

# EUROPEANISATION, BOSNIAN STYLE

BEDRUDIN BRLJAVAC

*ABSTRACT: There is a wealth of literature criticising European Union (EU) member states for not speaking “with a single voice” regarding foreign affairs priorities. This work is yet another contribution to such scholarship though its direction, analysing EU approaches to Bosnia and Herzegovina (BiH) via the Europeanisation process, is unique. The assumption of this work holds that the EU is deeply divided, incoherent, and weak, in terms of its Europeanising policies in BiH which itself plays a destabilising role and further deepens political impasses in the country. This work demonstrates that, to some extent, the EU is responsible for the enduring status quo in the country since it the international actor most BiH citizens attach the most recognisable set of expectations. This exposes a serious credibility gap for the EU since it is increasingly paralysed and unable to assert itself as an actor capable of resolving the cumbersome BiH enigma.*

**KEYWORDS:** Bosnian Standards, European Union, Europeanisation, European Criteria, International Community, Capability-Expectations Gap, Credibility Crisis

*Without integrating the Western Balkans, Europe will struggle to manage its out-of area expansion and its global commitments as problems from the region will keep its focus on local issues*  
Antonio Milososki

**INTRODUCTION: BiH AND THE EU**

Immediately following the appointment of Peter Sørensen as Head of the EU Delegation to Bosnia and Herzegovina (BiH) Dodik, leader of the Bosnian-Serb Union of Independent Social Democrat party (SNSD), set the parameters required for the emergence of constructive relations between BiH and the European Union (EU). Such political intercourse paints a vivid picture as to current ambiguities since

Dodik conditioned Republika Srpska's cooperative role on the idea that solutions to BiH problems are not imposed by the international community.<sup>1</sup> In other words, the price for cooperation is inaction. Indeed, prior to the arrival of Sørensen, some conditions were set in order to work with local political leaders. This situation could be understood as paradoxical for the grander project of the EU since, typically, it is the Union which sets the tone of interaction rather than the local political elites from potential candidate and candidate countries.

*Bedrudin  
Brljavac*

Dodik is but one example of a local politician modifying EU standards to suit their own, "Bosnian standards," which are constructed around particular ideological interests. As a result, the political postures maintained by BiH leaders, and the inability or incapacity of the EU to alter them, reveals an acute credibility crisis of the EU in BiH.

The promise of eventual EU membership has not been a sufficient instrument to encourage BiH political representatives to respect EU values and norms and implement them domestically. Although, occasionally, certain political elites articulate their prime objective as EU accession, most do very little to move BiH closer to Brussels. Such reluctance is largely due to BiH political immaturity as many key figures are more comfortable – as are their publics' – clutching onto past political polemics whereas the EU-related agenda is constructed to encourage them to work towards a more stable and peaceful future. Such politicking demonstrates the depth of the wound left by 1992–1995 war in Bosnia; rather than focusing on the practical side of EU integration, and prioritising the well-being of BiH citizens, the political elites across party colours and ethno-religious communities unanimously deploy emotional interpretations of BiH "histories" as a means to mobilise current public opinions, a process which only serves to heighten political polarisation and disputes. Indeed, as Bassuener notes,

the Dayton constitution makes leveraging fear politically profitable and politicians unaccountable. Bosnian politicians pursue their self-aggrandising, maximalist goals at the expense of the general welfare.<sup>2</sup>

Under governing structures dominated by such nationalist political elites, Bosnia is sitting uncomfortably on the brink; a brink often referred to as *the* status quo, though is actually a formula of "don't-rock-the-boat" unsuccessfully developed following the 1990 general elections.

The BiH electorates' preference for "ethnic" parties has been a consistent feature of the political landscape with only one exception: the 2000 elections which brought the trans-ethnic and trans-religious Social Democratic Party (Socijaldemokratska partija, SDP), to power. As a consequence of such trends, political swaggering and rhetoric tends to contain ethno-nationalism in relatively – when contrasted to EU standards – extreme rhetoric. This has produced a climate of "outbidding," where those seeking elected power build on nationalist parties' cement dating from their early, post-war election successes elections, by using more extreme rhetoric.<sup>3</sup>

Therefore, on issues important to all segments of BiH, ethno-centric political leaders have been unable to compromise. This has been most apparent in the reform process required for EU membership. In fact, the European Commission (EC) once concluded that

(i)n 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.<sup>4</sup>

Although BiH's political leaders are (rightly) liable for the slow pace of reform rarely is responsibility for the deadlock placed on the actions of the EU and its members. Since the Europeanisation process is a two-way street, both the EU and the aspirant country share responsibility for the pace of the process. This research explores just that and is based around the fundamental question of the extent the EU is itself responsible for the enduring political deadlock in BiH?

