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# The Role of the International Community in a New Model of Reforming the Political and Social Architecture of Bosnia and Herzegovina

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## **Purpose:**

For decades, the international community has been trying to contribute to long-term peace and stability in Bosnia and Herzegovina (BiH), but it has been only partially successful. The purpose of the paper is to present a new model for the reform of the political and social architecture, which, along with the new role of the international community, will ensure the peace, stability and security of BiH, and at the same time will be applicable in other areas of the world.

## **Design/Methods/Approach:**

The article brings insights in the mentioned processes by using combinations of theoretical and empirical methods, of which the most important are in-depth interviews with experts who know the region in detail, as well as the measures already implemented in (post)conflict areas in some other parts of the world.

## **Findings:**

The article discusses a possible model for the future role of the international community in this country as developed by the Working Group on BiH. The model relies on technical assistance to the country for fundamental reforms provided by highly qualified international experts using a modular reform implementation strategy. It is a modular implementation of the reforms, which increases the efficiency and at the same time checks the suitability of the proposed solutions.

## **Research Limitations/Implications:**

The situation in BiH is very complex due to the complicated political system, the ethnic map, the political situation, the economic and social situation, therefore, generalizing the findings is difficult.

## **Practical Implications:**

Reforms must strengthen the rule of law, modernize public administration, harmonize the business environment through fiscal policy and control institutions, open and protect labour competitiveness, establish functioning social, health, and pension systems, and open up space for civil society.

### **Originality /Value:**

Article is presenting the new model as a regional integration programme for infrastructure, economy, education, inter-institutional cooperation, culture, and sports.

**Keywords:** Bosnia and Herzegovina, international community, new reforms model, EU accession

**UDC:** 327

## **Vloga mednarodne skupnosti v novem modelu reforme politične in družbene arhitekture Bosne in Hercegovine**

### **Namen prispevka:**

Mednarodna skupnost si že desetletja prizadeva prispevati k dolgoročnemu miru in stabilnosti v Bosni in Hercegovini (BiH), vendar je pri tem le delno uspešna. Namen prispevka je predstavitev novega modela za reformo politične in družbene arhitekture, ki bo ob novi vlogi mednarodne skupnosti zagotavljal mir, stabilnost in varnost BiH, hkrati pa bo uporabljen tudi na drugih območjih po svetu.

### **Metode:**

V članku je uporabljena kombinacija teoretičnih in empiričnih raziskovalnih metod. Med slednjimi so ključni poglobljeni intervjuji s strokovnjaki, ki regijo podrobno poznajo, ter ukrepi, ki so bili že uporabljeni v preteklosti na konfliktnih območjih v nekaterih drugih delih sveta.

### **Ugotovitve:**

Članek opisuje možni model prihodnje vloge mednarodne skupnosti v tej državi, kot ga je razvila Delovna skupina za BiH. Model se opira na tehnično pomoč državi za temeljne reforme, ki jo zagotavljajo visoko usposobljeni mednarodni strokovnjaki z uporabo strategije izvedbe reform po modulih. Gre za modularno izvedbo implementacije reform, s čimer se poveča učinkovitost in hkrati preveri primernost predlaganih rešitev.

### **Omejitve/uporabnost raziskave:**

Razmere v BiH so zaradi zapletenega političnega sistema, etničnega zemljevida, politične situacije, gospodarskega in socialnega položaja zelo kompleksne, zato je posploševanje ugotovitev oteženo.

### **Praktična uporabnost:**

Reforme morajo okrepiti pravno državo, posodobiti javno upravo, uskladiti poslovno okolje s fiskalno politiko in nadzornimi institucijami, odpreti in zaščititi konkurenčnost dela, vzpostaviti delujoče socialne, zdravstvene in pokojninske sisteme ter odpreti prostor za civilno družbo.

**Izvirnost/pomembnost prispevka:**

Članek predstavlja nov model kot regionalni integracijski program reform za infrastrukturo, gospodarstvo, izobraževanje, medinstitucionalno sodelovanje, kulturo in šport.

**Ključne besede:** Bosna in Hercegovina, mednarodna skupnost, nov model reform, priključitev EU

**UDK:** 327

## 1 INTRODUCTION

Bosnia and Herzegovina was established after WWII as part (republic) of a Socialist Federative Republic of Yugoslavia. In practice, BiH was a multinational conception of coexistence and economic progress, a project of Yugoslav communist authorities, who on the one hand introduced authoritarian rule, also through the use of repressive institutions, and on the other liberalized access of all national groups to local social positions. However, the peoples of BiH have never lived with each other, but have lived side by side. As such, BiH was not a melting pot of nations, religions, and cultures. Every time the brutal violence that erupts with the escalation of the accumulated problems confirms such a view on the society and state. Outside the capital and major cities in BiH, towns and villages were separated by ethnicity (Z. Živković, personal communication, November 11, 2016). Economic progress was largely based on industrialization associated with the military and basic raw material processing industries. Revenues of expatriates working in Western Europe also played an important role in economic development. After break-up of Yugoslavia in 1991, BiH became internationally recognized in 1992, but was drawn into war triggered and led by nationalistic politicians with plans of partition of the country (Petrović, 2019). The cause of such severe violence was the conquest of the territory. With armed violence they wanted to change the demographic image of the country, which was created in 45 years after the WWII. In contrast to, for example, the Czech Republic and Slovakia, where there were no mutual territorial claims, there was a strong tendency of some ethnic groups in BiH to increase their ethnic territory at the expense of other nations. This was probably done also with the calculability that first Serbs and Croats come to nationally homogeneous entities, which in the second phase unite with Serbia or Croatia respectively.

