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EU policy in Bosnia: Impact and effectiveness

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Abbreviations

CARDS	Community Assistance for Reconstruction, Development and Stabilisation
CFSP	Common Foreign and Security Policy
CSDP	Common Security and Defence Policy
EC	European Commission
ECHR	European Convention on Human Rights
EP	European Parliament
EU	European Union
EUMM	EU Monitoring Mission
EUPM	EU Police Mission
EUSR	EU Special Representative
FBiH	Federation of Bosnia and Herzegovina
FYR	Former Yugoslavian Republic
HR	High Representative
ICG	International Crisis Group
NDC	Nansen Dialogue Center
OHR	Office of the High Representative
PIC	Peace Implementation Council
RS	Republika Srpska (Serbian Republic)
SAA	Stabilisation and Association Agreements
SAP	Stabilisation and Association Progress
UN	United Nations
US	United States of America

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Introduction

'The most violent political riots in Bosnia-Herzegovina since the civil war between 1992 and 1995'¹

Early in February 2014, the newspapers were filled with articles about Bosnia-Herzegovina. After years of silent acceptance of the unstable situation in Bosnia and the high rate of unemployment amongst the Bosnian population, the articles stated that the demonstrators would no longer conceal their dissatisfaction. Government buildings were burning as the protesters wanted the government to listen to the population after being ignored by the authorities for too long.²

Almost twenty years earlier, the civil war in Bosnia-Herzegovina (from now on referred to as Bosnia) was raging. The Western powers, being the United States of America (hereafter the US), the United Nations (UN) and the European Union (EU) were placed in an uncomfortable position by the continuing fighting between the three ethnicities in Bosnia. Promoting peace and democracy, they had been negotiating with the warring parties since March 1992.³ The civil war in Bosnia was one of the most horrific in modern times. The international community began to understand the size of the conflict and the growing number of victims as they met 'setback after setback' in Bosnia and experienced that 'mediation could not work'.⁴ This resulted in even more pressure on the US and the EU to stop the bloodshed. After many failed negotiations, the General Framework Agreement for Peace in Bosnia and Herzegovina, led by the US, was signed on November 21, 1995. The agreement was signed in the American city of Dayton and is therefore known as the Dayton Agreement. It was officially signed in December 1995 by the leaders of the three warring parties: The Serbian president Slobodan Milošević, the Croatian president Franjo Tuđman and the Bosnian president Alija Izetbegović. The Dayton Agreement set up the political structure for Bosnia and its constitution and had a complicated character, being a compromise between the three

1 Leijendekker, M. (2014) In Bosnië vinden de ergste rellen sinds jaren plaats, NRC Next, February 12, 2014

Leijendekker, M. (2014) Bosnië door bloed en geld verscheurd, NRC Handelsblad, February 11, 2014

Lindhout, S. (2014) Bosniërs komen in opstand, Volkskrant, February 8, 2014

2 Nazar, M. (2014) In Bosnië wordt in burgerfora een nieuwe democratie gesmeed, De Correspondent, February

Lindhout, S. (2014) Bosniërs komen in opstand, Volkskrant, February 8, 2014

3 Jung, J. (2012) Power-sharing and democracy promotion in post-civil war peace-building, Democratization, 19:3, p. 486-506

4 Burg, S. & Shoup, P. (1999) The war in Bosnia-Herzegovina, Ethnic conflict and international intervention, M.E. Sharpe, London, p. 189

parties, but with the signing of the Dayton Peace Agreement, the bloodshed was over.⁵ However, with peace as the main priority, with this agreement the US and the EU presented only short-term solutions.⁶

None of the warring parties wanted to lose a say in the new constitution that had to be set up and therefore the peace negotiations remained complex. Although the fighting had ended, Bosnia was still deeply divided. This division in three parties was characterized the same way as it was during the war: by ethnicity. In order to be assured of peace, the negotiators of the Dayton accords took these three ethnicities into consideration while forming a constitution for Bosnia. To be able to do so, the new constitution for Bosnia was formed on the basis of the so called 'power-sharing' approach. This approach assured power for all three ethnic groups, resulting in many different layers of government. Due to this dissension, the structure of the new constitution was cumbersome. Moreover, the country was partitioned into two autonomous entities, the Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska (RS).⁷

The EU's role in Bosnia during the war consisted mainly of financing humanitarian aid. The EU was forming its Common Foreign Policy and the unstable peace in Bosnia was an operation that the EU had no experience in. Because of this, it was a challenge for the EU to react to the tensions in Bosnia.⁸ Whereas the US initially took the leading role in Bosnia, the EU became more involved with Bosnia over the years. Bosnia became a potential candidate state for EU membership, and future plans were made following the creation of this new state. Still, Bosnia's economy was not especially successful, the legal system did not meet the requirements of the EU membership criteria and the issue of the ethnic division could not be solved.⁹ The Dayton Agreement that had put an end to the war made it hard to change the constitution thereafter. The involvement of the EU was necessary in order to reform this constitution and support Bosnia. However, years after the establishment of peace it remains questionable whether the EU's approach towards Bosnia has been effective. The constitution is still divided along ethnic lines; one being the part of the Bosniaks and Croat Bosnians, FBiH, and the other the part of the Serbian Bosnians, the RS. The many EU programmes, like

5 Jung, J. (2012) Power-sharing and democracy promotion in post-civil war peace-building, *Democratization*, 19:3, p. 486-506

6 Burg, S.&Shoup, P. (1999) *The war in Bosnia-Herzegovina, Ethnic conflict and international intervention*, M.E. Sharpe, London, p. 407

7 Efendic, A. e.o., 'Confidence in formal institutions and reliance on informal institutions in Bosnia and Herzegovina' *Economic of Transition*, Volume 19(3) 2011, p. 521-540

8 Juncos, A. (2005) *The EU's post-conflict intervention in Bosnia and Herzegovina: (re)Integrating the Balkans and/or (re)inventing the EU?* *Southeast European Politics*, vol. VI, no. 2, p. 88-108

9 www.europa-nu.nl/id/vh9ifjaxyovy/toetreding_bosnie_en_herzegovina_tot_de: Bosna i Herzegovina

the Stabilisation and Association Agreement as preparation for EU membership and the CARDS framework providing financial aid, that entered into force during the years after the war and that are still in function, have not yet led to Bosnia's accession to the EU. Bosnia is not yet a candidate state, solely a potential candidate state. Despite the EU's involvement in Bosnia and the many programmes it has set up in Bosnia to help Bosnia become more integrated with the EU, this involvement has so far turned out to be insufficient in leading to Bosnia's accession. This leads to the following question:

Research Question

How effective has the EU been in its actions towards Bosnia in the period since the Dayton Agreement?

Questions related to the central question are: how has Bosnia been a subject of debate within the EU? Has the EU acted irresponsibly towards Bosnia? How did the democratisation in Bosnia develop and what was the influence of the European Union on the institutionalisation of Bosnia's constitution?

Aims of the thesis

The main aim of this thesis is to explain the EU's approach towards Bosnia and to discuss the influence of the EU on Bosnia's constitution through a constructivist approach. With this, the limitations of the EU's actions within Bosnia are discussed. It is important to point out that this thesis will not elaborate upon the perspectives on the EU from Bosnian politicians. The literature found on the Bosnian perspective is too unilateral and is hence inadequate to formulate a valid analysis. Therefore, it only analyses Bosnia from an EU perspective, discussing the EU's programmes and approaches towards Bosnia. The aim of these analyses is to explore how effective the EU's actions have been in Bosnia. Because Bosnia is a post-conflict country at the borders of the EU, it is important to learn how the EU deals with this country. Bosnia is in particular interesting case, because the EU used both its hard power and its soft power in order to support Bosnia in its attempt to make Bosnia a member of the EU.¹⁰ Never before has the EU invested so much support and effort into a non-candidate country

¹⁰ Eeas.europa.eu/bosnia_and_herzegovina/index_en.htm

and this makes Bosnia an interesting neighbouring country to examine. From this, there is much to learn about the EU and the interest it has in Bosnia and the EU's policy in neighbouring countries.

How these aims will be realised

With the use of key constructivist concepts that will help to explain the analyses of the EU's actions, the EU's programmes in Bosnia are discussed. These concepts will contribute to the analyses, discussing the EU's identity and the context of both the EU and Bosnia. According to constructivism, the EU is constrained by its structure, and its actions can be best explained from this perspective, because it explains why the EU acts the way it does.¹¹

Dealing directly with EU documents that discuss the approach towards Bosnia will give a clear conspectus of the EU's position towards Bosnia from the EU's perspective. To find out the effectiveness of the EU's actions, analyses will be made of the situation of Bosnia's constitution and the process of EU policy in Bosnia.

Source material to be used

In order to provide a clear overview of the EU's actions in Bosnia and of its effectiveness, both primary and secondary sources are used. The primary sources consist of documents of the main EU institutions, the European Parliament, the European Commission and the European Council. These documents provide the view of the institutions on Bosnia and the way the EU wants to address itself to Bosnia. External perspectives are analysed as well. These will be sources from media, statements of politicians and analysts and academic analyses on the EU's attitude and programmes in Bosnia, as well as on the constitution of Bosnia and EU press releases. These sources will provide an overview of the EU's actions in Bosnia and its goals, enabling the analyses on the effectiveness of the EU policy towards Bosnia.

Justification for this thesis

The EU has been enlarged to 28 members over the last years, rapidly growing since the set-up of the Union. The change of borders of the EU mean that the EU has, over time, had various neighbouring countries, all with their own culture and history. Understanding how the EU deals with the countries on its borders will lead to better understanding of the EU itself.

¹¹ Hopf, T. (1998) *The promise of constructivism in International Relations Theory, International Security*, vol. 23, no.1, p. 171-200

Bosnia is of the EU's interest as it is important for the EU and its security that the situation in the post-conflict countries on the EU's borders is stable. Therefore, now that Bosnia is a direct neighbour, it is in the EU's advantage if Bosnia can develop into a stabilised well-functioning society. Twenty years ago, Bosnia stood further away from the EU's borders and according to Silber and Little (1997) the need for the EU to intervene was not high enough. They write:

“The fate of Bosnia-Herzegovina was the most tragic. The mountains and valleys of this beautiful republic were scarred with the charred and battered towns and villages from which at least half the population had either fled, been expelled, or killed. (...) The Bosnian government had entered the war disastrously ill-prepared. They placed their faith in an international community which, they believed, would not stand by and watch a European country so recently admitted as a sovereign member of the United Nations be wiped off the map. As the realization dawned that the Western world would not come to Bosnia's rescue, the republic's leaders dug in for a long war to redeem lost territory”¹²

That the Western world and therewith the EU came too late to the rescue as the war broke out makes the EU's role after the war even more interesting. This thesis aims to contribute to the understanding of the EU's approach since peace was established towards Bosnia and its policy. The EU has promoted itself as carrier of wealth and prosperity, with democracy, the rule of law and human rights as the main priorities for its foreign policy. The High Representative of the Union for Foreign Affairs and Security Policy Catherine Ashton stated as she succeeded Javier Solana in 2009:

“... the values we hold, above all peace and prosperity, freedom and democracy, the rule of law and the universality and indivisibility of human rights. (...) I have seen the strength of the common voice of the European Union on the world stage. The reputation of the European Union is a good one, based on our strong values. Our commitment to the multilateral system of

¹² Silber and Little (1997) Yugoslavia, death of a nation, Penguin Books, p. 386

*global governance through the UN and other bodies is clear. We already speak with conviction and clarity on the major challenges that face us (...)*¹³

This thesis aims to shed a different light on the EU's international relations than the EU carries out itself, claiming the EU's programmes are effective. By using words such as 'strong' when mentioning Europe's values, Ashton shows the conviction in the EU's effectiveness in global governance. The intention is not to bring forth a solution for the problems of Bosnia or to blame one of the actors for the instability still existing in Bosnia. It will analyse the leading research that has been performed under the influence of the EU on the democratisation process in Bosnia and the EU documents on Bosnia from a constructivist point of view. With this it endeavours to contribute to the understanding of Bosnia and the EU's policy towards a post-conflict country on its borders.

Chapter outlines

1/ Theoretical framework

In the first section of this thesis the utilized methodology for this thesis will be elaborated. For this thesis constructivism is used for analysing the EU's actions. First, an understanding of constructivism will be given. Next, the used concepts will be discussed. What is meant by Europeanisation, democratisation and other concepts? This involves discussing the academic debate on these issues and the different views.

2/ Bosnia within the EU

The second section will look into the developments within the EU considering Bosnia. To what extent has Bosnia been a topic of discussion within the European Parliament, the European Commission and the European Council? Has there been enough capacity within these institutions to support Bosnia? The debates on Bosnia will be analysed, linking it to constructivism. Finally, the criticism of the EU will be discussed to show on what points the EU's actions have not yet been sufficient.

3/ The EU within Bosnia

The third section will describe and analyse what has been done by the European Union

13 European Commission - SPEECH/09/567 02/12/2009

in Bosnia. It will discuss the attitude of the European Union towards Bosnia since the Dayton agreements. The question of whether or not the attitude of the EU towards Bosnia has been legitimate is extensively discussed by many authors. However, it seems the authors writing about Europe's approach towards Bosnia seem unanimous in their opinion that the EU's approach in recent years has been inefficient.

4/ The democratisation process of Bosnia

In the fourth section the development of the democratisation within Bosnia will be discussed. An analysis will be given of the current power-sharing democracy in Bosnia. The question arises of how much more the West could have done, but also of whether the West could be blamed for the slow development of Bosnia's democratisation. In the early 1990s, as the EU was becoming more united in order to avoid another war, it was faced with the bloody war in Bosnia. Yet, little was done to prevent escalation. Finally, the present state of the country will be discussed because changes from within the population seem to be on the way, as is noted from the demonstrations in early 2014.

Chapter 1 - Theoretical framework

The analyses made in this thesis will be explained through the perspective of social constructivism. The constructivist approach is most suitable, especially for international relations, because constructivism assumes that the identities of actors, here states, are a variable and depend on historical, cultural, political and social context.¹⁴ According to constructivists the world is 'constructed' by social actors and can therefore also be changed by social actors.¹⁵ Constructivism is often used to explain conflicts and shows which norms actors adhere to. It also explains the actions of actors following these norms. Not only can constructivism be used in explaining a situation of conflict, but it can be used for peace building missions as well. According to constructivism, the EU can only act from its own norms and identity.¹⁶ To explain the relationship between the EU and Bosnia and how effective the EU's actions have been, it is important to understand why the EU acts the way it acts and in what context. For this, constructivism in the international relations is important when considering the EU, because social constructivism assumes that norms and values can lead an actors behaviour and therefore also in international relations.¹⁷ This is exactly what the EU is built upon; the idea that championing certain norms and values will compel other states to believe in them as well, because it can be seen that these values have worked within the EU, where no country has been at war with each other since the formation of the Union. From this aspect, the EU has linked its power to its norms and values. These norms and values have become its identity and it can therefore only act from them. This has led to an EU policy in Bosnia that is based upon democracy, human rights and the rule of law. Other than the realist conceptualisation, constructivism includes all kinds of context and influences to help explain the behaviour of actors. To demonstrate the choice for analysing the EU's actions in Bosnia from a constructivist point of view, the background of constructivism is discussed and the realist approach versus the constructivist is elaborated upon.

