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A Europeanization without Democratization:

The Case Study of Bosnia and Herzegovina

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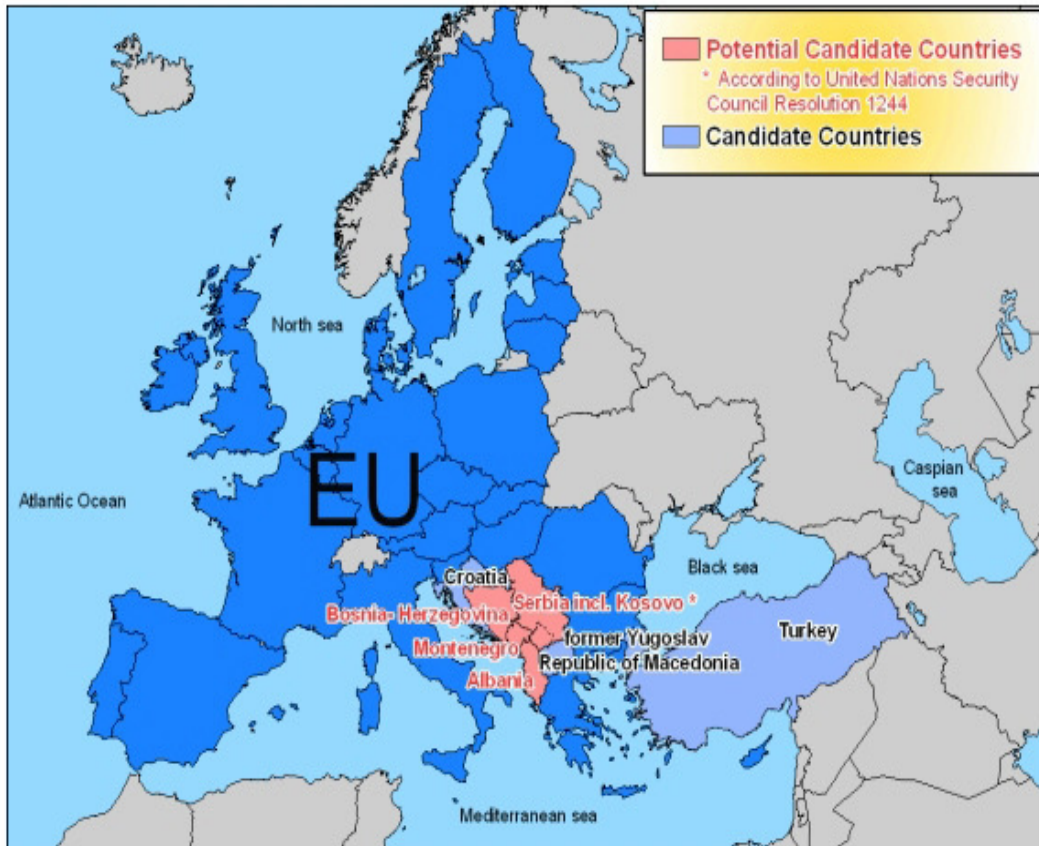
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Map of Bosnia and Herzegovina and the Western Balkans.

Source: www.ec.europa.eu.

Abstract

Since the second half of the 1990s onwards the EU has started comprehensive Europeanization reform process in the Western Balkan countries in the framework of its enlargement policy. One important aspect of the ongoing Europeanization process has been a democratization reforms. However, the WB region as a whole has continuously faced serious democratic deficit. Therefore, it is highly challenging to understand the main reasons behind such a paradox. For this purpose, I have used democratization approach as a theory. Also, I have used mainly qualitative research methods to collect the empirical material. The study is examining the case of Bosnia and Herzegovina, one of the countries of WB region, regarding the main challenges it has faced in terms of its democratization reforms in the framework of the all-encompassing Europeanization process. I have identified the five main challenges limiting genuine democratization in the country; namely, deficient constitutional framework, massive international presence, exclusive ethnic nationalism, weak civil society, and ambiguous role of the EU member states. After thorough analysis of the case I have reached a conclusion that these main challenges have to be tackled as soon as possible if the country is going to continue its democratization reforms which will eventually bring it closer to the EU membership. Most importantly, I think that the EU has to put more pressure into whole Europeanization process in order to help the democratic reforms in the country. Otherwise, Bosnia and Herzegovina could face a situation of permanent Europeanization process without genuine democratization reforms!

Key Words: Europeanization, Democratization, Western Balkans, Bosnia and Herzegovina, Constitutional Framework, International Community, Ethnic Nationalism, Civil Society, European Union.

Word Count: 20 300.

"Only by making the right diagnosis can an illness be cured through the application of the right medicine" (Lale Kemal).

1 Introduction

1.1 Basic Dynamics

When the Cold War ended in the late 1980s it was believed that stability, security and peace finally came to Europe. However, in the early 1990s the whole world and the European citizens particularly were shocked watching the dissolution of Yugoslavia and the start of the conflicts in the newly independent states. First, in 1991 the war started in Slovenia and Croatia. The next year in April terrible war broke in Bosnia and Herzegovina (hereafter BiH or Bosnia). In March 1992, referendum was held and 99.5 % out of 64.5 % of the citizens voted for the sovereign and independent BiH. On 6 April 1992 BiH was recognized as an independent state by the EC (Malcolm, 1996: 234). In fact, the Bosnian conflict started when the EU member states were very busy with their internal agenda.

Although new political developments at the region took place at their doorsteps the EU member states looked paralyzed and ineffective. Brussels did not develop necessary policy instruments towards the Bosnian crisis. In other words, after BiH's international independence the EU left the country at mercy of fierce nationalist struggles and neighboring states' ambitions to divide the country (Hadžikadunić, 2005: 27). 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 crisis because it was "the hour of Europe, not the hour

of the United States" (Gordon 1997/1998, 75). However, this did not happen and the Bosnian war was the hour of the US. The passive stance of the EU showed rather clearly that the Europeans lacked cohesiveness, determination and the instruments to bring the crisis under control (Lehne, 2004: 11). Thus, the US was the key actor which made critical efforts to end the war in December 1995 when the warring sides signed the Dayton Peace Agreement.

However, after the war the EU developed new strategy towards the Western Balkans, the region that today comprises Albania, Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, Montenegro, Serbia, as well as Kosovo under UNSC Resolution 1244/99 (EC, 2008: 2). There has been an understanding that instability and possible conflicts in the region pose direct and serious threat to the EU. As a result, in the mid 1990s the EU initiated the regional strategies in order to support political, economic, and social reforms in the region. Since 1999 the Stabilization and Association Process was the new institutional agreement towards the WB countries. It was said that countries that successfully implement all necessary reforms will sign the Stabilization and Association Agreement.

Following the Thessaloniki European Council of June 2003, BiH was granted potential candidate country status for EU accession which triggered a comprehensive reform process in the country. Thus, the Western Balkans in general, and Bosnia in particular, remain a major focus of attention for policy-makers in Brussels (Juncos, 2005: 88). Today, the EU-related reforms have become the main motorforce for country's stability and integration. To put it differently, a so-called Europeanization process is present everywhere in the country. Democracy-building has been important policy within the Europeanization process in BiH. However, democratization process in the country has faced serious challenges.

1.2   Research Questions and Purpose

A Europeanization process in BiH is present both within the state institutions and in society. There has been an understanding that right and systematic implementation of the EU policies would lead to more democratic, free and stable state. However, implementation of the Europeanizing reforms in BiH has moved very slowly due to multiple challenges that stand on its way to the EU membership. In fact, BiH is today amongst the greatest laggards from the group of the WB countries. Given such problematique concerning the pace of the reform agenda in the WB it is of utmost importance to understand what have been the main challenges that slowed down BiH's democratic transition process. Some of the factors that have limited its democratization reforms have been the constitutional structure, massive international presence, ethnic nationalism, weak civil society, and the EU itself being divided.

My main objective is to explore to what extent these factors have hampered implementation of the EU reform agenda in BiH. In fact, such an analysis will enable us to highlight the main challenges and in this way provide new guidance and make suggestions how to make the implementation of the Europeanizing reforms more effectively in the future. In addition, the research could be of significant help to other applicant countries from the region which have faced similar difficulties on their EU path. To do this my research questions are:

1. **What have been the main objectives and dynamics of the Europeanization process in the Western Balkans?**

2. **Why has Bosnia and Herzegovina not come further in its democratization process in the framework of the Europeanization reforms?**

So far, there have been some studies on this topic. However, in most cases they have been partial and have analyzed only one aspect of the whole problem. In my thesis I will try to conduct one extensive study and in this way provide the answer as how to continue the implementation of the EU reform agenda in a more systematic manner. In fact, for a democratization reform agenda in the framework of the Europeanization process to be successful it is of crucial importance to understand the main problems that limit its practical implementation. Today such study is even of greater importance since BiH has been facing serious political, economic and social deadlocks for a long time.

2 Method and Material

2.1 Case Study

The choice of research methods is usually made on the basis of whether it is appropriate way of answering a research questions (Bryman, 1988: 108-109). The research method that is used in this study is a case study of Bosnia and Herzegovina through its Europeanization process. A case can be a person, an event, a program, a time period, a critical incident, a community, or a country. Thus, the unit of analysis that is examined here is the country. According to the Table 2.1, our case study is the Type 2 based on single case design and it is embedded analysis. It is embedded because data is collected from various sources to examine one research theme (Yin, 1989: 49).

Further, in-depth knowledge of an individual example can be more helpful than gathering information about a larger number of cases (Gerring, 2007: 1). Also, Bryman points out that a case study is a research design that entails comprehensive analysis of a case in question (2001: 51). A good case researcher accepts complexity and multiple causation as an unavoidable feature during scientific research rather than as a problem to be ignored (Guy, 1998: 141). For instance, in the case study of BiH we are aware that there can be multiple causes or factors of rather stagnant democratization process. However, the most central challenges limiting democratization process will be examined thoroughly.

Table 2.1 Basic Types of Designs for Case Studies

	Single-Case Designs	Multiple-Case Designs
Holistic (single unit of analysis)	Type 1	Type 3
Embedded (multiple units of analysis)	Type 2	Type 4

Source: Yin, (1989: 46).

Furthermore, a case study method provides the researchers rather thorough and extensive description and explanation of the phenomenon examined and thus contributes to theory testing in the social sciences. Indeed, the knowledge acquired from this analysis we can understand how both Europeanization and democratization paradigms work in the BiH context. The main concern is the quality of the theoretical reasoning (Bryman, 2001: 50). In other words, the central objective of the thesis is designed as a theory-testing case study to examine main dynamics in BiH regarding its democratization process through overall Europeanization project. Thus, case study method is not based only on hypothesis testing or "logic of confirmation", but also is related to the "logic of discovery", namely the formation of new hypothesis and theory development (George and Bennett, 2005: 10). A case study method is very useful as it enables researchers to examine how theoretical elements are linked to each other and this also provides them a better understanding of complex problems in question.

A case study method has been criticized on the basis that it can not be generalized. That is, a common criticism of case study is that it is unrepresentative and atypical (Burnham, 2004: 53). Thus, the interpretations of collected data can be highly biased or subjective. However, Devine believes that such critics are misplaced and it is rather the objective of the research that decides what a valid method is used (2002: 205). As in the case of BiH we can probably not produce explicit generalizations, but we can gain comprehensive understanding of the most fundamental factors that

hamper democratic reforms in the country and in the WB generally. In other words, the study may not result in generalizations but its findings could result in hypotheses that can be tested in future studies.

2.2 Qualitative Methods

Since the research questions of this study are concerned with understanding of democratization processes in BiH and Western Balkan within their social contexts here the qualitative research methods seem more suitable. In Bryman's view, qualitative methods "emphasize words rather than quantification in the collection and analysis of data" (2001: 506). Similarly, qualitative research methods emphasize a deep examination and understanding of context while quantitative methods strive towards generalizations (see Table 2.2). Simply, the central idea is to understand real human experiences, practices and opinions rather than making predictions about their behavior (Henwood and Pidgeon, 1993: 16). Through qualitative research it is easier to reach real life context and collect necessary data and thus understand the whole democratization process that the country has been facing for a long time.

However, qualitative methods have been criticized because of the bias in the data collected. In other words, qualitative research is not replicable and generalizations are difficult. Although it is difficult to generalize findings through qualitative research methods its central advantage has been thorough exploration of peoples` experiences, practices, and attitudes what lead to one comprehensive understanding of particular context (Marsh and Stoker, 2002: 207). To make up for possible shortcomings of qualitative method I have used quantitative data as an illustration. That is, through the tables, graphs and figures drawn here it is easier to understand democratization prospects in BiH. However, the central method I have used at the study has been the qualitative method because it can better provide the answers to our research questions on democratization challenges in BiH. Social context of the democratic transition can not be analyzed only through numerical data.

Table 2.2 Differences between quantitative and qualitative research

Quantitative	Qualitative
Numbers	Words
Static	Process
Structured	Unstructured
Generalization	Contextual understanding
Hard, reliable data	Rich, deep data
Behaviour	Meaning

Source: Bryman, (2001: 285).

Qualitative methods refer to a range of techniques including observation, participant observation, intensive individual interviews and focus groups interviews which seek to understand the experiences, knowledge, and practices of key informants and to locate them firmly in particular context (Marsh and Stoker, 2002: 197). Bearing in mind the research objectives of this study, exploration of the BiH case of its democratization process where social context is of utmost importance, an interview seems suitable research method. Indeed, interviews are an essential source of case study evidence because most case studies are closely related with examination of human affairs (Yin, 1989: 90).

That is, an exploration of social context should be analyzed through the perspectives and understandings of specific interviewees. In fact, the most important principle of qualitative interviewing is to provide a framework within which respondents can explain and tell their own understandings and opinions in their own terms (Patton, 1987: 142). In this study, extensive interviewing will be made with university scholars, domestic politicians, journalists, and NGO workers. Thus, the interview will be made with respondents from all three ethnic groups in BiH so we can hear multiple perspectives on the same subject.

Listening to their experiences and opinions about the research subject will enable us to run from biased interpretations. Also, their answers will enable us to better understand the social context in which the democratic transition of BiH is taking place. A semi-structured interview has been used with our interviewees. It is advantageous because it is quite flexible and allows the interviewer to raise new questions during the interview. However, such flexibility can be risky because interviewer can raise too many questions which can become confusing and messy at the end. Therefore, it is important to keep the number of questions reasonable from the very beginning.

2.3 Collecting the Evidence

In order to produce one unbiased study it is of crucial importance to use diversity of source materials. Thus, here the analysis of related documentation will be considered as the next source. In fact, documentary information is based on a variety of documents such as:

- Letters, memoranda, and other communiqués;
- Agendas, announcements and minutes of meetings, and other written reports of particular events;
- Administrative documents – proposals, progress reports, and other internal documents;
- Formal studies or evaluations of the same "site" under study; and
- News clippings and other articles appearing in the mass media (Yin, 1989: 85).

The core of my research will be produced from the analysis of official documents such as the regular monitoring reports from the European Commission, Accession Partnership Documents and SAP feasibility reports for BiH. Additionally, daily news services will be used. Besides the primary sources the analysis will rely on the rich

collection of secondary sources (academic literature, journal articles, etc). Another source that will be used is the Freedom House data on democracy. A Freedom House data is used by large number of scholars as important source measuring progress of democracy in the world. For our purpose, the Freedom House democracy ratings on Bosnia will be used only in some instances to demonstrate explicitly to readers weak and fragile democratic conditions in the country. And lastly, I will use documents and scientific research from OHR, EUFOR, the International Crisis Group, Venice Commission, and local and foreign NGOs.

