

Examining the (Non) Influence of the European Union in Bosnia and Herzegovina: Has a Europeanisation Process Failed?

Bedrudin Brljavac

Abstract: *The European Union has proved that it is an unavoidable and important actor at the international sphere. However, many times the European Union member states have been criticized for diverse and disunited positions and views with regard to its common foreign policies. Similarly, the main objective of this article is a closer examination of the European Union strategic approach towards Bosnia and Herzegovina in terms of the Europeanisation process of BiH from the perspective of the EU's capabilities to influence the course of domestic policy-making. Thus, the theoretical framework used in the article is Europeanisation. The central result of the thorough research is that although highly present in the Bosnian politics the EU member states are still divided, incoherent, and non-influential in terms of their transforming policies in BiH thus further deepening a political deadlock in this complex Balkan country. What is more, the EU is accountable for the current status quo in Bosnia holding a position of an important international player from which ordinary Bosnian citizens have quite high expectations and hopes. As a result, such a situation has produced a serious credibility gap for the EU since it could not thus far present itself as a powerful and credible actor that has the capacity to help resolving Bosnia's long years of political and social paralysis.*

Keywords: *The European Union, Bosnia and Herzegovina, Europeanisation, European Criteria, Capability-expectations Gap, Credibility Crisis*

“Although Europeanisation through European integration is based on the same EU principles, rules, and procedures, its impact varies in practice from country to country.”

(Othon Anastasakis, 2005)

1 Introductory Remarks: A Weak European Union

Very often the European Union has demonstrated a weak and ambiguous position regarding its activities and policies in Bosnia and Herzegovina (Bosnia or BiH). The recent statements delivered by Milorad Dodik, the populist leader of the most popular Bosnian Serb party — the Union of Independent Social Democrats (SNSD), in relation to the appointment of Peter Sørensen as a new Head of the EU Delegation to Bosnia and Herzegovina, that he has set measures and conditions in order to establish good cooperation with the European Union draws a clear picture of the ambiguous and complex relations between Bosnian political discourse and the European Union. In fact, Dodik said that Sorensen would have a partner in *Republika Srpska* only if the solutions for Bosnian problems are not imposed from international community (Sajinovic, 2011). Thus, even before this international official came to Bosnia the Bosnian leaders have prepared “strange” measures and conditions to be respected and considered in his work with local political elites. This is quite a paradoxical and intriguing situation since it is the EU, which should be setting the standards and rules to be implemented, rather than a politician from the potential candidate and candidate countries. As Anastasakis argues, “as a rule, the candidate countries wishing to join the EU have no say over the rules of accession; they merely have to abide by them” (2005: 82). Nevertheless, so far in many instances a number of local politicians in Bosnia have attempted to re-modify and re-interpret the European criteria in line with their “Bosnian needs,” which are based on the shortsighted ideological interests. As a result, such political positions and opinions the Bosnian politicians clearly hold manifest a seriousness and depth of the credibility crisis that the European Union member states have been facing in the post-war Bosnia and Herzegovina.

That is, the promise of the future European Union membership has not be a “sufficient instrument” and decisive tool for the Bosnian political elites to make them respect the European values, norms and rules and work on their implementation into the domestic political and economic framework. Although ruling political elites are from time to time making statements and views that their final objective is accession into the EU most of them are doing very little, and often counter measures to make the country closer to the EU membership. Furthermore, most of the ruling Bosnian political representatives are still living in the past while the EU-related agenda should encourage them to look towards a common, peaceful, and prosperous future. Thus, current political constellations clearly demonstrate the depth and seriousness in which

the Bosnian political sphere is confronted with since the very end of the war in Bosnia 1992–1995. Further, Carothers argues that the inability or difficulty of South Eastern European “weak states” to adopt the Europeanisation agenda is often singled out as the most significant cause of inaction and passivity to change (2002). Rather than focusing on issues related with European integration and the standard of living of the ordinary citizens, politicians in Bosnia emphasize political discourse, which appeal to the emotions, and feelings thus further increasing inter-ethnic polarization and ethnic apartheid in the country. That is, it is the clearest indication of the post-war arrogance and irresponsible political rhetoric of ethno-nationalist political elites. As Kurt Basuener argues, “the Dayton constitution makes leveraging fear politically profitable and politicians unaccountable. Bosnian politicians pursue their self-aggrandizing, maximalist goals at the expense of the general welfare” (2009: 1). As a result, under the domination of the identical nationalist political elites Bosnia has been suffering more than a decade long of economic, political and social status quo.