In 1995 the war ended with Dayton Agreement, which was a result of intervention of international community (IC) in the conflict. In the past, the IC tackled political, ethnical, and social problems caused by war with prejudice to the BiH and thought patterns that did not correspond to the actual situation (Holbrooke, 1999). As concerns thought patterns, we aim to consider primarily the difference in understanding the circumstances before the wars in former Yugoslavia, namely how experts and politicians from societies with much longer democratic tradition viewed the problems and how the people of BiH experienced their own difficulties. Namely, it is impossible to succeed in introducing reforms

in BiH with attempts that have never passed practical tests. Determination to create a successful multi-ethnic state that would be according to the wishes of the citizens make a good sense. No one can ignore the violence, crimes and genocidal acts of the past in finding solutions to the problems of the future. Respect for human, ethnic and minority rights must be the cornerstone of the new reform model in BiH. Democratic decision-making must be ensured at the all levels of governance of state institutions.

In 19<sup>th</sup> and 20<sup>th</sup> century, BiH has been already a subject of experiments by IC (major countries from the region and wider). Hence, its constitutional, political and economic system was often regulated outside the country without the participation of the citizens or with the pronounced unilateral participation of some national or political factor (political party, social movement, religious community) from the region. In this article, the present IC is understood as heterogeneous group of representatives and institutions from various countries, including the most active ones like, Germany, Austria, France, Italy, United Kingdom, USA, Croatia, and Slovenia. This group sometimes works together, but often its representatives or institutions act individually. Depending on the problem or interest, Russia (Reljić, 2017) and Turkey also join this group, as well as Saudi Arabia and the United Arab Emirates in some cases. While China is an investor in BiH, it is not [yet] active as a political interlocutor (Bastian, 2020). However, only the European Union (EU) institutions act as a single bloc in BiH. The individual interests that influence the situations are significant and come from outside. Neighbouring countries, Serbia and Croatia, are even more involved, while Turkey and Russia also want to have an impact in BiH. Meanwhile, the so-called "Western" policy toward BiH is more a collection of different partial interests rather than a common strategic policy. Turkey shows interest for larger diplomatic engagement in BiH and readiness for dialogue, both within the region and with the IC. Perhaps its willingness to seek peace solutions in BiH is sometimes overlooked by Western diplomacy and should be taken into account in the future (Önsoy & Koç, 2019).

The IC has realized that some of the past political experiments carried out in the region have reached less reform progress than they desired and is aware that new mechanisms for resolving conflict situations must be found (Power, 2013). These attempts were to change the political architecture of the state and at the same time to adopt new legislation regarding elections. Both initiatives were watered down and not accepted by mayor national dominant parties. The general policy of closing borders and a reluctance to accept new members in the EU do not contribute to stability in the region. The European Commission has a strategy for enlargement to the Western Balkans, but the reality and reaction of individual EU member states show the undeniable fact that they do not see EU enlargement within the same time frame as the candidates for membership. Such approach definitively does not help reforms in BiH.

The time period of our research also includes active participation throughout. Methodology period is from the research a few years ago and later to today, our activity in the concrete implementation of the new model. The article brings insights in the mentioned processes by using combinations of theoretical and empirical methods, of which the most important are in-depth deep interviews

with experts who know the region in detail, as well as the measures already implemented in (post)conflict areas in some other parts of the world. Thus, we conducted (personally, via Skype, via e-mail) twelve interviews with experts from Austria, BiH, Croatia, France, Germany, the USA, Italy, Russia, Serbia and the UK. Interviewed experts come from different background, but mostly are academics, political analysts, journalists and politicians. In addition, most relevant other sources were used and/or consulted.

## 2 BOSNIA AND HERZEGOVINA: IDENTIFYING MAJOR PROBLEMS

### 2.1 Internal Problems

Bosnia and Herzegovina is situated in the western Balkan Peninsula of Europe, occupying the territory of 51,209 km<sup>2</sup>. The larger region of Bosnia occupies the northern and central parts of the country, and Herzegovina occupies the south and southwest. These historical regions do not correspond with the two autonomous political entities that were established by Dayton Accords of 1995: the Republic of Srpska (Bosnian Serb Republic), located in the north and east, and the Federation of Bosnia and Herzegovina (decentralized federation of Bosniaks and Croats), occupying the western and central areas. Country has 3,443,000 inhabitants (est. 2022). The three largest ethnic groups are the Bosniaks (48.4% (2013)), the Serbs (32.7% (2013)), and the Croats 14.6 % (2013)), while the free largest religious group are Islam, Orthodox and Roman Catholic. The capital of the country is Sarajevo. The central institutions of BiH are weak, with the bulk of governmental competencies residing in the two entities. Internationally led efforts to replace the unwieldy and costly constitutional structure of BiH with a more functional one, capable of integrating into the EU, have been opposed by the country's nationalist leaders (Lampe et al., 2023).

As already mentioned, the present BiH, with two entities, the Federation of BiH and Republic of Srpska (Serbs), was created by the Dayton Agreement in 1995 (Dayton Peace Agreement, 1995; Holbrooke, 1999). According to the content of the conflict, it could be said that rule of law in BiH is completely absent due to the political abuse of an awkward architecture of the political system adopted in Dayton and realized in the post-war period. Frozen military conflicts and the status quo are the conditions most Bosnian political actors are comfortable with. Any introduction of reforms is almost completely superfluous to them, and there is really no political will for reforms. The motivation for joining the EU and NATO could initiate changes, but impulses so far came from outside and not from inside (Budway & Busek, 2006). The use of the "carrot and stick" method is very inappropriate in the case of BiH, although it is often seen in the media of Western countries as a recommendation for action. For the political elites of BiH, membership in the EU is seen above all as a threat to their privileges. The key problems in BiH are the complete absence of the rule of law, state held hostage by a political oligarchy abusing national criteria as a form of separation of powers, poor health care systems, under-funded pension schemes, school

programs segregated according to pupils' ethnicity, deliberate ignorance and negligence of citizens' initiatives, and predatory economics tied directly to the state budgets. Identifying conflicts shows that they are linked to the problems of the functioning of the state and to the ethnic struggles in BiH. Cumbersome "top-down" political decision-making systems result in an endlessly inefficient and costly administration (Cohen & Lampe, 2011). The public services are poor and citizens are deprived of the basic rights or benefits they would enjoy if the system worked better.

