

EU INTEGRATION PROCESS OF BOSNIA HERSEGOVINA: A CRITICAL PERSPECTIVE

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Abstract

As one of the Western Balkan countries Bosnia-Herzegovina had the first official contact with the EU immediately after its recognition as the sovereign and independent state on April 1992 by the Union. Nevertheless, some structural and institutional problems arisen from the Dayton Peace Agreement halting the war had been signed on December 1995 made the EU integration process more complex and complicated for Bosnia-Herzegovina. Under these circumstances, Dayton Peace Agreement created a state which was lack of executive and bureaucratic structure which will represent the whole country and intermixed decision-making bodies/assets which will proceed the relations with EU. This study aims to elaborate the EU-Bosnia-Herzegovina relations within the framework of Western Balkans. For this target, the strategies, policies, dynamics, actors and instruments of the EU used for the sake of removing the problems during this process will be explained in the first stage, the historical evolution, turning points and theoretical perspective of the relations will be summarized secondly and lastly, the critical analysis of the recent developments and futuristic perspective of these relations will be discussed with socio-political aspects as well as with the different perception of the parties concerned with this process.

Keywords: *Bosnia-Herzegovina, EU Integration Process, Western Balkan countries, Constitutional Reform, Regional Approach, perception and identity.*

Introduction

After the separation of Federal Yugoslavia, the EU developed an enlargement policy towards Southeastern Europe in order to provide the political stability in the region. In this context, EU had established relations with Bosnia-Herzegovina, Croatia, Montenegro, Macedonia and Serbia known as Western Balkan Countries. Nevertheless, in comparing with Eastern European Countries, the integration process of Western Balkan Countries delayed because of the struggle with the countries which rejected the independence of newly established countries. In this presentation, the strategies and instruments of the negotiations used by the EU in shaping the relations with the Western Balkan Countries, the historical evolution of EU integration process of Bosnia-Herzegovina as well as the problems during the negotiations and their ways of solution will be elaborated. As a result of the analysis, it is concluded that the EU couldn't develop a coherent and common foreign policy for the Bosnia and lost her reliability and prestige in presenting and

implementing her common foreign and security policy which is aiming to lessen the American hegemony in the region. In respect of Bosnia Hersegovina, the most important obstacles in entering into EU are the restructuring of the police organization and the Constitutional reform as well as lack of executive body to implement the EU negotiation process. In addition, this process couldn't create a unifying identity which removes the ethnic cleavages and angers inherited by past history (İnaç 2004: 38).

The Strategies, Dynamics, Policies and Instruments of EU Towards Bosnia Hersegovina

Immediately after the signature of Dayton Agreement in 1995, a new policy pertaining with Western Balkan Countries was adopted by the EU in order to remove the doubts and hesitations felt by these countries and end the hegemony of the USA within the region. This new policy was called as 'Regional Approach' singling out the stability in Balkans and gaining the membership perspective for Western Balkan Countries. This approach which was signed in 1996 is really important in respect of reflecting that EU established a correlation between her stability and the solution of the problems in Balkan Peninsula. For this target, both economic and political aims have been adopted and the enhancement of democracy and the supremacy of law and restoration of country economies have been emphasized (Bulletin of the EU, No. 1-2/1996).

A year later, as a second instrument, a new report called as 'The Application of the Conditionality to the Development of Relations Between the EU and the Countries Concerned by the Regional Approach' has been released which stipulated some criteria and particular/specific conditions per each country in economic and democratic matters including the financial aids, commercial-economic cooperations and other bi-lateral agreements. In this report, below-mentioned issues have been stipulated: The return of the refugees into their homes, the implementation of Dayton Agreement which stipulates the cooperation with the War Criminals Penal Court of Ex-Yugoslavia, enhancement of human and minority rights, performance of the free elections, and improvement of the good neighboring (The Bulletin of the EU, No.4-1996). Otherwise, the commercial privilege would be suspended and outgoing financial aids would be stopped.

The third instrument is Stabilization and Association Process (SAP) which was adopted in order to get the Western Balkan Countries more closer and to contribute new dimensions into the existing relations. The main aim of SAP was to harmonize the legal frameworks of the Western Balkan Countries with the EU acquirer and established a new and more consolidated relations between two parts and accelerated the enlargement processes of these countries. Meanwhile, these countries couldn't achieve some important issues such as returning the refugees into their homes and arresting the war criminals. In that case, a new policy,

as a fourth instrument, have been invented towards the Western Balkan Countries called as 'strengthened approach' including the below items:

1. The signature of SAP which carries the EU membership perspective after performing the Copenhagen Criteria
2. The improvement of the economic and commercial relations of the EU within the inside of the region
3. The increase in the economic and financial aids
4. The accumulation of the aids in order to consolidate the civil society, education, and official institutions
5. Cooperation in justice and home affairs
6. Development of political dialogue (Mujezinović 2007: 70).

