Sa(f)ve Bosnia!

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Sa(f)ve Bosnia!

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ABSTRACT

The Dayton Peace Accords signed in 1995 have up until now proved ineffective. They completed their mission – to stop the hostilities and stabilize the situation. However, they failed to create a viable state. Centrifugal tendencies in Bosnia and Herzegovina are compounded by the conflicting interests of major international players: the European Union and the United States, Russia, and Turkey. The strategy chosen by international forces in Bosnia is inefficient and fraught with outbreaks of violence in the region. This article analyzes the discrepancy of the policy pursued in Bosnia and Herzegovina compared with reality. The author of the article proposes a potential plan for the harmonious development of the state.

Two decades after the end of the war in Bosnia and Herzegovina, it is obvious that the Dayton structures created to maintain peace in this complex multi-ethnic state cannot stimulate normal development, and during the last few years have only hindered it. Society has remained deeply divided on all existing aspects: on ethnic and religious grounds, the level of tolerance towards each other, on access to social and economic benefits and the degree of involvement in the real political life of the country. In the context of the current crisis in international relations, rising confrontation between Russia and the West on the one hand, and the Muslim and Christian worlds on the other, Bosnia again attracts attention as it is the state in which Islam, Orthodoxy and Catholicism meet and where the interests of the EU, the United States, Russia, Turkey and countries of the Arabian Peninsula come together. History demonstrates the inabilities of “great powers” to coordinate internal and external interests. An adequate response has not yet been found. This is largely due to the fact that the internal problems of this Balkan state are directly related to its state structure, the stability of which is supported by international actors. They see Bosnia and Herzegovina in the context of their purely personal geopolitical and strategic interests, not paying enough attention to the real depth of ethnic and territorial conflicts and historical relations in the region. The position has turned full circle: the Bosnian political elite are unable to find common ground and build a functioning state, being torn by internal contradictions and the desire to retain the electorate, as well as being under constant pressure from external players. Unstable Bosnia in this context is the catalyst for an already apparent slide of the entire Balkan region.
into the next crisis. To cope with the situation, it is necessary to solve two key questions: how to stimulate the normal internal development of Bosnia and how to coordinate the interests of the region’s leading players in relation to this country.

**Modern Bosnia from inside**

Bosnia and Herzegovina is in crisis in all spheres of life. In terms of the internal development of the state, Bosnia and Herzegovina is a pitiful sight. The country is ranked first in Europe in terms of unemployment. “The World Bank unemployment estimates for Bosnia are bleak: 27% is the unofficial unemployment rate, while some 57% of Bosnians between the ages of 15 and 29 are without jobs” (Marjan and Guzina 2014). A professor from one of the British universities, a native Bosnian, described the situation in the following way:

> Many people in Bosnia are experiencing difficulties with basic things ... people just have nothing to eat, they rummage in the bins. Most young people want to go to other countries ... The scale of the social disaster is enormous. The protests showed this vividly. (Sulkin 2015)

Another example of the level of depression in Bosnian society is presented in an article by Jessie Hronesova, a journalist at Balkan Insight:

> From Visegrad to Bihac, Bosnian citizens are frustrated, depressed and demotivated. “People are like timed bombs, about to explode,” Jasmina, from Sarajevo, says: “Even the war was better. You were worried about a shell and your life but you had no constant worries about your children’s future like we do now.” Milo from Tuzla thinks similarly. Self-employed and about to retire, he struggles daily to survive... (Hronesova 2015)

According to experts and politicians, the state bureaucracy in Bosnia is enormous, clumsy and corrupt. The economic situation is almost entirely dependent on external funding (EU 2008, 2009, 2010, 2011, 2012, 2013, 2014). In principle, such a situation has been characteristic of the country since 1995 when the Dayton Accords were signed. However, the initial joy of the cessation of military action and then the looming prospect of joining the European Union improved the situation. The global financial crisis of 2008 revealed all the problems. The probability that the dream of joining the European Union will ever come to fruition is reducing. The situation is further complicated due to the unique nature of Bosnia as a state.

Bosnia and Herzegovina is a special case among the states aspiring to succeed. Firstly, because within the current territorial boundaries Bosnia and Herzegovina emerged as one of the six republics of socialist Yugoslavia and it was established not on national but on a historical and geographical basis. As we know, the internal administrative boundaries of Yugoslavia did not take into account the ethnic and cultural specificity of the region. It gives the Serbs a reason to regard (unofficially) Bosnia and Herzegovina not as a state but just a geographical name. The Socialist Republic of Bosnia and Herzegovina primarily laid the foundations of the territorial state, the national identity of which has not developed. The latter has initiated the armed conflict between Serbs, Croats and Muslims ... Dayton Bosnia is first a protectorate on the territory of former Yugoslavia, with unlimited powers of institutions of external control. (Ponomareva 2011a)

The main and indisputable advantage of the Dayton Accords, namely the cessation of the civil war, was offset by the fact that:

> for decades ahead they have redistributed sovereign powers of Bosnia and Herzegovina in favour of international organisations and have created a cumbersome and inefficient system of organisation of power. The presence of constitutions and other legal acts do not entail any preferences of Bosnian statehood ... all “vital questions” of the state are defined by international organisations. (Ponomareva 2011b, 70)
Moreover, initially both entities that now make up Bosnia and Herzegovina were combined in opposition to each other, rather than through a peaceful settlement. One only has to remember the history. Republika Srpska was proclaimed on 9 January 1992, and the constitution was adopted on 28 February of the same year. The Constitution clearly states that Republika Srpska intends to be an independent state of the Serb people without considering the interests of Bosnia and Herzegovina and the Muslim and Croat peoples. The Federation of Bosnia and Herzegovina was formed as a result of the Washington Treaty, signed in March 1994 as a “federation within Bosnia and Herzegovina and with a Bosnian and Croat majority. The Constitution of the Federation was adopted on 30 March 1995, excluding the interests of the Serbian people” (Pajic 2006). It was only much later that this clause was changed under direct pressure from the international community.

