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# EUROPEANIZATION: THE ONLY CHANCE FOR A UNIFIED BOSNIA-HERZEGOVINA

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Members of the Bosnia Herzegovina Presidency

The 20th anniversary of the Dayton Accords intensified, once again, the debate on their revision that would turn Bosnia-Herzegovina into a functional state at long last and a candidate for the membership of EU. Western governments and a variety of analysts had already been advocating the revision: a number of conferences and meetings have been dealing with it in the region, US and Europe. On the other hand, Serbian politicians oppose any revision emphasizing their support to Bosnia-Herzegovina's territorial integrity and a status quo. Their Russian counterparts and Russia's commentators have sided with them.

The revision of the Dayton Accords became a strategic issue – for the East and the West alike. Today Russia opposes openly EU and NATO enlargement in the Balkans. Its opposition basically undermines EU testing its unity at the times of challenges it has not found answers to yet. At the same time Russia plays on

conservative, nationalistic opposition parties in Serbia and Montenegro, as well as Republika Srpska /RS/ ruling structures' loyalty to it.

Disputed legitimacy of all political elites in the Western Balkans and citizens' dissatisfaction with endemic corruption and years-long economic stagnation, are once against creating the conditions for destabilization and questioning the region's future.

Two influences are channeling the Western Balkans toward instability, says Vladimir Gligorov of the Vienna Institute of International Economic Studies: the first being EU's unreadiness for speeder enlargement in the Balkans, and the other the "Russian factor." Having lost the instrument for direct influence – construction of the pipeline – Russia switched to more direct political influence (supporting the anti-Western opposition).[1] For Russia, the Dayton Accords would be an ideal solution for Ukraine and other crises in its close neighborhood.

Besides, doubts about the strategy for the membership of EU are growing in Serbia. The anti-EU front (President Tomislav Nikolić) is growing stronger and stronger while pointing to EU weaknesses and undermining its values.

The situation of Bosnia-Herzegovina is also complex: all levels of governance lack legitimacy, while the constitutional order obstructs reforms and fuels tensions between the two entities. The RS parliament ignored the Constitutional Court decision denying January 9 as RS Republic Day, thus further sharpening the relations between RS institutions and the federal judiciary. RS threat with calling a referendum meant to negate the common judiciary and its denial to cooperate with the state police triggered off emotional reactions at both sides. RS government had decided to stop cooperating with the "federal police," court and prosecution after the federal police, at the Prosecutor's order, searched police stations and the municipal building in Novi Grad, and arrested five local Serbs suspected of war crimes.

The attitudes of close neighbors, Serbia above all, and then of international actors such as US, EU, Russia and Turkey considerably add to the complexity of relations within Bosnia-Herzegovina.

## SERBIA'S AMBIVALENT ATTITUDE TOWARDS BOSNIA-HERZEGOVINA

The differences in President Nikolić's stances on Bosnia and those of Premier Vučić are more and more evident. President Nikolić is a strong advocate of RS as an independent entity and in this is fully supported by Russia. He keeps saying that Bosnia-Herzegovina is a dysfunctional state with poor chances to survive. He completely sides with Dodik who openly advocates Bosnia's disintegration. Presently, he takes Dodik's part in the conflict with the opposition (Alliance for Changes). When Mladen Ivanić, member of the Presidency of Bosnia-Herzegovina, criticized him of taking sides, Nikolić retorted that survival of RS was more important than anything else regardless of who is in power.[2]

President Nikolić was the one to publicize the information (probably from Russian sources) about a plot to overthrow the RS government and President Dodik. He said that everything was individualized like in the case of Slobodan Milošević.[3] According to him, the orders for the ouster were given by the international community, while the Federation was implementing

1 Vladimir Gligorov, Novi magazin, No. 242, December 24, 2015.

2 http://balkans.aljazeera.net/vijesti/zasto-je-nikolicu-dodik-vazniji-od-ivanica.

3 http://www.blic.rs/vesti/politika/nikolic-postoji-plan-za-rusenje-dodika/wj4sb86.

them. The idea is, he says, to force RS into a cul-de-sac: it would have to accept everything or else it would have its powers would be continually reduced by the Constitutional Court of Bosnia-Herzegovina.[4]

Concerned about his international image Premier Vučić refers to RS with more care. Aware of his own "infamous" track record, ever since 2012 he has been working on his own "system of rule" – staging campaigns all the time, controlling the media, replacing his ministers, calling early elections, criminalizing the opposition, etc. In order to make himself into a "successful" pro-European leader, he has been doing all in his power to consolidate his position of an undisputed leader – aware that, otherwise, he would have to cope with crisis within his party, the opposition pro-Russian bloc and Russia itself. This is why Nikolić's statements sort of embarrass Vučić and his declared though not exactly clear policy for Bosnia-Herzegovina and RS.