Realism versus Constructivism

To explain the importance of constructivism in international relations, it is necessary to

14 Hopf, T. (1998) The promise of constructivism in International Relations Theory, *International Security*, vol. 23, no.1, p. 171-200

15 Barnett, M. & Duvall, R. (2005) *Power in global governance*, New York: Cambridge University Press, p. 268

16 Charles-Philippe, D. (2001) Alice in wonderland meets Frankenstein: constructivism, realism and peacebuilding in Bosnia, *Contemporary Security Policy*, vol. 22, no. 1, p. 1-30

17 Barnett, M. & Duvall, R. (2005) *Power in global governance*, New York: Cambridge University Press, p. 260

discuss its background. For this background, the realist perspective has to be elaborated, for it explains the emergence of constructivism. The realist approach in international relations does not acknowledge the concepts of norms and values, but was built on the idea that the actions of states were driven solely by the states' self interest and material power.¹⁸ Looking at conflicts or the behaviour of actors in international relations from the realist point of view is based on factual arguments, not considering an actor's identity. Charles-Philippe (2001) explains it clearly:

“The realist begins with a rational and non-subjective interpretation of causes and factors underlying conflicts, such as the existence of an expansionist state, processes of fragmentation and polarization, the pursuit of contradictory interests by societies or states, the desire to protect or gain territory, and assistance to allies. Just as naturally as a forest fire results in destruction and regrowth, conflict is an age-old natural phenomenon. Ethnic confrontation is a form of conflict that is nevertheless governed by the same logic as conflict between states. Fearful of being weakened, marginalized or destroyed, an ethnic group, spurred by leaders seeking to conserve or enhance their power, attacks one or more other groups.(...) The cycle of conflict between ethnic groups seems to exhibit the same pattern as that between states: fragmentation of interests and polarization of power lead to non-violent confrontation and then to armed conflict, which is resolved and followed by a transition period (marked by victories and defeats), which itself gives rise to subsequent conflicts.”¹⁹

When looking at the conflict in Bosnia from a realist point of view, there are several facts to be considered. After the death of Tito the ‘fragmentation of interests and polarization’ between parties developed. Thereby, there was a group that attacked and a group that was attacked, on several levels. There were allies, but this was out of self-interest with the only justification for supporting one another was avoiding a loss of power. According to realists,

18 Hopf, T. (1998) The promise of constructivism in International Relations Theory, *International Security*, vol. 23, no.1, p. 171-200

19 Charles-Philippe, D. (2001) Alice in wonderland meets Frankenstein: constructivism, realism and peacebuilding in Bosnia, *Contemporary Security Policy*, vol. 22, no. 1, p. 1-30

there is no reason for a stronger ally to conclude an alliance with a weaker one.²⁰ The realist approach is applicable to any conflict, but is not considering the relations between countries based on collective history or identities of countries. This means that realism when explaining actors behaviour proves insufficient. Realists explain only superficially the source of conflicts or, as is useful here, of peacebuilding missions. It only became clear that the realist's way of explaining international relations failed to fully explain the complexity of conflicts after the end of the Cold War. Whereas until the Second World War the realist approach was the common theory to explain conflicts, with its focus on material, economic and military power, the view on conflicts had to change in the post-WW2 era as former colonies revolted against European countries. Without arguments that include interpretation or identity, the postcolonial conflicts could not be explained. Realist explanations of international relations were proving to be insufficient in fully explaining the contemporary world order, especially after the collapse of the USSR. Guzzini (2000) explains what happened in Europe:

*"Particularly relevant for International Relations has been the sudden self-awareness of the (European) international society that it is only a particularistic one despite its global expansion during the 19th century. It could no longer assume or impose its rules as being universally shared. (...) More profoundly, decolonization reminded Western powers that the rules of this international society were not only made by them, but for them. The arrival of the 'Third World' on the international scene made it impossible to overlook the fact that the international system was ruled in a way which had little to do with liberal principles, and that the story of economic progress had forgotten several parts of the world."*²¹

The Western powers thus became aware of the fact that they had an identity that could differ from other countries. With the constructivist approach it was possible to explain how it had been possible that conflicts emerged for it considered many more details than just the state's self-interest. In the Bosnian conflict elites made use of concepts like identity and 'constructed' a new identity to turn the population against each other. This was done by, for

20 Charles-Philippe, D. (2001) Alice in wonderland meets Frankenstein: constructivism, realism and peacebuilding in Bosnia, Contemporary Security Policy, vol. 22, no. 1, p. 1-30

21 Guzzini, S. (2000) A reconstruction of constructivism in International Relations Theory, European Journal of International Relations, vol. 6, no. 2, p. 147-182

example, emphasizing the greatness of Serbia and to underline the mistreatment of Serbs by Bosniaks, forcing people to choose an identity.²² The conflict in Bosnia was therefore not built on state power, but on identity differences that were emphasized by the elites, making the reason for war ‘*society and the individuals who make it up.*’²³

According to constructivists, the EU’s actions can be explained by its identity and its norms and values. To support a post-conflict country in rebuilding its society and to prepare for EU membership, the EU can only act from its own identity, linked on norms and values as democracy, human rights and the rule of law. However, the problems that occur in the EU’s approach towards Bosnia came about different identities, the EU not speaking with one voice, Bosnia not speaking with one voice and the effectiveness of this approach will therefore be analyzed. This will be further discussed in explaining some of the concepts used.

Conceptualisation

To examine the influence that the EU has on the democratisation of Bosnia, the EU’s attitude towards the Balkan country has to be drawn. Since the end of the war in 1995, the EU has been occupied with supporting Bosnia to prepare for EU membership. Europeanisation of Bosnia seems to be the task the EU has set and its attitude would therefore be one of ‘Europeanising Bosnia’. The EU’s attitude towards Bosnia can be explained through different approaches and concepts. As described by Hopf (1998) the attitude of an entity, here the EU, can be explained that it acts a certain way, because this is in its structure. The identity of the EU exists only by intersubjectivity, meaning that it is constructed and exists because it is recognized by others this way as well. According to Cooley (2013) the approach of the EU is the same as its approach towards any post-conflict country, where, as he sees it, Bosnia is a case.²⁴ Having the same approach towards Bosnia as towards any other post-conflict country, shows that the EU acts from its structure, from where it is expected to act from, being linked to the EU’s identity. However, with this the EU only acts from its own norms and values, lacking a fuller consideration of the identity of Bosnia and what kind of approach is needed. Although Cooley states that the EU should have acted differently towards Bosnia, Domm (2011) argues there has not been another way for the EU to act. This argument is in line with the constructivist idea that the EU can only act from its own identity, resulting in the fact that

22 Silber and Little (1997) *Yugoslavia, death of a nation*, Penguin Books,

23 Charles-Philippe, D. (2001) *Alice in wonderland meets Frankenstein: constructivism, realism and peacebuilding in Bosnia*, *Contemporary Security Policy*, vol. 22, no. 1, p. 1-30

24 Cooley, L. (2013) *The European Union’s approach to conflict resolution: insights from the constitutional reform process in Bosnia and Herzegovina*, *Comparative European Politics*, vol.11, no.2, p. 172-200

only way the EU can act differently towards Bosnia is by changing its identity. Domm does argue that the attitude of the EU could change, by changing the EU itself.²⁵ Even with an identity which structures the EU and its actions, this identity is able to change. Social reality and identity is made ('constructed') by social actors, member states, and is therefore a variable, which makes it possible to change.²⁶ However, a structure is hard to break and when convinced of one's strong values, as does the EU, the approach of Europeanizing Bosnia was expected to be the right approach towards Bosnia to develop an independent and stable state. But what does this Europeanisation mean? According to Buller and Gamble (2002) Europeanisation is a concept where academics cannot seem to agree upon a standard definition, and therefore it has many explanations and meanings.²⁷ Radaelli (2002) explains Europeanisation as follows:

“Europeanisation consists of processes of (a) construction (b) diffusion and (c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, ‘ways of doing things’, and shared beliefs and norms which are first defined and consolidated in the EU policy process and then incorporated in the logic of domestic (national and sub national) discourse, identities, political structures and public policies.”²⁸

Here, Radaelli explains Europeanisation as being a collection of processes to implement rules and procedures to do things the European way. These norms and values, the European way of 'doing things', are first defined in the EU policy process. Radaelli's description of Europeanisation is shared within the EU, as it is 'incorporated in the logic of domestic discourse'. These processes define the EU's identity and therewith its structure. From this structure, the EU acts the way it does. His choice of the use of the word 'logic' is remarkable for it assumes that the EU with its 28 members knows and agrees upon an overall feeling of Europeanisation and, after the shaping of the European norms, that this is then easily adopted. The EU is seen as an actor with 'one voice' as Radaelli possesses a rather positive definition of Europeanisation. Europeanisation is not only defined as a process that occurs solely within

25 Domm, R. (2011) Next steps on Bosnia-Herzegovina: key elements to a revised EU strategy, *Southeast European and Black Sea Studies*, vol. 11, no.1, p. 53-67

26 Hopf, T. (1998) The promise of constructivism in International Relations Theory, *International Security*, vol. 23, no.1, p. 171-200

27 Buller and Gamble (2002) Conceptualising Europeanisation, *Public Policy and Administration*, vol. 17, no. 2, p. 4-24

28 Radaelli, quoted in Grabbe, H. (2002) *Europeanisation goes east: power and uncertainty in the EU accession process*, Centre for European Reform, London

the EU; it can also be applied to candidate countries or, as is the case here, potential candidate countries like Bosnia. Whereas Radaelli's definition of Europeanisation is described particularly from the perspective of the consideration of national states within the EU, Majstorović (2007) gives the definition for Europeanisation as 'imposed on Bosnia.'²⁹ He describes it as an approach of the EU towards Bosnia, defined by the High Representative of Bosnia (HR). He criticises the HR for its attitude towards the Bosnian people. According to Majstorović, Europeanisation is a construction of the EU for it to impose upon the Bosnian people. He states that:

*"Europeanisation was constructed as a mythic paragon for Bosnia, a quintessence of much-needed democracy enforced through persuasive political communication strategies of representation and misrepresentation, legitimization and coercion."*³⁰

According to Majstorović, Europeanisation is constructed by the Office of High Representative (OHR) to define a certain 'us' against 'them', where 'us' means the Western powers being the EU, NATO, OHR and 'them' means the Bosnian people. The creation of these two groups, the 'self' and 'the other' that is described by Majstorović is created to construct the EU's actions by explaining their motives in Bosnia with subjective parts of its identity and the identity of the 'other' being Bosnia. This is evident in the statement of HR Wolfgang Petritsch who is quoted by Majstorović. Petritsch describes here what he feels is the essence of Europeanisation:

"The Austrian author and Balkan expert Karl-Markuss Gauss recently stated critically: 'The Balkans as a pejorative term have returned to themselves, and among the Balkan nations there is a competition over which belongs to the Balkans, which means is lost, and which one has managed to escape the dirt, corruption and hatred of the Balkans and can be counted as a part of Europe, that means of civilization.' This also goes for Bosnia and Herzegovina... I believe this is the only way in which BiH can become a democratic, self-

29 Majstorović, D. (2007) Construction of Europeanization in the High Representative's discourse in Bosnia and Herzegovina, *Discourse and Society*, vol. 18(5) p. 627-651

30 Idem, p. 629

sustaining and self-confident state. This is the essence of Europeanization.”³¹

With this quote Majstorović wants to show the negative context that Bosnia is placed in by the OHR in comparison with the positive context within which the EU is seen. Here, Europeanisation is associated with the EU’s identity being ‘democratic, self-sustaining and self-confident’. The attitude of EU towards Bosnia can be explained by this speech; the EU as carrier of civilization and Bosnia as a place of ‘dirt, corruption and hatred’. This country has to be saved by the ‘good’ EU, Europeanisation as spreader of civilization, it seems that Petritsch is saying here. According to Juncos (2012) Europeanisation is imposing the EU’s norms and values on a country, but solely the impact the EU can have on a country, either negative or positive. Literally, Juncos states that Europeanisation is: “*the various ways in which institutions, processes and policies emanating from the European level influence policies, politics, and polities at the domestic level.*”³² Europeanisation is thus, as Juncos describes it, the influence that Europe has on external factors. Anastasakis (2005) gives a definition of Europeanisation as well, describing it as a broad concept:

*“Europeanization is a means and an end; it is a method as well as a substance; it is a project and a vision. It signifies a certain political, socioeconomic, and cultural reality, but it is also an ideology, a symbol, and a myth. It has a universal value by virtue of its historical, holistic, and globalizing nature. At the same time, its impact has internal consequences for Europe and an external significance for the rest of the world. Europeanization acquires different meanings in the different countries, it means structural transformation and modernization; for the more developed and richer countries, it is a smooth process of steady reform and adjustment. The latter countries have a greater impact on the meaning and substance of Europeanization, while the former have limited power to affect its course.”*³³

To keep it specific to Bosnia and the influence the EU has on the constitution of the country, Europeanisation here is described as ‘structural transformation and modernization’ for the

31 Idem. p 631

32 Juncos, A. (2012) Member state-building versus peacebuilding: the contradictions of EU state-building in Bosnia and Herzegovina, East European Politics, 28:1, p. 58-75

33 Anastasakis, O. (2005) The Europeanization of the Balkans, Brown Journal of World Affairs, vol. XII, issue 1, p.77-87

poorer countries at least. Here, Anastasakis also gives a positive explanation to the concept of Europeanisation, using words such as 'ideology', 'symbol' and 'myth'. As well as Radaelli, he gives several meanings to one concept, showing that Europeanisation is not easily used as a fixed definition. For Bosnia Europeanisation would mean, according to Anastasakis, reformation of the domestic structures and the move towards a more modernized society. This is similar to Petritsch's speech, explaining Europeanisation as a reality as well as an ideology, about the EU's norms and values like democracy, human rights and rule of law, aspects that Bosnia failed to build up on its own and therefore has 'limited power to affect this course'. This is equivalent to the delineation Tzifakis (2012) gives of Europeanisation. Tzifakis refers with Europeanisation to EU-isation, meaning that the concept of Europe is used as a euphemism for the EU. He states that the EU tries to transform the applicant country's (here Bosnia) 'domestic structures and policies.'³⁴ This means imposing the EU's identity onto Bosnia. Imposing one's identity is however contradictory to democracy and other norms the EU stands for. Here, the principle of conditionality is used. As Grabbe (2002) describes, Europeanisation of Bosnia is not only setting up a constitution after an EU model, but also includes the 'added dimensions of conditionality and accession negotiations.'³⁵ The principle of conditionality is therefore a part of Europeanisation. This is an important part of the conceptualisation of Europeanisation and will be further discussed below.

