

Bringing Bosnia Closer to Europe:
Can the EU Successfully Navigate the Nationalist Roadblocks?

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ABSTRACT

MARY CHAPMAN: Bringing Bosnia Closer to Europe: Can the EU successfully navigate the nationalist roadblocks?

(Under the direction of Dr. Robert Jenkins)

The international community (IC) has been present in Bosnia-Herzegovina for almost twenty years. Although many reforms were achieved during the first decade of the state-building process, and violence has almost completely ceased to be a potential threat to stability, Bosnia-Herzegovina is still far away from being able to function as an independent state. The Office of High Representative and subsequently European Union have taken measures to promote increased cooperation among the different ethnic groups as well as try to create a stronger central government with less power for the individual entities. Since 2006, these efforts at reform have only met with political stalemate. This essay argues that largely due to the long history of political nationalism in the RS, but also due to ineptitude on behalf of the international actors involved, that the European Union will be forced to soften its stance on its expectations of constitutional reform

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ABBREVIATIONS

BiH	Bosnia and Herzegovina
CEECs	Central and East European countries
DPA	Dayton Peace Agreement
EU	European Union
FBiH	Federation of Bosnia and Herzegovina
HDZ BiH	Croatian Democratic Union of Bosnia-Herzegovina
HDZ 1990	Croatian Democratic Union 1990
HR	High Representative
IC	International Community
ICTY	International Criminal Tribunal of Yugoslavia
OHR	Office of High Representative
RS	Republika Srpska
SAA	Stabilization and Association Agreement
SDP	Social Democrats
SDS	Serbian Democratic Party
SNSD	Alliance of Independent Social Democrats

I- Introduction

The international community (IC) has been present in Bosnia-Herzegovina for almost twenty years. Although many reforms were achieved during the first decade of the state-building process, and violence has almost completely ceased to be a potential threat to stability, Bosnia-Herzegovina is still far away from being able to function as an independent state. The Office of High Representative and subsequently European Union have taken measures to promote increased cooperation among the different ethnic groups as well as try to create a stronger central government with less power for the individual entities. Since 2006, these efforts at reform have only met with political stalemate, and the 15 month deadlock on government formation following the 2010 elections set the country back even further.

The international community negotiated the Dayton Peace Agreement (DPA) in Bosnia-Herzegovina as an agreement to end the fighting. The international community always believed that in the post-war period positions would soften and allow for revision of the Constitution. However, in the past 16 years, political progress in BiH has only been made through international intervention, not by cooperation of domestic politicians. Recently the IC has tried to step back and allow room for domestic politicians to reach consensus on their own. However, reaching political consensus in domestic politics has proven difficult for Bosnian politicians. Though the IC no longer tries to impose decisions by decree, it has still been necessary for leaders (such as Catherine Ashton from the EU) to enter into negotiations with domestic politicians to end stalemate or conflict. Moreover, domestic politicians have learned that

consensus can be reached, but it may come at the expense of a strong central Bosnian state. Increasingly, the IC's vision of a more unified central state with fewer powers for the entities is looking less likely, while the solidification of entity level governance is becoming the norm. This move has been led largely through the efforts of Republika Srpska (RS) politicians, and aided by the weak EU bargaining position to influence change in the country. On multiple instances, the EU has backed down from its original proposals under pressure from RS politicians who either threaten referendum or walk away from negotiations altogether. This behavior has led to the EU lowering its original standards/goals for BiH's progress, and as a result, the IC's vision of a stronger central Bosnian state may be lost.

This essay argues that largely due to the long history of political nationalism in the RS, but also due to ineptitude on behalf of the international actors involved, that the European Union will be forced to soften its stance on its expectations of constitutional reform. First, I will provide a brief background of the DPA and the current political environment of BiH. Next, I will discuss the EU's attempts to influence political change in BiH through the same process used in earlier rounds of enlargement. Finally, I will analyze how the Republika Srpska political leadership has capitalized on Bosnian Serb nationalism within the RS and the weak bargaining position of the European Union to stall reform and will continue to do so to prevent the RS from losing more autonomy to the central government and potentially regain some that has been lost.

II- Background

The Dayton Peace Agreement was signed in December of 1995. Under the agreement, two entities were recognized, the Republika Srpska (RS) and the Federation of Bosnia-Herzegovina (FBiH). The RS (majority Bosnian Serb) received 49 percent of BiH territory, while the FBiH

(majority Bosniak (Bosnian Muslim), with a Bosnian Croatian minority) received 51 percent of the territory. The agreements were designed to end the fighting and therefore are a very complex system of less than desirable institutions by IC standards, stratified along ethnic lines and due to the highly complex nature very expensive and very corrupt. The Federation alone has three levels of government, 13 prime ministers and 14 legislatures. There is a central government, however, sixteen years later it still remains weak. The majority of the power is with the two entities of the RS and FBiH, as well as the 10 ethnically divided cantons, which make it difficult for the country to operate efficiently (Chivvas, 2010, p. 49).

The international community created the Office of the High Representative (OHR) and appointed a High Representative (HR) to oversee the political progress of the country immediately after the war. Under the Bonn Powers, the HR was given immense power over BiH political institutions, allowing him to dismiss members of government and push through necessary reforms that were being held up due to the political fragmentation (Tirak, 2010, p. 3). The international community had hoped that as tensions from the war eased, the country would be able to overcome its ethnic divides and move towards a more unified cooperation. However, ethnic tensions have become more entrenched and the power of the HR has created a dependency by relieving Bosnian politicians of the responsibility to negotiate and compromise. During Paddy Ashdown's term as HR in particular, the OHR forced many decisions through the government and essentially fulfilled the BiH government's responsibilities, which "created an atmosphere in which politicians were able to advocate inter-ethnically uncompromising political stances without fear of being blamed for negative actions by their electorates" (Tirak, 2010, 7). The OHR has largely been limited to reversing previous decisions in the past few years. Yet its closure is still being used, though unsuccessfully, as an incentive for reform.