As a matter of fact, the ethno-nationalist parties have been dominating the political sphere in Bosnia since the first democratic elections held in 1990s. Such a trend of preferring strictly ethnic parties by the BiH electorate has repeated each election with the only exception of the elections in 2000 when the Social Democratic Party, (*Socijaldemokratska partija*, SDP), a proclaimed multi-national political party, won the elections. Thus, a political competition for votes has been based principally on extremist rhetoric, the so-called politics of outbidding, has continuously taken place in the post-war BiH as the nationalist parties have cemented their early seizure of power in successive elections (Jarstad, 2006: 16). However, the central problem is that on very important issues the ethnic political leaders could not reach the necessary compromises for the whole country to continue its reform process toward the EU membership. As the EC concluded: “In BiH, nationalist rhetoric by key political leaders is challenging the arrangements established by the Dayton/Paris peace agreement and has stalled reforms. Much needed reforms of the police and of the constitutional framework have failed to make progress” (2007: 5). Although domestic political leaders are rightly blamed for slow and insufficient reform process rarely has been the position and responsibility for the years long deadlock sought among the European Union members states. Since the Europeanisation process is a two-way process both the EU and aspirant country, in this case Bosnia and Herzegovina, hold a responsibility for the pace and structure of the process. As Anastasakis claims: “Europeanisation is as much an EU-inspired project as a national venture, entailing the interaction of both external and internal factors. Its success requires commitment, will, and consensus from both sides” (2005: 86). Thus, the research question on which this paper concentrates is:

How can the role and influence of the European Union in the framework of a Europeanisation process be described in the post-war Bosnia and Herzegovina?

2 Relations Between Bosnia and the European Union

BiH and the European Union have established close economic and political relations more than a decade. Thus, in the aftermath of the war in Bosnia, which ended in December 1995, the European Union has intensified and strengthened its strategic activities and policies towards the western Balkans region on the whole, including Bosnia and Herzegovina. In fact, at the very end of the war there was a shift in the EU governance model towards the western Balkans in general and BiH in particular. That is, the EU proposed one after another the initiatives that were supposed to strengthen the European perspective discourse of BiH (Hadzikadunic, 2005: 51). The first such initiative came from France during its EU presidency in December 1996 within the framework of the so-called Royaumont Process. The initiative's main objective was the stabilization and peace building in South-Eastern Europe. The Royaumont Process was the first regional strategy towards the Western Balkans. Furthermore, the EU developed a regional approach launching a political and economic conditionality for the development of bilateral relations with the regional countries. Thus, through the PHARE and OBNOVA humanitarian programmes, beginning in 1997, the EU initiated for the first time in the region political and economic conditionality as its economic assistance under the mentioned initiatives was provided on condition that recipients respect human rights, democracy, good governance and the rule of law (Juncos, 2005: 96). This was the clearest indicator and proof that the EU member states had changed their approach towards the western Balkans region and towards Bosnia from previously held passive, weak and incoherent to a more active, dynamic, and united approach.

In addition, in June 1998 the EU-BiH Consultative Task Force was established. Its major area of responsibility was to provide technical and expert advice in the field of judiciary, education, media, administration, and the economy. In Šuško's words, this event was a manifestation of BiH's official approximation towards the EU membership perspective (2009: 104). Furthermore, the same year in June the EU and BiH officials signed the "Declaration of Special Relations between EU and BiH." Then in 1999 the EU initiated the Stabilisation and Association Process (SAP) establishing more concrete and tangible political and economic links with the regional countries. Later in June 2000 in the Feira European Council, the EU member states agreed that all the SAP countries, including Bosnia, are potential candidates for future EU membership. Also, on the 8th of March 2000 the EU Commissioner, Chris Patten, announced the Road Map for BiH as the first step in the framework of SAP. The document identified 18 initial steps, which had to be implemented and which could lead to a feasibility study for Stabilisation and Association Agreements (SAA) with the EU. A new European partnership with Bosnia and Herzegovina was adopted by the Council on the 18th of February 2008. Following a difficult and

slow reform process the Bosnian government signed Stabilisation and Association Agreements (SAA) with the EU in June 2008, which was the first pre-accession tool towards the country's EU membership in the future (Vuceva, 2008). Since then little progress has been achieved due to harsh and inflammatory ethno-nationalist rhetoric. However, the EU member states as important regional actors are not faultless for the long-lasting status quo in their neighbouring country. In it the EU, which is, by and large, dictating the rules of the game, and the countries of South Eastern Europe have limited or no power to affect those rules (Anastasakis, 2005: 82).