Where Europeanisation is generally used as a concept with a positive explanation, spreading the EU's norms and values, democracy, human rights and rule of law spread over Europe, in particular Majstorović here outlines the negative sense the word entails, presenting Europeanisation by the OHR as 'a change to normality presupposing an abnormal Bosnia'.³⁶ As Europe defines itself as standing for the more democratic and self-confident state, Bosnia is therefore assumed to be the opposite, being weak and undemocratic. The policy of the EU having the Europeanisation approach can therefore only be applied when there is a principle of conditionality involved, for the country needs to take over these 'positive' norms and values that constitute the EU. The EU needs to set conditions to Bosnia, and to reward the country with EU membership if it applies these conditions. This is the only way the EU can stay true to its identity because it will not force Bosnia, but instead support it in the development of the Europeanisation process. With the use of the principle of conditionality,

34 Tzifakis, N. (2012) Bosnia's slow Europeanisation, *Perspectives on European politics and society*, vol. 13, no. 2, p. 131-148

35 Grabbe, H. (2002) *Europeanisation goes east: power and uncertainty in the EU accession process*, Centre for European Reform, London

36 Majstorović, D. (2007) Construction of Europeanization in the High Representative's discourse in Bosnia and Herzegovina, *Discourse and Society*, vol. 18(5) p. 627-651

the EU gives Bosnia, the weak 'other' the possibility to take over this identity with shared norms and values as democracy and the rule of law. Wichmann (2004) underlines that the principle of conditionality is one of the concepts of EU policy towards Bosnia and is a part of Europeanisation. Wichmann argues that the EU's policy towards the Balkans is made out of two concepts, stating:

“Two instruments have shaped the policy of the European Union in this region for at least five years now and lie at the core of the EU's policy approach towards the region: the regional approach and the principle of conditionality.”³⁷

The principle of conditionality used by the EU towards Bosnia is explained here as the EU setting conditions for Bosnia. These conditions are set in line with the norms and values of the EU, inter alia being setting up a democracy and respecting human rights. Conditionality is described by Schimmelfennig and Sedelmeier (2004) as a strategy of 'reinforcement by reward'. This means that reward is given to Bosnia under the right circumstances and conditions: if the government adheres to the conditions it gets rewarded, if not, the reward is withdrawn. Schimmelfennig and Sedelmeier distinguish two kind of conditionality: democratic conditionality and *acquis* conditionality. Democratic conditionality is the fundamental norms and values of the EU, like liberal democracy and taking into account the protection of human rights, whereas *acquis* conditionality is the conditions listed in the *acquis communautaire*.³⁸ To accomplish real change within Bosnia, the EU has to address these conditions not only to the Bosnian authorities. As Brljavac (2011) states that EU conditionality needs to be visible to Bosnian citizens in order to strengthen support for reforms.³⁹ Now that the conditionality is only presented to the Bosnian politicians, it will not be able to be strong enough as a power by itself to obtain reforms. These Bosnian politicians are obtaining power by holding on to identity based on ethnicity differences. Exposing other aspects of Bosnia's identity not based on ethnicity or religion would weaken the power of the nationalist leaders. The content of EU conditionality for Bosnia is presented by Brljavac in

37 Wichmann, N. (2004) European Union and the Southeastern Europe- a clash of the principle of conditionality and the regional approach, UDK 339.923:327 (4) Biblid 0025-8555,56, vol. LVI, br. 1, p. izvorni naucni rad

38 Schimmelfennig, F and U. Sederlmeier (2004) Governance by conditionality: EU rule transfer to the candidate countries of Central and Eastern Europe, Journal of European Public Policy, 11:4, p. 661-679

39 Brljavac, B. (2011) Examining the (non) influence of the European Union in Bosnia and Herzegovina: has a Europeanisation process failed? Contemporary European Studies, 2/2011, p. 87-105

another article:

1. The Copenhagen Criteria;
2. The 1997 Regional Approach and the 1999 SAP;
3. Country specific conditions to be met before entering the SAA negotiations and the CARDS framework;
4. Conditions related to individual projects and the granting of aid, grants or loans;
5. Conditions that arise out of peace agreements and political deals.⁴⁰

Although these five points seem much more extensive than only the Copenhagen Criteria which are used for candidate countries, the principle of conditionality for Bosnia according to Dziejulska (2010) is limited. The main reason for this is that it is set in the constitution of Bosnia that politicians disagree rather than cooperate, because the government is led by the same (nationalist) parties which faced each other in the war.⁴¹ The principle of conditionality should contain, according to Dziejulska, a change of constitution. According to the authors Džihic and Wieser (2011) EU conditionality towards Bosnia is characterised by two sorts of conditionality: the political conditionality and the EU democratic conditionality.⁴² The political conditionality is the same as for all member states or candidates: the Copenhagen Criteria. The democratic conditionality is based upon ‘the principle of own merits’⁴³ meaning that it is shaped for the country it is dealing with specifically. These concepts are renamed, but are basically the same as the allocations that Schimmelfennig and Sedelmeier make. Džihic and Wieser argue that EU conditionality within Bosnia faces problems, due to the constitution of Bosnia being divided along ethno-nationalist lines, in line with Dziejulska:

“...on the one hand, national leaders give a commitment to EU accession and its conditions (for example, police reform), yet use the negotiations to block the work and efficiency of state institutions and polarise the public along well-established ethno-nationalist lines. Using ethno-nationalist logic hides the lack of substantial reforms, corrupt practices and an adherence to ‘reserved

40 Brljavac, B. (2011) Europeanisation Process of Bosnia and Herzegovina: Responsibility of the European Union? *Balkanologie*, vol. XIII, no. 1-2

41 Dziejulska, A. (2010) An impossible pasodoble: the EU and Bosnia today, *Centre of Europe*, University of Warsaw, 13/2010

42 Džihic & Wieser (2011) Incentives for democratisation? Effects of EU conditionality on democracy in Bosnia and Herzegovina, *Europ-Asia Studies*, 63:10, 1803-1825

43 Idem.

domains'. Because the structures of the Dayton Peace Agreement lead national leaders in BiH to operate along ethno-nationalist lines, they continuously undermine statehood in the country. Therefore EU conditionality has limited potential to strengthen democracy in BiH due to its reliance on formal structures and nationalist elites.”⁴⁴

They state thus that EU conditionality is not suitable to for Bosnia in this situation, even though Bosnia is a (potential) candidate country. Another author, Bieber (2011) also states that EU conditionality is limited when it comes to Bosnia. Bieber argues that the EU conditionality as part of Europeanisation is not the right approach towards Bosnia, for instead of membership requirements, Bosnia needs a state builder.⁴⁵ Bieber notes that ‘the clarity of conditionality’ is further clouded by ‘enlargement fatigue’ within the EU. This means that the EU has enlarged too quickly and has lost its enthusiasm for spreading Europeanisation over the rest of Europe. However, it is in the EU’s interest to have stable countries at its borders and the way to achieve this is with the Europeanisation of Bosnia, using the principle of conditionality. An important aspect of this is the democratisation of Bosnia, for this is one of the core concepts from which the rest of the EU’s values such as human rights and the rule of law are built upon. Therefore, democratisation of Europe can be described as one of the main tasks of the EU, for it is the force of its normative power. Democratisation is consequently an important concept for this research as well.

Democratisation is described by Chandler (1998) from NATO’s perspective of democratisation. He states that the NATO defines democratisation very comprehensively:

“...covering the broad range of new peace building priorities, ‘top-down’ international regulation of elections, institutional development, and economic management, and also ‘bottom-up’ assistant to develop a democratic political culture through civil society-building.”⁴⁶

44 Idem.

45 Bieber, F. (2011) Building impossible states? State-building strategies and EU membership in the Western Balkans, *Europe-Asia studies*, vol. 63, no. 10, p. 1783-1802

46 Chandler, D. (1998) Democratization in Bosnia: the limits of civil society building strategies, *Democratization* vol. 4, no. 4

Chandler describes democratisation as being much more than just organising elections every few years, because he realises that there is:

“the need for the consent of the governed, the accountability of policies to the electorate, the opportunity for participation in decision-making, and for the decision-making process to be transparent.”⁴⁷

The description Chandler gives here of democratisation is thus not just elections and a possibility for citizens to vote. Important aspects that cannot yet applied to Bosnia as the transparency of a government in a country and the need for the consent of the governed show that the democratisation progress in Bosnia is still at an early stage. As Chandler describes it, democracy is not easily adopted or imposed as the democratisation of Bosnia by the EU is showing. Democracy is explained by Jung (2012) for post-civil war countries:

“Democracy is generally conceptualized as a political regime in which key executive and legislative seats are filled by contestants elections and open participation. In the post-civil war context, it should also mean a democratic regime sustained by the country’s own citizens, not by external actors.”⁴⁸

Again, the importance of the country’s citizens is outlined, for a democracy can only work optimally when the citizens are supportive and it is not imposed on the people. Be that as it may, taking the Bosnian population in consideration, it only has the possibility to vote for the parties that consist. The main parties in Bosnia are nationalist parties, still using aspects of ethnicity to focus on the differences in identity. As Charles-Philippe puts it:

“The norms of justice, democracy and the free market can have no meaning in circumstances of scapegoating and demagoguery by dictators who take advantage of crises to further their own ends”.⁴⁹

47 Chandler, D. (1998) Democratization in Bosnia: the limits of civil society building strategies, Democratization vol. 4, no. 4.

48 Jung, J. (2012) Power-sharing and democracy promotion in post-civil war peace-building, Democratization, 19:3, p. 486-506

49 Charles-Philippe, D. (2001) Alice in wonderland meets Frankenstein: constructivism, realism and peacebuilding in Bosnia, Contemporary Security Policy, vol. 22, no. 1, p. 1-30

The progress of democratisation can therefore never develop if the EU's approach towards the Bosnian politicians is one of imposing its norms and values like democracy on the authorities. It can use the principle of conditionality, but without transparency of how these conditions are implemented, the EU's actions will lead to a deadlock. The goals the EU has set for Bosnia since the end of the war and today are far apart. With the Dayton Agreement, a democracy was set up with a different priority. The first, and main, priority was ending the fighting and a short-term resolution had to fulfil this priority. The democracy set up from this was imposed to stop the war. Therefore it was set up with a power sharing approach, the only way the agreement could be signed at the time by all parties. According to Zahar (2001) the only way a power-sharing approach can work is when 'parties provide each other with mutual assurance against potential marginalization.'⁵⁰ Her definition of power-sharing is:

*"A set of institutions that aim to address the problem of credible commitment by ensuring 'inclusive decision-making, partitions decision-making, predetermined decisions, or some combination of these.' Inclusive decision-making addresses the fear of marginalization or exclusion that parties to a peace settlement often experience in the early stage of war-to-peace transitions."*⁵¹

This is applicable to Bosnia, for this power sharing approach was the only way for Bosnia to obtain a peace agreement. However, the power sharing approach is still used for it is recorded in the constitution of Bosnia. This power sharing constitution, as set up in the Dayton Agreement, is highly criticised by Jung (2012) who states that power sharing is likely to function as an institutional barrier to the establishment of democracy.⁵² Jung argues that short-term peace-making and long-term democracy promotion are conflicting objectives, especially when the conflict ends by external mediation that imposes power-sharing institutions. According to Jung power-sharing is for Bosnia nothing more than a short-term solution of the international community, which was required in order to initiate negotiations to make peace deals.⁵³ Furthermore, Jung argues power-sharing is likely to delay democratisation in the long-run. As the EU not requiring a change of constitution it means that the EU is not interested in

50 Zahar, M. (2001) the limits of power-sharing in post-civil war settings, Department of political science, Montréal

51 Idem.

52 Jung, J. (2012) Power-sharing and democracy promotion in post-civil war peace-building, *Democratization*, 19:3, p. 486-506

53 Idem.

long-term solutions, for it set up a power sharing institution in Bosnia that, according to Jung, can only delay the process of democratisation. Blocking the process of democratisation is stopping the Europeanisation of Bosnia. Cooley (2013) confirms this contradictory approach of the EU stating that the EU does not intend to reform the constitution of Bosnia, but tries to handle Bosnia as a conflict-affected neighbouring country.⁵⁴ At the same time the EU approaches Bosnia as European and future member state.

Europeanisation in this research will be used as meaning the structural reforms Bosnia has to adopt in its constitution in line with the EU model. This EU model means not only having a democracy with the associated elections, but also a democracy open for everyone to access and a constitution that takes into account the human rights of all its citizens. Europeanisation here consists of the two main concepts discussed above; the principle of conditionality and democratisation. The EU's actions in Bosnia are to come to this Europeanisation. According to the constructivist approach, the EU can only handle negotiations from this starting point, as it is derived from the EU's norms which form the basis for its political structure and outlook. The EU's identity consisting of spreading democratisation and its norms and values means that it approaches Bosnia from a one-sided perspective, not taking into consideration the Bosnian identity and perspective. To examine if this Bosnian identity emerges from EU policy, the next chapter will elaborate upon the way Bosnia is discussed within the European institutions.

⁵⁴ Cooley, L. (2013) The European Union's approach to conflict resolution: insights from the constitutional reform process in Bosnia and Herzegovina, *Comparative European Politics*, vol.11, no.2, p. 172-200

Chapter 2 - Bosnia within the European Union

*'The EU has achieved far more through its gravitational pull than it could ever have done with a stick or a sword.'*⁵⁵

In 2006 the European Commissioner for Enlargement, Oliver Rehn, made a statement in a speech about European security, saying that: *'enlargement has proven to be one of the most important instruments for European security.'*⁵⁶ From these words it can be concluded that Rehn is very confident in the capacity of the EU to stimulate reforms based solely upon the attractiveness of EU membership. However, basing its power on attractiveness means that the EU acts from a simplified perspective. This can result in an ineffective approach towards Bosnia, not being able to support Bosnia in its progress to Europeanisation, because it does not take into consideration the Bosnian perspective. Before the Bosnian war, in 1991, European Commissioner Jacques Poos stated that it was 'the Hour of Europe', meaning that it was the responsibility of the EU to act in the Yugoslavian crisis.⁵⁷ The reason for Poos to refer to the responsibility of the EU considering this crisis was the opportunity the EU had to spread its norms and values on world stage. From a constructivist point of view, with a crisis so close to its borders, the young EU, with its promotion of peace and stability, was put in a difficult position. The structure of the EU results in the expectation that the EU will act for it defends its norms and values and the human rights worldwide. At the same time, this structure constraints the EU to act effectively in the conflict country that heavily differs from itself, for it can only act from its own identity carrying these norms and values, resulting in ineffectiveness.

