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Challenges of EU integration in Bosnia and Herzegovina

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1. Introduction

The conception of wars has been under consecutive change throughout history, thus becoming a persistent question of military science and became an urging question for many theorists. In today's world with the quick technical development and the unpredictable changes of the international environment, the understanding of war theories became more challenging. The unexpected breakout of the Russian-Ukrainian war could have inexplicable effects on the whole world and on the Balkans as well, it will change the construction of international economics and politics for years. Therefore, the understanding, determination and unfolding of the reasons, interests, and the course of certain wars, is as relevant nowadays as it was 30 years ago. The logic of new wars can be described by the analysis of political, economic, and military means, even though the motives and consequences are more compound than that. The politics of war is an important aspect of revealing the actors and goals as territorial gains or other "conventional reasons" for war are not necessarily in the focus anymore, but rather gaining political influence for different identities. The financing of military clashes also became more complex, the distinction between wartime economic goals and achieving political goals by economic means became extremely subtle and hard to recognize. The third inevitable factor is the form of warfare which does not simply aim for military goals and gains anymore but also for the political influence and persistent control of the society.

Bosnia and Herzegovina is the perfect example for the above mentioned aspects. The revived ethnic tensions and the country's goal to join the European Union and NATO prove the relevance of the topic. The Dayton Agreement of 1995 provides narrow margins for the country, the constructed model for the division of power does not assure a stable political leadership. The different regards of the coercive and signing countries prevent the successful application of the Agreement. The country faces internal security challenges because of its weak statehood, this also impacts the country's politics, development, external integration and its EU-focused security and defense policy.¹

Before the outbreak of the Bosnian war the European Union did not have a specific approach towards the Western Balkans. In 1996 the "Royaumont Process for Stability and Good Neighborliness in South-East Europe" program was launched at the Rome Conference. This meant a regional approach towards countries that did not have any bilateral agreements with

¹ Mary KALDOR: *New and Old Wars*. Cambridge, Polity Press, 1999, 1-13. p.

the European Union before, however this plan did not apply to Bosnia and Herzegovina.² From the very beginning the Council of the European Union was clear on the requirements of possible future connections, stating that their creation “will depend on the willingness of the countries concerned to work towards consolidating peace and to respect human rights, the rights of minorities and democratic principles.”³ To achieve these goals, in 1999, the previous Regional Approach was developed into the Stabilization and Association Process (SAP) which gave a political framework to meet the political, economic and monetary union.⁴ These steps were undeniably important for Bosnia and Herzegovina but in this study I am willing to focus more on the country’s relation with the European Union after 2004 when the Operation Althea, the European Union Force Bosnia and Herzegovina (EUFOR) was deployed to contribute to the realization of the Dayton Peace Agreement and the European Union’s Stabilization and Association Process.⁵ The SAP was signed in 2008⁶ along with the Interim Agreement on trade and trade-related issues, two years later citizens of Bosnia and Herzegovina could enjoy the benefits of visa-free travel in the Schengen area and in 2015 the SAA entered in force. These overtures lead to Bosnia and Herzegovina’s application to join the European Union in 2016. Despite the promising milestones, we cannot conclude that the country will become a full member in the near future. On the other hand, the 2020 Revised methodology to drive forward the enlargement process shows the realization of endemic difficulties on which I will elaborate on later.⁷

In the light of these approaches my work aims to find answers to the following questions:

1. Was the Bosnian war an archetype of new wars?
2. Why is Bosnia and Herzegovina unable to reach internal integration?
3. Why is the European Union’s policy on Bosnia and Herzegovina unsuccessful?

Understanding the concept of new wars is very important for managing conflicts and wars as they do not follow traditional principles and are more complex in their politics, economics,

² Christian **PIPPAN**: *The Rocky Road to Europe: The EU’s Stabilization and Association Process for the Western Balkans and the Principle of Conditionality*. Kluwer Law International, European Foreign Affairs Review 9, 2004, 219-245. p. [downloaded: 2022.03.25.]

³ Council Conclusion on Former Yugoslavia, 1996.02.26., supra note .5.

⁴ **PIPPAN** 2004, 219-245. p.

⁵ About EUFOR. European Union Force in BiH, Operation Althea, 2021.01.20. [https://www.euforbih.org/index.php/about-eufor/background]

⁶ From 2008.06.16. it is called Stabilization and Association Agreement.