3 Europeanisation as a Theoretical Perspective

Given that Bosnia and Herzegovina has been, for more than a decade, passing through deep, intense and thorough European Union-related reform processes, in the literature of European integration better known as a Europeanisation process, the European Union is expected to develop and build a more clear-cut and coherent strategy toward this EU aspirant country. As Anastasakis claims, referring to South Eastern Europe, an Europeanisation process in an "externally driven" transitioning process (2005: 80). That is, Domm stresses that "the recommendation here is for the EU, aided by the EEAS, to move towards a more coherent, credible policy towards Bosnia" (2011: 64). In fact, the Europeanisation process is not only about adopting and implementing EU policies, regulations, rules, norms and values into the domestic economic, legal, administrative and political framework, it is equally important that the EU has set clear standards, measures and rules which are to be adopted by the aspirant countries for membership. As Anastasakis and Bechev point out, "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" (2003: 5). Better to say, the Europeanisation process as a comprehensive reform and transformation-oriented process is a two-way process between the European Union and the countries that aspire for the EU membership. That is why it is of paramount importance that the roles and responsibilities both of the European Union and the EU aspirant, in this case Bosnia, are clearly defined and stressed. Otherwise, the Europeanisation process will lose its meaning and significance becoming more a tool for political and social manipulation both among domestic and international players.

The concept of Europeanisation has become very popular within the study of European integration in the early 1990s. There have been a variety of definitions made in relation to Europeanisation. However, most of them interpret this process as a reform process in domestic political and economic system affected by policies decided at the supra national European level. That is, we can define Europeanisation

as some form of domestic change that is caused by the European-based decision-making processes. Similarly, Radaelli defines Europeanisation as a “processes of (a) construction, (b) diffusion and (c) institutionalisation 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 making of EU decisions and then incorporated in the logic of domestic discourses, identities, political structures and public policies” (2000). Nevertheless, very often it happens that European norms, rules and values are in conflict with EU aspirant’s values, rules, and norms. As Rory Domm argues “despite the rhetoric, Europeanisation, whereby vast numbers of detailed, non-negotiable rules are adopted by applicant countries, is hardly always consistent with local ownership” (2011: 58). Therefore, the most important thing is that the EU member states find the way and develop solid and clear methods to diffuse and transmit its rules, policies, values, and a European paradigm as an overall concept into local policy-making processes. As Anastasakis points out, “it means that the prescriptions and templates of reforms are conceived and dictated from abroad, with progress and assessment overseen by outsiders” (2005: 80). Overall, the EU is the central actor in setting the agenda for a reform process and is the primary bearer and expression of Europeanisation (Anastasakis, 2005: 78).

4 The EU’s Capability-Expectations Gap

The scholarly works on the European integration process have been full of praise, potential and arguments perceiving the EU as a normative, civilian, humanitarian, and even military actor in international politics. However, the most important thing here is to understand and evaluate practical relevance and concrete results of such academic perspectives and opinions. In other words, it is of utmost importance to measure and explain whether there is relevance between the idea of “European actorness” and tangible results achieved on the ground. Thus, in 1993 Christopher Hill analysed the European Union from the angle of its international role and came to conclusion that there is the so-called “capability-expectations gap” — between what the EU has been talking about doing and what it is actually able to deliver in practice. Hill (1993: 315) points out that the capability-expectations gap has resulted from three closely related factors: namely, the ability to agree, resource availability, and the instruments at the EU’s disposal. As Toje claims, “without capabilities and frameworks in place, the lack of agreement on the foreign policy goals and the means by which they are to be attained could remain clouded in ambiguity” (2008: 124). That is, for the EU to promote itself as a capable, credible, and powerful actor in global affairs it is important that it shifts from mere rhetoric about its “actorness” to resolving acute and real problems in the world and in its closest neighbourhood.

As Hill claimed, if the capability-expectations gap is to be closed, the notion of European international activities must be grounded in demonstrated behaviour rather than potential and aspirations (Toje, 2008: 123).

Therefore, it is very important to understand the role and potential of the EU to press for a reform process in Bosnia in order to make this country a kind of a success story instead of the “sick man of Europe.” To put it differently, without confronting Bosnian deadlock seriously and constantly accusing the domestic ethno-nationalist political elites’ inflammatory rhetoric as a fundamental reason for years-long country’s paralysis the EU is pursuing risky and vague policy which could describe it as a weak and not-serious-enough to challenge sensitive global problems. In fact, eighty-eight percent of Bosnian citizens support Bosnia’s European ambitions, according to the poll conducted by the Bosnian agency for European integration for which 1,200 people were questioned (Eubusiness, 2011). Furthermore, the poll results show that support for the EU membership is strongest in Bosnia’s Muslim (Bosniak) community with 97 % in favour, while 85 % of Bosnian Croats support it and 78 % of Bosnian Serbs (Kotonika, 2011). Such a significant number of proponents for EU integration among the citizens amongst all the three ethnic groups is a special opportunity for the EU to prove its practical capabilities and delivery. However, there is a question mark whether the EU can meet the expectations of the Bosnian citizens? Does it have the necessary tools and resources to help resolve the “Bosnian paradigm?” Therefore, as Hill stresses it is very important for all sides involved to measure the effectiveness of the current Europeanisation process in Bosnia and sketch “a more realistic picture of what the Community (EU) ...does in the world” (Hill, 1993: 306).