World context in the 1990's

In November 1989 the Berlin Wall fell and soon after, for the first time in 28 years, East and West Germany were united again. The political situation in Europe changed radically. The decline of communism and the fall of the Soviet Union at the end of 1991 changed the

55 Juncos, A. (2012) Member state-building versus peacebuilding: the contradictions of EU state-building in Bosnia and Herzegovina, *East European Politics*, 28:1, p. 58-75

56 Idem.

57 Alan Riding (1991) Conflict in Yugoslavia; Europeans Send High-Level Team, *The New York Times*, June 29, 1991, at <http://query.nytimes.com/gst/fullpage.html?res=9D0CE0DF143CF93AA15755C0A967958260&sec=&spon> (June, 2014)

political arena on the world stage. For the EU this change in world politics was the opportunity to expand the EU norms and values. With the fall of communism, the norms of democracy and a free market emerged as winners from the Cold War. This was the opportunity for the EU to use its power of attractiveness and enlarge its influence to increase its power on the world stage.⁵⁸ Establishing peace in Bosnia would convince the world of the power of attractiveness of the EU and show the ability of the EU to bring peace and stability. However, as Charles-Philippe states:

*“western policies promoting economic reforms, democratization, and respect for human rights did not bring about the expected results. (...) it is extremely difficult for a third party to mediate or manage a conflict in a context of interethnic hostilities.”*⁵⁹

This became clear after peace was established after three years of war and many peace negotiations. To see how the EU institutions dealt with Bosnia, the debates on Bosnia will be looked into.

The EU institutions on Bosnia

As mentioned above, the 1990s were marked by a drastic political shift in the world. After the Dayton Agreement was signed, the EU had the opportunity to try its influence in the Balkans with its power of enlargement. As the EU was forming its Common Foreign and Security Policy (CFSP), the instabilities in Bosnia were seen as the first challenge of this policy.⁶⁰ As explained by constructivism, the EU is only able to deal with countries from its own perspective and identity. As this identity of the EU compels it to create economic and political stability based on the norms of democracy, human rights, and the rule of law when countries are being accepted as member states, it is in the process of creating this stability in Bosnia when it supports the road to accession of Bosnia. To see if this is indeed the case, debates concerning Bosnia within the three main EU institutions will be discussed. These institutions are the European Parliament, the European Commission and the European Council.

⁵⁸ http://europa.eu/about-eu/eu-history/index_nl.htm

⁵⁹ Charles-Philippe, D. (2001) Alice in wonderland meets Frankenstein: constructivism, realism and peacebuilding in Bosnia, Contemporary Security Policy, vol. 22, no. 1, p. 1-30

⁶⁰ Juncos, A. (2012) Member state-building versus peacebuilding: the contradictions of EU state-building in Bosnia and Herzegovina, East European Politics, 28:1, p. 58-75

The European Parliament

In the first half of 1998, the EP desired in a report that the reconstruction project in Bosnia after the war would be led by an EU delegation. The EP states that this way ‘the visibility of the EU in the peace process can be promoted.’⁶¹ After examining the insights of different EP delegates in Bosnia, the EP concluded that aid had to be given on location, quickly, flexibly and organised in cooperation with the local entities. In the same report, the EP proposed a monthly conference in Bosnia led by the Commission and member state representatives to discuss the reconstruction and to inform all concerned parties about the coordination of all the aid-programmes.⁶² Although action was wanted by the EP, the use of words such as ‘visibility’ show the need the EP feels to merely show its presence in Bosnia, as if the presence of the EU will pressure Bosnian authorities to reform. Although giving aid is thus discussed, concrete plans to stimulate Bosnia to develop are not discussed.

In 2003, in discussing the upcoming Thessaloniki summit, the EP urged Bosnian authorities to develop adequate legislation for the protection of minorities before they would be able to qualify for the Stabilisation and Association Process, making Bosnia a potential candidate.⁶³ In a resolution of 2004, the EP indicates that the Commission can always propose ways on how the countries can develop their integration process, but it stresses that consultation of the EP is necessary.⁶⁴ Here, the intent comes to the fore to make Bosnia a member state in the future, but by stressing in a resolution that the Commission can make propositions on how this should be carried out, the EP only expresses its will to make Bosnia a subject of debate, without adequate proposals on how to proceed.⁶⁵

In July and October 2013, meetings were held in Brussels and Sarajevo between members of the EP and the Bosnia and Herzegovina Parliamentary Assembly. Bosnia’s development towards eventual participation in economic policy coordination under the Economic and Monetary Union was discussed.⁶⁶ Since the end of the war the EU’s actions in Bosnia are discussed by the EU, but it still does not achieve its goals as it is operating in a cumbersome, bureaucratic system, namely the EU.⁶⁷ Every resolution that is made is in

61 European Parliament, report, rapporteur: Schwaiger/European Parliament, report, rapporteur: Pack, 14 september 1999, 231.021

62 Report Schwaiger, 1999

63 European Parliament, Meetings document, june 2003, PE 332.963

64 Idem.

65 European Parliament, legislative resolution, P5_TA(2004)0158

66 http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/brochures/bosnia_and_herzegovina_2013.pdf

67 Bassuener, K. and Weber, B. (2014) report from democratization policy council, DPC Sarajevo-Berlin

dialogue with all European institutions and member states, making common policies very hard to reach.

The Dayton Agreement is set up as a short term solution, but the EP discusses Bosnia as having a future within the EU and therefore long term explications are needed. However, it still approaches Bosnia from an EU perspective, starting from the EU norms of democracy, human rights and rule of law. It does not discuss the Bosnian identity or the possibility of switching to a different approach, but almost twenty years after the end of the war and the setting up of the Dayton Agreement, the EP still expresses its concerns about Bosnia and its future. The Commission is requested to keep searching for improvement in Bosnia's legislation. The EP does not give up on the case of Bosnia, but it seems that it keeps looking for the aid Bosnia needs, not considering the fact that aid might not be effective in dealing with a Bosnian elite that tries to hold on to power.

The European Commission

The European Commission (hereafter the EC) proposed the start of the Stabilisation and Association Process for (inter alia) Bosnia.⁶⁸ Through Commission delegates, the EC stays informed on the developments of the reforms imposed on Bosnia by the EU. These delegates have committees that analyse the situation in Bosnia and estimate whether Bosnia is ready to implement the Stabilization and Association Agreement (SAA). It took the EC four years to conclude its research on Bosnia's readiness for implementing a Stabilization and Association Agreement (SAA).⁶⁹ It resulted, in November 2003, in the EC's approval that negotiations on the SAA could start. The Commission's approval for the start of negotiations show confidence in the negotiations with Bosnia. However, a year later the European Chief in Bosnia, as well as the spokesman for the European Commission's delegation Frane Maroevic, acknowledged that progress was being made, but at too slow of a pace.⁷⁰ Almost ten years after the war the Commission expresses its doubts on the commitment of the Bosnian authorities towards reforms. Deduced from this it is to say that the Commission does not doubt the EU's actions, but instead doubts the reaction of the Bosnian authorities. The Commission does refer to Dayton as being limited, stating:

68 Bassuener, K. and Weber, B. (2014) report from democratization policy council, DPC Sarajevo-Berlin

69 Report, Commission to Council, 18.11.2003

70 Alic, A. (2004) Bosnia: crawling toward EU, issue 7/27, on www.cceol.com

“The complexity of the existing Dayton order could hinder BiH performance. The system established at Dayton has frequently been questioned both within and without BiH. Certainly, from a perspective of European integration it is difficult to argue that the current constitutional order is optimal.”⁷¹

Here, the EC admits that the Dayton Agreement is not the most optimal constitution set up by the Western powers. However, in the same report it states that: “...*the constitution is no insuperable obstacle to reform or to European integration.*” The responsibility for reforms lies within the Bosnian government and although it is built upon the constitutions set up in Dayton, the EC emphasises that the Bosnian authorities are cooperating, but too slowly. In July 2004, Maroevic declared:

“Authorities still have to do a lot of work. They have to implement reforms and to pass the law on public broadcasting. Even if they implemented all conditions, it would take several months to create a strategy that would cover all the details for negotiations. So we believe that mid-next year is a reasonable time.”⁷²

A year later the EC was again openly concerned about the slow progress Bosnia had made and placed the responsibility with the Bosnian authorities, as the ambassador of Austria told Sophia Sebastian in an interview in 2006 on the SAA:

“The Commission feels that the progress of reforms or improvement of the constitution still is very slow and the Bosnian government on many aspects is not cooperating properly. The EU does everything it can to help and support Bosnia and its citizens to improve the democracy and the standards of living. However, according to the Commission the ultimate responsibility lies with the political leaders of Bosnia, not within the EU.”⁷³

The Commission places the responsibility of the democratisation process and the improvement of the standards of living with the political leaders of Bosnia. With the

71 Report, Commission to Council, 18.11.2003

72 Alic, A. (2004) Bosnia: crawling toward EU, issue 7/27, on www.ceeol.com

73 Sebastian, S. (2009) The role of the EU in the reform of Dayton in Bosnia-Herzegovina, *Ethnopolitics*, vol.8. no.3, p. 341-354

continuing aid programmes and negotiations on agreements to eventually lead to accession to the EU, the EU keeps supporting the constitution that it criticizes itself. Still, the Commission states that ‘the EU does everything to help and support Bosnia and its citizens’. This help and support however consists of aid programmes and agreements made with the Bosnian authorities. The Commission places the responsibility with the Bosnian politicians, but this responsibility is only given when the same politicians comply with the conditions set by the EU. In short, the EC maintains a situation that it simultaneously rejects.

The European Council

The European Council (hereafter the Council) adopted a ‘regional concept’ in 1997 to develop the rebuilding of the country and to help the process of cooperation between the Balkan countries during the democratisation of Bosnia.⁷⁴ In June 2000 the Council held a summit in Santa Maria de Feira in Portugal to discuss the prospect of EU accession for the Balkans. The Council discussed the different countries in the Balkans and how these countries would be able to access the EU. It resulted in an important decision, stating that all SAP countries were potential candidates for accession to the EU.⁷⁵ The reason for this continuing support of Bosnia is explained by the Councils concluding remark:

*“A democratic, cooperative FYR living in peace with its neighbours will be a welcome member of the European family of democratic nations. The European Council supports civil society initiatives as well as democratic forces (...). The Union looks forward to the time when the FYR will be able to participate fully in the Stabilization and Association Process.”*⁷⁶

Here, the Council declares that it welcomes all former Yugoslavian countries to join the SAP and therefore become a potential candidate for accession. In mentioning the ‘European family of democratic nations’ it states the main priority for this possible accession: a working democracy. The European perspective for the integration of the Western Balkans is clearly described by Massari who states that:

74 Sela, Y. (2011) The European Union politics in the Western Balkans, Kosovo Public Policy Center, Volume 1, issue 2

75 Wichmann, N. (2007) Democratisation without societal participation? Berlin, Lit. Verl.

76 Conclusions European Council, in: Wichmann, N. (2007) Democratisation without societal participation? Berlin, Lit. Verl.

“The integration of the Western Balkans into Europe would complete the project of European reunification and democratisation. (...); it would create the conditions for security and stability in a region that has been, in the recent past, afflicted by wars and ethnic conflict and which still presents numerous non-traditional security challenges (organised crime, human trafficking, drug trafficking, and weapons smuggling. Last but not least, the Euro-Atlantic community has an interest in integrating the Balkan states, to strengthen NATO’s ‘southern flank’ and to draw resources for the global war against terrorism.”⁷⁷

With this Massari states that the EU is in favour of the integration of the Western Balkans for its own reasons, handling from the EU’s structure and its own identity. Not taking into account the Bosnian identity and of what this could consist of. In the declaration of the Thessaloniki summit the Council stated that: “...*rapprochement with the EU will go hand in hand with the development of regional cooperation.*”⁷⁸ The Council seems to be confident at the summit in 2003 that Bosnia will move forward with the prospects of EU membership and that this prospect will help Bosnia to reform in order to meet EU conditions. An important decision made at the summit was that Bosnia was identified as a potential candidate for EU membership.⁷⁹ This was the start for many more agreements made between Bosnia and the EU. All these agreements are based on EU membership, still seen from the Council’s perspective as the best weapon against the tensions within Bosnia.

In February 2008, the Council adopted a new European partnership for Bosnia, as an instrument of the SAP, being an *‘additional, tailored support to the Government of Bosnia and Herzegovina in order to realise the country’s European perspective. Its aim is to identify priority areas where further efforts and reforms are required, calling in particular for Bosnia and Herzegovina to bring its legislation into line with that of the Community.’*⁸⁰ From this, it can be concluded that the EU has kept Bosnia as a subject within its debates, but that the debate concerning Bosnia is still framed from an EU perspective, with the main focus being EU enlargement and the accession of Bosnia only from the perspective of the EU’s identity and the EU’s security. Due to this, the EU’s main priority is the imposition of many European

77 Massari. M. (2005) Do all roads lead to Brussels? Analysis of the different trajectories of Croatia, Serbia-Montenegro and Bosnia-Herzegovina, Cambridge Review of International affairs, 18:2, 259-273

78 http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/en/misc/76291.pdf

79 http://ec.europa.eu/enlargement/countries/detailed-country-information/bosnia-herzegovina/index_en.htm

80 http://europa.eu/legislation_summaries/enlargement/western_balkans/r18012_en.htm

norms and values on the post-conflict country, without tackling the reforms that the country needs to develop. The EU does not examine the Bosnian perspective, because its own norms and values will overcome all obstacles, so seems to be its reasoning. This sounds overdone, but from its actions and the way Bosnia is discussed within the institutions this can be concluded.

Bosnia has long been a subject of debate within the European institutions like the EP, the EC and the Council. The EU's attitude towards Bosnia is mainly self-centred; concluding from its many positive words of discussion as to how much aid has already been given to Bosnia. This aid consists of humanitarian aid, financial aid and military support in the country. The EU was disappointed in the lack of cooperation from the Bosnian authorities and often discussed the need for reforms that have to be achieved by the Bosnian government. Although it does indicate that the constitution set up in Bosnia in the Dayton Agreements was a short-term solution, it puts the responsibility for reforms on the Bosnian authorities, who are too divided to find appropriate reforms for Bosnia. The only incentive that the EU can utilise in order to force Bosnia to reform is EU membership. The question remains of whether or not the democratization of Bosnia is not just for the interest of the EU. Security, image and European reunification are priorities for the EU. Reform of Bosnia's constitution and finally Bosnia's accession in the EU would achieve these priorities. Therefore, the bigger the EU can grow, the more power it will obtain.

