Problematic Aspects of the European Union Integration of Bosnia and Herzegovina

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Abstract

The paper analyzes the local conflicts in Bosnia and Herzegovina and the resulting obstacles of this country to join the European Union. The paper also captures the current political and security situation in BiH with a particular emphasis on local conflicts and problematic aspects of accession negotiations with the EU. The author summarizes the consequences of Yugoslav wars, defines the main obstacles of BiH to join the EU, and identifies what further measures should be taken by the country for overcoming the remaining problems and to ensure the EU membership, but also how can the EU itself improve its policy towards Bosnia and Herzegovina or to the Western Balkans in general. The aim of the paper is to find the possible solutions for local conflicts from the perspective of the fulfillment of the conditions for joining the EU.

Key words: Bosnia and Herzegovina, war, Yugoslavia, Dayton Agreement, European Union, european integration.

Introduction

The Socialist Federal Republic of Yugoslavia was an unique environment in Europe, which crossed several nations, religions and cultures. However, Yugoslavia confirmed its reputation of the region as "barrel of gunpowder" and left the European history by the bloodiest way compared to other socialist countries. It was without doubt the most tragic series of conflicts in Europe since the end of World War II., which lasted intermittently for almost 10 years.

Although the issue of the Western Balkans2 disappeared from the main themes of european political discourse, its topicality is in place, since stability and peace in the region are still fragile, and undoubtedly this part of Europe is still the most complicated and from the safety point of view still risky area. All of these countries have already expressed their willingness and desire to join the European

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2 Despite the fact that the definition of the Western Balkans is rather complicated, we will use for the purposes of this paper countries which are defined by the EU as well - Albania, Bosnia nad Herzegovina, Montenegro, Croatia, Kosovo under UNSC Resolution 1244/99, Former Yugoslav Republic of Macedonia and Serbia. Available at: http://www.europarl.europa.eu/ftu/pdf/en/FTU_6.5.2.pdf (19.10.2015).
Union, and in the longer perspective have also EU membership "promised". But persistent local conflicts arising from the recent past are still complicated and problematic, and issues such as dealing with the past, peace-building, regional cooperation and protection of human rights are crucial not only for their own favorable future, but also for integration process to the EU. The biggest question mark among the countries of the former Yugoslavia is undoubtedly Bosnia and Herzegovina - because of the largest consequences of the war, but also due to the current national conflicts, complicated system of government and unsolved territorial issues, thus this paper will be devoted to this country.

Attractiveness of the EU was crucial during peaceful and democratic transformation of Central and Eastern Europe and remains the driving force for reforms in the Western Balkans (Rupnik, 2011). The common goal of the Western Balkan countries - EU integration, significantly minimizes the possibility of escalation of tensions between countries in the region and contributes to the overall stabilization. European integration is almost universally recognized as a key strategy for achievement both goals - peace and prosperity in Western Balkans. But what are the prospects for completion the transformation of BiH and its European integration? In this paper, I will summarize the main consequences of conflicts, and the resulting obstacles for EU integration. What further steps should BiH adopt in order to overcome persistent problems and to ensure EU membership? And how EU itself may also help to overcome this great challenge? I will try to find answers for these questions in this paper.

The consequences of Yugoslav wars as the historical barriers to join the EU

The war in Yugoslavia has resulted in huge number of dead and injured, millions of refugees, ruined environment, damage of property and infrastructure, massive unemployment, crop failure, poverty, lack of income from tourism. Achievement of the overall stability in the Balkans were estimated by the Vienna Institute for International Economic Studies for around 100 million dollars (Glenny, 2003). Restoration of immaterial damage was proved to be far more problematic, since the war left visible wounds that still have not been healed. Psychological injury and trauma, many disabled due ubiquitous landmines while thorough cleaning of the area will take for about 70 years. However, deeply damaged are especially the cornerstones of human society, such as a feeling of safety, trust in other citizens, state institutions, but also a common future, so it will probably take a long time to deal with the past. Severe, persistent, and never-ending burden of history which is related to unsuccessful peaceful resolution of interethnic relations can be seen like a curse of Balkans. Mojzita accurately notes that the Balkans is suffering from hyperinflation of the history. The problem resulted from the fact that the history is issued as a mixture of half-truths, myths and legends. Another problem related with the history, which I

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3 European Commission in its Communication from the Commission to the Council and the European Parliament on the Stabilisation and Association process for countries of South-Eastern Europe (1999) 235 determined that Albania, Bosnia and Herzegovina, Croatia, Serbia (this time together with Montenegro and Kosovo) and FYRO Macedonia are potential candidates for EU membership with a view of full integration. Available at: http://aei.pitt.edu/3571/1/3571.pdf (19.10.2015).
personally observed as well is so-called "victim syndrome". "This is something that makes everyone in the Balkans proud. One reason for this is the belief that victims can not do evil. No one is ready to take over for themselves even the smallest piece of guilt ... ", Jakob Finci, the leader of the Jewish community in BiH (Mojzita, 2010).