The past several years, Dodik and other RS politicians have increased calls for the closure of the OHR, calling its existence “undemocratic.” Though the OHR does little these days, closing it before BiH makes the necessary reforms could further legitimize Dodik’s nationalist rhetoric and further weaken the IC’s bargaining power. As the RS continues to harden their nationalist position, the eventual creation of a stronger central Bosnian government becomes increasingly less likely to happen.

The next section will look at the 2010 elections and subsequent stalemate. It will discuss how it has further stalled progress on reform efforts and the final outcome of the negotiations that led to the eventual government formation.

III- 2010 Elections and Stalemate

The October 2010 elections resulted in a win for the moderate multi-ethnic party, the Social Democrats (SDP) in the Federation of Bosnia Herzegovina (FBiH) and the hardline nationalist party, Alliance of Independent Social Democrats (SNSD), in the Repulika Srpska (RS). Due to the fact that they both won a similar proportion of the vote at the state level, forming a central government was predicated upon the two sides cooperating and a majority vote across ethnicities. Thus attempts to form a government were thwarted for fifteen months. This section will further explore the results of the 2010 elections, the subsequent deadlock and resolution, and what it means for the viability of the Bosnian state.

The victory of moderate Bosniak and nationalist Bosnian Serb parties in the 2010 elections complicated efforts to form a central level government, resulting in a 15 month deadlock of all central government activities. Under Bosnian law, the Prime Minister of Bosnia-Herzegovina must receive the support of two-thirds of lawmakers from both of Bosnia’s

constituent entities (IHS Global Insight, 2011, p. 2). The nationalist SNSD has been pursuing a strengthening of entity level autonomy, while the SDP is demanding greater centralization through the Constitutional reform process. The FBiH has experienced conflict forming its entity government, with the SDP victory contested by the two main Bosnian Croat parties who have increased their demands for a third Croat entity to be created. Meanwhile, the Bosnian Serb entity escaped the government formation problems experienced at the central and federation level, with the SNSD leading a new coalition. (IHS Global Insight, 2011, p. 3).

The SNSD and the SDS have agreed to form a bloc in the federal parliament giving them control of 12 of the 42 seats. The core of the party's alliance will be to reject constitutional changes which would seek to transfer more authority to the central level at the expense of the entities. They have also agreed to focus their efforts on obtaining the closure of the OHR. Disputes between the SDP and main Croat parties, the HDZ BiH and HDZ 1990, proved to be a hindrance to government formation as well. The Croat parties at first resisted the endorsement of an SDP-led coalition (despite the SDP Croatian presidential candidate winning 60 percent of the vote) (IHS Global Insight, 2011, p. 26). The HDZ BiH and HDZ 1990 rejected the legitimacy of the SDP coalition government on the grounds that it did not contain any representatives from the "true Croat parties" resulting in allegations that the SDP had "violated the ethnic stipulations in the constitution" (IHS Global Insight, 2011, p. 26).

One of the main points of contention in negotiations was the position of the Prime Minister, the collective head of the BiH government. While SDP leaders argued that as the winning party they should hold the position. Croat nationalist leaders cited the principle of rotation to argue that it was the "turn" of a Croat to chair the council. The HDZ and HDZ 1990

have gained the support of Dodik, who has portrayed the case as another example of “Bosniak majoritarian aspirations” (Toal & Maksić, 2011, p. 286).

At the end of 2011, Bosnian politicians finally agreed on the formation of the new government. The agreement was finally decided upon after four separate attempts to reach a compromise between the parties. The end result was a government of 10 ministers: 4 Bosniak, 3 Serbs, and 3 Croats, and the prime minister to be appointed by the HDZ (Jukic, 2011). The newly appointed Prime Minister, Vjekoslav Bevanda has stated that moving the country closer to the EU is his main priority. In addition to adopting a state budget, progress has already been made by passing the State Aid Law and Census Law, two requirements the EU has named in order to be considered ready to apply for EU membership.

Dodik has used the 15 month stalemate at the state level to give credence to his claims that the RS would function better without BiH. BiH’s state-level institutions appear to be dysfunctional, whereas the RS seems to run more smoothly (Toal & Maksić, 2011, p. 287). This claim, of course, ignores the fact that instability within the BiH state is in a large part due to lack of cooperation, particularly on behalf of the RS. The next section will discuss EU reform efforts in BiH, why they have been unsuccessful, and Bosnia’s current progress towards fulfilling the EU criteria for accession.

IV- EU Reform Efforts: The failure of conditionality in BiH

The European Union established the strength of imposing conditionality during the accession process of the Central and East European countries (CEECs). The EU has tried to use similar methods in Bosnia and the Western Balkans, though without the same level of success. The following section will define the attempts made by the EU to ready Bosnia for EU membership,

where the EU has succeeded and failed, why the EU has failed and finally what reforms the EU is still pushing in order to begin the accession process.