5 The EU Conditionality Tools in Bosnia

The Europeanisation process is one of the most dominant, if not the main, transformation and modernization projects in Bosnia, which is based on strict conditionality proposed by the EU. Through the provision of legislative and institutional templates, monitoring, and benchmarking; aid and technical assistance; advice and twinning; and ultimately the prospect of membership, the EU can have a major external impact on the domestic discourse and the internal governance of those countries (Grabbe, 2002). That is, a Europeanisation project in the aspirant countries such as Bosnia itself is to a largest extent driven by the so-called EU conditionality tools which stimulate domestic reform processes. The EU uses a combination of carrots, sticks, and the promise of final EU membership to bring these countries closer to the Brussels (Anastasakis, 2005: 83). In fact, the EU conditionality is based on “strict conditions” that the candidate or potential candidate countries have to meet in order to become full members in the EU (Noutcheva, 2006: 1). As Schimmelfennig and Sedelmeier

claim, “the dominant logic underpinning EU conditionality is a bargaining strategy of reinforcement by reward, under which the EU provides external incentives for a target government to comply with its conditions” (2004: 670). So far, the EU has established and initiated several strategic tools and instruments through which it has attempted to press the process of institutional adjustment to the EU standards and values. Overall, the EU conditionality in the Western Balkans, including Bosnia, is established by the following tools:

1. The general Copenhagen criteria — political, economic and *acquis*-related — applied to all candidate and potential candidate countries;
2. the 1997 Regional Approach and the 1999 SAP;
3. country-specific conditions to be met before entering the SAA negotiation phase and conditions arising out of the SAAs 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 (e.g. Resolution 1244 of the UN Security Council, and the Dayton, Ohrid, and Belgrade agreements) (Anastasakis & Bechev, 2003: 8).

Thus, the EU conditionality is aimed at integrating the Balkan states into the EU: its intention is to promote reform, to prescribe criteria attached to EU-granted benefits, and to differentiate among countries by assessing each on its own merit (Anastasakis & Bechev, 2003: 1). Although it is often taken for granted that EU member states possess wide-ranging conditionality power which can “naturally” press domestic officials to implement required and necessary EU-related agenda, often it results in quite the opposite direction as the EU aspirant countries demonstrate a significant level of resistance and divergence. That is, while many expected that Europeanising reform process will have critical impact on the crisis-driven western Balkans region and especially Bosnia as its very unstable part, the entire process resulted in almost fixed and unchangeable positions of ethno-nationalists that are only declaratorily ready for Brussels. Additionally, the view that EU conditionality will work in Bosnia and solve its post-war political, economic and legal problems seems to result in complete disappointment and misinterpretation of the Bosnian political discourse, as seen so far. In that regard, Sebastian believes that the EU jeopardized and failed to link the power and incentives inherent in its accession conditionality to the constitutional reform process in Bosnia (2009: 344). Also, Noutcheva notes: in essence, the reforms demanded by the EU as conditions for establishing contractual relations with BiH link its membership prospects to changes in the internal state structure of BiH (2009, 1070–71). However, so far the internal political sphere and dominant ethnic model of politicising in Bosnia have not be significantly affected by the EU-related agenda and its fundamental promise of membership.

6 The EU's Main Instruments in BiH

So far, the EU has created a number of bodies and instruments through which it has attempted to speed up Bosnia on the road to full membership. One such body is the European Union Special Representative in BiH (EUSR). In March 2001 Lord Paddy Ashdown was named as the first EUSR in BiH. The main and the most important duty of EUSR has been to help the BiH government in implementing the EU-related reforms. As the European Commission stresses, the mandate of the EUSR is to promote overall political coordination and offer the EU advice and facilitation to BiH to help the country meet necessary requirements for the EU membership (2009: 8). The EUSR's Special mandate is derived from the European Union's policy objectives in Bosnia and Herzegovina. These include, in particular, helping achieve progress in implementing the Dayton Peace Agreement as well as in the Stabilisation and Association Process, the process by which BiH moves towards the European Union (EUSRBiH, 2011). Additionally, the EUSR regularly reports to the Council of the European Union, the inter-governmental body representing the 27 EU member states, through the High Representative for the Common Foreign and Security Policy and Secretary-General of the Council. Thus, the EUSR has been of crucial importance to put pressure on domestic political leaders to continue with the EU-related reform process. However, due to the vague position of the EU on the Bosnian crisis the EUSR has played an unclear and ambiguous role.