Furthermore, systematic searches for relevant documents are of vital importance while collecting the evidence (Yin, 1989: 86). In other words, many scholars claim that combining research methods increases the validity of the research because a variety of methods means that one method is a check on another (Read and Marsh, 2002: 237). This research strategy, known in the literature as a triangulation, has been used widely in the social sciences (Webb, 1967; Denzin, 1978). Denzin (1970) calls it a "triangulated perspective".

For instance, there can be five separate methodologies: (1) surveys; (2) interviewing; (3) documentary analysis; (4) direct observation; and (5) participant observation. Then, a triangulated analysis would use each of these methods, however; its distinguishing characteristic is the combination of two or more different research methods in the same study (Denzin, 1970: 308). In the case of BiH, interviewing with people from different walks of life and extensive documentary analysis will be used which will make the study more objective and unbiased.

"[Theories] are the broad frameworks which shape our view of the world" Cooper, Geoff, (2001: 2).

3 Theoretical Framework

3.1 Europeanization

3.1.1 Defining Europeanization

Europeanization has become very fashionable amongst intellectuals who use the concept to denote a variety of changes both within European politics and international relations (Featherstone & Radaelli, 2003: 3). Yet, Europeanization has been used in a number of ways to describe different contexts and different processes of change. Thus, no common definition has been agreed (Börzel, 1999, 574; Bulmer and Burch, 2001, 75; Checkel, 2001, 180). Even though Europeanization has been slippery concept it is generally used when studying "the domestic impact of the EU" (Sedelmeier 2006: 4). The concept is very important within the studies related with transformative power of the EU through diffusion of ideas namely rules, values and norms (Börzel and Risse, 2008). Europeanization is generally used when analyzing to what extent the EU policies and politics are influential within domestic context both in the EU member states and the applicant countries. In other words, an understanding of the Europeanization process as being limited only to the EU member states may be misleading since Europeanization can also be exported, especially towards the candidate countries (Papadimitriou, 2002:5). Even potential candidate countries' political, economic and judicial policies have been affected by the Europeanization process on their road to the EU.

3.1.2 Origin of a Europeanization

Recently, Europeanization has become very useful and functional concept in the EU literature. Still, the question remains why do we need Europeanization? Caporaso points out that Europeanization has developed as a result of changes within the EU integration theory (2008: 23). In fact, Europeanization is a logical extension of the EU integration theory. It gained special popularity among academia during the 1990s and beyond (Ladrech, 1994; Borzel and Risse, 2003). One important reason had been the transition from a decentralized balance of power system to a more institutionalized European polity when traditional integration theories could not satisfactorily respond to newly emerging events in the EU. At the outset, European integration was still very much a decentralized balance of power system where an independent political entity at the supranational level was almost non-existent. However, during the 1980s the member states achieved increasing institutionalization of the European policies. Caporaso describes this transition as:

> "More and more laws originated in Brussels, most were presumptively implemented and obeyed, decisions were increasingly taken by qualified majority vote and the ECJ rendered judgments that often collided with the interests of member states" (2008: 25).

Thus, the EC as a supranational organization has become more institutionalized and self-sustaining. In fact, the EC was now a real polity or political system that could be examined with the usage of the tools of most domestic systems (Hix, 1994: 25). In addition, such a study of `top-down` processes is of utmost importance in order to enable scholars to clearly comprehend how today's Europe and especially the EU matters (Borzel and Risse, 2003: 57). On the other hand, the critical question has been how such an increasing European policy making influences in the member states. Thus, Europeanization has emerged as a concept that adequately could help enlighten the influence of European integration on domestic policy-making.

3.1.3 'Basic Paradigm'

Europeanization process may have two functions. First, it explains the influence of the European politics and institutions on the domestic politics. Second, Europeanization stresses the process of change through which domestic actors adapt to European integration. Such a Europeanization effect is best illustrated through the 'basic paradigm', although very general one (Figure 3.1). The paradigm emphasizes that European integration leads to pressures to make necessary adjustments which are then influenced by a domestic factors, and finally to outcomes (Risse et al. 2001: 6-12). As the first step, the scope and depth of European integration has increased tremendously over the years and today even reached the point when some form of the EU constitution has been created.

Although the adherents of intergovermentalist paradigm claim the opposite it is well known that EU today matters to a large extent and has the capacity to substantially make an impact on domestic policy-making. To illustrate, in regards to gender equality policy the ECJ has significantly influenced wages, vacation allowances, maternity leave, access to company privileges such as company cars, unemployment insurance and pensions at domestic level (Caporaso, 2008: 28). Indeed, the Europeanization has critical transformative power in the member states. Here, degree of pressure created by the Europeanization is of crucial importance. That is, this pressure is a function of the degree of fit (misfit) or congruence (incongruence) between "Europe" and the domestic level (Caporaso, 2008: 29).

There must be some degree of `misfit` or incompatibility between EU processes, policies, and institutions, on the one hand, and domestic level processes, policies, and institutions, on the other (Borzel and Risse, 2003: 57). As a result, degree of fit or misfit leads to adaptational pressures. Simply put, if the EU policies and its standards are similar to those at the domestic level then pressure for reform is much lower. However, such pressure is a necessary but not a sufficient condition for reforms to be made by domestic actors (Borzel and Risse, 2003: 58). The second condition is that

facilitating factors such as the domestic actors respond to the adaptational pressures what will bring a necessary change.

Additionally, adaptational processes depend on two strands. These are two variants of the `new institutionalism` in political science literature, rational choice institutionalism and sociological/constructivist institutionalism (March and Olsen, 1989, 1998). According to rational institutionalism which following the `logic of consequentialism`, the misfit between the EU and domestic processes provides domestic actors with new opportunities and limitations to realize their interests. That is, the logic of rationalist institutionalism suggests that Europeanization leads to domestic change through a differential empowerment of actors as a result of redistribution of resources at the domestic level (Borzel and Risse, 2003: 58). In contrast, a sociological institutionalism emphasizes a `logic of appropriateness` and processes of persuasion (March and Olsen, 1998). European policies, norms and politics exert adaptational pressure on domestic institutions and actors because they may be different.

When there is high adaptational pressure then existence of domestic mediating factors is very important. Every domestic structural condition that can produce the impact of European integration represents a mediating factor (Caporaso, 2008: 30). Multiple veto points, supporting formal institutions, norm entrepreneurs, and cooperative formal institutions mediate between the adaptational pressures and the outcome of domestic change (Borzel and Risse, 2003: 73). In other words, it is a combination of the top-down goodness to fit argument with a bottom-up focus on the capacity of the member states to shape the EU policies (Borzel, 2003: 236). Member states are not only passive receivers of European demands for reforms at domestic level. In fact, they may proactively take place in decision-making of EU policies, institutions, and processes (Andersen and Liefferink, 1997; Bomberg and Peterson, 2000).
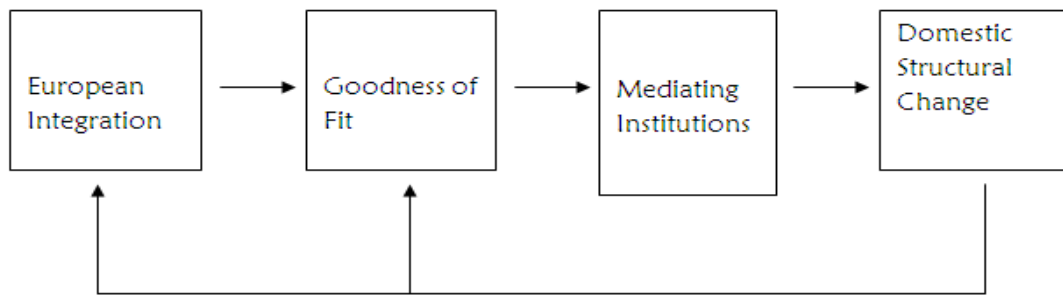
Figure 3.1 Europeanization and Domestic Change

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

3.1.4 Degree of Europeanization

The degree of Europeanization reforms can vary from country to country. While in some countries scope of domestic transformation has been very substantive in others a Europeanization has produced only marginal results. Such a variance concerning the degree of influence of the EU transformative power is significantly based on differences in domestic dynamics. That is, for the impact of Europeanization to be substantial and visible at one place it is of crucial importance that all necessary domestic integrative factors are present which will adequately adopt EU-related agenda. Thus, domestic configurations constitute very important factor that considerably decides on the degree of the diffusion of European values and principles (Cowles et al.2001:1-3).

To clarify, the literature on Europeanization process distinguishes five different outcomes regarding the degree of the impact of Europeanizing reforms, namely, inertia, absorption, accommodation, transformation and retrenchment (Radaelli 2000; Cowles et al 2001, Risse and Börzel, 2003). While retrenchment characterizes negative Europeanization effects the idea of transformation stands for substantial degree of change in a country (see Figure 3.2).

Inertia stands for serious lack of change in the process of Europeanization. Such outcome can happen when positions of the EU and respective country are very different from each other, or sometimes even conflicting. Inertia may reflect some forms of lags, delays in the transposition of the EU regulations, implementation as transformation, and serious resistance to European integration reforms (Radaelli, 2000: 14). Still, long periods of inertia usually results either in deep crisis or some kind of sudden change (Olsen, 1996).

Second, absorption reflects change through adaptation process. Domestic structures are a combination of resiliency and flexibility (Featherstone & Radaelli, 2003: 37). The main domestic policies and rules stay the same while only marginal changes are being made. In other words, absorption is accommodation of policy requirements without making real modification of the core structures and changes in the 'logic' of political behavior (Heritier, 1998: 21). The degree of domestic change is thus low.

Third, accommodation is domestic adaptation without deep transformation of core features. That is, countries accommodate Europeanization pressures by adapting existing processes, policies, and institutions without significantly changing their fundamental characteristics (Risse and Börzel, 2003: 70). Therefore, degree of Europeanization is at modest level.

Our fourth outcome is transformation which is based on idea that serious and deep domestic changes are being made. That is, existing policies, processes, and institutions are replaced by the new and different ones to such an extent that their fundamental features are radically changed (Börzel, 2003:16). As a result, degree of domestic change is very high. However, Europeanization can also induce retrenchment (Radaelli, 2003: 38). In fact, it means that national policies or institutions become less `European` than it was before the start of Europeanization process.

Figure 3.2 Degree of Europeanization.
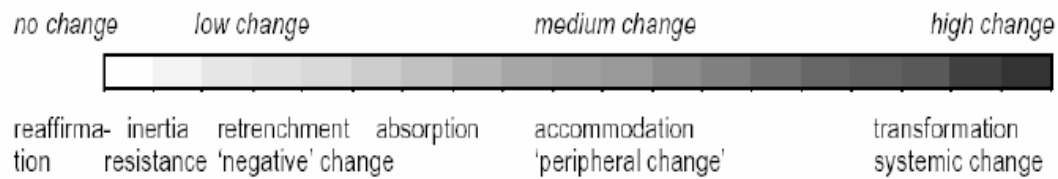
Source: Borzel, (2003: 16).

3.1.5 Europeanization through the Enlargement Policy

Enlargement policy of the EU is a mechanism through which Europeanization reforms in the applicant states have taken place. Also, the enlargement policy is accepted as the most successful instrument to promote the values, practices and ideals that EU member states adhere to. The EU's enlargement policy is based on transformative post-Westphalian power gaining influence by pushing the domestic transformation of countries rather than by military force. The largest success of the EU foreign policy so far relates to reshaping the identity, values and norms of the CEE countries (Keukeleire & MacNaughton 2008: 334).

Accession of these countries to the EU has meant a historical moment since they have transformed their political, economic, judicial, and social systems in order to become part of free and democratic world. The transformation of their stagnant regimes in the aftermath of collapse of communism was explicitly organized in the framework of their strong commitment to core European values and norms (Smith, Hadfield, & Dunne, 2008: 367). In this light, Schimmelfennig (1998, 2001) emphasizes primarily the constitutive liberal values and norms of the European international community, which are at the basis of the membership norms contained in the EU treaties. Thus, the applicant countries adopt and implement the entire body of European laws and rules, known as the acquis communautaire, before they are allowed to join the EU.

Similarly, Schimmelfenning and Sedelmeier aptly define enlargement policy as gradual horizontal institutionalization, that is, a process by which the gap in rules and institutional arrangements between applications countries and the current member states progressively becomes narrower (2002: 502). Such a narrowing should be the result of successive rounds of pro-integration regulatory reforms and institutional adjustments to EU norms, policies and practices undertaken by the applicants (Mattli and Pliimper, 2005: 60). Thus, the EU's enlargement policy has a great potential to push for significant Europeanization reform process in the candidate or potential candidate countries. Democracy is one important value adopted in the applicant countries as a part of enlargement of the EU. In fact, democracy matters not only for enlargement narrowly defined but for the entire process of horizontal institutionalization (Schimmelfennig, 2005: 195).

3.1.6 The Europeanization of the Non-Member States

Europeanization is a means and an end; it is method as well as substance; it is a project and a vision (Anastasakis, 2005: 77). Initially, such a vision has been limited to the EU member states. However, as European integration expanded the scope of Europeanization started to include the effect of the EU-linked reforms within the countries with previously different political, economic and judicial systems. Today, Europeanization in the Western Balkan region is the dominant discourse in the enlargement policy of the EU.

For the WB countries, Europeanization means adjustment to sophisticated western political and economic models as well as security and well being. In addition, in these countries, Europeanization is mainly external-driven process since the EU is the main generator of changes offering its own models, providing financial assistance for reconstruction, development, and transition, and also setting the criteria and technical standards to be achieved (Anastasakis, 2001: 81-82). However, the Europeanizing reforms in the WB countries have faced serious challenges. In fact, the inability and

problem of the WB's "weak states" to adopt and implement the EU standards is often portrayed as the most important cause of weak reform process (Carothers, 2002: 84).

3.1.7 Europeanization as Democratization

One important component of a Europeanization process within the non-EU member states has been the process of democratization or transition to liberal democracy. Any European state that respects the EU principles and values may apply to become a member of the EU. It is this understanding of democratic transition that constitutes the basis of the Copenhagen political criteria. In this sense to ask an applicant country to meet the Copenhagen political criteria in order to start the full accession negotiations means the realization and implementation of democratization reforms in that country (Keyman and Duzgit, 2006: 3). Similarly, a large number of democratization theorists point out that the EU has vigorously encouraged democratization processes by pressing the CEE countries into carrying out necessary human rights reforms and implementing open political structures (e.g. Linz and Stepan, 1996; Kopecky and Mudde, 2000).

In this regard, Pridham (1997; 2000; 2002; 2005) has developed an interactive approach for studying the role and influence of the EU in promoting democratization reforms in the post-communist Europe. His main objective has been to understand how European integration process interacts with domestic factors thus contributing to democratic transition. Pridham applied the concepts of 'convergence' and 'conditionality' to analyze the EU's influence on those countries (2000: 1). The interactive theoretical approach stresses both structural factors and the role of political actors. That is, the EU effects are felt at different levels, including the formal level of regime change and its more complex types of influence on elite attitudes, external policy interests, economic changes, civil society, and the general public (Pridham, 2001: 74-84). Overall, democratization reforms have become very significant aspect of the Europeanization process in the non-EU states.

3.2 Democratization Theory

3.2.1 Historical Approach

Democratization process encompasses overall political changes based on the democratic principles and values. The idea of democracy was used by ancient Greeks and the Romans although they excluded women, slaves, and resident aliens from political participation. Initial push towards democracy in the West took place in the first half of the seventeen century. Since the second half of twentieth century many more countries acquired democratic institutions. Especially in 1970s deep democratization wave was seen in many countries. In fact, in 1975 at least 68 percent of countries throughout the world were authoritarian; by the end of 1995 only about 26 per cent were authoritarian, all the rest having held some sort of competitive elections and adopted at least formal guarantees of political and civil rights (Potter, Goldblatt and Kiloh, 1997: 1). Democracy seemed to triumph globally.

