passed since the last bullet was fired. The teaching of three different histories to the younger generations under the 'two schools under one roof' system in the Federation is a challenge for the possible opening

of channels of reconciliation in the future. The disagreement on the past of the country can make agreement on the future of BiH impossible. The survey results demonstrate the willingness of co-existence among the constituent communities of BiH, although the Bosnian state is owned only by the Bosniak community, while the Serbian and Croat nations remain skeptical toward an overarching citizenship-based Bosnian identity.

The next chapter looks into the role of the European Union membership perspective in transforming the fragmented nature of Bosnian society as political structures. It analyzes how EU institutions are perceived in BiH. The effectiveness of the EU's involvement in BiH will be determined through its ability to convince the people with the urgent need to change the Bosnian political system to one in line with EU principles. The EU reform process, so far, moved with the push of the international community, and it still remains a question whether the pull of the European Union will be able to replace the push of the international community in favor of a truly Bosnian plural democracy. The next chapter tries to find answers to this question.

CHAPTER 4: THE EUROPEAN UNION IN BOSNIA HERZEGOVINA

This chapter looks into the deficiencies and positive features of EU institutions' policies in and on BiH. It provides an overview of the EU's involvement in Bosnia starting with the declaration of independence of the country in 1992. The role of EU institutions is analyzed in accordance with their relative impact on post-conflict Bosnian politics. The sketch of the extent and scope of the involvement of the EU provides a well-defined foundation for the discussion on the effectiveness of the EU in conflict transformation in the concluding chapter.

The European Union's involvement in Bosnia serves two purposes: stability and transformation. The instruments of the EU's second pillar, Security Defense Policy (ESDP), aim to maintain the stability of Bosnia, while the community instruments are tasked with the handling of the accession process. It is hoped that the EU integration perspective will bring in much needed momentum for the redefinition of post-conflict politics in Bosnia. BiH is a unique case as a future EU candidate country whose political and territorial integrity is under the guarantee of the Peace Implementation Council (PIC) of the International Community maintained by the EU security instruments. The security instruments of the EU, the European Union Force (EUFOR) Althea and the European

Union Police Mission (EUPM), have a mandate to enforce the full implementation of the Dayton Agreement.

The accession perspective is the most effective tool of the EU to encourage Bosnian politicians toward genuine reforms. It is the most crucial element of the international community's presence that could transform the defunct political institutions of BiH into efficient, competent political bodies that would follow through with the implementation of reforms all over Bosnia. Bosnia's EU accession process, as such, needs the determination and good will on the side of the Bosnian politicians, and clarity and follow-up on the side of the European community. A regional approach and conditionality principles constitute the underpinnings of the EU approach to the Western Balkans, and BiH in particular. These two principles are clearly present in the Stabilization and Association Process (SAP).

This chapter is divided into two main sections. In the first section, the transformative dimension of EU policies is discussed in chronological order, laying out the intensifying relations between the EU and BiH. The main discussion of this section focuses on the goals of the SAP and how the process has evolved through time. The second section analyzes the ESDP elements at work in BiH, namely EUFOR Althea and the EU Police Mission (EUPM). The development of the ESDP instruments in the second half of the 90s was due to the recognition of the EU's policy failures during the Bosnian war. The design and work of these missions demonstrate the level of operationalization of second pillar elements.

4.1 EU Accession Perspective for Bosnia

This section discusses how the EU's attitude towards the Western Balkans and Bosnia Herzegovina changed from overconfidence to embarrassment and from denial to partnership for future EU membership.

The Bosnian War Period (1992-1995): From big words to disillusionment

The European Union emerged from the Cold War as an overconfident political actor in regards to its capacity to bring peace to possible conflicts on the European Continent. When the crisis in the Federal Socialist Republic of Yugoslavia became internationalized, the European Community declared itself *primus inter pares* to provide a feasible solution to the crisis. The Foreign Minister of Luxembourg who held the rotating EC presidency at the time, Jacques Poos, declared it was “the hour of Europe, not the hour of the United States”. However, the events that followed proved to the contrary. The lack of coherent, coordinated action and stark disagreements even on adopting a common European line at the first stages of the crisis in the former Yugoslavia undermined any meaningful attempt by the European Community to put an end to the violence in the former Yugoslav territories.

In the beginning of the Yugoslav conflict, the European Community adopted a prominent posture by leading the international response on Yugoslavia. In July 1991, negotiators of the EU Troika¹⁵⁸ managed to convince the parties to sign the Brioni Agreement to put an end to the war in Slovenia. The Troika negotiators managed to

¹⁵⁸ The delegation of the EU Troika consisted of foreign ministers of three countries: Hans van den Broek (Netherlands), Jacques Poos (Luxembourg) and João de Deus Pinheiro (Portugal). The Troika consists of the former, current and future holders of the rotating EU Presidency.

implement a number of diplomatic and economic sanctions to force the parties to a negotiated cease-fire agreement by which Yugoslav troops agreed to stop all hostile action on Slovenian territory, while Slovenia and Croatia froze independence activities for a period of three months¹⁵⁹. The success at such an early stage was obstructed by the contradictory political stance of stronger EC countries¹⁶⁰ on the recognition of Croatia and Slovenia at the EC Peace Conference in September 1991. Similar attitudes were observed in the case of the war in Croatia and the initial phases of the conflict in BiH. The plan developed by Britain's Lord Carrington, the Chairman of the Conference, and Portuguese Foreign Minister Cutileiro on restructuring of the BiH state apparatus along ethnic lines, failed. The plan proposed ethnic power sharing on all administrative levels and devolution of the central government to local ethnic communities. However, the weakness of this proposition was the assignment of areas to ethnic groups in cases where an ethnic majority remained unclear. Initially all three sides accepted the plan, but eventually the Bosniak political leadership under the direction of Alija Izetbegović withdrew their consent¹⁶¹.

With the intensification of the conflict in BiH in the second half of 1992, the United Nations intervened into the Yugoslav catastrophe. Efforts of the European Community became a part of UN attempts to bring an end to the conflict through

¹⁵⁹ The European Community sponsored the signing of the Brioni Agreement on July 7, 1991, by representatives of the Republic of Slovenia, Republic of Croatia and the Socialist Federal Republic of Yugoslavia.

¹⁶⁰ There were intense disagreements among the EC Member States regarding the recognition of Slovenia and Croatia, strongly demanded by Germany.

¹⁶¹ The rumor is that the reasons for Izetbegović's refusal were due to the "assurances of US support for a full independent nation" (Zimmermann, 2007). For further info on the details of the Carrington- Cutileiro Plan, please see http://www.partitionconflicts.com/partitions/regions/balkans/peace_process/05_05_02/

peaceful means. In that respect, prominent members of the EC such as France, UK and Germany took part in the diplomatic efforts, implementation of sanctions, and the provision of humanitarian aid. A good example of renewed efforts of the EC is the International Conference on the Former Yugoslavia launched in Geneva, under the auspices of the UN represented by American Cyrus Vance and Britain's Lord Owen acting on behalf of the EC. In early January 1993, Vance and Lord Owen began negotiating a peace proposal with the leaders of Bosnia's warring factions. The plan proposed the division of BiH into ten semi-autonomous regions and was politically backed by the UN. On May 5, however, the self-proclaimed Bosnian Serb assembly refused the Vance-Owen plan; and on June 18, Lord Owen declared that the plan was "dead". The plan failed due to the rapid pace of territorial division, fragmentation and ethnic cleansing taking place during the negotiations for the proposal. As a result, the plan was dead by the time it was announced¹⁶². Likewise, a new regime of sanctions was approved by subsequent UNSC Resolutions¹⁶³ with the commitment of EC/EU assistance in enforcing the sanctions banning any trade between Bosnia's neighbors and BiH, including an arms embargo. The European Community became an important component in the provision of humanitarian aid from the beginning of the conflict. Meanwhile, the

¹⁶² The Vance-Owen Plan was the last proposal that tried to maintain a multiethnic, centralized Bosnia-Herzegovina, following plans by the international community, which either reinforced or recognized elements of partition. It is also argued that the plan failed due to the lack of coercive measures to compel the parties to an agreement, as well as the lack of pressure by the US.

¹⁶³ Both the UNSCR 757 (1992) of May 30, 1992, imposing comprehensive sanctions on the FRY, available at <http://www.nato.int/ifor/un/u920530a.htm>, and UNSCR 821 of April 17, 1993, available at <http://www.nato.int/ifor/un/u930417a.htm>, depended on the commitment of European countries to impose trade restrictions on the neighbors of BiH so that arms would not be received by any of the warring factions.

member states supplied troops for the United Nations Protection Force (UNPROFOR) mission¹⁶⁴.

In 1994, as the human tragedy grew worse in Bosnia Herzegovina, a Contact Group of influential powers was formed with the aim of bringing much needed coherence to the international community's policies on the Bosnian War. The European Union was completely excluded from the negotiating table. Although using the Contact Group as a platform to make the EU heard along with other international powers could have been a possibility, the form and function of the Group remained as an initiative of and for its five constituent members¹⁶⁵. The endgame in Bosnia approached soon as images from the genocide at Srebrenica and massacres at the City Central Market in Sarajevo hit the TV screens all around the world. The Western public opinion was shocked and disgusted and it caused an uproar against the passivity of the international community in the face of daily massacres of innocent people and called for immediate action by the NATO forces to put an end to the conflict (Woodward, 1995). The US and the Contact Group spearheaded the international efforts during the end-game of the conflict, as the support for NATO's military intervention in BiH was growing¹⁶⁶. Following the NATO intervention, negotiations for a peace settlement took place in Dayton, Ohio. The role of

¹⁶⁴ France and the UK were the main contributors to this operation. They provided approximately one-third of the troops of UNPROFOR: 8,700 troops (6,200 French) out of a total of 24,000 blue helmets from 34 countries (Gnesotto, 2004). Available at <http://aei.pitt.edu/466/01/chai14e.html>

¹⁶⁵ The Contact Group initially had six members: the USA, the UK, Russia, Italy, Germany and France. The possibility of forming a common EU foreign policy within the Contact Group in the face of the tragedy in Bosnia was based on the presumed impact such a common position could make considering that the UK held the EU Presidency, Germany held the presidency of the OSCE and France like the UK was a permanent member of the UN Security Council.

¹⁶⁶ In spite of that, in the last period of the conflict, the EU was able to deploy a significant and innovative operation with the administration of Mostar.

Carl Bildt as the EU's Representative at the negotiation table was to outline the future civilian involvement of the EU in the immediate post-conflict phase rather than to give a political role to the EU.

The period between 1991 and 1995 demonstrated that the EC/EU was a political light-weight ravaged with unclear, contradictory policies among its members. The lack of an EU identity in foreign policy and security and defense issues cost the European Community in the form of loss of face and political influence in the immediate post-conflict phase in BiH. In the short-run, the EU had to depend on its stronger economic power to alter the post-conflict developments in Bosnia.

Post-Conflict Reconstruction in BiH (1996-1999): The EU in search of a strategy

The division of labor among the international actors became clearer in this early post-conflict phase in Bosnia. The European Union undertook the reconstruction and development of the economic infrastructure, along with overseeing the liberalization of the state economy, whereas the US and its NATO allies committed to the harder tasks of immediate peace implementation (IFOR) and peacekeeping (SFOR). This period marks the start of the regional approach, as well as the introduction of the conditionality principle in the EU's dealings with the Western Balkan countries and with BiH in particular. After the Dayton Peace Agreement, the EU took up the task of providing assistance in post-conflict reconstruction. At the Madrid European Council (December 15-16, 1995), following the signing of the Dayton Peace Agreement in Paris, the EU expressed its commitment to the task of reconstruction by reaffirming:

its willingness to contribute to the international effort aimed at reconstruction of the regions devastated by the war once peace is established. To that end the EU will co-ordinate its actions with other members of the international community in order to provide long-term assistance with the objectives of supporting economic development, reinforcement of civil society and reconciliation and regional economic co-operation. In the perspective of peace the EU is developing its long-term policy towards the region, to help build stability and prosperity.¹⁶⁷

Indeed, during the immediate post-conflict period, besides the humanitarian assistance provided by ECHO (European Commission Humanitarian Aid Office), starting in 1996, BiH benefited from trade preferences, and from the PHARE (Poland and Hungary: Assistance for Restructuring their Economies) and OBNOVA (focused regional assistance on post-conflict reconstruction, return of refugees, regional cooperation and reconciliation) programs until they were all pooled into the CARDS (Community Assistance for Reconstruction, Development and Stabilization) program in 2001¹⁶⁸. In February 1996, the EU decided to adopt a regional approach to the Western Balkans to encourage partnerships between the neighboring countries of the region as a way to consolidate peace in the region:

Application of the agreements will be subject, particularly where economic cooperation is concerned, to the readiness of each of the countries concerned to cooperate with its neighbors. They will have to undertake to adopt reciprocal measures, particularly regarding the free movement of goods and persons and the provision of services, and to develop projects of common interest. Through this regional approach, financial aid from the European Union could be oriented towards jointly defined and cross-border projects.¹⁶⁹

Beginning with 1997, using the demand at these assistance programs, the EU developed the idea of “conditionality” as a means of political leverage to make reforms

¹⁶⁷ The EU Council Summit in Madrid held on December 15-16, 1995, conclusions are available at http://ue.eu.int/ueDocs/cms_Data/docs/pressdata/en/ec/00400-C.EN5.htm

¹⁶⁸ The Obnova and Phare programs added to an amount of €890.7 million by the end of 2000. In addition, the EU member states contributed over €1 billion in assistance between 1996 and 1999 to Bosnia Herzegovina. Further info is available at http://www.southeasteurope.org/documents/assist_b_h.pdf

¹⁶⁹ The regional approach was adopted at the EU Council Meeting on February 26, 1996. Available at http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/en/gena/028a0001.htm

on political and economic issues in the Western Balkans possible. The General Affairs Council (GAC) defines conditionality as follows:

political and economic conditions as the basis for a coherent and transparent policy towards the development of bilateral relations in the field of trade, of financial assistance and economic cooperation as well as of contractual relations. The EU strategy should serve as an incentive, and not as an obstacle to the countries concerned to fulfill these conditions.¹⁷⁰

The main logic behind the idea of conditionality signifies the liberal belief that economic wealth should be accompanied by the liberalization of the human rights regime, democratization and consolidation of the rule of law with a regional approach.

A regional approach rightly sets economic and political conditionality as the instruments for improvement of the relations and as a prerequisite for receiving reconstruction and development assistance from the Community Budget in the Western Balkans, and BiH in particular. With the use of the “conditionality” principle as a tool, the EU aimed to promote closer cooperation in the Western Balkans, envisioning a structural solution to conflicts in the long run.

During this period the EU did not have the means and the need to make any political decision on the future status of the Western Balkans. In December 1998, the European Council decided to adopt a common strategy towards the Western Balkans, but

¹⁷⁰ At their meeting of April 29, 1997, the General Affairs Council agreed to adopt a coherent and transparent policy towards Southeastern Europe. It is directed at four of the successor republics of the Former Yugoslavia (Croatia, Bosnia and Herzegovina, FRY, and FYROM), as well as Albania. The policy lays out clear conditions that these countries must fulfill in order to qualify for trade, aid and deepening of relations with the EU. ‘Compte tenu de ce qui précède, l’UE est convenue de définir, dans le cadre de l’approche régionale, les conditions politiques et économiques qui constitueront le fondement d’une politique cohérente et transparente en ce qui concerne le développement de relations bilatérales dans le domaine des échanges commerciaux, de l’aide financière et de la coopération économique, ainsi que des relations contractuelles, en tenant compte du degré de souplesse qui s’impose. La stratégie de l’UE devrait encourager les pays concernés à remplir ces conditions, et non les en empêcher.’ Available at http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/en/gena/028a0057.htm

such strategy did not include any perspective for the future integration of the region into the EU¹⁷¹. Such lack of a clear and purposive EU commitment is an indirect result of the European Commission's over-engagement with the integration of the Central and Eastern Europe countries as a priority (Friis and Murphy, 2000).

Period of Conflict Transformation in BiH (1999-present): EU membership perspective

The EU's involvement in BiH and in the Western Balkans changed dramatically during this period. Whether this change came as a consequence of an internal decision process of the EU members, or as a necessity to fill the political gap with changes of US foreign policy is a matter of discussion. The EU's involvement in the country shifted from providing economic assistance and reconstruction to one without which thinking about the political future of BiH became impossible.

The Stabilization and Association Process (SAP) became the most important policy tool in the Western Balkans through which the progress of BiH to European Union membership was evaluated by the Commission. The SAP is a part of the enlargement process; it is the framework for the European course of the Western Balkan countries, all the way to their future accession. The idea of the Stabilization and Association Process aims to position Bosnia Herzegovina on the European integration track while employing the conditionality principle to encourage reforms on different sectors of socio-economic and political life. It is the European Union membership perspective that could make the

¹⁷¹ For further information on the conclusion of the Vienna Summit of the EU Council of Presidents on December 11-12, 1998, please see http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/ec/00300-R1.EN8.htm

use of the conditionality tool and the SAP successful in the conflict transformation of BiH. Following is an analysis of the evolution of the SAP.

The EU imagined the SAP as a policy tool that would help the establishment of democracy based on the rule of law, the development of a market economy and combating organized crime. The EU intended the development of strong links between BiH and the EU through the three main mechanisms of trade, financial assistance and contractual relations. The Western Balkan countries were encouraged to adopt liberal economic and democratic models through their reforms in the Stabilization and Association Processes. The free movement of goods would not be possible without the efficient institutions regulating the market, whereas the fight against organized crime and corruption is extremely important in emerging market economies. Furthermore, through the harmonization of the higher education system with the European education system based on liberal democratic values, the consolidation of democracy, the human rights regime and an independent media would be much easier to achieve. But before moving on with the development of the SAP, it is worth to note the performance of the OSCE mission in BiH in setting up the social environment for the EU to get actively engaged in the field.

OSCE support to EU in BiH

OSCE had been one of the most active international organizations in the field right after the end of the war in 1995. The OSCE's mandate was established under the Dayton Peace Agreement. OSCE as one of the key agencies was tasked with assisting the BiH authorities of rebuilding the country as a pluralist democratic society. OSCE's BiH

mission established programs to promote the development of democratic political institutions at all levels of BiH, with the main focus on the grass roots level. The OSCE mission is one of the most visible, wide-spread and present international institutions in BiH¹⁷². Through its widespread field presence, OSCE staff works very closely with local politicians, officials and citizens.

OSCE's previous work laid the grounds on which the necessary democratization reforms for the EU integration is supposed to take place. OSCE is active in the fields of education, democratization, human rights, and security cooperation. The deputy director of the democratization department at the time in my interview in April 2006 commented that there were actually three processes of democratization in BiH: that of the Council of Europe, EU Integration Process and the approach of the OSCE as an added value. OSCE as a security organization focuses on short-term conflict prevention measures in its approach to democracy.

OSCE had been the biggest organization that works on the municipal level where active citizen participation is encouraged at the municipal level. Local level has always been the primary interface for citizens. OSCE involvement in democratization at the municipal level is also related to how the institution perceives security in a similar fashion to that of Copenhagen School. Barry Buzan and his colleagues Ole Wæver and Jaap de Wilde (Buzan, 1983; Buzan, Wæver and De Wilde, 1998) talk about security by

¹⁷² "The OSCE Mission to Bosnia and Herzegovina is made up of a head office in Sarajevo and 14 field offices, covering the entire country. Furthermore, the Mission has helped to establish six political resource centers, which provide political parties, independent candidates and citizens groups with the necessary resources to participate in the creation of a pluralistic and multi-ethnic political environment." Available at <http://www.oscebih.org/overview/mandate.asp?d=7>

looking into the processes of securitization as a socially constructed phenomenon. OSCE by working at the municipal level aims to create a space where citizen could engage in direct democratic action and conversation through which de-securitization of the Bosnian society could be possible. Such efforts intend to provide for the lack of civic involvement in the ethno-political authoritarianism obstructing the reform process.

According to an official from the Office of the Head of Mission, I interviewed in April 2006 the OSCE strives to strengthen the civic society and the civic identity by creating awareness among the public on the issue of corruption to hold those in power accountable as well as the meaning of good governance. Capacity building through the encouragement of innovative social entrepreneurs among the young people as well as providing support to the public administration reform on the issue of creating a safety net for the elderly and disabled are areas where OSCE field office provide assistance to Bosnian society to deal with the uncertainties of a transition country.

Development of the Stabilization and Association Process (SAP) in BiH

On May 26, 1999, the European Commission proposed the initiation of a new Stabilization and Association Process for five countries of Southeastern Europe, including BiH. The main objectives of the process were outlined as: drawing the region closer to the perspective of full integration into EU structures, and supporting the consolidation of democracy, rule of law, economic development and reform, adequate administrative structures, and regional cooperation¹⁷³. The possibility of future

¹⁷³ A scanned version of the European Commission to European Council and European Parliament on Stabilization and Association Agreements for five countries of Southeastern Europe including Bosnia Herzegovina is available at http://aei.pitt.edu/3571/01/000722_1.pdf.

membership of the Western Balkan countries in the EU was first mentioned at the European Council's Feira Summit in June 2000, with the statement that all the Stabilization and Association countries are "potential candidates" for EU membership:

The European Council confirms that its objective remains the fullest possible integration of the countries of the region into the political and economic mainstream of Europe through the Stabilization and Association process, political dialogue, liberalization of trade and cooperation in Justice and Home Affairs. All the countries concerned are potential candidates for EU membership. The Union will support the Stabilization and Association process through technical and economic assistance. The Commission has already presented proposals to the Council to streamline and accelerate the procedures for disbursement of assistance and the early extension of asymmetrical industrial and agricultural trade benefits to the Balkan States.¹⁷⁴

On November 24, 2000, the Zagreb Summit officially endorsed the SAP by the EU and the Western Balkan countries (including BiH). In return for the offer of prospective accession on the basis of the Treaty on European Union (TEU), the 1993 Copenhagen criteria and an assistance program to support that ambition, the countries of the region undertook to abide by the EU's conditionality and use the Stabilization and Association Process, and in particular the Stabilization and Association Agreements when signed, as the means to begin to prepare themselves for the demands of the perspective on accession to the EU:

The European Union confirms its wish to contribute to the consolidation of democracy and to give its resolute support to the process of reconciliation and cooperation between the countries concerned. It reaffirms the European perspective of the countries participating in the stabilization and association process and their status as potential candidates for membership in accordance with the Feira conclusions.¹⁷⁵

¹⁷⁴ The Presidency conclusions of Santa Maria de Feira Summit held on June 19-20, 2000, are available at http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/ec/00200-r1.en0.htm

¹⁷⁵ Conclusions of the November 24, 2000, Zagreb Summit are available at http://ec.europa.eu/enlargement/enlargement_process/accesion_process/how_does_a_country_join_the_eu/sap/zagreb_summit_en.htm

Between 2001 and 2006, the CARDS (Community Assistance for Reconstruction, Development and Stabilization) program served as the main community support instrument of the EU, specifically designed for the Stabilization and Association countries. The CARDS program served the overall EU political objectives in the Western Balkans and BiH and operates through conditionality as well:

The existing community assistance should be expanded and redirected to adjust it to the European Union's political objectives for the region and, particularly, to contribute to the stabilization and association process and increase the responsibility of recipient countries and entities in relation to that process...A precondition for receiving assistance is that the recipients respect democratic principles, the rule of law, human and minority rights, fundamental freedoms and the principles of international law.(Articles 5 and 7 of the European Council Regulation (EC) No 2666/2000)¹⁷⁶

Between 2001 and 2006, BiH made use of 412 million euros of CARDS, whereas the total EU financial assistance sums up to 1.952 billion euros in the post-conflict period in BiH¹⁷⁷. At the Thessaloniki Summit in June 2003, the SAP was confirmed as the EU policy for the Western Balkans. The EU perspective for these countries was confirmed. The Thessaloniki Summit is a contract between the EU and the Western Balkan countries where the EU acknowledged:

that the Stabilization and Association Process (SAP) will remain the framework for the European course of the Western Balkan countries, all the way to their future accession. The process and the prospects it offers serve as the anchor for reform in the Western Balkans, in the same way the accession process has done in Central and Eastern Europe. Progress of each country towards the EU will depend on its own merits in meeting the Copenhagen criteria and the conditions set for the SAP and confirmed in the final declaration of the November 2000 Zagreb summit.

¹⁷⁶ The Council Regulation related to the CARDS program is available at

http://ec.europa.eu/enlargement/pdf/financial_assistance/cards/general/2666_00_en.pdf

¹⁷⁷ Figures are available at <http://www.delbih.ec.europa.eu/?akcija=clanak&CID=22&jezik=2&LID=32>

The representatives of the Western Balkan countries at the summit responded to the acknowledgement of the EU by welcoming:<

the decisions by the EU to strengthen its Stabilization and Association policy towards the region and to enrich it with elements from the experience of enlargement. They welcome in particular the launching of the European Partnerships, as well as the decisions for enhanced co-operation in the areas of political dialogue and the Common Foreign and Security Policy, parliamentary co-operation, support for institution building, opening of Community programmes. They take note of the ongoing discussions for an increase in the budgeted Community financial support to the region through the CARDS programme.¹⁷⁸

Following the Thessaloniki Summit, the relationship between the EU and BiH became more regularized through concrete programs in which conditionality formed the essence of the EU approach in Bosnia.

4.1.1 Membership Perspective: How real?

Table 4.1 Strengths of EU membership perspective for BiH

| Strengths of EU membership perspective on BiH | |
|---|----|
| Responses | # |
| <i>United willingness of the Bosnian politicians for EU</i> : Intl Community (3), Bosnian Media, Bosnian NGO, Bosnian Politician, EU Commission, Intl NGO | 8 |
| <i>Source for stability</i> : Bosnian Politician, Intl NGO (4), EU Commission (2) | 7 |
| <i>Gives the ownership to Bosnians</i> : 3 Intl NGO's, EU Parliament, 2 EU Commission, 1 EU Council | 7 |
| <i>Transformative impact on state</i> : 2 International Comm, 2 EU Commission, 1 International NGO, 1 International Academic | 6 |
| <i>Well defined path</i> : 1 Intl Comm, 2 EU Commission, 1 Intl NGO, 1 EUPM | 5 |
| <i>Future economic benefit</i> : 1 Intl NGO | 1 |
| <i>Enthusiastic youth</i> : 1 International NGO | 1 |
| <i>Total</i> | 35 |

¹⁷⁸ Text of the EU-Western Balkans Thessaloniki Summit Declaration on June 21, 2003, is available at http://ec.europa.eu/enlargement/enlargement_process/accesion_process/how_does_a_country_join_the_eu/sap/thessaloniki_summit_en.htm

The findings listed in Table 4.1 indicate the strengths of the EU membership perspective for Bosnia. Eight respondents pointed out that there is a united willingness among the politicians in Bosnia. This willingness does not mean that the politicians are willing to take genuine action to get the EU membership. Words are not supported by action. The will is not followed by commitment. Seven respondents pointed that the EU membership perspective would bring lasting political stability to BiH. But this happens to be the perspectives of the representatives of the international civil society and the European Commission Delegation workers. Only one Bosnian politician makes the same claim. One interesting finding is that seven respondents said that the EU membership perspective gives the ownership of the reforms to Bosnians; but none of the Bosnian respondents agreed on such a claim. Six respondents from the field interviews said that the EU membership perspective will have a transformative impact on functioning of the Bosnian state institutions. Among six respondents none is Bosnian. 5 respondents said that they see the EU membership perspective as a well-defined path requiring the adoption of the *acquis*. Three out of the five respondents work in the EU institutions in BiH and the other two are part of the international community. It was the representatives of the international civil society that wanted to underline the future economic benefits of the EU membership perspective and how enthusiastic is the Bosnian youth on the possibility of eventual membership.