BiH is nowadays an captured state where institutions exist but do not work, where civil society is persecuted or even criminalized, and the rule of law is under the domain of political figures, where assassinations of representatives of local authorities or business people who are in favour of compromises are often carried out, where there is an absence of any kind of democracy (Kurtović & Hromadžić, 2017). There are some dangerous demographic trends in BiH, with more than 250,000 people having left the country between 2015 and 2020. Most went to developed EU countries. This outflow of population may lead to the country's even greater backwardness and is counterproductive to its integration into the EU. Reforms cannot be carried out without professionally active people (Pejanović, 2020).

The conflicts are not religious, although some would like to portray them as such. They are also not distinctly nationalist. It is mainly about the collapse of the functioning of state and the local community institutions. The political architecture of BiH itself is one major nationwide conflict, and attempts to change the Dayton constitution have always been accompanied and opposed by strong campaigns and nationalist rhetoric with considerable media support (M. Pejanović, personal communication, February 13, 2017). This is always a field of bare knuckle fighting and cross-national accusations of the worst kind. When experts mention new amendments to the constitution for breaking up political and social blockades, Serbs immediately threaten with secession, Croats refer to getting their own entity, whereas Bosniaks want to centralize the country to the extent they consider necessary for their security in a multinational community, and some of them would even abolish the other entities (Perry, 2019).

### **2.2 The Disputable and Diversified Role of the International Community in Bosnia and Herzegovina**

Another notable conflict, but not publicly mentioned, is the biased interest of the IC (Glenny, 2012). Policy of Serbia has great influence in BiH, but this policy in itself is under a great question of legitimacy regarding the rule of law and respect for human rights. Therefore, there is serious doubt as to how much Belgrade can be a constructive partner in agreements on the future of BiH and accession to the EU (Bonomi, 2020). Russian activity in the region and in BiH is ambiguous (P. Sokolova, personal communication, November 28, 2016). Russian experts believe that the reason may also lie in the organization of foreign policy departments at the Russian Foreign Ministry. Support for the Serbian side is always public and loud, but Russian policy itself does not corroborate this support in practice.

Russia cooperates with all the countries of former Yugoslavia. Therefore, its participation in the IC is also an opportunity for Russia to redefine constructive policy in the region and help adopt reforms in BiH. Not all necessary changes in BiH will be realized in the desired form without the equal and constructive cooperation of Russia within the policy of the wider IC (Entina & Pivovarenko, 2019). In doing so, a demanding negotiating position on the Russian side can be expected. A new generation of Bosnian politicians see constitutional changes as a prerequisite for meeting the EU's membership requirements, because they consider this the only way they can build institutions that will function and fulfil the conditions for EU membership. The past British-German attempt to update BiH's constitution of BiH has been met with a great deal of unresponsiveness in the EU, and despite the significant efforts made, unfortunately not much has moved in the direction of change (E. Busek, personal communication, October 13, 2016). The Western Balkans, and thus BiH itself, have to be part of a broader European security concept. This would cover the area from the Atlantic (Iceland and the UK) to partner countries at the external borders such as Turkey, Russia, and Ukraine, where particularly an all-European security concept is really not to be seen. Organization for Security and Co-operation in Europe is such a concept but it seems that it does not (always) work. Stability and security have to be seen as a democratic solution to existing problems with very clear goals and commitment to the rule of law, the use of soft power in open diplomacy, and clear messages that will communicate the IC's common commitment to conflict resolution (Ó Tuathail & Dahlman, 2011).

The different members of the IC do not have the same views and interests on BiH, this means that they do not reach agreement on common objectives. The IC has been coming up with various ideas and initiatives ever since Dayton on how to take a step forward in building a more effective constitutional framework for BiH. These reforms have completely become deadlocked. The US administration supports individual expert groups in BiH, assisting them in organizing plenums and promoting their initiatives outside BiH, within the IC. The EU is making similar proposals for BiH's rapprochement initiatives, and thus looks forward to effecting reforms for EU enlargement. Reforms move more or less very slowly. It turns out that expectations of a big bang, where change would come straight from door and dramatically turn citizens' lives for the better, are just an illusion. The invisible but essential problem is actually the passivity of the IC itself (Ioannides, 2018). The IC has invested many resources in the past, including specialized institutions and individual experts, but today when it needs top and capable people in more important, other areas of conflicts, especially on the EU borders and in the close neighbourhood it seems that BiH is not a top priority for the IC in this moment.

After the recent wars, the entire population of the BiH has often served as a "guinea pig" for the ideologies of "peace and coexistence among nations". Experts who know the situation in the region point out that the IC often negotiates and makes agreements with regional individuals who fail to even approximate democratic standards, and who do not give any assurances that they will also reach agreement on behalf of the community they represent (Hayden, 2013). The

question is why? For the sake of alleged stability? Today, the essential problem is the transition in BiH's politics; it is not so important who will lead the government, but it is more important to preserve the structure and the right successors in the parties organized by national census that are controlled by local elites. As a result, many international funds have been recklessly used or simply misused for the personal interests of individual political elites, resembling more organized crime than state building. Thus, it is becoming increasingly difficult for the IC to justify funding for the BiH (Sebastián, 2014). Having only a few individuals with true knowledge of the situation, the IC should find more competent people on its side. By introducing a new model, we could acquire suitable experts who are ready to check the new way of introducing reforms and contribute knowledge and operational skills so that the proposals can be implemented in reality.