### *BiH-EU Relations*

BiH and the EU have maintained close economic and political relations for more than a decade. In the aftermath of the war in Bosnia, which ended in December 1995, the EU intensified its strategic activities in the western Balkans region, including BiH. Indeed, the EU proposed a variety of initiatives which were meant to strengthen the EU perspectives of BiH.<sup>5</sup> These include:

1. **The Royaumont Process:** The first major initiative originated from France's 1996 EU presidency which launched the so-called Royaumont Process. The initiative's main objectives were stabilisation and peace-building efforts in South-East Europe;

2. **PHARE and OBNOVA:** The EU developed a regional approach; advancing political and economic conditionality for the development of bilateral relations through the PHARE and OBNOVA humanitarian programmes. These began in 1997 as the EU tied its economic assistance to the condition that recipients took clear and concrete steps to enhance human rights regimes, democratisation, and allow the rule of law to cement.<sup>6</sup> This signalled that the EU had changed its approach towards the entire western Balkan region from a passive and incoherent to more active and united actor;
3. **EU-BiH Consultative Task Force:** In June 1998, the EU-BiH Consultative Task Force was established to provide technical and expert advice in the fields of: judiciary, education, media, administration, and governing national economies;
4. **Declaration of Special Relations between EU and BiH:** The EU-BiH Consultative Task Force led, in June 1998, to the signing of the *Declaration of Special Relations between EU and BiH*, a crucial document which still largely governs these actors' relations;
5. **Stabilisation and Association Process (SAP):** In 1999 the EU initiated the Stabilisation and Association Process (SAP) to establish more concrete and tangible political and economic links with countries in the west Balkan area;
6. **The Feira European Council:** In June 2000, during the Feira European Council, the EU agreed that all SAP countries, including BiH, are considered potential candidates for future EU membership;
7. **Road Map for BiH:** On 08 March 2000, EU Commissioner Chris Patten announced a 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 a Stabilisation and Association Agreement (SAA) with the EU;
8. **Stabilisation and Association Agreement:** Following a difficult and slow process implementing reforms, the BiH government signed a SAA with the EU in June 2008. This was the first pre-accession tool towards the country's full EU membership.<sup>7</sup>

If the production of strategy and policy papers were the indication of progress, BiH fares well. However, such documents went, largely, unheeded and difficult reforms were postponed indefinitely. Indeed, most of the early, heady days of EU-BiH engagement produced few long-term alterations within the latter and, crucially for this work, did not provoke a comprehensive and realisable set of objectives among the former. Since 2008, ethno-nationalist rhetoric has reached fever-pitch in BiH while the EU has returned to its preferred, but disastrous position on the fence.

This work now turns to tracing the EU's engagement to BiH in a bid to uncover where it has gone astray and how it can be brought back in from the cold. To achieve this goal, and to justify the research question posed above, this work first defines and theoretically treats the Europeanisation process. This is followed by an assessment of the EU's conditionality tools as a means of illustrating how the EU has elicited change in a potential member. This invariably leads to questions of expectations nurtured as "goals" following often painful reforms. Therefore, the subsequent section explores the EU's now infamous "Credibility-Expectations Gap." The final substantive section applies such a "Credibility-Expectations Gap" to the case of BiH in the hope of exposing weaknesses in the EU's current approach to solving the BiH quagmire.

#### WHAT IS EUROPEANISATION?

Over the past decade, the literature on European integration has centred on processes of Europeanisation. This shift is due to the expectation that it the EU which identifies a potential member and sets a rigid formula, detailing the necessary political and economic arrangements which would bring a potential member into the "club." In other words, as the EU's international political and economic clout have risen, it is increasingly able to "call the shots" in negotiations with potential members. Hence, the process where a potential member seeks to join the EU it must follow EU-identified objectives, not vice-versa, and thus the potential member is being Europeanised in the EU's image of which there is no viable alternative.