It is then worth to note that out of 35 respondents who talked about the strengths of the EU membership perspective only 4 is Bosnian. The international community believes in the strengths of the EU membership perspective more than the Bosnians. This

does not necessarily mean that the Bosnian society is against the EU membership perspective. On the contrary there is public support for future membership.

To what extent do you support BiH joining the EU?

| Sample | All | | | |
|-------------------------|-----------|----------|----------|---------|
| | March 06. | June 06. | Sept 06. | Dec 06. |
| | % | % | % | % |
| Strongly support | 52.6 | 53.0 | 42.9 | 52.4 |
| Somewhat support | 22.1 | 23.0 | 19.4 | 22.6 |
| Neither for nor against | 16.9 | 15.3 | 16.2 | 16.1 |
| Somewhat against | 2.0 | 1.3 | 1.6 | 2.3 |
| Do not support at all | 3.1 | 3.3 | 2.1 | 3.8 |
| DK/NA | 3.3 | 4.1 | 17.8 | 2.9 |
| Total | 100.0 | 100.0 | 100.0 | 100.0 |
| TOTAL FOR | 74.7 | 76.0 | 62.3 | 75.0 |

Figure 4.1 Extent of support for EU integration (extracted from the 2006 UNDP Early Warning Annual Report)¹⁷⁹

The findings from the public opinion survey in Figure 4.1 demonstrate a significant level of support for BiH's bid for EU membership during the four quarters of 2006. This could have been a very positive sign for the argument that sees the EU integration perspective as an extra-systemic variable, which can provide the necessary momentum for democratic transformation and normalization to take place if Bosnian politics was not pursued among ethnic lines. As Table 4.2 demonstrates below the EU integration process is perceived differently in each constituent nation. The strengths of the EU membership perspective is not determined by the extent of the benefits to the individual but by what it could bring to the constituent nation.

¹⁷⁹ The table is available at <http://www.undp.ba/index.aspx?PID=14>

Table 4.2 Public opinion on the process of the EU integration

View the process of integration with EU:

| Sample | All | | | | Bosniak | | | | Croat | | | | Serbian | | | |
|----------------|-------|------|------|------|---------|------|------|------|-------|------|------|------|---------|------|------|------|
| | March | June | Sept | Dec | March | June | Sept | Dec | March | June | Sept | Dec | March | June | Sept | Dec |
| Majority Areas | % | % | % | % | % | % | % | % | % | % | % | % | % | % | % | % |
| 2006 | | | | | | | | | | | | | | | | |
| With hope | 68.0 | 62.7 | 57.9 | 67.3 | 78.0 | 73.6 | 58.0 | 77.8 | 65.2 | 56.4 | 64.9 | 56.4 | 59.9 | 52.0 | 55.1 | 58.7 |
| With concern | 22.7 | 24.3 | 23.4 | 23.4 | 15.2 | 19.3 | 16.4 | 15.6 | 27.4 | 34.6 | 21.0 | 30.9 | 26.8 | 26.2 | 31.8 | 29.6 |
| DK/NA | 9.3 | 13.0 | 18.7 | 9.3 | 6.8 | 7.1 | 25.5 | 6.6 | 7.3 | 8.9 | 14.1 | 12.7 | 13.4 | 21.7 | 13.0 | 11.6 |
| Total | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 |

The results demonstrate that 64% of the total BiH population view the integration process with hope, while those who watch the process with concern are noticeably higher in the Serb majority areas (29% average) and Croat majority areas (28% average) compared to the Bosniak dominant areas (17% average). The Serb majority areas stand as more pessimistic on the progress of EU integration (56% average) compared to their Bosniak (72% average) and Croat counterparts (60% average). These findings are not surprising since the EU reforms ask for the strengthening of the state level institutions at the expense of the entity structures. Such demands are perceived as collaboration of the international community with the Bosniak dominated Federation to curb the autonomy of Republika Srpska.

Table 4.3 Opinion on the impact of EU membership on political stability

| How important do you think EU membership is for political stability in BiH? | | | | | | | | | | | | | | | | |
|---|-------|------|------|------|---------|------|------|------|----------|------|------|------|---------|------|------|--|
| Sample | All | | | | Bosniak | | | | Croatian | | | | Serbian | | | |
| Majority Areas | March | June | Sept | Dec | March | June | Sept | Dec | March | June | Sept | Dec | March | June | Dec. | |
| 2006 | % | % | % | % | % | % | % | % | % | % | % | % | % | % | % | |
| Very | 49.9 | 53.5 | 46.0 | 51.5 | 64.6 | 72.2 | 56.8 | 75.8 | 56.4 | 38.7 | 44.7 | 38.6 | 33.1 | 36.7 | 27.4 | |
| Somewhat | 24.6 | 25.0 | 21.6 | 26.7 | 23.0 | 17.1 | 13.3 | 15.8 | 18.9 | 37.6 | 25.3 | 31.4 | 29.7 | 29.3 | 37.4 | |
| imp/unimp | 17.2 | 12.8 | 12.9 | 13.2 | 9.0 | 4.6 | 6.5 | 4.0 | 15.5 | 16.7 | 14.9 | 18.3 | 23.7 | 21.2 | 22.5 | |
| TOTAL | | | | | | | | | | | | | | | | |
| IMPORTANT | 74.6 | 78.5 | 67.7 | 78.2 | 87.6 | 89.3 | 70.0 | 91.6 | 75.3 | 76.4 | 70.0 | 70.0 | 62.8 | 66.0 | 64.8 | |
| TOTAL | | | | | | | | | | | | | | | | |
| UNIMPORTANT | 4.0 | 4.4 | 5.8 | 5.3 | 0.2 | 1.9 | 0.7 | 1.2 | 5.7 | 4.4 | 2.9 | 10.4 | 7.6 | 7.3 | 8.5 | |
| DK/NA | 4.2 | 4.4 | 13.6 | 3.3 | 3.2 | 4.2 | 22.7 | 3.2 | 3.6 | 2.6 | 12.2 | 1.3 | 5.9 | 5.5 | 4.2 | |
| Total | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | |

Source: Opinion polls carried out for EWS by Prism Research

The findings from the field interviews indicated seven respondents defining EU membership perspective as a *source of stability in BiH* (see Table 4.1 above). Table 4.3 indicates that 75% of the population polled sees EU membership as an important factor for political stability in BiH. A majority of Bosniaks (85% average), Croats (73% average) and Serbs (65% average) agree that the EU membership perspective helps political stability in BiH. The difference between the two findings is that for Bosnians of three different constituent nations it is the EU membership that would bring political stability not the membership perspective.

Bosniaks' stronger association with the BiH state structures has been discussed in Chapter 3 in relation to trust in politicians and political structures. A similar trend can be inferred on the opinion on EU integration where the Bosniak constituent nation, as a result of its closer association with the BiH state structures, seems to be more convinced

than the Serb nation that the EU membership perspective is a source of political stability in BiH.

Table 4.4 below reveals that the support for EU membership is significantly high among all communities in BiH (83% for Bosniaks, 69.1% for Croats, and 61% for Serbs). Yet when the issue is strength of support, the figures demonstrate higher levels of hesitation (*somewhat support*) among the Croats (25%) and Serbs (28%), than among the Bosniaks (15%). The Croats (16%) and Serbs (26.5%) are much more skeptical (*neither for nor against*) of BiH's bid for the EU than the Bosniaks (6.4%). These findings demonstrate that EU membership is a cause supported significantly by all three constituent nations of the Bosnian society. However, the level of skepticism and hesitation is much higher within the Serbian majority areas due to a perception of loss of autonomy in return for an indefinite EU membership.

Table 4.4 Constituent Nations' Support for a BiH in EU

To what extent do you support BiH joining the EU?

| Sample | 2006 | | | | | | | | | | | |
|-------------------------|-------|------|-------|------|-------|------|-------|------|-------|------|-------|------|
| | March | June | Sept. | Dec. | March | June | Sept. | Dec. | March | June | Sept. | Dec. |
| | % | % | % | % | % | % | % | % | % | % | % | % |
| Strongly Support | 69.9 | 71.5 | 53.2 | 74.6 | 54.6 | 36.0 | 44.1 | 42.6 | 34.1 | 36.8 | 31.0 | 29.4 |
| Somewhat Support | 18.5 | 17.3 | 11.4 | 14.2 | 20.2 | 36.2 | 13.9 | 28.9 | 27.3 | 25.2 | 30.2 | 30.1 |
| Neither for nor against | 8.5 | 5.8 | 6.6 | 4.7 | 15.5 | 19.9 | 12.3 | 16.5 | 24.2 | 25.0 | 27.7 | 29.4 |
| Somewhat against | 1.1 | 0.8 | 1.2 | 1.1 | 2.3 | 1.4 | 1.2 | 4.2 | 3.2 | 1.8 | 2.3 | 3.2 |
| Do not support at all | 0.2 | 0.7 | 0.3 | 1.7 | 2.5 | 4.5 | 2.2 | 6.2 | 6.6 | 6.0 | 4.0 | 5.3 |
| DK/NA | 1.8 | 4.0 | 27.3 | 3.7 | 5.0 | 2.0 | 26.2 | 1.7 | 4.7 | 5.2 | 4.8 | 2.5 |
| Total | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 |
| TOTAL FOR | 88.4 | 88.8 | 64.6 | 88.8 | 74.8 | 72.2 | 58.0 | 71.4 | 61.4 | 62.0 | 61.2 | 59.5 |
| TOTAL AGAINST | 1.3 | 1.4 | 1.5 | 2.8 | 4.8 | 5.9 | 3.5 | 10.4 | 9.7 | 7.8 | 6.3 | 8.5 |

Weakness of the EU membership perspective on BiH

The ethnic nature of BiH politics traps politicians within their communities, removing the possibility of normal politics in post-conflict Bosnia. The political experience in post-conflict BiH has failed to transform itself from ethnic to normal politics. The ethno-politics is altered and challenged only by the possibility of a future EU membership. The EU membership perspective is an extra-systemic variable that has the necessary attraction since a *European future* is thought to be beneficial for all of the nations in BiH. All of the politicians have voiced their support for the EU integration perspective of the country so far during electoral campaigns with different reservations and concerns. Agreement on EU integration has not resulted in agreement for reforms or type of reforms, however.

The disagreement on the issue of Police Reform during 2006 and 2007, without which signing of the SAA was deemed not possible, demonstrated how thin the agreement among BiH politicians on the need to integrate into the European Union proves to be when agreement on the will to join necessitates agreement on reform. At the end SAA was signed on the premise of a joint memorandum of understanding among the parties to work on it more seriously without any real advancement on the implementation of the reform. The Prime Minister of Republika Srpska, Milorad Dodik, declares himself to be an ardent supporter of the EU perspective for his entity and BiH as a whole, but when the realization of the EU perspective hinted at the possible removal of power from RS police structures to state level BiH structures, his support turned into cynicism by

claiming that if keeping the RS police as it is means 50 more years at the gates of the EU, then let it be¹⁸⁰.

Further analysis of the weaknesses of the EU membership perspective might prove to be helpful in understanding the sources of skepticism and hesitation among the Bosnian society more clearly. Below is a list of negative aspects of the EU membership perspective as perceived among the interviewees of my field research:

Table 4.5 Weaknesses of the EU membership effect on BiH

| Weakness of the EU Membership perspective on BiH | |
|--|----|
| Responses | # |
| <i>Not up to Bosnians:</i> Bosnian NGO, EUSR, EU Commission (2), International NGO (3), Intl Community (2), Bosnian Politician (2) | 11 |
| <i>No alternative future:</i> Intl Community, Bosnia NGO, EU Commission, EUPM | 4 |
| <i>With the current malfunctioning state apparatus, Europeanization will be catastrophic for Bosnia:</i> 1 Bosnian NGO, 1 Bosnian Academic | 2 |
| <i>Bosnian economy is already too much dependent on the EU:</i> 1 Bosnian NGO | 1 |
| <i>Assimilation into the EU because of its Islamic identity:</i> 1 Intl Community | 1 |
| <i>Membership perspective is the only instrument of EU:</i> 1 Intl NGO | 1 |
| <i>EU's view of the Western Balkans as the land of irrational, crazy people:</i> 1 International NGO | 1 |
| <i>Total</i> | 21 |

The comments on the EU membership perspective expose a paradox in BiH's path to EU membership. In the list of the positive aspects of EU membership in Bosnia (see Table 4.1), seven respondents (all non-Bosnians) praised the EU accession process for giving ownership of the reforms to Bosnians. But Table 4.5 exhibits that eleven

¹⁸⁰ Available at http://www.fena.ba/public2_en/Category.aspx?news_id=FSA546933

respondents think that *membership is not up to Bosnians*. This statement contradicts to the essence of the conditionality principle of the Stabilization and Association Process thought to bring the country into the EU. Rest of the comments on the weaknesses of the EU membership perspective is on the one-way nature of the process and on the lack of an alternative future for BiH. The fear of assimilation of the Islamic identity of BiH within the larger European Christian identity and the superiority complex of the “Europeans” over the Balkan people have been put as weaknesses of the membership perspective.

The EU’s political attraction in Bosnia is its claim of providing a space for Bosnians to handle their own matters, unlike the non-democratic involvement of the international community through the Bonn Powers. This puts the effectiveness of conditionality in question. The conditionality principle has been conceptualized and put into practice as a one-way process for the applicant country and asks for an unconditional acceptance of the EU preferences. The logic behind this are the assumptions that “the reform process enjoys consensus and support from the local elites and populations, and that the EU guidelines and templates are beneficial in the long run” (Anastasakis and Bechev, 2003). The perceptions of the public outlined above indicate a strong support for the EU reform process by the Bosnian public. But to have the conditionality principle function constructively, it needs to be framed within a well-defined path.

For BiH, the path to EU candidacy is not simple. As a post-conflict, ethno-federal consociational democracy, it needs a unique integration process that recognizes the ethnically fragmented socio-political features of BiH politics, as well as the need to rebuild trust in the European Community. The psychological residue of the European

Community's political inadequacy is still present in the Bosnian public's perception of the European Union. The European Commission developed a gradual integration approach for BiH. The overall goal of the process remains EU membership; meanwhile the Commission evaluates the progress of Bosnia by looking at its performance on reaching shorter milestones, of which signing the Stabilization and Association Agreement was the most important one. But signing of the SAA did not change the state of affairs in BiH as positively as expected.

4.1.2 Milestones on BiH's road to the EU

The framework for the process of integration for BiH aims to acknowledge the support and consensus from the BiH political elite and the general public on the need for EU membership. In that respect, the European Commission intends to demonstrate that BiH's integration process is the result of negotiations between the Commission and the BiH political structures, which best suits the needs of the country while satisfying the demands of EU membership. The handicap with this approach was the initial lack of institutions at the BiH state level that were capable of "speaking with" the European Commission. For that reason, the European Commission devised the *Roadmap*, the starting point of BiH's long road to Europe. The Roadmap included reforms in three areas: the economy and democracy, human rights, and the rule of law¹⁸¹. The reforms

¹⁸¹ The Roadmap identified 18 priority reform steps. Most of the political and economic steps in the Roadmap were aimed at strengthening the state level institutions, as well as supporting the evolution of a working human rights regime through a procedural manner. Some of these steps were the adoption of an election law and a Civil Service Law as part of the political steps. Economic reforms necessitated the abolishment of the socialist style Payment Bureau, the establishment of a State Treasury and the removal of all trade barriers between the entities. In the fields of democracy, human rights and rule of law, some of the steps to be followed include stronger engagement at all levels to create the conditions for sustainable

suggested in the Roadmap were mainly aimed at the institutionalization of governance structures at the state level, opening the way for further necessary reforms as Bosnia progresses in the integration process. The economic liberalization steps included the integration of Federation and RS markets, whereas the political institutionalization reforms set benchmarks for establishing a functioning electoral system and encouraging refugee returns to their pre-conflict properties in both entities. The European Commission declared that the Roadmap was “substantially completed” on September 19, 2002¹⁸². The content of the reforms mentioned in the Roadmap envisions the need for a liberal integrated market economy and politically capable state level institutions to be able to fully embrace the long-term benefits of EU integration. Without a liberal market economy and politically potent state level institutions in place, the European Commission would not be able to effectively distribute the EU pre-accession assistance.

Feasibility Study

The preparation work for the feasibility study is a good example of the indirect involvement of the EU in state-building: With the aim of creating a partner for BiH’s integration process, the EU wants to see a genuine desire by the BiH political elite to join.

returns and implementation of the decisions of the Human Rights Institutions. Further details are available at

¹⁸² On June 19, 2002, the European Commissioner for External Relations, Chris Patten, in Sarajevo, said that the Commission now considers the Roadmap for Bosnia and Herzegovina (BiH) “substantially completed”. After the meeting, Commissioner Patten said: *“BiH has made progress towards democracy, peace, economic reform and self-sustainability. However, much remains to be done and BiH must continue to intensify reform. The prospect of a Feasibility Report is a reason to step up efforts, not an excuse to relax. The European Union is committed to assist Bosnia and Herzegovina with reform. However, we expect a matching commitment from the new government at all levels. I hope too, that the people of Bosnia and Herzegovina will turn out to vote on October 5, and that they will use their democratic rights to choose a modern European future for BiH.”* Available at http://www.europa-eu-un.org/articles/en/article_1622_en.htm

State level governance structures are dependent on the two politically powerful entities. There is no capable state level political authority that could negotiate for all of BiH. The intention of giving ownership of the reforms to BiH politicians meant accepting the divided sovereignty of BiH. The strategy of the European Commission was to bring in reforms that would strengthen the state level institutions and create new ones. There was a need for a BiH political body to own the integration process. The organization of the BiH Directorate for European Integration (DEI) was the result of such a demand by the EU. EU member states provided assistance to improve the capacities and capabilities of the DEI to fulfill its mandate as the main coordinator and the leading institution for carrying out forthcoming activities within the EU integration process. The EU imagines a DEI with the capacity to conduct policy and strategy formulation for EU integration and assist in the negotiation and implantation of the SAA (Stabilization and Association Agreement), and lead the programming and implementation of EC assistance¹⁸³.

The design of the feasibility study was a joint effort by the DEI and the European Commission. In March 2003, a questionnaire was given to the DEI covering all sectors relevant to a future SAA. The answers of the DEI were later discussed with the Commission in a series of working groups between May and September 2003. In November 2003, the European Commission produced a feasibility study assessing BiH's capacity to implement a future Stabilization and Association Agreement with the EU. The belief in the merit of the use of conditionality is evident in the text of the study. The

¹⁸³ The EU makes use of the sources of its member states in its indirect assistance to state-building in Bosnia Herzegovina. The Danish School of Public Administration provides funding for capacity enhancement of the Directorate for European Integration, available at http://www.dfhnet.dk/service%20elementer/english/international_projects/european_integration.aspx

study concluded that negotiations for an SAA were to be initiated once BiH's political leadership agreed to make progress on sixteen key priorities. These priorities basically aim to enhance the competencies of the state institutions, as well as the quality of the service provided by the government institutions. In the document, the EU urged: compliance with existing conditionality and international obligations, more effective governance, more effective public administration, European integration, effective human rights provisions, an effective judiciary, tackling organized crime, managing asylum and migration, customs and taxation reform, budget legislation, budget practice, reliable statistics, consistent trade policy, an integrated energy market, a BiH single economic space and public broadcasting¹⁸⁴. The findings of the feasibility study constitute the basis of the relationship between the EU and BiH. The extent of progress on some of the priorities identified in the feasibility study determines the progress of Bosnia towards the signing of the Stabilization and Association Agreement.

Thus, the path to EU integration is said to be the result of a partnership, through which priorities are identified together, while only one of the "partners" is eligible to evaluate whether the priorities have been met with the necessary reforms. This reframing of the conditionality principle in the form of a partnership has proven to be disappointing even for those directly involved in the integration process. The issue of easing visa requirements has been on the agenda of EU-BiH relations since the Thessaloniki Summit in June 2003. Only in 2007 did the European Council agree to ease the visa requirements

¹⁸⁴ The feasibility study is available at http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!CELEXnumdoc&lg=en&numdoc=503DC0692

for the country in 2008. This is the consequence of the asymmetric nature of the partnership in which the achievement of the applicant country is either met with suspicion or disdain and the achievement is re-evaluated over and over again. The Director of the DEI, Osman Topcagic, voiced his frustration with the EU's lack of notice of BiH's achievements on Border Security and the indefinite postponement of the introduction of the visa-free regime to the country¹⁸⁵. Below is a critique of the European "partnership" that is supposed to take BiH all the way to EU membership before and after the signing of the Stabilization and Association Agreement.

European Partnership

European Partnership has been developed as a policy tool under the Stabilization and Association framework for the Western Balkans. European Partnership serves as a means to materialize the EU perspectives of these countries. Partnerships set definite principles and priorities¹⁸⁶ for the host Western Balkan country to accomplish by showing initiative. In order to prepare for further integration with the European Union, Bosnia Herzegovina was expected to develop a plan with a timetable and specific measures to address the priorities of this European Partnership¹⁸⁷. It was thought that clear-cut key, short-term and mid-term priorities would bring momentum to the integration process.

The asymmetric structure of previous EU-BiH relations is present in the European Partnership, which sets the European Council as the partner making the

¹⁸⁵ Osman Topcagic's frustration on the visa regime is available at <http://www.dei.gov.ba/en/?ID=34>

¹⁸⁶ The Thessaloniki European Council of June 19-20, 2003, endorsed the introduction of the European Partnerships. For further details, please see http://ec.europa.eu/enlargement/enlargement_process/accession_process/how_does_a_country_join_the_eu/sap/thessaloniki_summit_en.htm

¹⁸⁷ The Council adopted on June 14, 2004, a first European Partnership with Bosnia and Herzegovina.

decisions on the principles, priorities and conditions, as well as any ensuing adjustments¹⁸⁸. The European Council has the mandate to renew priorities for further work, on the basis of the findings of the European Commission's Progress Reports on Bosnia and Herzegovina's preparations for further integration with the European Union. The structure of the relationship does not leave any space for negotiation for the BiH politicians. It is a process-oriented partnership where Bosnia's progress with the adoption of the identified reforms are evaluated by the European Commission on a regular basis upon which further priorities and conditions are introduced or removed.

Indeed, within a year after the inception of the European Partnership in June 2004, the European Commission judged that BiH had made sufficient progress in the implementation of the feasibility study reforms and recommended the initiation of negotiations to sign an SAA with BiH. In November 2005, SAA negotiations between the EU and BiH were officially launched. As of October 2007, although the technical negotiations between the EU and BiH were successfully completed, the Stabilization and Association Agreement could not be initialed and negotiations were not formally concluded due to lack of progress on police reform. The constant stagnation in BiH's integration process hints at deficits in the structure and functioning of the European Partnership.

The European Partnership recognizes that the main task of EU integration in Bosnia Herzegovina is to bring political stability to the country via its association and

¹⁸⁸ For Regulation (EC) No 533/2004, please see <http://eur-lex.europa.eu/LexUriServ/site/en/consleg/2004/R/02004R0533-20060220-en.pdf>

harmonization with EU legislation. For that reason, the European Partnership is configured as a part of the Stabilization and Association Process, as stated in its principles:

The Stabilization and Association Process (SAP) remains the framework for the European course of the Western Balkan countries, all the way to their future accession.¹⁸⁹

This statement indicates that the European Union recognizes the post-conflict status of Bosnia Herzegovina and is expanding the time scale of the SAP until the final accession takes place. This could be understood as a clear intention of the EU to make use of the accession process as a conflict transformation tool.

The priorities listed in this European Partnership are divided into two categories: as short-term or mid-term priorities and key priorities. Short-term priorities are those expected to be legislated within one to two years, and mid-term priorities are the ones concerned with the implementation of the legislated reforms within three to four years. Key priorities are the reforms that are deemed essential and urgent without which the EU integration process will not move forward. The intention of these reforms is to raise the competencies of the BiH political structures to the quality of a nation state negotiating for accession. The key priorities of the European Partnership are outlined below:

- Full cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY) in arresting all ICTY indictees at large.

¹⁸⁹ The main priorities identified for Bosnia and Herzegovina relate to its capacity to meet the criteria defined by the Copenhagen European Council of 1993 and the conditions set for the Stabilization and Association Process, notably the conditions defined by the Council in its conclusions of April 29, 1997 and June 21-22, 1999, the content of the final declaration of the Zagreb Summit of November 24, 2000, and the Thessaloniki Agenda.

- Full implementation of the Agreement on Police Restructuring of October 2005. In this framework, establish the Directorate for the Implementation of Police Restructuring by December 2005 and adopt an action plan for the reform implementation in compliance with the principles outlined by the Commission within the timelines set by the agreement.
- Adopt all the necessary public broadcasting legislation at state and entity level and start its implementation.
- Ensure that all state-level ministries and institutions are adequately financed, operational and properly equipped, namely in terms of premises and staff.
- Adopt and start implementing a comprehensive action plan for public administration reform, taking into account the results of the public administration functional and sectoral reviews.
- Ensure the existence of a real internal market in Bosnia and Herzegovina.¹⁹⁰

The key priorities of the European Partnership acknowledge one of the unresolved matters of the conflict, which was the lack of cooperation with the ICTY in handing back the war criminals, Radovan Karadzic and Ratko Mladic. Karadzic got captured in the Spring of 2008 and arrested by the Serbian government and turned over to the Hague. The General Mladic still remains at large. Other key priorities focus on reform in police structures, public broadcasting system, public administration, integration of the internal market and strengthening of the state level institutions. These reform demands underline the indirect involvement of the EU in state-building. The mid-term priorities of the European Partnership are mostly political ones, reminding the BiH political authorities to take the necessary measures to fulfill their obligations in line with the requirements of the

¹⁹⁰ More on European partnership is available at http://www.europa.ba/files/docs/reports/en/bosnia_herzegovina_accession_partnership_en.pdf

international organizations they became members of, such as the Council of Europe¹⁹¹.

Political requirements focus on the enhancement of the democratic qualities of the regime and strengthen the rule of law throughout the country. In that respect, the state-building measures of the key term priorities are further supported by the mid-term goals of democracy-building as BiH progresses to full membership with the help of the European Partnership. The conditionality principle is very much evident in the text of the European Partnership:

Community assistance under the Stabilization and Association Process to the Western Balkan countries is conditional on further progress in satisfying the Copenhagen criteria as well as progress in meeting the specific priorities of this European Partnership¹⁹².