CEEC enlargement in the 1990's-2000's centered on diffusion of three general norms: democratic governance, human rights, and free market economies. The success of the model of conditionality the EU used in these countries was based on rational politicians in a competitive political system (Vachudova, 2009). In this context, politicians made choices based on a cost-benefit analysis where voters punished them for not moving their country towards EU membership. In contrast, the focus of enlargement efforts in BiH has been the building of state-level institutions and unifying the police and defense sectors between the two entities. This process is happening in a very uncompetitive political system, where nationalist parties are still dominant, and people largely still vote based on ethnicity, not ideas and policies (Aybet & Beiber, 2011, p. 1912). This set of circumstances has combined with a willingness on the part of international actors to apply changing conditions once domestic politicians were unwilling to comply with reforms. This process has led to a situation where EU conditionality that was so effective in changing domestic politics in the CEECs will be inadequate for meaningful reform in Bosnia.

Schimmelfennig and Sedelmeier argue that the likelihood of adoption of EU rules is dependent on four criteria: the determinacy of conditions, the size and speed of rewards, the credibility of threats and promises, and the size of adoption costs (Schimmelfennig & Sedelmeier, 2004, p. 664). In Bosnia-Herzegovina, none of these conditions are adequately met to produce the reform needed through pressure of conditionality.

The “determinacy of conditions” refers to the “clarity and formality” of a rule the EU wishes the candidate country to adopt. Schimmelfennig and Sedelmeier posit that the clearer a rule is, and the more “legalized” it is, the more likely a candidate country will adopt it because it provides a clearer path for target governments to know exactly what to do to receive EU rewards, and it enhances the credibility of conditionality by making it difficult for the EU to withhold the reward if the required criteria has been fulfilled (Schimmelfennig & Sedelmeier, 2004, p. 664). Due to the nature of the Bosnian conflict, the EU has not only required more steps for accession than for any other enlargement round, but insists on reforms that do not have a clear path such as moving towards a system of “consensus politics” (Vasilev, 2011, p. 52). Consensus politics is a means by which leaders demonstrate that they “are capable of engaging constructively with one another before their country is considered for promotion to the next stage of accession” (Vasilev, 2011, p. 53). Political consensus should be demonstrated through mechanisms such as “political dialogue” and “constructive inclusive dialogue” of all groups involved. Not only is this requirement extremely vague, but it is also extremely difficult in such a deeply divided society as BiH. In its criticism of Bosnia’s progress the 2009 Progress Report of the European Commission stated that it was the “deterioration of the ‘domestic political climate’, along with the presence of ‘inflammatory rhetoric’ among politicians” that was hindering progress (Vasilev, 2011, p. 54). The requirement of “consensus politics” asks much more of domestic politicians than simply passing a few laws that harmonize domestic policies with EU policies. It is asking politicians to completely change the way politics has functioned in BiH in the past twenty years and offers them no concrete means by which to do so without occurring tremendous costs with their electoral bases. These requirements create problems with “clarity and formality” because there

is no clear path for forcing domestic politicians to work together more harmoniously. Thus determinacy of conditions is not present.

The next criteria, “size and speed of rewards,” is also problematic in BiH. The longer the time distance to the payment of rewards (accession), the lower the incentive to comply quickly (Schimmelfennig & Sedelmeier, 2004, p. 665). In BiH, politicians and citizens perceive EU membership as something far in the future for a number of reasons including perceived enlargement fatigue and the difficulty of reforms still needed in order to begin accession negotiations. Public opinion in the EU has turned decidedly against further enlargement because of worries about immigrants, jobs, and other social conditions within the EU. Outsiders viewing this phenomenon via the television or newspapers could see it as a discouraging sign about their prospects of future inclusion. The belief that EU membership is a far-off reward can be best demonstrated by Milorad Dodik who has been quoted as stating, “Bosnia has never been in the EU, so it can continue to not be in the EU for a few years (Vasilev, 2011),” underlining his lack of willingness to compromise on reforms in order to make accession negotiations proceed quickly.

A third consideration is the “credibility of conditionality,” meaning the “credibility of the EU’s threat to withhold rewards in case of non-compliance and, conversely, its promise to deliver the reward in case of rule adoption” (Schimmelfennig & Sedelmeier, 2004, p. 665). The EU has trouble withholding rewards in the case of non-compliance. For example, the Stabilization and Association Agreements (SAA) were the first step for the Balkan countries on the road to EU membership. These agreements/negotiations had to be completed (without interference from the OHR) in order to be considered for the next step, accession negotiations. The primary requirement the EU asked of BiH in order to get their SAA signed was police

reform. Negotiations lasted several years on this topic, yet reforms were never agreed upon. Finally in 2008, an agreement on police reform was signed by all parties. However, the actual reforms have still not passed into law due to institutional deadlock. The SAA was signed regardless in June 2008.

The EU stated that three criteria must be met in order for police reform to be compatible with EU standards: “the relocation of budgetary and legislative decisions on police matters to the state level from their current entity level; the redrawing of police districts on technical as opposed to political grounds; and the elimination of political interference in matters of policing” (Vasilev, 2011, p. 58). The implementation of these criteria would be the basis for granting BiH’s SAA, signaling their first step towards European integration. These criteria were also seen as key measures in order to reduce RS capacity to continue harboring war criminals and obstructing refugee return.