The Europeanisation process does not only entail the adoption and implementation of EU policies, rules, norms and values into

a domestic economic, legal and political context, it is of equal importance that the EU sets clear standards, measures and rules to be adopted by aspiring countries. In this vein, Anastasakis and Bechev note that '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.'<sup>8</sup> Simply, Europeanisation is a two-way street between the EU and the countries that aspire for the EU membership.

Due to Europeanisation's growing popularity as a branch of European integration, there have been tremendous debates over how to specify the phenomenon and thus how to adequately define it. There have been a variety of definitions made in relation to Europeanisation. Unfortunately, most consider the process as reforming domestic political and economic systems based on policies decided at the EU level. In other words, Europeanisation is domestic change caused by EU decision-making. Radaelli, for instance, defines Europeanisation as

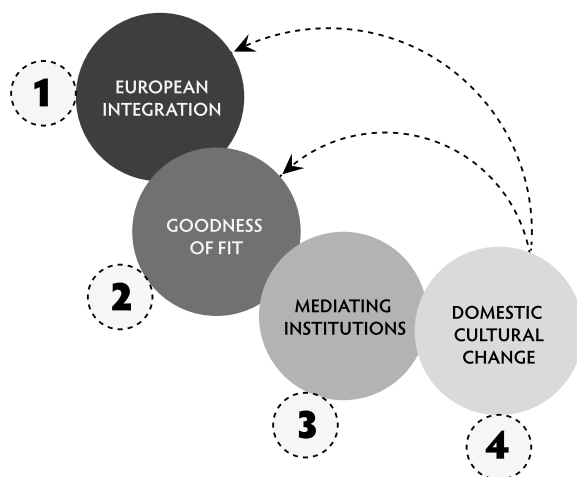
processes of: (a) construction, (b) diffusion and (c) institutionalisation of formal and informal rules, procedures, policy paradigms, styles, ways of doing things and shared beliefs and norms which are first defined and consolidated in the making of EU decisions and then incorporated in the logic of domestic discourses, identities, political structures and public policies.<sup>9</sup>

However, EU norms and values may clash with those of a potential member. Domm articulates this clearly when he suggests that 'despite the rhetoric, Europeanisation, whereby vast numbers of detailed, non-negotiable rules are adopted by applicant countries, is hardly always consistent with local ownership.'<sup>10</sup> It is therefore crucial that the EU find consistent mechanisms to transmit its rules, policies, values while strengthening local ownership so that the gulf between Europeanisation and a potential member shrinks.

In fact, Europeanisation is a logical extension of the EU integration theory. It gained scholarly popularity during the 1990s though has extended until the present.<sup>11</sup> The Europeanisation process has two functions: first, it explains the influence of the European politics and institutions on domestic politics and second, Europeanisation stresses the process of change through which domestic actors adapt to European integration. Such a Europeanisation effect

is best illustrated through the ‘basic paradigm,’ (see Info-Graph 1 below). The paradigm emphasises that European integration leads to pressures to make necessary adjustments which are then influenced by domestic factors, and finally produce outcomes.<sup>12</sup> Indeed, Europeanisation has critical transformative power in the member states. Here, the degree of pressure created by Europeanisation is of crucial importance. This pressure is a function of the degree of fit/unfit or congruence/incongruence between “Europe” and a domestic polity.<sup>13</sup> As a result, the degree of fit or unfit leads to adaptational pressures. Simply, if EU policies and standards are similar to those at the domestic level then pressure for reform is much lower. However, such pressure is a necessary but not sufficient condition for reforms to be undertaken by domestic actors.<sup>14</sup>

INFO-GRAPH 1: EUROPEANISATION AND DOMESTIC CHANGE



SOURCE: Risse et al. (2001: 6), in Cowles et al., p. 1-20.