BiH is influenced by global and regional forces, individual EU member states, the United States and Russia, and more recently by Turkey (Yalçınkaya et al., 2018). The presence of China and some Arab countries is strengthening. The EU's military responses to the conflicts in the areas beyond EU borders have been quite consistent with NATO and the US strategy during the last quarter of the 20th century. The US has withdrawn much of its potential from the Western Balkans, and the EU is still searching for appropriate solutions to continue the region's stabilization processes (J. Rupnik, personal communication, April 22, 2017).

The International Criminal Tribunal for the former Yugoslavia in The Hague finished its work, but there is still no catharsis in the region and no one (nation, individual) admits their guilt – they all acknowledge only their own victims (Del Ponte, 2009). The EU has programs in place for the exchange and socializing of young people. This is a positive and bright prospect for the future since social gatherings help overcome ethnic differences. Regardless of the recent transformations that NATO is experiencing, a large part of the BiH population sees membership in this association as a step towards collective security, a guarantee of respect for human rights, the country's visibility in joint decision-making, and proof of foreign investment security (Plenta & Preljević, 2016). However, there is still strong blockade from the Serbian part of BiH (Republika Srpska), which deliberately refuses to join NATO and the EU (European Commission, 2018), without any substantive reason, mainly because of the policy of certain Serbian circles, which are aware of the loss of their interests, benefits, positions, and privileges that EU membership would surely entail. And, we still have to take into account the strong Russian influence trying to keep BiH out of transatlantic and EU security structures.

The Dayton Agreement is currently a minimal platform (Hays & Crosby, 2006), but it does not in itself guarantee BiH's development and progress, making it perfectly clear that BiH has remained an unfinished project (S. Mesić, personal communication, November 22, 2016). BiH is neither Serbian, nor Croat, nor Bosniak, but the vast majority of voters still choose national parties. An example is the attempt to amend the BiH Constitution in 2006, where the IC was engaged extensively, but no parties involved in BiH showed willingness to accept proposals in the form of compromises that would satisfy all three key parties when viewed as national monoliths. An attempt to change the electoral legislation in January



2022, where the USA and EU experts were very involved, also failed. This internal opposition in BiH ultimately culminated in a considerable divergence of opinions within the IC itself, especially in the search for ways to achieve minimal changes at all (N. Arbatova, personal communication, December 24, 2017). However, the main culprits for the failed attempt are Bosnian politicians, not the IC.

The IC operates in the region on the principle of the distribution of power, both between the interests of individual EU members within the region and among the key actors outside the EU (the USA, Russia, Turkey, China and the Arab States) and their partial interests. *Stability* in BiH is set as a priority before *democracy* (S. Bianchini, personal communication, April 28, 2017). Technically and operationally, the IC is ready to push democracy aside for as long as the region remains and works in its favour, meaning the absence of mutual violence, the restraint of migrants, the prevention of terrorism, and the control of organized crime, which is often a special form of political elite activity in the region to satisfy its own economic interests (M. Pejanović, personal communication, February 13, 2017).

### **3 NEW PARADIGM OF INTERNATIONAL COMMUNITY IN BOSNIA AND HERZEGOVINA?**

Not every action of IC in BiH is unsuccessful. An example of good practice could be the Working Group on BiH (WG on BiH). This project includes international experts, who follow the efforts of the IC in the BiH and the processes that take place through its engagement in the region in concrete reform cases. WG on BiH describes the causes of conflicts in the region and the factors that influenced the development of solutions for approaching EU membership. In order to help create a new model/approach to stability and security in BiH, the WG on BiH conducted a study comparing already existing data and new findings, relying *inter alia* on examples of good (and bad) practices in similar conflicts. This, as an example of good practice in managing post-war conflicts, could serve eastern Belgium, specifically Wallonia, where certain autonomy of the German-speaking community is regulated within the country. The Basque community in south France is also an example of how it is possible to regulate national and ethnic relations at a very high institutional level. Similar is the situation of the Sorb community in Saxony. The disunion of Czechoslovakia also shows a positive course of events in contrast to the bloody disintegration of Yugoslavia. Examples of bad practice with a lot of instability and armed conflicts can be found in some countries of the former Soviet Union (Ukraine, Moldova, Georgia, and Armenia).

As a result, the WG on BiH is presenting the new model as a regional integration programme for infrastructure, economy, education, inter-institutional cooperation, culture, and sports. Reforms must strengthen the rule of law, modernize public administration, harmonize the business environment through fiscal policy and control institutions, open and protect labour competitiveness, establish functioning social, health, and pension systems, and open up space for civil society. Measures from the new model that could support necessary reforms are outlined later in the article as a recommendation to the IC for joint action. The

model also emphasizes those elements of security that are significant to stability and the prevention of further conflicts in the region and in BiH. Therefore, an active understanding of security is expanding beyond the current framework, where only the relationship between peace and war has been established. In this way, we understand security in the country much more comprehensively than as the simple absence of war.

The WG on BiH experts involved in the development of the new model highlighted the following areas that could serve as a starting point for more coordinated activity of the IC in BiH (J. Rupnik, personal communication, April 22, 2017):

- assistance in establishing/reorganizing/improving the state's and NGO's institutions and the effective functioning of the rule of law,
- strengthening the legal status of state institutions for effective activity in Bosnian society,
- a system for monitoring the use of public and international funds allocated to BiH,
- the impact of non-EU external actors (Russia, Turkey, China, and United Arab Emirates) on governance structures in BiH.