Shortly after negotiations began, they were stalled. At the time, all three parties were dominated by strong nationalist leaders with uncompromising positions. Nationalist leaders believed that maintaining a hard-line position was more beneficial than even moving towards EU membership. Dodik in particular believed giving up the RS police force was not worth the SAA, even once stating that his position on reform would not change “even if that means giving up SAA negotiations” (Vasilev, 2011, p. 59). During negotiations, Dodik would not accept the abolition of the entity-based police forms and the creation of police regions which cut across ethnic lines. Even with the OHR pressure, the RS was only willing to make weak concessions, which left out the most contentious issues, such as the degree to which police regions would cross the interethnic boundary. Throughout this period, the EU imposed several deadlines

throughout the negotiation process which came and went with consequences (Aybet & Beiber, 2011, p. 1924).

After multiple failed attempts for negotiations, in October 2007 the High Representative, Miroslav Lajcak, imposed a new voting procedure for the state Council of Ministers which required the Parliamentary Assembly to simplify the voting procedure in order to prevent blockages by absenteeism. This procedure was meant to end the delays in implementing police reform, but became the first major challenge of the OHR by Dodik. In response to the HR decision, the Bosnian Serb Prime Minister, Nikola Sprić, resigned in protest, paralyzing state institutions. Eventually the HR negotiated with Dodik to weaken the original imposition (Aybet & Beiber, 2011, p. 1924).

The package passed in April 2008 achieved few of the original goals of police reform set out in 2004. The package established a new, largely symbolic, policing body at the state level, which would only assume real powers after the completion of constitutional reforms. Linking police reform to the larger package of constitutional changes ended all efforts to engage in state building through police reform as well as presented another obstacle for concluding constitutional reforms by establishing a disincentive for the RS to engage in constitutional changes (Aybet & Beiber, 2011, pp. 1924-25).

In the area of police reform the EU was unsuccessful because it “lacked commitment, clear standards and technical know-how” to push through the necessary reforms (Aybet & Beiber, 2011, p. 1918). There were no previous policies on policing in the *acquis communautaire* to which the EU could refer and there were no clear EU standards in the field that the EU could evoke, each country in the EU has its own standards for policing (Aybet & Beiber, 2011, p.

1923). The inability of the EU to bring about its desired outcome and its decision to sign the SAA anyway has seriously weakened the EU's credibility in use of its conditionality. EU willingness to compromise in the face of resistance has also led Dodik to realize that the international community needs Bosnia's progress more than the domestic politicians and encouraged his use of inflammatory rhetoric to strengthen his demands.

Another problem with EU efforts at reform in BiH is the scope of the reforms desired. The EU has focused on governance reform and strengthening state-level institutions, something strongly opposed by RS leadership. Focusing on functional and political requirements for EU membership has meant extending the requirements for Bosnian institutions beyond the implementation of the DPA (Aybet & Beiber, 2011, p. 1920).

Finally, veto players and adoption costs also have played a role in the unsuccessful use of conditionality in BiH. Due to the many layers of government in the BiH political system, there are many veto players in the institutions that require reform for EU membership. As a result, there are many different and conflicting interests at stake that make negotiations even more difficult. Additionally, the hard-line ethno-nationalist stances currently blocking reform have been shown to reap large rewards for the politicians using them. Thus far, the EU has not been able to make membership more attractive than the continued use of hard-line nationalist stances for politicians. Political leaders involved in the reform process continue to perceive the value of EU membership as lower than the value of maintaining the status quo (Vasilev, 2011, p. 58).

Current Progress Towards Membership

Since the failure of police reform, the EU has outlined three things that Bosnia must do in order to be considered eligible to apply for membership: adopt a law on State Aid, hold a new census, and change the constitution to allow minorities (citizens who do not identify as Bosniak, Serbian or Croatian) to hold high level political offices. On February 3, 2012 the Bosnian parliament finally succeeded in passing the State Aid Law, which regulates the “conditions for assigning, control, implementing and the return [of] misused budget money in the country” (Jukic, 2012e). Parliament also agreed to hold a census in 2013, the first since the beginning of the war in 1991. Knowing the actual population of the country and how it is divided ethnically will have implications for how political power sharing is divided (Jukic, 2012a). The third remaining requirement, constitutional reform allowing minorities to run for public office, is likely to take time. A recent deadline of March 12, 2012 was issued and missed. A previous deadline of November 30, 2011 had already been missed due to the inability to form a government (Jukic, 2012b).

However, there are still many reforms needed before Bosnia will be allowed to join the EU. First and foremost, the OHR must be closed. As long as the OHR remains open, Bosnia is still considered an “international protectorate” and thus ineligible to be an EU member state. Closure of the OHR has already been pushed back several times since 2008. There are several outstanding requirements for OHR closure, property reform and final determination of the status of the Brcko district being the two largest (OHR). Additionally, the EU has other economic, political, and institutional criteria that Bosnia must meet in order to be compatible with EU standards and the *acquis*.

Constitutional reform, including the streamlining of governance structures and the simplification of the tripartite presidency, is still one of the most pressing and controversial issues Bosnia must tackle. In 2006, Bosnian Jewish official Jakob Finci and Roma official Dervo Sejdic sued Bosnia in the European Court of Human Rights on the basis that they were ineligible to run for president or parliament in Bosnia due to their ethnicity. The Court ruled in their favor in 2009, thus Bosnia must change its Constitution in this area to be eligible for membership (Alic, 2010). Additionally, the IC is pressuring for the creation of a new constitution that would move power from the entities to the central government, progress to date has been almost non-existent (IHS Global Insight, 2011, p. 27). Lack of progress is largely due to RS opposition to any further centralization of existing entity powers, and a desire to return to the original DPA. Thus, they will only agree to weak changes that are insufficient to provide any real reform.