⁷ **EUROPEAN COMMISSION**: *Bosnia and Herzegovina. European Neighbourhood Policy and Enlargement Negotiations* [https://ec.europa.eu/neighbourhood-enlargement/enlargement-policy/negotiations-status/bosnia-and-herzegovina_en]

and warfare. In today's Bosnia and Herzegovina ethnic division and tension are still present which questions the operativeness of the Dayton Agreement and makes it harder to take further steps towards a multinational, integrated country, and society. The presence of peacekeepers in the territory also shows the weak statehood of the country. The European Union also contributes to the security and defense policy of the country through the Common Foreign and Security Policy (CFSP) and the Common Security and Defence Policy (CSDP).⁸ Since Hungary has strong political and economic ties with Bosnia and Herzegovina and significantly participates in the EUFOR mission, it is inevitable to understand the roots of the tensions, measure the needs of the country, nationalities and of the whole Bosnian society, examine the different aspects of internal legislation and help them in their efforts of integration to fulfill one of Hungary's security and defense policy goals.

In this work, I used Mary Kaldor's concept on new wars, to examine and understand the aspects of today's conflicts, which includes a political, military, economic and cosmopolitan approach. My study relies on literature concluding the EU's, Bosnia and Herzegovina's and Hungary's point of view, I participated in several consultations with my supervisor, Dr. Zoltán Szenes, and with Dr. Péter Tálas, Director of Center for Strategic and Defense Studies at the University of Public Service.

2. Historical review

The first question that emerges when defining the Balkans is that where exactly the borders of it are and who can be called a Balkan state. Traditionally the culturally or linguistically similar countries would create a region but regarding the Balkans this raises more complications than answers. Historically the Southern or South-Eastern states of the Habsburg Monarchy, such as Greece (1830), Serbia (1878), Montenegro (1878), Romania (1859), Bulgaria (1878 – autonomy), Albania (1912), Bosnia and Herzegovina (1878) would be the Balkan states. Although with the inclusion of Romania we already drift from what we consider the Balkans geographically. As an alternative the term South-Eastern Europe is used to describe the region including all these countries and allows to include the literal Balkan countries and their neighbors as well. The name Balkans nowadays mainly refers to the political region of those former-Yugoslav countries that did not manage to close up to the expectations of the European Union.

⁸ Ibid.

Bosnia and Herzegovina had a history full of regional, cultural, and demographic changes which shaped their perception on the future.

Because of its byzantine-orthodox root and the Osman influence the majority of the population is either Muslim or Orthodox. Europe did not have any influence on the region until the 19th century. This means that the ideas of renaissance and reformation did not affect these countries which slowed down the process of adapting to the European political thinking. For example, state supremacy and patriarchy are still strong in these cultures. As an effect of the Great Schism, the theological anti-Western sentiment became a political anti-western sentiment. The religious differences lead to the conclusion that they do not identify with the West on any level; thus, any West-oriented leadership is on unstable grounds.⁹

After a long period of Osman rule, the country got integrated into the Austro-Hungarian Empire in 1878. This meant the appearance of Western culture in the region which automatically affected the economy, the construction of society, and caused demographic changes as many Bosnian Muslims emigrated as a form of resistance. 10% of the remaining population also sought refuge inside their own culture and defied Western influence, and the cohesion of Bosnian society did not change drastically.

The Balkan wars of the 16th century also played a major role in how the country and its society perceived the West. Bosnia and Herzegovina became a buffer zone between the Osman Empire and the Austro-Hungarian Empire and was affected of plunder from both sides without any significant help. The war slowed down the demographic development of the country, however, it did not decrease, providing a stable base of society.

With the creation of the first South-Slav state, the Serb-Croat-Slovene Kingdom a new era started in the history of Bosnia and Herzegovina. Immigration was not inherent in the region either way but from 1921 on the pace of emigration of these nationalities increased significantly causing intense demographic changes in the country. The later formed Yugoslav Kingdom's political, economic, and social construction ended in the stagnation of demographic growth in Bosnia and Herzegovina after a significant decrease in the previous years. The demographic development remained normal during the two world wars, obviously

⁹ JUHÁSZ József: *Felbomlott? Szétverték? Elbukott? Paradigmák, viták, narratívák Jugoszlávia dezintegrációjának historiográfiájában*. Akadémiai doktori értekezés. Budapest, 2019, 43-47. p.

the female population outnumbered the male population and growth was constrained because of the extraction of the young layers of society.¹⁰

We often picture the brutalities of the two world wars as endemic in the Balkans and explain the barbarity of the Bosnian war by that, but we also tend to forget that none of the political ideals of that era came from Balkan leaders. Regarding the Eastern question the Balkan states were not individual actors yet, but they fit perfectly into the goals of great powers and this way became the “powder keg of Europe”. The borders of the countries were also drawn according to the strategic concepts of other influential countries, so the ethnical borderlines were never followed adequately.