In 2000, the BiH Constitutional Court agreed, ruling that all three constituent peoples must be guaranteed equal status and rights, and that the entity constitutions must be revised to reflect this equality. It is important to note that the decision was made by the Bosniak judges together with the international judges on the Court, with the Croat and Serb judges noting reservations (Implementing)… Foreshadowing the bitter resistance to any constitutional reforms that might substantially affect the ethno-political power structure of the country, the entities were slow in implementing reforms, and the OHR brokered an agreement and ultimately imposed the amendments. (Perry 2015a, 167)

Thus, it turned out that at the time of signing of the Dayton Accords, two states with their own constitutions had been formed on the territory of the former Yugoslav republic of Bosnia and Herzegovina: the self-proclaimed Republika Srpska and the Federation of Bosnia and Herzegovina. The constitutions of Republika Srpska and the Federation of Bosnia and Herzegovina remained almost untouched by the Dayton Accords despite the fact that they had been adopted during the war, and therefore, they did not perfectly correlate within one state and legal entity. It created a false impression of the entities, suggesting that such a structure for the future peace in Bosnia (with orientation towards gradual “divorce”) had been achieved merely to the satisfaction of the international community. One of the key failures, from today’s perspective, is that the international community never thought it was necessary to ensure that the Dayton Accords were officially approved by the state parliaments in Bosnia and Herzegovina. Without this, Bosnia and Herzegovina adopted the so-called Octroyed constitution, which has been used 20 years later by the President of Republika Srpska Milorad Dodik as a legal basis for denying the existing legal system of Bosnia and Herzegovina. Denying the historical continuity of Bosnia and Herzegovina, Dodik claims that the Bosnian Serbs have the right to become independent from Bosnia and Herzegovina through a referendum (Latal 2015, 27).

Taking into account these legal circumstances, the international community is assessing the future of the Bosnian people. The gradual transformation of Bosnia has already failed. If we talk specifically about the constitutional structure, amendments to the Constitution (the legally binding version of which, incidentally, is available only in English and is part of the peace agreements) were introduced only once: when the Brcko District was given special status (Bieber 2014). The amendments to the Constitution of Bosnia and Herzegovina are possible in two instances. The first is when it is provided for by Article X “This Constitution may be amended by a decision of the Parliamentary Assembly, including a two-thirds majority of those present and voting in the House of Representatives”¹. The second is in accordance with Part 5 of Article III of the Constitution within the framework of the additional
responsibilities and powers of the institutions of Bosnia and Herzegovina and its entities: “Bosnia and Herzegovina shall assume responsibility for such other matters as are agreed by the Entities; are provided for in Annexes 5 through 8 to the General Framework Agreement; or are necessary to preserve the sovereignty, territorial integrity, political independence, and international personality of Bosnia and Herzegovina, in accordance with the division of responsibilities between the institutions of Bosnia and Herzegovina.”

Such scenarios theoretically allow the effective interpretation of the Constitution and implementation of any necessary decisions, coordinating the interests of the entities. In reality, this does not occur because, in the first place, it meets the interests of ruling elites of the entities not to. They get political dividends from resistance to any innovation which changes the balance of power in the state and corrects any inefficiencies and limitations of the electoral and representative system of Bosnia. “Even the Bosniaks, who would prefer a more centralised system, benefit from the dysfunctional politics that continue to allow for a political environment in which the politics of fear and patronage are paramount, minimising political accountability and ensuring that parties can be voted every two years without delivering results” (Perry 2015a, 179). In turn, such rhetoric and the real political steps following it originate from fundamentally different understanding of the future of Bosnia, and its federal powers. “The various leading parties have alternately embraced devolution without ensuring anti-discriminatory practices (Serbs); sought greater centralization without securing sufficient checks and balances to ensure political confidence among the other main groups (Bosniaks); or sought to strengthen the rights of constituent peoples at the expense of the ‘Others’ (Croats). This difference in interpretation of the Constitution in letter and in spirit continues to haunt the country” (Perry 2015a, 165).

Successful attempts to reform the constitutional system of Bosnia and Herzegovina have been made for over ten years. During these years, several plans comprising radical or tactical changes have been proposed. The most famous include the “April” Package (2004), the Prud (2008) and the Butmir (2009) processes.

The “April” package is an American initiative, which included a reform under which the three-member Presidency would be replaced by an indirectly elected president with limited powers, and where the greater part of executive functions would be transferred to the strengthened position of the state Prime Minister. The House of Peoples would be abolished and its functions would be transferred to the House of Representatives. Today, such suggestions sound unrealistic, while in 2006, most parties saw them as being mere “cosmetic” changes. This demonstrates the extent of degradation of institutions and mechanisms in Bosnia and Herzegovina in that period. With some scepticism about its usefulness, the “April” package of constitutional reforms was generally accepted by the majority of the ruling parties and the public in Bosnia and Herzegovina. However, during the April session of the Parliament in 2006, it was rejected by two votes made by two of the smaller parties who used their decision to promote themselves in the general elections in October of that year. “The ‘April’ package was a unique, and perhaps for a long time the last chance to finalise the Dayton Accords by the ruling political elite” (Latal 2015, 29).

Despite the fact that the “package” was not adopted, this was when the US administration, focusing on the global fight against terrorism, ceased to actively intervene in the processes in the region, leaving the European Union the responsibility to make decisions on the most complicated internal problems of Bosnia and Herzegovina. But the union has never experienced any modernization of internally divided and post-conflict societies. As a result, the
Europeans took the route of technical integration in all the Balkan countries. This has proven to be unsuccessful in all the republics of the former Yugoslavia, except for Croatia; this is blatantly obvious in Bosnia.

The “April package” was followed by the Prud and the Butmir processes. The next reform effort would unfold in Prud from November 2008 to January 2009, with the main political parties negotiating fundamental principles for constitutional reform as well as some key political matters, notably a census, state property and Brcko.

Different from the April Package, this effort was framed by the international community as ‘home grown’, driven by BiH leaders. The parties were able to agree on their interest in transitioning the OHR to the EU Special Representative ... But the constitutional reform remained stymied, reflecting conflicting visions ... In the aftermath of the Prud Process, heavy US pressure did at minimum result in the first amendment to the Constitution, related to the Brcko district. (Perry 2015a, 169–170).

Sadly, even there the European Union was not able to act as an independent and influential force, as was demonstrated by the United States giving the international initiative some minimal success.

Following the Prud process, the US and EU tried to carry out an updated version of the “April” package with the recommendations of the Venice Commission of the Council of Europe. They organised a series of meetings with leaders of the main political parties, called the “Butmir process”.