Bosnia and Herzegovina has the largest loss of life and most refugees. Violence against them (murdering, expulsion, rape) was carried out in such a way that is in place to use the term genocide (Hladky, 1997). Many Bosnians have adopted the concept of Yugoslavism because this period was the best part of their lives. Thus, Bosnians have built its identity on the cult of victims, and people have adopted the belief that "for our misfortune are responsible others". Society became more passive - no one does not deal with anything and no one take over the responsibility for their country, but indulge to the international community, as if they had an obligation to establish their bright future, since they failed to prevent the tragedy which happen. In addition, people still live in the past, as evidenced by over eleven thousand lawsuit for war crimes. Many citizens of BiH are even convinced that the world allowed Srebrenica genocide just because there were mass killing of Muslims and not Christians. When someone from the foreign representatives expressed the opinion that they should not be so concerned with their past - it was interpreted as an attempt at concealment, unpunished war crimes and retreating Serbs. Tragic mistake of the Balkan countries, and particularly Bosnia and Herzegovina although it is entitled to an obsession with its history. Yugoslav wars are a paradigm and warning what can happen even after centuries of coexistence, it is a warning that own happiness can not be built on other casualties (Mojzita, 2010).

Political development in the post-war period in Bosnia and Herzegovina

Nationalist political parties that led country to war achieved in almost all post-war elections strong support, what is evident conviction of citizens that security can be find only within their own nation (Stojarova, 2007). Multiethnic party SDP got the most of the seats only in parliamentary elections in 2000 – SDP – 9, SDA – 8, SDS – 6, HDZ – 6, SBiH – 4 (Election for House of People...). Power is divided vertically between three nationalist political parties and each of them ruled to its ethnically almost „pure“ territory. These parties almost never agreed on something, what could be beneficial for the country and of all citizens of BiH, only when it has been under international pressure. Neither state symbols, passport or common license plates of cars were not born easily (Mojzita, 2010). Political parties constantly turned away the attention of citizens from their own mistakes and rather created the impression that the nation that they represent was constantly in danger. All religious institutions play significant role in the political life and mobilize people in favor of those parties (Stojarova, 2012).

For a long time there was no political life, which is known and standard in other European countries and the coalition that ruled there in the last 15 years, had no connection with political ideology or orientation. Campaigns did not reflect real problems of all citizens, such as extremely high
unemployment, poverty, bad social and health system, pervasive corruption etc. (Kasum, 2006). Inter-ethnic reconciliation is still missing. Even OSCE in its final report from general elections in 2014 notes „the lack of a shared vision in the country’s future and cooperation among the three constituent peoples continues to hinder the reforms necessary to fully ensure democratic elections. A growing mistrust by citizens in the functioning of the democratic institutions endangers stability....political parties oriented their messages toward their own ethnic communities“ (OSCE Final Report, 2015).

Regarding the national identity; while Yugoslavia was a multi-ethnic society, Bosnia and Herzegovina currently consists of three separate ethnic groups living in geographically separate units whose ethnic composition is almost homogeneous⁴. A significant part of refugees never returned to their homes and chose to live in the country's territory controlled their own ethnicity⁵. This segregation is present even in schools at all levels, since classes are represented by only one ethnic group in order to allegedly avoid possible conflicts. Of course each ethnic group publishes its own textbooks according their "historical truths", what not contributes to the improvement of the situation neither (Legathova, 2010).

The current institutional system is more than difficult and also expensive. There are in fact four institutional systems: national, Federation of BiH, Republic of Srpska and Brcko district - what has logical consequences and problems such as extensive government, bureaucracy, lengthy decision-making and legislative processes. The system which arised is "law of the jungle" and it is so complicated and contradictory that it is itself an obstacle to the natural processes in the country (Fodorová, Grančay, Szikorová, 2012).