Despite the changes the country had to face and adapt to and the cultural assimilation into Western society, Bosnia and Herzegovina managed to keep its demographic structure.

Therefore, Bosnia and Herzegovina was always a hot spot for emigration and unemployment was high. The educated layer of the society was drawn to other, more developed countries, but the religious and ethnic differences were the main driving force.

The previously described political, economic, military, and cultural aspects caused a certain confrontation in the region, the creation of an etno-federation became the soil for its own disintegration, and it created different foundations for development on a state-level which laid the ground for the problems of Yugoslavia.¹¹

After the second world war the Federal Republic of Yugoslavia was created. The winning powers of the great war supported the proclamation of Yugoslavia to ensure parity in Europe and to suppress the renationalization of the South Slavic nations. In 1946 Bosnia and Herzegovina officially became one of its republics and adapted the communist characteristics of Yugoslavia. This meant the elimination of many Muslim institutions in the republic; the two recognized ethnic groups were the Serbs and Bosnian Croats. The Muslim community only became a distinct nation in 1968, proclaimed by the Bosnian Central Committee. Bosnia and Herzegovina became one of the most heterogeneous republics of the region, since it did not only have ethnic minorities, but differences were also drawn on a religious level.

¹⁰ **HORVÁTH** Dominika: *Bosznia-Hercegovina regionális anatómiája, avagy a népesség területi dimenziói a regionalizáció tükrében*. Doktori értekezés. Pécsi Tudományegyetem, Közgazdaságtudományi Kar, Regionális Politika és Gazdaságtan Doktori Iskola, Pécs, 2014, 38-44. p.

¹¹ **JUHÁSZ** 2019, 48-54. p.

The 1974 Constitution of Yugoslavia gave more political and economic freedom to the republics of the Federation which led to the total decentralization and weakened central governmental powers. Consequently, Bosnia and Herzegovina with its diverse social construction was in danger of peripheralization and economic default. However, this freedom was more than enough to revive nationalist feelings in each separate republic and created the possibilities of independence.¹²

With the collapse of the bipolar world, the Yugoslav political union also came to an end, and they had to redefine their political interests in the region. It was Josip Broz Tito and the respect towards each other what kept the Yugoslav Federation together. In effect, from the 1980s with the death of Tito, it worked as a confederation with symbolic central power and each member state had its own military, economy, and political structure. This concept made politics out of culture; the local elite gained power over the federal center. The differences of politics and public administration led to economic contrast in the various districts that were created after the 2nd world war. As an example, Slovenia and Croatia had a greater GDP growth rate than the other members but because of the federation system they had to invest in the poorer areas. Because of this process, the Titoist principles lost their wind, as the poorer areas did not show any economic growth.¹³

A new progression started in the '80s with the regime changes in the post-soviet counties. It was no longer the interest of the great powers to financially support Yugoslavia as these changes were the main focus of the West. The region no longer served as a bridge between the two world orders. Moscow was occupied with its internal crisis with the collapse of its alliance system and with the new connections and viewpoints on the West. Yugoslavia ended up in a financial debt and an economic crisis arose in the republics as well as a general political dissatisfaction. The growing tensions inside the republics set the stage for the reconstruction of statism for political reasons. Their isolation from international politics also strengthened their nationalism and the collapse of socialism stimulated the creation of a market economy, democracies and to join international alliances, such as the European Union. The long era of limited sovereignty gave a new perspective on common national goals, but these perspectives had a different intensity and depth in each republic. The internal borders of Yugoslavia were not aligned to the ethnic borders of the territory and the international

¹² *The History of Bosnia and Herzegovina*, Britannica [<https://www.britannica.com/place/Bosnia-and-Herzegovina/History>]

¹³ JUHÁSZ 2019, 120-138. p.

community did not want to change that. The non-identical separation of the republics led to conflicts between them, but it also created problems inside them, especially in Bosnia and Herzegovina.