For instance, very often there has been serious imposition of the reform process from the HR/EUSR on local political elites. Probably this was clearest and most obvious during recent police reform in the country. The Commission Feasibility Study published in November 2003 identified weaknesses in the policing system in BiH and concluded that it is necessary to "proceed with structural police reforms with a view to rationalizing police services" (2003: 26). As BiH political representatives could not make a compromise on the necessary and required changes the EUSR imposed the reforms on them and thus solved the deadlock. This finally enabled the EC to recommend the start of SAA negotiations with the BiH government on 21 October 2005. However, such an imposition of reforms was clearly forced europeanising reform. Previous HR Petritsch summarized the situation by stressing: "I furthermore wanted to move this country away from a situation where it seemed, that fundamental changes — at times even alien to its local traditions — were being simply imposed on this state and its citizens. More often than not — the country was treated as object" (2006: 4). BiH's future in the EU is thus highly uncertain and even problematic because of the underdeveloped domestic policy-making structures and serious marginalisation of both political representatives and ordinary citizens from open democratic deliberation. That is, coerced Europeanisation by the EUSR has hampered genuine democracy. Thus, the EU is implicitly paralysing active involve-

ment in policy-making and political responsibility of the Bosnian politicians. Also, by using excessive power the EU not only limits the ability of local actors to bring about necessary reform but also affects the legitimacy of the process of Europeanisation itself (Anastasakis, 2005: 86).

Furthermore, very often the disunited and ambiguous position of the EU member states makes the role of the EUSR in BiH ineffective, problematic, and highly irrelevant. For instance, the status of the double-hatted OHR/EUSR was sometimes very unclear and disputed. Thus, commenting on the appointment of Lord Ashdown as the EUSR the EUPM official claimed that without dedicated EUSR staff, it was felt that “he was the right person for the job ... but he never really was the EUSR” (Mustonen, 2007: 20). Also, another EUPM official put it that “the EUSR position was essentially irrelevant” (Mustonen, 2007: 20). This was the case when in January 2009, the international community’s High Representative and the EUSR in Bosnia and Herzegovina (BiH) unexpectedly announced his resignation in order to take up the post of Slovak Foreign Minister instead. From his early mandate he knew very well that his position was like “riding a dead horse” as he used to say. Therefore, as Judy Batt points out, “the abrupt departure of HR/EUSR Lajcak has exposed drift and disarray in the EU’s policy towards BiH” (2009: 1). It would not be far from the truth to say that Lajcak did not have a clear-cut message of support and encourage from the Brussels, which would help him to do his job effectively. As the International Crisis Group pointed out in one of its reports, “There is some reluctance in Brussels for taking up such responsibilities, especially if its means deployment of the largest ever EUSR office, and increased EC funding” (2007: 27).

7 From Dayton to Brussels Era

Since the early 2000s, it is the EU rather than other bigger world actors from international community such as the USA, Russia, and China, more heavily involved in the political and economic affairs in the western Balkans and in Bosnia and Herzegovina particularly. During the Yugoslavian crisis in the early 1990s the EU had played a very weak, invisible, and incoherent role due to a serious lack of commitment and political will of its member states to pool more sovereignty in order to build a stronger and more coherent security and defence policy at the European level. As Javier Solana argues, “when the Yugoslav wars broke out in the 1990s we watched as our neighbourhood burned because we had no means of responding to the crisis” (2009). In spite of the fact that at the beginning of the Yugoslav crisis the Luxembourg Foreign Minister Jacques Poos, then head of the EC Presidency, declared that the organization would intervene in the Yugoslavian wars because it was “the hour of Europe, not the hour of the United States” the opposite proved to

be true since it was a diplomatic fiasco for the European Union and a diplomatic and military victory for the USA. Thus, the famous Henry Kissinger's question, "what is Europe's phone number?," proved its relevance here once again. What's more, it was only with the US leadership and initiative, which created the Dayton peace agreement in November 1995, ending a brutal three and one-half year bloody war in Bosnia (Kim, 2008: 1).