In Presidential Document of Feira Summit which was held on 19-20 June 2000, it emphasized that Western Balkan Countries which accept the EU's principles of democracy, human rights, supremacy of law, regional cooperations and stipulated criteria will be considered as potential candidates and it is decided to hold the 'EU-Western Balkan Countries Summit' as soon as possible (Kavalalı 42). The basic aim of both 'Regional Approach' and 'Stabilization and Association Process' and 'EU-Western Balkan Countries Summit' is to organize, regulate and improve the relations among the Western Balkan Countries. Hence, after providing the stability, these countries would have more open negotiation and membership perspective. In order to realize this aim, some strategies and instruments have been created within the extent of Stability and Association Process such as Stabilization and Association Agreement (SAA), economic and financial aid, one lateral commercial allocation, cooperation in justice and home affairs, and improvement in dialog in regional level.

At the beginning of 2000s, the interest and concern of USA had been lessened for Western Balkan Countries because of September 11, 2001 terrorist attacks, Iraqi war initiated in 2003. In this period of time, EU had more mission such as ending of ethnic conflicts in Macedonia, establishing peace mission for the sake of unifying the state unity of Serbia and Montenegro and acting as head of police organization in Bosnia-Herzegovina. Therefore, 1 January 2003 when Greece took over the Presidency, the EU emphasized the EU integration process of Western Balkan Countries. In concluding remarks of Thessalonice Summit which had been held 19-20 June 2003; the proposals to improve the EU enlargement policy of Western Balkan Countries had been accepted (Meurs 2003: 9-16), 'European Association Assembly' as the fifth instrument to evaluate the short, medium and long term reform and integration studies had been created. A kind of progress reports will be released and reform process will be followed and controlled by means of this instrument. In this way, the strengthened Stability and Association Process by Thessalonice Summit and 'Action Plan' as the sixth instrument made the process much more clear and most importantly, this summit made to sign bi-lateral agreements with the candidate countries depending upon progress realized during the negotiations (Sebastian 2009: 27). Under these circumstances, Stability and Association Agreements are relevant

with the extensive regional cooperations and development of relations among the countries in the region and give the potential status of candidacy as differing point from the other association agreements.

As it is known, after signing of the SAA as the first step for the EU membership process, the ratification process will be initiated by European Parliament national parliaments of EU member states. In this period, 'Transitionary Agreement' which regulates the commercial relations among the EU and Western Balkan Countries. This agreement is signed together with SAA and enters into enforcement without any ratification. After performing all criteria stated in SAA, an individual country can apply for full membership.

The Historical Evolution of EU Integration Process for Bosnia-Herzegovina

As the historical turning point which was initiated the process was the Dayton Peace Agreement which created a sui generis complex administrative structure that was developed after ended up creating an environment of administrative crisis and held the future of the country hostage. In line with this reality, the complex institutional structure of the Dayton Peace Agreement, combined with the ethnic conflict environment left unresolved after the war, prevented the establishment of a democratic structure in Bosnia-Herzegovina (Sebastian 2007: 1). After years of slow and feeble efforts, the process reached a dead-end in 2010, and ethnic nationalism skyrocketed while separatists' discourses began filling the public squares, thereby signaling a return to the pre-war political atmosphere. As of today, the EU and NATO membership talks have almost halted. The normalization and state building processes have not proceeded as planned. Therefore, the administration of the country was not fully transferred to the Bosnia-Herzegovinians.

Under these circumstances, the elections on October 3rd were a turning point for Bosnia-Herzegovina. In a country where unemployment has reached 42%, they had basically two options: either elect moderate politicians and return to the EU-NATO membership route, or continue with the nationalist politicians, who would most likely perpetuate the current crisis environment resulting in secession. After Dayton, the international community mobilized behind the EU and the USA, and initiated a series of structures for 'normalization' and 'state-building' (Dzihic 2007: 25). While the effectiveness of the NATO troops in the region has increased, a protectorate administration was created under the Office of the Higher Representative (OHR). As the representative of the International Community, the Higher Representative was appointed at a higher status than the legislative, executive and judiciary branches. He was endowed with an exceptionally high political authority, called "Bonn Powers" (Szewczyk 2010: 29).