In conclusion, the disintegration of Yugoslavia was the product of the disappearance of external pressure and threats, like the world wars or the Soviet Union, and the divided nationalist interests, no more common identity, or political goal. Each nation wanted to create its own state, but everyone imagined it differently which led to intensified tensions between the ethnicities in Bosnia and Herzegovina.¹⁴

3. New wars in Bosnia and Herzegovina

“War is nothing but the continuation of policy with other means” – Carl von Clausewitz¹⁵

3.1 Political terms

The Bosnian war was not primarily fought for political reasons, but rather for a national identity. The reason why it got so brutal was the different perspectives of the Yugoslav nations which created a strategic vacuum between the ethnicities. The whole war can be considered as a phase of national development which aimed to establish a nation state. The main problem with that was that Bosnia and Herzegovina was not a classical ethnic nation, it was rather a mixed nation. In the early '90s 43.7% of the population was made up of Bosnians who are typically Yugoslav Muslims, 31.4% was Serbian, 17.3% was Croatian, and the remaining 7.6% were other minorities, such as the Roma or Jewish people.

In 1990, the first democratic elections were held in Yugoslavia, but not on a federal level. Each republic held its own elections, and the Federal Constitutional Court was unable to influence any of the decisions. Consequently, ethnic parties won 70% of the votes in Bosnia and Herzegovina, promising a peaceful cooperation and the preservation of brotherhood in the republic. The three main parties were the Bosnian nationalist party named Party of Democratic Action (SDA), the Serbian Serb Democratic Party (SDS), and the Croatian Democratic Union of BiH (HDZ). After the elections they formed a coalition, but the different ethnicities had different ideas on the Balkanization process of Bosnia and Herzegovina. For the Serbians and Croats, who were minorities in the country, nationalism meant a form of

¹⁴ JUHÁSZ József, MÁRKUSZ László, TÁLAS Péter, VALKI László: *Kinek a békéje? Háború és béke a volt Jugoszláviában*. Zrínyi Kiadó, 2003, 9-25. p.

¹⁵ Carl von CLAUSEWITZ: *On War*. Oxford University Press, 2007, 38. p.

self-determination which awakened strong nationalist feelings that could be used for political purposes.

After these occurrences a kind of political nation building took effect with the aim of state establishment. Nationalism has always been present in European societies, yet its form of realization majorly depends on the political elite.

They can either repel these strong feelings and moderate it by giving them a framework in politics by giving them minority rights or allowing nationalist parties in the parliament, or they can use these emotions as a possibility for their own goals, to justify their pursuit for sovereignty. The third option, which happened in Bosnia and Herzegovina, is when these sentiments don't occur naturally in the people but are triggered through media and then used for political reasons.

Nothing proves it better than the above-mentioned elections where the nationalist parties came out as winners in a republic where Yugoslavism used to be strong. The mobilization and media influence of the mother countries on minorities played a significant role internally in institutionalizing ethnic differences. The recognition of Slovenia and Croatia was an extremely important external factor which explains why these feelings could be implemented in politics. The sovereignty of a nation state was appealing to Bosnian minorities; however, the borders did not make it possible to partition the country. The SDA and HDZ would have preferred independence but the SDS was totally against it. This perfectly demonstrates that the goal of the Bosnian war was practically the creation of Serbian national unity which could be achieved either by keeping Yugoslavia together or by the creation of Serboslavia.

The Bosnian war was new in its strategic goals, as it never aimed to have territorial gains in a classical sense, territorial occupation was rather achieved by political control and served the intention to create a better position for negotiations. It was also new in how it perceived nationalism, the techniques of mobilization and the forms of organization within the state. Last but not least, it was not a war between two or more warring parties, but a nationalist war against a multicultural civil society.¹⁶

¹⁶ KALDOR 1999, 31-44. p.

3.2 Military terms

All the Yugoslav republics were heavily militarized under Titoist rule. Military spendings equaled to 4% of the GNP in Bosnia Herzegovina until 1986 and the Yugoslav National Army (JNA) remained in federal hands with 220,000 members, 150,000 of which were conscripts, and the remaining 70,000 were regular officers and staff. Each republic was responsible for organizing its own Territorial Defense Units (TOs). By 1991 this system disrupted and the JNA became more of a tool for Slobodan Milošević, President of Serbia.