The above statement is a clear contradiction between the method and goal of the EU integration process in Bosnia. The goal is the creation of a democratic plural society in BiH with potent, strong political institutions and a civil society that can handle its own democratization willingly. This vision is being promoted by the EU official in Sarajevo

¹⁹¹ The political criteria involve reforms in the areas of governance (strengthening the BiH Parliamentary Assembly with sufficient technical resources and personnel and further improving and strengthening state-entity coordination by establishing regular and institutionalized mechanisms for coordination between the State and the Entities), elections, public administration (civil servant training, state ombudsman), judicial system (financial, administrative, functional strengthening of the State Court, the Prosecutor's Office and the High Judicial and Prosecutorial Council), anti-corruption policy, human rights regime (the protection of minorities, abolishment of the death penalty, setting up a council of national minorities, assisting the Roma people), regional issues and international obligations (regional, bilateral trade agreements, cross-border trafficking, refugee return fund, CoE requirements, energy), environment, drugs, police, fighting organized crime and terrorism. The European Partnership document is available at http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!CELEXnumdoc&lg=en&numdoc=306D0055

¹⁹² Failure to respect these conditions could lead the Council to take appropriate measures on the basis of Article 5 of Regulation (EC) No 2666/2000 Community assistance shall also be subject to the conditions defined by the Council in its conclusions of 29 April 1997, and 21 to 22 June 1999 in particular as regards the recipients' undertaking to carry out democratic, economic and institutional reforms.

as the distinctiveness of the EU from the approach of the international community based on the threat of sanctions in the form of the Bonn Powers by the High Representative. Yet the European Partnership document falls into a similar trap like the international community. While arguing for the necessity of ownership of the reform process by the Bosnians, it threatens the BiH politicians with cutting the community assistance to the country (mainly the CARDS program) if they decide not to own the reforms as outlined in the Partnership document. This is a coercive and punitive document, imposing democratization à la Europe. Once the short and mid-term priorities indicated in the Partnership document are concluded, it would mean that the Bosnian democracy and state structures have reached European Union standards. The problem with this approach, as has been indicated previously in this chapter, is the assumption of the EU that the EU guidelines and templates are beneficial in the long run. However, this assumption dulls the vision of the policy makers in Brussels in a way that they seem to forget that imposed ownership of reforms is not genuine ownership, just like imposed democratization never replaces genuine democratization. Using the conditionality principle in a negative manner serves to reproduce the non-democratic involvement of the international community in the context of EU integration. Insistence on this approach might deteriorate the shared willingness of the political leadership of different constituent nations to be a member of the EU. In such a situation, it would mean the efforts of the international community and the European Union has been in vain or superfluous at best. The political developments in BiH already signal that the European Partnership in its present form is not working.

As of October 2007, there was no substantial improvement in any of the reform areas indicated as key priorities. The public broadcasting system has not been unified in the Federation due to the veto of vital national interest by the Croat political leadership in the Federation. The internal market of the country is still divided in two; two separate privatization processes take place in Republika Srpska and the Federation. The ethnopolitics of the country managed to turn the rates and efficiency of the two separate privatization processes into a nationalistic competition among the entities. Although strengthening of the state level institutions has been partially successful through the imposition of the OHR, they remain powerless and as platforms for strife in the face of the political will vested in the entity structures. The disagreement on the three European principles of the police reform between the Bosniak and Serbian political leadership has resulted in a further postponement of the signing of the Stabilization and Association Agreement, with the possibility of leaving BiH as the only country that has not entered into a contractual relationship with the EU in the Western Balkans region.

The political leaderships of the three constituent nations do not agree on the form and extent of the reforms. As a consequence of their disagreement, the European Partnership document, with its key, short-term and mid-term priorities, has become meaningless. In the face of the social and ethnic fragmentation of Bosnian politics, the conditionality principle loses its muscle. The European Partnership should not be considered as a part of the comprehensive approach of the EU in bringing peace and democracy to post-conflict Bosnia unless it is revised substantially. The lack of progress is the result of the lack of genuine willingness by the Bosnian politicians. They do not

believe that EU membership is a possibility in the near future¹⁹³. The European Commission has had to revise its approach in BiH and look for ways to convince the BiH politicians about the certainty of EU membership, thus the necessity of the reforms. Otherwise, insisting on the negative conditionality would cause the loss of political credibility to the EU's standing in Bosnia Herzegovina, and even in the Western Balkans.

Below is an analysis of the general image of the EU in Bosnia Herzegovina. The responses provided by the field interviewees support the arguments above. Unclear, contradictory policies of the EU carry the risk of making the EU a weak political actor in BiH.

4.2 Has the EU been misunderstood in BiH?

The findings indicated in Tables 4.1, 4.2, 4.3, and 4.4 show a significant level of support for EU membership among all segments of the BiH public and a belief that eventual EU membership would be a positive factor for the consolidation of political stability in BiH. The following table shows the approval ratings of the international actors in BiH.

¹⁹³ Indeed, in an interview in May 2007, the General Secretary of the ruling SNSD, Rajko Vasic, indicated that the RS political leadership does not see a reason to compromise on the issue of police reform since EU membership did not look near and easy to achieve and maybe not even possible.

Table 4.6: Approval ratings of the international actors in BiH (taken from the 2006 Annual Early Warning Report)

| Do you approve of the work of....? (in %) | | | | |
|---|-----------|----------|----------|---------|
| Sample | All | | | |
| | March 06. | June 06. | Sept 06. | Dec 06. |
| OSCE | | | | |
| Yes | 49.2 | 45.2 | 50.8 | 48.5 |
| No | 31.6 | 24.2 | 28.9 | 31.8 |
| OHR | | | | |
| Yes | 45.6 | 40.2 | 47.2 | 43.9 |
| No | 34.7 | 29.5 | 32.2 | 36.1 |
| UNDP | | | | |
| Yes | 47.1 | 44.6 | 48.0 | 47.5 |
| No | 30.3 | 23.7 | 28.5 | 31.0 |
| SFOR | | | | |
| Yes | 48.8 | 42.6 | 45.9 | 44.8 |
| No | 33.2 | 27.4 | 34.1 | 35.6 |
| EU | | | | |
| Yes | 53.9 | 49.3 | 51.8 | 51.8 |
| No | 28.3 | 22.6 | 28.1 | 28.9 |
| US | | | | |
| Yes | 37.7 | 33.3 | 38.6 | 36.7 |
| No | 42.2 | 38.4 | 39.6 | 45.2 |

Table 4.6 demonstrates that EU is the most approved actor among other influential international actors in BiH. The least popular international actor is the US, followed by the OHR. I identified two variables that affect the level of approval ratings: the level of intrusiveness and the extent of partiality. The findings of Table 4.7 support this phenomenon as well. The popularity of the US is lowest in the Serbian majority areas (30% average) and greatest in Bosniak majority areas (40%). The surprisingly low approval ratings for the US policy can be explained as a result of perceived partiality on the side of the Bosniaks against the Republika Srpska. Similarly, the OHR's approval ratings point out a discrepancy of approval between Bosniak majority areas (49%) and

Serbian majority areas (38% average) that might be the consequence of the OHR's Bonn Powers generally used against the RS political authorities.

Table 4.7 Approval ratings of the international bodies in BiH among constituent nations (taken from the UNDP 2006 Annual Early Warning Report)

Do you approve of the work of....? (in %)

Sample

| Majority | Bosniak | | | | Serbian | | | | Croat | | | |
|-------------|---------|------|------|------|---------|------|------|------|-------|------|------|------|
| 2006 | March | June | Sept | Dec | March | June | Sept | Dec | March | June | Sept | Dec |
| OSCE | | | | | | | | | | | | |
| Yes | 52.4 | 50.5 | 55.9 | 45.8 | 50.0 | 45.7 | 42.0 | 51.4 | 47.3 | 37.3 | 47.3 | 49.3 |
| No | 28.9 | 18.5 | 20.3 | 30.9 | 37.5 | 23.8 | 38.9 | 25.0 | 30.0 | 31.4 | 36.1 | 36.3 |
| OHR | | | | | | | | | | | | |
| Yes | 51.4 | 46.3 | 54.6 | 44.5 | 45.2 | 42.5 | 41.1 | 52.6 | 41.2 | 30.8 | 40.4 | 39.5 |
| No | 29.3 | 22.3 | 19.5 | 31.8 | 39.8 | 26.9 | 39.5 | 24.8 | 36.1 | 39.2 | 45.0 | 45.9 |
| UNDP | | | | | | | | | | | | |
| Yes | 48.1 | 47.2 | 51.3 | 46.1 | 50.8 | 47.9 | 43.9 | 52.3 | 46.3 | 38.8 | 45.0 | 46.8 |
| No | 27.8 | 19.2 | 18.8 | 28.6 | 35.0 | 20.8 | 37.1 | 23.4 | 29.3 | 30.5 | 37.0 | 37.3 |
| SFOR | | | | | | | | | | | | |
| Yes | 55.7 | 50.7 | 53.9 | 47.2 | 47.8 | 42.5 | 43.4 | 49.1 | 42.9 | 31.5 | 36.6 | 39.3 |
| No | 28.2 | 18.6 | 21.0 | 29.1 | 40.1 | 26.4 | 37.8 | 25.5 | 34.6 | 38.7 | 48.7 | 48.0 |
| EU | | | | | | | | | | | | |
| Yes | 57.2 | 52.8 | 56.3 | 51.5 | 57.8 | 52.7 | 44.6 | 57.0 | 50.5 | 42.7 | 48.2 | 49.5 |
| No | 26.8 | 17.2 | 19.0 | 26.3 | 30.6 | 20.4 | 37.2 | 19.4 | 27.1 | 30.1 | 36.0 | 36.1 |
| US | | | | | | | | | | | | |
| Yes | 42.7 | 39.2 | 45.6 | 35.1 | 35.8 | 37.7 | 42.3 | 47.1 | 33.8 | 24.6 | 28.1 | 33.8 |
| No | 36.6 | 30.4 | 27.6 | 43.2 | 48.5 | 35.2 | 38.7 | 26.5 | 44.3 | 48.0 | 54.5 | 55.2 |

EU policy received the highest approval ratings across the board from all constituent nations (52% average). I argue that the EU's relatively less intrusive and less partial stance on the hot political issues of BiH has had an effect on this result.

Table 4.8 Strengths of EU general policy in BiH

| Strengths of EU General Policy in BiH | |
|---|----|
| Reponses | # |
| <i>not too interventionist, no value transition imposed, just political leverage and assistance without touching the sovereignty: 4 European Commission, 1 European Council, 1 EUSR, 1 Intl NGO</i> | 7 |
| <i>Transforms BiH society and good for socio-economic development: 4 Bosnian NGO's, 1 Bosnian Politician</i> | 5 |
| <i>clear about its commitment in BiH for LT and unity of purpose: 1 Bosnian NGO, 1 Intl NGO, 1 EU Council</i> | 3 |
| <i>good for technical adaptation: 1 Intl Community</i> | 1 |
| <i>not dictates on police reform: 1 Intl Community</i> | 1 |
| <i>Can break ethnic boundaries: 1 Bosnian NGO</i> | 1 |
| <i>Pull of EU replaces push of the IC: 1 European Commission</i> | 1 |
| <i>EU always in touch with local officials- 1 Intl NGO</i> | 1 |
| <i>Total</i> | 20 |

Indeed, Table 4.8 on the strengths of EU general policy in BiH emphasizes the less intrusive policies of the EU as its positive aspect (7 respondents). The interesting fact about this statement is that all seven respondents are from EU institutions and they seem to have adopted the official line of the EU. “EU’s main goal in BiH is stability, property and local partnership, not too interventionist, based on political leverage and assistance without touching the sovereignty, EU is not imposing value transition”¹⁹⁴. The opinions of the Bosnian public polled (see Tables 4.5 and 4.6) and the EU officials interviewed show similar traits on EU policy in BiH. The insistence on local ownership and the use of conditionality is considered to be the unique competitive advantage of EU policies in Bosnia. According to five respondents from the Bosnian civil and political sector, the

¹⁹⁴ Interviews conducted with EU officials in Brussels and Sarajevo between October 2005 and May 2006.

transformative value of EU membership is the socio-economic transformation to come with accession aid provided by the Commission (5 respondents). Indeed, the funds provided by the European Commission to post-conflict Bosnia through different programs exceeded 2 billion Euros. The economic assistance of the EU, visibly present in the reconstruction projects as well as the infrastructure projects, can be one of the reasons for the relative popularity of the EU in BiH. The fact that the EU (the European Commission in particular) provides funding to reconstruction projects as well as civic initiatives without directly asking for changes that could challenge the authoritarian ethno-nationalism in the country, makes it a less harmful international actor in the country.

I argue that the relatively high approval rating of the EU policy in BiH does not make the EU an effective political actor. High approval ratings by different ethnic segments of the society could have been affected by the fact that EU officials never openly challenged the stagnant ethno-political structure of post-conflict BiH. I have already drawn a brief outline of EU involvement in BiH in the previous section where I have shown how EU policy took an indirect political turn with the introduction of the membership perspective for Bosnia. Bosnia's pace of progress with the reforms has a direct impact on the political standing of the EU in the country. As has been discussed a number of times in this chapter, the EU policy in BiH is based on the premise that conditionalities embedded in the accession process carry a transformative power, as the experience with the recent enlargement to the former socialist countries of Central and Eastern Europe has shown. Conditionalities implemented during the accession

negotiations transformed these totalitarian political regimes with centrally-planned socialist economic systems, into pluralist liberal democracies with functioning, globally integrated market economies. The process with BiH has not gone as smoothly as was the case with the CEEC's (Central and Eastern European Countries). Lessons learned from the recent enlargement do not apply to BiH due to the fact that none of these countries had to divide their sovereignty between two politically powerful entities and three constituent nations with very little executive power vested at the state level institutions. For that reason, the relative popularity of the EU policy indicated in Tables 4.7 and 4.8 can be misleading about the transformative capacity of the EU. The EU's less intrusive and less partial policies could very well be understood as a form of support for the continuation of the status quo in BiH. The figures below demonstrate how EU involvement with its "impartial" and "non-imposing" approach can be unconstructive for the transformation of the country.

Table 4.9 Weaknesses of the EU general policy in BiH

| Weaknesses of EU general policy in BiH | |
|--|----|
| Responses | # |
| <i>EU is politically weak, unclear, not pressing, contradictory:</i> 7 Bosnian Politicians, 5 Bosnian NGO's, 8 Intl Community, 2 Intl NGO's, 1 EUFOR, 1 EU Council | 25 |
| <i>Insistence on formal politics:</i> 4 Bosnian NGO's, 1 Bosnian Academic, 1 Bosnian Politician, 5 Intl Com | 11 |
| <i>Uncoordinated and disintegrated:</i> 7 Intl Community, 2 Intl NGO's, 1 Bosnian Politician, 1 Bosnian NGO, 1 EUSR | 12 |
| <i>Not enough PR about the EU integration:</i> 2 Intl NGO's, 1 EUSR, 1 Bosnian NGO, 1 Bosnian Politician | 5 |
| <i>Ignores Bosnian youth:</i> 1 Bosnian Politician, 1 person from international NGO | 2 |
| <i>Did not oppose the inclusion of radicals in Bosnian mainstream politics:</i> 2 Bosnian NGO's | 2 |
| <i>Ignores the abuse of human rights in BiH:</i> 1 Bosnian Politician | 1 |
| <i>Total</i> | 58 |

The findings in Table 4.9 point to a list of perceptions about the weaknesses of the EU's general policies in BiH. The biggest complaint, voiced by 25 respondents, defines EU policies on Bosnia as *weak, not pressing, unclear and contradictory*. This is a very strong critique on the ability of the EU as a political actor. An important part of this critique came from Bosnian politicians who claimed that the EU stance on critical issues change through time as in the case of police reform. It remained unclear until the signing of the SAA whether the implementation of the reform or the agreement on the need to conduct reform had been the necessary condition. The next two important critiques blame the EU policies for being *uncoordinated and disintegrated* (12 respondents) and for *lack of flexibility and insistence on formal politics* (11 respondents). These are two very important negative observations by the representatives of the BiH political and civic sector, as well as some members of the international community on the cause and effect of the EU's BiH policy. The form of the European Union (cause) as a political entity determines the shape of its policies (effect) as well.

The European Union is a very unique political construct of the post-Cold War Era. It emerged as a prominent political entity with the paradigm shift of the 90s as a possible comprehensive project of peace for the fault line that had once separated the capitalist Western Europe from the socialist Central and Eastern Europe. For Euro-optimists, it can be regarded as "the most highly developed and broadly effective voluntary intergovernmental organization in human history" (Moravcsik, 1998: 1). Moravcsik's definition underlines the voluntary aspect of EU integration. Hence, EU membership is not forced upon non-members; membership is the final destination of a

voluntary process of integration in which the applicant country is tasked with the adoption of the *acquis communautaire* until it is deemed qualified for membership by the European Commission¹⁹⁵.

One explanation for the non-intrusive EU policies in BiH is the inherent belief among European Commission circles that progress must be voluntary and owned by the applicant country (see the discussion on ownership in the preceding section). This policy of non-intrusion has become a weakness in BiH. In a fragmented government structure like the one in BiH, where decision making is divided between three constituent nations under two entities, the chances for joint voluntary action for any purpose remain a rarity. In that respect, the EU's insistence on formulaic politics can be considered wishful thinking. The European Commission developed a formula, or a set of steps, that is expected to integrate BiH into the EU structures. The "roadmap", "feasibility study" and "stabilization and association process" are tools devised by the European Commission and Council that do not leave any space for negotiation from the Bosnian political leadership (see the discussion on European Partnership). Ideally, in such a structured process the applicant country is not expected to have many problems with the conclusion of the necessary reforms. Yet these reforms have easily turned into arenas for contestation among the BiH politicians. The middle ground of BiH's nationalist politicians falls below the expectations of the European Union¹⁹⁶. One of the respondents

¹⁹⁵ Indeed, European Commission officials in Brussels and the European Commission delegates in Sarajevo emphasized that the integration process is based on the voluntary action of the applicant country, any imposition of reforms would run against the nature of the process.

¹⁹⁶ The protocol signed between the SNSD leader Dodik and SBiH leader Silajdzic was the only compromise the leading nationalist parties agreed to on police reform. But the High Representative and the

from the Bosnian political sector argued that the EU should restrain its standards and be “more understanding” towards BiH. “Understanding” is used to mean the “recognition” of the ethno-political structure of Bosnia and the revision of the conditions accordingly.

The EU policy in BiH is limited with the EU integration perspective. As a result, the EU’s relations with Bosnia Herzegovina carry the risk of getting hijacked by the lack of progress on issues such as police reform or public broadcasting reform. The inflexibility of EU policies is a result of this issue-dependency. Bosniak politicians and civil sector workers have criticized the EU for not being too pressing with their RS counterparts on the issue of police reform, as well as during the constitution talks in April 2006. The “take it or leave it” characteristic of the EU reform process, with its non-binding standards and principles, has failed to have a positive impact on the ethno-politics of Bosnia. To the contrary, it has caused wider political rifts between the political leaders of the country, as evident in the case of the failed police reform. The effect of the EU’s involvement *contradicts* the essence of the cause. To be more precise, the effect of the EU integration process in BiH as the most visible face of the EU’s involvement in the country has led to further fragmentation in BiH politics. The essence of the cause, namely the democratic peace element of the European Union, loses its transformative impact as the bureaucracy of the European Commission dominates EU policy decisions in post-conflict Bosnia.

European Commissioner for Enlargement, Olli Rehn, described the protocol as not in line with the three EU principles. http://www.b92.net/eng/news/comments.php?nav_id=44148

The European Commission is an independent body above national governments, representing and defending the interests of the EU as a whole. It has the mandate to draft proposals for new European laws to be presented to the European Parliament and the Council. As an implementing agency, it follows the decisions of the Parliament and the Council doing the day-to-day business of the EU: implementing its policies, running its programs and distributing its funds¹⁹⁷. Ideally, the European Commission is intended to represent the EU as one body in the international arena, especially on global economic platforms like the World Trade Organization (WTO) it helps the member states to speak “with one voice”¹⁹⁸. The problem with the EU structure is that there are many bodies set up on different pillars to represent the EU countries with one voice on world issues whose policies are often contradictory.

The dominance of EU policy in BiH by the Commission brings different problems to the mind of a careful observer. The first observation is that the European Commission is not experienced in dealing with a post-conflict country with complex, multiple layers

¹⁹⁷ The Commission has four main roles:

1. To propose legislation to Parliament and the Council;
2. To manage and implement EU policies and the budget;
3. To enforce European law (jointly with the Court of Justice);
4. To represent the EU on the international stage, for example by negotiating Stabilization and Association Agreements between the EU and other countries.

Available at <http://www.delbih.ec.europa.eu/?akcija=clanak&CID=11&jezik=2&LID=27>

¹⁹⁸ The structure of the European Commission is pretty complex and is one of the reasons for the “disintegrated” action of the EC. Hence, aside from the policy rift between the European Council and Commission, the EC has problems of synchronized action among its subdivisions. The EC is “divided into twenty-six directorates-general (DGs) and fifteen services, which are in turn divided into directorates and subdivided into units. Extra structures can be set up when needed. In order to ensure the effectiveness of Commission actions, the DGs are required to work together closely and to coordinate in the preparation and the implementation of decisions. The everyday work of the EC is carried out by some 24,000 officials who are citizens of all twenty-seven Member States”. More is available at <http://www.delbih.ec.europa.eu/?akcija=clanak&CID=11&jezik=2&LID=27>

of governance structures based on a delicate balance among the three constituent nations. Furthermore, controlled consociational democracy has failed to make Bosnia an accountable partner to negotiate with the European Commission. As a result, as was discussed in the previous section, the EU finds itself engaged in an indirect state-building process that further creates tensions between the Federation and Republika Srpska. The non-binding rules and regulations form an “imperial language” against the “provincial fight” of Bosnia’s ethnic lords. The continuation of the difficult visa regime gives the impression that the EU perceives BiH as a ghetto in Europe. The European Commission has not developed any alternative plans for progress in the case of blocked EU reforms. The European Commission’s lack of imagination is understood as indifference to Bosnia’s future membership by Bosnian politicians and civil sector representatives. Below is a list of negative aspects of the European Commission policies in Bosnia generated by the field interviews in Brussels and Sarajevo:

Table 4.10 Weaknesses of the European Commission and Delegation in BiH

| Weaknesses of the European Commission and Delegation in BiH | |
|---|----|
| Responses | # |
| <i>SAA started off slacky:</i> 2 Intl Community, European Commission, EUSR, 1 Bosnian NGO, 1 Intl NGO | 6 |
| <i>Delegation’s passivity causes a loss of influence for the EU:</i> 1 Intl NGO, 2 Bosnian NGO, 1 EUFOR, 1 European Council | 5 |
| <i>Commission’s internal and external rivalries cause disintegrated, indecisive policies:</i> 1 Intl Community, 2 European Commission, European Council | 4 |
| <i>CARDS program is slow, plotting, state focused, its spending is not controlled:</i> 1 International Community, 1 European Council | 2 |
| <i>Delegation needs to do more PR on Bosnian government:</i> 1 International Community | 1 |
| <i>Delegation has an individual approach rather than a regional one:</i> 1 European Commission | 1 |
| <i>Total</i> | 19 |

Six respondents from my field interview pointed that the Stabilization and Association Process for BiH does not bring in effective conditionalities for BiH politicians to follow through with reforms. The following comment is not that different. Five respondents from the international community and Bosnian civic sector as well as the European Council have characterized the bureaucratic mechanism of the European Commission as negatively passive. According to the respondents the structural passivity of the European Commission and its representation in BiH trivializes the influence of the general EU policies in BiH. Another critique underlines the rivalry between the Commission and the Council on the representation of the EU, as well as rivalries between different DG's (Directorate Generals) of the Commission (4 Respondents). Actually, the problem of representation between the Commission and the Council was observed by those who deem the *disintegrated, uncoordinated EU policies* as the second most important problem with the EU's political standing in the country (see Table 4.9). Problems related to the structural complexity of the EU bring out the issue of the representation of the EU.

Officially, the EU is politically represented by three different posts in BiH: the European Union Special Representative, the Embassy of the rotating EU presidency and the Head of the European Commission Delegation. Operationally, the European Commission Delegation, as the implementing agent of the EU community assistance to BiH and as the reporter on BiH's progress on key reforms for the SAA, is the most important actor. The least vocal among the three is the Head of the European

Commission Delegation, who is the European Commission’s Ambassador in BiH. His advisors and assistants provide political and press analysis and reporting, participate in trade relations and SAA negotiations¹⁹⁹. Having such expansive tasks makes the Delegation in BiH one of the biggest with a staff of around 100. The Commission Delegation does not engage in proactive policies on key reforms issues in BiH due to its limited mandate as the implementing agency of the European Commission in the country. It designs and manages the implementation of the EU-funded projects, in consultation with state authorities. It also ensures that projects are implemented in accordance with current financial regulations by providing logistical support to all projects.

Table 4.11 Strengths of the European Commission and Delegation in BiH

| Strengths of the European Commission and Delegation in BiH | |
|---|----|
| Responses | # |
| <i>SAP preconditions are very useful for Bosnia:</i> 1 EUSR, 2 European Commission, 1 EUPM | 4 |
| <i>Delegation is positively engaged in Bosnian politics:</i> 1 Bosnian politician, 2 European Commission | 3 |
| <i>Financing of WCC by the Delegation is a success story:</i> 1 European Commission | 1 |
| <i>Delegation’s focus from 2007 to 2013 is government accountability and civil society development:</i> 1 European Commission | 1 |
| <i>Commission invested too much money in BiH:</i> 1 European Commission | 1 |
| <i>Delegation is united in perspective with other EU institutions in BiH:</i> 1 European Commission | 1 |
| <i>Commission has CCM actions like HR, media, democracy, governance, gender, election monitoring:</i> 1 European Commission | 1 |
| <i>Delegation opposes an automaton approach in reform process:</i> 1 European Commission | 1 |
| <i>Total</i> | 13 |

¹⁹⁹ Functionally, delegations play an important role in the conduct of the Common Foreign and Security Policy (CFSP), providing regular political analysis, carrying out evaluations jointly with member state embassies and contributing to the policy-making process. The Delegation of the European Commission to Bosnia and Herzegovina was established on July 10, 1996. In addition to the tasks mentioned above, this Delegation plays a key role in the implementation of substantial external assistance to BiH. The EC Delegation staff numbers almost 100, making it one of the largest in the world.

Table 4.11 above aside from one positive response from a Bosnian politician represents the high level of self approval of the EU officials in Brussels and Sarajevo on the righteousness of the policies of the European Commission and its delegation in Sarajevo. Two European Commission Delegation officials, the High Representative and a EUPM official claimed that the conditions for the SAP were very useful for the political transformation of Bosnia. The problem is not the usefulness of the conditions once they are fulfilled but the lack of commitment to pursue the implementation of the reforms by Bosnian politicians.

Delegation does not have the capacity to make decisions on BiH's integration process, but does provide hands-on assistance "partnering" with BiH political agencies in the implementation of certain administrative tasks as its *positive engagement in BiH politics* (3 respondents). Any proactive involvement of the European Commission in Bosnian politics was ruled out by the European Commission Delegation official on the grounds that active involvement of the European Commission would lead to an automaton process from the BiH politicians against the ownership principle of the EU. The European Commission's passivity is not considered as a deficit for the EU policy on Bosnia, but rather as a sign of consensus with the policies of the other EU bodies in BiH.

Commission's official position is to support the flourishing of an indigenous democratization movement as opposed to the impositions of the OHR. On the other hand, Commission officials in Brussels and Sarajevo underline the need for functional state institutions to carry out the accession negotiations with the Commission. For that reason, the essence of the reforms embedded in the steps needed to start the Stabilization and

Association Process supports the political centralization of the country at the expense of the entities.

The need for a functional BiH State is contradicted by the indigenous democratization support. For an indigenous democratization initiative, there is a need for a strong civil society that would create the needed political pressure. As was discussed in the previous chapter, the civil society in BiH is weak and donor-dependent, making it an exogenous element in Bosnian politics. What is indigenous and “civil” in BiH politics is the ethno-nationalist movements in the three constituent nations and their political representatives. European Union officials indicate that the integration process and eventual membership to the EU must be the result of voluntary action by the BiH politicians. The ethno-political nature of the BiH politics structure does not allow for the emergence of a non-nationalist political will.