### *Means of EU Conditionality*

The Europeanisation process in aspirant countries, such as BiH, is largely driven by EU conditionality that stimulates domestic reforms. In other words, EU conditionality is based on “strict

conditions” that candidate and potential candidate countries must meet in order to become full EU members.<sup>15</sup> As Schimmelfennig and Sedelmeier argue, ‘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.’<sup>16</sup> So far, the EU has established several strategic tools through which it attempts to press the process of institutional adjustment to EU standards and values. In the West Balkans EU conditionality deploys the following tools:

1. The 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).<sup>17</sup>

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 the countries by assessing each on its own merit.<sup>18</sup> Although it is often taken for granted that EU member states possess wide-ranging conditionality powers which can press domestic officials to implement the required EU-related agenda, it often produces opposite results as EU aspirants demonstrate significant levels of resistance. This has been especially true in BiH. Indeed, Sebastian suggests that the EU jeopardised and failed to link the power and incentives inherent in its accession conditionality to the constitutional reform process in Bosnia.<sup>19</sup> Noutcheva notes that 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. However, internal politics in Bosnia were not significantly affected by the EU’s promise of membership.



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European studies literature is replete of praise and arguments supporting the EU as an international normative, civilian, humanitarian, and soft military actor. However, it is important to measure whether there is relevance between the idea of "European actor-ness" as such a normative actors and the tangible results the EU has produced in its international engagements. Recognition that the EU's self-prescribed identity may be out-of-sync with the reality of its policy actions, produced an enduring debate and spawned Hill's 1993 analysis which concluded that the EU is facing an acute capability-expectations gap. Hill suggests that the capability-expectations gap was produced by three interrelated variables namely: 1. the ability to agree, 2. resource availability and 3. instruments at the EU's disposal.<sup>20</sup> Elements of these variables have been further evaluated and deployed to assess the precise role of the EU in its international engagements. For instance, Toje claims that 'without capabilities and frameworks in place, the lack of agreement on foreign policy goals and the means by which they are to be attained could remain clouded in ambiguity.'<sup>21</sup> Taken back into context, for the EU to promote itself as a capable and powerful actor in international politics it is important that it matches its rhetoric about normative actor-ness with actions. Again Hill captures this best in his suggestion that 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.<sup>22</sup>

Taken to the case of BiH, the EU must abandon its rhetorical offensive and replace it with more practical steps for reform. Without confronting BiH malaise, and being comfortable simply accusing domestic ethno-nationalist political elites' inflammatory rhetoric as the prime reason for deadlock, the EU continues to pursue a risk-laden policy which renders it unable to tackle sensitive regional and international problems.

In BiH the EU is not swimming against the tide as 88% percent of the country supports it's EU ambitions.<sup>23</sup> Furthermore, poll results reveal that support for EU membership is strongest in the Bosniak community with 97% favouring EU assession, while 85% of Bosnian Croats and 78% of Bosnian Serbs support the initiative.<sup>24</sup> Such support for EU integration – among all main ethnic groups – provides

a solid opportunity for the EU to demonstrate its practical capabilities. However, a question mark hangs over whether the EU can meet the expectations of Bosnians? Does it have the necessary tools and resources to resolve the continuing Bosnian enigma?

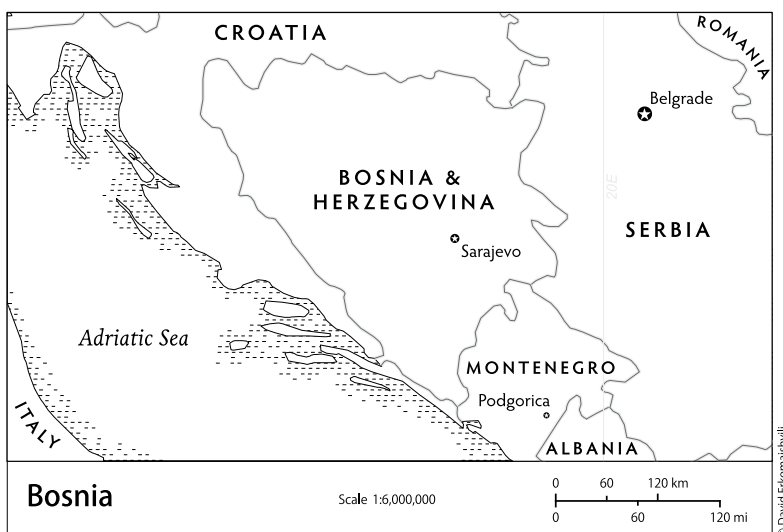
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### *The EU's Main Operating Tools*

The EU has constructed bodies and instruments to speed up BiH's membership, for instance, the EU Special Representative in BiH (EUSR). In March 2001 Lord Ashdown was named as the first EUSR in BiH. The main and most important responsibility of EUSR has been to assist BiH government follow through on EU identified reforms. As the Commission itself 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.<sup>25</sup> The EUSR's special mandate is derived from the EU's policy objectives in BiH. These include: 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 EU.<sup>26</sup> Additionally, the EUSR regularly reports to the Council of the EU, the inter-governmental body representing the 27 EU member states, through the High Representative for the Common Foreign and Security Policy (CFSP) 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, in practise, the EUSR has played an ambiguous role.