Three national armies were set: the Bosnian Serb Army (BSA), supported by the JNA and Serbia, the Croatian Defense Council (HVO), created from the HDZ's militia and supported by the Croatian Army, and lastly the Army of Bosnia and Herzegovina (ABiH), which was non-existent when the war broke out, but later was supported by other Muslim states and the international community. The BSA had the most well-equipped troops out of the three new armies with heavy artillery, tanks and other weapons inherited from the JNA. They also possessed most JNA bases, located in the hills which meant perfect strategic position for guerilla warfare. The HVO was equipped by private military forces and through the black market and was trained by the HDZ. The ABiH was only formed in 1993 under Prime Minister Haris Silajdžić. Previously defense was assured by local forces but with the emergence of the war, a centralized army control was needed. Unfortunately, the ABiH was not properly equipped, out of 70,000 troops, only 44,000 were equipped, and their weapons mostly consisted of those of the local police.¹⁷

Regular forces in Bosnia and Herzegovina 1995					
	Armed forces	Main battle tanks	Artillery	Multiple rocket launchers	Mortars
ABiH	92000	31	100	2	200
HVO	50000	100	200	30	300
BSA	75000	370	700	70	900

1. Figure: Regular forces in Bosnia and Herzegovina 1995

Source: *Military Balance 1995-6*, International Institute for Strategic Studies, London, 1996

¹⁷ KALDOR 1999, 44-57. p.

Several irregular forces were created out of TOs, and they cooperated in various combinations with each other. The main types of irregular forces were paramilitary organizations, their main form of sustaining themselves was by looting equipment from the regular armies on territories occupied by them and taxing international humanitarian aid arriving to the country. The second type were foreign mercenary groups, supported by private military companies, and were mainly representative in Croatian territories. And the third type were local police or militia, supplemented by the civil society. They could reserve themselves by taxing citizens and enterprises on the territories they were defending.

What created the base for these groups was the collapse of the economy, the extremely high rate of unemployment (60-90% of the population) and the destruction of infrastructure. People had no other choice than to live off humanitarian aid, join one of the regular forces in Bosnia and Herzegovina, to become a criminal or a combination of these. The collapse of the currency and impossibility to make any income made most of the young and educated layers of the society to leave, which led to a brain drain in the republic. In this hopeless situation, joining these irregular forces was almost the only way of making an income, on the precept of “first come, first served”.

As time went by regular and irregular forces were used together, especially in the BSA and HVO. Their strategy was to gain territorial control by political means. For this many brutalities were carried out, mostly by the paramilitary groups, and then the position was secured by the regular forces. Main cities were not captured militarily, but as a form of indirect warfare, they were cut from aids and basic supplies. Atrocities were not targeted against opposing sides or the military, but against civilians. Mass rape, and mass killings in localized detention centers started in Bosnia and Herzegovina which soon became ethnic cleansing with no continuous frontlines. All ethnicities in Bosnia and Herzegovina wanted to create a nation state, the difference was that Bosnian Serbs were ready to use their military power to achieve that. Since there were no significant territories dominant by the Bosnian Serbs, they started a violent population exchange. The areas where they carried out these horrors were strategically chosen to connect with Serbia and maintain their control over JNA bases.

By 1995 ethnic cleansing almost reached its goal, according to UNHCR data only 13,000 Muslims remained from the previous population of 350,000 in Northern Bosnia, and only

4,000 out of 350,000 in East Bosnia and South Herzegovina. The biggest failure of the West was that it intervened scarcely until it was too late.

This war was new in a sense that at the beginning ethnicities with no peculiar armies started fighting between each other, but it was also new in the localization of atrocities. The war which started as a civil war, fought by guerillas, became a new war in its political goals, the way it was fought and in its strategy. The regular and irregular forces could never win the hearts and minds of citizens, as the whole concept was aimed against them. Creating fear and hate in the occupied territories set the ground for high-level political talks and led to the intervention of the international community.¹⁸

3.3 International involvement

This new type of new warfare made it harder for the international community to intervene in the usual forms. On economic terms, no sanctions could be made against the aggressors, as it was not clear which national party acts inappropriately. Militarily, any form of intervention could have easily turned into another aggression against civil society because of the mosaic border division inside the country. However, the lack of any kind of intervention made the Bosnian society skeptical with the international community, especially with the European Union.

Military security is a combination of several factors, such as the internal and external security of a country, the actors of security and defense, the subject of arising security questions and many others because of the complexity of this new era of wars. Governments create their defense strategies and develop their militaries based on these components. In Bosnia and Herzegovina, the creation of new parties and the lack of a central government made it almost impossible to act accordingly towards a common solution.

To ensure military security, a given country should have its own competent military, which was not the case in Bosnia and Herzegovina as the republic had three different militaries and several irregular forces acting either along or against regular forces. Other options would be to own weapons of mass destruction, or through neutrality, which was impossible considering

¹⁸ Ibid.

the features of the war. And lastly, international agreements or joining an alliance system are also a way to maintain military security, which raised the EU to the pedestal in the region.¹⁹

International intervention happened on two levels: one, high-level political talks and two, humanitarian intervention. These were the years when humanitarian intervention and the protection of human rights developed into their modern form, and the people of Bosnia and Herzegovina could experience it firsthand with all its faults and successes. The Bosnian war got extensive media attention which impacted the role and goals of European security and peacekeeping. The European Union was seen as the political power to put an end to the ongoing conflicts but because of the institution's slow response, lack of adequate policy and resources, there was a general disappointment concerning the EU.