This is far from a linear process, however, as waves of democratization have been followed by reverse waves in which some of the democratic countries reverted to nondemocratic rule, leaving fewer cases of consolidated democracies behind (Doorenspleet, 2000: 384). There have been various challenges in front of democratization process thus making some countries semi-democracies. Nevertheless, Huntington claims that there have in fact been three distinct waves of democratization, with a wave being defined as a group of transitions from nondemocratic to democratic regimes that occurs within a specified period of time and in which those transitions significantly outnumber transitions in the opposite direction (Huntington, 1991: 15; also see Markoff, 1996: 2, see Graph 3.1). The dates of these waves of regime changes are more or less as follows:

First, long wave of democratization:	1828-1926
First reverse wave:	1922-42
Second, short wave of democratization	1943-62
Second reverse wave	1958-75
Third wave of democratization	1974-
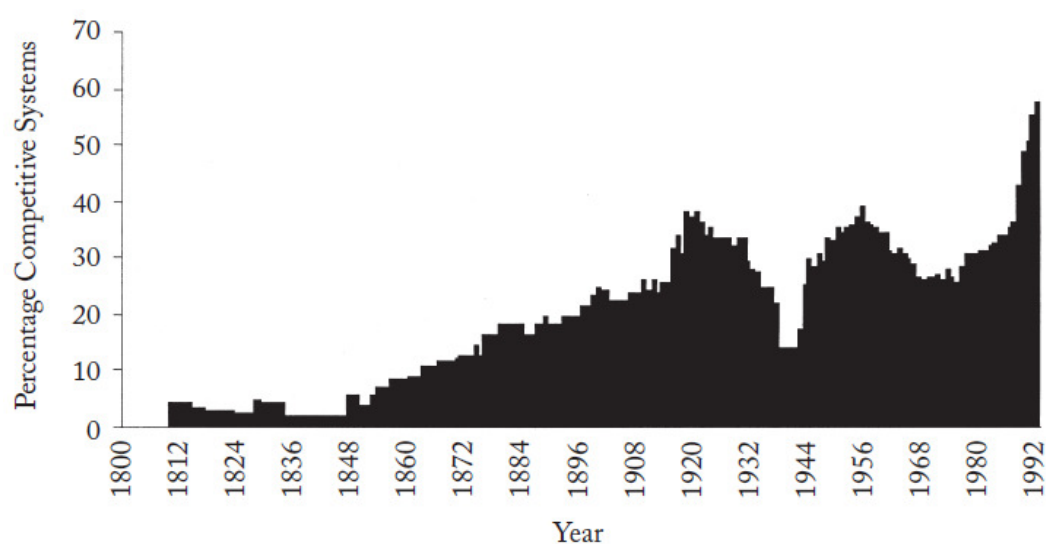
Graph 3.1 The three waves: Percentage Competitive Systems (By Year).

Source: Doorenspleet, (2000: p. 393).

3.2.2 First Wave of Democratization

The first wave of democratization had its ideological roots both in the American and French revolutions. In the following decades significant number of countries expanded the suffrage, reduced plural voting, introduced secret ballot, and made prime ministers and cabinets responsible to parliaments. In fact, the first wave of democratization started in the early nineteenth century and opened a way to triumph of democracy in large number of countries till 1920s (see Table 3.1). The first wave

began in the United States in 1828 and peaked at 45 of all nations in 1922, then followed by reverse wave ending at 20 percent of all nations in 1942 (Kurzman, 1998: 43). Still, a serious challenge to liberal democracy came from Fascist and Nazi ideologies. Although these ideological doctrines were defeated in Italy and Germany the dictatorships that emerged in Portugal and Spain in the 1930s survived into the 1970s (Huntington, 1991: 77). Then in the 1970s the second wave of democratization began.

Table 3.1 The Waves of Democratization: Net Transitions

Period	Transitions to Democracy	Transitions From Democracy
1828–1926	33*	0
1922–1942	0	22
1943–1962	40	0
1958–1975	0	22
1974–1990	33	0
1983–1990	0	3

*This figure anachronistically counts West Germany and East Germany as two separate democratizations.

Source: Huntington (1991: 14, 16).

3.2.3 Second Wave of Democratization

A significant number of countries around the world adopted liberal democratic regimes in the aftermath of the Second World War when the second wave started. In the late 1940s a number of countries from Latin America started substantial democratization reforms although many of them in the 1950s moved back toward limited democracy or to dictatorships. The process of decolonization further increased the number of democracies although majority of the countries from Africa continued with frequent local conflicts.

The end of World War II and subsequent defeat of the Axis powers provided the real impetus for the second wave of democratization. The American, British and French allies were the main architects of democratization in the occupied territories of West Germany, Japan, Korea, and Austria (Huntington, 1991: 78-79). Although a number of countries adopted liberal democracy after the War by the early 1960s the second wave of democratization decreased to a large extent. Especially, in Latin America regime transitions towards authoritarian governments were the most dramatic. Once again, it proved to be true that democratization process usually goes two steps forward and then one step back. But perhaps, as one of the most prominent democratization scholars argues, democracy has constantly been in some form of crisis (O`Donnell, 2007: 5).

3.2.4 Third Wave of Democratization

In the early 1970s there were many non-democratic countries in Western Europe, most of Latin American countries were under some kind of authoritarian dictatorship, Eastern Europe was still under the control of communist parties, much of Asia was ruled by undemocratic rulers and across African continent colonization was replaced by harsh authoritarian leaders. Therefore, at the time many social scientists were extremely pessimistic about the future of democracy in the world (Markoff, 2009: 55). However, transitions to democratic regimes were made firstly in Portugal in 1974, followed by Greece, Spain, and in a number of countries from Latin America. Thus, the third wave of democratization started as the movement towards democracy seemed to take on the character of an almost irresistible global trend moving on from one triumph to the next (Huntington, 1991: 21).

Further, extensive democratization reforms started in 1989 in East and Central Europe, the former Soviet Union and some African countries. The communist or authoritarian regimes were seen as "the grand failure", in Zbigniew Brzezinski's phase. It seemed that third wave will be the longest democratization wave in world

history. However, Doorenspleet challenged Huntington's periodization and suggested a distinct `fourth wave` beginning in 1989/1990 with the fall of the Berlin Wall, dissolution of the Soviet Union, the end of the bipolar Cold War and its repercussions felt around the world.

3.2.5 Forth Wave of Democratization?

McFaul argues that transitions from communist regime to new political organization types are so different from the third wave democratic transitions in the 1970s and 1980s that they should not even be grouped under the same headline (2002: 213). Thus, the `wave` of transitions from communism is better considered as a distinct phenomenon; if not a "fourth wave" then definitely a particular pattern of transitions within a chronological `third wave` (Harris, 2002: 13). While third wave emphasizes the powerful role of elites the fourth wave model assumes that masses are equally important. In fact, the mass actors so damaging to democratization in the third wave were instrumental in its successes in the fourth wave (McFaul, 2002: 222). Thus it has been a democracy from below.

In general, the wave perspective to democratization fails to capture the very different explanations to the process. Furthermore, the wave approach suggests that today there is a global trend to democracy-building what is known as a third wave in the literature. However, it is one big truth that the number of stable liberal democracies is growing very slowly (Diamond, 1999: 25). Most importantly, the preponderance of nondemocracies raises real questions about why post-socialist transitions should be subsumed under the third wave of democratization at all (McFaul, 2002: 221). Huntington thought that more and more democratic regimes emerged because more elections were being held (Grugel, 2002: 36). Still, mere holding of elections does not represent liberal democracy. Rather, the process of democratic consolidation is of greater importance in the long-term democratization process.

3.2.6 Democratic Consolidation

The wave theory of democratization has become a conventional approach to analysis of democracy building. Although it looks like good metaphor the wave theory generally does not provide an explanation of democratization process. Therefore, it is very important to think beyond the concept of the wave in order to understand more clearly democratization both in historical perspective and in the present political context (Grugel, 2002: 32). Contemporary democratization processes are far more complex and multidimensional than Huntington's model suggests. In this vein, consolidation of democracy is critical moment in terms of contemporary democracy reforms.

Democratic consolidation refers to the degree to which democratic and liberal values are embedded in the minds of citizens (Linz & Stepan, 1996). In fact, democracy can not be consolidated without the universal and effective application of citizenship rights, which transcend periodical voting (Rossi and Porta, 2009: 181). A new democracy has become consolidated when it fulfils the democratic criteria: a new democracy has to have the rule of law, a clear separation of powers, a vibrant civil society independent from the state, a democratic constitution and associated constitutionalism, pluralism of political actors and institutions, full respect of human and political rights, and freedom of media and political association (Haerpfer, 2009: 314). Today, most of the countries from the Western Balkans are in the deep process of democratic consolidation. The EU has further supported this process through the Copenhagen Criteria.

3.1.5   The Copenhagen Criteria and Democracy

In anticipation of large number of applications for membership from the post communist states from the CEE the European Council agreed at the Copenhagen summit in June 1993 on a set of political and economic criteria to measure the

readiness of a country for future EU membership. According to the conclusions of the Copenhagen summit, the EU membership requires:

1. The achievement of stable institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities (political criterion);
2. The existence of a functioning market economy, as well as the capacity to cope with competitive pressure and market forces within the Union (economic criterion);
3. The ability to take on the obligations of membership, that is to adopt the common rules, standards and policies that make up the body of EU law, including adherence to the aims of political, economic and monetary union (acquis criterion) (European Council, 1993: SN 180/93).

Thus, every applicant country that wishes to enter the EU must meet the Copenhagen criteria. As Prodi stressed, every European country that completely complies with the Copenhagen criteria will become the EU member after completing the necessary reforms (2002: 4). The importance of these criteria was best summarized by Gunter Verheugen, the previous Enlargement Commissioner, when he pointed out that "*negotiations should proceed on the basis of merit and not on the basis of compassion*" (Norman, 1999: 6). All in all, the Copenhagen criteria are considered as a powerful instrument encouraging democratization processes in the candidate states.

Similarly, in the case of the western Balkan countries the Copenhagen criteria have been very important instrument in pushing the transitional processes. Additionally, the SAP has imposed some specific criteria to the WB states such as the full cooperation with the ICTY, respect for the human and minority rights, the creation of real opportunities for refuges and internally displaced persons to return, and a visible commitment to regional cooperation (EC, 2003: 5). Thus, without

meeting all these political criteria it is impossible to enter the EU. In fact, the criteria and the process designed for the WB countries have been based on the similar strategy used in the last enlargement to the CEE countries: that is, an ownership or the "regatta principle", where each country proceeds towards membership on its own merits and at its own speed (Juncos, 2005: 98). As a result, meeting the necessary criteria the WB countries are making deep transformation steps and slowly but steadily making a democratic transition from 'the Balkan nightmare' to 'the Brussels dream'.

3.2.8 From Transition to Standstill

The term transition usually reflects the understanding of the process of regime change from authoritarian political system to open liberal democracy. However, today many countries are in the situation of standstill since they remain in the so called gray area between being outright authoritarian regime and being full liberal democracy (Sorensen, 2008: 55). Large number of countries from this category has for a long time been either semidemocratic or semiauthoritarian.

There are four characteristics of countries from the gray zone. Firstly, they conduct regularly democratic elections, yet they are not democratic in some other required aspects. Secondly, although they have some democratic features they are very weak states without all necessary institutions to organize and implement the state policies. Thirdly, strong elites dominate policy making leaving almost no space to the rest of the society. Fourthly, although limited the process of popular mobilization is strong so probably this can help strengthen democratization efforts.

In other words, they are "*neither dictatorial nor clearly headed toward democracy… they suffer from serious democratic deficits, often including poor representation of citizens` interests, low levels of political participation beyond voting, frequent abuse of the law by government officials, elections of uncertain*

legitimacy, very low levels of public confidence in state institutions and persistently poor institutional performance by the state" (Carothers, 2002: 10). As a result, for countries having above features it is very difficult to make substantial democratic progress since they have continuously faced serious political and social deadlocks , as is the case today in most of the countries from the WB, and especially in Bosnia.

3.2.9 Hybrid Democracies

With the break up of the Soviet Union it seemed as the Kant`s vision of a peaceful world of democracies is about to become the trend. What's more, Francis Fukuyama stressed that widespread global dominance of the liberal democracy has brought about 'an end of history' at the new millennium (1992). Despite powerful impulse towards democracy in the aftermath of a third wave democratization processes from the late 1980s and early 1990s a large number of new democratic countries have experienced serious difficulties with the democratic transformations.

Thus, Zakaria argues that in some parts of the world widespread democratization reforms have resulted in the regimes of "illiberal democracies" (1997: 23). As a result, the new democracies demonstrate a variety of specific subtypes and significant pathologies when compared with more established democracies (Schlosser, 2007: 15). Even those countries which are considered to be democratic have received very weak ratings over their democratic prospects. The good example would be the WB countries (see Table 3.2).

According to the Freedom House, BiH has had a constant lack of democracy over the last decade just having democracy score of 4, 18 in 2009 with 1 representing the highest score and 7 the lowest (Table 3.3). Also, the Table 3.4 clearly demonstrates BiH's weak democratic prospects positioned only within the group of transitional governments or hybrid regimes, sometimes also called the `electoral authoritarianism` (Schedler, 2006: 4). Interestingly, even though the country and the region as well

have been within Europeanization process for a long their democracies remained weak.

Table 3.2 Democracy Score (Year-To-Year Summary for the Balkans).

	1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
The Balkans										
Albania	4.75	4.42	4.25	4.17	4.13	4.04	3.79	3.82	3.82	3.82
Bosnia	5.42	5.17	4.83	4.54	4.29	4.18	4.07	4.04	4.11	4.18
Croatia	4.46	3.54	3.54	3.79	3.83	3.75	3.71	3.75	3.64	3.71
Macedonia	3.83	4.04	4.46	4.29	4.00	3.89	3.82	3.82	3.86	3.86
Yugoslavia	5.67	5.04	4.00	3.88	n/a	n/a	n/a	n/a	n/a	n/a
Serbia	n/a	n/a	n/a	n/a	3.83	3.75	3.71	3.68	3.79	3.79
Montenegro	n/a	n/a	n/a	n/a	3.83	3.79	3.89	3.93	3.79	3.79
Kosovo	n/a	n/a	n/a	n/a	5.50	5.32	5.36	5.36	5.21	5.11
Average	4.83	4.44	4.22	4.13	4.20	4.10	4.05	4.06	4.03	4.04
Median	4.75	4.42	4.25	4.17	4.00	3.89	3.82	3.82	3.82	3.82

Source: Freedom House (2009).

Table 3.3 Nations in Transit Ratings and Averaged Scores (BiH).

	1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Electoral Process	5.00	4.75	4.25	3.75	3.50	3.25	3.00	3.00	3.00	3.00
Civil Society	4.50	4.50	4.25	4.00	3.75	3.75	3.75	3.50	3.50	3.50
Independent Media	5.00	4.50	4.25	4.25	4.25	4.00	4.00	4.00	4.25	4.50
Governance*	6.00	6.00	5.50	5.25	5.00	n/a	n/a	n/a	n/a	n/a
National Democratic Governance	n/a	n/a	n/a	n/a	n/a	4.75	4.75	4.75	5.00	5.00
Local Democratic Governance	n/a	n/a	n/a	n/a	n/a	4.75	4.75	4.75	4.75	4.75
Judicial Framework and Independence	6.00	5.50	5.25	5.00	4.50	4.25	4.00	4.00	4.00	4.00
Corruption	6.00	5.75	5.50	5.00	4.75	4.50	4.25	4.25	4.25	4.50
Democracy Score	5.42	5.17	4.83	4.54	4.29	4.18	4.07	4.04	4.11	4.18

Source: Freedom House (2009).