However, from the very beginning of the negotiations it was clear that the political situation in Bosnia and Herzegovina had deteriorated in comparison with 2006 and that the positions and requirements of the major parties had become so radicalised that there was almost no willingness for this kind of compromise. It was also evident that a part of the proposal text was written in haste, and individual decisions were not sufficiently substantiated. This contributed to the collapse of this proposal, which never made it to a parliamentary vote. (Perry 2015a, 30)

The best example of the absolute unwillingness of the entities to reform the existing management structure, on the one hand, and the failure of the EU policy in Bosnia and Herzegovina, on the other, is the well-known case of Sejdić-Finci. Sejdić and Finci v. Bosnia and Herzegovina is the name of the court case which took place in 2006–2009 in the European Court of Human Rights in Strasbourg, after Dervo Sejdić and Jakob Finci submitted separate complaints against Bosnia and Herzegovina. Being members of national minorities, they were ineligible to stand for election to the Presidency of Bosnia and Herzegovina and the House of Peoples of Bosnia and Herzegovina. On 22 December 2009, the Court decided in favour of Sejdić and Finci and ordered the Bosnian institutions to amend discriminatory provisions in the Constitution of Bosnia and Herzegovina. The EU used this decision to apply more pressure on the leaders of Bosnia and Herzegovina forcing them to carry out the required constitutional reform. Negotiations on this issue were conducted for more than a year between 2012 and 2013 but it was clear from the outset that the leaders of the ruling parties just tried to buy time and were not ready for a compromise.

“After attempts to achieve Sejdić-Finci implementation definitively collapsed in February 2014, the EU gradually shifted from blaming BiH politicians for being uninterested in reform, to a revisionist and quasi self-critical (and conveniently liberating) view of its own policy: the decision to make Sejdić-Finci a requirement for the SAA to enter into force.“ This tactical retreat won the day with the joint British-German initiative of November 2014, which dropped the precondition with the stated rationale “to avoid the impasse resulting from addressing intractable issues too early in the process.” On 15 December 2014, the EU’s Foreign
Affairs Council formally adopted the initiative, releasing this rather nebulous statement about the role Sejdić-Finci was destined to play from now on: “When requesting the Commission’s Opinion on the membership application, the Council will ask the Commission to pay particular attention to the implementation of the Sejdić-Finci ruling” (Fernandez, Valery, and Kurt 2015, 4).

Meanwhile, it appears that the case of Sejdić-Finci still plays a minor role, despite its prospective importance for the future of Bosnia as a unified state. It did not originally have the potential to break the vicious representation system in Bosnia and Herzegovina which still has no realistic alternatives. Fortunately or unfortunately, this amendment itself is unable to change the country and the electoral system to make it possible to cut through the red tape that is blocking the system of management. It seems that in the case of Bosnia, a more systematic approach is required, as opposed to the more technical one proposed by the EU. It could consist of the following steps: (1) creation of functioning institutions at a national level; (2) real interaction between political leaders and the entities taking their interests into account; (3) building a consistent strategy of cooperation between international players. The first two can be implemented through electoral reform. The third one demands greater efforts from the international community.

The international community must understand that Bosnia and Herzegovina “is a fully functional decentralised state” (Bieber 2010) and effective reform of the institutions is only possible with the agreement of the political elites. Otherwise, nothing, not even mass protests, the international conference on Bosnia, the threat of break-up, etc. will enable Bosnian institutions to function in accordance with the needs of the people and the international community.

Finding a compromise between the political elites of the entities is a very difficult task, particularly in today’s international environment. This is especially significant for the Serbs and Croats. As a result of the autumn parliamentary elections in 2014, the House of Representatives of Bosnia and Herzegovina continues to be in the hands of the parties of nationalist ideology: the Croatian Democratic Union of Bosnia and Herzegovina, the Bosniak Party of Democratic Action and Serbian People’s Democratic Party.

In Bosnia and Herzegovina ethno-national elites operate on maintaining the idea of ethnic security and its real application – the division of power between the three of the entities. These parties define actions against ethnic identity as a major threat and therefore focus primarily on its protection. The territorial issue provokes the situation. (Bojicic-Dzelilovic 2015, 6)

The discourse over the protection of ethnic interests in twenty years of post-Dayton Bosnia has only strengthened. In 2010, the presidential campaign of Milorad Dodik, the leader of the Republic of Srpska, as well as the Bosnian candidate’s campaign, was based on utterly nationalistic slogans. For example, Dodik’s position was to call for secession of Republika Srpska from Bosnia and Herzegovina, while the Bosniak candidate called for the recognition of the Srebrenica genocide which made Republika Srpska “a creation from a genocide” (ibid). Today, political elites do not even need an election campaign for the utterances of such slogans. It is declared openly in everyday life. Thus, Bosniaks have initiated the adoption of the UN Security Council Resolution on the recognition of the Srebrenica genocide. In this regard, the view of the Minister of Foreign Affairs of Russia Sergey Lavrov, it seems, was valid “... the resolution could complicate the situation in the Balkans. Minister Lavrov believed that the resolution could trigger new ethnic tensions in the Balkans, considering the level of
nationalist sentiment, taking place in this part of Europe." As a proof of the fact that it is a more than difficult question, one can cite the attacks on the Serbian Prime Minister Alexander Vucic during his visit to the commemoration of Srebrenica on 11 July 2015. From the Serbian side, at the last year congress of his party Milorad Dodik announced the possibility of holding a referendum in the Republic of Srpska to decide to split from Bosnia and Herzegovina in 2018.

Unless there are obvious signs of stabilisation by 2017 and the rights of Republika Srpska are respected (referring to the return of all preferences in accordance with the Constitution of Bosnia and Herzegovina), in 2018 the Parliament of Republika Srpska will be asked to hold a referendum on the status of the republic.