In defense of the institution, when the Yugoslav war broke out, it did not have a legal ground for military intervention, yet from 1992, with the ratification of the Maastricht Treaty, the EU was allowed to act regarding its Common Foreign and Security Policy. The biggest problem was that they did not understand properly why and how the war was fought and started operating actively only after ethnic cleansing was almost done and an excessive wave of migration hit the neighboring member states of the Union. Since the Western Balkan region lies on the borders of the European Union, this conflict could have had major effects on European security. Thus, the EU started diplomatic negotiations and peace talks with the opposing parties in Bosnia and Herzegovina but what is important to see here is that they did not act alone on these matters, but with the involvement of other international institutions, like NATO or the UN. The Carrington Conference or the creation of the Vance-Owen Plan were all a product of this close cooperation with other international actors.

The EU was successful in providing humanitarian aid, humanitarian movement had a great impact on Bosnian society thanks to the war's media attention. Although, it is argued that the EU's cooperation with NGOs and other humanitarian and civil organizations should have been used to a larger extent to prevent such actions carried out by the JNA against civilians. It created the expression that the EU is incapable to act and prevent security threats, even in its own sphere of interest, despite the fact, that the institution and the economic, political and

¹⁹ SZENES Zoltán: *Katonai biztonság napjainkban. Új fenyegetések, új háborúk, új elméletek*. Dialóg Campus, 2017, 72-82.p.

security benefits it could have given were not used properly to pressure the nationalist idealists to cooperate.²⁰

Starting from 1992, many efforts were made to create ceasefire, security spots for civilians and no-fly zones in the country but all of them were declined by one or all the entities. The reason behind this was that militarily and politically the ethnicities were still heated and believed in the “positive” outcome of the war on their side. This characterized mostly the Serbian forces and the ultimate goal of the Serb national unity. In 1995, Serbians tried to reach control over all the strategic territories with a huge offensive, when Milošević called the international community to exit the country. The operation was carried out successfully until the Srebrenica massacre happened between the 11th and 22nd of July, despite international warning to free civilians from the territory. After the drastic events, representatives of the ethnicities were forced to start peace talks in Dayton and a NATO Rapid Reaction Force was deployed to Bosnia and Herzegovina when they realized that military force is much needed to resolve the conflict. The Dayton Agreement got accepted on 21st of November 1995 and created a general framework for peace in Bosnia and Herzegovina. The Dayton Agreement did not differ a lot from the previous plans trying to negotiate peace in the country, however, this was initiated at a point where the armed forces were drained, and human rights were violated to an excessive extent.

The Agreement was manufactured to suppress the war and stabilize peace, but it had only a short-term goal and saw the war as a matter of borders and territory, instead of what it was, a matter of ethnic sovereignty. The goal of the nationalists was to have political control over the whole territory, for which they had to divide the country along ethnic lines. This goal was institutionalized with the Dayton Agreement, which divided Bosnia and Herzegovina into the Federation of Bosnia and Herzegovina and Republika Srpska. This artificial state formation made impossible any kind of development and kept the conception of the ethnic conflict.²¹

4. Dayton and the Bosnian Constitution: a solution or a prolonged problem?

“We saved this area militarily...but we lost it at Dayton.” – Milenko Karisik, Republika Srpska Deputy Minister of Interior

²⁰ Harun **ARIKAN**: *The European Union Policy towards the Balkan States in the Post-Cold War Era*. SDU Faculty of Arts and Sciences Journal of Social Sciences, Special Issue on Balkans, 2012, 15-22. p.

²¹ **KALDOR** 1999, 57-66. p.