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the authors of this report. The opinions expressed in this report are those of the authors. The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings of the categories tracked in a given year.

Table 3.4 Transitional Governments or Hybrid Regimes

Bosnia	4.07
Ukraine	4.21
Georgia	4.86
Moldova	4.96

Source: Freedom House Democracy Score Rankings (2006).

"The Balkans produce more history than they can consume" (Winston Churchill).

4 European Union in the Western Balkans

4.1 The EU's unsure approach

The present enlargement agenda covers substantially the countries of Western Balkans which have been given the perspective of acquiring the EU membership once they fulfill the necessary criteria. In fact, enlargement agenda provides the Western Balkan countries and Turkey a strong encouragement and long-term strategy for political and economic reforms (EC, 2008: 3). Recently, Europeanization process has become the key strategy for the WB states to adopt free market economy and democratic regime.

The region has been mainly ethnically heterogeneous place with serious ethnic cleavages (see Table 4.1). In the early 1990s the region faced horrible ethnic conflicts. However, the EU member states did not have common policy towards the conflicts that took place in the region. Only in the mid 1990s the EU has developed more tangible approach towards the region. And since then the countries of the Western Balkans have established comprehensive institutionalized relationships with the EU.

Table 4.1 Ethnic Groups in Western Balkan Countries

Country	Population (in millions)	Major Ethnic Groups
BiH	4	Bosniaks (48%), Serbs (37%), Croats (14%), Others (1%)
Croatia	4.8	Croats (78%), Serbs (12%), Roma (1%), Others (9%)
FYROM	2.1	Macedonians (66%), Albanians (23%), Turks (4%), Roma (3%), Serbs (2%), Others (2%)
Serbia and Montenegro	10.5	Serbs (63%), Albanians (14%), Montenegrins (6%), Hungarians (4%), Roma (4%), Others (9%)
Albania	3.3	Albanians (95%), Greeks (3%), Roma (3%)

Source: World Bank, (2000: 84).

Nevertheless, in mid 1990s in the WB the EU did not adopt the model already established with the CEE countries. While CEE states had signed Europe Agreements and put forward membership applications the WB states have not established any institutionalized relations with the EU. In fact, WB countries were excluded from the then enlargement group because of serious persistence of authoritarian regimes, nationalist tensions, domestic instability, and weak economic progress. As Turkes and Goksoz point out:

> "The manner in which conditionality applied in the case of the WB clarified the contours of a distinctly different mode of relations that the EU would maintain with the region: there was no prospect for rapid membership but the countries meeting the conditions were to be rewarded with trade concessions, financial assistance and economic cooperation on the part of the EU" (2006: 676).

This was evident from the Regional Approach launched in 1996-97 by the EU to establish closer relations with the countries from the WB. The new approach was clearly the EU's contribution to establishing peace, stability and welfare in the war-

torn region. The newest Approach was based on the principle of conditionality as the main mechanism for advancing the EU relations with the Balkans countries while also renewing the set of policies: (1) financial assistance, (2) unilateral trade preferences and (3) enhanced cooperation agreements (Pippan, 2004: 222). Thus, comparing to chaotic approach of the EU states towards this part of Europe in the early 1990s, this time the Bloc had proposed more concrete and more visible strategy towards the region.

4.2 Concrete Strategy

The intensification of the Kosovo war in 1999, however, showed that existing EU strategy based on the Regional Approach was weak to adequately face the new challenges in the region. In fact, the war in Kosovo made EU leaders to rethink their approach towards the WB. The German Foreign Minister at the time best summarized the EU policy shift when stressing, "*if the awful conflict in Kosovo has brought something good with it, it is that we understand our belonging together far better*" (Friis and Murphy, 2000: 779). The new model built on the closer relationships with the region has consisted of the Stability Pact and the Stabilization and Association Process. The Stability Pact was officially adopted in Koln on 10 June 1999. Comparing to the previous EU regional policy the SP was more ambitious because it had a long-term perspective.

Although the SP was mainly initiated by the EU leaders it was not exactly the EU instrument. The Pact was a complex multilateral platform that included 40 countries and several major international organizations. As such, "the SP aimed at strengthening countries in SEE in their efforts to foster peace, democracy, respect for human rights and economic prosperity, in order to achieve stability in the whole region" (SP, 2001: 5). Most importantly, the launch of the SP was a visible commitment of the EU member states to integrate the countries from the region into the Union's structures. In fact, only the promise of the future EU membership seemed as the best strategy to cope with the challenges in this troubling part of Europe!

Indeed, in the end of 1990s the EU demonstrated clear commitment to the WB countries. To encourage their European integration process the EU proposed in 1999 the Stabilization and Association Process. As a result, the Regional Approach from 1996 was replaced with the SAP which substantially deepened contractual relations with the WB. Furthermore, the SAP became the centerpiece of the EU's long-term strategy towards the region. The central objective of the SAP was to push democratic transition of the countries from the region through substantial domestic reforms which are based on European values and structures. In fact, the SAP has been built on the idea of first stabilization of the region and its latter integration into the EU structures. The Commission put six key target areas into the SAP:

(1) Development of existing economic and trade relations with and within the region;

(2) Development and partial redirection of existing economic and financial assistance;

(3) Increased assistance for democratization, civil society, education, and institution-building;

(4) Cooperation in the area of justice and home affairs;

(5) Development of political dialogue, including at regional level;

(6) Negotiation of Stabilization and Association Agreements (EC, 1999).

Thus, the SAP offers WB countries the prospect of full integration with the EU member states (see Table 4.2). Put differently, the countries that make sufficient progress in regards to political, administrative, economic and social changes may then sign new agreement with the EU – the Stabilization and Association Agreement.

Table 4.2 Steps of the EU Stabilization and Association Process.

	Feasibility Study	SAA		Accession application	Actual status	Begin of negotiation
		Signature	Entry in force			
Albania	2002	12 June 2006	1 April 2009	28 April 2009	Potential candidate	
Bosnia and Herzegovina	2003	16 June 2008	*Not yet*		Potential candidate	
Croatia	2000	29 October 2001	1 February 2005	21 February 2003	Candidate country since 18 June 2004	3 October 2005
Macedonia	1999	9 April 2001	1 April 2004	22 March 2004	Candidate country since 16 December 2005	
Montenegro	2005	15 October 2007	*Not yet*	21 December 2008	Potential candidate	
Serbia	2005	29 April 2008	*Not yet*		Potential candidate	

Source: Solioz, Christophe, (2009), Center for European Integration Strategies (CEIS), www.ceis-eu.org.

4.3 Contractual Agreement with the EU

The SAA is the final instrument for a long-term integration of the WB countries into the EU family. On March 2000 in the Lisbon European Council it was concluded that singing SAAs with Western Balkan countries should be considered as a central step on achieving their EU membership. On 24 November 2000 in Zagreb Summit the relations with EU were further strengthened. In exchange for an EU offer of a future membership, the WB countries were ready to implement all necessary measures of the SAA when signed. Furthermore, the Thessalonica Summit of June 2003 was critical event to clarify that the SAA singed with the WB countries was to be the first and the last contractual agreement which will lead the target countries to the EU membership.

To clarify, the SAAs are formal agreements signed between EU and WB countries which intend to bring those countries closer to the EU economic, administrative, judicial, and political standards. The SAA mainly includes policies such as democratization, civil society and institution-building, trade, economic and financial assistance, justice and home affairs, and political dialogue. Also, the SAA is designed according to specific circumstances of each country. Nevertheless, the EC has stressed firmly that "*destination for all countries is expected to be the same: the full realization of association after a transitional period through implementation of the same core obligations*" (VC, 2005: 8). So far, all the countries in the region have signed the SAA with the EU, except for Kosovo whose international status is still not clear.

Furthermore, EU has provided necessary finances to help Europeanization process in the WB states. The assistance programme for the WB is CARDS, while for the countries of the fifth enlargement the key assistance programme was PHARE. With the purpose to reach the goals of the SAP "CARDS assistance will finance investment, institution-building and other programmes in four major areas:

- reconstruction, democratic stabilisation, reconciliation and the return of refugees;
- institutional and legislative development, including harmonisation with EU norms and approaches, to underpin democracy and the rule of law, human rights, civil society and the media, and the operation of a free market economy;
- sustainable economic and social development, including structural reform;
- promotion of closer relations and regional cooperation among the SAP countries and between them, and the EU" (EC, 2004: 3).

Obviously, the EU has initiated thorough transformation processes in WB countries on their way toward Brussels. In fact, it was clearly stated that promise made to the countries from the region can not be withdrawn. As Prodi pointed out that

"the historic process of Europe's unification will not be complete until the countries of Balkans join the Union, and we want you to become members of the Union – with no "ifs" and no "buts". Europe's history is your history, Europe is your home. Our peoples all want and deserve the same things: democracy, peace and prosperity. Enlargement is based on the sharing of these values – and we want to share these values with all the countries in the region" (2003). Thus, BiH has been one of the countries attempting to implement reforms based on the European principles, values and laws.

5 European Union in the Context of BiH

5.1 From Humanitarization to Stabilization

During the war in Bosnia the EU-BiH relations were almost non-existent except for the humanitarian aid. However, the end of the war was the shift in the EU governance 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 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-East Europe. The Royaumont Process was the first regional strategy towards the WB. In 1997 in the framework of the Regional Approach the EU and BiH established closer bilateral relations in regards to financial aid, trade and economic cooperation.

Further, 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 economy. In Susko's words, this marked BiH official approximation towards the EU membership (2009: 104). Furthermore, the same year in June the EU and BiH officials signed the "Declaration of Special Relations between EU and BiH". In 1999, as the clearest sign of constructive approach to the region, the EU proposed the new Stabilization and Association Process for western Balkans, including BiH. Thus, BiH was firmly set on the road to the Brussels.

In 2000, at the Feira European Council it was decided that all the SAP countries are "potential candidates" for the membership in the EU. Also, on 8 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 a SAA with the EU. These steps included elections, civil service, state institutions, border services, rule of law, trade regulations, foreign direct investment, property laws, human rights, and public broadcasting, among other things. The Road Map steps were "substantially completed" in September 2002 (EC, 2003: 5).

Thus, the SAP has paved a way for BiH to become the EU member after meeting all required criteria. In fact, the "membership carrot" has aimed to push for the process of domestic transformation by adopting necessary political, judicial, economic, governance, and social standards from the EU (Juncos, 2005: 96). Thus, Europeanization process in the form of SAP which aimed to support institutional building, economic reconstruction and regional cooperation was highly on the track. In 2003, the Commission produced a feasibility study assessing BiH's capacity to implement a SAA. On the basis of the results of the Feasibility Study presented in November 2003 the EU decided in June 2004 to launch a first "European Partnership" with BiH to define country's political, economic and other priorities preparing the SAA negotiations.

5.2 From Stabilization to Integration

The Thessaloniki European Council of 19-20 June 2003 endorsed the introduction of the European Partnerships as a means to materialize the European perspective of the WB countries (EC, 2007: 3). That is, the new "European Partnerships" was the most important tool aimed at strengthening the SAP (Chandler, 2006:36-38). The Partnership was very similar to the Association Partnerships that prepared the CEE countries for the EU membership. The Partnership sets out short-term and medium-term priorities, which had to be achieved within one to two years and within three to four years respectively. The main priorities for BiH relate to its capacity to meet:

- the Copenhagen criteria defined in 1993,

- the conditions set for the SAP,

- the 2000 Zagreb declaration, and

- the Thessaloniki Agenda of 2003 (EC, 2007: 6).

The BiH authorities were expected to respond to the European Partnership by developing and implementing action plans with timetables and details in terms of how they intend to address the requirements for further integration into the EU (Šuško, 2009: 108). Further, the progress in terms of the implementation of priorities is regularly monitored by the European Commission through SAP Annual Reports. Following satisfactory level of reforms made in the country in October 2005 the Commission recommended the opening of negotiations for a SAA with BiH.

The SAA negotiations with BiH authorities were officially opened in Sarajevo on 25 November 2005. The SAA is the pre-accession tool designed as a first step for BiH towards eventual EU membership. Therefore, with the new agreement the EU expected thorough Europeanization reforms to be implemented in BiH. However, the negotiations stalled due to BiH's lack of progress in implementing the necessary reforms. BiH's complex institutional arrangements, frequent attacks to the Dayton Agreement and nationalistic rhetoric have limited the country's reform agenda (EC, 2007: 5). To clarify, the negotiations have faced serious challenges mainly due to domestic political elites` disagreement over the police reform.

Furthermore, the signature of the SAA has required an evidence of the full cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY), and progress in the areas of public broadcasting and public administration reform. Following the adoption of a controversial police reform by the BiH parliament in April 2008 the SAA was singed with the BiH government on 16 June 2008. Also, a new High Representative or the EUSR in BiH was appointed in March 2009. The mandate of the EUSR is to promote overall political coordination and offer

EU advice and facilitation to BiH to help the country meet requirements for EU membership (EC, 2009: 8).

5.3 Securitization and Integration of BiH

In addition, the EU has had a key supporting role in the stabilization and security of BiH. Deployment of two ESDP missions, EUPM and EUFOR, demonstrate increasing efforts made by the EU to make the country more stable and peaceful. In January 2003 the EUPM has launched its first Police mission to Bosnia. The EU Police Mission has worked to establish sustainable policing arrangements under BiH ownership in accordance with best European and international practices. Further, the EUPM has worked on monitoring and advising the BiH police forces according to three main pillars, i.e. support to the police reform process, strengthening of police accountability and support to the fight against organised crime (EUPM, 2010). EUPM has also devoted particular attention to reinforcing cooperation between police and judiciary and returnee security in the country.

The Council of the EU decided on 12 July 2004 to conduct a military operation called EUFOR/ALTHEA in BiH within the framework of the ESDP (Becker, 2008: 14). EUFOR forces currently amount to some 2,000 troops in BiH. Its mission is aimed to provide a military presence in order to contribute to the safe and secure environment, deny conditions for a resumption of violence, and manage any residual aspect of the Dayton Agreement. Additionally, EUFOR is tasked to support the Armed Forces of BiH in the areas of capacity-building and training (EUFOR, 2010). UN Security Council Resolution 1875 (2009) extended the mandate of EUFOR until November 2010. Any future reconfiguration of EUFOR forces will be decided depending on the overall political developments in the country. Overall, the EU-led operations have been important commitments to help BiH make further progress towards EU membership in the context of the SAP.

Within the framework of SAP the EU has allocated considerable amount of financial assistance to BiH. In 2000 the EU aid to the WB region was streamlined through a new assistance programme called CARDS. Through CARDS programme € 4.6 billion has been provided to this region from 2000 to 2006. Then previous pre-accession instruments, Phare, ISPA, SAPARD, Obnova, and CARDS, were replaced by the new Instrument for Pre-Accession Assistance (IPA).

IPA's main objective is to help strengthen democratic institutions and the rule of law, reform public administration, implement economic reforms, promote respect for human and minority rights, as well as gender equality, support the development of civil society and advance regional cooperation, and contribute to sustainable development and poverty reduction. The IPA offers targeted financial and technical assistance during the period 2007-2013 to countries aspiring to join the EU. It has five components;

1. Transition Assistance and Institution Building,

2. Cross-border Co-operation,

3. Regional development,

4. Human resources development,

5. Rural Development (DELBIH, 2010).

As seen at the Table 5.1 BiH has been allocated 108,1 million from 2007 to 2011. Since BiH is the potential candidate the IPA funds cover only transition assistance and institution building and cross-border cooperation. A significant amount is allocated as the transition assistance (see Graph 5.1). Indeed, the Europeanization process has been supported by substantive EU financial aid. Overall, the Europeanization process in the country ranged from humanitarisation, stabilization, and securitization, to integration (see Table 5.2).