The most problematic seems obstruction of constitutional reforms, since each entity promotes a different variation of the state organization. The relatively high autonomy of its two main entities make difficult to adopt necessary reforms. The threat of disintegration of the country also appears, whereas representatives of Republic of Srpska talked about the possibility of separation which arised after the unilateral declaration of independence of Kosovo in 2008. Bosnian Croats have also ambitions for a revision of the Dayton Agreement and required obtaining of the status of a third federal entity within Bosnia and Herzegovina. On the other hand, Bosnians prefer centralization of the country and the total abolition of the federation (Gabrielova, 2012). Bosnian Serbs blocked just during 13 years after the war more than 260 laws that have been crucial for judicial reform and economic development of the country (Legathova, 2010). Serbs know that if Bosnia and Herzegovina will be closer to Brussels, the harder will be for them to separate and Bosnians are afraid that the reduction of autonomy of the Republic of Srpska would be impossible. The process to approaching the EU is therefore markedly slow (Fodorová, Grančay, Szikorová, 2012).

⁵ According to the UN High Commissioner for Refugees (UNHCR) from 1996 to 2007 returned to their original homes over a million, which is not even half of those who left their homes. Available at: http://www.unhcr.org/4444afce0.html (19.10.2015).
Dayton Peace Agreement is criticized from all sides. The most frequently was repeated that agreement stopped the war, but did not bring peace, and failed to meet all of the listed objectives - economic and social rehabilitation, reintegration of BiH, the punishment of war criminals and the return of refugees. Politicians of all three ethnic communities agreed in just one - that current situation in BiH is the result of wrong policy of the international community. The final decision of the High Representative for the adoption of legislation, but also the right to disengage politicians affect their behavior, and all unpopular decisions that could jeopardize their position are given to him. High Representative represents for Bosnian politicians the sole guarantor of the survival of the state. Conversely, the Bosnian Serbs constantly emphasize that the High Representative is in fact slowing down the processes of finding compromises. The true is, that the state did not disintegrate just because of political pressure by the international community, international presence and an influx of foreign aid (Mojzita, 2010).

Another problem arising from the post-war organization is concerning discriminatory election rules. According the Constitution of BiH may only members of one of the three BiH constituent nations (Bosniaks, Croats and Serbs) candidate for president or member of the House of Peoples, what makes impossible for "other" members of 14 national minorities in BiH candidate for these positions. Another paradox is that the people of Serb nationality who live in the Federation of BiH can not be elected as a member of the Bureau, but even do not have the opportunity to vote for other candidates - Bosniaks and Croats. The situation is the same of course for the Bosnians and Croats living in the Republic of Srpska (Jukic, 2012).

Although Dayton agreement brought a peace, significant progress in terms of inter-ethnic reconciliation failed, fear, recrimination and lack of confidence dominate to the political environment. The result of this separation is the inability to conduct effective inter-ethnic dialogue and decision-making on important issues such as economic or political reform at all levels. The country is still dependent on international institutions and one of the world's largest recipients of development aid. The presence of international forces is proof that the country is still considered as unstable political and security area. BiH could be described as a country with limited sovereignty, vulnerable economy and unstable peaceful environment (Fodorová, Grančay, Szikorová, 2012).

Nationalism and xenophobia also remain an integral part of the political culture, and despite the adoption of necessary law, there was no implementation. There was an interesting comment on the current situation in BiH by the Bosnian Serb politician Zarko Korač: "If war is the continuation of politics by other means, in BiH politics is the continuation of war by other means". On the other hand I should also mention the bright side of current development. Huntington predicted after adoption of Dayton Agreement, that BiH can not sustain without aid of external military force (Mojzita, 2010). Development have shown that today's external forces is minimal or symbolic, and BiH is albeit with difficulties

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6 This word is used also in the Constitution of Bosnia and Herzegovina. Available at: http://www.ohr.int/dpa/default.asp?content_id=372 (19.10.2015).
functioning. After the war in 1995 there were almost 70,000 members of international forces and nowadays there are only 600 troops within EUFOR Althea (EUFOR Fact Sheet).

**Summary of significant barriers for Bosnia and Herzegovina to join the EU**

Bosnia and Herzegovina has faced the triple challenge or three transition processes in recent years: from war to peace, from the communist planned economy to a liberal economy and the one-party rule to multiparty democracy. Building a democratic regime was associated with state-building and post-war reconstruction. This difficult situation logically led to delays in the introduction of democratic principles (Stojarova, 2012). State is unable to meet the needs of its citizens, and its weakness is attributed to the very division of society along ethnic and religious dividing lines. Memories of the war conflict are still alive and among citizens who have experienced war is rooted fears of neighboring countries. There was a lady, Bosnian Serb in the documentary movie „Tenkrát na Balkáně“ who said: "Well, I would like at least one more time in my life visit Dubrovnik, but I can not go there, because they would definitely kill me!" (Koudela, 2011).