The situation with the Croatian entity is developing in the same way; as a result of the presidential elections in winter 2015, for the first time since Franjo Tudjman, a member of the CDU, Kolinda Grabar-Kitarović, came to power in Croatia itself. In her inaugural speech, she openly expressed her support of Tudjman. Her supporters are far more nationalistic than those of her predecessor Ivo Josipovic. Bosnian Croats played their role in the elections: Kolinda Grabar Kitarović would have won the elections even without HDZ votes in Bosnia and Herzegovina, but the result would have been a lot closer... In fact, only 17,281 Croatian citizens in Bosnia voted, hardly a large number considering that probably around a third of the citizens of Bosnia and Herzegovina hold Croatian passports. Among those who did vote however, 93.8 per cent voted for Grabar Kitarović. Without them, the gap between her and Ivo Josipovic would have shrunk by half to just over 16,000 voters. (Bieber 2015)

Given Grabar-Kitarovich’s background, her inaugural speech can be interpreted in two ways: “One of my most important foreign policy goals is the position and protection of Croats in Bosnia and Herzegovina. I see Bosnia and Herzegovina as a state of three equal peoples: Bosnians, Serbs and Croats... I want our diaspora to share it. Both you – Croatia – and I will never let others question your contribution to the creation of the Croatian state. You are our connection to the world, our most important part.... The doors of Croatia are wide open for you...” Experts warn of a possible renaissance of Croatian nationalism (Bieber 2015; Jović 2015; Pivovarenko 2015).

Thus, many experts and active politicians see changes of the electoral structure as one of the solutions to the problems of Bosnia. The structure of the government formed under the Dayton Agreement evokes a situation where the constituents can be politically formed only on a national basis. “This, in turn, leads to the fact that the Federation of Bosnia and Herzegovina and the Serb Republic exist de facto as two separate states with their political systems. Taking into account the extreme proportionality of the electoral system in Bosnia and Herzegovina, one can say that the Parliamentary Assembly of Bosnia and Herzegovina consists of all relevant political parties. The electoral threshold of 3%, which is calculated according to constituencies, enables small political parties to be represented in parliament. This opens up room for the representation of diverse social interests and groups and is the first condition of turning the parliament to mirror the social diversity. This, however, may not be realised, as the number of parties in parliament is not necessarily proportional to the number of different interests that exist in society” (Markovic 2012a, 325). Kurt Bassuener rightly said: While politics in BiH have undoubtedly pluralized since 1996 – a host of parties contest elections at all levels – the incentive structure in politics remains the same. The de facto and de jure ethnoterritorialism enshrined in Dayton (and only partially addressed in subsequent Constitutional Court rulings – many unimplemented today without
repercussions) affects the political incentive structure profoundly, giving ethnic-based parties a built-in advantage. These parties compete with each other within their separate ethnic silos—not across them. The gravitational pull of BiH politics is towards convincing (including scaring) voters into believing that political competitors are insufficiently firm, sell-outs, or worse vis-à-vis other communities’ nationalists. Non-ethnic-based parties are at a structural disadvantage. Yet, to be fair, few have made convincing entreaties to voters outside their core base. Fear is a staple commodity for political activity with this divisive structure—and is employed with greater frequency now, with greater potency, than a decade ago (Bassuener 2015).

It is obvious that such a structure is beneficial for the ruling elite of entities—that is how it is able to maintain the constant presence of power and that is why the EU and other international representatives’ requirements to adjust the structure are absolutely meaningless. Nobody voluntarily gives up power. The opposite scenario is the organisation of a “colour revolution” in Bosnia. This would be extremely dangerous with a possibility of a new armed conflict and with a very high probability that it would not lead to the desired result. In this deeply divided society, citizens are unlikely to cooperate on a national basis. One of the most rational ideas that has been proposed in recent years is the idea of dividing the electoral pool into municipalities.

The genesis of the idea to build a state on a foundation of direct representation from the municipalities came in 2005, before the failure of the April Package, and emanating from demands for greater local self-governance. The author (Kurt Bassuener) and Mr. Weber found research demonstrating that the outer perimeter of social trust was the local level, further supporting the idea of making accountable local representation the building blocks for a functioning BiH. For this reason, despite some high-visibility mayors calling for amalgamation of municipalities for efficiency’s sake, the model’s architects decided against mergers—though providing for potential consensual merging of localities as per best European practices (in this case, Iceland). While many municipalities have clear ethnic majorities (including those which predate the ethnic cleansing of the 1992–1995 war), they are not formally ethnoterritorial—an important distinction. (Bassuener 2015)

This initiative was again promoted by the Coalition 143 (K-143) at the expert level. Nevertheless, it is clear that such a reform is not feasible without the consensus of ruling elites. Reaching consensus is only possible if the actions of all the relevant international forces in the region are well-coordinated.

The European perspective of Bosnia and Herzegovina

Bosnia and Herzegovina together with other former Yugoslav republics are included within the orbit of direct influence of the European Union. The main players, the Federation of Bosnia and Herzegovina and Republika Srpska, have officially declared their states to be within the auspices of Europe.

The only concept unifying the political elites of Bosnia and Herzegovina is joining the EU, but this idea is by and large debatable. Experience has proven that for all three of the entities, it is attractive to different degrees and under different conditions. For example, the Bosnian Croats have been less interested in EU integration since central Croatia joined the European family. De facto, the vast majority of Bosnian Croats have Croatian passports and thus enjoy all the privileges and opportunities of EU membership which the ordinary citizens of the Balkans dream of. The very entry of Bosnia into the EU is of course interesting for them, but not at the cost of significant concessions to their autonomous rights. Serbs and Bosniaks are
well aware that the EU is not expected to grow in the near future. From the perspective of completion of the European Union project and its integrity, the Balkans must be included. Accordingly, any threats from the EU on the termination of negotiations on EU membership give the appearance of blackmail. In addition, returning to the internal problems of Bosnia and Herzegovina, there is another issue in connection with joining the EU; a problem that is likely to be rhetorical but is also very valid and will need to be resolved. Can a state without the possession of full sovereignty (i.e. an international protectorate – noted by author) join international organisations?

It seems that the EU does not know what to do in a case where one of the EU Member States or part of its population wants to be independent. The problem of Bosnia and Herzegovina won’t be eliminated by possibly joining the EU and can potentially cause an even greater crisis, only this time inside the European Union. (Subasic 2015)

At first glance, the EU strategy for all the Western Balkan States seems logical and systematic. Its elements, including bringing loyal political elites to power, radical reforms of legislation and, finally, the launch of a process of “pulling” up the economy to the European average, are theoretically feasible. However, in practice, such a concept increasingly fails. Furthermore, open transition from a policy of complete modernization to what is purely a technical implementation of the requirements of Europe calls into question its viability and success in the Balkans.