A report for the Congress of the US criticizes the EU's approach towards Bosnia. Steven Woehrel describes herein that the efforts of the EU to stabilize Bosnia 'are failing'.⁸¹ He also states that the Office of the High Representative (OHR) is not working as it was intended to work within Bosnia, and that the EU's approach towards Bosnia has proved to be insufficient. Criticism from European perspective is given from former High Representative for Bosnia and Herzegovina Lord Paddy Ashdown. In an interview of the CNN he criticises the EU for mistreating Bosnia and having made major errors in the region. He also blamed the EU for the malfunctioning of the state.⁸² Where the EU itself takes no blame for the slow progress of Europeanisation, it remains to support Bosnia with several aid programmes and it keeps stating that Bosnia is a future candidate country. Charles-Philippe (2001) argues that the EU with this approach might even 'contribute to the aggravation of the country's problems'. Precisely because the EU holds on to its identity in Bosnia, it gives the Bosnian

81 Woehrel, S. (2013) Bosnia and Herzegovina, Current issues and US policy, Congressional Research Service

82 Interview with Lord Paddy Ashdown, CNN, February 2014

politicians the space to take only some of the aspects of the Bosnian identity to push through their ideologies and to hold on to the maintenance of the Bosnian constitution divided along ethno-nationalist lines, whereby Bosnian accession to the EU remains something for the distant future.

So far, the EU's actions in Bosnia are derived from the European perspective. Because of this, the actions remained insufficient, for they neglected the Bosnian identity and the fact that it has a different historical background and a structure aberrant of the European structure. The EU's discussions on Bosnia turn out to be more out of self-interest and the security for the EU itself than truly effective for the development of Bosnia to be able to become a candidate country. Therefore the EU's actions within Bosnia will be discussed in the next chapter, examining whether the spread of the EU's norms and values is embraced in Bosnia and has shown effectiveness. This demonstrates if adopting the EU's identity is in Bosnia's competence.

Chapter 3 - The European Union within Bosnia

After the separation of Slovenia and Croatia from Yugoslavia, which left it looking more like a Great Serbia, Bosnia also decided to proclaim its independence. The European Union indicated that it would recognize Bosnia as an independent state when it would decide to separate from Yugoslavia.⁸³ The recognition of an independent state in this unstable region was remarkable, for it seemed to indicate that the EU would support Bosnia even if this independence would have severe consequences. What was even more remarkable was the lack of mediation from the EU. Burg and Shoup (1999) argue in their book that the EU should have intervened from the moment that the war broke out in Croatia. However, they state, the intervention of the EU came too late. Naturally, the conflicts that broke out at the beginning of the 1990s in former Yugoslavia did not go unnoticed in the international community. Many different peace plans were set up.⁸⁴ As the conflict was concerned with the issues of governance and ethnicity, most of the peace plans failed.⁸⁵

The involvement of the EU within Bosnia did already exist during the war. Nevertheless, Burg and Shoup argue that the EU was too divided to be able to construct a common peace plan. Missing the common strength, the EU was not able to get negotiations off the ground.⁸⁶ Until the final agreements, the Americans had never given 'full backing' to the European peace plans, which made it hard to come to a compromise.⁸⁷ As the US started to take charge in the peace progress, noticing the constant failures, the Dayton Accords were finally signed and peace was founded in Bosnia.

The Dayton Accords that were finally agreed on by all three warring parties were seen as 'the least bad solution.'⁸⁸ It was seen as a short term solution to end the war. Within Bosnia the influence of the international actors was noticed, for with the signing of the Dayton Accords the bloodshed came to an end.⁸⁹ The presidents that were in power at the end of the war were the same as at the beginning, and therefore tensions between the three ethnicities

83 Silber and Little (1997) *Yugoslavia, death of a nation*, Penguin Books

84 Burg & Shoup (1999) *The war in Bosnia-Herzegovina. Ethnic conflict and International intervention*, ME Sharpe

85 Bieber, F. (2011) Building impossible states? State-building strategies and EU membership in the Western Balkans, *Europe-Asia studies*, vol. 63, no. 10, 1783-1802

86 Burg & Shoup (1999) *The war in Bosnia-Herzegovina. Ethnic conflict and International intervention*, ME Sharpe

87 Silber and Little (1997) *Yugoslavia, death of a nation*, Penguin Books, p. 382

88 Juncos, A. (2005) The EU's post-conflict intervention in Bosnia and Herzegovina: (re) integrating the Balkans and/or (re) inventing the EU?, *Southeast European politics*, vol. VI, no. 2, p. 88-108

89 Silber and Little (1997) *Yugoslavia, death of a nation*, Penguin Books

were not diminished.⁹⁰

Twenty years later Bosnia has signed several agreements and partnerships with the EU, but the constitution is still modelled on the Dayton agreement. As Toal (2006) stated on the EU, it was: “*determined more to end the war in BiH than to establish the basis for a viable and sustainable state.*”⁹¹

Protests in Bosnia erupted earlier in 2014, which showed the current state of discontent among Bosnian citizens. The protesters in Bosnia are frustrated because of the high rate of unemployment, but while the EU has always been an example of wealth and prosperity, none of the protesters advocated EU membership.⁹² The fact that the EU is not a subject of debate in the protests shows the lack of credibility in the EU’s capacity to reform the constitution in Bosnia. As written above, the EU places the ultimate responsibility upon the local authorities in Bosnia, but what has been the EU’s responsibility in the years after the war to the present? György Konrad argues that the EU has the wrong attitude. First, it recognises Bosnia’s independence but then it does not know how to solve the divisions and problems.⁹³

To see what influence the EU has on the Bosnian constitution and how the EU is perceived within Bosnia, the EU’s proceedings in Bosnia will be elaborated upon step by step by analyses and discussion. This chapter will start with the Dayton agreement and the role of the High Representative in Bosnia. Furthermore, the EU programmes like EUFOR, CARDS, SAP and IPA will be discussed and analysed. The EU’s actions within Bosnia can only be effective if it takes the Bosnian identity into consideration. The definition of this identity is yet hard to capture. Juncos (2005) describes this as following:

“If the Balkans stand in a liminal position – between the West and the East, as part of Europe but at the same time located at its periphery- BiH would be at the core of this representation of the Balkans. Between three religions and three nations, BiH is on the borderline between Western and Eastern cultures, the best and the worst of the ‘imaginary’ Balkans meet on this small territory. However, neither ideal multicultural coexistence in BiH before the war nor

90 Burg & Shoup (1999) The war in Bosnia-Herzegovina. Ethnic conflict and International intervention, ME Sharpe

91 Toal, G. ao. (2006) Bosnia-Herzegovina ten years after Dayton: constitutional change and public opinion, Eurasian Geography and Economics, 47, no. 1, p. 61-75

92 Bassuener, K. and Weber, B. (2014) report from democratization policy council, DPC Sarajevo-Berlin

93 Konrad, G. (1999) De oorlog in Joegoslavië (en wat erna kan komen), Van Gennep Amsterdam

negative stereotyping of violent “Balkans” can capture the truth.”⁹⁴

The true Bosnian identity is therefore between the multicultural society and the violent features of the Balkans. Because it is a country with different religions and ethnicities, it is not only a divided country, but at the same time the Bosnian population is most diverse of the Balkans with regard to different ethnicities.⁹⁵ The Bosnian identity is therefore complicated to examine, but as discussed in chapter two, the EU does not take into consideration this identity. Therefore, the identity of the EU can be explained, as in chapter one. The influence of the programmes of the EU in Bosnia and the main instruments that the EU has in Bosnia can be discussed and analysed. From this, the effectiveness of these programmes can thus also be analysed.

One of the main instruments of the EU within Bosnia is the European Union Special Representative in Bosnia and Herzegovina (EUSR).⁹⁶ In essence, the role of the Special Representative is to help Bosnian authorities implement the reforms that were agreed upon between Bosnia and the EU. The EUSR offers EU advice for Bosnia in order to help it achieve EU membership. The EUSR keeps the EC informed on how the process of reforms is developing and therefore keeps the pressure high on Bosnian officials.⁹⁷ This means that Europe, or at least ‘the West’, has had a lot of control within Bosnia since the war.

The first EUSR, which is at present simultaneously the HR, was named in March 2001. This was the British politician Lord Paddy Ashdown. Since the Bosnian politicians could not settle on the required reforms, the EUSR instead took the decision and imposed the reforms on them in order to take care of the gridlock. This imposition of the reforms made the negotiations for the, inter alia, SAA possible in October 2005.⁹⁸

The HR or the Office of the HR (OHR) has been criticized by many analysts. According to Stewart (2006) the role of the HR might be the main obstacle for the reforms in Bosnia.⁹⁹ Majstorovic (2007) criticizes the Office of the High Representative for being

94 Juncos, a. (2005) The EU’s post-conflict intervention in Bosnia and Herzegovina: (re) integrating the Balkans and/or (re) inventing the EU?, Southeast European politics, vol. VI, no. 2, p. 88-108

95 Campschreur, W. (2002) Bosnië-Herzegovina. Amsterdam: KIT Publishers

96 Brljavac, B. (2011) Examining the (non) influence of the European Union in Bosnia Herzegovina: Has a europeanisation process failed? Contemporary European Studies,

97 Idem.

98 Brljavac, B. (2011) Europeanisation Process of Bosnia and Herzegovina: Responsibility of the European Union? Balkanologie, vol. XIII, no. 1-2

99 Stewart, A. (2006) The international community in Bosnia: Enduring questions of legitimacy, Chinese Journal of International Law, vol. 5, no.3, 753-760

arrogant. He feels the OHR drives a wedge between the West and the Balkans for talking about the 'we' and 'them', as described above.¹⁰⁰ As Brljavac states, the main reason that the role of the EUSR is often perceived to be inefficient has been due to the vague position of the EU on the Bosnian crisis.¹⁰¹ When, in the beginning of 2009, the HR/EUSR Lajcak unexpectedly resigned after describing his job several times as 'riding a dead horse', the position of EUSR was disputed. One of the reports of the International Crisis Group stated: *"There is some reluctance in Brussels for taking up such responsibilities, especially if it means deployment of the largest ever EUSR office, and increased EC funding."* (2007:27)¹⁰² A report on the current issues in Bosnia for the Congress, prepared by a specialist in European Affairs in January 2013, shows that the HR remains inefficient due to the EU's attitude. It argues:

*"It has the power to fire Bosnian officials and impose laws, if need be, to enforce the Dayton Accords. However, the international community has proved unwilling in recent years to back the High Representative in using these powers boldly, fearing a backlash among Bosnian Serb leaders."*¹⁰³

This report therefore does not criticise the role of the HR in Bosnia, but the willingness of the international community to support its job. This is discussed by more analysts, like Bassenauer and Tzifakis, who state that it is not specifically the presence of the HR in Bosnia that is the problem, but the EU authorities. The EU's attitude remains vague, lacking a clear approach towards Bosnia. The EU does implement law through the HR, but is thereafter fearful for the consequences. If the EU does not condemn the Bosnian leaders more severely, but deals with them from its identity and therefore negotiates, the EU cannot place the HR in Bosnia without a clear notion of what the HR can and cannot do. This way, the EU's actions can never become effective, being too contradictory. In the 2004 report of National Integrity Systems of the Transparency International, this contradictory attitude is designated as well. The way the EU behaves in Bosnia through the HR is in contradiction with its democratisation values:

100 Majstorović, D. (2007) Construction of Europeanization in the High Representative's discourse in Bosnia and Herzegovina, *Discourse and Society*, vol. 18(5) p. 627-651

101 Brljavac, B. (2011) Examining the (non) influence of the European Union in Bosnia Herzegovina: Has a europeanisation process failed? *Contemporary European Studies*,

102 Idem.

103 Woehrel, S. (2013) Bosnia and Herzegovina, Current issues and US policy, Congressional Research Service

“The High Representative has demonstrated that he can bring charges against any individual in BiH without presenting sufficient (or any) evidence and that the entire process of ‘democratic’ elections comes close to being a farce. Dispossessing legal entities of their funds without a proper public investigation and a trial would be classified as theft in any Western democracy.”¹⁰⁴

The role of the HR and therewith the EU remains therefore questionable. However, the OHR is still in function and according to Basseanauer (2014) this is necessary as long as the EU is in its way in the stabilisation of Bosnia. Bassenauer (2014) states that as long as Bosnia and the EU stick to the commitments and agreements made in the Dayton Accords, the OHR should stay in order to maintain some stability within Bosnia.¹⁰⁵ Yet this can only work if the EU recognizes its constant initiative and supports its own policies in Bosnia.

The first EU initiative after the war was at the end of 1996 and occurred during the French presidency, and was mainly concerned with stabilization and peace building in the region. This first initiative was called the Royaumont Process.¹⁰⁶ According to Brljavac (2011) this initiative together with the PHARE and OBNOVA humanitarian programmes was a clear proof that the EU and its member states had changed their approach towards Bosnia. As Brljavac states, the EU went from: “[a] previously held passive, weak and incoherent to a more active, dynamic and united approach.”¹⁰⁷

These aid programmes fit with the EU’s identity which intends to spread its norms and values, not imposing democracy, but giving aid that allows Bosnia to build a democracy of its own.

In June 1998 the EU-BiH Consultative Task Force was established.¹⁰⁸ In Brljavac’s words, this task force was to provide advice in several areas, such as in the judiciary, education, media, administration and the economy. In the same month EU and Bosnian officials signed the “Declaration of Special Relations between EU and BiH”.¹⁰⁹ As the EU began the Stabilisation and Association Process with Bosnia, it was the main international player within Bosnia, surpassing the US, NATO and UN.¹¹⁰¹¹¹ To help Bosnia fulfil the

104 Divjak, B. National Integrity Systems (2004) Transparency International Country Study Report

105 Bassuener, K. and Weber, B. (2014) report from democratization policy council, DPC Sarajevo-Berlin

106 Brljavac, B. (2011) Examining the (non) influence of the European Union in Bosnia Herzegovina: Has a europeanisation process failed? Contemporary European Studies,

107 Idem.

108 <http://europa.ba/Default.aspx?id=12&lang=EN>

109 Brljavac, B. (2011) Examining the (non) influence of the European Union in Bosnia Herzegovina: Has a europeanisation process failed? Contemporary European Studies,

110 www.europa.eu/legislation_summaries/enlargement/western_balkans/r18002_en.htm

demands within the SAP, the EU provided a new programme called CARDS (Community Assistance for Reconstruction, Development and Stabilisation). This satisfied several humanitarian aid programmes like the OBNOVA and Phare regulation. The CARDS programme was replaced in early 2007 by the Instrument for Pre-accession Assistance (IPA).¹¹²

In January 2003 the EU replaced the UN's International Police Task Force with an EU Police Mission (EUPM).¹¹³ The EUPM is in control of the Bosnian police. It monitors, mentors and inspects the work of the Bosnian police.¹¹⁴ In December 2004 the EU replaced the NATO's SFOR mission with its peacekeeping military operation.¹¹⁵ Therefore, the EU Monitoring Mission (EUMM) is monitoring developments on political and security levels, and this way the Commission guides the country towards possible EU accession. As Chandler puts it, Bosnia is: "*the first genuine EU state where sovereignty has in effect been transferred to Brussels.*"¹¹⁶ Chandler thus states here that the EU is taking over, without taking into consideration the sovereignty of Bosnia. Taking over the country's sovereignty is not an effective way to stimulate Bosnia to become a properly functioning democracy.