Table 5.1 IPA national allocations, Western Balkans, 2007-2011 (Euro millions)

	2007	2008	2009	2010	2011
Croatia	141,2	146	151,2	154,2	157,2
Macedonia	58,5	70,2	81,8	92,3	98,7
BiH	62,1	74,8	89,1	106	108,1
Serbia	189,7	190,9	194,8	198,7	202,7
Montenegro	31,4	32,6	33,3	34	34,7
Kosovo	68,3	124,7	66,1	67,3	68,7

Source: Communication from the Commission to the Council and the European Parliament. Instrument for Pre-Accession Assistance (IPA) Multi-annual Indicative Financial Framework for 2009-2011: 4-5.

Graph 5.1 Country indicative financial allocation per component for the period 2007-2011 (in million Euro).
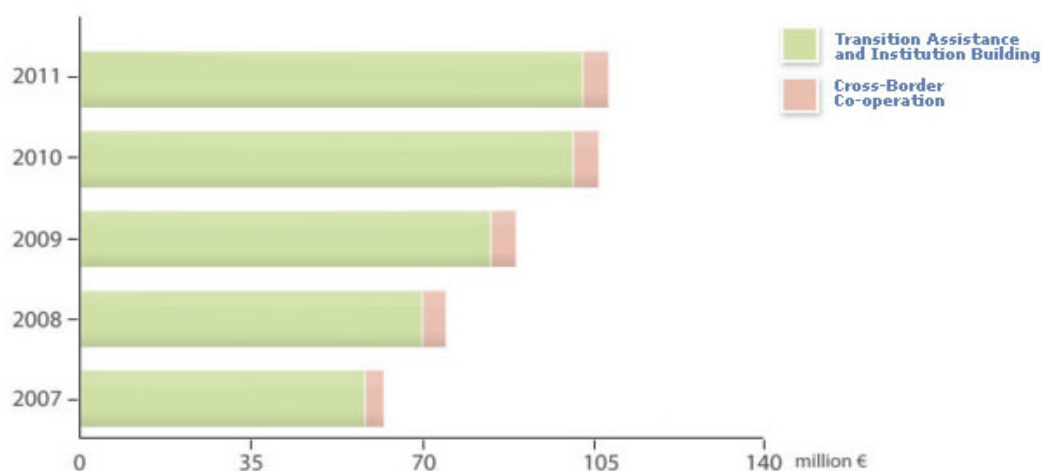
Source: Delegation of the European Union to Bosnia and Herzegovina, available at http://www.delbih.ec.europa.eu.

Table 5.2 Europeanization Process in Bosnia and Herzegovina

Humanitarization	(Phare, ISPA, SAPARD, Obnova, CARDS, IPA)
Stabilization	(Royaumont Process, Regional Approach, EUSR)
Securitization	(EUFOR/ALTHEA, EUPM)
Integration	(SAP, Road Map, European Partnerships, SAA)

Source: (The Author).

"Bosnia is a complicated country: three religions, three nations and those "others". Nationalism is strong in all three nations; in two of them there are a lot of racism, chauvinism, separatism; and now we are supposed to make a state out of that" (Alija Izetbegović).

6 The Case of Bosnia and Herzegovina

Since the mid 1990s the EU has developed significant policy instruments towards BiH. Thus, the EU has become the main actor in the country in terms of its humanitarisation, stabilization, securitization, and integration into the Euro-Atlantic structures. Put simply, Europeanization process has been present both within the formal state institutions and social context in general. Democratic transition has been important component of the whole process. However, democratic reforms in the country have encountered deep internal and external difficulties. There have been five main challenges hampering democratization reform agenda in the country.

6.1   Constitutional Structure of BiH

6.1.1 Dayton Peace Agreement (DPA)

The war in BiH ended in December 1995 when the Dayton Peace Agreement was signed. Thus, BiH's current political system is the product of the DPA (Bieber, 2006: 40). The signed Agreement established the Constitution of BiH supposes division of the country into two Entities: the Bosniak/Croat Federation of BiH (controlled by the Bosniaks and Croats), and the Republika Srpska (governed by the 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. The RS does not have a cantonal level, it only has municipalities. Overall, the DPA kept Bosnia as independent and sovereign country with a joint multi ethnic government.

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 to happen (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 reflects wartime circumstances cannot by itself ensure BiH's future as a functioning democratic state (Ashdown, 2005).

DPA has many important legal principles which can also be seen within constitutional frameworks in other Western democratic countries. For instance, in the Article I, it is stated that BiH shall be a democratic state, which will operate under the rule of law and with free and democratic elections (DPA, 1995). Furthermore, an Article II (1) of the Constitution stresses that: "*Bosnia and Herzegovina and both Entities shall ensure the highest level of internationally recognized human rights and fundamental freedoms*". Article II (2) goes on to provide for the direct application in BiH of the rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols (DPA, 1995). Apart from the application of internationally accepted agreements the Constitution prevents discrimination or disenfranchisement of the three constituent peoples in BiH.

The so-called "constituent peoples" are the three biggest ethnic groups; Bosniaks, Serbs, and Croats. Thus, the BiH House of Peoples is composed of five Croats, five Bosniaks, and five Serbs, and the tripartite BiH Presidency is composed of one Bosniak, one Croat and one Serb. On the other hand, as a dynamic element, the

Constitution and Annex 7 clearly entrenched the return of refugees and internally displaced persons as one of the main goals of the Peace Agreement in order to re-establish the multiethnic society which had existed before the war (Marko, 2005: 6). Nevertheless, DPA has demonstrated a number of serious shortcomings which have to be overcome in order to make Bosnia more stable, self-sustaining, functional and fully democratic country.

6.1.2 Ethnic Homogenization

The structure of a constitution and constitution-making process is an integral part of the political and institutional set-up in any transitioning country (Samuels, 2006: 19). The DPA created highly decentralized state with a very weak and insufficient central institutions and very strong entity administrative bodies thus obstructing maintenance of genuine multi-national, stable and democratic country. The DPA has produced an institutional framework where the entities have powers which hinder effective decision-making processes and thus largely leads to rise in ethnic polarization (Lexau, 2004: 7).

In other words, a number of scholars regularly point out that DPA was negotiated by the nationalist actors, who actually were one of the main causes of the war, and thus it just extended the power of the ethic-nationalist parties and their leaders (Kaldor, 1997: 28-30). In some sense the signing of the agreement provided an opportunity to nationalist parties to continue their project of ethnic homogenization after the war. As Mijović puts: "*the implementation of the Dayton Agreement has contributed to increasing ethnic homogenization. […] Ethnic divisions and creation of the three almost completely national territories of today are our reality. Therefore, in the foreseeable future there can not be any substantial changes: BiH is a multinational country only in name. In fact, three nations no longer live with each other but rather one besides other*" (2010).

That is, a thorough examination of the DPA demonstrates that the ethnic cleansers are winning the battle to shape the postwar BiH (ICG: 1999: 1). Similarly, Mujkić claims that "*if Dayton is understood in the literal sense, what has been the case in the Republic of Srpska, rather than according to its `spirit` (as a temporary arrangement with a clearly stated possibility for its upgrades and changes) then it serves the continuation of the existing state of permanent ethnic mobilization that paralyzes any meaningful political efforts towards democratization and state-building*" (2010). DPA has failed to resolve the basic political and social cleavages around which warring parties were in the three-year conflict thus only changing the means by which ethnic groups are still fighting for their separate statehood (Woodward, 1997: 29).

Therefore, it would be naïve to expect genuine reconciliation and creation of multiethnic democracy under existing constitutional framework. In this regard, Prodanović thinks that "*BiH needs a gradual change of some of the articles in the Dayton Agreement and not completely a new constitution. Some new amendments would create preconditions for BiH to function as a democratic country in which the rights of all would be respected and in which there would not be possibility of marginalization of anybody*" (2010).

Additionally, under the DPA only the citizens belonging to one of the three ethnic groups - Bosniaks, Croats or Serbs—are permitted to stand for election to the House of Peoples or for the BiH Presidency. Such legal decision is discriminatory and thus undemocratic since it excludes members of minority groups. Indeed, the entire constitution enshrines ethnic discrimination as a principle of law; because of this discrimination, the Dayton-created constitution could theoretically prevent BiH from joining either the Council of Europe or the EU (Lyon: 2000: 112). Although BiH joined the Council of Europe on 24 April 2002 there has been increasing discrimination against minorities in the country. Thus, the citizens from minority groups such as the Roma, Turks, or Jews, are granted only a limited degree of self-administration (Soberg, 2008: 715).

Facing such an obvious discrimination, representatives from Roma and Jew community brought the case to the ECHR in Strasbourg. In December 2009, the ECHR decided that exclusion of the minority groups from the election to public posts is discriminatory act (Baldwin, 2010). Similarly, the EC stressed that no enough progress has been made on reforming the BiH constitution and minorities therefore continue to be excluded from the decision-making process (2009: 20). Overall, national minorities remain highly underrepresented in the political life. Therefore, all existing *"incompatibilities between Bosnia and Herzegovina's constitutional framework and the ECHR need to be addressed in order to ensure improved elections in 2010 elections and full compliance with the SAA requirements"* (EC, 2009: 15). Otherwise, BiH can not enter EU without removing this discriminatory act.

6.1.3 Complex Constitutional Framework

The BiH political system is built on a complex, decentralized, multi-layered and mainly ethno-political power-sharing model (Muehlmann, 2009, 141). Power is dispersed widely across two entities, 10 Federation cantons, 149 municipalities, and since 1999, the District of Brčko (Cox, 2001: 6). In Senka Kurtović's words, *"Bosnia is like Frankenstein's monster – it has been sewn together with force"* (2005). After the war the state was granted very limited authorities. In fact, the number of ministries was originally limited to Civil Affairs and Communications; Foreign Trade and Economic Relations; and Foreign Affairs. The law adopted in 2000 established three new ministries charged with human rights and refugees, the treasury, and European integration (Gligorić, 2002: 102-104). Although the new state ministries were created even today entities are much stronger than central government. Thus, the International Crisis Group concluded that BiH still is not a competent state, let alone one that inspires or enjoys the loyalty of all its citizens (2002: 15).

Furthermore, serious problem is the lack of coordination between the state level institutions and the Entities. This problem is linked to current administrative

structure, political considerations and communication problems because of the absence of an efficient infrastructure (ECDBiH, 2004). Thus, with the long-lasting ethnic fragmentation and high level of institutional division BiH does not appear to be a sovereign state in real sense and thus lacks the very fundamental precondition of a democracy. Therefore, it is of utmost importance to establish new state institutions which will help to transcend the lines of ethnic fragmentation and dominance of apartheid regime.

BiH's fractured organization of central government has been widely blamed for the lack of genuine reform in the country. What's more, the EU-related reforms have been under threat due to the complicated constitution and weak state institutions. Thus, Bajazit Jasarević points out that "*the partial implementation of the DPA and the blockages that are due to incompleteness and defectiveness of the Dayton Constitution are the main barriers to successful reforms in BiH and its faster entry into NATO and the EU*" (2010).

While constitutional reform as such has not been a formal precondition for BiH government to sign SAA with the EU the country leaders in fact needed to strengthen central institutions to comply with the European standards (Skrbić: 2006). Thus, they agreed in principle that the country needed stronger central institutions to meet the challenges of European integration reform agenda. In other words, the local leaders are aware that, if their bid for accession to the EU is to be taken seriously, they will have to reform the state constitution (Lippman: 2006). In 2008 Progress Report, the EC concluded:

> "There has been little consensus on the main reform priorities. A shared vision on the direction of the country remains necessary for a smooth operation of institutions, for creating more functional and efficient state structures, and for speaking with one voice on EU and international matters." (EC, 2008: 5).

All being said, BiH politicians have to reach compromise regarding the necessary changes in the Constitution and thus speed up Europeanizing reforms in the country. Karabegović also thinks that the DPA has limited European integration reforms in the country adding: "*if we keep in mind the fact that only countries with both strong government and the parliament can implement the necessary reforms then the DPA has been a problem*" (2010). Either the country will acquire and develop the state-level structures necessary for functional, affordable and EU-compatible governance or it will be condemned to a long and destabilizing period of complex statehood (Perdan, 2006: 198). In fact, the EU wants BiH as a unified rather than a highly divided country before the final membership.

6.2 International Community

6.2.1 International Dependence

It would not be any exaggeration to say that throughout its history BiH has lived under massive international presence on its lands. The Ottomans ruled over the country for more than 400 years. Then, in 1878 the Berlin Congress awarded the Habsburg monarchy to "occupy and administer" BiH (Donia and Fine, 1994: 92). From that time Austro-Hungarian Empire ruled over the country till 1918, and the Republic of Yugoslavia was established. Later on, with the start of the Bosnian war in 1992 and especially in its afterwards many international actors have continued the culture of strong foreign presence in BiH.

In fact, in a number of transitioning societies international community has played decisive role to keep peace, stability, and security. Furthermore, international actors can have an important role in the post-war democratization reforms. For instance, the OSCE has played very significant role in conducting the first post-war elections in

BiH. Nevertheless, it should not be forgotten that long-lasting international involvement in domestic political affairs can be very harmful for the country's democracy. For instance, today's strong international presence in the form of the Office of High Representative many see as undemocratic.

The OHR has played very significant role in the decision-making processes in BiH from the end of the war. According to the Article V. of the DPA, the High Representative is "*the final authority in theater regarding interpretation of this Agreement on the civilian implementation of the peace settlement*" (1995). In recognition that such competences were not sufficient to successfully implement the DPA, in 1997 the powers of the HR have been significantly extended, customarily referred as the "Bonn powers", which included the power to remove elected officials, impose legislation, and pronounce administrative rulings. Thus, Carlos Westendorp, the second HR and his successors have rewritten or imposed over 100 laws, spanning economic, social, political, and judicial issues, and also have removed over eighty individuals from the public office (Yordan, 2003: 61).

At the same time, the HR used his powers to realize the most fundamental state-building policies; namely, state symbols and integrationist legislation of the state such as the citizenship law, the flag, the national anthem, currency, pension funds and license plate. Thus, the tangible success of the HR's increased role has been the passing of significant legislation that would have either been postponed indefinitely or been watered down (Bieber, 2002: 214). However, very often the "Bonn powers" of the HR are exercised in an imperial way while the dismissals of public officials have contradicted the most basic principles of the rule of law (Marko, 2005: 17).

6.2.2 Quasi-Protectorate State

Today in BiH the basic principle of democratic governance – the interests and preferences of citizens – has been overly ignored. Ironically, in March 2000, the HR

Petritsch tried to convince ordinary citizens "*that this is their country, these are their problems, and that they bear the primary responsibility for sorting those problems out. We cannot do it for them - although we can and will assist*" (2000). Nevertheless, BiH ordinary citizens have an opportunity to exercise their democratic rights only during elections. In fact, the HR could pass legislation and create new institutions without reference to the preferences of ordinary citizens (Fukuyama, 2004: 103). What's more, he can dismiss presidents, prime ministers, judges, and mayors without having to submit its decisions for review by any independent appeals body (Knaus and Martin, 2003: 2).

The OHR is only under the control of the Peace Implementation Council, the international body that oversees the implementation of the DPA. The PIC comprises 55 countries and agencies helping BiH to become more stable and democratic country. Thus, the HR is actually not accountable to any democratically elected body in the country. That's why there have been arguments that BiH is today a `European Raj` similar to the British Raj in the early-nineteenth-century India. Indeed, as Westendorp, once put: "*You do not have power handed to you on a platter. You just seize it, if you use this power well no-one will contest it*" (Rodriguez, 1998).