What does this mean for BiH? Constitutional changes in BiH are a recurring request, variously from politicians and citizens, from NGOs and individual political programmes, and as proposals by the IC (E. Busek, personal communication, October 13, 2016). Unfulfilled expectations have often been triggered by the IC itself with its promises and unrealistic expectations. Instead of trying to find great solutions, it turned out to be better to implement reform models in small steps (Belloni, 2006).

The citizens of BiH, whose life has been regulated by the Dayton Agreement, are very reluctant to accept and implement foreign initiatives (Chandler, 2000). This does not mean a critique of the agreement – it has certainly brought an armistice. What we want to emphasize is that circumstances have shown that the agreement must be upgraded and improved. A significant part of the population lacks access to proper health services, respect for labour rights, regulation of a healthy environment, protection of personal rights, and many other civil liberties, despite being regulated by Dayton agreement (Juncos, 2013).

Furthermore, drawing up a consistent plan for what to do in the Western Balkans is an unfinished project. It is quite understandable, given all the hot spots in the EU interest area, but the past has shown that underestimating the basic elements of stability of this region can be very problematic. Illegal migrants, the activities of criminal and terrorist groups, and individuals who are threats to security across the region and into the EU further provide warning that neglecting a constructive attitude towards the security of the BiH can be a risky endeavour for the whole of Europe. Thus, EU security is directly linked to the situation in the Western Balkans and the ability of countries in the region to deal with the considerable problems at EU borders (Tocci, 2019).

Alternatively, the transfer of internationally recognized good practices to the level of enterprises and civil society can contribute significantly to more effective

unification of a very discordant society in carrying out the planned changes. In the WG on BiH project, we identified what could be done to improve and make regional cooperation more effective. The region received considerable funding after the end of the wars in the 1990s, with subsequent detailed analysis showing considerable recklessness in spending and even worse control and influence over the resources spent (Altmann, 2018). An analysis by the WG on BiH showed that there is sufficient potential in the region to introduce reforms, but it makes sense to coordinate this better with all actors in the IC and those institutions directly involved in these changes. The WG on BiH is trying to find ways to bring the reforms underway back to the region, with a very serious and clear warning from the IC to the regional elites that a lot of new initiatives, as a back-up plan, are not available as they were in the past, and good professional human potential is no longer so easily available for and in the region. Truly capable professionals in the BiH do not view the process as a career challenge because of all the local pointless blockages and obstacles that end with no tangible progress (V. Bojičić-Đelilović, personal communication, April 21, 2017).

#### **4 THE INHIBITORY ROLE OF THE POLITICAL ELITE IN BOSNIA AND HERZEGOVINA AS THE MAJOR OBSTACLE TO REFORMS**

Analysing the IC's activities in the region may also point to some false-founded starting points. These later cause various problems that manifest themselves in several forms in individual countries. The first most crucial misconception is that, at the cost of stability, they do not commit themselves to the necessary amount to legal and legitimate democracy in BiH. Everybody in the region who is well familiar with the situation in BiH calls this factual situation "fictitious stability", which only means the absence of war. Some form of violence exists, and it is common that local politicians use it for everyday political purposes. At the cost of this fictitious stability, the IC is ready to accept the alleged existence of democracy and the democratic development of the newly created state. The IC supports the election of leaders, who, on the pretext of being elected by the people, carry out completely authoritarian takeovers of all institutions of power. They subordinate parliaments, appoint judges and replace disobedient ones as they please, harass the state media and disable the independent ones through financial extortion or punishment, directly interfere with the state's financial structure and seize state resources and international credit, misuse international aid, and violate and truncate basic human rights. These are classic examples of captured states in their worst form. Experts in our survey use different terms for such a situation in BiH, such as "hybrid peace", "derogated constitution", and "hybrid democracy" (F.-L. Altmann, personal communication, January 13, 2017; V. Bojičić-Đelilović, personal communication, April 21, 2017).

Another common characteristic of these authoritarian elites is presented in the WG on BiH analysis. All the ruling political elites are publicly declaratively committed to fulfilling the conditions of entry into the EU. Privately they are clearly aware that, with entry into the EU, they should at least conditionally lose power. For this reason, Milorad Dodik and allies in Republika Srpska are big opponents

to EU membership. Dodik's initiative to withdraw the Republika Srpska from all federal bodies of BiH, in December 2021, is directly related to his corrupt leadership of the state. Due to the serious economic and financial problems he personally and his family have, he took the entire Serbian entity and consequently the entire country as a hostage. Therefore, the US correctly identified the cause and imposed personal financial sanctions against it and relatives. At the same time, the EU does not acknowledge any unilateral moves by Dodik, but is again lagging behind in taking action against him. However, younger Serbian politicians see that there is no alternative to the EU. They know that in a normal parliamentary democracy it is no longer possible to practice the form of authoritarian rule as it is currently practised (Lavrić & Bieber, 2021). Replacing the authorities would deprive them of all political and material resources, while at the same time their inviolability or immunity from prosecution would automatically disappear. The most obvious example of such deliberate impediment is the very slow adoption of regulations and standards according to EU values and principles. This delay shows a huge discrepancy between loudly stating their European orientation and at the same time undertaking covert action to delay it. Quite possibly, the biggest motive of the ruling elites in BiH is to protect and at the same time legitimize any stolen and plundered goods. Thus, the democratization process has been set aside. When authoritarian elites perceive the slightest threat to their interests, they begin to threaten to change territorial (interstate) borders or blackmail other parties or national groups with demands that interfere with the rights of the neighbouring national community. The provocations are deliberate and planned, their aim being to divert attention from the internal problems.