Sonja Biserko argues that Bosnia and Herzegovina is still very fragile, because ethnic conflicts persist and there is a lack of political will to implement necessary reforms, so consolidation of the new state structures and the transition to a market economy is slow (Berg, 2011). The main difference with the countries of Central Europe is not only a time delay or degree of democratic consolidation, but the consequences of war and lack of consensus within its own regional context. When the topics such as border issues, state and territorial sovereignty or national minorities will create a major political agenda, the chances for democratic consolidation and accession to the EU will remain slim. Although the European Commission in its progress reports notes that progress has been made in the technical requirements, but war-related conditions remain problematic. David Chandler argues that the international community in the form of the High Representative prevented and disrupted normal democratic development. He claims that Bosnia had never undergone the transition to democracy. Nevertheless, he does not consider BIH as authoritarian state, but as "competitive oligarchy with a political-economic-crime connection, which are based on cronyism, corruption and fear, despite the machinery of electoral democracy" (Basseuner, 2009).

Problems which should be solved are comprehensive: promotion of democracy, improvement of the relations between ethnic groups and support of sustainable economic development - these are all processes which take in post-conflict societies many years. It is therefore evident that these tasks are more difficult than the transition to an open market society. Reform processes are slow in key areas such as security sector, justice, freedom of religion, education, media and civil society. Topics directly related to the wars in 1990, as the cooperation with the ICTY, and the return of displaced persons and refugees remain problematic. However, until these problems remain unresolved, BiH will definitely not be able to join the EU (Berg, 2011).
Possible solutions of problematic aspects in Bosnia and Herzegovina

The European Commission in its latest report on the progress of BiH in 2014 notes that country remains at a standstill of European integration process and remains a lack of collective political will to address necessary steps and reforms in order to progress on the EU path. European Commission identifies still present disagreements along political and ethnic lines the persistent problems on effective coordination mechanism about EU issues, addressing political criteria and establishment of functional institutions, cooperation with civil society, limited progress in reforming public administration, in the area of judicial system or in the area of reduction corruption (BiH Progress Report, 2014).

The EU did not have high confidence among inhabitants of BiH, in particular for its hesitant attitude during the war, but also for her indecision in post-war consolidation. Not only Bosnian Serbs criticized the lack of decisiveness and vision of the EU, but even lax attitude to its own promoted principles and rules, and insincerity when european leaders repeated claims that EU wants "to take the Balkan under its wing" as soon as possible. BiH together with Kosovo are at the end of the integration chain, therefore need specific negotiating positions for the EU accession and a clear timetable. The decision to grant visa to travel to the Schengen countries will have long term positive effects. This not only gives Bosnian citizens a sense of belonging to Europe, but also a sense of freedom. In this context Silajdžič, Bosnian politician expressed his belief that young people are becoming less nationalistic and behave more tolerant, especially if they have some experience from other european country. However, according to him, have Bosnia nad Herzegovina one problem - that "our generation is still alive". Regarding the criticism of the High Representative, this position has gradually changed from a tool to solve the problem - as part of the problem. When Mr Miroslav Lajcak was the High Representative for BiH in the period 2009-2011 (current Minister of Foreign Affairs of the Slovak Republic) BiH reached many successes, such as signing the SAA which has been achieved mainly by promoting the attractiveness of future membership in the EU. In his last public statement to local elites very aptly referred: "If you can not agree among yourselves, how will you agree with other 27 EU Member States?". It is obvious that the nationalist parties will not lead BiH anywhere, especially not in the EU (Mojzita, 2010).

Many experts on Balkans agree that it is absolutely necessary to revise the constitution of BiH. Reinforcement of coordination mechanisms and establishment of functional institutions still remains an urgent issue and are still considered as one of the priorities. Functional constitutional reform must therefore include measures to establish a decision-making more favorable for change, with less options to blockade and with mechanisms enabling to enforce legal harmonization with the EU. Although the EU in its reports reiterates the need for constitutional reforms in order to speed up the integration process, never were given precise and clear indications about the precise manner and form of the constitutional reforms.
The EU could play a constructive role by proposing a framework that sets the parameters for the changes that are necessary to eliminate obstacles to EU integration (Sarajlić-Maglić, 2011).

Miroslav Mojzita commented on solutions of the current problems in BiH that "the starting point has to be an honest political compromise based on mutual trust and this can be build together by only democratically elected leaders who live there, nor by foreign mediation mission neither external resources and interventions with noble intentions". (Mojzita, 2010: 256). Although BiH is according the Dayton Agreement internationally indisputable state, however in political terms still presents an open question, which requires a response from the internal environment.