The recent attempts at police reform serves as a telling example of such ambiguities. The Commission Feasibility Study (2003) identified weaknesses in BiH's policing system and concluded that it is necessary to 'proceed with structural police reforms with a view to rationalising police services.'<sup>27</sup> BiH political elites could not, predictably, compromise over the reforms so the EUSR simply imposed them to resolve the deadlock. This move enabled the EC to recommend the commencement of SAA negotiations with BiH (21 October 2005). However normative the intents, such an imposition, without addressing the core causes of local discontent and irreconcilability, was short-sighted and indicated that Europeanising reform could, in fact, be forced. This action spawned a wave of

criticism from within and beyond BiH. Perhaps the most indicative critique came from former High Representative Petritsch who rightly summarised the situation: ‘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.’<sup>28</sup>



BiH’s future in the EU is uncertain due to underdeveloped domestic policy-making structures and serious marginalisation of both political representatives and ordinary citizens from open democratic deliberation. This situation is made worse by the EU’s imposition of reforms without attempting to solve the actual BiH impasse. Coerced Europeanisation by the EUSR has hampered the fragile democratic balance in BiH and retarded its ability to mature. In this sense, the EU inadvertently paralyses BiH’s political system.

Also, the often disunited position of EU members and institutions renders the EUSR ineffective. For instance, the status of the double-hatted OHR/EUSR has been unclear. Commenting on the appointment of Lord Ashdown as the EUSR, a 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.’<sup>29</sup>

Another EUPM official said that ‘the EUSR position was essentially irrelevant.’<sup>30</sup> This was the case in January 2009 when Lajcak, High Representative and EUSR in BiH, unexpectedly announced his resignation to take up the post of Slovak Foreign Minister. From his first mandate he considered his position was like ‘riding a dead horse.’ As Batt points out, ‘the abrupt departure of HR/EUSR Lajcak has exposed drift and disarray in the EU’s policy towards BiH.’<sup>31</sup> It would not be misleading to suggest that Lajcak did not carry a clear stamp of support from Brussels which would help him effectively fulfil his responsibilities. As the International Crisis Group pointed out in its report, ‘(t)here 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.’<sup>32</sup>

*From the American to Brussels Era*

At present, it is the EU, rather than other international actors (re: the US, Russia, China), which is most involved in the political and economic affairs of the West Balkans. During the Yugoslav wars in the early 1990s, the EU had played only a marginal and largely incoherent role due to a serious lack of commitment and political will of its member states to pool more resources to build a more robust security and defence policy at the European level. As Solana points out, ‘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).’ At the beginning of the Yugoslav crisis, Luxembourg Foreign Minister Jacques Poos – then head of the EC Presidency – declared that the organisation would intervene because it was ‘the hour of Europe, not the hour of the United States.’ However, the opposite proved correct as the situation spiralled out of control and Europe sought, and fought for, direct US intervention. This attested to Europe’s major contribution to ending the Yugoslav wars; it managed to get the US involved in a peace-making capacity. In fact, it was only under US leadership that the Dayton Peace Agreement (1995) was concluded thus ending a brutal three and a half year war in Bosnia.<sup>33</sup>

However, after the war, the EU developed a more strategic and tangible approach to the West Balkans since the consequences of the war revealed that instability in the region poses serious threats

to the EU. In response, the EU developed a more pro-active and comprehensive security and defence policy at the European level. Or, as Patten, EU Commissioner for External Relations, remarked: '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.'<sup>34</sup> 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 part of the broader rule of law strategy in BiH and in the region. Alternatively, and following the 11 September attacks, the US's priority list changed, and it deployed most of its troops to Iraq and Afghanistan.

Following the initiation and signing of the SAA, the region shifted from the US-dominated Dayton era to an EU-dominated Brussels era. However, the Brussels era has not passed without challenges.