The prospect of joining the EU was given to Bosnia and Herzegovina more than a decade ago at the summit in Thessaloniki in 2003. Today, it still remains a “potential candidate”. The Agreement on Stabilisation and Association, signed in 2008, came into effect seven years later on 1 June 2015. Any EU political initiatives are carried out with difficulty and under huge pressure. And this despite the fact that in 2007 the High Representative for Bosnia and Herzegovina received an unprecedented management resource – the ability to revoke any decision of the entities and dismiss officials at all levels. On 18 February 2014, after the last round of negotiations on the adoption of the Sejdić-Finci amendments ended in failure, the European path of Bosnia was formally blocked. For almost a year, European politicians were trying to put this back on track. At the beginning of January 2015, during the visit to Bosnia and Herzegovina, the German and British foreign ministers issued a statement that:

this European initiative (the start of the Agreement on stabilization in exchange for guarantees of amending the constitution and accelerating economic reforms - author’s note) is “the last chance” for Bosnia, and that the window of opportunity may close forever. (Jukic 2015)

But all three Bosnian presidents showed virtually no reaction to the warning. Over the past twenty years, regional politicians have learned to perceive the statements of EU leaders as an instrument of pressure, traditionally used when the international community has exhausted all other options. As a result, while the Agreement on Stabilisation and Association came into force from 1 June 2015, this was likely to have been done for the sake of raising the morale of all parties and in honour of the twentieth anniversary of the Dayton Accords. Immediately after this, the leader of Republika Srpska rejected the signing of the EU Action Plan on reforming the state, as it was infringing the interests of his entity. In response to such actions, Johannes Hahn, European Commissioner for European Neighbourhood Policy and Enlargement Negotiations, cancelled a planned visit to Sarajevo. He also said that additional financial funds would be open to Bosnia only in the event of signing this document (Balkan Insight 2015). The report of the European Commission on Bosnia for 2015 is not optimistic about the European prospects of this country. “On January 1, the European
Parliament suspended preferential trade arrangements with Bosnia after the country repeatedly failed to adjust its export quotas to EU levels. A week later, the EU delegation in Sarajevo announced that without releasing the October 2013 census data, Bosnia cannot submit its EU application” (Hronesova 2016). On 15 February 2016, Bosnia and Herzegovina formally applied for membership of the European Union. However, most analysts agree that this move by the Bosnian politicians is associated with the forthcoming local elections of 2016. Contradictory and inconsistent views of the EU are the distinctive feature of European policy in the Balkans. The problem is that in the eyes of the population, Milorad Dodik with his blackmailing stance appears to be more persuasive than his European commissioners. At least, he is succeeding in appealing to supporters who value the traditional and “win–win” slogans of protecting national interests. But if Milorad Dodik continues to stay of the mind that a referendum on Bosnia’s international overseer and the state judiciary should be organized, the consequences for Bosnia and the EU could be unpredictable. Despite the fact that almost all experts believe that Dodik finally will reject the idea of referendum now it seems very dangerous since everyone can see the nationalistic speculations in Bosnia are very high.

That scenario would require a forceful reaction from the US and EU as key guarantors of peace in Bosnia. However, the West has dramatically decreased its military and police powers in Bosnia and could not actually implement any concrete actions against Dodik without boosting its military presence in Bosnia, which is currently only some 400 soldiers. The alternative could be worse, since many Bosniaks have said they will defend Bosnia’s constitutional or territorial integrity, if need be, with weapons. (Panic and Srecko 2015)

For the moment, the European Union has not found the necessary arguments to stop Milorad Dodik’s dangerous initiative completely.

The problem is not that the arguments generally used by the EU do not bring the expected results, but the difficulty lies in a different element. The EU leaders lack a sound and effective strategy for Bosnia and Herzegovina. Their concepts were designed for the Western Balkans as a whole and are fixed in the Copenhagen criteria, and it appears that the EU is not interested in the fact that it is impossible to implement them in Bosnia and Herzegovina in any sphere. This raises another danger: apparently, the EU sees Bosnia as a state with a potentially low risk of destabilisation, which therefore does not require much attention. In fact, 2014 and 2015 clearly demonstrated that the situation in Bosnia was far from stable. The mass protests of spring 2014 and ethnic incidents of the past few years have led to the clear understanding of all parties that Dayton has evolved from an agreement designed to reconcile the parties into a source of constant crisis. “However, the EU continues both to consider BiH as a special case while assuming that the same top-down accession process template that worked for Poland and Malta will work in BiH” (Perry 2015b, 15). As a result, Brussels is much more passionate about threats from, for example, Islamic State or (quite detrimental for itself) confrontation with Russia, rather than recognising threats in its immediate surroundings. However, the situation in Bosnia only gives the appearance of calm. The fact is, twenty years after the war, the leaders of the three ethno-political blocks all use the same rhetoric against each other and the differences between them in many ways have only increased to cause more suspicion. A myriad of administrative levels have overloaded the structure of the state apparatus also intensifying polarisation in Bosnia. Of course, today the Bosnian Serbs, Croats and Bosniaks move freely and safely around the country but they live completely isolated from each other.
As a result, it should be stated that although the internal development of Bosnia is mediated by the fact that no other strategic objectives are proposed for the Balkans, it certainly should continue to be a main priority of foreign policy. The EU needs to work on its objectives, inviting other international players to help develop a strategy. The current goal appears merely to avoid war and it has turned out to be too general and not specific to the needs of Bosnia and Herzegovina. The State has not been able to transform institutions at local, national and regional levels, and this therefore constantly generates potential new conflict. (Mateja 2011)

The international factor in Bosnia and Herzegovina

There are several international forces who have traditional interests in the Balkans. The United States, Russia and Turkey, in addition to the European Union, have clearly articulated political lines. Russia, which is today seen as the main rival, has always positively seen a route for the development of the Balkan countries; however, it has based this on a number of assumptions.

1) Historically, Russia has always been present in the political life of the Balkans. In the nineteenth century, the Russian Empire helped the principalities of the region in their struggle for the attainment of independence. In the twentieth century, some countries of South-Eastern Europe were included in the socialist block. In addition, the USSR actively cooperated with Yugoslavia almost throughout the existence of the latter. Finally, in the 1990s, military actions in Bosnia ceased with the signing of a peace agreement, with the active participation of Russia. Today, stability in the country is also provided by Russia as one of the international guarantors of the Dayton Agreement of 1995.