In 2008 plans were made to close the OHR, due to the many criticisms of the OHR for being 'undemocratic' and 'unaccountable', which contradicted the demands of the European Convention on Human Rights (ECHR).¹¹⁷ Again, this contradiction contributes to the declining credibility. To build on this credibility, the EU took over the responsibility for the HR and combined its functions together with the EUSR to be for one individual.¹¹⁸ It appointed a new HR, calling it a 'reinforced, single EU Representative'.¹¹⁹ Whereas Stewart argued that the main obstacle for the EU within Bosnia is this doubtful role of the HR, Tzifakis argues that the problems with the HR are only a sideshow. He argues that the main

111 Bieber, F. (2011) Building impossible states? State-building strategies and EU membership in the Western Balkans, *Europe-Asia studies*, vol. 63, no. 10, 1783-1802

112 www.europa.eu/legislation_summaries/enlargement/western_balkans/r18002_en.htm

113 Brljavac, B. (2011) Examining the (non) influence of the European Union in Bosnia Herzegovina: Has a europeanisation process failed? *Contemporary European Studies*,

OHR and EUSR report to EP, January-june 2002, <http://europa.ba/News.aspx?newsid=4990&lang=EN>

114 Tzifakis, N. (2012) Bosnia's slow Europeanisation, *Perspectives on European politics and society*, vol. 13, no. 2, p. 131-148

115 Brljavac, B. (2011) Examining the (non) influence of the European Union in Bosnia Herzegovina: Has a europeanisation process failed? *Contemporary European Studies*

116 Chandler, D. (2007) in: Tzifakis, N. (2012) Bosnia's slow Europeanisation, *Perspectives on European politics and society*, vol. 13, no. 2, p. 131-148

117 Hvidemose, D. (2010) The missing peace, the need for a long term strategy in Bosnia and Herzegovina, Report NDC and Saferworld

118 Domm, R. (2011) Next steps on Bosnia-Herzegovina: key elements to a revised EU strategy, *Southeast European and Black Sea Studies*, vol. 11, no.1, p. 53-67

119 Tzifakis, N. (2012) Bosnia's slow Europeanisation, *Perspectives on European politics and society*, vol. 13, no. 2, p. 131-148

problems that Bosnia has with the EU is the constant lack of a common position between EU officials and the member states.¹²⁰ This contributes to the vagueness of EU policy in Bosnia. Having no common position on Bosnia can not result in effective Europeanisation.

The EU uses its soft power in Bosnia spreading its norms and values and so far it resulted in a vague position of the EU in Bosnia, lacking credibility. However, the EU uses its 'hard power' as well, for it still has the EUFOR Althea in existence within Bosnia. EUFOR Althea is a peacekeeping force in Bosnia under EU command. It is set up to support Bosnian reform efforts, and to secure a safe environment in Bosnia.¹²¹ The European Military Force had about 2000 troops in Bosnia around 2010, being located mainly just outside Sarajevo and throughout Bosnia.¹²² The EUFOR Althea mission of the EU is planning on retreating from Bosnia, handing over command of the military to the Bosnians. However, although this has been in progress since 2004, the EUFOR has still not yet fully left Bosnia. Even in the application of its military power the EU remains vague. Thereby, the EU not leaving Bosnia shows the lack of trust there is between the EU and the Bosnian authorities. With Dayton still in function, the constitution will not change by itself. In an attempt to adjust the outdated Dayton, the EU organised negotiations in Camp Butmir, the so-called Butmir talks. They failed.¹²³ The EU was blamed for not preparing the negotiations properly and for not being aware enough of the sensitiveness of constitutional reform within Bosnia, whereas the Bosnian politicians were blamed for not cooperating sufficiently, and for being unwilling to compromise. Džihic and Wieser (2011) argue that the EU was again only focusing on the political leaders of the main three ethnic groups. Thereby they state that the EU did not have a meaningful package for the Butmir talks that was, small as it was, nevertheless rejected by the Bosnian leaders.¹²⁴

In June 2012, the EU launched the High Level Dialogue on the Accession Process in Bosnia, another initiative to support Bosnia on its way to accession. This High Level Dialogue was set up to help Bosnia 'understand' how to prepare for EU reforms.¹²⁵

From research carried out by the Commission's delegation in Bosnia in 2004, it was

120 Tzifakis, N. (2012) Bosnia's slow Europeanisation, *Perspectives on European politics and society*, vol. 13, no. 2, p. 131-148

121 Woehrel, S. (2013) Bosnia and Herzegovina, Current issues and US policy, Congressional Research Service

122 Hvidemose, D. (2010) The missing peace, the need for a long term strategy in Bosnia and Herzegovina, Report NDC and Saferworld

123 Hvidemose, D. (2010) The missing peace, the need for a long term strategy in Bosnia and Herzegovina, Report NDC and Saferworld

124 Džihic and Wieser (2011) Incentives for democratisation? Effects of EU conditionality on Democracy in Bosnia&Herzegovina, *Europe-Asia Studies*, vol. 63, no. 10, 1803-1825

125 http://europa.eu/rapid/press-release_MEMO-12-489_en.htm?locale=en

revealed that a majority of the Bosnian population favoured EU membership.¹²⁶ However, it seems that after years of division and indistinctness in the EU's attitude towards Bosnia, and due to the relatively small amount of change the country has known despite of all the agreements, partnerships and regulations, Bosnian citizens no longer desire EU membership, as described by Bassenauer.¹²⁷ The EU has arguably the most influence on Bosnia compared to the rest of the world. Within Bosnia, it is perceived that the situation changes very little, but a lot of action is carried out by the EU, taking into account all of the aid programmes and agreements that have been made, as discussed above. This way, as Tzifakis states:

“Bosnian leaders have come to believe that the conditions for EU membership would be ‘infinitely negotiable’ (...). The Bosnians learned that if they were ‘persistent enough’, the EU would ‘sooner or later give up’ on its requirements and reward obstruction.”¹²⁸

What Tzifakis is saying is that Bosnian authorities have come to understand that although the Bosnian constitution is still built upon the out-dated short term solution of the Dayton Accords, the EU keeps supporting the country and negotiations continue. The EU estimated a budget for political and economic reform aid under the IPA in 2013 of 111.8 million Euros.¹²⁹

This constant progress of negotiating seems to bring fatigue to the EU. Although the EU is asking for reforms and adherence to the EU norms and values, it keeps negotiating with the three presidents of Bosnia. The role that the HR/EUSR fulfils is one of total control over the acts of Bosnian authorities, leaving no room for democracy. The so-called democracy promoted by the EU will not be a democracy like those of its member states as long as Bosnian politicians do not receive full responsibility. The fact that the EU is promoting EU norms and values, of which equality is one, in a country where only three ethnicities are able to take part in the government, is contradictory. The EU and Bosnia have had a serious relationship on the economic and political level for almost twenty years now. The Europeanization process of Bosnia should have developed in these years, making Bosnia a more stable and growing country. However, it seems Bosnia has not come closer to becoming an EU member state other than on paper. This paradox leads to a lack of credibility of the EU.

126 Juncos, A. (2005) The EU's post-conflict intervention in Bosnia and Herzegovina: (re) integrating the Balkans and/or (re) inventing the EU?, Southeast European politics, vol. VI, no. 2, p. 88-108

127 Basseanauer, K. (2014) report from democratization policy council, DPC Sarajevo-Berlin

128 Tzifakis, N. (2012) Bosnia's slow Europeanisation, Perspectives on European politics and society, vol. 13, no. 2, p. 131-148

129 Woehrel, S. (2013) Bosnia and Herzegovina, Current issues and US policy, Congressional Research Service

All the EU programmes in Bosnia can only be serviceable and effective if the prospect is credible. This lack of credibility is discussed by several analysts on the EU in Bosnia. Brljavac (2011) argues that this ‘credibility crisis’ is due to the way the EU presents itself. He states that the EU member states and institutions are too divided to come to a common position towards Bosnia.¹³⁰

When looking into the role of the EU within Bosnia, credibility is crucial. Brljavac (2011) discusses this credibility gap as well, arguing that this is created by the failures of so many EU strategies for Bosnia. The only successes the EU had thus far, according to Brljavac, are the ‘new stage agencies, police reform, and visa liberalisation’.¹³¹ This lack of credibility in the EU from Bosnians displays the position of the EU within Bosnia. When the OHR, in its speech in 2005, discussed the constitutional change Bosnia had to achieve, it actually shifted the responsibility to the Bosnian authorities:

“...a central element of the first stage of constitutional reform has to be a transfer of responsibilities from the Entities to BiH by means of amendments to the BiH progress is to be achieved in the process of European integration (OHR press release 2005b)”¹³²

The question that still arises from this is of course, what is meant here by ‘BiH’. The Bosnian politicians were still, here ten years after the war, divided in ethnicity. The paradox in the EU’s attitude towards Bosnia lies in the reforms it asks Bosnia to achieve, while at the same time not considering the Bosnian government as a government to negotiate with.

The role of the EU in Bosnia is based upon the principle of conditionality, the only weapon the EU uses towards Bosnia. This conditionality approach can only work if the Bosnian authorities and people are motivated by potential EU membership. But, as argued above, if the EU keeps on negotiating and delivering more agreements, the EU’s approach can turn against itself. The reforms achieved thus far show that the relationship between the EU and Bosnia is still moving, but the question is of whether this moving relationship is developing as well. As a direct neighbour of the EU, Bosnia can still have a constitution

130 Brljavac, B. (2011) Bosnian standards or the European criteria? A credibility of Brussels in a crisis, Sweden University, vol. 2, no. 1, p. 5-10

131 Brljavac, B. (2011) Europeanisation Porcess of Bosnia and Herzegovina: Responsibility of the European Union? Balkanologie, vol. XIII, no. 1-2

132 Juncos, A. (2005) The EU’s post-conflict intervention in Bosnia and Herzegovina: (re) integrating the Balkans and/or (re) inventing the EU?, Southeast European politics, vol. VI, no.2, p. 88-108

divided into several ethnicities, discriminating minorities at the same time. The principle of conditionality cannot come to full potential when dealing with Bosnian authorities that do not have EU membership as their priority.¹³³ The EU in Bosnia is consequently almost only ‘seen’ by the Bosnian politicians, who interpret the EU standards in their own way. However, Brljavac argues that Europeanization is not only just implementing the EU standards. It is also a responsibility of the EU to set clear standards and to send out a clear message.¹³⁴ Brljavac quotes Anastasakis and Bechev to support one of the arguments why this is not working well:

“the criteria and benefits of (EU) conditionality must be visible not just to the elites but also to the citizens, in order to sustain momentum for reform along the long and difficult road to accession.”¹³⁵

Basically, Brljavac blames both parties for the shortcomings and argues that the responsibilities for both the EU as for the Bosnian authorities have to be clearly defined in order to prevent ‘political manipulation’.¹³⁶ He does not deny that pressure from the EU towards Bosnian politicians is needed, but recognizes that the EU’s conditionality is not sufficient for the local authorities in Bosnia. A combination of a strong EU and of a commitment by domestic politicians is ‘crucial’ to be able to really achieve development and reform.¹³⁷ Although a majority of the Bosnian population seems to welcome the Europeanization process (Bosniaks 97 percent, Bosnian Croats 78 percent, Bosnian Serbs 78 percent), so far the Bosnian agenda is not yet set on the “European agenda”, according to Brljavac. The EU keeps intensifying its support, without clear development within Bosnia. It can be argued that there has therefore been a certain development in Bosnia, namely the growing EU interference. It seems however that this does not lead to a more common and clear strategy for the country, instead leading to a complete ‘disappointment’.¹³⁸ Granting ‘Europeanisation’ and democracy to Bosnian politicians may not lead to the demanded reforms, but the EU is directing financial aid to Bosnia as well, something that “*would*

133 Brljavac, B. (2011) Europeanisation Porcess of Bosnia and Herzegovina: Responsibility of the European Union? *Balkanologie*, vol. XIII, no. 1-2

134 Idem.

135 Anastasakis and Bechev (2003) in: Brljavac, B. (2011) Europeanisation Porcess of Bosnia and Herzegovina: Responsibility of the European Union? *Balkanologie*, vol. XIII, no. 1-2

136 Brljavac, B. (2011) Europeanisation Process of Bosnia and Herzegovina: Responsibility of the European Union? *Balkanologie*, vol. XIII, no. 1-2

137 Idem.

138 Idem.

motivate domestic politicians to implement necessary measures that Brussels has set."¹³⁹

However, it seems that this has the opposite effect. The Bosnian authorities have learned over the years that change is not needed in order for the EU to continue with its financial aid and other EU programmes.

Keeping in mind that the EU's norms and values are a main priority, it is not surprising that the credibility gap seems to grow, rather than to close. If this credibility gap is growing, the principle of conditionality loses power, weakening the whole power of the EU. Considering the amount of the instruments used by the EU in Bosnia, it seems so far that most analysts criticize the EU's approach and blame the EU's 'vagueness' for the instability in Bosnia and its slow progress. However, Bose (2005) argues that 'the Bosnian society would have been worse off without the international community in its midst', and also argues that it is not solely Dayton that is to blame for the current fragile situation, but that there are other important factors. Bose does not deny the unfeasible institutional structure of the Bosnian state, but he does state it is not the main reason for its condition. Factors that are more important for Bosnia's precarious situation are according to Bose:

*"the extremely poor quality of post-secondary education that, coupled with poor job prospects, encourages emigration by bright young people who want to make something of their life; and the extremely low calibre of the political class, which is ineffective more because of incompetence than inter-ethnic wrangling."*¹⁴⁰

Of course Bose has a point here, because with a lack of education quality and poor job prospects, it is tempting to find one's luck abroad. However, the fact that the constitution set up in Dayton highlights ethnic differences means that all of the reforms that need to take place either take too long or fail before they begin. If there is no good example for the Bosnian people from above, it makes change and improvement extremely challenging. The effectiveness of the EU programs will be affected by this result.