#### CREDIBILITY CRISIS OF THE EU IN BOSNIA

Following the shift in US foreign policy away from BiH, significant diplomatic spaces opened for others, such as the EU, to assert influence. As a result, Hadzikadunic believes that gradual withdrawal of the US from the West Balkans towards more critical regions has signalled leaving the Balkans region to the EU as its natural and strong ally.<sup>35</sup> Although the EU developed new institutional relations with the region through the SAA it faced a multitude of challenges, especially in BiH.

In fact, the SAA is similar to the Agreements the EU signed with the Central and East European countries in the 1990s and the Association Agreement with Turkey. However, the enduring political malaise in Bosnia has obstructed the EU's SAA carrot. Bassuener and Lyon claim that not only did the SAA not generate momentum, but Republika Srpska is busy unraveling some of the hard-won gains of the previous 13 years, including reforms required by the EU as preconditions for signing the SAA.<sup>36</sup> That is why EU leaders must redouble their efforts to make the bloc's values, norms, and standards more attractive for Bosnian politicians and citizens.

Furthermore, EU sticks have also not worked in interactions with Bosnian political elites as the EU has not developed an adequate

“stick policy” which could be applied to politicians, political parties, and organisations that support policies opposed to Euro-Atlantic integration principles and that question the state institutions. Only recently has EU High Representative for Foreign Affairs, 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.<sup>37</sup> Even EU financial aid for BiH has not been enough of a motivation for domestic politicians to implement necessary measures that Brussels had previously set. For instance, the EU provides targeted assistance to candidates and potential candidate countries through the Instrument for Pre-Accession Assistance (IPA) which supersedes the five previously existing pre-accession instruments, Phare, ISPA, SAPARD, the Turkey instrument, and CARDS. Thus, the European Commission has allocated some €440 million to support 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 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 the slow reform process. In doing so, the EU has pushed BiH behind others on the road to Brussels.

*Bedrudin  
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### *The EU: Divided in Bosnia*

Often EU leaders seem divided when European integration reforms in Bosnia are concerned. Former US Ambassador, Charles English, aptly noted 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.’<sup>38</sup> Probably the best demonstration of this is seen in the diverse views of EU officials regarding the future design and content of BiH’s constitutional framework. In fact, Bosnian authorities are expected to implement European democratic values and effective bureaucratic standards based on the Copenhagen and Madrid criterion, respectively. However, although the Copenhagen and Madrid criterion propose the standards that have to be implemented by BiH politicians, the EU member states have not demonstrated a common and principled position on necessary

constitutional changes. Thus, while EU officials have been vocal in their demands for constitutional change, they have not been clear enough about specific requirements.<sup>39</sup> As a result, EU member states are as divided as local politicians over the design and shape of the future Bosnian constitution. This reinforced an EU credibility crisis in Bosnia.

At times, the EU sends contradictory messages regarding the content and degree of reform to BiH's constitution. 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.'<sup>40</sup> This has been an informal requirement that EU officials expect from BiH political representatives to implement in order to speed up the entire European integration process. However, there have been a number of EU leaders who do not support the idea that BiH requires a new, or even modified, constitution in order to join the EU. For instance, Welner Almhofer, Austrian Ambassador to BiH, claims that the EU had never set the successful implementation of constitutional reforms as a condition for BiH's EU membership.<sup>41</sup> Indeed, the EU perceived constitutional reform as an informal condition without articulating rewards or punishments for BiH politicians unwilling to implement such changes.

Even though EU leaders reiterate that BiH cannot realise its EU aspirations if it does not reform its constitutional framework, most have not explicitly stated what such constitutional reforms look like. This reflects the diverse national interests of EU members on foreign policy questions and is highlighted by the ambiguity of the Copenhagen and Madrid criterion. '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.'<sup>42</sup> In other words, since the EU has not clearly indicated the measures required, the Copenhagen and Madrid criterion can be understood through a multitude of lenses, a point underscored by the variance of opinion among BiH political elites. For instance, it

could be said that Bosniaks want to enter the EU as a country with a strong central state; Bosnian Croats support a highly decentralised country while Bosnian Serb leaders see Bosnia in the EU as a weak central state with strong regional entities. Obviously, the EU should set the standard to solve this BiH impasse.