His statements are balanced. He emphasizes that "Serbia would never again side against RS openly, nor would RS stand against Serbia." Stability of Bosnia-Herzegovina is of utmost importance to Serbia, he says, as it preconditions economic and political progress. He also stresses Serbia's respect for integrity of Bosnia-Herzegovina but insists on RS as its independent entity. He has obviously agreed with Dodik that this was the line Serbia could not cross given its financial expectations from EU. And so he says, "Dodik understands Serbia's needs the same as Serbia has always did its best to listen to, hear and understand RS and, of course, Bosnia-Herzegovina too."[5]

Vučić has assumed the role of a reconciler between Dodik and the opposition. "Serbia respects Bosnia-Herzegovina and wants to have closest relations possible with it…Not for a second would Serbia jeopardize the territorial integrity of Bosnia-Herzegovina. Had it wished to undermine it or still wants to, it could have done it and still can," he says.[6]

Some analysts in Serbia are making no bones about the issue: they are against any revision of the Dayton Accords and for a referendum in RS and its possible independence. For them, the decision by B&H Constitutional Court legally unfounded as it implies that RS is a post-Dayton creation rather than a signatory of the agreement and "someone investing one's own statehood into it." Further on, they argue that the Constitutional Court is after creating relations within B&H on its own and making similar decisions on the basis of the ones it already made. "The High Representative's threats with implementation of Bon authorities are not as convincing as they used to be, since the world has changed in the meantime," says Slavenko Kisić.[7]

The celebration of RS Day (January 9) in Banjaluka, attended by Premier Vučić and almost his entire cabinet, was the manifestation that unified all the Serbs and actually put across the message that Serbia would not let go its booty. RS and Serbia's representatives ignored the Constitutional Court's decision on the date's unconstitutionality. Bosniaks and Croats associate January 9 with adversity.

In Banjaluka, Vučić tried to justify his "European image" by emphasizing that three peoples – Serbs, Croats and Bosniaks – were mutually connected by fate, that they have lived together for centuries and would "live together in the centuries to come."[8] Mladen Ivanić, the member of the B&H Presidency in conflict with

4 Ibid.

5 http://www.standard.rs/politika.

6 http://www.politika.rs/sr/clanak/346723/Vucic-trazi-novu-krv-i-nove-ideje.

7 http://www.nspm.rs/sudbina-dejtonske-bih-i-republika-srpska/republika-srpska-%E2%80%93-religija-nad-ustavom.html?alphabet=l#yvComment145840.

8

Dodik, said, "As long as they are here, Serbs will be celebrating January 9. The Constitutional Court's decision only confirmed our need for celebrating this date."[9]

As an EU partner expected to act properly, Vučić managed to convince Dodik to withdraw his threat to negate the federal police and judiciary, and call a referendum on the issue. This implies that he would question the Bosnian federation no more. However, at the ceremony marking the anniversary (January 9) he said, "They should not even try to dismantle RS in legal proceedings. We proclaimed RS in peacetime, unfortunately shed blood defending it in the war suffering a heavy toll in human lives, and we shall defend it at all costs."[10]

Bosniak politicians and representatives of the Islamic Community responded strongly against the very announcement of the RS anniversary celebration. "It you recognize a state you should recognize its institutions, including the decision made by its highest court. Your arrival to Banjaluka, along with your complete cabinet, is actually your open response to this decision and your taking sides with Milorad Dodik, who says openly that he recognizes not this state and has been denying it for twenty years now," said Professor Esad Bajtal.[11] As for Professor Enver Kazaz, he noted that the Serbian government's attendance at the ceremony would implicitly legitimize the policy of war crimes as a major historical event.[12]

The US responded to the ceremony in Banjaluka. The US Embassy to Bosnia-Herzegovina appealed to RS authorities to make some adjustments so as that future commemorations would be in line with the Constitutional Court's decision. The Embassy also emphasized that the Constitutional Court's decisions were final and mandatory to all. "All participants in the anniversary celebration should refrain themselves from fueling nationalistic sentiments."[13]