Like Tzifakis argued above, Brljavac (2011) states that Bosnian politicians have learned over the years that the EU's support to Bosnia does not lose any strength despite the slow progress that Bosnia makes towards the demanded reforms. Brljavac blames this slow

139 Brljavac, B. (2011) Europeanisation Process of Bosnia and Herzegovina: Responsibility of the European Union? *Balkanologie*, vol. XIII, no. 1-2

140 Bose, S. (2005) The Bosnian state a decade after Dayton, *International Peacekeeping*, 12:3, 322-335

progress on the local politicians of all three ethnic communities, saying that they are: *“interpreting the European standards and criteria according to their so-called ‘Bosnian standards’ built in particularistic ideological interests.”*¹⁴¹

Even with all the EU programmes and prospect of EU membership not leading to more solidarity, the Bosnian authorities take advantage of the support and try to play each other off. The attitude towards the EU from Bosnian perspective is multifaceted, for every party has its own interests. According to the report by the Nansen Dialogue Center Sarajevo (NDC) and Saferworld concerning the situation in Bosnia in 2010, it is mostly the Bosniaks who are in favour of the EU maintaining its powers in Bosnia, whereas the Bosnian Serbs are accusing *“the OHR of abusing its powers, and refuse to comply with many of its demands”*, and they want the EU to leave Bosnia to the Bosnians.¹⁴² The report states that Bosnian politicians can be motivated by public frustration, provided that this frustration is sensible. On the visa liberalisation issue the report states that:

*“The EU’s decision not to grant visa liberalisation to BiH in November 2009 prompted a brief flurry of activity by BiH politicians to meet the benchmark criteria, which resulted in visa liberalisation finally being granted in May 2010. Local politicians were no doubt motivated by significant public frustration at the failure to meet the criteria the first time round, combined with the upcoming general elections. While EU staff point to this process as an example of the impact of the ‘soft power’ of EU accession, sceptics argue that this was a unique situation, and that it is difficult to identify issues which might have a similarly mobilising effect in the foreseeable future.”*¹⁴³

The report thus takes no stand here, but shows that although pressure from the public was felt, this could be a unique situation, where visa liberalisation is an important aspect to ‘belong’ to Europe and the EU’s member states without being a member. For the Bosnian politicians it is not an advantage to make progress towards EU membership, for it would decrease their power in Bosnia, which is based on ethnic identity.¹⁴⁴ This means that the EU strategies, mostly

141 Brljavac, B. (2011) Europeanisation Process of Bosnia and Herzegovina: Responsibility of the European Union? *Balkanologie*, vol. XIII, no. 1-2

142 Hvidemose, D. (2010) The missing peace, the need for a long term strategy in Bosnia and Herzegovina, Report NDC and Saferworld

143 Idem.

144 Brljavac, B. (2011) Europeanisation Process of Bosnia and Herzegovina: Responsibility of the European Union? *Balkanologie*, vol. XIII, no. 1-2

concerning the EU integration process, cannot be sufficient. The EU's actions are structured by its identity and goals. These goals however differ from the Bosnian politicians intentions. These different identities clash and progress is not being made. This contributes to the continuing ineffectiveness of the EU's actions in Bosnia.

When looking into the role the EU plays in Bosnia, it is clear that the EU has a number of instruments that exist in Bosnia. Although it has been criticized and plans are in the making to abolish its existence in Bosnia, the OHR/EUSR plays an important role within Bosnia. The powers of the HR are wide, for it not only supports the Bosnian politicians, it also can impose reforms on them or even fire Bosnian authorities. This can contribute to the credibility gap that exists. According to several researches that have been carried out, Bosnians lost confidence in the EU over the years. Despite the fact that all of the EU led initiatives, according to Bose, have led to a better and more secure life in Bosnia than would have been without the EU, Bosnians still feel that the EU lacks a common policy towards their country.¹⁴⁵ From this, Bosnian leaders can take advantage in order to win the people. The paradox that comes with the EU policies in Bosnia (promoting democracy while imposing laws) has led to the credibility gap that made the principle of conditionality a weak weapon. Without real sanctions towards Bosnian politicians, the hope for real change coming from the EU is diminishing. Protests like those that took place early 2014 therefore seem to focus on constitutional change from within the people, leaving the inter-ethnic government and the EU as outsiders. So far, the effectiveness of the EU's actions in Bosnia has proven to be insufficient, but they have not been idle since the Dayton Agreements. To see to what extent Bosnia has taken over the EU's norms and values and therewith Europeanised, changing identity to a European one, the next chapter will discuss and analyse Bosnia's democratisation.

¹⁴⁵ Hvidemose, D. (2010) The missing peace, the need for a long term strategy in Bosnia and Herzegovina, Report NDC and Saferworld

Chapter - 4 Bosnia's democratisation

The EU has imposed democracy on Bosnia. Despite the fact that this is a contradiction, the fact that Bosnia is said to be a democracy since the establishment of peace proves that this can be imposed on a country. Of course, the situation is more complicated than this. As the war was raging in Bosnia, the only thing that was important for the international community was to stop the fighting and bloodshed. The EU realised that in its promotion for democracy and cooperation it could not ignore a country at war located within Europe. The EU's actions are led by the EU's structure, recorded in its foundation. The EU thus forms its actions by its culture, norms, institutions, procedures, rules and social practices.¹⁴⁶ This is transferred by its actions to Bosnia, or at least that is the idea of the EU's enlargement.

With the Dayton Agreement, Bosnia's constitution was set up along the lines of a power-sharing model, being a short term solution to satisfy all warring parties. This short term solution for peace plays a part in the slow progress that Bosnia has made towards Europeanisation. Here, the development of the democratisation process in Bosnia will be discussed and analyses will be made of in what way this progress has failed or succeeded, and how the EU could have provided better support to reform the constitutions set up in Dayton.

Since the first elections held in the 1990s, Bosnia's constitution has been dominated by ethno-nationalist parties.¹⁴⁷ In 2000, one exception occurred when a multi-national party won the elections. Brljavac (2011) hence argues that it was not a 'democratic transition' that occurred in Bosnia, but rather an 'ethnocratic transition'. He quotes Mujkić (2007) who explains why it is better called an ethnocratic transition:

"I call a community characterized by the political priority of the ethnic group(s) over the individual that is implemented through democratic self-legislation, and a community characterized by the political priority of the ethnic group's right to self-determination over the citizen's right to self-determination where the citizen's membership in a political community is determined by her or his membership in ethnic community, Ethnopolis. And I call the political narrative and practice intended to justify this ethnically-based

146 Hopf, T. (1998) The promise of constructivism in International Relations Theory, *International Security*, vol. 23, no.1, p. 171-200

147 Brljavac, B. (2011) Examining the (non) influence of the European Union in Bosnia Herzegovina: Has a europeanisation process failed? *Contemporary European Studies*

social construct, ethnopolitics.”¹⁴⁸

The constitution in Bosnia is built upon ethnic division, an element that was added in the Dayton Agreements, which makes it easier for nationalist parties to defend their position in Bosnia. Although it was clear from the beginning that Dayton was a short term solution, hope in the support of the EU was strong for it was the figurehead of democracy and the protector of human rights.¹⁴⁹ In 1998, the democratisation process of Bosnia was in its early stages and many saw its future as bright. Chandler (1998) discusses the future of Bosnia. He argues that the constitution only takes into account the Bosnian politicians, while ignoring the Bosnian people:

*“While the Bosnian politicians are fully accountable to the international community, there are no mechanisms making international policy-making accountable to the Bosnian people”*¹⁵⁰

This shows the lack of responsibility taken by the EU. Instead of pumping money into an immature democracy, the EU has to make sure it addresses itself to the Bosnian people and taking into account that the Bosnian authorities are misusing the EU’s reputation. It has to be accountable to the Bosnian people, instead of demanding accountability of the Bosnian leaders, of whom it showed they do not progress.

The EU however, still deals with the complex constitution of Bosnia, making the spreading of its norms and values burdensome. Bosnia is divided into two entities. The Republika Srpska (RS), meaning literally the Serbian Republic, and the Bosniak/Croat Federation of BiH (FBiH), primarily ruled by the Bosniaks and Bosnian Croats. The FBiH is divided into three levels: the entity level, the cantonal level and the municipal level. The RS has municipalities.¹⁵¹ To discuss the complexity of the Bosnian composition of its constitution, Jung points out the design of the institutions: The central institutions of Bosnia have a rotating presidency with three members of a different ethnicity, being a Bosniak, a

148 Mujkić (2007), in: Brljavac, B. (2011) Europeanisation Process of Bosnia and Herzegovina: Responsibility of the European Union? *Balkanologie*, vol. XIII, no. 1-2

149 Brljavac, B. (2011) Europeanisation Process of Bosnia and Herzegovina: Responsibility of the European Union? *Balkanologie*, vol. XIII, no. 1-2

150 Chandler, D. (1998) Democratization in Bosnia: the Limits of civil society building strategies, *Democratization* vol. 4, no.4

151 Brljavac, B. (2011) Europeanisation Porcess of Bosnia and Herzegovina: Responsibility of the European Union? *Balkanologie*, vol. XIII, no. 1-2/ Jung, J. (2012) Power-sharing and democracy promotion in post-civil war peace-building, *Democratization*, 19:3, p. 486-506

Bosnian Croat and a Bosnian Serb. The Bosnian constitution also knows The House of Peoples, The House of Representatives and The Council of Ministers. The House of Peoples has fifteen members, two-thirds from FBiH and one-third from the RS. These delegates are named by the upper house of the FBiH and by the National Assembly of the RS. The House of Peoples is thus represented by five Bosniaks, five Bosnian Croats and five Bosnian Serbs. The House of Representatives consists of 42 members, again with two-thirds from the FBiH and one-third from the RS. Finally, the Council of Ministers is designated by the Chair of the Council of Ministers and authorized by the House of Representatives. The Deputy Ministers are selected from another ethnicity than their corresponding ministers. The presidents and a majority of delegates can proclaim their veto. These central institutions are then subdivided into the entities, which both have power-sharing institutions at the regional level.¹⁵² Jung shows that the FBiH has a similar model as the central Bosnian constitution:

“a joint presidency, with a Bosniak and a Bosnian Croat as president and vice-president; the House of the Peoples, which includes 30 Bosniaks, 30 Bosnian Croats, and up to 14 ‘others’, selected by the Cantonal Assemblies; and the Federation House of Representatives, composed of 140 elected members based on proportional representation. The RS also selects its own president and vice-president, as well as the 83 members that make up the RS National Assembly.”¹⁵³

This complex structure of the Bosnian constitution alone is likely to bring about some problems and here the division in ethnicities comes on top of it. The first elections that were held in Bosnia after the war took place in 1996 and it was therefore not a surprise that it was won by the three main ethnic parties.¹⁵⁴ The nationalist parties could easily take advantage of this and use their powers as ascribed in Dayton to counter real change and progress for Bosnia. The reaction of the EU was to increase the powers of the OHR in order to have some control over the radical parties. The OHR could now fire representatives that were hindering the process of the Dayton implementation.¹⁵⁵ With this deep involvement it is hard for the EU to take a step back, for the nationalist parties use their power accurately. To summarise, the

152 Jung, J. (2012) Power-sharing and democracy promotion in post-civil war peace-building, *Democratization*, 19:3, p. 486-506

153 Idem.

154 Idem.

155 Idem.

EU and Bosnia are connected, but do both not speak with one ‘voice’. The identities differ and both act from their own structures. Having so many different layers of government within the two bodies itself, the relationship brings about inefficiency and problems. Instead of discussing problems that occur in the population, like the increase of the unemployment rate and the low quality of education, political parties are playing on the peoples feelings by discussing ethnicity.¹⁵⁶ Besides, both sides are occupied with imposing their own idea of a proper society. According to Kurt Bassenauer this leads to an ‘ideal environment’ for nationalist politicians in Bosnia and is due to the ‘EU’s bureaucratic autism’.¹⁵⁷ Without real consideration of the Bosnian people, the EU seems to constantly react to the decisions made by the Bosnian politicians. The democracy in Bosnia is not led by the EU, for the parties elected lead the presidency, but Bosnia is under EU control. The EU does not take full responsibility, but keeps on trying to negotiate with the same politicians it criticizes.¹⁵⁸ The constitution is outdated and needs reform. The EU recognizes this, but it has been found that with the principle of conditionality it cannot exert enough pressure on the Bosnian politicians. The ‘destructive agendas’ of the Bosnian politicians and the different views for Bosnia by the same politicians and the EU have led to the slow development and impediment of the reform progress. As Bassenauer states: *“it led to a total blockade of institutions in the ethnically divided town and canton of Mostar, where no elections have taken place for eight years.”*¹⁵⁹ This indicates that pressure should be applied in a different way or from a different angle. The EU accuses the Bosnian citizens of not taking enough responsibility during elections in ‘punishing’ the parties. The division in ethnicity in Bosnia is also maintained by the choices of the Bosnian population, argues the EU according to Bassenauer. For Bosnian citizens, Bassenauer states: *“these exhortations to take responsibility for their own misfortune seen like blaming the victim.”*¹⁶⁰

Jung argues that the constant intervention of the OHR obstructs the development of Bosnia in becoming a multi-ethnic society without emphasizing this division. He states that the division of ethnicities is not only bolstered by the war, but particularly by the post-war decisions that have been made, by the Bosnian authorities as well as by the EU. The power-sharing approach may thus be a short term solution for warring parties, but it is not sustainable and therefore not workable in order to be able to build a stable democracy. The

156 Hvidemose, D. (2010) The missing peace, the need for a long term strategy in Bosnia and Herzegovina, Report NDC and Saferworld

157 Basseanauer, K. (2014) report from democratization policy council, DPC Sarajevo-Berlin

158 Idem.

159 Idem.

160 Idem.

constitution set up in Dayton therefore brings more problems for the country than it does solve the division. As Chandler puts it:

“This meant that the newly-elected state and entity governments were reduced to little more than rubber-stamps for predetermined international policies.”¹⁶¹

The power-sharing model used in Bosnia to keep the peace and to stimulate development for the Democratisation progress was the only way to get the Dayton Agreement signed. However, as Jung (2012) argues: ‘power-sharing does not automatically lead to democracy’.¹⁶² As described by Zahar (2001) the negotiated settlement after a war is often a power sharing model, for it is the only solution that warring parties can agree upon. However, she argues, this usually ends in a failure and is therefore ‘limited’.¹⁶³ Power-sharing as terminal for a democracy in progress seems not to be an option. Jung argues that it is never the right solution in a post-war country divided in ethnicities, because when the power sharing model for a country is agreed upon, there is hardly a way back. Bosnian politicians can hold on to the excuses of power-sharing and the constitution set up by the international actors.