*The EU  
& BiH*

### *Initiative Failure for Dayton II*

The Dayton Peace Agreement (DPA) 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 Republika Srpska (mainly governed by the Bosnian Serbs). Both 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. Republika Srpska does not have a cantonal level, it only has municipalities. The DPA has succeeded in keeping BiH as an independent and sovereign country with a joint multi-ethnic government. Thus, the current political system in Bosnia is the product of the DPA. Also, one of the most important goals of the DPA, the restoration of security and physical infrastructure, has been achieved. However, the broader objective of organising a multi-ethnic, democratic, and economically self-sustaining country is still a long way away.<sup>43</sup> So, while the DPA ended the war and laid the foundation for consolidating peace, many observers believe that the agreement, as a document, reflects wartime circumstances and cannot alone ensure BiH's future as a functioning and self-sufficient democratic state.<sup>44</sup>

Since domestic politicians could not agree on the necessary changes within the constitution it has become obvious that external mediation is required if significant progress is expected. This occurred when EU authorities decided to take decisive diplomatic action in fixing Dayton and paving a way for a new functional, self-sustaining and democratic BiH. During the Swedish EU Presidency there was a constitutional reform initiative, when Bildt (Sweden's Foreign Minister), Rehn (European Commissioner for Enlargement), and Steinberg, (US Deputy Secretary of State), called on BiH's political party leaders to attend a meeting at Butmir, outside Sarajevo, where they outlined a 'package' of reforms necessary for



deeper Euro-Atlantic integration.<sup>45</sup> The media termed the meeting 'Dayton II' which underscores the importance attached to it for the future of BiH's governance. Despite high expectations, Dayton II 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, ambiguous and ill-prepared EU-US initiative at Butmir contributed to deepening the current crisis rather than resolving it.<sup>46</sup>

On the surface the EU and US were united in the Butmir process and negotiations ended in failure because domestic leaders would not compromise on the adoption of the suggested measures. However, since Bosnia has been objectified while being passed from the Dayton (US) to the Brussels (EU) era, it is fair to assign responsibility for Butmir's constitutional failure to the EU. 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 act only when galvanised by the Americans or by crisis, or both.'<sup>47</sup> In other words, the EU did not construct an adequate and stable political environment in the years it had assumed responsibility over BiH governance. Civil society, economic actors, and intellectuals were excluded from the Butmir negotiations, ensuring that unaccountable external actors (re: the EU) and divided internal actors (re: BiH political elites) were alone to make or break a deal. Additionally, the Butmir meeting avoided the controversial principle of ethnic voting even though the EC identified 'entity voting' as preventing the swift adoption of legislation, which hinders BiH's progress towards EU membership.<sup>48</sup> These omissions posed an acute challenge to the values of democratic deliberation the EU claims as integral. Thus, the Butmir talks served only as a showcase however the status quo remained.

## CONCLUSION

It is a natural part of the transition process for the EU to expect the BiH government to implement economic, political, legal and administrative reforms as a part of the country's Europeanisation

process. BiH has faced a serious impasse due to opposing, ethnic-based positions over the design of the country and its constitutional framework. However, the EU is equally responsible for the current status quo since its member states are not united in terms of defined standards and measures expected from Bosnian politicians. It seems that EU leaders believe that the process of integration of BiH is enough to produce stability, prosperity and genuine reconciliation. Although the Copenhagen and Madrid criterion proposed the standards to be implemented by BiH politicians, EU member states have not demonstrated a common and principled position on the necessary constitutional changes. As a result, BiH politicians successfully manipulate EU leaders. This poses a serious credibility gap for the EU since it could not assert and present itself as an attractive actor capable of solving the BiH quagmire.

*Bedrudin  
Brljavac*

Although the EU has deployed a variety of strategic tools, instruments and bodies in post-war BiH to help reform the country and get it on the road to EU membership, such approaches have been haphazard. For instance, the role of the EUSR ineffective and the SAA has not generated momentum for reforms. EU leaders are falling victim to “history-repeating” and ignore the more visible problems of BiH; brushing them under the carpet believing that the prospect of EU integration will convert the country into a democratic, stable, peaceful and accountable member of the union. EU diplomats are thus caught unaware in a vicious circle between European values and radically opposing interests BiH’s political and ethnic elites.

☺ BEDRUDIN BRLJAVAC is affiliated to Lund University, Sweden and may be contacted at: [bedrudino7@yahoo.com](mailto:bedrudino7@yahoo.com).

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