## BOSNIA-HERZEGOVINA AND EURO-ATLANTIC INTEGRATION

The B&H Presidency announced that it would apply for the membership of EU in January 2016. President of the European Movement in Bosnia-Herzegovina Predrag Praštalo takes that B&H stands a good chance, mostly thanks to "some fair winds" from the international community. The EC report on Bosnia-Herzegovina had been affirmative.[14]

Professor Mirko Pejović of the Faculty of Political Sciences points out that the Dayton Accords imply B&H integration into EU, which presupposes "inner integration" and developed institutions – the latter presupposing reconstruction of the Dayton Accords. He argues that the so-called Bonn powers have not been used since B&H signed SAA with EU. On the other hand, he reminds that the High Representative is "the arch interpreter of the Dayton Accords and their annexes" and can decide, on behalf of UN and the international community, on the measures to be taken for the protection

9 http://www.oslobodjenje.ba/vijesti/bih/ivanic-sarajevo-mora-da-shvati-da-rs-ima-pravo-da-slavi-svoj-dan.

10 http://www.b92.net/info/vesti/index.php?yyyy=2016&mm=01&dd=09&nav_category=11&nav_id=1083358.

11 http://www.slobodnaevropa.org/content/vucic-u-banjaluci-na-dan-rs-prst-u-oko-bh-pravosudju/27445285.html.

12 Ibid.

13 http://ba.n1info.com/a76831/Vijesti/Vijesti/Ambasada-SAD-u-BiH-o-obiljezavanju-Dana-RS.html

14 http://www.slobodnaevropa.org/content/nve-prastalo-bih-ima-dobre-sanse-da-postane-kandidat-za-clanstvo-u-eu/27451739.html.

of peace whenever there is a threat to security, peace and human rights.[15]

Economic situation of Bosnia is bad – but even more dramatic in RS. This is why both Serbia and B&H are now more seriously moving towards EU. Regional cooperation is the main criterion of EU's strategy for the Western Balkans. Though leaders in the region are fully aware of it, it is hard to say for the time being how sincere they are in their orientation.

Speaking of relations between Serbia and B&H, Vučić stressed that Serbs, Bosniaks and Croats – living for centuries in these territories – could not do one without another in the future as well. It would be better for all, he added, should "some hotheads" understand this too.[16] "Alone, separated and quarreling, we shall have small and insignificant markets, dying economies and policies for the past rather that the future. In political terms, what we need is brotherhood and unity, but also a rational, responsible and close cooperation in all spheres from infrastructural project to joint presence at third markets."[17]

The regional cooperation Serbian leaders are speaking of prioritizes RS. But the emphasis on special relations with a specific member of the region, reminds Vladimir Gligorov, actually restricts regional cooperation.[18]

In RS the stances toward the Dayton Agreements were mostly unison: from the statements that the agreement had brought peace but an "unfinished" one, through those about B&H being "in frozen conflict," to arguments that B&H had never become an independent state because of the High Representative who had been disciplining Serbs as a rule.

RS President Milorad Dodik is the strongest advocate for a status quo. By calling for RS secession he has also keeping safe his office considering possible charges against him for corruption. He argues that Dayton had not only brought peace but also laid the foundations for development of the society and state in peacetime.[19] With his provocative policies he wants to demonstrate the weakness of the West's policy for Bosnia-Herzegovina. And Russia seized the opportunity by siding with him.

When it comes to the initiatives announced in B&H, analysts in RS are mostly arguing against the Bonn powers. One of them, Andjelko Kozomara, takes that the Bonn powers are solely meant for RS and that the role of the High Representative has become superfluous. B&H cannot move toward EU under the OHR protectorate, he says. The two things are incompatible – either the OHR or Bosnia's course to EU should be annulled. Now that EU opened its office, one cannot tell who is responsible for what and who is invested with more authority, he argues.[20]

Nenad Kecmanović, the dean of the Faculty of Political Sciences in Banjaluka, speaks of 60-odd "one-off" laws providing individual dismissals the High Representative has passed. In his view, this is about "systematic snatching of RS powers provided under the Dayton Agreement."[21]

Obrad Kesić, the head of the RS mission in Washington, says that US are not strategically interested in B&H since EU is now responsible

15 http://rs.sputniknews.com/analize/20151121/1101241214/Dejton-godisnjica-Incko-sporazum-BIH.html.

16 http://www.rts.rs/page/stories/sr/story/9/Politika/1886137/Vu%C4%8Di%C4%87%3A+Sna%C5%BEna+Srbija+-+jaka+Republika+Srpska.html.

17 Ibid.

18 http://pescanik.net/regionalna-saradnja/.