The claim that for a relatively small country like BiH with an estimated population of 4 million people, the multi-layered complex governance structure is a luxury has value. Indeed, it complicates the governance of the country creating ambiguities in responsibilities and mandates of governance structures on different levels. Operationally, the cost of maintaining such a complicated system adds up to 60% of the annual budget of the country. The political will vested at the entity level power structures leave the state level institutions as mandatory institutions set up by the demands of the international community without any real mandate to get involved in a real working partnership with the European Commission. As was discussed in the section on European Partnership, the Commission concentrates on the development of potent state level

institutions that would carry out the implementation of the adopted reforms in the sectors of police, education, media and the transition to a liberal market economy. The signing of the Stabilization and Association Agreement and the start of the accession negotiations in the medium term are imagined as vehicles for democratic change in BiH, in line with the principles of the European Union. But the contemporary ethno-federal composition of the country and the agitated nationalist sentiments as a result of the internal and regional dynamics turn the necessary functional reforms for the EU integration process into a duel between the pro-centralization Bosniak and Croat leaderships against the pro-autonomy RS leadership. The joint willingness for EU membership repeatedly voiced by the political leaders remains rhetorical. For that reason, the EC's non-political, rather passive engagement as potentially the most important actor in BiH's integration process becomes a weakness for the overall EU policy on Bosnia.

A politically affluent and outspoken European Commission and Delegation would also create further problems at the expense of the philosophical underpinnings of the European Union. The Kantian democratic peace ideal embedded in the formation of the EU rules out coercion as a form of politics, instead encouraging the strengthening of economic integration between former conflicting parties as the basis of cosmopolitan peace (Ramsbotham, et al., 2005). A peace imposed like the one imposed through the Dayton Peace Agreement fails to resolve the underlying causes of the enmity between the three constituent nations of Bosnia. Furthermore, it requires an indefinite presence of the international community in the country as the guarantor for the maintenance of the negative peace. As I have argued, the present arrangement of the system as such qualifies

the political regime in Bosnia as a controlled democracy that feeds the ethno-nationalist authoritarianism of the country even more. The European Commissioner for Enlargement, Olli Rehn, contends that the European Commission is doing its very best, but that the political responsibility for reform rests with the BiH politicians. His comments on the lack of progress on the issue of police reform, five months before its eventual failure in October 2007, reflects the stance of the European Commission very clearly:

EU member states have agreed about the text of the SAA agreement, which will be initialed as soon as all requirements are met. I am concerned over the police reform standstill and the deterioration of the political environment in BiH and the return of nationalist rhetoric. If BiH wants to initial the SAA agreement, its politicians need to take serious action.²⁰⁰

The Commissioner's comments underline a weakness for the EU policy as well. Bosnia Herzegovina was given the membership perspective as early as 2000. After eight years of membership perspective, the reemergence of nationalist rhetoric demonstrates that the European Commission's approach on Bosnia might have some deficiencies. The Commission officials in Sarajevo exclude such a liability, emphasizing that the EU has been clear with the ownership principle embedded within the conditionalities imposed through the European Partnership and other pre-association programs like the Roadmap and the feasibility study from the start. However, such refusal to accept responsibility does not change the fact that the Bosnian political scene is once again the captive of ethno-nationalist authoritarianism.

²⁰⁰ The comments of the Enlargement Commissioner appeared in the Dnevni Avaz newspaper on May 9, 2007 and are available at <http://www.eupm.org/Details.aspx?ID=479&TabID=5>

Comments of the High Representative Miroslav Lajcak in January 2009 confesses

the looseness of conditionalities:

Despite all these opportunities, once the SAA was signed, further progress towards the EU essentially stopped. Instead of advancing on the EU agenda and addressing relevant conditions, progress was replaced by very negative and confrontational political messages and actions. Leaders often abused the campaign for the October municipal elections to launch such messages.....How else to explain that there has been virtually no progress in addressing the European Partnership priorities in the last six months? The authorities have only managed to adopt 7 laws of more than 125 short-time priorities in 2008.How else to explain that the parties again failed to reach an agreement on the budget in time for the New Year, and that the draft budget under consideration does not include funds for implementing the same police reform legislation whose passage opened the way for the signature of the SAA?²⁰¹

A proactive engagement of the European Commission is structurally not possible by the institutional set-up of the European Union as well. If the Commission goes ahead and enforces the membership criteria on Bosnia Herzegovina, it would be a sign of an institutional crisis. Only the Political Security Committee (PSC) of the European Council, as the representative of the political will of the EU members, has the mandate to decide on policy changes regarding Bosnia Herzegovina based on the unanimity principle²⁰². A more politically engaged Commission is not conceivable in the short run without substantial changes in the EU structures²⁰³.

²⁰¹ Comments of the High Representative Lajcak is available at http://www.ohr.int/ohr-dept/press/presssp/default.asp?content_id=42945

²⁰² “The Political and Security Committee (PSC) is the permanent body in the field of common foreign and security policy mentioned in Article 25 of the Treaty on European Union. It is made up of the political directors of the Member States' foreign ministries. PSC monitors the international situation in the areas covered by the common foreign and security policy (CFSP); to contribute to the definition of policies; to monitor implementation of the Council's decisions... The Committee was originally temporary but became a standing body after the Nice European Council in December 2000.” More info is available at http://europa.eu/scadplus/glossary/political_security_committee_en.htm

²⁰³ The failed constitutional reform in 2005 foresaw a strengthening of the Commission competencies and harmonization of EU policies at the expense of the member states in the foreign policy of the Union.

Contemporary European Commission policy on BiH requires active support by the High Representative, who acts as the EU Special Representative as well. The current OHR, Lajcak, developed proposals for police reform that would form a baseline for different nationalist parties to come to an agreement while maintaining the principles set by the European Commission. In Bosnia, the current stance of the Commission does not encourage any breakthrough in the ethno-nationalism, but instead, remains as one of the components of the practice of controlled democracy in BiH. It passively encourages the active engagement of the international community in the EU integration process that automatically removes any possibly authentic, indigenous agreements between the nationalist leaders of BiH.

The EU presence in BiH is not limited to the community pillar. Bosnia Herzegovina has become a test case for Bosnia to test its own Security and Defense capabilities. The European Police Mission (EUPM) in Bosnia and the European Union Force (EUFOR) – Althea, are the two missions that represent the present stage of the EU's claim to develop its own security and defense capacity. Below, I discuss the performance of the two missions so far and their contributions to the security situation in post-conflict Bosnia.

4.3 The ESDP Instruments in BiH

The EU added the security dimension to its supporting role in the stabilization process of post-conflict Bosnia after the UN and NATO decided to phase out their missions in BiH in 2004. The deployment of two ESDP (European Defense and Security Policy) missions to BiH, namely the EUPM and EUFOR, is an expression of the EU's

growing desire to expand its capabilities as a security actor. The European Union defines these missions under the heading of “crisis management”. Police missions fall under the category of *civilian crisis management*, whereas peace operations are deemed a part of the *military crisis management* concept. The Nice European council presidency conclusions in 2000 stated that

In response to crises, the Union's particular characteristic is its capacity to mobilize a vast range of both civilian and military means and instruments, thus giving it an overall crisis-management and conflict-prevention capability in support of the objectives of the Common and Foreign Security Policy²⁰⁴

EU’s crisis management concept is multileveled and all-encompassing notion of security and emphasizes EU’s responsibility to project stability not only within its neighborhood but also in the world. It takes into account both short and long-term perspectives on security and draws on both civilian and military tools. This section continues with an overview of the European Union Police Mission followed by an evaluation of EUFOR. EUPM is one of the most important civilian crisis management (CCM) applications of the Union. The Union has decided to develop the civilian aspects of crisis management in four priority areas defined by the Feira European Council in June 2000: police, strengthening of the rule of law, strengthening civilian administration and civil protection²⁰⁵. With the Civilian Headline Goal 2010 CCM concept is projected to be fully operational²⁰⁶.

²⁰⁴ Nice Presidency Conclusions are available at http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/00400-r1.%20ann.en0.htm

²⁰⁵ Please see http://www.europarl.europa.eu/summits/fei2_en.htm#an1 for Annex I the Santa Maria Da Feira European Council Conclusions of the Presidency held on 19-20 June 2000

²⁰⁶ For more on the Civilian Headline Goal 2010 please see the Factsheet published by the General Secretariat of the European Union Council on the state of development in the field at

4.3.1 European Union Police Mission (EUPM)

The European Union Police Mission (EUPM) is the most visible mission of the EU in BiH. It is one of the most ambitious attempts of the EU to test its civilian crisis management competencies in the area of rule of law. The EUPM I and II missions can be regarded as part of a broader effort undertaken by the EU and other actors to address the whole range of rule of law aspects in BiH. In line with the general objectives of the Paris/Dayton Agreement, the EUPM sought to establish sustainable policing arrangements under Bosnian ownership. The EUPM, the first mission under the ESDP, was launched on January 1, 2003, for an initial period of three years. In 2006, the mission's mandate and size were modified; the EUPM II mission is expected to last until the end of 2009. The mandate of the mission is as follows:

Under the direction of the EUSR, the EUPM coordinates the policing aspects of the European Security and Defense Policy (ESDP) efforts in the fight against organized crime and as part of the broader rule of law approach in BiH and in the region, aims through mentoring, monitoring, and inspecting to establish a sustainable, professional and multiethnic police service in BiH, operating in accordance with the best European and international standards. This police service should operate in accordance with commitments made as part of the Stabilization and Association Process with the European Union, in particular with regard to the fight against organized crime and police reform. It assists local authorities in planning and conducting major and organized crime investigations²⁰⁷.

By 2003, when the EU took over the police mission, it was argued that the immediate post-conflict era was over, and that the task of policing was to be transferred to local police structures. For that reason, the mandate of the EUPM is more political and

http://www.consilium.europa.eu/uedocs/cmsUpload/BackgroundJPO2008-Civilian_aspects_compressed.pdf

²⁰⁷ Available at <http://www.eupm.org/Our%20Mandate.aspx>

focused on institution-building compared to its predecessor, the more technical and action oriented International Police Task Force (IPTF) mission of the UN. The EUPM operates in line with the general objectives of Annex 11 of the Dayton Agreement and is supported by European Community instruments²⁰⁸. The EUPM presence in BiH has three strategic components: supporting the local police in the fight against organized crime, increasing the accountability of local police and providing support to the implementation of police restructuring²⁰⁹. The EUPM assistance through these strategic pillars aims to strengthen Bosnian ownership and set up functioning institutions for rule of law. Below, I discuss the performance of the EUPM on each strategic pillar.

Support to local police in the fight against organized crime

The UN Convention against Transnational Organized Crime 2000 defines the organized criminal group as a “structured group of three or more persons, existing for a long period of time and acting in concert with the aim of committing one or more serious crimes or offences...in order to obtain, directly or indirectly, a financial or other material benefit” (United Nations, 2000: Art. 2). According to the document, a structured group is “a group that is not randomly formed...and that does not need to have formally defined roles for its members, continuity for its membership or a developed structure” (2000)²¹⁰. Organized crime involves trafficking of drugs and people, extortion, kidnapping for profit, environmental crime such as illegal toxic waste dumping, “sophisticated” credit

²⁰⁸ Annex 11 is available at <http://www.nato.int/ifor/gfa/gfa-an11.htm>

²⁰⁹ The EUPM mission objectives are available at <http://www.eupm.org/MissionObjectives.aspx>

²¹⁰ Available at http://www.unodc.org/pdf/crime/a_res_55/res5525e.pdf

card fraud, smuggling to evade excise tax on alcohol and tobacco, intellectual copyright theft and corruption to achieve these offences (Levi, 2002: 880).

The practice of organized crime in the Western Balkans has a *transnational* or *cross-border* characteristic. Article 3(2) of the UN Convention argues that an offense becomes transnational when it is “(i) committed in more than one state, (ii) committed in one state but prepared/planned/directed/controlled in another state, (iii) committed in one state but involves an organized criminal group that engages in criminal activities in more than one state, or (iv) if it is committed in one state but has substantial effects in another state”²¹¹. BiH, being situated in one of the busy crossroads between Central Europe and the Middle East, is faced with threats of trafficking of drugs, humans and illegal log cutting and exports.

The EUPM’s strategy for supporting BiH’s struggle against organized crime is through mentoring, monitoring and advising the local police structures. This strategic component aspires to empower the newly established state level security institutions, such as the State Investigation and Protection Agency (SIPA), Ministry of Security (MoS) and the State Border Service (SBS), through transfer of know-how and sharing necessary expertise. According to the official line, the EUPM helps build the operational capacity with enhanced executive powers to fight major and organized crime. According to the official mission design, the EUPM officers are supposed to provide operational advice and support in planning and conducting investigations and operations against organized crime. As I have mentioned earlier, the EUPM is not an executive police

²¹¹ *ibid.*

mission, unlike the IPTF. The UN mission had coercive and binding measures against organized crime that had much closer relations with the war criminals, some of whom were actually police officers. Hence, the presence of an international police force was considered necessary to unravel these relations. The police forces of both entities were either in the initial phase of their re-institutionalization or most of their members were indicted with war crimes during the war. The IPTF was very useful with its robust approach against the war criminals in police structures, and for its effective crackdown on organized crime networks²¹². Below is the list of findings from my field interviews that indicates the negative and positive aspects of the EUPM's performance in BiH.

Table 4.12 Weaknesses of the EUPM Missions in BiH

| Weaknesses of EUPM Missions in BiH | |
|--|---|
| Responses | # |
| <i>EUPM 1 had a disappointing performance:</i> 1 Intl Community | 1 |
| <i>Not provided substantial assistance on operations:</i> 1Bosnian Police | 1 |
| <i>Liaison and Observation Team (LOT) in EUPM are not structured for proper exchange of info with locals:</i> 1 Intl NGO | 1 |
| <i>EUPM's limited mandate of mentor, monitor and advice is not effective:</i> 1 International Academic | 1 |
| <i>Comprehensiveness of EUPM team is mocked by hard-nosed mafia:</i> 1 EUPM | 1 |
| <i>Lack of cooperation on police reform in BiH:</i> 1 Intl NGO | 1 |
| <i>Total</i> | 6 |

One common impression on the weaknesses of the EUPM mission is that its performance in the fight against organized crime is disappointing (see Table 4.12). One

²¹² The ICG report on “Bosnia's Stalled Police Reform: No Progress, No EU” dated September 6, 2005, talks about the problems in transition from IPTF to EUPM is available at http://www.crisisgroup.org/library/documents/europe/balkans/164_bosnia_stalled_police_reform_no_progress_no_eu.pdf

police official from the Bosnian State Level Ministry of Security (MoS) indicated that the EUPM's non-coercive mandate has a negative impact on the quality of the support it provides to local police structures in their fight against organized crime. The EUPM is not entitled to carry out any intelligence work regarding the organized crime networks²¹³. This phenomenon subsequently weakens the emergence of real cooperation between the BiH police authorities and the EUPM in launching an effective campaign against the criminal networks. The EUPM provides assistance to investigation techniques, facilitating relations and improving cooperation between the police and the prosecution by focusing on the means rather than the ends. But the transitional nature of organized crime in BiH requires a regional pooling of intelligence among the Western Balkan countries. According to a police expert in Brussels, trans-border crime cannot be fought in an isolated manner. According to the respondent, the EUPM mission has structural problems. EUROPOL coordinates all the information between the EU member states, but it has no legal status in BiH²¹⁴. The respondent claimed that the Southeast Cooperation Initiative Center (SECI) based in Romania should handle regional operations, since both the EUPM and EUFOR share information with EUROPOL.

According to an interviewee from the EUPM office in Sarajevo, the Liaison and Observation Teams (LOT) embedded in BiH police institutions fail to communicate with

²¹³ Conducting intelligence work against organized crime networks is among the tasks identified for the EUFOR - Althea mission. The EUPM is tasked with coordinating EUFOR's support to local police activities when required.

²¹⁴ At the time of the interview in November 2005, BiH was not involved in a partnership with EUROPOL. "Europol is the European Law Enforcement Organization which aims at improving the effectiveness and co-operation of the competent authorities in the Member States in preventing and combating terrorism, unlawful drug trafficking and other serious forms of international organized crime". Available at <http://www.europol.europa.eu/>

their Bosnian peers due to language problems. A former EUPM official and a European Council Official at the Secretariat further challenge the so-called *comprehensive approach* of the EU in crisis management. The comprehensive approach welcomes the participation of third countries in crisis operations if they are approved by the EU members. Apparently, some of the officers from third world countries do come from countries with worse levels of corruption. They tend to take no notice of the on-going crimes in BiH. The operational success of the EUPM on the ground depends too much on personal initiative.

Table 4.13 Strengths of the EUPM Missions in BiH

| Strengths of the EUPM Missions in BiH | |
|--|----|
| Responses | # |
| <i>Respects local ownership:</i> 3 European Council, European Commission, EUSR Official | 5 |
| <i>EUPM is overall doing a good job on the ground:</i> 1 European Council,1 European Commission,1 Bosnian Police | 3 |
| <i>EUPM in BiH is a stronger political signal on EU's commitment to the Western Balkans:</i> 1 European Council | 1 |
| <i>EUPM is in active coordination with other EU institutions in BiH:</i> 1 EUSR | 1 |
| <i>Total</i> | 10 |

Table 4.13 above demonstrates that the non-intrusive nature of the EUPM mission in BiH is appreciated most by those who design it at the General Secretariat of the European Union Council. The respect for local ownership is definitely needed for the long-term sustainable fight against organized crime by local police structures. The EUPM officials embedded in the Bosnian police stations are expected to assist the local police in the way they handle such cases in a professional manner. However the language barrier

and the short-term appointments of the police officers to the EUPM mission obstruct the development of a productive relationship through which an active learning process could be possible for the Bosnian police. As the findings above show the strength of the EUPM mission lies on its intentions, more efforts are needed to put these intentions into effective practice. Below we continue with the efforts to increase the accountability of local police to Bosnian public.

Accountability of local police

This strategic pillar addresses the issue of corruption and violation of human rights in the conduct of day-to-day policing. Accountability is not trustworthiness, per se. The former is a technical term, whereas the latter is psycho-political.

Table 4.14 Institutional Trust (data extracted from Oxford Research International 2007 public opinion data on Bosnia)²¹⁵

| Institutional Trust | 1 | 2 |
|------------------------------|------------------------------------|------------------------------|
| | International Organizations | National Institutions |
| State Government in Sarajevo | 0.48 | 0.32 |
| United Nations | 0.82 | 0.13 |
| Police | 0.12 | 0.69 |
| EU | 0.76 | 0.17 |
| Government in RS/Federation | 0.04 | 0.74 |
| OHR | 0.87 | 0.06 |
| EUFOR | 0.87 | 0.05 |
| FTV and/or RTRS | 0.08 | 0.63 |
| Political Parties | 0.15 | 0.63 |
| The Courts | 0.25 | 0.65 |
| Your Municipal Authority | 0.06 | 0.70 |

Table 4.14 rates the Bosnian police as the third most trusted national institution, after the entities and the municipal authority. In this respect, the Bosnian public

²¹⁵ The Oxford team fielded a nationally-representative survey with 3,580 respondents (+18). In addition, it completed 20 focus groups with displaced discussants in different locations across BiH. The study differs in terms of methodology (which follows the BHAS Master Sample), low refusal rates, investment in local research staff training and a rigorous eight-stage quality control programme. The data can be accessed at www.undp.ba/download.aspx?id=886

understands that entity-based police structures are an affirmation of ethno-nationalist separation achieved during and after the BiH war. In the case of BiH, such significant trust in the police institutions does not necessarily point to a high level of accountability. Corruption has been identified as an important problem in BiH, both by the international community and the Bosnian politicians. The EUPM has set the goal of raising the level of awareness against corruption as one of the key areas in the rule of law. An accountable police force is the key to curbing the corruption in state and entity level political structures.

The figures in the Table 4.15 (below) show that the highest level of satisfaction with the police assistance received is observed in the Serbian majority areas (76% average) compared to the much lower levels of satisfaction in Croat majority areas (48% average) and in Bosniak majority areas (27% average).

Table 4.15 Satisfaction with the police assistance received (data extracted from the UNDP 2006 Early Warning Report on BiH)²¹⁶

Were basically or entirely satisfied with police assistance received:

| Survey | Total | | Bosniak | | Croat | | Serbian | |
|---------------------|--------|-------|---------|-------|--------|-------|---------|-------|
| | 05/#4 | 06/#4 | 05/#4 | 06/#4 | 05/#4 | 06/#4 | 05/#4 | 06/#4 |
| In % | 39.9 | 47.5 | 41.4 | 12.3 | 29.3 | 66.8 | 66.3 | 85.6 |
| Index 06/#4 - 05/#4 | 119.05 | | 29.71 | | 227.99 | | 129.11 | |

Source: Public opinion poll carried out for EWS by Prism Research

The figures demonstrate a decrease in the performance of the police in Bosniak majority areas, whereas the police performance improved more than two-folds in the Croat majority areas and about 30% in Serb majority areas. According to five

²¹⁶ Available at www.undp.ba

respondents, all of whom are working for EU institutions, the EUPM's most positive impact in BiH is that it promotes local ownership (see Table 4.13). Table 4.15 points to an overall increase in the quality of police assistance in BiH. Is this a result of the EUPM's success in assisting the BiH police in curbing corruption or a simple message of solidarity by the Bosnian Serb respondents with the RS police structure against the police reform demands of the international community?

To raise the level of accountability, the EUPM inspects and monitors police operations from its early planning stages, through investigations or operations, until the case in question reaches court. The EUPM also monitors the situation inside the police – situations that are perceived as unlawful, misconduct or contrary to the best practice or generally applied rules of engagement. The EUPM has the right of free access to every document, premises or person to carry out this task.

Table 4.16 Experience/witnessing of police abuse in BiH (data extracted from UNDP 2006 Early Warning Report on BiH)²¹⁷

| Experienced or witnessed the clear abuse of police authorities during the past six months | | | | | | | | |
|---|-------|-------|---------|-------|-------|-------|---------|-------|
| Survey | Total | | Bosniak | | Croat | | Serbian | |
| | 05/#4 | 06/#4 | 05/#4 | 06/#4 | 05/#4 | 06/#4 | 05/#4 | 06/#4 |
| In % | 7.2 | 6.5 | 6.3 | 3.7 | 18.9 | 15.9 | 4.8 | 6.9 |
| Index 06/#4-05/#4 | 90.3 | | 58.7 | | 84.1 | | 143.8 | |

Source: Public opinion poll carried out for EWS by Prism Research

Table 4.16 shows an overall decrease between Spring 2005 and Spring 2006 in reported police abuse. That might be the result of the embedded EUPM officers in Bosnian police center, assisting their colleagues with intelligence gathering techniques

²¹⁷ *ibid.*

without adherence to the use of harsh and threatening tactics. These figures affirm that the EUPM presence on the ground serves to alleviate the performance of BiH police structures.

Support for Police Restructuring Implementation

The EUPM supports institutional capacity building. It supports the creation of entity regions for efficient, centralized and cost-effective policing. The idea of a single police structure is central for the EUPM. Throughout 2006, the EUPM offered its expertise to the board of police officials that was in charge of drafting a final proposal for the implementation of police reform (the Directorate for Police Restructuring Implementation or DPRI). The performance of the EUPM in the political tasks of producing a police reform document for the examination of the Police Reform Directorate and of encouraging the BiH Police to own the fight against organized crime is disappointing.

According to the findings of Oxford Research International (see Table 4.16 below), BiH citizens who trust the police the least (61.6%) are those who identify themselves primarily as BiH citizens (primary identity). Those who first identify themselves as Serbs, Bosniaks or Croats and secondly as BiH citizens (dual identity) trust the police structures more (68.3%). Those who refuse BiH citizen identity (exclusive identity) are the ones to trust the police the most (79.8%). These findings indicate that police structures in their current form reinforce the ethno-nationalist politics of the country.

Table 4.17 Cross-Tabulation in Percent - Identity and Trust in Institutions (data extracted from Oxford Research International Public Opinion data on Bosnia)²¹⁸

Cross-Tabulation in Percent – Identity and Trust in Institutions
BiH citizenship is my.....identity

| | All | Exclusive | Dual | Primary |
|------------------------------|------|-----------|------|---------|
| Police | 67.1 | 79.8 | 68.3 | 61.6 |
| Public Service TV | 58.0 | 77.8 | 51.5 | 58.0 |
| Municipal Authority | 53.4 | 65.2 | 50.6 | 52.1 |
| EU | 50.5 | 30.3 | 51.6 | 56.1 |
| Entity Government | 43.5 | 71.5 | 45.5 | 32.2 |
| Courts | 40.7 | 49.2 | 39.4 | 39.1 |
| OHR | 34.9 | 18.6 | 33.5 | 41.8 |
| EUFOR | 33.1 | 19.2 | 31.1 | 39.9 |
| UN | 31.4 | 21.2 | 30.7 | 35.3 |
| State government in Sarajevo | 22.9 | 6.5 | 23.6 | 27.5 |
| Political parties | 14.8 | 16.8 | 15.5 | 13.4 |

The figures above demonstrate that the BiH public is trust police structures with its present structure. This does not necessarily mean that they need to be considered as against the centralization of police structures at the state level, the most essential component of the proposed police reform. Lack of effective coordination between different police structures within BiH especially between the RS police and the Federation cantonal police enables the organized crime networks to get away with effective follow-up. Under one national police structure the cooperation between the different police components are expected to be much easier. Yet the main obstruction is the identification of ethnic groups, especially of the Serbs with maintenance of the RS

²¹⁸ In the Oxford Research International report, respondents who say they are BiH citizens in the first instance are referred to as having a “primary BiH identity”. Those who identify themselves as Bosniak/Croat/Serb in the first instance but then say they are also BiH citizens are described as possessing a “dual identity”. Respondents who reject a BiH citizen identity are referred to as having an “exclusive identity”. Available at www.undp.ba/download.aspx?id=886

police structures as a sign of RS autonomy. Local police structures receive most of their trust from those who refuse the BiH identity. Supporting local ownership bears upon the need for sustainability of the reforms. This creates a very paradoxical situation, as is the case with European Commission's stance on expectation of the implementation of reforms to move forward in the EU accession process after the SAA had been signed on the premise that the guidelines for the police reform had been agreed.

Police reform is not moving forward, but the increasing trust in local police structures in the Bosniak majority areas, as well as the decrease in the rate of abuse reported, indicates that the public-at-large constructed a sense of ownership over the local police structures. The Bosnian public's ownership over the local police structures in its present form contradicts the strategic component of the EUPM mandate for assisting the restructuring of police structures. Looking at the figures from the UNDP early warning report for 2006, other strategic components of helping the accountability of the police might have worked. It is hard to make any clear judgments about EUPM's performance in the fight against organized crime due to the handicap of language, and the deficits of the comprehensiveness of the mission. Following is an evaluation of EUFOR's performance in BiH and what it means for the transformation of the country.

4.3.2 EUFOR - Althea

The EU peacekeeping policy is located within the European Security and Defense Policy (ESDP) and includes the components of military management, civilian crisis management and conflict resolution techniques. The way the ESDP has developed is a consequence of the EU's own evolution. Peacekeeping as a major theme in the ESDP is

an outcome of the same process. Measures to strengthen the security and defense policy of the Union followed the deepening of the Union. As the European Union switched to a single currency and removed boundaries, there arose a need for a functioning and effective ESDP. As the identity of the peacekeeper was consolidated, the relationship between the peacekeeper and its peacekeeping policy became more manifest.