2) From an economic point of view, despite recognising the former Yugoslav territory as an area of influence of the EU, Russia has never considered there to be an option in which access to these traditional markets would be completely closed. Obviously, the Russian government had a similar vision due to both subjective and objective reasons. On the one hand, in the early twenty-first century, when the potential entry of the post-Yugoslav republics into the EU was identified as a geopolitical reality, Russia wrongly feared the expansion of NATO in the region. The country’s leadership did not consider that the European Union had a rigid regulatory structure, but joining it automatically entails the closure of markets for all those parties who do not follow the existing norms and standards. Since the collapse of the Soviet Union, the Russian leadership has constantly negotiated on rapprochement with the EU. However, it has, in fact, turned out that any positive move forward was inevitably followed, for various reasons, by cooling of relations between Russia and the European Union and, as a consequence, rolled back to the starting positions. As a result, Bosnia and Herzegovina did not come any closer to the creation of a common economic zone, which would offset the problem of the “disappearance” of Russia from its usual zone of economic influence.

3) It is impossible to ignore the fact that Russia has traditionally enjoyed the unprecedented trust of the Serbian and the entire Orthodox population of the Western Balkans states. The country is subjectively psychologically perceived as a “defender
of the Orthodox peoples”. Obviously, looking at the historical past, Russia simply cannot deny that glorious role it offered; it is impossible and wrong. At the same time, over the past two decades, Russia never opposed itself against the Western partners in the Balkan region. The current state of the relationship between Russia and Europe as a result of the Ukrainian crisis is clearly forced upon both sides. Extrapolation of the confrontation in the Balkans is highly undesirable, but, unfortunately, it is possible.

The concerns of the Russian side look quite fair, but in the current atmosphere of mutual mistrust, the European partners see any active participation of other regional and extra-regional players in South-Eastern Europe as a direct threat to their immediate interests. In the case of Russia and Republika Srpska, at times it is exaggerated, potentially inciting the Russian side, which in recent years has been prone to take demonstrative steps in foreign policy and take actions undesirable for the stability and development of the region.

In addition, the regional and global environment poses new challenges for Bosnia and Herzegovina. Neighbouring Croatia and Serbia are being radicalised, albeit quite slowly. Once again emphasising the seriousness of the national issues in the Balkans, it should be noted that in Croatia, “Mrs. Grabar-Kitarovic has become a kind of heir to F. Tudjman, the founder of the modern Croatian state and one of the main participants of the events in the Balkans of the 1990s. This imposes certain image obligations and is fraught with the surge of Croatian nationalism in troubled regions: in the east of the country, in Vojvodina, the Peninsula of Istria, the Croatian part of Bosnia and Herzegovina”? (Pivovarenko 2015). Alexander Vucic, Serbian Prime Minister, de facto keeps all mass media of the Republic under control, which does not help any democratisation or the development of civil society in the country. Russian support for Republika Srpska has increased significantly in the wake of Moscow’s opposition to the West. The strengthening of fundamentalist Islam among the Muslim population of the country is obvious which was not a characteristic of all previous historical periods. Bosniaks, constantly criticised by the EU, feel themselves thrown on the margins. In parallel, Islamic states such as Turkey offer less attractive options in terms of strategy, but more realistic prospects of cooperation.

Due to the lack of focused attention, all these trends in modern Bosnian society represent a new risk of actually undermining European security and the European project itself. In such circumstances, dictatorial EU requirements on technical and formal conformity of the candidates with its standards appear very ill-considered. The desire to push all the other external players away from the Bosnian “field” is even stranger.

Russia’s support of the Serbian population in the whole region in general and in Bosnia in particular is absolutely logical and understandable. Of course, it is only partly about the cultural and religious identity. It so happened that after the collapse of the USSR and the prolonged absence of Russia in the CEE region, Serbia and similar areas of densely populated ethnic groups are the only friendly jurisdictions ready to carry out most Russian initiatives. Republika Srpska occupies almost half of the territory of Bosnia. The loyalty of almost half the population of the international protectorate, the status of which will sooner or later be solved by external forces, is a major card in the hands of the Russian leadership and this card has been actively played.

At the political level, this is expressed in regular meetings at the highest levels. Although it is indicative in nature, the fact that the Russian authorities maintain on a regular basis an
intergovernmental, inter-parliamentary and presidential dialogue with the autonomous part of another country is significant. Of course, some of these meetings are related to the performance of Russian obligations as a guarantor of Bosnian peace, but at the same time by such actions, Russia expresses open support for Serbian initiatives and the political course of the leader of the republic, Milorad Dodik, which is perceived as secessionist by the European partners. Over the past two years, there was one visit by the president – in September 2014, and three visits at the level of Foreign Minister (Sergei Lavrov met with Dodik, in February 2013, July 2013 and March 2014). Regular meetings of Vladimir Putin, Sergei Lavrov and his Deputy Vladimir Titov with Dodik in Belgrade and at international events should also be taken into consideration. In contrast, relations with another entity of Bosnia – the Muslim-Croat Federation – have not changed much.

The excessive strengthening of Russia could lead to the realisation of a guarantee that it should be involved in the possible “redrawing” of the Balkan region. Of course, Russia would be capable of making some moves in foreign policy; but also quite obviously, Russia would not succeed in creating a system that could operate stably for a long time in the Balkans. The situation could potentially worsen if world powers come from the Ukrainian crisis without addressing fundamental Russian interests, and without changing the old rules of the international game, established after the end of the Cold War.

Any strengthening of the Islamic countries in Bosnia is a ticking time bomb for European security. The current policy of the Western partners in respect of this state, and in relation to, for example, Turkey is dangerous. Historically, without considering Bosnia among Muslim countries and seeing it in its place among multinational and multi-religious countries, Europeans failed to notice the penetration of the Saudis into the territory. Today, they are not given much attention. This is one of the most difficult challenges of modern Bosnian society. Fundamentalist Islam has never been a characteristic of Bosnians. However, after the collapse of Yugoslavia and the political, economic and social collapse of Bosnia, the followers of Wahhabism began to penetrate there actively.