Constitutional reforms were initially agreed upon in 2006 when leaders of major parties gave in to strong international pressure, but delayed after Bosnia's parliament rejected the reform proposals. The delays have cast doubt on the country's commitment to the process and its ability to function without international intervention. The reforms were first blocked by Bosniak and Croat deputies, on the basis that they were inadequate for solving the problem of ethnic divisions in the country. Recent proposals for reform have also been met with hostility by the main ethnic stakeholders, highlighting the level of ethnic division in BiH (IHS Global Insight, 2011, p. 3). For the foreseeable future, Bosnia has much to accomplish, and progress is moving slowly.

The withdrawal of pressure from the OHR combined with the EU's inability to leverage conditionality for change has weakened the IC's bargaining position for reform in BiH. This position is further weakened by nationalist leaders in all three ethnic groups who capitalize on

division of the three groups. Bosnian Serbs have presented the largest challenge. This group has the most to lose through cooperation with the IC agenda, has a well-organized and united leadership, and has the most to gain by being uncooperative. The next section will look at the RS political leadership since the war, Bosnian Serb nationalism, and how these factors contribute to the lack of reform in BiH.

V- Politics in the Republika Srpska

When the war ended, RS politics was dominated by the Serbian Democratic Party (SDS), Radovan Karadzic's nationalist party. This legacy has been continued by the new dominant RS political party the Alliance of Independent Social Democrats (SNSD). Since 2006, politics in the Republika Srpska has been dominated by the nationalist SNSD led by Milorad Dodik. Dodik was prime minister of the RS from 2006-2010, and won election as RS President in the 2010 elections. His recent involvement in Bosnian politics has been characterized by nationalist rhetoric and hardline positions which have received strong support from his Serbian constituency and undermined efforts towards increasing cooperation from the international actors in BiH. This section will examine the history of Serb nationalist leadership in the RS from the end of the war until now, the problem of Bosnian Serb nationalism, and other factors influencing the Bosnian Serb desire for self-rule.

Post-War Politics in the RS

The first RS government was led by Radovan Karadzic and his war-time party, the SDS. Karadzic was later indicted for war crimes, however, his party has remained influential throughout the post-war period, and was the largest party in the RS until the SNSD gained victory in 2006. In fact, in the post-war period, the SDS was so powerful that it had practically

established one-party rule in the RS. Its main policies/goals were initially to block implementation of the DPA. However, once this proved impossible it moved towards a position of strong support of the DPA in order to prevent a further dissolution of entity level powers (Bieber, 2006, p. 77).

Since the end of the war, “the position of Serb politicians has always been one of seeking further dissociation from the rest of the country, a desire that has been stoked by a fear of being dominated via majority rule in a Bosniak-controlled state” (ICG, 2009, p. 8). The desire for further dissociation was evident through lack of cooperation with the international community’s agenda as well as with domestic politicians from other ethnic groups by the SDS throughout its term in power. Examples include lack of cooperation with the International Criminal Tribunal of Yugoslavia (ICTY) as well as attempts to block refugee return. Throughout Bosnia, refugee return has had mixed success, however, it has been least successful in the RS due to a “clear intent of preventing a reversal of the population structure to a more diverse society where Serbs could lose their political, social and economic dominance” (Bieber, 2006, p. 113).

In 2003, the IC had appointed a new High Representative, Paddy Ashdown, who took a heavy-handed approach towards reform in Bosnia, forcing many decisions through parliament and dismissing officials who obstructed progress. In 2004 Ashdown dismissed around 70 officials in the Serb Republic within a few days, including the president of the RS parliament (Bieber, 2006, p. 85). This move was justified due to continued obstructions of the DPA and the lack of cooperation with The Hague in bringing war criminals to justice as well as Bosnia’s failure to join NATO’s Partnership for Peace Program for the second time (Belloni, 2007, p. 93).

The threat of holding a referendum on RS independence has its origins with the SDS, usually in response to any aspect of reform that took powers away from the entity level (Toal & Maksić, 2011, p. 284). Threatening a referendum first arose in 2003, in response to defense reforms (consolidation of the armies) required for Bosnia to join NATO's Partnership for Peace Program.

Dodik and the SNSD

Dodik originally emerged in Bosnian post-war politics as a moderate alternative to the more hard-line SDS. He founded the SNSD political party in 1996 and was elected Prime Minister of the RS in 1998. Through Dodik's leadership the RS was able to secure \$5 million in emergency funding and promised \$45 million more in project aid in return for cooperation with the international community and their state-building objectives. During this short time, RS politics adopted a more conciliatory approach to the reforms the international community desired to make. His cooperation secured the abovementioned funding that saved the RS from economic collapse and failure. However, throughout this period he was vilified as a "foreign stooge" and discredited for his cooperation. His government only lasted one term, losing the 2000 election. Dodik received only around 10 percent of the vote in spite of what he had achieved for the RS (Toal & Maksić, 2011, p. 283).

After this experience, Dodik devoted considerable energy into modernizing his party and turning it into the hard-line nationalist party that is visible today. He returned to power in early 2006 after a vote of no-confidence in the SDS coalition government. In the 2006 elections he adopted strong nationalist rhetoric in his campaign. His government was confirmed in the October 2006 elections by a landslide victory, with more than 60 percent of the votes cast.