The ESDP has developed itself from the European Security and Defense Identity (ESDI) that was concerned essentially with military restructuring in order to enable the Europeans to exercise a greater and, where necessary more independent, influence within NATO. However, the unease with American leadership in the Balkans, the disparity between the financial resources allocated to defense and the troops actually deployed to the conflict regions²¹⁹ and the successful military cooperation on the ground in Bosnia resulted in a Franco-British summit in St. Malo in December 1998 (Nugent, 2003). The Summit called for a strengthening of the Common Foreign and Security Policy (CFSP) through the creation of a European Security and Defense Policy.

Three European Council meetings set out the main guidelines of the ESDP. The Cologne Summit in June 1999 issued a declaration, “On Strengthening the Common European Policy on Security and Defense”²²⁰. The declaration emphasized the need for the EU to develop the capacity for independent action with credible military forces,

²¹⁹ Whilst the European governments spent two-thirds as much as the USA on defense, they could only deploy 10% as many troops (Forster and Wallace, 2000: 481-485).

²²⁰ “In the pursuit of our Common Foreign and Security Policy objectives and the progressive framing of a common defence policy, we are convinced that the Council should have the ability to take decisions on the full range of conflict prevention and crisis management tasks defined in the Treaty on European Union, the ‘Petersberg’ tasks. To this end, the Union must have the capacity for autonomous action, backed up by credible forces, the means to decide to use them, and a readiness to do so in order to respond to international crises without prejudice to actions by NATO” (European Council, 1999a: Appendix III).

determination and readiness to use them in order to respond to international crises (European Council, 1999a: Appendix III). Subsequent European Council summits at Helsinki in December 1999, and at Feira in June 2000, laid out the military and non-military aspects of the ESDP. It created an EU-led rapid reaction force that would be deployed to conflict regions in a fairly short amount of time, and a substantive civilian police force that would be sent to crisis situations that would be contemplated with a Rapid Reaction Mechanism (RRM) (European Council, 1999c; European Council, 2000b)²²¹. During the following years, serious steps have been taken in order to move forward with the strengthening of the military dimension of the RRM²²². The current ambitious plan is the ability to deploy 13 battle groups to hotspots of the world in times of crises by 2007²²³.

²²¹ At the Helsinki Summit in December 1999, under the “headline goal”, it was agreed that an EU-led rapid reaction force of up to 50,000-60,000 persons would be created, capable of being deployed within 60 days, of being sustained for at least a year, and focused on the full range of Petersberg tasks (European Council, 1999c). At the Feira Summit in June 2000, a non-military headline goal was agreed in which member states commit themselves to provide up to 5,000 civilian police officers within 30 days for crisis situations. There was to be also an agreement on the creation of a Rapid Reaction Mechanism (RRM) to enable emergency civil aid delivered to stabilize crises (European Council, 2000b).

²²² At the end of 2002, an agreement was reached on the consultation mechanisms between the EU-ESDP and NATO, as well as regarding the transfer to the European Union of the 1996 Berlin-plus agreement on WEU access to NATO assets and facilities (see the documents on these EU-NATO meetings and agreements, specifically the European Union-NATO declaration on ESDP, Brussels, December 16, 2002, in Haine 2003:170ff, Quille and Mawdsley, 2003). Moreover, an EU-led military operation that involved inter-institutional cooperation with access to NATO was being successfully implemented in Macedonia (Operation Concordia). Operation Artemis runs independently of NATO in the Democratic Republic of Congo (DRC), and was conducted as an EU police mission in Bosnia as part of the civilian component of the ESDP (Monaco, 2003). In 2003, the European Union negotiated a new constitution first at the Constitutional Convention and then in an Inter-Governmental Conference. The strengthening of the ESDP was agreed upon at a special meeting of foreign ministers in Naples in November 2003. In the final version of the EU Constitution, the Europeans will keep their operational headquarters within NATO and their prospective crisis management campaigns explicitly subject to a NATO “right of first refusal” (Available at <http://euobs.com/?aid=13877&rk=1>).

²²³ EU Defense Ministers agreed at their meeting on November 21, 2004, to create 13 “battle groups” by 2007, to be deployed to the World’s hotspots. Battle groups are thought to be used in peacekeeping operations up to 6,000 kilometers away. The 1,000-1,500 strong forces are expected to be able to be rapidly

On the track of the European Security and Defense Policy (ESDP), the EU had a proliferation of actors in BiH. The European Union Police Mission took over from the International Police Task Force of the UN (IPTF) with a lesser executive mandate based on providing assistance to BiH police authorities in mentoring, monitoring and advising on policing matters and assisting in the police reform process. The European Union Force (EUFOR) emerged as an ambitious development in the ESDP field after it took over the peacekeeping mission from the NATO-led SFOR in 2004. The EUFOR - Althea mission is a first for the EU peacekeeping missions with its scale and scope of operational mandate.

Having entered the new century with a renewed determination to take autonomous actions, the EU has led three peacekeeping operations that involved inter-institutional cooperation with access to NATO where necessary. Operation Concordia in Macedonia has made use of NATO assets, followed by a peacekeeping operation in the Democratic Republic of Congo (DRC), Artemis, that ran independently of NATO, and an EU police mission in Bosnia (EUPM) conducted as part of the civilian component of ESDP (Monaco, 2003). Yet none of these operations is as extensive as the one that the European Union Task Force (EUFOR) started in December 2004 in Bosnia Herzegovina with 7,000 troops on the ground. This mission took over all the responsibilities of the NATO mission, SFOR. EUFOR will demonstrate the extent of EU peacekeeping and its

deployable. Diplomats say that the force is expected to be used under UN mandated operations, preparing the ground for large UN operations that take longer to deploy. They will also be able to take on smaller missions independently (Available at <http://euobserver.com/?sid=9&aid=18639>).

relation with the European Union. The EUFOR in Bosnia is an extremely important litmus test for the EU in developing its peacekeeping identity.

Initially, the EU deployed a robust military force (EUFOR) - at the same force levels as SFOR (7,000 troops) - with a Chapter VII mission to ensure continued compliance with the Dayton/Paris Agreement and to contribute to a safe and secure environment in BiH. The current number of troops in EUFOR is about 2,500. “A total of 32 nations, including 24 EU Member States and 8 non-EU Troop Contributing Nations provide the necessary capabilities to carry out EUFOR’s tasks”²²⁴. Since March 2007, the number of troops in the Multinational Maneuver Battalion (MNBN) has been reduced to 2,500, including the Liaison Observation Teams (LOTs) spread throughout in the country.

The key objectives of the EUFOR - Althea mission remain the same:

- To provide deterrence and continued compliance with the responsibility to fulfill the role specified in Annexes 1A and 2 of the Dayton/Paris Agreement (General Framework Agreement for Peace in BiH); and
- To contribute to a safe and secure environment in BiH, in line with its mandate, and to achieve core tasks in the OHR’s Mission Implementation Plan and the Stabilization and Association Process (SAP).²²⁵

The key supporting tasks of the EU-led force cover providing support to the International Criminal Tribunal for the Former Yugoslavia (ICTY) and relevant authorities, including the detention of PIFWCs, and providing the security environment in which the police can act against the organized criminal network. The EU operation is thought to be part of a coherent EU approach. It

²²⁴ The EUFOR - Althea structure is available at http://www.euforbih.org/eufor/index.php?option=com_frontpage&Itemid=27

²²⁵ The mission statement of EUFOR is available at www.euforbih.org

aims to add in a significant way to the EU's political engagement, with its assistance programs (its ongoing police and monitoring missions) and with a view to helping BiH make further progress towards European integration in the context of the Stabilization and Association Process.

Absence of a substantial military threat

With the initiation of the reduction of military manpower in 2007, EUFOR has begun to transfer the control of the bases to Bosnian military authorities²²⁶. This is an achievement that was not possible to imagine at the beginning of the decade without NATO's constructive engagement in the Defense Reform process. Defense Reform mainly aims to establish democratic control over the armed forces. The destruction and viciousness of the war in BiH, and in the former Yugoslavia are, to a certain extent, consequences of what happens when the armed forces of a country are reduced to a political tool in the hands of ethno-nationalist militarism. For that reason, in 2003, the international community identified defense reform as one of the pillars of security sector reform mentioned in the Implementation Plan of the OHR. "Establishing State-level civilian command and control over armed forces, and reform of the security sector" is underlined as the path for the Euro-Atlantic integration²²⁷.

²²⁶ In 2007, EUFOR handed the army bases in Banja Luka, Tuzla and Mostar to BiH military authorities. EUFOR concentrated its military power in the former Yugoslav Air Base, Camp Butmir near Sarajevo. More information is available at

http://www.euforbih.org/eufor/index.php?option=com_content&task=view&id=199&Itemid=1

²²⁷ The OHR Mission Implementation plan established in 2003 clearly sets security sector reform as one of the core tasks of the international community to make BiH a functioning state. Further details on the issue are available at http://www.ohr.int/ohr-info/ohr-mip/default.asp?content_id=29145

The international community's focus on strengthening the state level institutions to be accountable partners with the West shapes the logic of the Defense Reform. Setting up a state level Ministry of Defense with executive powers and reducing the size of the armed forces in both entities in order to create a unified professional Bosnian army constitute the essence of Defense Reform. Implementation of the reform necessitated the abolishment of the entity level armies and putting an end to the conscription system. All throughout the reform process, the NATO task force, embedded in the state level Ministry of Defense, provided constant assistance and cooperated with the Bosnian authorities²²⁸. On December 14, 2006, eleven years after the Dayton Peace Agreement, Bosnia Herzegovina signed the Partnership for Peace (PfP) Agreement with NATO. This agreement makes BiH a prospective NATO member and redefines its international security within the framework of the Euro-Atlantic cooperation²²⁹.

In that respect, EUFOR - Althea with its Chapter VII mandate²³⁰, does not have any substantial military tasks to fulfill, as recognized in the decision of the European Council for General Affairs and External Relations to reduce the number of troops in March 2007. Annexes 1A and 2 do not necessarily apply to the contemporary security

²²⁸ Interview with Raffi Gregorian, the-then Head of the NATO Contingency in the Defense Ministry of BiH on June 14, 2006. Interview with an official from the US Embassy in Sarajevo on June 13, 2006.

²²⁹ The speech of the NATO Secretary General, Jaap de Hoop Scheffer, at the meeting of the Council Signature of the Partnership for Peace Framework Document by Bosnia and Herzegovina on December 14, 2006, emphasizes the strategic importance of the agreement for BiH. Please see <http://www.nato.int/docu/speech/2006/s061214b.htm>

²³⁰ Chapter VII of the UN Charter gives authority for the use of force in peacekeeping missions when faced with a threat to human lives, indicating that impartiality does not mean neutrality in cases of crimes against humanity. Further information is available at <http://www.un.org/aboutun/charter/chapter7.htm>

situation in Bosnia, especially after the signing of the PfP agreement²³¹. The deterrence function of EUFOR is less relevant and less about traditional military threats²³². The EUFOR presence in BiH is thus about providing psychological reassurance as the country moves from the post-conflict stage to the democratic transition stage.

Table 4.18 End of EUFOR’s mission and the renewal of violence (data extracted from UNDP’s 2006 Early Warning Report on BiH)

| Percentage who thinks withdrawal by EUFOR could allow a renewal of war in BiH | | | | | | | | |
|---|-------|-------|---------|-------|-------|-------|---------|-------|
| | Total | | Bosniak | | Croat | | Serbian | |
| Survey | 05/#4 | 06/#4 | 05/#4 | 06/#4 | 05/#4 | 06/#4 | 05/#4 | 06/#4 |
| In % | 23.3 | 22 | 19.2 | 27.3 | 14.5 | 12.3 | 31.9 | 17.4 |
| Index | 94.42 | | 142.19 | | 84.83 | | 54.55 | |

06/#4 – 05/#4

Figures indicated in Table 4.18 show that the Bosnian public does not see a renewal of violence in BiH territories as a possibility. A %8 increase among the Bosniak constituency points to a growing pessimism on the negative turn of events in BiH political life after the failure of the constitutional package in the State Parliament in April 2006. The overall percentage of those who think that the removal of EUFOR is a risk for Bosnia rests at 22-23%. The results of the UNDP reports My findings from the field interviews on the strengths of the EUFOR presence are in line with the indicators of the UNDP Early Warning Report (see Table 4.19 below).

²³¹ Annex 1A (Military Aspects of the Peace Settlement) and Annex 2 (Inter-Entity Boundary Line and Related Issues) of the Dayton Peace Agreement relate to the immediate post-conflict settlement era. Available at http://www.ohr.int/dpa/default.asp?content_id=370

²³² Similar arguments were put forward in the interview with the POLAD Officer from the European Union Force (EUFOR) in Bosnia Herzegovina

Table 4.19 Positive aspects of the EUFOR - Althea mission in BiH

| Strengths of the EUFOR Presence in BiH | | # |
|--|---|----|
| Responses | | |
| <i>Psychological guarantee, so needed for longer time for stability:</i> | 4 Bosnian NGO, 2 Intl Community, 1 EUFOR, 1 EUSR, 1 Intl NGO | 9 |
| <i>Stops security dilemma:</i> | 2 Bosnian NGO, 1 European Commission, 1 European Council, 1 EUFOR | 5 |
| <i>Pushes reform:</i> | 1 EUFOR Official | 1 |
| <i>Total</i> | | 15 |

Nine respondents have pointed out that EUFOR's presence in BiH provides a psychological guarantee that renewal of violence is not possible. It is important that four respondents from the Bosnian civic sector agreed on the need for further EUFOR presence. The presence of a European-led peacekeeping force thwarts the spiraling impact of the security dilemma of the Bosnian ethno-politics (5 respondents) that reveals itself occasionally. 1 EUFOR official talked about how the EUFOR as an essential component of the larger EU presence in the country pushes for the democratization reforms.

Table 4.20 BiH's public approval of EUFOR – Althea, ethnic specific (data selectively extracted from Table Iib of the UNDP 2006 Early Warning Report on Bosnia)

| Do you approve of the work of SFOR/EUFOR? (in %) | | | | | | | | | | | | |
|--|---------|------|------|------|-------|------|------|------|---------|------|------|------|
| Sample | Bosniak | | | | Croat | | | | Serbian | | | |
| 2006 | March | June | Sept | Dec | March | June | Sept | Dec | March | June | Sept | Dec |
| Yes | 55.7 | 50.7 | 53.9 | 47.2 | 47.8 | 42.5 | 43.4 | 49.1 | 42.9 | 31.5 | 36.6 | 9.7 |
| No | 28.2 | 18.6 | 21.0 | 29.1 | 40.1 | 26.4 | 37.8 | 25.5 | 34.6 | 38.7 | 48.7 | 48.0 |

Table 4.20 lists the approval ratings of EUFOR in the Bosniak (52% average), Croat (46% average) and Serbian (38% average) majority areas. The Bosniaks tend to see EUFOR as the guarantor of the Bosnian state system against the ongoing irredentism of the RS political leadership. The ethno-nationalist fragmentation of Bosnia is present in the attitudes of the citizens towards the EUFOR presence in the country.

The sudden fall in the approval ratings of the SFOR/EUFOR within the Serbian constituency at last quarter of 2006 was the result of the heated rhetoric between the RS political leadership under Dodik and the HR Lajcak following the OHR's accusing Dodik of acting irresponsibly. The RS media overwhelmingly supporting Dodik's nationalist politics manipulate the RS public opinion on the presence of the international community. And since the distinction between the SFOR and EUFOR had not been very clear for the Bosnian public, any hassle with the OHR does affect the approval ratings of the EUFOR negatively among the Serbian constituency. The readjustment of the EUFOR and closing of the camps in Tuzla, Banja Luka, Mostar and Zenica reduced the visibility of EUFOR. All of the EUFOR troops are situated in the Butmir Camp outside Sarajevo and less and less engage in executive operations²³³

Table 4.21 Weaknesses of the EUFOR - Althea mission in BiH

| Weaknesses of the EUFOR Presence in BiH | |
|--|---|
| Responses | # |
| <i>CH VII mission, but with current situation they don't have the mandate to do anything:</i> 1 Intl Community | 1 |
| <i>Should act more with local authorities:</i> 1 EUSR | 1 |
| <i>Total</i> | 2 |

²³³ "EUFOR-Althea should evolve in the direction of a non-executive operation". Solana and Rehn, Joint Report, p.5.

The Althea mission has its weaknesses as well, especially with regard to lack of proactive action in search of PIFWICs. One representative from high ranked international community representative from the OHR pointed that the EUFOR fails to fulfill its mission as a CH VII mission since their space for maneuver is restricted within the larger division of labor in the international community in BiH. This was also noted by an official from the embedded EUSR section at the OHR as lack of joint operations with the Bosnian security forces in search of war criminals.

4.4 Regional Security Threats on Bosnia

4.4.1 2008 declaration of independence of Kosovo

Bosnia Herzegovina is part of the larger Western Balkans security framework, and political developments in Bosnia's immediate vicinity affect the politics of BiH. Serbia is still the decisive actor in the Western Balkans, both for the good and the bad. Two main political developments, the Montenegrin Independence and the Kosovo's declaration of independence, put the "Serbia factor" back into the political scene in Bosnia since the Spring of 2006. The independence referendum in Montenegro on May 21, 2006, had an impact on the rise of nationalism in Republika Srpska. The tendency to interpret the Dayton Peace as a form of state union similar to the Serbia-Montenegro case, instead of the consociational arrangement, became evident in the speeches of the RS Prime Minister Milorad Dodik²³⁴. The ethno-nationalist political elite of RS, especially

²³⁴ Following the independence referendum of Montenegro on May 21, 2006, Dodik called for a reorganization of BiH as a federal state where each entity is bestowed with the right to call for an independence referendum. The RSPM's remarks were strongly condemned by international officials. For

the SNSD (Party of Independent Social Democrats), began to build their electoral campaigns in an antagonistic manner against Sarajevo and emphasized the autonomy of Banja Luka.

The final status talks between Prishtina and Belgrade, under the auspices of the UN between February 2006 and March 2007, did not yield any agreement between the parties. Following the end of inconclusive talks, on March 26, 2007, the UN Special Envoy, former Finnish President Maarti Ahtisaari proposed a monitored independence for Kosovo²³⁵. At the request of the Russian leadership, a second round of negotiations was launched between the Kosovar Albanians and Belgrade in August 2007 with a deadline of December 10, 2007, to agree on a solution facilitated by a "Troika" consisting of negotiators from the European Union (Wolfgang Ischinger), the United States (Frank Wisner) and Russia (Alexander Botsan-Kharchenko). When the negotiations between the parties ended up in a deadlock, the Kosovar Albanian leadership decided to move forward with the independence declaration with the expectation that prominent Western countries would recognize it. Yet the declaration of independence was postponed until the end of the Serbian presidential elections (4 February 2008) due to pressure by most EU members and the US that feared that an untimely declaration could heighten support in Serbia for the ultra-nationalist candidate, Tomislav Nikolic.

coverage of the events, please see

http://www.setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2006/05/31/feature-01

²³⁵ Details of the Kosovo final status process are available at <http://www.unosek.org/unosek/index.html>

The Assembly of Kosovo approved a declaration of independence on 17 February 2008²³⁶. During the days and weeks that followed, a significant number of influential states in the region and in the world including the United States, Turkey, Albania, Austria, Germany, Italy, France, the United Kingdom, recognized an independent Kosovo. Currently 54 UN states recognized independence of Kosovo²³⁷.

The UN Security Council remains divided on the question. Of the five members with veto power, USA, UK, and France recognized the declaration of independence, and the People's Republic of China has expressed concern, while Russia considers it illegal. Kosovo has not made a formal application for UN membership yet in view of a possible veto from Russia and China.

EU's Reactions to the Independence of Kosovo

Most of member-countries of EU, except Spain, Romania, Greece, Cyprus and Slovakia recognized the independence of Kosovo. The European Union did not take any official stance towards Kosovo's status. But the recently deployed the European Union Rule of Law Mission (EULEX) in Kosovo aims to ensure a continuation of international civil presence in Kosovo and boost EU's civilian crisis management capabilities especially on the issue of rule of law. There is a further discussion on EULEX in Chapter 5. At the time of independence EUFOR officials pointed that there was not a security

²³⁶ For the independence declaration of the Assembly of Kosovo, on 17 February 2008 please see http://www.assembly-kosova.org/common/docs/declaration_indipendence.pdf

²³⁷ The Serb minority of Kosovo, opposing the declaration of independence, established the Community Assembly of Kosovo and Metohija in response. The assembly was condemned by Kosovo's president Fatmir Sejdiu, while UNMIK said the assembly is not a serious issue because it doesn't have an operative role. Available at

http://www.setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2008/06/30/feature-01

threat to worry about regarding any possible negative impact of Kosovo's independence declaration on the territorial integrity and political stability of Bosnia Herzegovina.²³⁸

Some 2,500 international troops in Bosnia-Herzegovina were deemed ready to act if needed. After the completion of the defense reform and unification of the Federation and RS Armies under one Bosnian army, there indeed is not a substantial security threat to the political stability of the country. The negative ramifications of Kosovo's independence on BiH was generated by the RS political leadership raising concerns among the Bosniak and Croat politicians on the need to guarantee to the survival of the territorial integrity of the BiH state. Beneath are the reactions of the BiH politicians in the course to Kosovar independence and its aftermath.

BiH Reactions

The road leading up to the independence of Kosovo were thought to be challenging for BiH. Since the RS political leadership at time had begun to mumble a similar referendum or at least consider revising the RS position within the Dayton system. None of these happened. But the process leading up to the independence declaration of Kosovo brought its problems. The RS leadership began to stage a similar *mise en scène* of political uncertainty in Bosnia. The political line that I heard from the RS politicians on my follow-up visit to Banja Luka in May 2007 was about the

²³⁸ On 17 February 2008, on the day of Independence for Kosovo, Major David Fielder, a spokesman for the EUFOR Althea, in his statement to the Bosnian press declared Kosovo and BiH as two separate issues. "In both areas we see a safe and secure environment, but we have contingency plans for both Bosnia and Kosovo and if necessary we can carry out those contingency plans," said Fielder. "At the moment we are very relaxed," he said. Major Fielder's comments are available at http://www.thaindian.com/newsportal/politics/kosovos-independence-to-be-monitored-by-bosnia-herzegovina_10018300.html

victimization of the oppressed Serb people against the centralization pressures of Sarajevo, and the international community defending Republika Srpska and their right to call for an independence referendum, just like the Montenegrin and the Kosovar Albanians.

What was more worrying was the increasingly aggressive rhetoric from Belgrade, as the deadline for Kosovo status talks drew closer, questioning the authority of the OHR as the arbiter of political decisions in Bosnia. After the failure of last minute talks for police reform in early October 2007, High Representative Lajcak reintroduced the Bonn powers to “increase the functionality of the state structures” in the decision making mechanism of state level council of ministers²³⁹. The negative reactions from the RS leadership, accusing the HR of playing the Ottoman Vizier, were not something unexpected²⁴⁰. Yet the comments of then- Serbian President Kostunica added a regional dimension to the political crisis, leading to a row of accusations between the High Representative of the international community in BiH and the President of Serbia²⁴¹.

Following the independence declaration of Kosovo on 17 February 2008, there were pro-Serbian rallies in Banja Luka against Kosovo that remained low-key and peaceful contrary to the pessimistic expectations²⁴². As of January 2009, most of the ex-Yugoslav countries recognize Kosovo as an independent country with the exceptions of

²³⁹ Press Conference of Lajcak dated October 19, 2007, is available at http://www.ohr.int/ohr-dept/presso/pressb/default.asp?content_id=40693

²⁴⁰ The latest political turmoil in BiH is discussed more in detail in Chapter 5.

²⁴¹ On November 2, 2007, the President of Serbia called for the resignation of the HR Lajcak and gave his support to the “principled” policies of the RS leadership. His comments are available at http://www.fena.ba/public2_en/Category.aspx?news_id=FSA554299

²⁴² See <http://www.eupm.org/Details.aspx?ID=730&TabID=5>

Serbia and Bosnia Herzegovina. The issue of the recognition of Kosovo is crucial for Bosnia since it relates to the integrity of the country as one political unit. The immediate comments of the Bosnian politicians on the issue pointed to that direction as well.

Bosniak member of the BiH Presidency commented that:

“Declaration of independence by Kosovo must have no effect on Bosnia-Herzegovina. The change of the status of Kosovo is not related to Bosnia-Herzegovina and this country will not allow any interference in its internal affairs”

The Chairman of BiH Presidency Zeljko Komsic at the time representing the Croat constituency stated that BiH would not be among the countries to recognize an independent Kosovo in the near future, although BiH authorities would eventually have to confront that issue.

The executive secretary of the RS ruling party, Rajko Vasic made a very contentious remark that the declaration of Kosovo independence had reduced chances for survival of Bosnia-Herzegovina, in which Republic Srpska is an internationally recognized entity by Dayton Peace Agreement, compared to Kosovo, which only had the status of a province in internationally recognized state of Serbia, "*RS starts with much better legal position than Kosovo*," he added.²⁴³

The immediate comments of Bosnian politicians with regard to Kosovo independence presents yet another platform where disagreement about the present and future of the country is real as ever. The practice of ethno-political authoritarianism in the country makes use of any development in the region an issue of contestation in the internal politics of the country. Given the regionalization of political turmoil in BiH,

²⁴³ Immediate comments of the Bosnian politicians regarding the Kosovo independence are available at <http://www.eupm.org/Details.aspx?ID=730&TabID=5>

EUFOR's continuing presence in the country is essential as a sign of the international community's support for the territorial integrity of the country. EUFOR's presence would curtail the hopes of anyone who want to make political gains out of Serbia's meddling in BiH's internal affairs. The threat to the Dayton Peace is not in the form of a military threat, but more political in nature. Still, such threats could serve to destabilize the country further and might lead to political alienation of the Serbian constituency. EUFOR's presence and visibility on the ground would, indeed, provide psychological comfort to those who want to preserve the country in one piece.

Over the past one year following the independence of Kosovo, Serbia became less intrusive in Bosnian politics due to the increasing efforts of the new Serbian government to advance in the EU integration process (i.e. capture of Radovan Karadzic see below). The Serbian foreign minister, Vuk Jeremic's conciliatory comments on his recent visit to BiH in December 2008 underlines the less intrusive policies of Serbia towards BiH. The Serbian foreign minister stressed that Serbia is "offering a hand" to Bosnia and wants a partnership which would be crucial "for a stable Balkans" and "realizing the goal of EU membership."²⁴⁴

These are good news on the transformative impact of the EU membership perspective.

4.4.2 The Search for the PIFWCs (Persons Indicted for War Crimes)

The search for the PIFWCs carries an emotional quality for the people of Bosnia and the region. Especially with the two famous figures, the war time president of Republika Srpska, Radovan Karadzic, who is finally captured and sent to the Hague by

²⁴⁴ Vuk Jeremic's comments are available at <http://balkaninsight.com/en/main/news/15808/>

the Serbian government as a gesture of goodwill to EU and General Ratko Mladic, who remains at large. Both Serbian and Bosnian officials are supposed to get hold of these war criminals. With war criminals at large, it makes things very hard for the citizens of BiH to get over the traumas of the bloody conflicts of the nineties and find ways for a true reconciliation and healing to take place. International authorities in Bosnia are also assisting the Bosnian intelligence and security services in conducting the search for Mladic. The NATO contingency is the primary actor to conduct intelligence work on the whereabouts of the indicted war criminals. One of EUFOR's key supportive tasks is to support the ICTY. It has the capability and mandate to search and detain war criminals, and is tasked to act where Bosnian officials do not. Yet neither the NATO task force nor EUFOR have been a part of catching Karadzic, an operation conducted by the Serb elite forces.