It is generally and increasingly speaking in connection with the EU enlargement about the limited absorption capacity or "enlargement fatigue". Euroscepticism is on the rise, and many politicians prefer "deepening" before "enlargement", and in some countries this debate is connected with strengthening political parties pursuing an anti-Muslim agenda (Berg, 2011).

Of course it is not easy to promote openness and generosity when the economy is in crisis, but all this also revive suspicion in the Balkans about the plausibility of the future enlargement. Dusan Reljic also believes that after Croatia entrance is likely alternative stop of future enlargement and just privileged partnership with other countries of the Western Balkans and Turkey (Stojarova, 2010).

The result is mutual distrust, or pretense: "We pretend that we want you, and you pretend you’re getting ready." But if the EU stops the process of enlargement, that would not only mean a contradiction with the basic idea of united Europe, but also the renunciation of one of the most powerful tools for improvement of the policy and economic position in the world (Rupnik, 2011). It is clear that it would bring a new burden to the EU, but more important, it would significantly contribute to the stabilization of not only the region but also whole Europe. The EU should devote more effort to solve problems of the Western Balkans, to overcome hesitations between conclusion and integration and to restore its credibility in the region (Turhan, 2011).

Second paradox concerns multiculturalism: the EU, rightly, resists ethnic partition in Kosovo, Bosnia or the Former Yugoslav Republic of Macedonia, but in all corners of Europe, we see a return of identity politics, the rise of national-populist forces and disagreement of certain EU countries on issues related to immigration and integration. Without credible prospects of accession to the EU there can also arised more radical forms of nationalism in Western Balkans countries. I agree with Rupnik, that clearly defined conditions for the Western Balkans by the EU are important for the restoration of the confidence of citizens to the local politicians and the EU. To give these countries the European perspective is in my opinion the best tool how to promote reforms, further consolidation of democracy and regional stability (Rupnik, 2011).

Dion van den Berg defines additional recommendations for the EU and its strategy for the countries of Western Balkans. He warns that the political criteria are strongly devoted to democracy and the rule of law, judicial reform, fight against corruption, respect of human rights, protection of minorities etc. But there are no established IPA tools for dealing with the past, support civic initiatives in the areas
of refugee return and dialogue. He proposes to introduce tools which should support peace building, as a precondition for political, economic and social development in these countries. The concept of citizenship is still very weak compared to the popularity of the nationalist political parties. He is confident, that more can be achieved, if the EU will focus less on the political elites, but "put citizens at the very heart of its strategies" and the funds and programs will be more accessible for civil society organizations (Berg, 2011).

One of the successful tools that the EU has already developed through programs such as JOIN-EU, SIGMA or Basileus is the support of study mobilities. Young people are definitely the hope for these countries, so I recommend to support this tool, since within mentioned programs can students from the Western Balkans travel and study only in the EU countries, but not within the region. Even during Yugoslavia was easier for students to go for study mobility from Zagreb to the U.S. than to Belgrade. The mutual dialogue is important to overcome prejudices and internal segregation in order to realize that they are more close than far away.

The promise of EU membership has proved to be a powerful motivation and strong political mean for these countries to take necessary political and economic reforms, but also overcome the reluctance of cooperation, for example in the case of the prosecution of war criminals. The former ICTY chief prosecutor Carla del Ponte notes that 90% of all defendants who are on trial are a direct result of policy applied by the EU, and otherwise the court would be unable to fulfill its mandate (Hartmann, 2009). The EU has the potential to request a change. The transformation process must go hand in hand with peace-building, and the EU should support both processes simultaneously.

Conclusion

With the perspective of EU accession, the possibility to overcome the stigma of restless end of the last century open and start new chapter of relations harmonized within the EU and its values. Enlargement of twelve new states which were affected by the communist regime, but also recent Croatia's accession shows that EU membership is not an unattainable goal. However, the path of these countries to the EU is more difficult than ours - also because a lot of energy absorbs the painful history of the region. Peace-building is a complicated process which can only be achieved with a commitment to sustainable, multifaceted approach, involving a wide range of actors at the international, regional and non-governmental level. The common European roof can help relieve the disputed territorial and institutional issues in parallel the EU accession process. The first step should therefore be awareness of local politicians as well as citizens, that prosperous future does not lie in the restoration of historically-depressive memories, but by building political, economic and social conditions that foster peace and promote open and democratic systems.

Resources:


Turhan, Fatma Sel (2011): The Europeanization of the Western Balkan. Is it just a dream? Ankara: SETA Foundation for political, economic and social research.