The IC has completely neglected the importance of BiH for its common security and sustainability, so at least this time it will have to improve its operations and cooperation with the region. The EU feels tired as far as enlargement ambitions are concerned and its people are not in favour of enlarging. At the same time, the EU is not fully aware of how, with the ambiguity at its borders, it is creating problems that Member States certainly do not want and cannot handle in the future (V. Perry, personal communication, January 23, 2017). Up-to-date international mechanisms of action need to enhance cooperation and communication with the region. The new model of action would encourage domestic, local actors in democratic reform processes. Without their involvement, every effort is doomed to failure. They need to set development goals.

Given that an EU of different developmental speeds is becoming almost a given fact, updated international cooperation programs in the form of technical assistance are a prerequisite for security in the region. In order to eliminate all these anomalies and gradually change the functioning of the IC, we have, through our research work, outlined concrete starting points for a new model.

## 5 THE NEW MODEL FOR THE ROLE OF THE INTERNATIONAL COMMUNITY IN BOSNIA AND HERZEGOVINA

### 5.1 International Technical Assistance

The WG on BiH analysis emphasizes the importance of technical assistance, which is certainly one of the smartest ways to start changes step by step.

From this starting point, technical assistance should be aimed at three key pillars in the country, i.e. institutions of the rule of law, institutions of civil society and assistance in economic reforms with the goals of the welfare state. Technical assistance should be aimed at infrastructure, the development of entrepreneurship and, above all, the development of education, which is said to be in serious decline due to wrong policies. Very important technical assistance is cooperation with international financial institutions, not only for receiving aid or money, but for creating conditions and the functioning of state institutions that could implement such cooperation and be an equal professional partner in this cooperation. Training people to work in institutions must become an important goal and means, and technical assistance is the most appropriate method for this. Functioning institutions throughout the country are a guarantor of the reduction of national conflicts. Technical assistance, within the framework of the new model, can be a test of the IC for the operation of similar measures in other countries with which similar negotiations are underway.

Only in this way can the IC achieve its goals and objectives in BiH, which will thus seek the assistance of qualified experts. Funds raised in international environment and given for the purpose of providing technical assistance for reforms will be used more efficiently for their intended commitments. The BiH must show serious interest and willingness to accept technical assistance. In the absence of directly demonstrated political will the IC cannot develop cooperation to provide technical assistance (S. Šelo Šabić, personal communication, January 26, 2017). Oversight over the implementation and use of technical assistance funds must remain in the hands of donors. Technical assistance is thus the right way to go in the future.

WG on BiH experts are common in the opinion that, as part of technical assistance, project proposals and plans must first be drafted with appropriate conclusions and recommendations for operational work. Once the proposal documents for technical assistance are ready, they should be submitted to the relevant people and institutions from the wider IC. After the IC has adopted a common strategy, a methodology for introducing reforms in the region must be drawn up and the proposals should be sent to the BiH, to local politicians, institutions, and civil society, to provide them the opportunity to participate in implementing technical assistance projects for reforms. Civil society activities have to be integrated with key state institutions, those that provide day-to-day services to citizens (Budway & Busek, 2006; Džihic & Weiser, 2011).

Arising from the WG on BiH project and based on the research we conducted, we estimate that key reforms in BiH are those that we believe can be realistically implemented in the near future. The individual elements of the new model

also indicate the options that should be implemented in the practice. National and international political institutions, including all possible advisory bodies and intelligence services, have sufficient information on what is happening in BiH. Therefore, the next concrete step should be to devise comprehensive and appropriate solutions that must be linked to effective plans to implementing reforms. The Office of the High Representative (OHR) and the Regional Cooperation Council (RCC) may be the initiators and architects of the operational work. The first one has broad operational powers under the Dayton Agreement, and the second one acts as a consultative body and can develop coordination of reform efforts. With both institutions, the IC has laid the foundations for its operations in BiH – now their mission remains to be defined in operational terms so that they will serve their purpose.

Furthermore, it is necessary to look for possibilities to rationalize the functioning of the entire administrative system in the state, which can be attempted in the first phase by pragmatic and updated cooperation in the specific case of the Federation of BiH. More objective views and realistic interpretations of what the leadership of the Republika Srpska is doing and how it directly affects the overall situation in BiH could certainly prevent frequent senseless complications in relation to the state's common institutions. Few years ago, there was a lot of discussion about updating the operational efficiency of the institutions in BiH, and very little concrete happened. Today, due to BiH's inactivity of the Federation of BiH, there are objective demands from Croatian politicians for the creation of a third state entity, a new Croatian entity. The EU's experience with Croatia's accession has shown that the EU will be more cautious in the future and will try to resolve the unsettled relations in BiH during the association negotiations. Despite a number of unresolved outstanding issues with all its neighbours, Croatia is an outspoken supporter of EU enlargement to the Western Balkans. Its policy is strategically committed to partnerships in the Western Balkans, and it has yet to demonstrate this commitment with activities that will confirm this in practice. In any case, there are quite a few concrete problems in BiH to which Croatia will have to give very clear answers. At the same time, Croatia must stop playing hide-and-seek behind the vague nationalist agendas of the Croat community in BiH, which are far from contributing to unified politics in Sarajevo for the common governance of the state (Šelo Šabić, 2019).

The transfer of much of the governance to the institutions of a common state is necessary for the functioning of the whole entity, not for the prestige of an individual faction or for a reflection on who was more powerful in negotiations and more right than other. At this point, in favour of the common state, the IC should speak with one voice, although there is one rather big problem here: these desired unities are not consistently exercised by the institutions of the IC (Armakolas & Triantafyllou, 2017). The systematic degradation of BiH as a unified state by nationalist politicians has increased the danger of the country's collapse and should be stopped as soon as possible. Their persistent denial of BiH as a unified and efficient state should be taken as a serious reminder that this is a systematic plan to remove BiH from the map of sovereign states.