The logic behind the absence of a proactive EUFOR in this matter could be to encourage the Bosnian Intelligence Agency (SIPA) and Bosnian Security forces to handle this politically sensitive issue through their own means. Indeed, a EUFOR official I interviewed in the Mons HQ indicated that it is the responsibility of the local authorities to catch the war criminals and bring them to the ICTY. Another reason for lack of an aggressive search by the EUFOR authorities, I suspect, is to keep EUFOR away from the negative feelings among the Bosnian Serbs in case of a successful operation.

EUFOR's crackdowns on illegal logging or spotting secret weapon storages have been examples of mission success in the fight against organized crime and in cooperation with the EUPM. Such actions, without any negative political consequences, are the ideal

type of operations that would help build the credibility of the EU's crisis management capacity. Indeed, one of the main reasons for the launch of the EUFOR mission back in 2004 was to build the credibility of the ESDP operations. Given that a general European understanding of what is a credible mission is measured by the extent of the mission's impartiality, it could be asserted that EUFOR has managed to build such credibility. Supporting BiH's progress into the SAP through its spontaneous operations in organized crime networks operating in BiH territories, does fit into the comprehensive approach of the EU in BiH. However, one should not forget that EUFOR has not been tested in a real crisis situation and in such situations, as the Srebrenica genocide showed, when impartiality is taken as neutrality in the face of crimes against humanity, it is not possible to speak of any credibility for the peacekeepers.

4.5 Conclusion

This chapter evaluated the presence of the EU in BiH through two different foci. The primary focus was on the promise of eventual EU membership. I have looked into the development of the overall EU policy in BiH, starting from the independence of the country in 1992. The role of EU institutions in the formation of the EU membership perspective and its aftermath is discussed, along with the perspectives of Bosnian politicians and other international officials. The agenda of the European Union in Bosnia has, to a certain extent, become the agenda of the international community as well. The EU integration has been declared the ultimate goal, some sort of a promised land for the mentally and structurally conflict-ridden Bosnia, where the ethnic differences that lie at the foundation of the country would become meaningless. In that respect, the relevant

bodies of the international community, including the OSCE, the CoE, embassies of the influential countries, the PIC, the Contact Group and the OHR, along with various international development agencies and international civil society organizations, had united for the progress of BiH into the EU. The first step towards such a goal is the signing of the Stabilization and Association Agreement with the European Commission to mark the start of official relations. The second pillar instruments of the EU in BiH, including the EUPM and EUFOR, have defined their mandates to assist the BiH officials on their path to the SAA.

The secondary focus of the chapter was evaluating the performance of the EU institutions in BiH. I have laid out both the strengths and weaknesses of the performance of the relevant EU institutions in BiH. Recognizing the fact that all of these EU institutions voice their commitment to the enhancement of the BiH institutions and preparing their Bosnian counterparts for a contractual relationship with the EU, it is not possible to declare success. BiH's progress into the EU has been slow, facing serious setbacks due to internal and external political tensions affecting the stability and functioning of the country.

The next chapter concludes the dissertation where I discuss possible remedies to speed up the process of conflict transformation of BiH, given that, because the EU integration process might not bear constructive politics in the post-conflict society. There is a need to recognize certain elements of conflict transformation processes and integrate them into the overall EU approach in Bosnia, as indicated in the European Security Strategy document. Having analyzed the problems of Bosnia in the previous chapter and

the presence of the EU in BiH in this chapter, it is time to make suggestions that could, indeed, make the EU integration process a real basis of democratic transformation for Bosnia. This, I believe, is a very critical component of this dissertation.

CHAPTER 5: EFFECTIVENESS OF THE EUROPEAN UNION IN THE DEMOCRATIC TRANSFORMATION OF BOSNIA HERZEGOVINA

5.1 Introduction

This chapter asks two questions: Where is BiH heading and what should be the EU's policies toward the country in the following decade? The conflict in Bosnia Herzegovina is a good example of the complexity of conflicts (Sandole, 1999, 2003). The post-conflict phase in BiH, following the signing of the Dayton Peace Agreement in 1995, has been characterized by the EU's increasing role in the politics of the country. The promise of EU membership is expected to put an end to the ethno-politics dominating the political culture and the functioning of institutions. Ted Robert Gurr and William Moore (1997), while identifying the risk factors for ethno-political rebellion, evaluated the impact of developments on different levels. These include developments on the global and regional levels, as well as the progress of events at the state, societal and elite levels.

I already discussed the fragmenting impact of the imposed peace on BiH. Chapter 3 pointed to the main paradox that keeps the country in a constant state of post-conflict crisis: The intention of building functional state structures and establishing political culture of liberal democracy contradicts the essence of the peace settlement based on ethno-political devolution and fragmentation. The European Union has provided a model

very typical of the West, which the European Union integration process intends to replicate in the candidate countries. Effective representation of the will of the people and accountable state bodies at the service of its citizens, constitute the two legs of the Western Liberal Democratic model. Rule of law, independent media, state institutions free from the influence of politicians, an active and strong civil society, a political system based on checks and balances, effective electoral systems and settlement of disputes, are its crucial components (Sisk, 1996). Chapter 3 evaluated the current state of each of these components in BiH.

The findings from my field interviews in BiH and secondary data gathered from surveys conducted by the UNDP and other international institutions, indicate that Bosnian society and state structures are fragmented along ethno-political lines. This is the consequence not only of the genocidal conflict of the nineties, but also of the Dayton Peace Agreement (DPA) that felt it was necessary to institutionalize the war-generated segregation as the basis for a post-conflict BiH. Hence, going back to Gurr's model (1998), the post-conflict developments at the state and societal levels in Bosnia did not remove any of the risks for the renewal of the conflict. The ethno-politics run so deep that it does not leave any space for the emergence of a vibrant civil society embracing liberal values over ethno-nationalism. The DPA vested the power of political decision making in the entity level institutions, narrowing the appeal of the political elite to their respective ethnic constituencies. For that reason, the state level institutions and state level politics turned into an arena where affairs of each of the three constituent nations are defended at the expense of the others. Such ethno-nationalist politics, based on ascription, curtails the

emergence of an effective fight against corruption and organized crime. A large portion of those who find their way into the political hierarchy, as well as the bureaucracy, are there not as a result of their earned merits, but rather as a result of their connections with the nationalist politicians. The perception of corruption is very widespread in Bosnia at all levels of bureaucracy, creating a sense of hopelessness among the population. As such, the European Union integration process was thought to have the capacity to alter this sense of hopelessness among the population for a better future in the EU.

I evaluated the performance of the different EU institutions and the transformative effect of potential EU membership on BiH politics in the fourth chapter. First, I mapped the varying roles of the European Community and then the European Union from the breakdown of the Socialist Federal Republic of Yugoslavia up until today. This mapping demonstrated how the initial global political power aspirations of the EU failed as the conflicts in former Yugoslavia intensified. Following the Dayton Peace, the EU took up the task of providing assistance for reconstruction and development to BiH's conflict ridden physical and economic infrastructure. As the nineties ended, the community based assistance of the EU was strengthened in the political pillar as the EU introduced the membership perspective and Stabilization and Association Process (SAP) as the means to materialize the reforms needed for the initiation of the process that would get BiH in a contractual relationship with the EU.

A significant number of the EU officials I interviewed in Brussels and Sarajevo indicated their firm belief in the transformative power of the EU membership perspective on the candidate countries. They asserted that if BiH fulfills the necessary conditions of

the SAP, it would be the start of a genuine democratization process ending the “controlled” state of democracy by the international community. However, the findings of Chapter 4 draw a different picture, in which the calls for reform in different sectors, such as the police and public broadcasting, reinforced ethno-nationalism and fragmented politics. In particular, the developments in police reform led to a very strong defiant response by the RS political elite against the international community and the Federation.

The performance of the EU institutions, such as the European Commission Delegation, the EUPM and EUFOR stationed in BiH, is practically separate from the EU integration perspective. This detached situation makes the EU an ineffective actor in post-conflict BiH. The ownership principle embedded in the integration perspective presumes that, given the will to integrate, the politicians of a candidate country will automatically legislate and implement the European reforms. This has been hailed by many in the field of international politics as the soft power of the EU that could mold the countries in the western model without the use of coercive means. The BiH public and politicians indicated their willingness to become part of the EU, yet the reforms do not move forward. The failure in BiH indicates two things about the EU integration perspective. Firstly, the ownership principle might not provide the expected positive results in a post-conflict society where socio-political fragmentation is considered normal. Secondly, the EU conditionalities need to be complimented with a clear final date for accession to encourage Bosnian politicians.

In the remaining sections of this final chapter, I examine the reasons for making these observations. I discuss the crisis management approach of the EU that endeavored

to make the EU an effective actor in conflict management and resolution. Then I outline the global and regional developments that require the introduction of more clear policies in the EU's dealings with a post-conflict country in the Western Balkans in general and in Bosnia Herzegovina in particular. The new EULEX mission in Kosovo is discussed as an opportunity for the EU to build on its Bosnian experience.

5.2 The European Union's Identity in the World Political Scene

The European Union's role on the global scene was boosted with the conclusion of the eastern enlargement in 2004, turning it into the largest economic bloc in the world (Dinan, 2006)²⁴⁵. With the latest expansion to include Bulgaria and Romania in January 2007, the EU is now a 27 member union. In terms of economic aid to underdeveloped regions of the world, the EU rates as the number one provider of Official Development Assistance (ODA) to all continents. The EU and its member states provide just over half of all ODA, with the European Commission handing out about €7 billion worth of assistance annually²⁴⁶. The EU's huge economic power qualifies it as a world player. "The most important factor shaping the international role of the EU is not what it does or what it says, but what it is" (Manners, 2002: 252). Yet the political pillar of the union continues to remain ambiguous at best. Following the referenda defeats of the European

²⁴⁵ According to the 2006 data, with US \$13.06 trillion worth of Gross Domestic Product (GDP), the European Union rates 1st in the globe. The exports from the EU countries in 2006 were US \$1.33 trillion, making it the largest exporter of goods and services. Further data are available at <https://www.cia.gov/library/publications/the-world-factbook/geos/ee.html#Econ>

²⁴⁶ Monthly spending of the EU in assistance projects is about €600 million in all five continents. Further information is available at http://europa.eu/pol/ext/overview_en.htm

Constitution in France and the Netherlands in 2005²⁴⁷, it took a while for the EU member states to reconfigure the new political mechanisms of the enlarged union and make it a more effective political player in the 21st century. With the new reform treaty agreed to in Lisbon in October 2007, the EU managed to reintroduce the main institutional changes indicated in the failed Constitutional Treaty. The new reform treaty approved at the Intergovernmental Conference of 18 October, 2007, in Lisbon introduces a permanent EU president, a foreign policy representative who also serves as the vice president of the Commission, replacing the Commissioner for External Affairs, and it presents new compositions of the Parliament and the Commission in an enlarged Union²⁴⁸. After the Lisbon treaty was signed on 13 December 2007, all of the EU member states needed to ratify it to come into force. 25 member states out of 27 ratified the treaty in their national parliaments. But the Irish “no” vote on 12 June 2008 and the pending ratification by the Czech Republic keeps the agreement from taking effect. If the remaining countries ratify the treaty the full implementation of the clauses of the reform treaty will take until 2014. Nonetheless, this development is a sign that the EU member states finally agreed to move forward.

The new reform treaty is hoped to bring effective solutions to the criticisms on the limited capacity for effective political action and uncertainty on further enlargement²⁴⁹.

²⁴⁷ 55% of the voters in France said no to a European constitution on 29 May, 2005, and three days later on 2 June, 2005, 61.6% of the Dutch voted no against the EU Constitution. Available at

<http://news.bbc.co.uk/2/hi/europe/4601439.stm>

²⁴⁸ The text of the new reform treaty is available at

<http://www.consilium.europa.eu/uedocs/cmsUpload/cg00001re01en.pdf>

²⁴⁹ Commission President José Manuel Barroso applauded the agreement on the draft reform treaty of June 23, 2007, for the IGC conference in October 2007 as “a major achievement for enlargement and

Article 10A of the new General Provisions of the Union's external actions lays out the main principles guiding the EU's actions in the world, borrowing from the European Security Strategy paper of 2003:

The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law.²⁵⁰

The newly introduced text above corresponds to the findings from my field interviews in Brussels and elsewhere in European capitals. Reference to the European experience indicates a certain internalization of the normative power of Europe as its best asset in foreign policy. The fact that the above text is extracted from a reform treaty and not a constitution also points out that a compromise has been reached between the EU bureaucracy and EU member states, recognizing the primacy of the member states. The identity crisis of the EU is over opening the way for a more effective and clear use of its multilateral nature in different parts of the world.

Many authors chose to define the European Union as a project that brought peace first to France and Germany, and then to the European continent, which had been divided into two blocs for forty years during the Cold War. The enlargement project was seen as an instrument of conflict transformation/ peacebuilding in many ways, in the sense that it is thought to promote the adoption of democratic liberal values and a socially responsible

specifically for Croatia". Available at <http://www.euractiv.com/en/future-eu/summit-seals-mandate-eu-reform-treaty/article-164917>

²⁵⁰ *ibid.* footnote 7

market economy (Tocci, 2004). Thus, the interventions of the EU in the conflicts within the European continent, in particular, have been mostly in the form of *structural prevention*, consisting of a set of punishments and rewards. The punitive measures have taken the form of issuing threats, withdrawing rewards or membership prospects, or imposing embargoes as in the case of Cyprus or more recently, Croatia (Eralp and Beriker, 2005). For example, Gerard Delanty (1995) talks about the European way of conflict resolution, which is through the enforcement of democratic values in a neo-liberal framework, thus transforming the nation-states within the European continent. He further comments on the Northern Ireland conflict, suggesting that Northern Ireland has to relocate itself within the European post-nation state entity to transform the conflict. Michael Smith (2004) talks about how the EU within itself changes the emphasis from reactive policy actions to proactive actions that anticipate problems (Holland, 1991; Schneider and Seybold, 1997).

As a continuously evolving supra-national political entity, the European Union does not have well-defined qualities of a nation-state (White, 2001), so it requires a distinct approach for analysis. There are many ways of seeing the EU, recognizing the lack of coercive policy tools as either positive or negative. One of the continuing debates has been on whether the EU/EC has been a “civilian power” (Duchene, 1972; Bull, 1982; Hill, 1990), denoting its strength in the economic sphere and weakness in the military sphere, or as an authentic “superpower in the making” (Galtung, 1973; Buchan, 1993). According to White (2001), this debate, which was grounded within a realist framework, evolved into the less action oriented ways of discussing the “actorness” of the EC/EU as

an “international presence” (Allen and Smith, 1990 and 1998) or as an “international identity” (Manners and Whitman, 1998).

Bretherton and Vogler have offered a different perspective, seeing the external roles of the EU as constructed from “the interaction of external expectations and internal capability” (Bretherton and Vogler, 1999:13). White criticizes the ongoing discussion, pointing out its limitations in two particular features; first, the “EU as actor” approach focuses on the outcomes rather than the process, concerned with the overall impact of the EC/EU on world politics. There is substantial neglect of the process. Secondly, there is the persistent assumption that the EU can be appropriately analyzed and evaluated as a single actor (2001). According to White (2001), defining the EU as an “international presence” or an “international identity” misrepresents the “multiple realities” that constitute the EU (Jorgenson, 1997:88).

5.3 The EU's Conflict Response Capacity

Analysis of the crisis management approach below provides clues about how the EU is trying to reconcile its normative power with its coercive capabilities, which is thought to complement the “civilizing” mission. The problem with crisis management is the difficulty of developing a comprehensive toolkit with instruments belonging to mutually opposing realms of liberalism and realism in international politics. The strong normative basis is assumed to combine these two different approaches.

Table 5.1 below lists the weaknesses of the conflict management and foreign policy of the European Union.

Table 5.1 Weaknesses of the Conflict Management approach of the EU

| Weakness of CM and FP of EU | |
|---|----|
| Responses | # |
| <i>ESDP, CCM, CFSP operations inflexible and dispersed:</i> 2 International Academics, European Parliament Official, 2 International NGOs, 2 European Council Officials | 7 |
| <i>For CP need for concrete and efficient instruments:</i> 1 European Council Official, 1 European Commission Official, 1 International NGO | 3 |
| <i>CCM is new and has operational problems:</i> 2 European Council Officials, 1 European Commission Official | 3 |
| <i>Focus on crisis management instead of conflict prevention:</i> 1 EU Council Official, 1 EU Commission Official | 2 |
| <i>ENP has implementation problem:</i> 2 International NGO's | 2 |
| <i>dichotomy between absorption capacity and commitment:</i> 1 EUHR | 1 |
| <i>need to develop another approach, language for CP:</i> 1 EU Council Official | 1 |
| <i>Civilian power argument needs to coupled up with action:</i> 1 International Academic | 1 |
| <i>Total</i> | 20 |

A substantial number of respondents (7 respondents) characterized the EU's operations in the fields of security and defense, civilian crisis management and foreign policy initiatives as inflexible and dispersed. Two of these respondents were from the General Secretariat of the European Union Council responsible for the design of the European Union foreign policy. They indicated that the lack of flexibility is a cause for concern in the implementation phase. Flexibility in foreign policy requires a strong political will to stand behind the changes. Yet as a union of 27 member states the evolution of a joint political will and the determination to stand behind that will in the face of necessary policy changes are difficult. It is not a surprise that academics and members of international policy organizations the inflexibility and the dispersion in the Civilian Crisis Management, Common Foreign Policy and Security and Defense Policy as a weakness. Two officials from the European Commission and the Council argued that

the deficiency of flexibility can only be overcome through the advent of concrete instruments that would be effective on the ground. The novelty of the civilian crisis management concept creates a handicap for effective operationalization.

The comprehensiveness of the EU foreign policy, that involves the contribution of all the EU member states to the execution of its foreign policy, becomes a weakness when it comes to dealing with the complexities of post-conflict Bosnian society. To make up for that deficit, the EU member state embassies in BiH point to the assumed transformative power of the EU membership perspective. Adhering to the presumed transformative power of the membership perspective as the only foreign policy tool available in BiH generates further inflexibility. A European Council Official in Brussels talked negatively about the insufficient share of intelligence among the member state embassies in Sarajevo. The EU intervention in post-conflict Bosnia is not modest; it works in a step-function mentality where each step is set by solid objectives. As in the case of the failed police reform initiative for the signing of the Stabilization and Association Agreement (SAA), it does not work in a set time frame. The ownership principle embedded in the EU accession strategy weakens the possibility of assertive, creative policy initiatives to facilitate an agreement between the RS political leadership and the Federation. Such responsibility of coercive diplomacy lies officially with the High Representative, and unofficially with the American Embassy.

The European membership perspective is not only the sole foreign policy tool of the EU in BiH, but also its only conflict prevention strategy. The transformation process of BiH into a functional, liberal, western-style democracy as it progresses in the

Stabilization and Association Process (SAP) is indeed a conflict transformation process. As BiH progresses toward EU membership, it is hoped that renewal of hostilities will not be possible. This is in line with the democratic peace ideal of Robert Schuman, whose plan that was based on the idea of integrating national economies under a European regime for perpetual peace in the European continent laid the foundations of today's EU.

As I have discussed in the preceding chapter, the EU membership perspective becomes a reality as long as the BiH politicians take it seriously and own the reforms. Yet, as was evident in the lack of progress in the adoption of reforms and the opening of even further points for dispute between the nationalist politicians, the EU membership perspective failed to be the conflict prevention tool it aspired to be in Bosnia. A conflict prevention strategy based exclusively on the voluntary acts of reconciliation of former conflicting parties is not feasible. The RS political leadership and the Federation politicians are the primary benefactors of the non-functional state institutions and the non-compromising ethno-political fragmentation in all aspects of life. To push the Bosnian political elites to claim domestic ownership of the liberal democratic reforms that would bring structural reconciliation, the EU needs to bring in realistic carrots and sticks to the Bosnian decision makers who have to act rationally in their ethno-political frameworks to survive. This does not mean that the EU should use coercion when and if necessary, but further efforts in delivering clear messages about results in case of non-compliance would be adequate. Conflict prevention needs to be supported by concrete instruments. EU officials in Brussels, both in the Commission and in the Council, are very well aware of this deficit.

One of the most crucial elements of effective conflict prevention is prediction. The decision makers in Brussels are trying at least to make up for the prediction deficit that caused the fiasco of EU foreign policy in the Western Balkans during the nineties. One idea was to conduct early warning exercises like the ones conducted by the United Nations Development Program (UNDP). The UNDP's annual and quarterly early warning reports on BiH evaluate certain variables like political and economic stability, and the corruption perception index and provide predictions about BiH's future political direction. In a similar fashion, the officials in the conflict prevention units of the European Commission and the European Council Secretariat in Brussels set early warning frameworks for conflict zones. The European Commission Delegation offices around the world and the European Council's conflict prevention unit do conduct early warning exercises by creating watch lists. None of these are available to the public, but only to EU officials.

There is a lack of effective coordination between the Commission and the Council on conflict prevention. A researcher from the EU Institute for Strategic Studies in Paris, a think-tank affiliate of the European Council Secretariat, indicated that the specific EU approach to conflict prevention is situational, and is in need of coherent action. One respondent from the European Commission confessed that member states' national agencies are better in conflict prevention than the community approach. Indeed, the representatives of the Bosnian civil sector in Sarajevo indicated that they have received funding for their inter-ethnic reconciliation projects, or on projects intended to create employment opportunities for youth, much easier from the national development

agencies of the prominent EU member states, such as the German and Swedish Development Agencies, than funds available under the CARDS (Community Assistance for Reconstruction, Development and Stabilization) program of the European Commission. In 2001, the EU developed a Program for the Prevention of Violent Conflicts under the Swedish Presidency, emphasizing the preference for development of long-term peace over a preference for short-term security measures, as well as enhancing the coordination and coherence of military and civilian components of the ESDP:

The European Union, through this programme, underlines its political commitment to pursue conflict prevention as one of the main objectives of the EU's external relations. It resolves to continue to improve its capacity to prevent violent conflicts and to contribute to a global culture of prevention.²⁵¹

Choosing Crisis Management over Conflict Prevention

It is a challenge for the EU to be able to streamline the conflict prevention capacity of the EU member states at the EU level. Conflict prevention mechanisms need to respond rapidly and flexibly to the changing cycles of conflicts. For that reason, conflict prevention missions are more effectively designed and implemented through the agencies of the nation states or specifically defined intergovernmental bodies such as NATO. The effective action of the international community to end the violence in Kosovo in 1999 was possible under the leadership of a politically determined US using NATO assets. Similarly, in BiH in times of political crisis, the Bosnian political elites prefer to speak with the representatives of the Peace Implementation Council (PIC) to balance their acts rather than the head of the European Commission Delegation or the EUFOR Commander.

²⁵¹ Further information on the EU Conflict Prevention Program is available at <http://www.eu2001.se/static/eng/pdf/violent.PDF>

Building on these experiences in the Western Balkans, the drive for increasing the conflict response capacity of the EU is an attempt to strengthen the identity of the EU as an actor of, and for, peace. Nevertheless, this attempt brought a change towards the preference of security over development. The EU Security Strategy Paper of December 2003 further confirms such intentions of the EU:

Security is a precondition of development... We need to be more active in pursuing our strategic objectives. This applies to the full spectrum of instruments for crisis management and conflict prevention at our disposal, including political, diplomatic, military and civilian, trade and development activities. Active policies are needed to counter the new dynamic threats. We need to develop a strategic culture that fosters early, rapid, and when necessary, robust intervention.

As seen above, the concept of crisis management began to take precedence over the conflict prevention concept. One respondent from the conflict prevention unit under the European Commission indicated that the visibility and concrete nature of crisis management missions is more preferable to the less visible, long-term oriented, structural conflict prevention efforts. The crisis management concept aims to operationalize the above-stated goal of the EU through institutional and policy means²⁵². The military and civilian components of EU crisis management are intended to complement each other. The battle group concept includes the development of 13 joint battle groups of 1500 troops from different EU nations, deployable within five to ten days to conflict zones at the request of the UNSC, and in operational cooperation with NATO, the UN and other regional powers as indicated in the ESS document. Headline

²⁵² The setting up of new directorates under the Council Secretariat, such as DG VIII and DG IX, as well as an EU Military Staff and EU Military Committee, aims to institutionalize the harmonization of the civilian and military components of the EU crisis management approach. For further info on ESDP structures, please see http://www.consilium.europa.eu/cms3_fo/showPage.asp?id=1065&lang=en&mode=g

Goal 2010 sets the completion of the military crisis management competencies by 2010.²⁵³

Components of the Civilian Crisis Management approach of the EU include missions on police, strengthening of the rule of law, strengthening the civilian administration and civil protection. A similar headline goal was set for the completion of the Civilian Crisis Management (CCM) competencies by 2010²⁵⁴. Flexibility, speed and coherence with military components are the three intended consequences of the operationalization process to be completed by 2010. Community actions, namely reconstruction and development assistance, are expected to be ready for use in all phases of the “crisis” cycle (preventive strategies include mainstream assistance programs, such as institution building, post-crisis rehabilitation and reconstruction)²⁵⁵. Obviously, the crisis management concept trumps the intentions of conflict prevention.

Replacing “conflict prevention” with “crisis management” demonstrates two things about the EU and conflicts. Firstly, the EU’s approach to security does not include any new definition of security, especially definitions related to human security.

According to the 1994 UNDP Report on Human Security, individuals need to be both

²⁵³ Headline Goal 2010 is available at <http://ue.eu.int/uedocs/cmsUpload/2010%20Headline%20Goal.pdf>

²⁵⁴ The Civilian Headline Goal 2010 promotes coherence of EU action and a smooth transition from ESDP operations to follow-on, long-term EC programs, and aims to be able to conduct concurrent civilian missions at different levels of engagement and deploy integrated civilian crisis management packages, along with military missions that are operational at short notice. For the development of the CCM competencies as of December 2008, please see the Council Declaration on strengthening capabilities at http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/esdp/104676.pdf

²⁵⁵ The Rapid Reaction Mechanism (RRM) of the Commission “is designed to allow the Community to respond urgently to the needs of countries threatened with or undergoing severe political instability or suffering from the effects of a technological or natural disaster. Its purpose is to support measures aimed at safeguarding or re-establishing the conditions under which the partner countries of the EC can pursue their long term development goals”. For more on RRM, please see http://ec.europa.eu/external_relations/cfsp/cpcm/rrm/index.htm

free from fear and free from want²⁵⁶. Freedom from fear cannot be thought of separately from freedom from want. Secondly, conflict resolution's main goal is to transform human relations into constructive ones by bringing creative answers to structural problems of poverty, oppression and environmental disasters. In that respect, as one of my respondents from the European Commission admitted, the EU's drive to build up crisis instruments signifies the lack of creativity in EU policy circles. With its present form, the EU's crisis instruments are mere replications of the NATO and UN competencies on a regional scale. One respondent from the European Council's Directorate General VIII underlines that the EU's language on crisis management is obsolete, limiting the scope of action for the EU. Instead, the respondent argues, there should be efforts to develop a new language that would emphasize the conflict prevention capacities and possibilities. The respondent argued that the claims of the EU being a "civilian power" need to be supported by actions that are reflective of the civilian attitude of the Union. The EU needs to emphasize its reference to universal human rights in its approach to conflicts as its competitive advantage compared to other security organizations (see Table 5.2).