Peace talks started on the 1st of November 1995 at the Wright-Patterson Air Force Base, in Dayton, Ohio. The closed, overly secured venue made the already strained atmosphere even more tense but made sure that nobody can recede. The delegations had representatives from all the ethnicities, mother countries, the EU, the USA and thus the Contact Group was established. The EU representative was Carl Bildt but because of the lack of a coherent policy in the EU, most negotiations were led by the US delegation. Peace talks were guided by Warren Christopher, US Secretary of State and Richard Holbrooke, US diplomat, aside from that, the European viewpoints were also transmitted by the British, German, French and Russian members of the Contact Group. Interestingly, Bosnian minorities were not majorly pled by Bosnian Croat or Bosnian Serb deputies, but by Franjo Tuđman and Slobodan Milošević themselves. The main goal of the peace conference was to create a compromise between Bosnian ethnicities, yet this international intervention raised concerns in the minorities which led to a strong resistance in the process of decision-making.²²

The personal interests of the parties shaped the form the Agreement took in the end. The Bosniaks were still fighting for keeping the country together and shaping its territorial construction in their favor. In their opinion keeping the territories in their newly gained form would be unjust because they were gained by war crimes. For these reasons Alija Izetbegović, President of the Bosnian Presidency, did not sign the agreement for a very long time. Tuđman and the Croat delegation accepted the Bosnian territorial integrity as their focus shifted majorly on the fate of Eastern Slavonia, which at the time was under Serbian control. Inside Bosnia and Herzegovina, they fought for favorable border conditions for Bosnian Croats. Serbians, having the most ambitions, had the least command over the course of the peace talks as the country was already under several sanctions and Milošević's main goal was to lift these sanctions and create an advantageous position for his country again. He would sign the agreement on Bosnia and Herzegovina's territorial integrity not only to delete the envisaged additional sanctions but also because this seemed like one last chance create a decentralized, power-sharing government where they could have control over majorly Serbian communities. For the American and European members of the Contact Group the focal point was the territorial organization of the country and peace was favored over justice. Considering the deployed US military powers through NATO, the American center of attention was to solve emerging security questions by arming the Federation of Bosnia and Herzegovina. This idea was rejected, as this step could have led to renewing the war. The European delegation,

²² JUHÁSZ et al. 2003, 136-137.p.

however, was prioritizing the creation of a constitution, including minority rights and humanitarian law in a large percentage, assuring that none of the entities can overrule the other.

The territorial debates were solved by dividing the country into two parts in a 51:49 ratio, with Republika Srpska being the smaller, but having territorial autonomy. The territories of the Federation of Bosnia and Herzegovina were further divided into ten cantons plus Brčko with a special status. The public administration system became extremely complicated, the central government had limited competences. Many aspects, like security bodies, economies, or infrastructure are still resolved on the level of the cantons, which makes it harder to elevate projects to the central government.²³

It is argued, that however, the Dayton Agreement was successful in establishing peace in the region, it limits future possibilities for development, taking into consideration its divisive nature. The constitution of Bosnia and Herzegovina, Annex IV. of the DPA, is generally based on the ethnic relations and concentrates on the setting of institutions that protect all the constituent nations of the country. The constitution makes sure that every entity is represented in all institutions, yet this is not solving the roots of the original problem, instead it creates a political framework that institutionalizes the ethnic differences, conserving the oppositions. Another important fact to examine is that this is a manufactured constitution, shaped by the personal goals and preferences of then in being political leaders and international organizations. Accepting the constitution was never up to popular vote or referendum, it was the result of the will of international negotiators to create harmony in Europe. Nevertheless, because of the bloodiness of the war, the international community considered their own presence inevitable in the country through peace keeping operations, like IFOR, later changed to SFOR, until today in the form of EUFOR Althea. This could be encountered as one of the reasons why Bosnia and Herzegovina struggled to establish its own Ministry of Defense or agree on the composition of its military and other defense agencies.

The territorial division and recognizing the three constituent peoples of Bosnia and Herzegovina raised the question if the established territorial units overlap with the vital interests of the people. The Constitutional Court had the responsibility to establish a solution in the form of the Constituent People's Decision. As a consequence, an additional agreement

²³ Igor VRANIĆ: *International Community Peace Plans in Croatia and Bosnia and Herzegovina 1991-1995*. Central European University History Department, Budapest, 2014, 80. p.

was born in the early 2000s which indicated the vital interests of all ethnicities and founded the institutions in charge to protect these interests. These institutions are the House of Peoples in the Federation of Bosnia and Herzegovina and the Council of the Peoples in Republika Srpska and both play an important role in decision making processes in the Parliament.

Article III of the DPA names a few of formal state competences, like foreign policy, air traffic control, finances of the institutions, immigration, refugee, asylum policy and for the international obligations of Bosnia and Herzegovina, to name a few. The Agreement leaves space for the extension of competences but leaves an alarmingly huge number of competences in the hands of the two entities. As an example, they have the right to form individual or bilateral agreements with other states, international institutions independently from the central government.