During this period, Paddy Ashdown had been replaced as High Representative by Christian Schwartz-Schilling, who adopted a less intrusive position than his predecessor had taken. The EU was taking over from the OHR as the main international actor and was attempting to bring about constitutional reform and police reform in Bosnia without OHR intervention. Shortly after the vote of no confidence which brought Dodik into power, a constitutional reform package, known as the “April package,” was introduced for adoption. Dodik originally supported the April package, but it was blocked by party of the Bosniak member of the tri-partite presidency, Haris Silajdzic. Silajdzic took a hard-line stance towards all negotiations involving constitutional reform. His position was that the RS should be abolished and become part of the central Bosnian state. His leadership was characterized by inflammatory rhetoric, which only served to further distance the RS leadership and RS population. In response, Dodik began to threaten an RS referendum on independence. His unwillingness to compromise with the IC’s agenda earned him even greater popularity within the RS, making the SNSD the largest political party in the RS, and has been characteristic of his leadership ever since (Toal & Maksić, 2011, p. 283).

As Dodik’s power grew, so did his confidence in defying the international community and blocking efforts at compromises at the central level. Dodik soon began baiting Bosniak politicians and international officials by making provocative claims. In one instance he referred to a 1995 mortar attack that took place in Tuzla, killing 71 people, as a “set-up” by Bosniak forces to gain sympathy and trigger NATO intervention, as opposed to an attack carried out by Serbian forces, the generally accepted version of events (Vasilev, 2011, p. 59).

Since 2006 Dodik has built his career on repeatedly challenging the authority of the international community and trying to regain the entity level powers in 56 different competencies

that had been lost to the central government (Champion, 2010). In May 2009, the RS Assembly adopted a set of conclusions which challenged OHR authority and accused it of violating Bosnia's constitution. The resolution called for an end to the use of OHR powers, and a reversal of all its previous decisions regarding dismissal of officials and transfers of certain responsibilities from the entity to state level. Then High Representative, Valentine Inzko first attempted to negotiate with RS leadership, but eventually used his governing powers to "abolish" the resolution (Latal, 2009). This caused a rift between the OHR and the then EU foreign policy chief, Javier Solana (who opposed the imposition of OHR power) and highlighted the weakness of the declining OHR. In the past several years, though the OHR has not yet been closed, the majority of rulings made have been reversals of bans on particular politicians from holding office, many from the RS.

Recently, in June 2011, Dodik again called for another referendum. This time, he proposed asking RS citizens "Do you support laws imposed by the High Representative in Bosnia, in particular the laws on Bosnia's state court and prosecution?" (Hadzovic, 2011). The move came as a result of Dodik's opposition to Bosnia's state court, claiming that it is "biased against Serbs." His ultimate goal being to gain back authority for the RS entity level court. Dodik withdrew the call for referendum after meeting with EU foreign policy chief, Catherine Ashton, who promised "structural dialogue" on reforming the judicial system in Bosnia in exchange (Hadzovic, 2011). However, this was not the end of the debate on the judiciary. In January 2012, the SNSD backed by the SDS said they would send an initiative to state parliament to abolish the state-level court and prosecutor's office in favor of strengthening the entity level courts. The threat came in response to a state level decision to dismiss a war crimes case in which Bosnian Serbs were the victims (Jukic, 2012c).

Dodik has on numerous occasions called the creation of BiH a “mistake.” He has said that “Serbs want to secede, though peacefully” and until that happens, ethnic Serb legislators sent to the country’s parliament in Sarajevo after the election “won’t be very interested in building up Bosnia. It isn’t our policy” and “one day everyone will just see [Bosnia] has failed and when everyone understands that there will no need for violence” (Champion, 2010). Some Westerners have agreed with this assessment, including Ted Galen Carpenter from the Cato Institute and former US Ambassador to Serbia William Montgomery. They cite impotence of the central government, the weakness of economic development and persistent ethnic tensions as reasons why the US and EU should withdraw their objections to further partition of the country (Toal & Maksić, 2011, p. 287). However, further partition would have other implications in terms of the Croats demanding their own entity as well as general regional concerns involving other ethnic groups with secessionist aspirations. These potential side-effects of partition leave the international community uneasy about talk of partition, and have proven an effective bargaining strategy by the RS politicians to get what they want, a continued high degree of independence from the state level.

I believe that Dodik is merely using the threat as a political tool and has no intention of actually pushing for partition. Toal & Maksic argue that Dodik understands that “pursuing a referendum is a politically risky move that would jeopardize his accumulated wealth and political power” and that it would be irrational for him to pursue it (Toal & Maksić, 2011, p. 289). However, he has aptly perceived the desperation of the international community to keep Bosnia in one piece and is successfully leveraging that desire to win political battles for the RS. He is merely carrying on the tradition of nationalist Bosnian Serb politicians that came before him. Unfortunately, his rhetoric has implications for Bosnian Serb nationalism beyond his term

in office. He enjoys a high degree of popularity within the RS which speaks to the population's desire to maintain dissociation from a central Bosnian state. The next section looks at Bosnian Serb nationalism in the RS and how it could further affect the reform process beyond Dodik's term in power.

Nationalism in the RS

Nationalism is a highly contested term and can have a variety of different meanings depending on the context within which it is being used. One common definition of nationalism is "the attitude that the members of a nation have when they care about their national identity, and/or the actions that the members of a nation take when seeking to achieve (or sustain) self-determination" (Miscevic, 2010). This definition in turn raises questions about the concept of a nation (or national identity). A nation can usually be defined in terms of common origin, ethnicity, or cultural ties, and is typically voluntary (Miscevic, 2010). The definition of a nation can be differentiated from the definition of a state by whether or not the nation has complete political control over a defined set of territorial boundaries. Nationalism in itself is not necessarily a disruptive influence in the internal political system of a state. However, through the mobilization and exploitation of nationalist characteristics, it can be used as a means of rationalizing disharmony within a state and encouraging desires for statehood (Haas, 1986, p. 708).