As the findings in Table 5.2 below show, the inter-operational characteristic of the ESDP operations is considered an asset. If the drive for a more assertive presence in conflict zones succeeds, it should not be towards the creation of an alternative security organization that is in some ways antagonistic to the already established NATO structures in the country. The cooperation between the NATO contingency and EUFOR on the issue

²⁵⁶ The Human Development Report 1994 of the UNDP is available at <http://hdr.undp.org/en/reports/global/hdr1994>

of Defense Reform proved to be very effective in removing the opposition of the Bosnian nationalist politicians.

Table 5.2 Strengths of crisis management approach of the European Union

| Strengths of CM and FP approach | |
|--|----|
| Responses | # |
| <i>inclusive nature of ESDP is effective in international cooperation:</i> 1 International Academic, 2 Intl NGO Reps | 3 |
| <i>CCM applicable both on regional and global level:</i> 2 EU Council Officials | 2 |
| <i>emphasis on values differentiates the EU from other actors:</i> 1 International Academic | 1 |
| <i>EU's CP is free from the issues of the past:</i> 1 EU Parliament Official | 1 |
| <i>EU's involvement in third countries encourages development:</i> 1- International Academic | 1 |
| <i>push for local ownership includes all relevant parties in the conflict reconstruction:</i> 1 International Academic | 1 |
| <i>EU concentrates on CP diplomacy and politics as real possibilities:</i> 1 EU Council Official, 1 International Academic | 2 |
| <i>L/T planning is implemented in CFSP:</i> 1 EU Council Official | 1 |
| <i>Total</i> | 12 |

Indeed, the effectiveness of the EU in BiH depends on how it manages to use the integration perspective. The political developments in BiH demonstrate that it has not been used constructively. Development for peace and security should not be thought of as two separate tracks in BiH. Human security is foremost dependent on the fulfillment of basic needs. For example, the high unemployment rate in BiH, especially among young people, and the growing share of the informal market with no social security networks, can be considered a threat to the security of the BiH citizen, just like the ethno-political

fragmentation of the country.²⁵⁷ The talk of a possible war in BiH following the political crisis in October 2007 and the process leading up to Kosovo independence declaration in February 2008, has caused the prices for basic goods to increase more than 65% compared to three months before. Retailers began to profit from political uncertainty by raising the prices of staple goods as the negative perception of a political crisis mounting in BiH settled in²⁵⁸. In the face of such political uncertainty, the EU crisis instruments are not effective in BiH. Depending solely on the integration perspective as means for a democratic transformation in BiH proved not to be such an effective choice. The EU institutions should demonstrate genuine concern for the political crisis in BiH and be able to provide rapid responses.

A more effective European Union Special Representative (EUSR) could provide the needed coordination and coherence among the EU institutions in Bosnia. During the time of the previous HR, Christian Schwartz-Schilling, there was an understanding in the international community for putting an end to the Office of the High Representative and its coercive Bonn powers by the end of June 2007. By that time, the international

²⁵⁷ The official unemployment rate in 2004 was 22%. The share of the informal sector in total BiH employment increased from 37 to 42% between 2001 and 2004. More information is available in the 2004 Labor Market Update of the World Bank. For details please see <http://siteresources.worldbank.org/INTBOSNIAHERZ/Resources/LaborMarketUpdate.pdf>

²⁵⁸ The head of the BiH Consumers Association and the chairwoman of the Confederation of Trade Unions of BiH warned on 16 November, 2007, that unrest could erupt over the soaring prices of basic foods. Mesud Lakota and Ranka Misic said that political volatility was not helping and that more and more people are going to bed hungry. The pair called on the entity governments to stabilize prices. The Central Bank Governor Kemal Kozaric and several local analysts seem to agree. Kozaric said that many people have started to stockpile food. According to the reporting of the Dnevni Avaz newspaper, BiH saw enormous price hikes for all basic foods. Butter, for instance, costs 65% more now than it did three months ago. The prices of flour, sugar, milk, cheese, bread, poultry and most fruits and vegetables are all increasing at a much faster rate than household income. (Dnevni Avaz, RTRS, NTV Hayat, Reuters, AP, BIRN - 11/16/07). Available at <http://www.eupm.org/Details.aspx?ID=656&TabID=5>

community expected that strengthened Bosnian state level institutions would be in a position to carry out the necessary tasks of running the country, and BiH would have had signed the Stabilization and Association Agreement with the EU, legislating and implementing the necessary reforms for EU integration. However, as has been discussed in the previous chapters, following the failure of the partial constitutional change package in the State Parliament with two votes short in April 2006, the politics in BiH took another ethno-nationalistic turn. Montenegrin independence in May 2006 introduced the possibility of a similar process for the RS by the RS political elite to gain ground before the October 2006 elections. The decision by the International Court of Justice on the genocide in Srebrenica in March 2007 and the demands for special status for the Srebrenica Municipality following the decision, have forced the Peace Implementation Council to suggest the renewal of the OHR's term until Bosnian politicians drop the nationalist rhetoric.

The Schwartz-Schilling era by some in the international community, was considered to be really harmful for the Bosnian political scene. The period of HR Miroslav Lajcak had not been an easy one. One of the biggest tasks for Lajcak was to bring in the lost momentum for reforms among the Bosnian politicians. Between July 2007 and January 2009 the politics of BiH remained as ethno-political as ever. But there had been one step forward in the EU integration process, the signing of the SAA in June 2008. As was discussed earlier in Chapter 4, the Mostar declaration of intent by the Bosnian politicians in October 2007 to move forward with the Police Reform was deemed satisfactory enough by the European Commission and the Council to sign the

SAA. Yet signing of the SAA did not provide any encouragement for the implementation of the political will expressed in Mostar. The four key areas of the political criteria set by the European Commission and Council in 2005 remain unfulfilled. The presence of the OHR contradicts the EU accession goal for BiH. Lajcak's term proved that whether the OHR is double hatted with the title of EU Special Representative or not, forcing European reforms on Bosnian politicians is not an effective approach for democratization and conflict transformation. The uproar leading up to the signing of the SAA is a good example of how the Bosnian politicians exploit an opportunity of antagonism with the representatives of the international community to extend their political reach in their respective ethnic constituencies.

Lajcak's new plan for reinvigorating the functionality of the state level decision institutions in October 2007 set the presence of a two-thirds majority as sufficient for convening. This has been perceived as an attempt by the international community to remove the representative rights of the Serbian constituency by the RS political elite in Banja Luka. The RS political leadership accused the international community of being encouraged by the Sarajevo Bosniak leadership to destroy Serbian political rights and institutions in BiH. The SNSD (Party of the Independent Social Democrats) of the RS Prime Minister, Milorad Dodik, threatened the international community and the Federation to stop participating in the BiH state level institutions if the HR did not revise or amend Lajcak's new plan. Similarly, the Serbian Prime Minister of the Council of Ministers of BiH resigned in protest of Lajcak's proposal. His comments legitimating his resignation are as follows:

If the international community always supports the High Representative and not the institutions of Bosnia and Herzegovina, then it doesn't matter if I am the head of that state, or Bart Simpson.²⁵⁹

The stance of the RS politicians against the renewed assertiveness of the Office of the High Representatives in Bosnian politics can be understood as the defense of local democracy against the neo-liberal colonialism of the international community in BiH. Yet it is the same nationalist politicians in the RS and in the Federation who have caused the postponement of the transition from the OHR to a new EU Special Representative that was thought to provide assistance to the country in its European integration process. Given the increasing involvement of the politicians of Serbia at the time as the date for Kosovo independence drew near, the status of the RS within BiH began to attract the attention of the international community back to Bosnia as the most vulnerable country to be affected in a possible political crisis in the Western Balkans. The comments of the Serbian Prime Minister at the time, Vojislav Kostunica, on October 25, 2007, that set the preservation of Kosovo and Republika Srpska as the most important goals of Serbia's state and national policy, sent alarm bells throughout the international community²⁶⁰.

In the end, Bosnian politicians agreed to work together on the issue of police reform under the Mostar Declaration. The international community took a step backwards and the SAA had been signed. But the reform remains unimplemented to this date.

²⁵⁹ For further information on the resignation of the BiH Prime Minister, Nikola Spiric, in November 2007 as a protest against the intervention of the international community, please see <http://www.iht.com/articles/2007/11/19/europe/bosnia.php>

²⁶⁰ Ibid.

Contrary to the expectations of the European community, post-conflict Bosnia Herzegovina occasionally finds itself in existential crisis. Is this a result of the failure of the international community to withdraw its non-democratic presence from BiH and let Bosnian politics run its own course, or is it the destructive impact of the ethno-nationalist political discourse of BiH combined with the rising tensions in the Western Balkans associated with the Kosovo independence?

5.4 Projected Transition from OHR to EUSR

The planned transition from the OHR to the EUSR aimed to put an end to the non-democratic presence of the OHR that, for some, is a remainder of the post-conflict state of the country. According to European Commission officials in Brussels and those in the Delegation in Sarajevo whom I interviewed, it would have been a scandalous act for the EU to sign an association agreement to initiate a contractual relationship with a country that is not competent enough to run its own affairs. But the EU went ahead and signed the SAA anyway. In Table 5.3 below, findings from the field research indicate the reasons for why and how the Office of the High Representative needs to be closed down:

Table 5.3 why and how the transition from OHR to EUSR should take place

| Why and How the transition from OHR to EUSR should take place | |
|--|----|
| Responses | # |
| <i>Transition should make sure that Bonn Powers go away:</i> 1 Intl NGO, 2 Bosnian NGO, 1 EUPM, 3 Intl Community, 3 European Commission | 10 |
| <i>Relations b/w Bosnian politicians and Intl Community are not working well:</i> 1 Bosnian Politician, 1Bosnian NGO, 1 Intl NGO, 1 European Council, 1 Intl Community | 5 |
| <i>New EUSR will be more hands-on:</i> 1Intl Community, Bosnian Politician, EUFOR | 3 |
| <i>Should have happened earlier:</i> 1 Intl NGO | 1 |
| <i>Total</i> | 19 |

Let's start with the question why. The main goal in such a closure is to put an end to the use of non-democratic means to democratize a post-conflict society. The assertive politics of the international community in BiH, like the use of the Bonn powers, are perceived as contrary to the democratic peace ideals of the European Union that emphasize the necessity of genuine agreement, cooperation and* conciliation among former enemies to create peaceful political entities. There was also a perception that the presence of a High Representative, imbued with political powers to impose legislations over elected political bodies and to be able to dismiss elected politicians was not constructive for the EU reform process to take hold among BiH politicians. As the experience of former HR Ashdown in BiH demonstrated, the representatives of the international community and the Bosnian politicians did not agree on how to run the country and in which direction the country should be turning. European Commission officials argued that the if the OHR is removed from the picture, there would be a chance for an honest dialogue between the BiH politicians and a drive for EU membership as the only possible option for BiH's political survival.

The question of how remains unanswered. The European Council officials argued that in case the transition is to take place, the European Union Special Representative that would replace the HR should act as a dynamic partner providing guidance to BiH politicians as they progress in the EU integration path²⁶¹. At the time of the interviews, no one in the Council Secretariat could specify the specific mission, goals and tasks of the

²⁶¹ Interviews with European Council Secretariat officials in Brussels in December 2005 and in January 2006.

new EU Special Representative in BiH that was to replace the OHR. The relations between the Bosnian politicians and the representatives of the international community are problematic.

Mistakes made along the way

As an ex-systemic variable in Bosnian politics, the presence of an executive international authority reinforces the ethno-political authoritarian practice in the country. The international community in BiH has made some mistakes in its 13-year long presence in BiH following the signing of the Dayton Peace Agreement in December 1995. I have discussed the performance of the international community in detail, evaluating the tenure of each high representative in relation to the progress made in BiH's recovery from the destructive impact of the 1992-95 war in Chapter 3. Along the way, the international community's members had to make certain compromises to the Bosnian politicians. The need for an exit strategy when the time becomes ripe had always been on the agenda of the high representatives but at the end the Peace Implementation Council always had to recommend further extension of the HR mandates. Table 5.4 lays out a list of the mistakes that the international community has made during its presence in BiH following the end of the war.

Table 5.4 Mistakes of the International Community in BiH

| Mistakes of the International Community in BiH | |
|--|----|
| Responses | # |
| <i>Can't give up continuous and strong pressure for reforms in BiH:</i> Bosnia Police, Intl Community, 2 Intl NGO, 1 European Commission | 5 |
| <i>Let nationalists into politics:</i> Bosnian politician, Bosnia NGO, 1 Intl Community | 3 |
| <i>Assumes a false democracy taking root in Bosnia:</i> 1 Bosnian NGO, 2 Intl NGOs | 3 |
| <i>Timing for reforms is wrong:</i> 2 Bosnian NGOs | 2 |
| <i>No agreement if BiH is a 'post-conflict' or a 'transition' country:</i> 2 EU Commission | 2 |
| <i>Ignores its own role during the war:</i> 1 Bosnia NGO, 1 Intl Community | 2 |
| <i>No common roadmap for all international actors:</i> 1 European Commission | 1 |
| <i>Responsible for apolitical youth since no good future promised:</i> 1 Bosnia NGO | 1 |
| <i>Doesn't help the creation of a democratic opposition in the country:</i> 1 Intl Community | 1 |
| <i>Total</i> | 20 |

According to the respondents the biggest flaw of the international community was its continuous and strong pressure on Bosnian politicians to take up responsibility for the implementation of reforms. Yet as we have discussed forcing a democratization process on authoritarian regimes does not produce genuine ownership of democratic ideals by the local politicians. Another strategic mistake of the international community, according to the respondents, was its willingness to accept the nationalists who are not charged with war crimes back into mainstream post-conflict Bosnian politics. The tendency of the international community to put an end to the OHR mission in the spring of 2006 was criticized by three Bosnian politicians who accused the international community of imagining a “false democracy” taking root in Bosnia. The seeds of Liberal democracy can not be sown by ethno-nationalists concerned with reproducing authoritarianism in their respective political pockets. This accusation underlines one of the biggest risks of

interveners' exiting a post-conflict country. Certain benchmarks need to be fulfilled for an intervener to leave a post-conflict country. These benchmarks roughly include, to an extent, appreciable removal of the physical remains of war, the transition to peaceful politics through free and fair elections and the eradication of the culture of violent conflict. The first two benchmarks in BiH have been fulfilled to a large extent with the reconstruction and development aid provided by the international donors and the European Commission. The physical infrastructure of BiH is back on track, highways are being built; there is freedom of movement to all parts of the country regardless of entity. Elections are taking place regularly; the last general elections in October 2006 and local elections October 2008 were fully administered by the BiH electoral commission.

Yet the third benchmark that sees the replacement of a culture of conflict with a culture of accommodation essential to liberal democracies, did not take place. The term "false democracy" explains this lack of transition rather clearly. The ethno-political fragmentation evident in the education system, at all levels of bureaucracy, in the media and in the daily lives of the citizens, is open to manipulation by the political elites of the country that see ethno-nationalism as the easiest way to office. The timing of the reforms of the international community was also considered a mistake by some of the Bosnian politicians interviewed. Permitting the general elections in 1996, immediately after the end of the bloody conflict, is especially perceived as legitimating the ethno-nationalist politicians that had taken the country to war in 1992.

Indeed, the latest political crisis brings new questions about the quality of democracy in BiH. In Chapter 3, I defined Bosnian democracy as a hybrid regime where

competitive authoritarianism based on ethno-political fragmentation flourished under a decade of control by the international community. The ethno-political competitive authoritarianism operates using the language of the conflict, and emphasizes the divisions between the citizens of the country rather than the similarities, thus closing down neutral spaces available for accommodation. In that respect, I agree with the “false democracy” term describing the modus operandi of the Bosnian politics. The international community is also responsible for not being able to effectively manage the post-conflict period; the present claustrophobic political culture of BiH is to a certain extent the responsibility of the international community. In such a framework, the presence of the international community in its present form needs to be reshuffled, but not eliminated. The punitive measures of the High Representative do solve problems while also creating new ones.

The transformative impact of the EU integration perspective barely affected the Bosnian political culture. Instead, as was discussed in Chapter 4, the reforms necessary for EU integration made the ethno-political fragmentation of the country and its ensuing dysfunctionality more visible than ever, resulting in a political crisis raising questions about the political integrity of the country, let alone not looking for new ways to move forward with the EU integration process. Table 5.5 below lists a number of reasons calling for cancellation or postponement of the projected transition from the OHR to EUSR. Considering that the data for this list were gathered in spring and early summer of 2006, it was already evident that the transition from the OHR to the EUSR was deemed “too radical and too soon”. These respondents based their claims on the un-preparedness of Bosnian political regimes and institutions to take the responsibility of running the

country in their own hands. This is similar to the claim in Table 5.4 that the international community failed to create a democratic opposition in the country. It brings us back to the famous problem of democratic theory, which is whether democracy can be built from the outside. This problem is different from the exit strategies of the interveners looking at the benchmarks, one of which is the eradication of the culture of violent conflict. I think a further discussion of the issue of keeping the Bonn powers would be helpful in explaining the relationship between the conflicts and democracy.

Table 5.5 Projected transitions from OHR to EUSR should not be cancelled or postponed

| Projected Transition from OHR to EUSR to be cancelled or postponed | |
|--|----|
| Responses | # |
| <i>Too radical and too soon:</i> Intl Community, 3 Bosnian NGO, 2 Bosnian Politicians | 6 |
| <i>Bonn Powers still needed:</i> Bosnian NGO, 2 Intl Community, 2 Intl NGOs | 5 |
| <i>International Community should stay longer:</i> Bosnian NGO, Bosnian Police, 1 International Community Representative | 3 |
| <i>Transition is not clear:</i> 1 Intl Community | 1 |
| <i>Transition success depends on the personality:</i> 1 Intl Community | 1 |
| <i>Total</i> | 16 |

As I argued above, the Bonn powers do solve problems while also creating new ones. The mandate of the OHR was limited with the implementation of the Dayton Peace Agreement (DPA). The Bonn powers, as was discussed in Chapter 3, were intended to remove anyone who obstructs the implementation of the Dayton Peace Agreement and its Constitution (Annex 4 of the DPA). Problems solved by the use of the Bonn powers provided institutional measures for problems related to the democratic process

developing in BiH. The setting up of functional state level institutions was seen as a way to overrule the ethno-political division of the country and the hegemony of the entity level politics over the national level. The result is that these institutions have also become places for contestation among the nationalist politicians engaged in a zero-sum game. It has not enabled the necessary transition from a culture of conflict of the post-conflict era to a culture of accommodation expected to flourish in a democratizing country through the effective use of established democratic institutions. The necessary political will did not emerge from the nationalist politicians of BiH, nor did such pressure come into being from the weak Bosnian civil society to create a democracy platform for reform and EU integration. For these reasons, the prolonged stay of the international community, with punitive powers, is preferable to some among the Bosnians, to the claustrophobic competitive authoritarianism of the Bosnian politicians.

European Union officials also seemed content with the international community doing the dirty work of pressuring for reform and EU integration. The inaction of the EUSR did not challenge the stance of the Commission's ownership principle. Indeed, as one European Commission Official put it, having the EUSR as a crisis instrument is against the principles of EU integration. Yet, there is a need to redefine clearly what would be the role of a new EUSR in case the Peace Implementation Council decides to end the mandate of the OHR in the near future. The role of the personality of the High Representatives is crucial for the performance of the OHR. In that regard, the person to take over the single-hatted EUSR needs to be a person with political leverage capable of getting the support of different international actors in BiH and EU member states. This

brings us to the question of the unique qualities of the empowered EUSR that would make the EU the most decisive actor in BiH. The new EUSR should be able to harmonize the two dispersed tracks of the European Council and the European Commission, generating a political will among Bosnian politicians to move forward in the EU integration process. The latest stand-off between the RS political leadership and the OHR is proof that the tasks and mandate of the OHR need to be reorganized in a fashion that would not reinforce the ethno-nationalist authoritarianism, while trying to arbitrate functionality through non-democratic means.

What kind of EUSR?

Currently, the title of the European Union Special Representative (EUSR) is a peripheral title represented by the High Representative. The High Representatives to date have all been from the European Union member states, in order to signify European responsibility for Bosnia Herzegovina. Officially, the EUSR ensures “a coordinated and coherent EU approach” to help BiH “move beyond peace implementation towards European Union integration”²⁶². This official definition recognizes the transitional phase of BiH and sets the role of the EUSR as harmonizing the military and civilian crisis management competencies of the EU institutions to assist the country in the process.

Tasks of the EUSR include:

- Offering the European Union’s advice and facilitation to support political processes, including, in particular, the constitutional-reform process;

²⁶² The mandate of the EUSR is available at the official website at <http://www.eusrbih.eu/gen-info/?cid=2000.1.1>

- Promoting overall EU political coordination, reinforcing internal EU coordination and coherence and ensuring consistency and coherence of EU action;
- Giving local political guidance to both EUFOR and the EU Police Mission; monitoring rule-of-law activities and providing EU institutions with advice on this issue;
- Supporting the preparation and implementation of police restructuring and providing support for a reinforced and more effective criminal justice system;
- Engaging with relevant local authorities to achieve their full cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY); and
- Contributing to the development and consolidation of respect for human rights and fundamental freedoms.²⁶³

The tasks of the EUSR are both political and operational. EUSR is a scaled down blueprint of the OHR's mandate that only assesses the performance of the EU institutions in BiH²⁶⁴. By regulating the performance of the EU's military and civilian crisis instruments in BiH, the EUSR is thought to help BiH politicians "achieve progress in implementing the Dayton Peace Agreement as well as in the Stabilization and Association Process"²⁶⁵. Table 5.6 lists the deficiencies of the present EUSR. The biggest critique of the EUSR mission is its ambitious goal of helping to assist the BiH as it moves from the Dayton era into the Brussels era. The High Representative (the same person) is already tasked with executive powers to facilitate the transition, yet without the necessary political will from the BiH politicians such a transition does not seem possible. Without similar political leverage over the Bosnian politicians, the mandate of the EUSR does not specify how the EUSR is going to assist the transition by providing coordination to the activities of EU crisis management instruments.

²⁶³ Ibid.

²⁶⁴ For the mandate of the OHR, Annex 10 of the DPA, please see http://www.ohr.int/ohr-info/gen-info/default.asp?content_id=38612

²⁶⁵ Ibid footnote 21

Table 5.6 Weaknesses of the EUSR in BiH

| Weakness of EUSR in BiH | |
|---|---|
| Responses | # |
| <i>EUSR is trying to achieve more than it's capacity:</i> 1 Intl Community, 1 European Commission, European Council | 3 |
| <i>EUSR's presence in BiH is a sign of on-going crisis:</i> 1 EU Council | 1 |
| <i>not enough public awareness on EUSR:</i> 1EUSR | 1 |
| <i>Total</i> | 5 |

As I mentioned previously, the EUSR is a crisis management instrument of the Council Secretariat. The European Union currently has nine Special Representatives “that promote European Union policies and interests in troubled regions and countries and play an active role in efforts to consolidate peace, stability and the rule of law”²⁶⁶. With its current setup, the EUSR is not able to harmonize the EU policies in BiH. This dissertation identifies the membership perspective as the most effective foreign policy and conflict resolution tool of the EU that needs to be supported by the crisis management instruments. I have identified two tracks of the EU presence that do not speak to each other. The crisis instruments of the EU by themselves do guarantee the physical security of the country, as well as provide assistance in the setting up and running of the institutions thought to provide “clean air” for liberal democracy to flourish in BiH. The EU membership perspective, on the other hand, as has been argued many times by the European Commission officials and EU affiliated researchers, would replace the “push of the international community” with the “pull of the European Union”. The current state of affairs in BiH can not be considered encouraging since neither the pressure of the OHR and the international community nor the possibility of signing a

²⁶⁶ Available at <http://www.eusrbih.eu/gen-info/?cid=283.1.1>

Stability and Association Agreement (SAA) with the EU can shake the authoritarian status quo in BiH politics that generates successive political crises. The EUSR role of the High Representative has been sidelined and is almost invisible to the public. Furthermore, as one European Commission Official I interviewed in Brussels noted, the presence of the EUSR in an associate EU country is not considered a good omen for the progress of that country on the EU integration path.

If the intended transition from the OHR takes place, the new EUSR should be bestowed with a mandate that would cover the performance of the European Commission Delegation in BiH as well. Only with such empowerment would the EUSR be able to undermine the ethno-political authoritarianism in BiH. With the current composition of the EU institutions, the Commission Delegation is an implementer of and reporter to the European Commission in Brussels. The functional design of the Delegation is of a passive observer of political developments in the country to provide feedback on the progress of BiH to the relevant DGs in Brussels. The fact that the membership perspective, being the most effective and essential tool of the EU in BiH, is regulated only through such a passive, bureaucratic scheme and institution like the European Commission, is a severe blow to the effectiveness of the EU as a peace actor in BiH. The EUSR needs to be empowered with the title of the Head of the European Commission Delegation in BiH. Such an arrangement is in line with the Lisbon Treaty, once it gets ratified by all EU member state parliaments, where the General Secretary of the Council Secretariat becomes the vice president of the European Commission. With such an arrangement, the Special Representative would be able to utilize the membership

perspective as a real policy tool that could help the BiH politicians see that without genuine attempts for reform, BiH would remain a claustrophobic country trapped in its post-conflict, ethno-political arrangement. The Special Representative should also be empowered to decide if and when the delivery of the reconstruction and development funds (pre-accession funds, IPA) decreased or stopped in case of political obstruction by BiH politicians. This new arrangement would be much more effective than threatening to put the SAP on hold in case of failure of implementation of reforms.

The EU's more assertive involvement in BiH is needed in the face of the possibility of renewal of conflicts in the Western Balkans following the Kosovo independence declaration of February 2008.

5.5 EU in Kosovo

EU'S role on the Road to Independence

The final status talks held between Pristina and Belgrade, under the auspices of the UN between February 2006 and March 2007, did not yield any agreement between the parties. Following the end of inconclusive talks between two mutually opposed positions, on March 26, 2007, UN Special Envoy Ahtisaari proposed a monitored independence for Kosovo²⁶⁷. On March 26, 2007, the UN Special Envoy to Kosovo presented his "Comprehensive Proposal for the Kosovo Status Settlement" to the UN Security Council²⁶⁸. The plan is an imitation of the Dayton settlement. According to the plan:

²⁶⁷ Details of the Kosovo final status process are available at <http://www.unosek.org/unosek/index.html>

²⁶⁸ Ibid.