Today, they are a source of a low but steady income for everyone who openly declares their loyalty to Islam. Using the hopelessness of the unemployed population of middle-aged and older people, for example offering them a small monthly fee for wearing a hijab or man’s traditional dress, Wahhabi involvement is useful for them and promotes an openly anti-European outlook in young people. In this regard, the continued support of various political forces in neighbouring and influential Turkey may not even lead to the relative democratisation of the latter. On the contrary, with every change in domestic policy, the Republic of Turkey is getting even more radicalised. Having regard to this, its further strengthening in independent Bosnia is not acceptable, but pushing Turkey away is impossible.

**Strategies for resolving the issue of the future of Bosnia and Herzegovina**

The analysis above shows that the central problem of Bosnia and Herzegovina is the dependence of the internal situation on the interaction of international actors. Over the past ten years, many projects to address the problem through constitutional reconstruction (it is believed that this may reduce the role of international factors) have been proposed – from the creation of a unitary Bosnia to dividing the state into cantons modelled on Switzerland and even the division of the country into three main ethnic groups. However, experts rightly wonder whether it can solve the problem of deadlock in development of the country or
bring any fundamental changes (Bieber 2014)? For the most part, none of the proposed scenarios for the future of Bosnia and Herzegovina meets the interests of both citizens and addressing the issues of long-term stable development. There appear to be a number of extreme options which are discussed below.

While the prospect of a project creating a unitary state would satisfy the Bosniaks, it will not, however, serve the interests of either the Croats, nor Serbs, since logically it would cut back the broad autonomy already achieved by them. Therefore, in this event, it can only be “enforced” by international players. If the situation with Milorad Dodik, regarding a referendum and its consequences goes further, the West probably will try to abolish Republika Srpska for the reason that it is now the main aggressor and opposition to a stable and united Bosnia. If this occurs, it will be easy also to satisfy the interests of the Croats in the presence of their close links and with the support of Croatia itself, as well as the historic support of the EU central state – Germany. This scenario is viable, but it is difficult to assess the risks. It is closely related to issues of national honour and pride, and even if today central Serbia is gradually losing its position, the phenomenon of nationalism is complex and almost impossible to predict when the balance shifts. From a legal perspective, Republika Srpska can separate only with the consent of the two other entities. Otherwise it would violate the Constitution of Bosnia and Herzegovina and existing international law, which interprets the right to self-determination and the right to territorial integrity only in conjunction with each other. However, in the last decade, the disregard for the key hypotheses of international law in international relations has been repeatedly demonstrated. Milorad Dodik is appealing for a referendum, which is possible in accordance with the Constitution of Republika Srpska. However, it is not possible at the level of the federal state, taking into account the history of Bosnia and Herzegovina and the Dayton Peace Agreement. The main argument is that Bosnia and Herzegovina has emerged not as a result of unification of the two states, but as a successor to the Bosnian republic within Yugoslavia. Prior to that, neither Serbs nor Croats had their own states in this territory. At the peace negotiations, they were represented by Serbia and Croatia. Today, this is a major historical and legal argument in favour of a unified Bosnia and Herzegovina. In this respect, the debate about the nature of the state of Bosnia and Herzegovina in the legal community is of great interest (Markovic 2012b; Proceedings 2015; Steiner, Ademović, and Buquicchio 2010), particularly the question as to whether Bosnia and Herzegovina is a federal state or a federation of states. The Constitution of Bosnia and Herzegovina adopted in the framework of the Dayton Agreement can be interpreted in two ways. On the one hand, according to Edin Sharchevic, “the sixth paragraph of the Preamble, Art. IX/1, I/a 1, III/2 b, particularly paragraph 3a and X of Annex 4, reinforce the opinion that Bosnia and Herzegovina is a federal state in the constitutional sense. The existence of the Constitutional Court which makes decisions about the entity’s rights, as well as citizenship of Bosnia and Herzegovina are additional factors supporting the idea of a federal state. The opposite view, that Bosnia is a federation of states, is supported by the very poor material competence of the state in relation to its constituents, including the organisation of finance, poorly reformed armed forces (Art. II, V and VIII in connection with Annex 1) together with the partial legal subjectivity of the entity (Article III / 2) and the absence of conflict legislation that would clearly deal with legal conflict in favour of the common state” (Šarčević 2009). It is believed that this ambiguous interpretation of the Constitution of Bosnia and Herzegovina provides an opportunity for the expression of secessionist sentiment. Since May 2015, Milorad Dodik has openly called for the possibility of holding a referendum on the reform
of the judicial system, as well as the mission of the High Representative, not excluding the possibility of the subsequent secession. However, it is most unlikely that it will take place in April 2016, as promised earlier. Dodik has declared the need for reaching a preliminary consensus between the parties, which has not been reached yet. Dodik has already used similar rhetoric to increase his rating among the voters in 2011 and it is probable the same is happening again at the moment. However, in today’s competitive, controversial and explosive international environment, all scenarios are theoretically possible with the support of the international forces. Populist statements by the leader of the Bosnian Serbs with international support can result in real actions.

The division of the state could be another extreme proposal. This option is no more acceptable and potentially even more risky than the first one. Even if we dismiss all the minutiae and argue generally, then if Republika Srpska becomes a part of Serbia and the Croatian enclaves join Croatia, Bosnia with the growing influence of radical Islam will become another Kosovo in Europe. It will be extremely difficult to keep it under any form of control. In fact, none of the great powers are interested in Bosniaks, except Turkey. Thus, in this case, the attention of the EU, US, Russia and others will weaken, and this will inevitably lead to greater criminalization and Islamization of the rest of the country. Furthermore, it is difficult to imagine that such a plan will be of any interest for the European Union.

Finally, the third suggestion is the “cantonization” of Bosnia and creation of a confederation. To put it simply, granting the Croatian areas the status of a canton. This option would seem the most logical, but it is unlikely that the Bosniaks would agree with it. In addition, it will almost certainly lead to the subsequent disintegration of the country. Today, the majority of Serbs from Republika Srpska are citizens of the Republic of Serbia and similarly, the Bosnian Croats have Croatian citizenship and, consequently, are EU citizens. With the necessary support by Germany to grant the Croatian entities subjective rights, the Croatian part of Bosnia would immediately vote to leave the confederation and join Croatia. Central Croatia is not only ready for this, but also encourages such sentiments at the official level. If this scenario is implemented, we shall revert to the outcome of the second plan described above.