Most importantly, frequent bureaucratic interventions by the HR into the decision-making process are counterproductive to the very democratic principle of domestic self-government. Thus, the HR's imposition of the rule of law and democracy in the country effectively has limited the emergence of essential domestic political debate in the post-Dayton period (Knaus & Cox, 2004; Dizdarević, 2004; Knaus & Martin, 2003). As Prodanović argues: "*It is the fact that OHR rule, especially during the mandate of some HRs, has slowed the process of democratization in BiH. It was mainly due to the imposition of numerous laws and decisions which banned a significant number of political representatives. Also, implementation of the imposed laws has been poor and the removal of the politicians has caused additional tensions*" (2010).

Furthermore, his paternalistic authoritarianism unintentionally suppresses, even more effectively than the nationalist actions of local ethnic actors, local grass-root initiatives for more democratic participation in BiH policy-making (Chandler, 2001: 114). Thus, Mujkić confirms that "*the manner in which the OHR has acted so far certainly has harmed the development of democracy. First and foremost, the OHR has not demonstrated necessary commitment in establishing the central democratic institutions and procedures which would help the development of democratic political climate*" (2010).

What's more, increasing involvement of the HR into the local political affairs has created a `culture of dependency` where domestic constituents largely rely on him to solve all the problems instead of themselves. As Marcus Cox stresses, the HR's decisions relieve the domestic representatives from genuine negotiations thus relieving them from their responsibilities, and allowing nationalist leaders to accept uncompromising positions without the fear of being accused when compromise is not reached (2001: 12).

All in all, the more restricted the political sphere is, the less responsibility elected political representatives have and the less likelihood there is that political institutions will build social bonds in post-war communities (Chandler, 2002: 116). Obviously, today in Bosnia there is a serious marginalization of the local political sphere which is clear threat to democracy-building and local ownership. In this respect, Orahovac agrees that OHR is harmful to democracy pointing out that "*OHR is a `foreign body`, some kind of colonial administration in BiH. For democracy you need local institutions and local processes which are the product of domestic deliberation*" (2010). Simply put, democracy has to be learned through practice and thus `culture of deliberation` is more essential than ever in today's Bosnia.

6.2.3 Forced Europeanization

HR is at the same time holding the position of European Union Special Representative in BiH. In March 2001 Lord Paddy Ashdown was named as the first EUSR in BiH. One important duty of EUSR has been to help the BiH government in making EU reforms. However, very often there has been serious imposition of reform process on local politicians. Probably this was clearest during recent police reform. 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 elites did not agree on necessary reforms the HR 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 was clear forced Europeanizing reform. Ironically or not, the 2005 report by the International Commission on the Balkans recommends that the EU take over the direct management of the Balkan states rather then pursuing traditional external state supporting policies and assistance programmes (ICB, 2005). 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).

It is well known that BiH can not enter the EU if HR continues to play such an influential role in the BiH politics. BiH future in the EU is thus highly uncertain and even problematic because of the underdeveloped domestic policy-making structures and serious marginalization of both political representatives and ordinary citizens from open democratic deliberation. Indeed, coerced Europeanization by the HR has hampered genuine democracy to flourish. Once when the peace agreement was just

signed it would be "not just heartless, it is foolish" to just watch a post-war countries struggling with a variety of problems (Collier, 2003: 11).

However, today's Bosnia is far away from unstable post-Dayton era and on the route to Brussels. Therefore, time has come to treat BiH and its government as an equal partner rather than an 'object'. The HR can help BiH's democratization through consultative role. As Ivanković-Lijanović argues: "*The most important thing would be that the HR is more active in creating the perception of mass publics before the elections; that is, creating of electoral matters which would protect democracy during the elections from 'ethnic conflicts' and in this way ensuring better selection of politicians*" (2010).

So far, influential and dominant role played by HR has been characterized by vertical model (see Figure 6.1). Recently, decreasing number of HR intervention into BiH politics signifies the transition to domestic ownership over Europeanization process. Now it is ripe time to remove the OHR and establish more horizontal order based on partnership relationships where BiH politicians will shoulder more responsibility for political decisions and where the HR will have a consultative rather than legislative role (see the Figure 6.2). The HR is to be replaced by the EUSR after the BiH authorities make the necessary reforms set by the PIC in February 2008, referred to as the "5+2" formula. That is, transition into the EUSR is dependent on BiH achieving five objectives:

1. the resolution of state property disputes,
2. resolution of defense property disputes,
3. resolution of the status of Brčko district,
4. the financial sustainability of the state,
5. strengthening of the rule of law, and

on fulfilling two conditions:

1. the signing of the SAA,

2. and a positive evaluation of the political situation in BiH by the PIC (Jelišić, 2009: 133).

So far, only two of these have been realized. Transition to the EUSR will become one more step towards the Brussels. Thus, Nadaždin-Defterdarević points out that "*the transformation of OHR into EUSR would confirm that progress has been made and that BiH has all necessary competences to function as sovereign and independent country. Also, such transformation would very likely generate a different treatment of the country by the EU since BiH would be perceived equally as all other countries in the region*" (2010). Furthermore, it should not be forgotten that the EU does not want any kind of semi-protectorate country in its structures. Therefore, it is certain that one day EUSR will replace today's OHR. However, it will be of utmost importance to decide on the powers and responsibilities of the EUSR. Genuine partnership between the EU and BiH politicians will only be achieved with the transition of the OHR to the EUSR. Then, the country will become more democratic and self-sustaining.
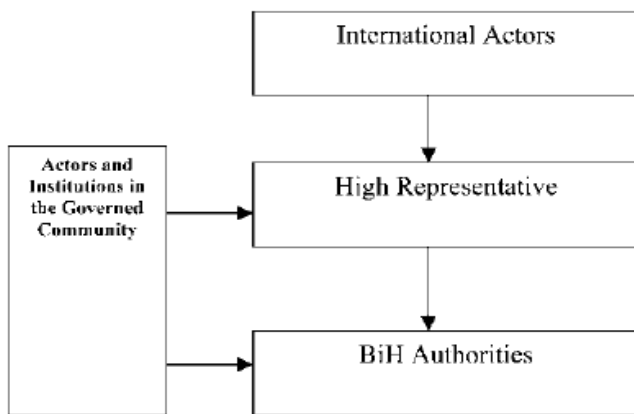
Figure 6.1 Public Power Regulation in BiH post-conflict (Arrows denote regulation).

Source: (The Author).
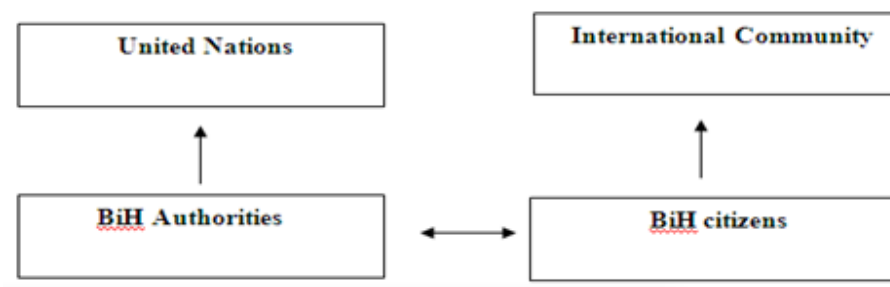
Figure 6.2 Public Power Regulation in BiH (post-OHR version).

Source: (The Author).

6.3 Exclusive Ethnic Nationalism

6.3.1 The Regime of Nationalist Parties

During the Ottoman times people in BiH lived peacefully together as a part of one common 'millet system' where everybody was equal. Similarly, the communist regime repressed any nationalistic feelings because it was a clear threat to the communist ideal of 'brotherhood and unity'. However, dissolution of the communist regime and establishment of multi-party system has brought about exclusively nationalist political parties that started to dominate political sphere within the country.

The first one to emerge was the Party of Democratic Action (Stranka demokratske akcije, SDA), catering mainly to the Bosnian Muslims (Bieber, 2006: 20). It was followed by the establishment of the Serb Democratic Party (Srpska demokratska stranka, SDS) and the Croat Democratic Community (Hrvatska demokratska zajednica, HDZ). SDS has been exclusively appealing to the Bosnian Serb population. HDZ attracted the BiH Croats. In the national elections in 1990 the three nationalist parties won the most votes from their national groups respectively (see

Table 6.1). And this was the start of the long nationalist era on the BiH political scene.

Table 6.1 Electoral Results 1990 and Census 1991 in comparison.

	Muslims	Serbs	Croats	Yugoslavs and Others
Election Results	32.6	26.1	16.0	21.2
Deputies	41.25	35.41	20.41	2.93
Census	43.7	31.4	17.3	4.0

Source: Arnautović, (1996: 21-22, 108).

Furthermore, the 1992 war in BiH increased ethnic hatreds and intolerance. As a result, ethnicity has become the dominant social and political cleavage. In fact, political space has become limited and even unwelcome for the groups such as Yugoslav, Bosnian, and so forth. As Touquet and Vermeersch argue:

> "These people have now been excluded from mainstream accounts of the outcomes of the recent conflict: it is not possible to be a Yugoslav, a Bosnian or an Eskimo in a situation in which ethnic nationalism has transcended all else and in which there are intensely localized variations in identity and 'national' sentiments" (2008: 280).

Expectedly, in the first post-war elections the three nationalist parties, SDA, SDS, and HDZ received the highest number of votes from their ethnic electorate respectively (see the Figure 6.2). At the time, the main three ethnic parties largely stressed the role they played in the war and the possibility of threat coming from the other ethnic groups (Borden, 1996: 2). Such a trend of preferring strictly ethnic parties by BiH electorate has repeated each election with the only exception of the elections from 2000 when Social Democratic Party, (Socijaldemokratska partija, SDP), a multi-national political party, won the elections (see Figure 6.2, and Figure 6.3). Put differently, political competition for votes based mainly on extremist rhetoric, so-called politics of outbidding, has continuously taken place in the post-war

BiH as nationalist parties have cemented their early seize of power in successive elections (Jarstad,2006:16).

Table 6.2 BiH Parliament Voting Rates (1990-2002).

	1990		1996		2000		2002	
	%	Seats	%	Seats	%	Seats	%	Seats
SDA	29,6	43	37,9	19	18,8	8	23,7	10
SBiH	.	.	3,9	2	11,4	5	12,0	6
SDS	23,5	34	24,1	9	17,8	6	15,2	5
SDP	17,5	27	5,7	2	18,0	9	11,3	4
HDZ	14,4	21	14,1	8	11,4	5	10,1	5
SNSD	.	.	5,7	2	5,1	1	10,1	3
PDP	.	.	.	.	6,4	2	4,7	2
Others	13,7	5	8,6	.	9,7	6	13,3	7
Total	.	130	.	42	.	42	.	42

NOTE: SDP: Social Democratic Party, SDA: Social Democratic Action, SBiH: Party for Bosnia and Herzegovina, SDS: Serbian Democratic Party, HDZ: Croatian Democratic Union, PDP: Party for Democratic Progress, SNSD: Alliance of Independent Social Democrats.

Source: Centralna Izborna Komisija (www.izbori.ba); or OSCE (www.osce.org).

Table 6.3 BiH Parliament Voting Rates (2006).

Parties	Federation			Srpska			Total
	Votes	%	Seats	Votes	%	Seats	
Party of Independent Social Democrats (*Stranka nezavisnih socijaldemokrata*)-Milorad Dodik	7,265	0.85%	0	262,203	46.93%	7	7
Party of Democratic Action (*Stranka Demokratske Akcije*)	217,961	25.54%	8	20,514	3.67%	1	9
Party for Bosnia and Herzegovina (*Stranka za Bosnu i Hercegovinu*)	196,230	22.99%	7	23,257	4.16%	1	8
Social Democratic Party of Bosnia and Herzegovina (*Socijaldemokratska partija Bosne i Hercegovine*)	131,450	15.40%	5	11,822	2.12%	0	5
Serbian Democratic Party (*Srpska demokratska stranka*)				108,616	19.44%	3	3
Croatian Democratic Union of Bosnia and Herzegovina (*Hrvatska demokratska zajednica*)-Hrvatska koalicija-HNZ	68,188	7.99%	3	1,145	0.20%	0	3
Croats Together (*Hrvatsko Zajedništvo*, coalition led by HDZ 1990)	52,095	6.10%	2	591	0.11%	0	2
Bosnian-Herzegovinian Patriotic Party-Sefer Halilović (*Bosanskohercegovačka Patriotska Stranka-Sefer Halilović*)	37,608	4.41%	1	866	0.16%	0	1
Party of Democratic Progress (*Partija demokratskog progresa RS*)				28,410	5.08%	1	1
People's Party Work for Betterment (*Narodna stranka Radom za boljitak*)	27,487	3.22%	1	5,533	0.99%	0	1
Democratic People's Alliance (*Demokratski narodni savez*)	232	0.03%	0	19,868	3.56%	1	1
Democratic People's Community (*Demokratska Narodna Zajednica*)	16,221	1.90%	1	321	0.06%	0	1
Total			28			14	42

Source: Parties and Elections in Europe, (www.parties-and-elections.de/bosnia).

6.3.2 Stalled Europeanization

In the post-war BiH an important political and economic developments have been seriously hampered because of harsh nationalist rhetoric by ethnic political leaders. In other words, on very important issues they could not reach necessary compromises for the whole country to continue its reform process toward the EU membership. Thus, Šarčević points out that "*the nationalistic rhetoric and rigidly structured positions without the wish for compromise present an obstacle to any reforms in the country including the reform process on the EU path*" (2010). 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).

While some Bosniak political leaders wanted Republika Srpska to be abolished as a part of a constitutional change, the Serb politicians threatened with secession from BiH. As put in the EC's Progress Report, "*BiH`s political leaders have given limited attention to the necessary reforms and nationalist rhetoric has prevailed*" (2007: 8). However, a number of domestic politicians claim that it is important to show who those politicians are causing the deadlocks in the country. For instance, Huskić notes that "*if we see the politics like this than we have to say concretely who said what and also we have to define what nationalist rhetoric means. Then it would become much clearer that all the major politicians do not actually use the nationalist rhetoric*" (2010).

Whatever it is, it is of utmost importance that BiH politicians speak with one voice towards Europeanizing criteria. Also, BiH politicians from each ethnic group must understand that EU will neither allow Serb entity to be abolished nor BiH to divide into two or three new countries. As Catherine Ashton declared in the interview for Dnevni avaz: "*the EU will never accept dissolution of Bosnia and Herzegovina!*"

(2010). Thus, Bosnia can enter the EU and it is now in the hands of the domestic politicians!

Police reform has been one of the issues where local political elites demonstrated their opposing nationalist preferences. In `2003 Report` the Commission concluded that BiH should proceed with structural police reform with a view to rationalising police services (2003: 41). In fact, one of the short-term priorities from the European Partnership signed with the EU has been substantial police reform in the country. That is, BiH politicians have been supposed to adopt police reform legislation at both the state and entity levels in line with the three EU principles and begin to implement the police reform (ECP, 2007: 5). The three EU principles that had to be implemented by the local politicians have been:

1. All competencies for legislature and budget issues concerning the police must be vested at the state level,
2. No political interference in the operational work of police,
3. Functional local police areas must be determined by technical policing criteria, where operational command is exercised at the local level (OHR, 2005).