There is something very important to understand when introducing reforms in BiH; over 100,000 people were killed and nearly 2 million displaced during the war between 1992 and 1995. This is a very large proportion of the country's population, people who are still struggling to make new lives for themselves today. These are the dreadful consequences of war and the inability of the community to take more rapid and concrete steps to adapt to the situation, at least as expected by the international environment (Pejanović, 2007). Bosnia is still healing its deep wounds. Compared to other countries, BiH is like a tree hit by grenade and will need special attention and care to be able to develop successfully. There are simply one and a half generation of individuals missing. Even today, tens of thousands of (mostly young) people leave the country every year due to poor living and working conditions. As such BiH will need long-term support, not only from the general IC but also from neighbouring countries specifically. It is strategically and technically very necessary to draw up a plan for assisting BiH in the future. The regional institutions of the EU, the European Bank for Reconstruction and Development, World Bank, and the Council of Europe Development Bank must be involved. The entire operation must be coordinated by the European Commission. The European Investment Bank should be an important element of technical assistance to the state for concrete reform projects (Babuna, 2014).

The model can be implemented in the form of technical assistance from the IC, which should be tied to well-defined objectives for the development of individual institutional areas necessary for the effective functioning of society. This assistance should be designed in such a way that rule of law and the protection of all inhabitants' human rights are established in the region and in individual countries. Citizens' social, work, pension, legal, and health security are very critical points in the region. People lack basic health services and there is deficiency of medical supplies and medicines. Pension systems do not work, budgets and funds are empty, and there are no new resources because no new jobs are being created to provide sources for pensions. Education and school systems are subject to politicization (Perry, 2013), nationalism, and the falsification of history, and at the same time are the cause of transnational friction, instead of acting as a systematic long-term solution of establishing a competitive society based on knowledge and ability. Economic development is weak, which is not only a consequence of the global crisis, but also of the abuse of political elites in determining the relevant priorities of the economy (V. Bojičić-Đelilović, personal communication, April 21, 2017).

## **5.2 Upgrading the Dayton Agreement**

Dayton Agreement marked the end of the brutal war in BiH. However, the agreement must be understood as a peace-building process and it must be further developed. The agreement contributed to the citizenry's ultimate physical separation as a result of ethnic cleansing and the country's territorial division by national pattern, which at the same time led to considerable difficulties in governing the state. This was certainly not the aim of the agreement, but it was a consequence. As an example, in the Finčić-Sejdić case, the European Court

of Human Rights ruled that BiH's existing political architecture constitutes a violation of Article 14 of the European Convention on Human Rights and is clearly contrary to what the Dayton Agreement sought to achieve. Despite the verdict, and broad public debate on changes to the constitution, no key agreement has yet been reached on this issue. Today, BiH is acting as a completely unfinished political project with very unclear future. Replacing or abolishing the Office of the High Representative without a detailed plan for what to do next would be extremely dangerous for BiH. It is therefore necessary to start a new process with the active roles of the institutions set up by the IC to support the state (OHR, RCC).

The group of experts will have to outline the starting points for the changes to the Dayton Agreement, and the agreement on this must first be reached at the level of the IC and in agreement with all stakeholders in BiH. International experts can be selected and appointed through coordination within IC, but should be managed through OHR and RCC as technical assistance in BiH. Both have the ability to engage with BiH's institutions and citizens so that they participate in a common dialogue, as well as to introduce beneficial reforms. The WG on BiH project may propose an operational plan that will include the active participation of experts and civil society in upgrading and amending the Dayton Agreement. The WG on BiH project can be a catalyst within the IC for synchronizing international activities in the preparation of an agreement upgrade.

### 5.3 Rebuilding the Constitutional Structure

A partial amendment to the constitution would be appropriate because of the proven violations of human rights and for the simplification of the functioning of the joint bodies of the state. The state and its citizens are not only in an inter-ethnic conflict, but the entire community is completely administratively blocked due to the constitutional stalemates. Implementing the constitutional changes will certainly require external technical assistance, based on the principle of jointly assessing which constitutional changes are necessary. In doing so, all three nations should reach a consensus and together outline changes, together with international institutions, that can fundamentally guarantee the correctness and honesty of the revision to the country's basic document. The situation created by the current political architecture does not even meet the minimum conditions for joining the EU, and this is a point where a compromise must be sought between the three nations and their citizens.

Due to the complex political situation in BiH, the IC should also ensure that citizens are more active in enforcing constitutional changes and seeking consensual agreements as the only possible solutions. It will be impossible to enact all the necessary changes without external encouragement, efforts, and assistance from the IC. Disagreements within the IC are often the core and cause of poor cooperation in joint action. Local politicians exploit such disagreements for their own interests, which ultimately led to today's situation in BiH, where prominent experts say that the situation is much worse than it was years ago. A deeply



polarized BiH society needs synchronized action from external, international actors.

#### **5.4 Rearrangement of Political and Administrative Architecture as a Part of the Constitutional Rebuilding**

The Federation of BiH has 11 constitutions, one for the Federation and ten for the Cantons. The result is that the entire Federation has about 155 ministers. Together with the Republika Srpska and the Federal State, BiH has 13 constitutions! Taking into account the fragmentation of municipalities, which interpret existing laws in their own right and adapt them to their own needs at the local level, everyone can conclude that the failure of the existing political, and thus state and administrative architecture, in BiH is indeed perfect. The structure of the state itself has bureaucratized all decision-making processes and led to a system where non-cooperation is the inevitable outcome.

The establishment of a Croatian entity should no longer be a taboo in thinking and acting about future connections within BiH. In fact, one of the most realistic ways for the state to exist and function is to establish a third, Croatian entity. The union of all three entities into a federal state is reasonable solution, which should operate on the principle of equality of all citizens and not as a share or percentage of individual national affiliation. Therefore, federal institutions should be formed as a constitutional foundation on the basis of citizenship and not nationality. National entities should be the basis for the formation of needs and interests in a common federation. International treaties and guarantors could also set up a security mechanism against the disintegration of the common state, and these mechanisms and forms already exist in the world.