Is there a viable option and way out? Hopefully, yes. On the one hand, it is obvious that extremely strong pressure from international players did ensure previously the successful implementation of the Dayton Peace Agreement. The citizens of Bosnia and its authorities have never been able to effectively manage their own country. At the same time in the last ten years, the international community has discredited itself and its policies so much that it has ceased to be an effective force in Bosnia and Herzegovina. On the other hand, it is clear that nothing will change without the serious involvement of the local ruling elites in the process of management in Bosnia. It turns out that only the parallel systematic involvement of all influential international forces in the region (military, diplomatic, political and financial) will be able to change the situation. In the current situation, people of Bosnia and Herzegovina have one thing in common – a dream to have good opportunities, be confident in their future and obtain a developed and efficient infrastructure. The European Union has successful experience in the construction of such societies, such as Estonia, Lithuania, the Czech Republic and Poland. Their formula includes consolidation of political forces and temporary abandonment of their own ambitions in exchange for large-scale and systemic financial injections from the European partners. In relation to the countries of “the fifth enlargement”, the EU managed to start this mechanism of transformation and create generally successful and stable societies. The economic core of the EU, Germany, did not want to spend enough
financial resources for Bulgaria and Romania and the same is occurring now with the Balkan states. However, the political, economic and strategic consequences of negligence in relation to such explosive areas as Bosnia and Herzegovina are much more serious than temporary political extras received from idle flirtation with them. In order not to lose sight of the systematic “drift” of the Balkans in the next large-scale crisis, it is necessary to distribute tasks between the EU and other regional players according to their stabilisation and modernization. Another possible scenario is considered below.

The main role of the international community in shaping the future of Bosnia and Herzegovina, of course, belongs to the European Union. Obviously, it cannot cope with such a challenge on its own. This is illustrated by the internal political and economic situation in Bosnia, as well as the lack of progress in the drive to achieve the latest European standards. Therefore, it is necessary for the EU to move away from a technical fulfilment of the criteria to the actual substantive policies. In the case of Bosnia, initially it is important greatly to enhance the institution of the High Representative. This is a key figure in the country for the EU as this person is given special powers. It requires not only a functionary, but also a very professional and experienced person. The European Union needs a person in Bosnia, who is able to represent and follow not only the line and the interests of the EU, but also of Bosnia and Herzegovina. In addition, the EU needs to develop a policy of balanced involvement of other international actors to solve the problems of modernization of Bosnia and Herzegovina. Today, more or less all influential regional and extra-regional forces are ready.

In general, the situation of controlled chaos in the Balkans is favourable for the US. They are not inclined to get involved in stabilising the region. At the same time, the Americans are unlikely to interfere with the systemic policy of the EU, considering this area a purely European arena.

Modern Turkey is now ready to follow the EU and to act as a mediator in the Balkans. This should be actively supported, preventing any strengthening of radical Islam in Turkey and its subsequent further penetration into Bosnia. Unfortunately, it is not feasible to eliminate the trend of Islamization of contemporary Bosnia completely. However, it is possible to neutralise it to some extent with the reasonable strengthening of Turkey and gradual replacement of the radical elements of Islam with the traditional values of moderate Islam in Bosnia.

For Russia, the Balkan region and Bosnia are of strategic importance but they are not as important as, for example, the former Soviet republics. Therefore, compromises and coherent policies are needed for the reasons outlined above, and they are possible. The crisis in relations between the EU and Russia is only temporary. Attempts to throw Russia out from Europe will just lead to strengthening of authoritarianism and militarism in Russia. For country with such military potential and so bad an economic situation, this is a dangerous challenge. That is why some initiatives from the side of Europe now would be more preferable than further sanctions. It is unlikely to be possible to stabilise relations through cooperation in the post-Soviet area: the Russian side painfully perceives any penetration there. However, success in the Balkans and, most importantly, in Bosnia is key to building a real common policy, a common space and a common force. Foreign partnerships and systemic financial investments are its main components. Bosnians themselves are definitely ready for both at the political level and at the level of public consensus.

Firstly, being a part of Yugoslavia, Bosnia never fought for political or economic leadership, like Serbia or Croatia. Therefore, today the state has no serious political ambitions. Secondly, the economic situation in Bosnia is critical. Massive unrest in 2014 suggests that society is
tired of the inefficient post-war era rhetoric of their political leaders. Bosnians do not have their own resources for rebuilding. The leaders of the entities do not have any other strategy but to agree with any steps in exchange for real and systematic, rather than symbolic and fragmented investments from the EU.

According to the domestic economic policy of the EU, Bosnia and Herzegovina should be “split” by sectors of influence between the countries which have a vested interest. This happened with Latvia, Lithuania and Estonia, the financial system of which was fully supported by the Scandinavian countries. By doing that, they took the economic burden from the “whole” of Europe and solved regional problems. In the case of Bosnia, Austria or Italy, whose trading schemes are directly tied to the Balkan countries may become such donor states. Russia should be attracted to help for a search for compromise with Republika Srpska under reasonable conditions (either energy cooperation or economic dialogue). This is completely not of benefit of but it would favour of all 27 other members of the EU and thus also be important in terms of common union interests. The power of Turkey should be focused on infrastructural projects common and beneficial for Turkey–Bosnia–EU. Unless these conditions are met, the probability that a bomb planted under Bosnia will explode is, unfortunately, very high. The entire European continent will be greatly affected by this, and to let it happen would be a very irresponsible action.

Notes

2. Ibid.
3. Sajt Predsednika Republike Srpskoj. 19.06.2015 Web-site of the President of Republic Srpska. <http://www.predsjadnikrs.net/cy/%D1%9B%D0%B8%D1%86%D0%B0-%D0%BF%D1%80%D0%B5%D0%B4%D1%81%D1%98%D0%B5%D0%B4%D0%BD%D0%80-%D0%BF%D1%83%D0%B1%D0%BB%D0%B8%D0%BA-%D1%80%D0%B5%D0%BF%D1%83%D0%B1%D0%BB%D0%B8%D0%BA%D0%B5-%D1%81%D1%80%D0%BF%D1%81%2>/ (Accessed 12 September 2015).

Disclosure statement

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