19 http://rs.sputniknews.com/analize/20151121/1101241214/Dejton-godisnjica-Incko-sporazum-BIH.html.

20 Ibid.

21 Ibid.

for the region. Serbs in RS, like in Serbia, consider themselves small and insignificant, and not in the position to struggle for their national interests; so, they are accepting everything they have been asked to accept, and see giving way as the best policy. However, he agrees with Dodik about the safeguard of RS and defense of national interests, which also implies conflicts over some vital ones. Conflicts, he says, do not mean a war, but one should be prepared even for war should someone else want to solve the problem by force of arms.[22]

## RUSSIA COUNTS ON EU WEAKNESSES

Following on the failure of the South Line project, Russia's strategy for the Balkans mostly aims at preventing EU and NATO spread to the Western Balkan countries. Montenegro invited to join NATO or EU trying to speed up integration of B&H and accession negotiations with Serbia – all this Russia interprets as the West's attempt to quickly establish control over the ex-Yugoslav republics not yet integrated into NATO. For Russia, neutrality is the alternative to Western Balkan countries' integration into Euro-Atlantic structures. Natalia Norochnicka of the Fund for Historical Perspectives says that Russia's and the West's goals in the Western Balkans were diametrically opposite. Once disintegrated Yugoslavia has become a "grey zone" to be integrated into Western structures. However, she adds, this goal has not been attained because "Serbs are obviously renewing their nationhood and state," which is why they have been under heavy pressure from the West that openly blackmails them.[23]

What should also be taken into account is that the once USSR was after implementing Yalta agreements in the Balkans, meaning Russian control over the biggest, East part of Yugoslavia, and leaving Slovenia and Croatia to the West's zone of influence. Russia's recently formulated, clear-cut strategy for the Western Balkans testifies of its revived ambitions. There is no doubt that Russia will be trying harder and harder to divide the Balkans into the Western and the so-called Russian spheres of influence. Jonathan Ale of the Royal Military Institute of Manitoba holds that to Russia Serbia is a key for being one of the biggest and most powerful countries in the Balkans – and as long as Serbia is not integrated into European structure it would be hard to say that the Balkans' can be a safe place.[24]

Hence, Russian officials and analysts have been speaking of the "Dayton solution" as a possible model of compromise between the West and Russia on the situation in East Ukraine. The "Dayton model" is seen as an efficient mechanism for "separating parties in conflict," in addition to laying constitutional foundations of a system. This means that partition of B&H was along the lines of its constitutional "reshaping" and adjusted to local conditions, all of which paves the road toward either unification or civilized secession. They have also been suggesting possible supplements such as, say, a more active mechanism of OSCE monitoring similar to the mechanisms used in the peace-building processes in South Caucasus.[25]

Dr. Nikita Bondarov of the Russian Institute of Strategic Research admits that the "Dayton creation" is dysfunctional but takes that any reconsideration of Dayton principles would

22 http://rs.sputniknews.com/intervju/20151222/1101962994/Kesic-sacuvati-republiku-srpsku-i-po-cenu-sukoba.html.

23 http://ruskarec.ru/politics/2015/12/30/narocnicka-ne-treba-verovati-zapadnim-obecanjima_556581.

24 http://www.autonomija.info/jonathan-eyal-rusija-nastoji-da-podijeli-balkan.html.

25 http://ruskarec.ru/opinion/2015/12/14/dejton-juce-i-danas_550541.

escalate the frozen conflict, turning it into yet another bloodshed."[26]

The same as it supports the Resolution 1244 for Kosovo Russia will be standing for the Dayton Accords in the case of Bosnia by exercising its right to veto in the UNSC, says Bondarov. Though it is hard to directly support RS, he says, Russia can make with it serious business deals and launch large economic projects – which is exactly what it is doing now.[27]

Jelena Guskova, who regularly comments on the Balkan issues, says, "Twenty years later, it is obvious that it was about an agreement enabling all but independence to RS…It has picked up economically and politically in the meantime…" All this, she argues, was mostly to be attributed to Milorad Dodik because in 2006 he put a stop to centralization of B&H (in line with the Dayton Accords) and its turning into a unitary state that can deny statehood nations the right to veto.[28]

Some Russian experts take that B&H sustains just on coercion from the outside. Ale Yaskova, the director of the Center for Mediterranean and Black Sea Region of the Institute for Europe, thinks it would "disintegrate" should the foreign control be removed. Boris Schmelov of the Foreign Ministry's Diplomatic Academy, shares her view. "As soon as the outside control – the one of EU – weakens, it is most probably that disintegration processes, and maybe a war too, would start again," he says. Therefore, he concludes, the Bosnian conflict can never be taken as finally solved.[29]