“Kosovo shall be a multi-ethnic society, governing itself democratically and with full respect for the rule of law, the highest level of internationally recognized human rights and fundamental freedoms, and which promotes the peaceful and prosperous existence of all its inhabitants.”²⁶⁹

The western liberal democratic model, just like in BiH, has been provided as the only possible way for the independence of Kosovo (Richmond, 2005). The new constitution was to provide the necessary “protection and promotion of the rights of members of communities”, the bureaucracy and public services are to be decentralized to promote good governance, transparency and effectiveness. A functioning, non-corrupt justice system needs to be set up, the Serbian Orthodox religious and cultural heritage needs to be protected and promoted, and the well-being of the refugees and IDPs should be protected in case they want to settle back in their former residencies. The settlement foresaw the need for bringing sustainable economic development to Kosovo. A professional, multi-ethnic, Kosovan army under the democratic control of the government needs to be established. Just like in Bosnia, the international community is to be represented by “an International Civilian Representative (ICR), double-hatted as the EU Special Representative, appointed by an International Steering Group (ISG) comprising key international stakeholders”. The ICR will be bestowed with similar non-democratic powers like the OHR in BiH that would allow for an “ultimate supervisory authority over the implementation of the Settlement”. The EU’s crisis management components also get the chance to test their maturity in a mission similar to the EUPM in Bosnia, where they would be able to “monitor, mentor and advise on all areas related

²⁶⁹ For a complete version of the plan, please see http://www.unosek.org/docref/Comprehensive_proposal-english.pdf

to the rule of law”. KFOR would be reconfigured as “a NATO-led International Military Presence” that would provide a safe and secure environment throughout Kosovo, in conjunction with the ICR. The OSCE, with an extensive field presence in Kosovo, would support this mechanism in the field of democratization just like in Bosnia. This plan was reframed as a UN Security Council Resolution by the American-led Western governments in the UNSC, paving the way for the monitored independence of Kosovo until Russia clearly voiced its discontent on the process and threatened to veto the independence of Kosovo. The Western governments announced that the Ahtisaari plan was closed on July 20, 2007²⁷⁰. Instead, a second round of negotiations was launched following the Russian request between the Kosovar Albanians and Belgrade in August 2007 with a deadline of December 10, 2007, to agree on a solution for the status of Kosovo. The follow-on negotiations between Belgrade and Pristina had not produced any agreements. The talks were being facilitated by an international troika, which consisted of the United States, the European Union, and Russia. The European members of the six-member International Contact Group agreed to be represented by the EU Special Envoy, Wolfgang Ischinger, along with negotiators from the United States (Frank Wisner) and Russia (Alexander Botsan-Kharchenko) at the negotiation table²⁷¹. The appointment of the EU Special Envoy was considered a positive move for the EU’s CFSP, in line with the European Security Strategy paper. The EU took a constructive part in an UN-framework to re-integrate Kosovo into the international system.

²⁷⁰ More on the Russian veto threat is available at <http://en.rian.ru/world/20070720/69379634.html>

²⁷¹ Wolfgang Ischinger was appointed as the EU Special Envoy on July 29, 2007, by European Council Secretary General Javier Solana. The six-member Contact Group for Kosovo consists of the United States, Britain, Germany, Italy, France, and Russia.

The success in appointing an EU Special Envoy did not mean unity in policy in the 27-member EU. A number of EU countries opposed the independence of Kosovo, such as Spain, Greece, Cyprus, Romania and Slovakia, fearing such a decision carries the risk of encouraging some secessionist minorities in their own territories²⁷². Thus, the EU Special Envoy's moves on the matter were shaped by the considerations of all of the member states. For that reason, the Special Envoy did two things. First, he emphasized that Kosovo's final status is a primarily European matter concerning the EU, just as the Portuguese Foreign Minister Luis Amado did whose country was holding the rotating EU Presidency at the time²⁷³. Second, in an unlikely manner for a German or EU diplomat in dealing with recommendations from the UN, Ischinger distanced himself from the Ahtisaari plan²⁷⁴. Instead, he chose to emphasize the problems related to economic development of the country and corruption. The sidelined conflict prevention approach of the EU, as has been discussed above, called for the primacy of development over the hard security concerns. The suggestion offered by the EU's mediator was a status neutral solution for Serbia's breakaway province - an idea quickly rejected by Belgrade and Pristina. Wolfgang Ischinger offered the parties a way to agree on how to strengthen relations without getting locked up in inconclusive talks about the status problem.

²⁷² "A substantial majority [of EU countries] want to recognize [an independent] Kosovo ... certainly well above 20, but we haven't got to 27 yet", Britain's Europe minister was quoted as saying by Deutsche Welle on November 19, 2007. Available at <http://euobserver.com/9/25177>

²⁷³ For the Portuguese Foreign Minister Luis Amado's call for unity on the issue of Kosovo on September 8, 2007, please visit <http://www.dw-world.de/dw/article/0,2144,2774817,00.html>

²⁷⁴ EU Special Envoy Ischinger, in his comments to the British 'Independent' newspaper on September 18, 2007, distanced himself from the independence status for Kosovo saying, "I would leave open independence. I would rather talk about strong supervised status.... The label [independence] is worth nothing. Where are [the Kosovars] going to get their income from? They would continue to rely on foreign aid." Please see <http://news.independent.co.uk/europe/article2973548.ece>

The EU Envoy looked eager to define the mandate of the international supervision of the status process, rather than brainstorming on the status of Kosovo. Such a political attitude can be seen as logical, looking at the futility of the negotiations between the Serbian and the Kosovar Albanian leadership during the independence process. The EU expected to be the main beneficiary of the continuation of the uncertainty over Kosovo's status. In that respect, the international supervision of an unspecified solution was more important than the solution itself. Through such a supervised framework, the EU expected to run the show by introducing the roadmaps and feasibility studies to evaluate the extent of progress of Kosovo's self-governing institutions towards the liberal democratic European model. Ischinger argued that the neutral status solution could be the start of a normalization period between Belgrade and Pristina. He recommended the regulation of cooperation in areas that relate to human development and human security such as a sustainable economy, trade or the effective fight against organized crime. Parties would put the status issue aside and focus rather on strengthening their bilateral relations²⁷⁵.

The EU Special Envoy seemed to ignore the lack of trust among the parties to build working relations between the two parties, a situation worse than in BiH. Only political coercion by a third party would enable the evolution of such cooperation between the parties. I suspect that the EU aspired to be that third party pulling the strings in Kosovo. If the parties agreed on a regulated, internationally supervised process focused

²⁷⁵ The status neutral proposal of the EU Special Envoy on Kosovo, Ischinger, is available at <http://euobserver.com/9/25151>

on the development of the region, rather than solving the political status of the country, an International Representative who also would act as the EU Special Representative like in the Ahtisaari plan and as practiced in the Dayton mechanism in Bosnia, would be the one deciding on the extent and scope of the relations between Kosovo and Serbia, making it necessary for the accession of both into the EU. Nationalist Kosovar Albanian politicians were most probably well aware of the possibility that imposition of a controlled hybrid democracy, à la Bosnia, on Kosovo can revive the hopes of the Serbian nationalists of eventually taking the province back and settling scores. Both Belgrade and Pristina dismissed Ischinger's status neutral proposal idea, restating their determination not to move forward without settling the status issue in their preferred fashion.

The result of the general elections on November 17, 2007, brought Hashim Tachi, a former leader of the political wing of the Kosovo Liberation Army (KLA) which fought Serbian forces in the 1998-1999 war, to power after his party, the Democratic Party of Kosovo (DPK), received 35% of the votes²⁷⁶. The former guerilla leader campaigned on a promise of independence to be proclaimed "immediately" after December 10 - the deadline for the proposal of the international troika on the status of the province to be presented to the UN Security Council on the province's future.

EU foreign ministers were well aware of the destabilizing impact of a unilateral declaration of independence by the Kosovar Albanian leadership which occurred in February 2008, without the full commitment of the international community behind such

²⁷⁶ Election results are available at <http://www.euractiv.com/en/enlargement/elections-send-kosovo-talks-final-stage/article-168513>

a move. Following their meeting on November 19, 2007, they warned the Prime Minister-elect not to declare unilateral independence on December 10, 2007. Several EU foreign ministers on November 19, 2007 called on Kosovo not to declare unilateral independence the following month as it had threatened to do, fearing such a move would destabilize the region.²⁷⁷ Issuing warnings to the Kosovar Albanian politicians not to declare unilateral independence, to the Kosovar Albanians who were on the brink of achieving their goal of having their own independent Kosovo state, proved useless. The EU had to refashion its approach to the country and be ready in case the country declared independence while taking the necessary precautions in BiH proper in case the RS nationalist leadership decided to challenge the Dayton settlement by calling for an independence referendum of its own. When the negotiations between the parties ended up in a deadlock, the Kosovar Albanian leadership decided to move forward with the independence declaration with the expectation that prominent Western countries would recognize it. Yet the declaration of independence was postponed until the end of the Serbian presidential elections (4 February 2008) due to pressure by most EU members and the US that feared that an untimely declaration could heighten support in Serbia for the ultra-nationalist candidate, Tomislav Nikolic.

The Assembly of Kosovo approved a declaration of independence on 17 February 2008²⁷⁸. During the days and weeks that followed, a significant number of influential states in the region and in the world including the United States, Turkey, Albania,

²⁷⁷ More on EU Foreign Ministers' warning to Hashim Taci is available at http://euobserver.com/9/25177?rss_rk=1

²⁷⁸ For the independence declaration of the Assembly of Kosovo, on 17 February 2008 please see http://www.assembly-kosova.org/common/docs/declaration_indipendence.pdf

Austria, Germany, Italy, France, the United Kingdom, recognized an independent Kosovo. Currently 54 UN states recognized independence of Kosovo²⁷⁹. The UN Security Council remains divided on the question. Of the five members with veto power, USA, UK, and France recognized the declaration of independence, and the People's Republic of China has expressed concern, while Russia considers it illegal. Kosovo has not made a formal application for UN membership yet in view of a possible veto from Russia and China.

EU and Independent Kosova/Kosovo

The European Union keeping up with its earlier stance during the independence process remains neutral on the issue of recognizing Kosovo's independence. There are two main reasons for the Union's "pragmatism". First reason is the fact that five member states, Spain, Romania, Greece, Cyprus and Slovakia, refuse to recognize Kosovo as an independent country. With the current setup the European Council can not go forward with such a decision without having all of the members on board²⁸⁰. A second reason had to do with the necessity of getting Serbia's approval for the deployment of EULEX mission to the country. The European Union again strives for political neutrality while limiting its focus on preserving the stability of Kosovo and taking the country into the EU.

²⁷⁹ The Serb minority of Kosovo, opposing the declaration of independence, established the Community Assembly of Kosovo and Metohija in response. The assembly was condemned by Kosovo's president Fatmir Sejdiu, while UNMIK said the assembly is not a serious issue because it does not have an operative role. Available at

http://www.setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2008/06/30/feature-01

²⁸⁰ On February 5 2009 European Parliament voted for a resolution recommending that all European Union member states which have not yet recognized the independence of Kosovo from Serbia should do so. Available at <http://balkaninsight.com/en/main/news/16480/>

5.5.1 Composition of the EU presence in Kosovo

Following the independence declaration the international community reconfigured its presence in Kosovo. The future of Kosovo needs to be defined within the European parameters. This requires the ESDP involvement of the European Union with a CCM mission and EUSR along with an intensifying involvement of the European Commission. Peacekeeping pillar is to remain with the 15,000 strong NATO-led KFOR troops to demonstrate the Kosovars the continuation of support of the Transatlantic Alliance. There are three main EU bodies operating in Kosovo: EULEX Kosovo, the office of the European Union Special Representative (EUSR) and the European Commission Liaison Office (ECLO).

EULEX Kosovo

Although the decision to deploy the European Union Rule of Law Mission (EULEX) in Kosovo was taken in February 2008²⁸¹ the deployment had to be delayed until December 2008 due to the opposition of Serbia. The Serbian Government put up three conditions for the initiation of the mission: EU should secure a UN Security council approval for its mission, EULEX should be neutral regarding status, and it should not implement the Ahtisaari plan opposed by Russia²⁸². After a series of negotiations with the UN and Belgrade, UNSC unanimously approved the handover of the UN policing tasks to

²⁸¹ For the European Council joint action on February 4, 2008 EULEX please see http://www.eulex-kosovo.eu/home/docs/JointActionEULEX_EN.pdf

²⁸² Three Serbian conditions put forth by the Serbian President Tadic is available at <http://www.newkosovareport.com/200810171316/Region/Serbia-conditions-EU-EU-asks-for-cooperation.html>

EULEX mission built on the Secretary General Ban-Ki Moon's six-point plan on November 27 2008²⁸³. The Moon Plan is as follows:

Following my instructions, my Special Representative and Head of UNMIK is facilitating the European Union preparations to undertake an enhanced operational role in Kosovo in the rule of law area. EULEX will fully respect Security Council resolution 1244 (1999) and operate under the overall authority and within the status neutral framework of the United Nations. EULEX will submit reports to the United Nations on a regular basis. The deployment of EULEX throughout Kosovo will be carried out in close consultation with relevant stakeholders, taking into account the specific circumstances and concerns of all communities, and will be coordinated with UNMIK.²⁸⁴

Time will demonstrate to what extent the EULEX mission could remain dissociated from the Kosovo status issue. The mandate of the EULEX mission focuses on three areas of justice, police and customs. The mission statement of the EULEX is very much similar to the approach²⁸⁵ of the EUPM II in Bosnia with the tasks of monitor, mentor and advice:

The ESDP mission will assist the Kosovo authorities, judicial authorities and law enforcement agencies in their progress towards sustainability and accountability. It will further develop and strengthen an independent and multi-ethnic justice system and a multi-ethnic police and customs service, ensuring that these institutions are free from political interference and adhering to internationally recognized standards and European best practices. The mission, in full co-operation with the European Commission Assistance Programs, will implement its mandate through monitoring, mentoring and advising, while retaining certain executive responsibilities.²⁸⁶

The deployed mission began to run into difficulties in Northern Mitrovica overwhelmingly populated by the Serbian minority once it began to implement the

²⁸³ UNSG Moon's report submitted to the UNSC on November 24 2008 is available at <http://daccessdds.un.org/doc/UNDOC/GEN/N08/518/31/PDF/N0851831.pdf?OpenElement>

²⁸⁴ Ibid.

²⁸⁵ The EULEX Programmatic approach of the European Council is generated by the General Secretariat to extend the capacity of the Union in its Civilian Crisis Management approach. Available at <http://www.eulex-kosovo.eu/strategy/EULEX%20Programmatic%20Approach.pdf>

²⁸⁶ You can access to the mission statement of the EULEX at <http://www.eulex-kosovo.eu/?id=2>

customs regime on the border with Serbia²⁸⁷. The realities of the post-conflict situation in Kosovo might force the EU presence in the country practically lose its neutrality. Politicization of technical matters in the area of rule of law similar to the police reform process in BiH might become points of obstruction for the functioning of the EULEX mission.

EUSR/ICR

The EU Special Representative is very much modeled after the Bosnian case. EUSR is at the same time the International Civilian Representative responsible with “ensuring the full implementation of Kosovo's status settlement and supporting Kosovo's European integration.”²⁸⁸ There is a confusion regarding the status of Kosovo to start the accession process with the country, yet in line with the Ahtisaari Plan the EUSR post is bound to take on a more serious role once the EU decides to recognize Kosovo’s independence.

The mandate of the office of the EUSR is as neutral as possible:

- Offer the EU’s advice and support to the Kosovo Government in the political process. Promote overall coordination of EU presences in Kosovo, e.g. European Commission liaison office and the EULEX rule of law mission
- Ensure consistency and coherence of EU action towards the public
- Provide local political guidance to the Head of the European Union Rule of Law Mission EULEX in Kosovo.
- Contribute to the development and consolidation of respect for human rights and fundamental freedoms in Kosovo.²⁸⁹

²⁸⁷ On February 5 2009 “Serbs from north Kosovo blocked the roads at the border with Serbia on Thursday morning in protest at the European Union reopening two customs points that were burnt down just after Kosovo's declaration of independence in February 2008.” Available at

<http://www.balkaninsight.com/en/main/news/16474/>

²⁸⁸ International Civilian Office is responsible toward the International Steering Group just like in BiH. The tone of the ICR is much subdued compared to OHR, not only due to lack of executive powers like Bonn Powers but also to the uncertainty in the status of Kosovo. Available at <http://www.ico-kos.org/?id=1>

²⁸⁹ Available at [http://eur-](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:042:0088:0091:EN:PDF)

[lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:042:0088:0091:EN:PDF](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:042:0088:0091:EN:PDF)

Basically the EUSR takes on a guiding role in the evolving political system in Kosovo withholding its recognition of the country.

European Commission Liaison Office

Kosovo lies within the Stabilization and Association framework of the EU for the Western Balkans. The country is considered eligible to receive funding from the Pre-Accession Funds (IPA) of the Union²⁹⁰. The Stabilization and Association Process Tracking Mechanism (STM) is the main instrument for political dialogue between Kosovo and the European Commission in the framework of Stabilization and Association Process²⁹¹. STM meetings are co-chaired by the European Commission and the Government of Kosovo²⁹². The fact that the European Commission is represented by a liaison office rather than a delegation is a result of the neutrality on the issue of status. It is paradoxical that the EU does not recognize the country but feels free to include within its SAP framework.

²⁹⁰ Since 1999 Kosovo received more than 2 Billion € from the Community Budget. The financial allocation for the period 2007-2012 totals 565.1 million €. Available at <http://www.delprn.ec.europa.eu/?cid=2,97>

²⁹¹ “The main purpose of STM political and technical meetings is to accompany and monitor Kosovo's reforms and the EU approximation process, in particular with regard to the priorities defined in the European Partnership adopted by the European Council on 18 February 2008.” The European Council Conclusion on Kosovo is available at http://www.europa-eu-un.org/articles/en/article_7720_en.htm

²⁹² “Each STM meeting results in jointly agreed follow up actions to be taken by the Kosovo authorities. Plenary STM meetings are held twice a year, in late spring and in autumn of each year, shortly after the publication of the European Commission's Annual Progress Report. The first Plenary STM took place in March 2003, the latest one on 2 December 2008 (15th Plenary STM). Since 2007, six sectoral STMs have been set up to deepen technical discussions in the areas of Good Governance, Economy, Internal Market, Innovation, Infrastructure and Agriculture. Sectoral STMs take place at least once a year. The STM process with Kosovo continues between and after meetings. The time between the meetings allows for the implementation of the recommendations and agreed follow up actions.” Available at <http://www.delprn.ec.europa.eu/?cid=2,133>

5.6 Conclusion: On the need for an integrated EU approach for the Western Balkans

European Union needs an integrated approach for the Western Balkans as a region. It has many times voiced its willingness to take the region into the EU with the use of tools such as the European Partnership and the Stabilization and Association Process. The accession process is a technical one that requires a united political will by all the EU member states. Accession process can never be limited to a mere technical process that proceeds with the sequential opening and closing of the chapters of the *acquis*, it is a tool for democratic transformation. In post-conflict settings such as Bosnia Herzegovina and Kosovo it is used as a framework for democratization reforms that could transform the ethno-political authoritarianism in these countries. This dissertation evaluated the effectiveness of the EU as a peace actor in post-conflict BiH in particular within more than a decade. The EU involvement in Kosovo is fairly fresh, but it is evident that the EU intends to transfer its know-how from the Bosnian experience to the Kosovo case and provide a European future to the country.

European Union accession is an effective end-goal for the EU's conflict intervention strategy. The strategy- the action plan to reach the end goal has deficits. These deficits are two fold: one is the lack of political will among the politicians in the case of BiH to move forward with the EU reforms. This is largely because of the fact that the practice of politics in Bosnia is confined to ethno-nationalist spheres that sees the EU integration process either as an opportunity to further the nationalist goal or as a threat that would destroy the very structures of politics in the country. It is not possible to speak of such lack of political will about the Kosovar politicians. Kosovo is much less

ethnically diverse, once the issue of final status is resolved for good, and the trajectory is towards that, Kosovo could move much faster than BiH in the European integration process. Secondly, the lack of political will on the side of the European Union for further enlargement. I discussed the need and efforts for a reconfiguration of the Union structures that would make it easier to absorb new-comers. Yet with the global financial crisis the big countries in the EU such as Germany, France and UK shift their attention to restructure their economies toward more conservative, protectionist models. The largely negative European public opinion²⁹³ could shift toward more negative as more people begin to lose their jobs and arrival of cheaper workforce from the Western Balkans could be seen as a threat. European Union is built on the liberal democratic model and politicians need to device policies in accordance with the desires of their national constituencies. If the European Union's single market could get over the recession of the global financial crisis fairly smoothly I expect to see an EU reassured of its model that is more willing to include Western Balkans in the closer future. Below is a further elaboration on the future of BiH and EU relations.

BiH and the EU

The EU's effectiveness in BiH as a peace actor is to be determined by the pace by which BiH transforms its political institutions, processes, and culture into a working liberal democracy. The biggest handicap of such a transformation is the ethno-political

²⁹³ "Fewer than half of Europeans are in favor of further enlargement of the European Union to include other countries in future years (47%, i.e. 1 percentage point more than in autumn 2007), compared with four out of ten who oppose the idea (39%)." Results of the Eurobarometer Survey #69 "The European Union Today and Tomorrow" conducted between March and May 2008 and published in November 2008, available at http://ec.europa.eu/public_opinion/archives/eb/eb69/eb69_part3_en.pdf

fragmentation of the country. The paradox between the desire to preserve the ethno-nationalist balance and the need for working democratic institutions, keeps the country in constant political crises. The EU membership perspective, as the most effective policy tool of the international community in BiH, as well as of the EU, did not have the intended results in the country. I have argued that the lack of coordination between the integration track represented by the European Commission and its Delegation in Sarajevo and the EU security instruments such as the EUPM, EUFOR and the EUSR, caused the non-effective use of the membership perspective to convince BiH's nationalist political elite to engage in reforms that would enable the signing of the Stabilization and Association Agreement.

The content of the reforms within Stabilization and Association Process needs the creation of functional state institutions. BiH has to implement the legislated reforms on all levels of the government. The reform processes in the media sector, in education and in police structures, challenge the imposed negative peace between the parties. Yet with the closing of the Office of High Representative in the near future, Bosnian politicians will be forced to take the responsibility into their hands. There are already indications that cooperation would emerge between the parties as they realize it is possible to move into the EU through gestures of cooperation, of which signing of the SAA was a good example²⁹⁴. The Prud Agreement signed on November 8, 2008 is the first genuine constructive effort of the Bosnian politicians after the failure of the constitution package

²⁹⁴ Mostar declaration in October 2007 to implement the police reform was deemed adequate by the EU to initiate the SAA with BiH.

in April 2006. Agreement is between the leaders of the three constituent nations, Milorad Dodik, the president of the SNSD and the Prime Minister of Republika Srpska, Sulejman Tihic, the president of the largest Bosniak party SDA and Dragan Covic, the president of the Croation party HDZ. The parties agreed to reconfiguration of the governing structures in BiH between four different units on the middle level and move on with the constitutional reform package refused on April 2006²⁹⁵.

Below is a number of recommendations for an effective EU policy in BiH and in the Western Balkans that could be helpful in providing genuine assistance and guidance to local politicians to transform their countries from the physical and psychological wreckage of war.

Recommendations for the EU on BiH and the Western Balkans

1. The EU foreign and security policy should be refashioned in BiH. This new arrangement should include the merging of two separate tracks of EU involvement in the country. The EU integration track represented by the European Commission and its delegation should be incorporated into one track represented by an empowered EU Special Representative who would be in charge not only of the security instruments, but also of the community development and economic assistance instruments available for BiH.
2. On the other hand, the empowered EUSR needs to be supported by a clear date of integration for BiH. Since the Zagreb Summit at 1999, and especially after the

²⁹⁵ Further information on Prud Agreement is available at <http://www.eupm.org/Details.aspx?ID=953&TabID=5>

Thessaloniki Summit at 2003, the EU voiced its willingness to see the Western Balkans in the European Union. Yet the lack of a tentative date for the realization of this perspective lessens the transformative impact that the EU membership perspective ought to have on the democratization processes of these countries in the short run.

3. There is a need for a real dialogue between the BiH politicians and the EU officials in BiH. The EU officials, especially those working in the Commission Delegation departments, tend to perceive their posts in Sarajevo as a regular bureaucratic assignment and stick to standards of procedure in their approaches to the progress made by the BiH authorities. The political and social implications of the reform process and the possible impacts of the reforms on the ethno-political structure are not being carefully discussed. This lack of political flexibility is evident in the negotiations of the European Commission Delegation Enlargement team visiting Sarajevo with the Delegation officials and lessens the effectiveness of the EU as a peace actor in BiH. The recent Reform Treaty merges the roles of the European Council and the European Commission in the external representation of the Union paving the way for a more coherent EU policy in the represented countries. Yet until the changes of the Reform Treaty are implemented, the EU policy in BiH will remain to be stigmatized with dispersion.
4. Similarly for the success of the EULEX mission in Kosovo all of the EU member states should follow the recommendation of the European Parliament and

recognize Kosovo's independence. Otherwise lack of clarity on the issue of final status would weaken the work of the EU in Kosovo. Lack of clarity does not mean neutrality.

5. The European Council of Presidents should re-introduce their support for the regional approach to the integration of the Western Balkans to the EU as in the case of the Stability Pact. In its present form, the EU integration perspective to the Western Balkans does have regional policy tools, such as the Stabilization and Association Process (SAP) and the European Partnership, for each of the Western Balkan countries. Each country is deemed responsible for its own progress and is assessed without regard to the developments in neighboring Western Balkan countries. With the exception of Albania, all the Western Balkan countries did belong to the former Yugoslav space until very recently. The political baggage of Socialist Yugoslavia and the wars of separation have affected the present political culture and the operation of the political institutions. The renewed regional approach should not remove the element of individual assessment, but should make it clear to the applicant country that negative political involvement in the internal affairs of a neighboring country would cause a suspension of the SAP or the European Partnership. The comments of former Serbian Prime Minister Vojislav Kostunica or Croatian President Stipe Mesic in the run-up to the decision on the final status of Kosovo regarding the territorial integrity of Bosnia Herzegovina and the status of Republika Srpska is a good example of how the political progress of each country affects the political

tensions in the other. The EU needs to be more assertive than the regular issuance of warnings and voicing commitment to the preservation of the political status quo in the Western Balkans.

6. The effectiveness of the EU as a peace actor in BiH in particular and the Western Balkans in general is very much related to the assessment of political developments in a realistic manner. Opting for stability does not always mean siding with the status quo. In a politically volatile region like the Western Balkans, yesterday's political upheavals can become today's status quo. The civilian and military crisis management competencies of the European Council and the Rapid Reaction Mechanism of the European Commission should be combined to bring in the necessary political flexibility to the EU's actions in BiH and the greater Western Balkans.

5.7 Final Words

This dissertation discussed the use of democratization as a form of conflict intervention in post-conflict Bosnia Herzegovina by the European Union institutions. The EU membership is intended to be the driving force that would encourage the Bosnian politicians own the reforms and transform their country. But the confusion between the roles of the European Commission and the European Council instruments result in a loss of effect. The current structure of the European Union does not allow for a more proactive European Commission, it is up to the EU presidency of the European Council to represent the overall EU policies regarding the enlargement in Western Balkans and in Bosnia Herzegovina in particular. The development of the ESDP instruments that fall

under the jurisdiction of the Council Secretariat need to be streamlined in a fashion that would support the accession perspective. The lack of a clear date for final entry to the EU dims the appetite of the local politicians own the reforms. The positive conditionality principle as a bedrock of the soft power of the EU becomes hard conditionalities that challenge the existence of politics in BiH since all the players stick to their positions and see every reform proposal as a win-lose game to extend their space for political maneuver. Civic politics is the basis for liberal democracy; the subjects of civic politics need to be converted from the ethno-politics of post-conflict BiH. The EU must be clear on its intentions to take BiH into the EU not to leave it as a ghetto settled on the walls of the European castle.

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CURRICULUM VITAE

Ulas Doga Eralp received his BA in Business Administration from Koc University, Istanbul in 2000. He completed his MA on Political Science at Sabanci University, Istanbul in 2002. Currently he resides in Washington, DC.