The democratisation process in Bosnia after the war has from its beginning been supervised by the EU. By taking care of Bosnia, the EU has taken responsibility. By not correcting Bosnian politicians enough and by hiding behind the Dayton Agreement, the EU is partly responsible for the slow progress Bosnia makes. As Dziewulska states: *“If the EU wants to pull back and really considers Bosnia a candidate state, the change of its constitution should be its priority.”¹⁶⁴* However, limiting action to just changing the constitution seems short-sighted. After negotiations imposed from above succeed, the question still remains of what politicians will make of it. Bieber (2009) blames the EU for acting too dramatically, and for focusing too much on the need for Bosnia to change. Organizing negotiations carries the idea of a deadlock, Bieber argues. Bieber analyses:

“(this)... also reinforces a sense of ‘everything is falling apart’ which has a way to become a self-fulfilling prophecy. Opening constitutional questions in such a dramatic way also is what larger parts of the elite like – it is these big

161 Chandler, D (1998) Democratization in Bosnia: The limits of civil society building strategies, *Democratization*, vol. 4, no. 4

162 Jung, J. (2012) Power-sharing and democracy promotion in post-civil war peace-building, *Democratization*, 19:3, p. 486-506

163 Zahar, M. (2001) The limits of power-sharing in post-civil war settings, Department of Political Science, Montréal

164 Dziewulska, A.(2010) An impossible pasodoble: The EU and Bosnia today, Centre of Europe, University of Warsaw, 13/2010

issues which lend themselves so much more to defending national interests, than everyday boring politics.”¹⁶⁵

The EU’s attitude, Bieber argues, does not improve the Bosnian perspective of a well-functioning democracy, it only worsens it. At the end of the war Bosnia was to some extent ‘wealthy’.¹⁶⁶ Jung argues that the main conducive conditions needed for the rebuilding of the country and the construction of a democracy were present in Bosnia, being: “*per capita income was \$2188 in 1995, and the economy grew at an average annual rate of 22.3% for the first five years after the war.*”¹⁶⁷ Although statistics are not fully reliable for many unregistered activities, the EU’s attitude remains negative about the democratisation process in Bosnia. Therefore, the peace missions have a negative impact, assuming the negative identity of Bosnia. The question arises of whether the EU’s actions would have been more effective if its attitude towards Bosnia would be more focused on the positive developments Bosnia has gone through since the war. Now, the Bosnian leaders can point fingers to the EU and maintain their power based on differences of ethnicity, the self-fulfilling prophecy Bieber designates.

Another aspect that is often blamed for the ineffectiveness of the EU’s actions in Bosnia is the corruption that Bosnia experiences.¹⁶⁸ To counter the corruption in Bosnia, several programmes were set up by the EU. The EUHR Lord Paddy Ashdown strongly supported these programmes. His period as HR confirmed this. Ashdown fired several politicians between 2002 and 2006 under the guise of the anti-corruption programme. According to Chandler (2006) Ashdown’s rules were much stricter than those applied to the EU democracies, but according to the OHR all actions of the HR were justifiable, for Bosnia urgently required transparency. Chandler quotes Ashdown who stated at the time:

“The truth is, as we all know, that BiH’s institutions still have to win the trust of their citizens. And one of the reasons for that distrust, as every citizen knows, is the dangerously close connection between criminality and politics, as well as the high levels of corruption in BiH’s political structures and

165 Bieber, F. (2009) Fixing the institutions will not fix Bosnia: To Butmir or not to butt mir, on: fbieber.wordpress.com, consulted: 28-5-2014

166 Jung, J. (2012) Power-sharing and democracy promotion in post-civil war peace-building, *Democratization*, 19:3, p. 486-506

167 Idem.

168 Chandler, D. (2006) Building trust in public institutions? Good governance and anti-corruption in Bosnia-Herzegovina *Ethnopolitics*, vol. 5, no. 1, 85-99

governmental institutions. None of this is to say that any individual is guilty of the indictments laid against them. It is merely to assert that, if BiH is to win the trust of its citizens, without which no secure form of government or stable peace can be established, then, in choosing which standards are appropriate to BiH, only the highest will do (Ashdown, 2005)''¹⁶⁹

Even supposing that these arguments Ashdown puts forward were true, assuming that Bosnia's political atmosphere is closely linked to criminality and corruption, the OHR never produced a report documenting this corruption in Bosnia.¹⁷⁰ Although estimations are made on the basis of the budget deficit that there is an annual loss of approximately 230 million US dollars, other countries in Central and Eastern Europe share these estimates. Regarding the claim about Bosnia that 'Bosnian authorities may be using the foreign donations to make up for income the government has lost to crime', the losses made in the EU because of smuggling are not considered to be corruption. Chandler criticizes the OHR and the international community for assuming the link between Bosnian politicians and criminality.¹⁷¹ This again is expecting Bosnia's identity to be one of the 'dirt, corrupted and hatred of the Balkans.'¹⁷² This places the EU's identity with its democracy, rule of law and acting as guardian of human rights above the Bosnian identity, giving the EU a free hand to impose their 'goodness' to the corrupt Bosnia. As Bieber described, this can also lead to a 'vicious circle', and doesn't focus on where the real problems are¹⁷³. According to Chandler, the OHR has no real evidence and the claim they are mainly engaged is slander. As Chandler puts it:

*"..., there is no evidence that Bosnia is, in this regard, any different from any other Western state, and certainly no evidence that the problem is in any way exceptional. Detailed investigative evidence is scarce."*¹⁷⁴

169 Chandler, D. (2006) Building trust in public institutions? Good governance and anti-corruption in Bosnia-Herzegovina Ethnopolitics, vol. 5, no. 1, 85-99

170 Idem.

171 Idem.

172 Majstorović, D. (2007) Construction of Europeanization in the High Representative's discourse in Bosnia and Herzegovina, Discourse and Society, vol. 18(5) p. 627-651

173 Bieber, F. (2009) Fixing the institutions will not fix Bosnia: To Butmir or not to butt mir, on: fbieber.wordpress.com, consulted: 28-5-2014

174 Chandler, D. (2006) Building trust in public institutions? Good governance and anti-corruption in Bosnia-Herzegovina Ethnopolitics, vol. 5, no. 1, 85-99

It seems however that the EU feels the only way to get the Bosnian population behind EU integration and to increase the pressure for reforms is the joint fight against corruption. In the election campaigns however, all Bosnian parties claim to fight against corruption and the anti-corruption programmes of the EU just cause a wider gap between the EU and the criticized nationalist parties.¹⁷⁵ All in all the difficult relationship between the EU and Bosnia seem to slow the reform progress and the power of attraction has proved to be insufficient as an impetus for Bosnia to consider reform of Dayton. According to Bieber (2011) the EU has a limited capacity in dealing with Bosnia.¹⁷⁶ Bosnia seems not to be able to progress with reforms mainly due to conflicting interests. Despite the fact that Bosnia is populated by multiple ethnicities, nationalist parties keep succeeding in keeping the focus on the wrong issues.

As Bieber states it: “(...) especially as these elites often are only superficially committed to EU integration and have interest in proving the dysfunctional nature of the minimalist states.”¹⁷⁷

The democratisation process in Bosnia continues moving because of the EU and at the same time it is not able to develop because of the EU. This contradictory data is synonymous for the EU's attitude. Because the EU is only acting from its own structure and the idea that it has to spread its norms and values in order to create stability on its borders, it treats Bosnia as a country desperately in need of democracy and the EU's identity. This approach is wrong, for Bosnia has its own history and identity and therefore the EU's actions can not be effective.

Bosnia's future

As protests broke out in Bosnia early 2014, the EU's hope for more involvement of the Bosnian citizens, and the will for change to come from the bottom-up, seemed to come true. Despite the fact that the EU has ultimate control in Bosnia with the support it has given Bosnia and the role of the OHR, Venneri (2007) summarizes the only solution there seems to

175 Chandler, D. (2006) Building trust in public institutions? Good governance and anti-corruption in Bosnia-Herzegovina Ethnopolitics, vol. 5, no. 1, 85-99

176 Bieber, F. (2011) Building impossible states? State-building strategies and EU membership in the Western Balkans, Europe-Asia studies, vol. 63. no. 10, 1783-1802

177 Idem.

be at hand for Bosnia in this stage:

“As a US general attentively stressed, ‘only Bosnia itself...can heal its own wounds’ and, we might add, only Bosnians are entitled to choose the constitutional arrangement through which Dayton can be overcome. Nonetheless, Europe should make more efforts, for the Bosnians, and for its own future.”¹⁷⁸

This would mean that the EU is on the right path supporting Bosnia, but should be more concerned with the Bosnian population than with Bosnian politicians. Since the Dayton Agreements, the democratisation process in Bosnia has begun. However, with so many different interests and views on how Bosnia should develop, the progress has been slow and inconsistent. Already in 1999, David Dlouhy, director of the US state departments’ Office of Bosnia Implementation, said that ‘democratic concepts of accountability to the public and transparency are not yet second nature to most Bosnians’¹⁷⁹

Gradually this is changing in Bosnian society. Bosnians who do not identify themselves with the nationalist parties and the ethnic division in Bosnia are expressing their opinions. In developing the democratisation of Bosnia it is therefore not that the EU provides the right support, but that the Bosnian citizens make themselves heard. As Basseanauer puts it:

“Citizens have given up on being able to foment social progress through representative politics; governing institutions are in any case not genuinely representative, nor do they perform their institutional roles. (...) This seems like a civic confrontation with the entire Dayton establishment: political elites, governments and state institutions altogether.”¹⁸⁰

Although the EU has supported Bosnia in the whole process, it has undermined the same Bosnian politics it created itself. This has not helped in the improvement or reform of the Dayton Agreements, but has caused more hostility. Bosnia is not a member of the EU, it is the country of the Bosnians. So far, it applies here that the EU has to leave Bosnia to the

178 Venneri, G. (2007) Modelling states from Brussels? A critical assessment of the EU-driven statebuilding of Bosnia and Herzegovina
Syprus Center of European and International Affairs, paper no. 2007/07

179 Dlouhy quoted in: Chandler, D. (2006) Building trust in public institutions? Good governance and anti-corruption in Bosnia-Herzegovina *Ethnopolitics*, vol. 5, no. 1, 85-99

180 Basseanauer, K. (2014) report from democratization policy council, DPC Sarajevo-Berlin

Bosnians, instead of supporting the constitution signed by warring parties divided along ethnic lines.

Conclusion

The aim of this thesis was to explain the approaches of the EU towards Bosnia and to explain the influence of the EU on Bosnia's constitution since the Dayton Agreement that ended the war in 1995. In analysing the EU's actions within Bosnia it looked for the limitations of the EU in the region. The research question of the thesis was: *How effective has the EU been in its actions towards Bosnia in the period since the Dayton Agreement?*

With the use of key constructivist concepts the analyses of the EU's actions were explained. On the basis of documents from the main EU institutions - the European Parliament, the European Commission and the Council - analyses were made on how Bosnia was treated within the EU and how EU actions in Bosnia and the EU's attitude towards Bosnia was discussed in the EU institutions. Furthermore, secondary sources were used to compare analyses given on the EU's actions in Bosnia and Bosnia's democratisation.

From a constructivist approach the EU is analysed as an institution that acts not only as a global actor that wants to expand its power, but as an actor that acts based upon its own structure. This structure is formed by its history and its norms and values. For the EU the aspects of its norms and values of democracy, rule of law and protection of human rights form its actions. From this, its behaviour can be explained. Towards Bosnia, the EU can thus only act from its own structure. This structure of the EU results in the expectation that the EU will act in Bosnia for it is a European country. The EU is expected to defend its norms and values and the human rights worldwide. At the same time, this structure constrains the EU to act effectively in Bosnia, for Bosnia's self-identity heavily differs with its identity as perceived by the EU, and it can only act from its own identity carrying these norms and values, resulting in ineffectiveness.

The EU does support Bosnia on its way to EU accession since the establishment of the Dayton Accords. This aid consists of humanitarian aid, financial aid and military support in the country. The EU was disappointed in the lack of cooperation from the Bosnian authorities and often discussed the need for reforms that have to be achieved by the Bosnian government. Although it does indicate that the constitution set up in Bosnia in the Dayton Agreements was a short-term solution, it puts the responsibility for reforms on the Bosnian authorities, who are too divided to find appropriate reforms for Bosnia.

So far, the EU's actions in Bosnia are derived from the European perspective. Because of this, the actions keep being insufficient for they neglect the Bosnian identity and the fact that it has a different historical background and a structure aberrant of the European structure. The EU's discussions on Bosnia turn out to be more out of self-interest and for the security of the EU itself rather than truly effective for the development of Bosnia to be able to become a candidate country.

Despite the fact that all of the EU led initiatives have invested a lot of money in the country, the role of the HR means that the credibility gap widens. The HR can impose laws on the Bosnian politicians and has the power to fire them. This results in an imposed democracy on Bosnia, where the EU decides what is democratised and what is not. Because this is contradictory to what the EU stands for, the Bosnian citizens are easily won over to the nationalist Bosnian leaders. This credibility gap has resulted in the weakened principle of conditionality. From this, Bosnian leaders can take advantage in order to win the support of the people. Due to this conflicting interest, Bosnia is not able to progress with development towards Europeanisation.

The EU has supported Bosnia since the end of the war, having several aid programmes and continuing negotiations with Bosnia. However, as the EU acts from its own norms and values not taking into consideration the different Bosnian identity, this does not lead to improvement or closer accession to the EU. The EU deals with the same Bosnian leaders it criticises and works from an outdated agreement. As long as the EU does not recognise that the constitution is undemocratic in of itself and does not assume its own norms and values will be automatically followed, its actions within Bosnia will stay ineffective. A good example tends to be followed. The EU however, does not act as a good example within Bosnia, imposing their norms and values and conserving in this way an undemocratic democracy. For Bosnia as an economy that still has much room for development, the saying applies here that it is 'better to trade than aid.' The EU has to change its attitude in order to be effective, because its attitude in Bosnia seems to emanate from consciousness, not effectiveness.

Limitations of current research

Being a small study of the substantial complex situation in Bosnia and the influence of the EU therein, this research can be expanded. Here, the EU perspective from a constructivist point of view on Bosnia is examined and analysed. However, this perspective could also be examined

from other theories in order to expand the perspective of EU involvement in Bosnia since the end of the war. As this research was limited in part due to language obstacles and the accessibility of Bosnian sources, a more comprehensive examination of the Bosnian perspective would greatly increase the scope and depth of the analysis, for example through looking at the perception of the EU from the Bosnian politicians at the centre of the negotiations, as well as from Bosnian commentators and the public.

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