Many of the domestic politicians have perceived these principles as political rather than technical. Put simply, for ethnic leaders exclusive ethnic interests have been more important than efficiency and professionalism of the police forces. For instance, the Serb officials, clearly motivated by political considerations rather than professional policing criteria, immediately rejected the proposal (Muehlmann, 2009: 145). Similarly, Bosniak politicians saw police reform as an opportunity to 'delegitimize' Republika Srpska. Obviously, nationalist party leaders in the country have used police reform as a tool to gain votes from their ethnic electorate. Only with strong international intervention could the local leaders find a consensus what enabled the country to start the SAA negotiations with the EU.

6.3.3 Ethnocracy vs. Democracy

Widespread exclusive ethnic nationalism in BiH has been one of the most important factors that hamper genuine democratic institution building processes. As Nadaždin-Defterdarević argues: "*the dominance of nationalist parties perpetuates a climate of ethnic intolerance and political exclusion. Monopoly position of any political actor directly threatens the core of democracy which best flourish within the environment of political pluralism and mutual dialogue. The monopoly of nationalist parties in decision-making in BiH perfectly confirms that*" (2010). That is, widespread politicization of ethnicity and the success of ethnically-oriented political parties are serious obstacles in front of the long-term democratization process (Chandler, 2000: 111).

Since mono-ethnic political parties have established political monopoly in the country such a political model is practically based on the rule of ethnic parties or so-called ethnocracy rather than democracy, as a rule of people. Similarly, Ivanković-Lijanović points out that "*ethnic or national political organizing has been a key problem of our society and the state and thus it must be abolished as soon as possible because only then there will open a space for democracy-building*" (2010). Since 1992, little actual reform has occurred, and three one-party political systems remain in place, rendering the idea of meaningful democratic elections dubious (Lyon: 2000: 113).

Moreover, there is a considerable social distance and insecurity feelings between the major ethnic groups (Dawisha and Parrott, 1997: 122). Although the war has ended 15 years ago ethnic communities still fear each other and social trust has been disappointingly low in the country (see Table 6.4). Thus, relationships among members of different ethnic communities are still characterized by a high degree of social distance and suspicion, and BiH remains highly segmented society in terms of ethnopolitical loyalties and political dynamics (Cohen, 2005: 371).

Table 6.4 Social Trust (Others can be trusted in %).

China	54, 5
Belarus	41, 9
Montenegro	33, 7
Croatia	20, 5
Serbia	18, 8
Macedonia	13, 7
BiH	7, 2

Source: Oxford Research International, (2007, www.undp.ba).

Additionally, serious disagreements between ethnic leaders have even brought Bosnia's EU and NATO membership into danger. As Lajčak, previous HR and EUSR, pointed out:

"Instead they have resorted to nationalist rhetoric, because nationalism means votes and has been a successful recipe for winning elections. And the fact of the matter is that, up until recently, EU integration had become collateral damage to this calculation" (2008).

What's more, few political parties have mentioned future EU membership and necessary reforms in their party programmes and pre-election campaigns. In this respect, Husein Nanić confirms that "*nationalist rhetoric is still the key means to come and remain in power, and so far the advantages and benefits of EU integration have net been sufficiently explained to the citizens so this could become the key factor for them to make decision whom to vote for*" (2010). Therefore, Inzko, the current HR in the country, has suggested that in their election campaign politicians should focus on real issues, such as the economy, the fight against corruption and organised crime, improving the school system and health care, and, of course, European integration (2010).

Overall, BiH is today somewhere between ethnic nationalism and deep Europeanization processes. However, Europeanization process has often been under

the shadow of exclusive nationalism. Let's see which process will win this millennium battle! If Europeanization continues in the country it means more democracy and more open society. Otherwise, exclusive ethnic nationalism could push the country into deep isolation from the rest of free and democratic Europe.

6.4   Civil Society as Democratic Force!?

6.4.1   Building Civil Society

Civil society groups were weak in BiH before the war (Fischer, 2006: 16). Even those that existed were sport, music, and culture organizations. During the war many international civil society organizations were delivering humanitarian aid. Also, in the aftermath of the war a large number of international NGOs have worked towards reconciliation and the transition to democracy. It seems as though all aspects of Bosnia's internationally-led post-conflict transition hinge on civil society development (Belloni, 2000: 2).

In general, the process of transition to liberal democracy and the evolvement of competent governance are greatly assisted by the establishment of civil society. Also, the civil society provides the source for means whereby democratic values and attitudes are encouraged as well as for mechanisms through which power is restrained and monitored (Pridham, 2000: 222). However, there is limit to what international civil organizations can do; that is, it is for ordinary BiH citizens to take greater responsibility in the grassroots projects. Although there is no clear date it is believed that first domestic NGOs were created during the war (Sali-Terzić, 2001: 177). Today, there are many indigenous NGOs. However, their influence in the community has been rather limited (see Table 6.5).

Civil Society

1999–2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
4.50	4.50	4.25	4.00	3.75	3.75	3.75	3.50	3.50	3.50

Table 6.5 Civil Society Rates in Bosnia and Herzegovina

NOTE: The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings of the categories tracked in a given year.

Source: Freedom House (2009).

In the aftermath of the war the citizens perceived the development of local NGOs as bizarre and alien efforts that do not take into account distinct BiH historical and social context. At the time the NGOs were treated with suspicion even by the government authorities – the term 'non-governmental' (nevladina) was interpreted as opposition to government, and the issues that NGOs worked on were perceived as contentious and threatening (Fagan, 2001: 411). Expectedly, in the early 2000s non-public sector, the most visible segment of civil society, was still underdeveloped, weak, and without enough understanding from the community toward it (Fočo, 2002; 8).

In December 2004, a considerable progress has been made as the Council of Ministers of BiH and the non-governmental sector signed `the agreement on cooperation`. The Agreement provides a framework to help direct joint relations between Bosnian government and NGOs at all levels of the government, from the local communities up to the level of the state (CNGO, 2004: 7). Nevertheless, the European Commission pointed out that in terms of civil society organizations very limited progress has been made in implementing the Agreement on cooperation between the civil society sector and the Council of Ministers of BiH (2009: 17).

6.4.2 Institutional Barriers

Furthermore, institutional framework based on the DPA has continuously resulted in increasing ethnic homogenization and thus preventing evolution of genuine civil society in the country. In other words, even though NGO activities cross nationalist and ethnic boundaries, challenge the agendas of local elites, and seem to be training ordinary citizens to make use of existing democratic processes, the capacity of civil society to carry out radical political and social transformations depends on fundamental institutional and political change in the country (Fagan, 2005: 407). Additionally, the recent UNDP report on social inclusion clearly highlights that the existing institutional structures in the country have hampered the constant growth of non-public sector or civil society.

In other words, the development of BiH civil society, and in particular, institutions such as the electoral processes, political parties, and the media sector, has been unable to move beyond serious political exclusion caused by DPA (UNDP, 2007: 133–45). Thus, Dayton has even divided civil society into two or three ethnic homogenous units. Consequently, BiH civil society has become highly ethicized. As Nanić puts it: "*the current constitution substantially restricts the development of civil society because of the deep divisions in the civil society itself on ethnic interests and thus NGOs generally do not have sufficient capacity for activities at the state level*" (2010). For instance, the division of the country into two entities has significantly impacted on the development of trade unions at state level (Fischer, 2006: 18). Thus, inter-ethnic contacts and democratic deliberation have been rare so far. In this regard, Turkes argues: "*the biggest mistake was the creation of ethnically defined entities. Therefore, we can not expect the DPA to contribute to the development of genuine democratic forces in BiH*" (2010).

A serious problem in BiH today is that even fifteen years after the war ended ethnopolitical segregation is still a key feature of BiH social context. Atajić points out that, "*Everything – from the greeting you use to the dialect you speak and the*

newspaper in your coat pocket – is judged, commented upon and categorized in terms of an omnipresent, mysticised 'ethnicity'. Under such circumstances, defining oneself as a citizen of the BiH state is tantamount to a betrayal of one's national identity" (2002:118). Such situation has produced negative consequences on the development of coherent civil society as well. For instance, even the multiethnic programmes organized by the civil sector are often incompatible with the `monodimensional ethnopolitics` pursued by state elites (Savić, 2003: 23). Furthermore, the trend towards ethnopoliticisation not only influences the existing political institutions, but it also affects economic sphere and overlaps into non-public sector bodies such as sports and cultural organizations (Sejfija, 2006: 132).

Similarly, Gajo Sekulić, a scholar at the University of Sarajevo, argues that cooperation or partnership based on the principle of equality between civil society and the government representatives in BiH is impossible because of the latter's dominant ethno-nationalist agenda (2002). In other words, Delalić claims that "*for the development of weak civil society in the country we can to a some extent accuse a nationalistic parties which condemn an efforts made since 1995 by the NGOs to `change people's consciousness`. The proof to this is their non-partnership relations with a non-public sector and organizing of various projects under their auspices where their particular party interests and positions are represented*" (2010).

Very often, a rise in activeness of civil society is perceived as reduction in the government power. Granting civil society scope for action is a risky business for nationalist elites which fear that this will jeopardize their control over the economy, the media and the general public (Sejfija, 2006: 132). That is, the idea of ethnopolitics is opposed to the development of strong and functional civil society. As a result, civil society has been under the hegemony of the state and international NGOs (see Figure 6.3).
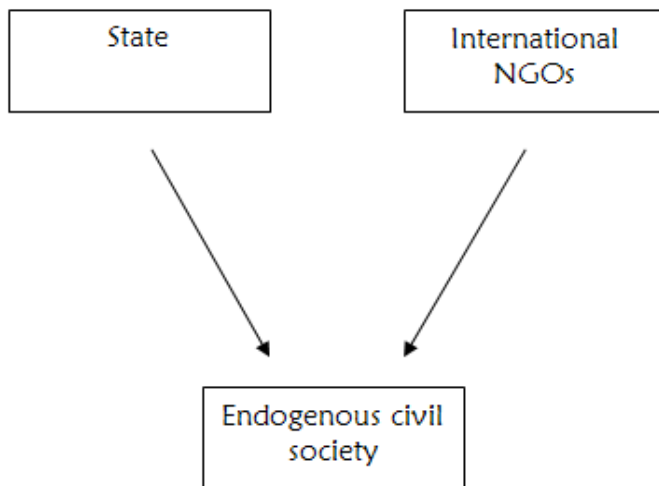
Figure 6.3 Hegemonic Model

Source: (The Author)

6.4.3 Europeanization without the BiH Civil Society!

From the very beginning of launching official relations with Bosnian authorities the EU emphasized the role of civil society. Also, the EU has donated very significant sums to help development of civil sector in BiH. For instance, the Commission allocated to BiH a total of € 89.1 million under the 2009 IPA programme. One of the main areas of the assistance has been civil society development. That is, in the framework of the Civil Society Facility, the 2009 IPA programme will provide € 3.0 million to support civil society development with a focus on strengthening civil society networks and enhancing the role of civil society in the fight against corruption (EC, 2009, 7).

Nevertheless, civil society in BiH has been weak and so far has not contributed constructively to speed up Europeanizing reforms in the country. What's more, Hadžikadunić argued that till 2005 in the whole country there has been no relevant

pro-European nonpublic organizations which openly promote European integration, support adopting necessary legislature and lobby for EU reform processes, with probably the only positive exception of the ACIPS (2005: 179).

Today, five years latter there are much more pro-European NGOs. Still, they have not effectively worked to include ordinary citizens into the process of European integration. If we think of the Croatian EU reform process there have been tens of smaller and bigger pro-European oriented civil organizations which completely decentralized delivering information to the public (Hadžikadunić, 2005: 179). On contrary, ordinary BiH citizens have had rare contacts with civil society organizations what hampered the overall Europeanizing reforms. That's why BiH is desperately in need of active civil society which could exert significant influence on local political elites to push the country further along the path of EU (Fischer, 2006: 16).

Recently, there has been increasing number of the NGOs which significantly started to influence policy-making in the country. However, such activities are mainly based on projects carried out only inside NGOs. In other words, there has been `projectomania` which means uncritical attitude by the NGOs whose basic activities revolve around project funding, and whose main concern is to develop projects that are in compliance with the sponsors` criteria, often without considering their practical relevance (Sejfija, 2006: 132).

As a result, such a top-down planning, top-down funding and upward accountability very often negate active participation by citizens (Chambers, 1995). In fact, mere projects done inside NGOs kill active citizen participation. Therefore, today in the country the majority of ordinary citizens have become very passive and apolitical. Thus, Mehmedović believes that BiH citizens are completely uninterested in participating in European integration processes because they think that with voting their duties end (2010). Similarly, Halimović argues that, "*BiH citizens generally don't have a clear vision of what should be their priority and they are completely excluded from the policy making. In fact, it seems that the citizens are not sufficiently interested in anything except for their mere existence. The fact that BiH has been the*

slowest country in the liberalization of visa regime, and that the citizens are again silent, tells us enough about the involvement of the citizens" (2010).

Miroslav Lajčak, the previous HR recognized this problem early and stressed that BiH needs active and functional civil society if it wants to make necessary EU reforms. That is, it is of utmost importance for this country to explain to the citizens that European integration cannot be successfully realized without the active participation of each and every citizen in the process - because this is not a task reserved for the political elite, it is something that affects the entire community (Lajčak, 2008). As Lyon points out: "*while Bosnia is hopefully starting to move forward on European integration, the international community must seek new partners in the country … that would enable it to place pressure on recalcitrant politicians. One potential partner would be the NGOs*" (2006: 67). To put it differently, BiH civil society should be perceived as equal partner to the state and international NGOs as well (see Figure 6.4). Only when people actively participate in community and when `they take their lives in their hands` they can contribute to bringing about social and political changes (Belloni, 2001: 173).
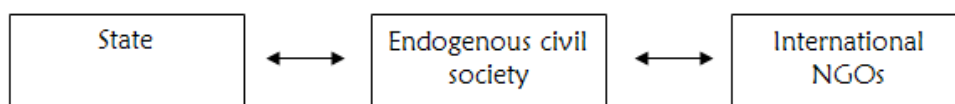

Figure 6.4 Partnership Model

Source: (The Author).

6.5 The European Union's Role in BiH

6.5.1 The EU without Clear Vision

Today, the EU has become the main political, economic and even security actor in the western Balkans and especially in BiH. However, from time to time the EU has showed serious signs of lack of vision and commitment in its relations with BiH. In this respect, Turkes thinks that *"the EU is not committing itself enough to create necessary platform to integrate BiH into the EU structures. Given the fact that current EU vision from Thessalonica to today has been to keep BiH at arms length, the EU has followed a strategy of `neither total exclusion nor a rapid integration`"* (2010). Indeed, without clear and visible EU commitment the outlook will remain poor for the WB in general; the vicious circle will remain, as well as the European border north of the Balkan region (Demetropoulou, 2002: 104).

Every problem in BiH or in the WB is the problem for the EU as well. BiH is still officially not the EU member but it should be seen as important component of the Brussels policy-making. As Vaclav Havel stressed during his speech at the European Parliament: *"The idea that there could forever be two Europes – a democratic, stable and prosperous Europe engaged in integration, and a less democratic, less stable and less prosperous Europe – is, […] totally mistaken […] There is only one Europe, despite its diversity, and any weightier occurrence anywhere in this area will have consequences and repercussions throughout the rest of the continent"* (2000). However, the EU very often has not demonstrated enough commitment towards BiH's European integration process.

Recently, the EU proved incapable and without clear strategy how to solve the constitutional deadlock in the country. In fact, BiH's fractured system of central

government has been widely blamed for the lack of reform (Skrbić, 2006: 2). Nevertheless, the nationalist leaders have very different interests in regards to the future institutional set-up of the state. Bosniak political parties and the multi-ethnic oriented parties such as the SDP demand much stronger state institutions. Serb political parties want to keep Republika Srpska with as many competences as possible. And lastly, Croat politicians defend the regionalization of the country or establishment of the third entity. What has been the common vision of the political elites is the Euro-Atlantic integration of the country (Kapetanović, 2005: 27).