Nevertheless, after the war the EU developed a more strategic and tangible approach towards the Western Balkans countries. There has been an understanding that instability and possible wars and conflicts in the neighbouring region pose direct and serious threat to the EU's security. As a response, the EU developed a more pro-active and comprehensive security and defence policy at the European level. As pointed out by Chris Patten, the European Commissioner for External Relations, "the dreadful humiliation Europe suffered in the Balkans in the early nineties also made us realise that Europe had to finally get its act together" (2003: 2). Among other things, in December 2004, the EU launched a peacekeeping military operation in BiH, replacing NATO's SFOR mission. In addition, the EU sent its Police Mission to Bosnia in January 2003 to replace the UN's International Police Task Force (IPTF) as a part of the broader rule of law strategy in BiH and in the region. On the other hand, the US put diplomatic and military priority and deployed most of its troops in Iraq and Afghanistan. Following initiation and later signing of the SAA the western Balkan countries shifted from the US-dominated Dayton era into the EU-dominated Brussels era. As Javier Solana, the former High Representative of the EU pointed out, the most fundamental objective of the EU at this transition stage is to move from "the era of Dayton" to "the era of Brussels" (2004). However, the Brussels era has not passed without challenges and limitations. Indeed, is the concept of the so-called Brussels era just good and naïve political tool in the hands of European leaders who tend to draw an over ambitious picture of the EU as powerful and credible regional and even global actor?

8 Shortcomings of the EU's Approach in BiH

In the aftermath of the US's shift in its foreign policy of putting priority on other regions more than on Bosnian affairs, such development has left significant diplomatic space for other regional and global powers in making such as the EU to assert its influence in this highly problematic country. As a result, Hadzikedunic believes that gradual withdrawal of the US from the western Balkans towards more critical world regions has signalled leaving the Balkans region to the EU as its natural and strong ally (2005: 23). Although the European Union developed new institutional relations with the regional countries through newly initiated SAA it has faced a lot

of challenges and limitations, and especially in Bosnia and Herzegovina. In fact, the SAA includes provisions and measures for future EU membership of the western Balkan countries. Further, the SAA is similar to the Europe Agreements that the EU signed with the Central and Eastern European countries in the 1990s and to the Association Agreement with Turkey. However, since a long-lasting political deadlock in Bosnia it is obvious that the “EU’s carrot” in the form of the SAA has not worked with the local country’s political elites. In fact, Bassuener and Lyon in this light claim that not only did the SAA not generate momentum, but *Republika Srpska* (RS) is busy unravelling some of the hard-won gains of the previous 13 years, including reforms required by the EU as preconditions for signing the SAA (2009: 2). That’s why, the EU leaders duty is to make the bloc’s values, norms, and standards more attractive and more concrete both to Bosnian politicians and its ordinary citizens.

In addition, the several “EU sticks” implemented have not been effective and influential in interactions with the Bosnian political elites. In other words, the EU has not developed adequate “stick policy” which could be applied to politicians, political parties, and organizations that support policies that are opposed to Euro-Atlantic integration principles and that question the central state’s institutions. Thus, only recently has the EU foreign minister Lady Ashton demanded that her new Bosnian envoy, part of her newly created diplomatic service, be given new powers by the Council of EU foreign ministers to impose travel bans and asset freezes on obstructionist Bosnian politicians (Waterfield, 2010). Even the EU financial aid allocated to the country has not been enough and sufficient motor-force that would motivate domestic politicians to implement necessary measures that Brussels had set beforehand. For instance, the EU provides targeted assistance to candidates and potential candidates countries through IPA (Instrument for pre-accession assistance), which supersedes the five previously existing pre-accession instruments, Phare, ISPA, SAPARD, Turkey instrument, and CARDS. Thus, the European Commission has allocated 440 million Euro of support to BiH in its transition from a potential candidate country to a candidate country for the period 2007–2011 under the IPA. BiH as a potential candidate is currently eligible for assistance to transition and institution building and cross-border cooperation. However, the EU has in some instances cut its financial assistance to BiH due to a slow reform process. In this way, the EU has further pushed the country behind other regional countries on the road to Brussels.

9 Divided European Union on the Bosnian Affairs

The EU member states on a number of occasions manifested their clear division and differences on various global issues in international affairs. Similarly, EU leaders seem very divided and deliver oppressing messages where the European integration

reforms in Bosnia are concerned. Thus, the former US Ambassador Charles English argues that, “part of the problem is that the EU itself is divided about Bosnia. Among member states, only a handful, most notably the UK, appear to have a clear grasp of the dangers posed by Bosnia’s current political dynamics” (Tanner, 2011). Probably the best demonstration and proof to this thesis have been diverse views and opinions of the EU officials regarding the future design and content of the Bosnian constitution. In fact, the Bosnian authorities are expected to implement the European democratic values and effective bureaucratic standards that are based on the Copenhagen and Madrid criteria, respectively. However, although the Copenhagen and Madrid criteria propose what are the standards, measures, and rules that have to be implemented by the Bosnian politicians the EU member states have not demonstrated a common, united, and principled position on the necessary constitutional reforms. Thus, while EU officials have been vocal in their demands and calls for constitutional change, they have not been clear enough and committed about the specific requirements expected (Sebastian, 2011: 4). As a result, the EU member states are as divided as the local politicians are over the design and shape of the future Bosnian constitution. This has recently resulted in a tremendous EU credibility crisis in Bosnia and Herzegovina.