Maiz argues that a nation should not be considered as something that is pre-determined or inevitable, but that "the nation itself is the dynamic and open-ended outcome of a complex process of political and social construction that takes place in certain cultural, economic and political contexts due to the pressures of nationalism" (Maiz, 2003, p. 196). Thus nationalism

does not necessarily arise from a pre-existing nation, but a nation can be formed due to the processes of nationalism. The formation of a nation can be done through the existence of three pre-requisites among a community: distinguishing ethnic preconditions, the necessary political opportunity structure, and political mobilization (Maiz, 2003, pp. 196-197). All three of these factors became characteristic of the Republika Srpska when Slobodan Milosovic began the political mobilization of the 1990s that sparked the Bosnian Civil War and still persist today.

Maiz states that ethnicity is the “dynamic result not only of a process of selection or rediscovery, but also of political and intellectual production, emerging from the same cultural and political mobilization that defines the objectives as well as the criteria for community ascription” (Maiz, 2003, p. 197). The primary difference among the three groups was and still is religion, which was de-emphasized prior to the war during the communist period because of communism’s atheistic nature (Oluic, 2007, p. 82). All three communities lived together peacefully in the common nation of Yugoslavia in the Republic of Bosnia. Inter-ethnic marriage was common and most communities were ethnically mixed. All were citizens of the Republic of Bosnia and the Federation of Yugoslavia, and thus had equal treatment before the law. Past histories, languages, cultures, religions existed and were recognized, but were not emphasized as everyone was treated equally regardless (Sarajlic, 2010, pp. 4-6). However, the war emphasized and hardened the differences such as religion, language, and historical backgrounds between the three ethnic groups. The international community has attempted to address the persisting ethnic cleavages, though unsuccessfully. There persists a strong mentality of “us” vs. “them” which inhibits the creation of a “Bosnian” identity, particularly in the Serb Republic where their quest for statehood has been somewhat rewarded through the creation of their own entity within BiH.

Similarly, the political opportunity structure has remained due to the nature of the Dayton agreement which allowed the two entities a strong level of decentralization from the central Bosnian government. Maiz argues that the appropriate political opportunity structure is encouraged by “the politicization of national differences” through “political decentralization” (Maiz, 2003, p. 196). Most importantly the political opportunity structure is advanced through the “institutionalization” of ethnicity and “policies and regulatory strategies” applied specifically to resolve ethnic conflicts (Maiz, 2003, p. 201). The Dayton Agreement was an imperfect solution designed specifically to end an ethnic conflict, and as a result created institutions that institutionalized the ethno-nationalist divisions that occurred during the war. In order for this factor to change, constitutional reform is needed. Negotiations on reform have been in progress, but have had little success.

Finally, political mobilization for nationalism has remained strong ever since the beginning of the war. The international community tried to promote more moderate parties in the RS with little success. In the 1998 elections, Dodik campaigned on a moderate platform the first time he ran for office, and was voted out by a huge defeat in favor of a more nationalist candidate. The problem of voting along nationalist lines has never been resolved. According to Maiz, this “establish[es] the active existence of the nation as an undeniable political fact with a broad social base by building on shared national interests and specific objectives of self-government” (Maiz, 2003, p. 197). Perry states that “in the absence of political parties based on issues and ideas, the simple idea of nationalism or tribalism can be the easiest populist message to send, particularly in rural areas” (Perry, 2009, p. 39). Nationalism as a populist message has been used throughout Bosnia over the use of ideas and issues. While over time more moderate Bosniak parties have made progress in the political sphere, hardline nationalist parties among

Bosnian Serbs and Bosnian Croats continue to be prevalent and as seen in the previous discussion on Constitutional reform have a strong influence in political outcomes.

Through ethnic preconditions, the political opportunity structure and political mobilization RS citizens have solidified a Bosnian Serb nation and enjoy their own mini-state (the RS entity). It is this mini-state of their own nation to which they feel loyal, not something they share with the central Bosnian state. In order for Bosnia to work as a state, loyalties to some extent must shift to the central government. While it may not be required for RS citizens to feel solely loyal to the central state, they at least need a minimum level of commitment in order to feel it is worth saving (making the necessary reforms) at the expense of a more autonomous RS or unification with Serbia. Currently, only Bosniaks have a strong connection with the central state.

Other Factors Contributing to RS Nationalism

The persistence of political parties based on ethnicity is only one of the factors perpetuating Bosnian Serb nationalism in the RS. There is also a strong perception among the population that the RS government is better equipped to take care of its population than the central Bosnian government or FBiH government. This perception is demonstrated both through real statistics, and mere perceptions among the general population.

For instance, official unemployment rates are higher in the FBiH than in the RS. According to the USAID 2011 Report on Bosnia-Herzegovina, in the FBiH total male unemployment is at 27 percent and female unemployment is 29 percent; compared to the RS with a male unemployment rate of 22 percent and female rate of 29 percent. This difference is more pronounced among youth, with the male youth unemployment rate at 58 percent and the

female youth unemployment rate at 68 percent in the FBiH compared the RS with a male youth unemployment rate of 46 percent and female youth unemployment at 47 percent (USAID, 2011, p. 5).