However, the serious problem is that the EU authorities have not demonstrated what are their expectations regarding the BiH constitutional changes. Similarly, Karabegović agrees that EU indeed does not have clear strategy towards BiH stressing: "*the European officials always emphasize that BiH politicians have to reach a compromises which will satisfy the interests of all the three nations equally, however, even they themselves do not know in what way and how to change the BiH constitution to make it acceptable for everybody in the country. So far nobody has not clearly told what are the European principles which should be implemented as a prt of the constitutional reform...*" (2010). In this respect, Bassuener and Lyon point out:

> "Most of all, the EU needs to articulate clearly to both politicians and citizens what level of functionality BiH needs to have attained before becoming a viable candidate for membership in the EU, … The EU must put forth a set of guidelines on what sort of BiH it can accept into its ranks, with clarity on what elements are unacceptable" (2009: 13).

Indeed, the EU had failed to provide any specific set of guidelines for the conduct of constitutional change. As Solana noted in his speech '*I do not think it would be a good idea to open Dayton again at this moment. Of course, if there is an agreement between the three sides on some arrangements or solutions, I would not be against it . . . [but] I very much hope that as time goes by you will have the discipline and the*

energy to do this alone, without the need for pressure and impulse from the international community' (2004).

On contrary, Šarčević stresses that "*the question is how much reform domestic politicians really want to make and in this case how much assistance they need from the EU and international community. I think that if the EU would have put more pressure on the BiH politicians then they would more effectively find the common solutions*" (2010). Although the three ethnic groups adhere to different preferences concerning the new constitution the EU must send them clear measures. So far, 'the wait and see strategy' has proved as rather unsuccessful and weak.

6.5.2 `Europe Divided`!

During the whole process of constitutional reform in BiH the EU officials have looked rather divided and without sending clearly defined benchmarks to local politicians. 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).

To clarify, the EC President Barroso pointed out that while constitutional reform was not a 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). However, there have been a number of European leaders who had rather different ideas about the issue. 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 (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.

Nevertheless, now it is time for the EU authorities to take decisive and concrete diplomatic lead in fixing Dayton and thus open a new era of functional, self-sustaining and democratic BiH. During the Swedish EU Presidency there has been one such initiative on the constitutional reform organized jointly by the EU and the US on 9 October 2009, known as the Butmir process. In media, the meeting in Butmir was called 'Dayton 2' which best demonstrates its importance for the BiH future governance. 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. 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 has not even mentioned 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 country's rapid progress towards the EU membership (EC, 2009: 9). It seems that the European diplomats are making the same mistake again and again since BiH politicians thus manipulate with their reluctance and ambiguous position. As a result, the European diplomats stay in a vicious circle between their 'European values' and radically opposing interests of the three ethnic elites.

6.5.3 The EU Credibility Crisis?

Leaving Bosnians to explore the options that befall a failed state – located within Europe but on the margins of its prosperity and unity – is to acknowledge policy

bankruptcy … (Abramowitz and Hooper, 2010). In other words, ongoing political deadlocks in BiH are at the same time the failures of the EU leaders which is a direct threat to their credibility in the region and even at the world stage. As Valasek, from the Centre for European Reform, claims:

"The EU has a strong interest in turning BiH into a functioning country. It wants to see its financial and political investments protected. Its credibility as a foreign policy actor is on the line" (2009: 2).

Otherwise, so-far-followed EU policy of reluctance and ambiguous position toward BiH would just push this country into permanent sclerosis and even isolation from the Euro-Atlantic integration. This would then be the second EU fiasco in BiH after the one from the 1990s! Therefore, as Doris Pack, the member of the European Parliament, summarized: *both the EU Council and the Commission must be more active and send clear and concrete messages to the BiH political elites what they are expected to do if they want to become the EU member in the foreseeable future*" (2010).

BiH is indeed a substantively unique case that needs a substantively unique strategy to solve its political and social problems. Probably the carrot of EU membership was sufficient to trigger substantial transformation processes in the CEE. However, BiH with its long history of international protectorate, inter-ethnic conflicts, shifting borders and a recent brutal war, is not as other countries (Parish, 2007: 18). What's more, it is the country where the strongest Serb leader, Milorad Dodik, argues that if he had a chance to choose between the Brussels and Republika Srpska he would rather choose the second. Similarly, a number of Bosniak politicians are trying to abolish RS rather than making required EU-related reforms. Therefore, if the EU wants to contribute to rapid rapprochement of BiH towards the membership then it needs to apply more committed strategy towards the country. Additionally, the EU should sanction those politicians who obstruct the reform process with the travel bans to Schengen countries, for instance.

The EU is today 'europeanizing' substantially both the BiH state and society. The Europeanization of the country is important for the EU as much as for BiH citizens themselves. In this respect, Cohen thinks that if the EU does not clearly support the progress that has already been made in the Europeanization of the WB countries the Union would undoubtedly pay a very high price (2009: 129). To put it differently, Mehmedović claims that "*the EU member states' approach towards BiH has been unclear and inconsistent and that's the reason why we can say that EU has been losing its credibility in the country*" (2010). Therefore, the EU authorities must send clear messages to the BiH politicians what they must implement before any talk about the eventual EU membership is to continue in order to support the country's democratization reforms and also to preserve its own credibility at the international scene.

7 Analysis and Conclusion

Although the EU member states looked ineffective towards the Yugoslavian crisis in the early 1990s, when the war in BiH ended the EU developed more concrete policy instruments towards the whole region. The EU leaders realized that it was of utmost importance to tackle the problems in the region which is at the doorstep. Thus, the EU launched the tangible regional strategies in order to support political, economic, and judicial reforms in the WB countries. In 1999 the EU proposed the SAP to strengthen the European integration reforms in the region, including BiH. Thus, comprehensive Europeanization process in the WB officially started.

The Europeanization has influenced both state structures and society in general. One important aspect of the Europeanization has been a democratization process. The EU has firmly supported democratic transition of the WB countries through substantial domestic transformations which are based on the implementation of European values and principles based on the Copenhagen Criteria (political). However, democratic transition in the region has been slow due to multiple internal and external challenges. In this study we have examined the case of Bosnia and Herzegovina and the main challenges it has faced in terms of democratization process on its EU path.

Despite some progress made in the European integration reforms BiH has made insufficient democratization progress. First of all, BiH constitutional structure agreed in Dayton has created complex, highly decentralized, and mainly ethno-politic power-sharing model which paralyzes any meaningful political reforms towards a genuine democratization process. Second, although the HRs' intervention in some instances

has helped Europeanization reforms to progress the long-lasting international involvement has become counterproductive to the very democratic principle of domestic self-government. Third, exclusive ethnic nationalism has been limiting the long-term democratization reforms. Fourth, although the number of NGOs in BiH has increased over the European integration process civil society in general has been poor, mainly externally dependent, fragmented on ethnic lines, and unable to establish closer contacts with ordinary citizens what at the end extremely has weakened its capacity to significantly influence the policy-making. Finally, the EU itself has been reluctant, often divided, and without concrete measures what further slowed Europeanization reforms.

For the impact of Europeanization to be substantial and visible at one place it is of crucial importance that all necessary domestic integrative factors are present which will adequately adopt EU-related agenda. Furthermore, the Europeanization can have huge transformative power in the non-member states if the EU acts coherently and with strong commitment. However, in BiH both the 'domestic factors' and ambiguous role played by the EU have brought about insufficient democratization process. Therefore, the degree of Europeanization process has mainly moved between inertia (serious lack of change), absorption (marginal change), and accommodation (modest change). If genuine transformation (deep change) is to take place in the country then it is important that domestic and external challenges are tackled as soon as possible.

Therefore, it is of utmost importance that domestic politicians reach a compromise regarding the constitutional changes which will make the country more democratic and liberal thus speeding up the whole European integration process. In this respect, the international community should just play consultative role and provide necessary benchmarks to BiH elites. That is, the international community should stop playing legislative or executive role in BiH. This would then put more responsibility on the

shoulders of domestic politicians and democratic negotiations will become the rule of the game. Additionally, the EU should work more on supporting civil society development in the country because today BiH citizens understand democracy only through periodical voting.

Most importantly, the EU should speak with one voice and set concrete measures expected from the BiH politicians to implement before any talk about the eventual EU membership is to continue in order to support the country's democratization reform. It would be naïve to expect nationalist party leaders to achieve consensus on necessary reforms on their own. The European officials should not allow the BiH politicians to manipulate with an ambiguous position of the EU. At the end, everybody knows that EU is the one who is setting political and economic standards before the EU membership. The EU has to put more pressure into whole Europeanization process in order to support democratic reforms in BiH. That is, if the EU wants to contribute to rapid rapprochement of BiH towards the membership then it needs to apply more clear and committed strategy towards the country. Otherwise, BiH could face a situation of permanent Europeanization process without genuine democratization reforms!

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9. Appendices

9.1 Interview Guide

Interview Questions

Bedrudin Brljavac, Lund University.

Constitutional Structure of Bosnia and Herzegovina

Q1: There has been much discussion about the DPA. Does Bosnia and Herzegovina really need a new constitution?

Q2: To what extent a new constitution could actually contribute to political stability and economic progress in the country?

Q3: Has Dayton Agreement contributed to rise in ethnic homogenization of the country?

Q4: To what extent DPA has influenced reform processes in the country?

International Community

Q5: Do we really need HR today?

Q6: What do you think about the critiques that OHR has harmed democracy in Bosnia?

Q7: What is your perspective on the idea that transition from the HR to EUSR would speed up EU-related reforms in the country?

Exclusive Ethnic Nationalism

Q8: In Bosnia a nationalist-oriented parties have continuously been winning the elections for the last 15-20 years. What is your perspective on the compatibility of nationalist parties' political monopoly and democracy?

Q9: Why nationalist parties have been winning almost each election in the country?

Q10: It is obvious that EU-related reform processes in the country have been really slow. What do you think about the critics that say that nationalist rhetoric of the key political figures in the country has been the main reason for such a slow reform process?

Civil Society as Democratic Force!?

Q11: In your opinion, to what extent existing institutional framework based on the DPA has contributed to preventing of evolution of genuine and strong civil society in the country?

Q12: What do you think about the idea that stronger and more active civil society could contribute more to making necessary reforms towards the EU membership through exerting necessary influence on the local political elites?

Q13: Do you think that Bosnian ordinary citizens are sufficiently active and aware of the reform process toward the EU membership?

The European Union's Role in BiH

Q14: Many analysts argue that EU's strategies towards Bosnia are not clear enough and without necessary commitment. What is your perspective on the idea that the EU must put forth a set of clear and concrete guidelines on what sort of constitutional changes they expect from the Bosnian politicians?

Q15: Do you think that EU is sometimes without vision and real solution what to do in Bosnia to push it toward Brussels?

Q16: So far, Bosnia and Herzegovina has been among the slowest reforming countries in the region and it is lagging behind other WB countries. If such situation continues do you think that EU could lose its credibility since it is one of the actors involved in the country's reform processes?

Pitanja za intervju (Interview Version in Bosnian)

Ustavni okvir BiH

Q1: Postoje različita mišljenja u vezi Dejtonskog mirovnog sporazuma. Da li BiH zaista treba novi ustav?

Q2: Koliko bi i jedan novi ustav mogao utjecati na poboljšanje političke i ekonomske situacije u zemlji?

Q3: Mislite li da je Dejton doprinio porastu etničke homogenizacije u zemlji?

Q4: Po vašem mišljenju koliko Dejton utječe na današnji proces reformi u BiH na njenom na putu prema EU?

Međunarodna zajednica

Q5: Da li danas Bosni i Hercegovini treba Ured visokog predstavnika (OHR)?

Q6: Šta mislite o kritikama koje tvrde da OHR šteti razvijanju demokratije u BiH?

Q7: Kakvo je vaše mišljenje o tvrdnjama da bi se tranzicijom OHR-a u specijalnog predstavnika Evropske unije za BiH ubrzao proces reformi u BiH na putu prema Briselu?

Etnički nacionalizam

Q8: Nacionalne stranke u BiH su poslije rata pobjeđivale skoro na svakim izborima. Kakvo je vase misljenje o takvom političkom monopolu na razvoj demokratije u BiH?

Q9: Zašto nacionalne stranke dominiraju političkom scenom u BiH?

Q10: Šta mislite o tvrdnjama kako zapaljiva nacionalistička retorika glavnih političara u zemlji je jedan od razloga sto je BiH spora u reformama prema EU članstvu?

Civilno društvo kao demokratska snaga

Q11: Po vašem mišljenju koliko postojeći ustavni okvir šteti razvoju jakog i aktivnog civilnog društva na nivou cijele BiH?

Q12: Šta mislite o ideji da bi snažnije i aktivnije civilno društvo moglo doprinjeti brzem procesu reformi kroz vršenje potrebnog pritiska na domaće političare?

Q13: Mislite li da su BiH građani dovoljno uključeni u cijelokupan proces reformi na putu prema EU?

Uloga Evropske unije u BiH

Q14: Postoje tvrdnje da Evropska unija nema jasan stav prema BiH. Kakvo je vaše mišljenje o tome da EU treba jasno kazati kakve ustavne promjene očekuje od BiH političara?

Q15: Mislite li da EU zvaničnici ponekad nemaju jasnu viziju ili odgovor kako pogurati BiH prema Briselu?

Q16: Trenutno BiH je jedna od zemalja Zapadnog Balkana s najsporijim procesom reformi prema članstvu u EU. Ako se nastavi ovim tempom u procesu reformi da li vjerujete da bi EU mogla izgubiti svoj kredibilitet s obzirom da je Unija jedan od njabitnijih aktera u ovoj zemlji?

9.2 List of Abbreviations

ACIPS The Association Alumni of the Center for Interdisciplinary Postgraduate Studies

BiH Bosnia and Herzegovina/Bosna i Hercegovina

CARDS Community Assistance for Reconstruction, Development and Stabilization

CEE Central and Eastern Europe

CFSP Common Foreign and Security Policy

CTF Consultative Task Force

DPA Dayton Peace Agreement

EC European Community

EC European Commission

ECDBIH European Commission's Delegation to Bosnia and Herzegovina

ECHR European Court of Human Rights

ECJ European Court of Justice

ESDP European Security and Defence Policy

EU European Union

EUFOR European Union Force

EUPM European Union Police Mission

EUSR European Union Special Representative

FBiH Federation of Bosnia and Herzegovina

HDZ Hrvatska demokratska zajednica/ Croat Democratic Community

HR High Representative

ICB International Commission on the Balkans

ICG International Crisis Group

ICTY International Criminal Tribunal on former Yugoslavia

IPA Instrument for Pre-Accession Assistance

ISPA Instrument for Structural Policy for Pre-accession

NATO North Atlantic Treaty Organization

NGO Non-Governmental Organization

OHR Office of High Representative

OSCE Organization for Security and Cooperation in Europe

PHARE Poland and Hungary Assistance to the Restructuring of the Economy

PIC Peace Implementation Council

RS Republic of Srpska/Republika srpska

RFE Radio Free Europe

SAA Stabilization and Association Agreement

SAP Stabilization and Association Process

SAPARD Special Accession Programme for Agriculture and Rural Development

SDA Stranka demokratske akcije/ Party of Democratic Action

SDP Socijaldemokratska partija/ Social Democratic Party

SDS Srpska demokratska stranka/ Serb Democratic Party

SEE South Eastern Europe

SP Stability Pact

SRNA Novinska agencija Republike Srpske/New Agency in Republic of Srpska

US United States

UNDP United Nations Development Programme

UNSC United Nations Security Council

VC Venice Commission

WB World Bank

WB Western Balkans