That is, over time there have been even oppressing messages from EU politicians and officials regarding the content and degree of reform within the country’s constitution. To clarify, the European Commission President Barroso pointed out that while constitutional reform was not a strict condition for signing the SAA, “there is [a] link between these two processes... The EC and EU have to be convinced that they have a partner in BiH, which will be capable to respect its promises and implement the Agreement that we negotiate now” (2006). Thus, this has been a sort of informal requirement that the EU officials expect from the Bosnian political representatives to implement in order to speed up the whole European integration process. However, there have been a number of European leaders who do not support the idea that Bosnia needs a new or modified constitution in order to enter the EU family. For instance, Welner Almhofer, Austrian Ambassador to BiH, claims that the European Union had never set the successful implementation of constitutional reforms as a condition for BiH’s EU membership (2006). Better to say, the EU authorities have perceived the constitutional reform as an informal conditionality without clearly stated rewards or punishments for BiH politicians.

In spite of the fact that the EU leaders have often stressed that BiH cannot realize its EU aspirations and become a full member if it does not reform and change its constitutional framework most of them have not explicitly and clearly stated what are these constitutional reforms expected from the Bosnian politicians. This happened to a large degree due to diverse national interests of the EU member states on foreign policy questions and due to vagueness and vagueness of the Copenhagen and

Madrid criteria that are open to political manipulation. As Govedarica points out: “It is true that the EU has had no clear stance towards Bosnia. For a long time the EU officials have believed that the mere process of European integration will solve the country’s problems. However, when it was clear that it was not the case then the EU could not find adequate alternative instrument” (2010). Better to say, since the EU has not stressed clearly the measures required the Copenhagen and Madrid criteria can be understood in thousands of different ways as is the case with the Bosnian political elites. As a result, Bosnian Muslims want to enter Brussels as a country with strong and powerful central state. Bosnian Croats are in support of highly decentralized country. Bosnian Serb leaders see Bosnia in the EU as a weak central state with strong entities having wide competences. If the EU does not clearly decide on the form and content of the constitutional reforms it is indeed hard to wait for Bosnian politicians to reach a realisable and credible compromise solution.

10 “Dayton II” Disappointment

The Dayton Peace Agreement established the Constitution of BiH in an annex of the Agreement deciding on the division of the country into two Entities: the Bosniak/Croat Federation of BiH (mainly controlled by the Bosniaks and Bosnian Croats), and the *Republika Srpska* (mainly governed by the Bosnian Serbs). Both countries’ entities have their own political and administrative structures. The Federation of BiH is divided into three levels: the Entity level, the Cantonal level, and the Municipal level. The RS does not have a cantonal level; it only has municipalities. Overall, the DPA has succeeded in keeping BiH as an independent, sovereign, and peaceful country with a joint multi-ethnic government. Thus, the current political system in Bosnia is a product and result of the DPA. Also, one of the most important goals of the DPA, restoration of security and physical infrastructure, has been satisfactorily met. However, the broader objective of organizing a multi-ethnic, democratic, and economically self-sustaining country is still a long way from happening (Daalder and Froman, 1999: 107). That is, while the DPA brought the war to an end and laid the foundation for consolidating peace, many observers also believe that the agreement, as a document reflecting wartime circumstances, cannot by itself ensure BiH’s future as a functioning and self-sufficient democratic and open state (Ashdown, 2005).

Thus, as domestic political leaders could not agree on necessary changes within the constitution it has become more than obvious that external mediation is seriously required if any significant progress is expected. And that happened when the EU authorities decided to take a decisive and concrete diplomatic lead in fixing Dayton and thus pawing a way for a new era of functional, self-sustaining and democratic BiH. Thus, during the Swedish EU Presidency there has been such an initiative on the

constitutional reform on the 10th of October and again on 20th and 21st of October, when Carl Bildt, Sweden's foreign minister, Olli Rehn, the European commissioner for enlargement, and Jim Steinberg, the US deputy secretary of state, called most of Bosnia's political party leaders together at Butmir, outside Sarajevo, where they outlined a "package" of reforms necessary, as they sold it, for deeper Euro-Atlantic integration of their country (Bassuener, 2009). In the media, the meeting in Butmir was called "Dayton 2" which best demonstrates its importance for the BiH future governance. Also, the Venice Commission was informally involved in the drafting a process for the constitution. However, it ended in complete failure. Bosnian Serb representatives rejected the proposed reforms as too drastic; while Bosniak and Croat leaders described them as insufficient to solve the long-standing political stalemate. Thus, an ambiguous and ill-prepared EU-US initiative at the Butmir NATO base just contributed to a deepening of the current crisis rather than resolving it (Bieber, 2010: 1). Also, failure in Butmir talks resulted in even greater radicalisation of ethno-nationalist leaders since they understand that they are the complete authority within the Bosnian political sphere.