Along with upgrading the Dayton Agreement and thus amending the constitution, an international technical assistance expert group could also seek to propose significant changes to modernize the country's existing political architecture. If this structure does not change, BiH will functionally become a dead state. Civil society plenums, in conjunction with academic institutions and as part of a policy that is not nationally related, have already made such proposals. They represent a modern plan for how to sort out the confusion within the existing political and administrative system in an acceptable and lasting way. At the same time, citizens would be able to access the services of a country that is now and has long been inaccessible or impeded by excessive bureaucratic obstacles.

#### **5.5 Civil Society Involvement**

The WG on BiH project is basically designed to integrate as much of the civil society, academic, and intellectual circles and experts into the operating network as possible, in order to work together to create useful recommendations for finding solutions to existing problems in BiH. The OHR and the RCC have daily contacts in the region and, within their respective powers and tasks, can integrate into reforms all of the state's essentials and civil society's creative potential, which have been deliberately excluded by BiH politicians and ignored almost entirely due to their own self-interest. All BiH societies have been extremely radicalized,

so the involvement of the civil society through international, state and local institutions is actually a necessary measure if the state is to fulfil the conditions for EU membership in the future.

## 6 CONCLUSIONS

It is difficult to introduce reforms in an environment where great resistance to change have prevailed over many years since the last wars. There are also a number of recommendations and pieces of advice from various centres of political power. Often, these recommendations and instructions for what to do are very abstract. However, our research has identified some of the levers that could lead to step-by-step reforms. We have divided them into several areas of work within the new model of action for the Western Balkans and especially for BiH. The first step is undoubtedly regional integration with some priorities. These are transport and energy, entrepreneurship and the economy, sport, culture, social assistance programs, institutional integration, cooperation in meeting EU legislative alignment requirements, constructive resolution of cross-border issues, and the resolution of conflicts resulting from wars.

Reforms in BiH will not be easy, so it is necessary to target the most difficult and at first sight seemingly unsolvable ones. This is the only way to address and resolve the essential and urgent problems. With this knowledge and hands-on approach, solutions should be closer than they seem today. Technical assistance from the EU and other countries is needed at every level of pre-accession assistance, and is described in detail in justifying the new model. First, however, a more serious and professional attitude to the problems is to engage the IC. It is necessary to raise the competences of international officials and politicians in charge of the region, especially in regard to their capability and knowledge of the specific requirements of the region. The new model also places greater emphasis on civil society, because it has simply turned out that politicians alone cannot and do not activate the potential of the population to such an extent that they can create more normal living conditions for themselves and fulfil their own potentials. Citizens stand in front of senseless bureaucratic, social, political, and ethnic barriers. Developed countries have always gained a lot from the release of creative energy from civil society, and BiH still needs this experience. Therefore, connecting citizens and professional institutions still requires experience and good practice from abroad.

At the level of the IC, a minimum common denominator should be reached that will enable reforms in the region, without this basic mechanism any good initiatives are doomed to difficult life. This has also been demonstrated by current practice. It is not easy to come up with a watertight plan for how to get the right structural reforms out of the internationally prevailing paternalistic relationship with the region. The Berlin Process continues to give the region a lot of attention, and the meetings under this initiative send a clear message that reforms are necessary. However, this momentum has dried up, and the countries in the region have shown their complete inability to draw up even minimal positive cooperation programs. The region has failed to submit programs and projects that

are even credible and would be ready to be supported by the IC with financial and human resources. Therefore, broader supportive cooperation is possible only to the extent where national interests lie. In such changed positions, BiH is losing importance. Stability is just plain surface and strength of the state is becoming even more fragile. For acceptance by the wider IC, the project name of the Berlin Process may be changed to avoid geographical or political definition. At the same time, new pledges are being defined within the IC and the participants who will be really committed to the implementation of reforms through their actions will be verified.

The region's expectations from international institutions are considerable and it is questionable how realistic they are in terms of the situation. The problem is with defining what the IC is and who represents it, whether it is the EU, individual countries of interest from Europe, the USA, Russia, Turkey, China or the Arab States, coalitions or bilateral links between those most involved in the region. The essence of the new model in the BiH is to achieve the functioning of the rule of law, the modernization of public administration, and the unification of the business environment with a tax policy and supervisory institutions. This will open up and protect the competitiveness of the workforce, establish functioning social, health, and pension systems, and create conditions for a functioning civil society. Here we emphasize that some of the necessary reforms must be adopted within the wider region of that part of the Western Balkans which is not yet a member of the EU. Wider adoption of measures would have a positive impact on BiH, which would be a satisfactory result in the introduction of reforms. The influence of Croatia and Serbia on BiH is important and the regulation of these relations is therefore important to consider within BiH's reforms from a broader perspective. The proactive and dynamic development of relations at the level of the IC must be encouraged. The security concept for BiH must become a plan for Europe as a whole and of the wider IC as part of stability within the wider region (F. L. Altmann, personal communication, January 13, 2017). Conflict management, functioning institutions within the rule of law, and a free civil society must be used as a preventive tool against any kind of violence. Considering local specifications, the new model can also be implemented in other regional conflict areas. For security in the Western Balkans, where Slovenia belongs, this article can make a concrete contribution to easier and more effective decision-making by the IC. The research showed institutions from the EU, USA, UK, Russia, Turkey, China and other participating well as how to manage funds and at the same time exercise control over their consumption. For security studies, the article is an important specialized substance as an aid to maintain contact with the development of peace processes in the region, in which it has regular experts and close academic contacts.

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