At the same time the official Moscow advocates the annulment of the office of the High Commissioner to be replaced by EU mission. Sergey Lavrov, the foreign minister, said the role of the High Commissioner was "destructive." He calls for the abolishment of the Commissioner's powers, arguing that citizens of B&H should agree on their own on a common denominator. "No one should impose on them partnership that doesn't suits all." Lavrov also reminds that the Dayton Accords provide the right to veto on all major decisions (such as, say, the membership of NATO) to all constitutive nations; however, EU takes that Muslims should be the nation the Bosnian state should rest on, but this is something it will not manage, he argues.[30]

## THE WEST'S STRATEGY

The years-long crisis in B&H affects not only its constitutive nations but also the international community, EU above all. The international community has installed a system that functions not and is, therefore, responsible for the paralysis of the Bosnian state. The Bosnian problem has been hibernated over the past couple of years while the international community was focusing on Kosovo's status. In this context, EU' energy for the Western Balkans has mostly been wasted on Serbia, as the main factor of regional stability. The Brussels Agreement and the fact that Serbia has obtained EU candidacy opened the door to new initiatives for Bosnia.

In the meantime, the situation of the international arena aggravated. The Ukrainian crisis drew once again the international attention to the Balkans and Russia's growing influence on it – mainly through its strong media presence. It was only recently that EU became concerned with Russia's reservations about the Balkans' speedier integration into EU, let alone its opposition to NATO enlargement.

26 http://ruskarec.ru/politics/2015/12/14/bosna-i-hercegovina-je-bomba-sa-odlozenim-dejstvom_550651.
27 Ibid.
28 Две деценије „Дејтона" http://ruskarec.ru/politics/2015/12/13/dve-decenije-dejtona_550381.
29 Ibid.
30 Ibid.

Judy Dempsey, the nonresident senior associate at *Carnegie Europe* and the editor in chief at Strategic Europe, announced long ago Russia's renewed interest in the Western Balkans. She wrote she expected "some sort of alarm" against the unfinished task in the Balkans, underlying inadequate attention paid to Moscow's most sophisticated media machinery. EU should change its attitude since this is also about a struggle for a value system – and the media are most important in that struggle. In her view, the Brussels Agreement between Belgrade and Prishtina, if implemented consequently, opens up new avenues toward regional cooperation. However, the situation of B&H is still crucial to regional stability. Status quo is not sustainable…If EU really wants to assist Bosnia's integration it should consider the German-British initiative as the right step in that direction.[31]

The German-British initiative insists on "implementation of socioeconomic reforms." Concrete reforms have not been defined yet: this is something Bosnian politicians should agree on in the months to come. However, the agreement cannot be reached unless a coordination mechanism is established. EU Report on B&H indicates that EU is aware of the necessity to get more actively involved. However, the criteria set for B&H could be best met in the course of accession negotiations.

EU builds its hope on Serbia, as it expects Serbia's progress towards it would speed up integration of the entire region. However, this is a somewhat risky approach: for, it is still uncertain whether Serbia will proceed along the course to Europe or shift toward nationalistic policy for the region – the policy Russia would strongly support.

## CONCLUSION AND RECOMMENDATIONS

If it truly wants to see radical changes, the international community must take a clear-cut attitude toward those holding back changes in B&H. Failed countries such as B&H can hardly mobilize the energy for changes on their own, even less so if having to cope with nationalistic aspirations of their neighbors. There could be no significant progress without EU's more active engagement.

The international context and Serbia's dilemmas about its priorities will largely determine its attitude toward Bosnia. Belgrade's stances on Bosnia, therefore, will considerably depend on EU-Moscow developments.

If truly determined in its course towards EU, the Serbian government can play a most constructive role in helping the international community to turn Bosnia into a functional state.

The Serbian government, especially Premier Vučić, should cope with the problems deriving from the recent past with more courage. Preventing the referendum in B&H cannot guarantee the end of the negative trend Milorad Dodik has been promoting. As longs as it denies facing up its responsibility, Serbia will have serious problems with regional normalization, especially normalization of relations with Bosnia.

In terms of economy Serbia should strike a balance in its relations with Bosnia by intensifying cooperation with the Bosnian Federation. In this context, the British-German initiative is a chance for the Serbian government to prove its ability for constructive mediation in RS.

31 Radio Free Europe, November 28, 2014.