Although the EU and US seemed united and coherent in the Butmir process the entire negotiation ended in huge failure as domestic leaders could not be persuaded by the suggested measures. However, as Bosnia has been for a long time passing from Dayton to Brussels era the EU is the most responsible actor for Butmir's constitution failure. As Joseph points out, "Washington's central policy challenge has shifted from getting the Bosnians to cooperate to goading the Europeans to act. Although Brussels has far more at stake than Washington does, and although it finally has a collective foreign minister, it still acts only when galvanized by the Americans or by crisis, or both" (2010: 62). That is, the EU does not know how to behave like a global player, which is happening in Bosnia. What's more, civil society was completely excluded from the Butmir negotiations. This was a clear threat to democratic deliberation that EU diplomats claim to be an important European value. Furthermore, the Butmir meeting did not even mention a controversial principle of ethnic voting. Even though the EC clearly stressed that the "entity voting" has often prevented swift adoption of legislation, which hinders the country's rapid progress towards EU membership (EC, 2009: 9). Thus, the Butmir talks were a good showcase for the domestic and global public that the international community is still a relevant actor in the Bosnian enigma. However, the status quo remained.

11 Conclusions

It is unavoidable and a natural part of the transition process that the European Union expects the Bosnian government to implement necessary economic, political,

legal and administrative reforms as a part of the country's Europeanisation process through which it has been going through since late 1990s. Anastasakis believes that one defining feature of Europeanisation in South Eastern Europe is the patronizing nature of the process, due to asymmetrical power between the EU and the South East European partners (2005: 81). However, Bosnia, for a long time, has been in a serious political and social paralysis due to opposing views of its three ethnic groups on the future structure and model of the country's constitutional framework and the country in general. In addition, the EU is equally responsible for the current status quo since its member states are not united and clear in terms of defined standards and measures expected from Bosnian political elites. In fact, European leaders believe that the mere process of European integration of Bosnia will bring stability, prosperity and genuine reconciliation to this Balkans country. That is, the European politicians expect the Bosnian political elites to make necessary reforms including constitutional changes that will satisfy all three ethnic groups although they know that it is very difficult to achieve due to diverse ethnic positions on the ground. Although the Copenhagen and Madrid criteria propose what are the standards and measures that have to be implemented by the Bosnian politicians, the EU member states have not demonstrated a common and principled position on the necessary constitutional changes. As a result, BiH politicians successfully manipulate the reluctance and ambiguous opinions of EU leaders. This is creating a serious credibility gap for the EU since it could not assert and present itself as an attractive and powerful actor, which is capable of helping Bosnians to solve their economic and political problems.

In spite of the fact that the EU has deployed a variety of strategic tools, instruments and bodies in the post-war Bosnia in order to help the country's reform process on the road to the EU membership, it is difficult to conclude that such an approach has been successful and useful. For instance, very the often-disunited position of the EU member states makes the role of the EUSR in BiH ineffective and highly irrelevant as happened to the former EUSR, Miroslav Lajcak. Furthermore, as a pivotal agreement, the SAA, has not generated expected momentum for the reform process in Bosnia and it should be examined in order to bring it in line with the real needs of the BiH community. I think that EU leaders are often making the same mistake of ignoring the real problems of Bosnian ordinary citizens because they believe that the mere European integration process will make the country democratic, stable and peaceful. It seems that the European diplomats are making the same mistake again and again since BiH politicians thus manipulate their reluctance and ambiguous position. As a result, the European diplomats stay in a vicious circle between their "European values and standards" and radically opposing interests of the three ethnic-nationalist political elites. As Batt points out, "The EU needs to rebuild its credibility in BiH by forging a unified position on a long-term strategy for the country, actively engaging in the constitutional reform process and giving more effective support to

the next EUSR” (2009: 1). Thus, if the EU aspires to become an important and powerful international actor not only in political rhetoric but also in terms of practical delivery then it should first solve the problems in its own backyard, if not for the well being of Bosnian citizens, then for security for its own citizens.

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