All of these steps on the way to 'normalization' and 'state-building' began to bear fruit very soon after 2002; important reforms were accomplished under the

leadership of a moderate coalition that was supported by the International Community. Between 2002 and 2006, the tax system and control of customs were transferred to the central government, and important progress was achieved in security reform which projected the unification of the entity militaries in Bosnia-Herzegovina. During the same period, the most important reform movement to date, the 'Bulldoze initiative' was begun. Consequently, the process to pass approximately 50 laws in 150 days, which would then put the economy back on track, had started (Basuener 2009: 3). As a result of all these positive developments in 2005, the Dayton Agreement then ten-years-old, the international community began to emphasize the country was in the final stages of normalization, and could become self-sufficient after establishing a new order with the help of some fundamental reforms in the Constitution. After making some changes to the Constitution, the administration would attain a centralized structure and subsequently the international community would withdraw from Bosnia-Herzegovina.

Even though constitutional reforms were expected to make Bosnia-Herzegovina suitable for membership to EU and NATO during 2005, this expectation couldn't undermine the ethnic-oriented politics and "April Package" which covered the necessary reforms for membership to international institutions and supported by EU rejected by Bosnia Herzegovinian Parliament's House of Representatives.

The nationalist leaders claimed that the reforms proposed by the package were insufficient, Republica Srpska was an illegitimate product of genocide, entity administration would be eliminated and completely centralized structure would be established. As a reaction to the Haris Silajdzic argumentations, as a national political leader of Bosnia-Herzegovina, Milorad Dodik, the leader of Republica Srpska, interpreted these declarations as intentions to eliminate the Republica Srpska. These discussions led to halt the positive process. For the name of the constitutional reforms, second turning point was the redefining the territories of the entities and establishing the four territorial units for each ethnic group entitled as Prud process in January 2009. Despite these talks produced nothing, EU signed a Stabilization and Association Agreement (SAA) with Bosnia-Herzegovina in 2007. According to this agreement, firstly; an international body would be established to implement Dayton Peace Agreement called as Peace Implementation Council (PIC), secondly; Bosnia- Herzegovina was responsible to perform 5 objectives- resolution of state property, resolution of defense property, completion of Brcko Final Award, fiscal sustainability, and entrenchment of rule of law - and 2 conditions – signing of SAA and and positive evaluation of PIC and lastly; the Office of High Representative (OHR) would be closed. Nevertheless, after October 2010 elections, all hope were disappeared because no governing coalition is possible without support of parties which are singling out the ethnic nationalism. As a result, in recent days, The EU integration process of Bosnia-Herzegovia is at stake both the historical perspective we mentioned above and the socio-political and economic problems we will analyze below.

Socio-Political Problems

Bosnian Serbs and Bosnian Croats, making up more than half of the population, desire to unite with Serbia and Croatia, while Bosniaks as the only constituent of the Federation, is favour of a more centralized state and full integration with the international community. Bosniaks are aware that the existing decentralized state does not serve the purpose of stability, progress and development as well as territorial integrity of the Bosnia-Herzegovina is strongly relevant with the EU integration process. This controversy in futuristic perspective leads almost all projects to be blocked by the other. Even though Bosnian Serbs and Bosnian Croats carry the passports of Serbia and Croatia, whereas the Bosniaks only have the passport of the Bosnia State until the end of 2010 when the EU lifted the visa requirement for her citizens. This practice displayed the double standards and discrimination against Bosniak Muslims.

The other important issue is that Bosnian political system is not functioning properly because of the ethnic-based structure of Dayton Peace Agreement. As it is known, The Bosnian Constitution is annexed to this Agreement which deepens the ethnic division. This Constitution proposes a weak Bosnia state which consists of Republika Srpska that is centrally administered and a loose Bosnian-Croatian Federation that is divided into cantons. This structure requires the Constitution to be revised and amended in order to create the centralized body. Nevertheless, many attempts to propose the Constitutional reforms couldn't be concluded and rejected in Bosnia-Herzegovina Parliament in spite of the will of international community. However, the discrimination against the minorities such as gypsies and Jews originated from the structure of the Constitution tried to be prevented by April 29, 2010 decision of the Parliament Assembly of European Council which emphasizes the need for a comprehensive constitutional reform package. Unfortunately, the October 2010 elections made these efforts futile and this situation implicitly violated the European Human Rights Convention and ECHR decisions. As a matter of fact, each entity has the right to veto any legislative act in Bosnia-Herzegovina and as people vote according to their ethnicity, entity veto turns into an ethnic veto. In this context, since 1995, 262 laws and decisions have been vetoed by the Republika Srpska (Çetinkaya 2010).