Furthermore, public perceptions of basic public services (including education, police and security, health services, roads and bridges, social assistance, public transport and garbage collection) are perceived to be of lower quality in the FBiH than in the RS. The most significant gap is the perception of the education system; 35 percent of citizens in the FBiH perceive their public education to be of poor quality compared to 16 percent of citizens in the RS. Also significant is the perception of police and public security. Only 11 percent of RS citizens believe their police to be of low quality compared to 25 percent of FBiH citizens (USAID, 2011, p. 7). This perception of low policing quality in the FBiH could have a significant impact in the area of police reform, one of the many ongoing debates within BiH, by making it even less attractive for the RS entity to give up control of its independent police force.

In economic terms, the RS has managed to be more successful than the FBiH because it faces fewer institutional blockages, being relatively ethnically and ideologically homogenous. For example, the RS has been able to maintain a high level of privatization in contrast to the FBiH. The RS has sold over 70 percent of state owned capital slated for privatization, and maintained close ties with Serbia, which has further aided in the economic development of the RS (IHS Global Insight, 2011, p. 57). Dodik raised more than \$818 million for projects in the RS through the sale of just the telephone company and oil refineries (Champion, 2010).

All of these factors contribute to the arguments of nationalist politicians that the RS is better off with its own self-government than cooperating in the strengthening of the central

government. Though it ignores the fact that the central government is largely ineffective because of lack of cooperation, not through an inherent desire not to provide for its citizens, this fact is often overlooked in political dialogue.

Why is RS dissent more important than Bosniak/Croat?

When Dodik returned to power in 2006, it was unfortunate for the Bosnian state that the Bosniak Presidency was held by an ultra-nationalist Bosniak, Haris Silajdzic who also opposed many of the reforms being promoted by the international community on the grounds that they did not go far enough. Silajdzic was responsible for numerous stalls in negotiations on both police and constitutional reform. He used strong inflammatory rhetoric to back his nationalist stance, once saying that the RS was a “genocidal creation” that should be abolished (Vasilev, 2011, p. 59).

However, the 2010 elections saw a softening of the hard-line Bosniak stance. A more moderate candidate from the SDA, Bakir Izetbegovic, replaced Silajdzic as the Bosniak member of the tri-partite presidency and seems more willing to negotiate with the RS than previous Bosniak leadership. The softening of the Bosniak position would be encouraging if not for the hard-line stance of the RS. The RS position makes it likely that instead of cooperation and negotiation, there will only be more giving in to RS demands.

Since the end of the war, Bosnian Croats have been pushing for their own autonomous region. Like the Bosnian Serbs, they are driven by fear of being dominated by Bosniaks. This fear of domination has been evident through allegations by Croats of gerrymandering in local districts that would cause them to lose majority status (ICG, 2009, p. 10).

However, on their own, the nationalist Bosnian Croats do not have the political weight to threaten the territorial integrity of Bosnia. Unlike in the RS, which receives a large amount of support from Serbia, the Croatian government has been quick to dismiss any notions that it would support any attempts to break up Bosnia. In January 2010, then Croatian President, Stjepan Mesic told journalists that Croatia would intervene militarily if there was any attempt to break up Bosnia (Toal & Maksić, 2011).

The Croatian separatists have, however, received a substantial amount of political support from Milorad Dodik. He likely uses the support of a Croatian third entity in the same way he uses the calls for referenda, in order to destabilize negotiations thereby preventing increased centralization. Though he supports giving the Croats their own territory within the FBiH he is openly against giving them any territory from the RS, even though some of it was historically Croatian dominated before the war (Toal & Maksić, 2011, p. 286).

On their own, Bosnian Croats can do little to block progress on BiH Constitutional reform, and have little incentive to do so. After all, it is the progress of the FBiH entity in which they live that they would be hindering. However, support from Dodik, no matter how unrealistic, has fueled dreams of independence that I believe would have lessened by now without his support.

VI- Conclusion

The EU has had considerable success in the past in the CEECs using EU membership as a “carrot” to influence reform in membership candidates. However, this method is not working in Bosnia-Herzegovina. In past enlargements, the potential member states desired EU membership enough that politicians were forced to make the necessary changes. Additionally, the EU was unwilling to negotiate when membership requirements went unfulfilled. The EU has proven in

BiH that it is willing to back down on its requirements when confronted by hardline nationalist stances from any of the nationalist parties. The EU fears further dissolution of the Bosnian state, and is willing to compromise in order to keep nationalist ambitions to a minimum.

The political leadership of the Bosnian Serb entity has been adept at capitalizing on EU weakness and exploiting it for political gain. The uncompromising stances taken by the RS leaders since the end of the war have solidified Bosnian Serb nationalism in the RS making it more unlikely Bosnian Serb citizens would accept any further loss of power to the central level. While it is not likely that RS President Milorad Dodik will seriously further claims for RS independence, the unwillingness to compromise will greatly influence the ability of the IC to accomplish any of its desired reforms.

The combination of the EU's weakened bargaining position and hardening of nationalist positions within the RS create an uncertain future for the reform efforts in BiH. Most BiH citizens do want to join the EU, but RS citizens do not want EU membership more than they want their autonomy from the state, which will make any meaningful change difficult. Some progress was made in the beginning of this year with the passing of the State Aid law and Census Law. However, once the census is taken and reform on minority representation is passed, it remains unlikely any real changes will take effect. The EU could attempt to adopt a tougher position on reform by indicating a serious willingness to walk away from negotiations towards membership or put pressure on Serbia to pressure the RS into cooperation. However, the success of such measures is uncertain, and could cause more problems than they solve. As a result, the EU may have to accept an imperfect political arrangement in BiH, the one agreed upon in the original DPA.

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