The other important issue regarding with the Constitutional amendment is the police reform which stipulates the establishment of a united police force. It was the requirement of the Stability and Association Agreement during the EU integration process. There are 19 separate and independent police organizations in entity and canton level without any cooperation and shared criminal record system (Berting 2012 33-34). Nevertheless, especially after transferring the military, judiciary and financial authorities to the central state, especially Serbia perceived the police organization as the unique representative of the state and unwilling to lose her control, otherwise EU-supported reform may lead to the creation of a nation-state in three levels: Firstly, the budget and administration of the police organization has to take place at the state level. Second, police areas should be determined by taking

technical needs into account, not according to political structures in the region. Third, police activities should be kept separate from politics.

On the other hand, the ethnic people in the country are feeling themselves as insecure and started to possess arms and ammunitions. Especially Muslim Bosniaks realized the injustice and unequal attitudes of the international community against them and needed the small fire arms. According to the report released by the United Nations Development Programme, there is a threat of being stolen arms and immunitation problem, sixteen percent of Bosnian populace possess these weapons illegally and these weapons may be used in attacking civilians to the other ethnic communities. The other issue is the matter of education because the atrocities, angers, hatreds and violence among different ethnic groups can be passed into the younger generations by means of education. In this context, according to a report released by Council of Europe, there is no common curriculum for the whole country, Bosnian Croats and Serbs use the curricula of Croatia and Serbia, respectively, while Bosniaks are the only community using the curriculum of the Federation (Latif 2006). It means that children are being separated in accordance with their own ethnicity.

Economic Problems

The most important reason lying under the economic problems in Bosnia-Herzegovina is the sense of economic security enhanced by the ethnic nationalism. Political stalemate, inter-communal hostilities, nationalistic policies, ethnic divisions all deteriorated the economic situation in the country. This situation led to the economic insecurity and social explosion. Rising unemployment especially for the educated people made abandon the youth's hopes from the future. Increasing poverty and communal anger may trigger the ethnic conflict. According to the data released by the Central Bank of Bosnia-Herzegovina, the current official unemployment rate is 42 percent (Batt 2009: 77-79). Different segments of society feel themselves hapless and seeks to immigrate into different countries. The export and foreign direct investment is almost impossible because of the border problems among the cantons and unjustifiable tax regulations. The political deadlock retarded the economic development witnessed approximately a decade after the Dayton Peace Agreement. In fact, many people suffered a kind of mental health problems because of the post-war trauma and actually they could not have a chance to find a regular job even they get rid of their illnesses. Moreover, for Berting, the desperation and anger of the war generation has reflected into the young generations and most of them try to leave the country (Berting 2006: 51-53). As it is generally known, if there would be political and social instability as the stable ground, there would be no chance for the foreign direct investment and economic activities (Terzi 2004: 240-241). There is a widespread corruption committed by the politicians and bureaucrats abused the existing system. On the other hand, it can be mentioned that the conflicting parties couldn't come together in order to enhance the economic

stability, sustainability and progress because EU couldn't be prudential external actor to cooperate among the different political units in Bosnia-Herzegovina.

Conclusion

Under the light of aforementioned information, we can conclude that almost all problems are originated from the Dayton Peace Agreement which is instigating the maladministration, insecurity, instability, disfunctionality and political deadlock which may lead to the another ethnic conflict or to secession. Poverty and unemployment rates are higher than ever and the hostilities and enmities were nourished by the educational system-based on ethnic cleavages. In this case, International Community is bound to have the task of reforming Bosnia-Herzegovina in order to prevent the disintegration of the state. In this respect, it should be understood that Bosnia-Herzegovina had not a capacity to transform itself without the support of EU and USA as external factors. Nevertheless, these two actors are operating insufficiently in the region and posing low profile. New strategies and a more active involvement of both EU and USA as important components of the international community are required to prevent the risk of social explosion, possible ethnic violence and enhance the political stability and economic progress, build the confidence among the different political units/cantons and ethnic communities and more significantly establish a negotiation framework which is consistent to Bosnian multi-ethnic realities. As the concluding remark, EU should confess that the membership criteria for Bosnia-Herzegovina are arbitrary and unfair and far from being incentive to solve the problems during the integration process and the amendment of the Constitution which can be harmonized and complied with the main principles of the European Convention of Human Rights and European Council as well.

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