All these efforts prevent Bosnia and Herzegovina from generating its own, united political interest and slows down the process of self-determination and self-reliance. The strong emphasis on diversity aims to prevent the dominance of one party, because that could end in the exclusion of others. Therefore, all Bosnian institutions seek parity in representation and push active participation in politics. This is also realized in the form of veto power, which can be used by any of the representatives when the vital interests of an ethnic group are seen to be endangered in a decision. A vital interest can be defined as the public information system, education, promotion of culture, language, organization of public authorities and any other issue that is considered a vital interest by 2/3 of one of the caucuses in the Council of Peoples or in the House of Peoples.²⁴

The easiest way to see the complexity of legislation in Bosnia and Herzegovina is to walk through the steps of a proposal. For example, the budget adoption process is a state competence which goes as follows: the budget proposal is created by the Ministry of Finance, then forwarded to the Council of Ministers, which is the central government of Bosnia and Herzegovina. Once they approved the proposal by a majority vote, the proposal is forwarded to the next institution, being the Tripartite Presidency, composed of one Bosniak, one Croat and one Serb deputy, elected directly from their particular residency. They consult with the chair of the central government, as well as with the Ministry of Treasury and the Prime Ministers of the two entities, after these consultations, the three members of the Presidency

²⁴ Jan MUŠ: *One Hand Clapping – The State-Building Process and the Constitution of Bosnia and Herzegovina*. Centre for Eastern Studies, Warsaw, 2016, 17-27. p.

must vote on the proposal. This decision can be vetoed by any of the three entities, if they feel like one of the vital interests of their community is violated. In this case, the issue should be referred to the legislation of the entity in question. In the case of Republika Srpska, it's the National Assembly of Republika Srpska, and in the case of the Federation of Bosnia and Herzegovina, it's the Bosniak and Croat delegates of the House of the Peoples. May it be confirmed by a 2/3 vote, the challenged decision shall not take effect. If the issue does not get 2/3 of votes, the proposal is accepted on this level. After the Presidency, the proposal must be adopted by the Parliamentary Assembly. The Assembly has two components: the House of Representatives and the House of Peoples. All caucuses in each institution must adopt the proposal by majority vote, but they also can use their right to veto. Once the veto is used, a commission needs to be set. If the commission is unable to solve the issue, the proposal should be referred to the Constitutional Court.

The point is, the Bosnian system of checks and balances created by the Dayton Peace Agreement, made the legislation complex and time consuming. It can be blocked or even stopped at any step if any of the entities prefers not to accept the proposal in question.²⁵

To assure that important decisions are not sabotaged by either of the entities, Annex X of the DPA established the Office of the High Representative for Bosnia and Herzegovina. The High Representative for Bosnia and Herzegovina is responsible for implementing the diplomatic mission of Dayton and to make sure that that the civilian aspects are fulfilled. Such aspects would be the adoption of democratic values, guidance for creating a market economy with an increased EU presence, to work towards complete Euro-Atlantic integration. The representatives of the Office are appointed by and from the countries that are members of the Peace Implementation Council, in charge of implementing the Agreement. From 2002 on, citizens of Bosnia and Herzegovina are also able to apply for jobs in the Office, and to further strengthen political participation in the country, they are preferred in comparison to other applicants. According to Article II of Annex X, the High Representative should monitor the implementation of civilian aspects of the DPA, be in contact with the different entities and coordinate civilian organizations in accordance with their opinions, with respect to their authority. When the international community realized that the Constitution is not working properly, they extended their role and became responsible for facilitating the resolution of arising challenges. The High Representative for Bosnia and Herzegovina, together with the

²⁵ Philippe **LEROUX-MARTIN**: *Diplomatic Counterinsurgency. Lessons from Bosnia and Herzegovina*. Future of Diplomacy Project, Harvard Kennedy School of Government, Cambridge, 2014, 150-155. p.

Office, reports periodically on the progression in the country to stakeholder countries and international institutions.²⁶

The Office has four departments and a Regional Office in Banja Luka, the de facto capital of Republika Srpska. The Political and Economics Department serves the primary goal of the Office, it engages in talks with domestic and international actors on development and focuses on the functionality of the central institutions. It also monitors stability in military affairs and law enforcement, as well as providing advice in these fields. The Legal Department provides legal support on the implementation of the DPA and in domestic law to ensure consistency regarding Bosnia and Herzegovina's constitutional framework. The Resources Department provides the adequate support for each department. Finally, the Press Office is responsible for representing the Office for the High Representative's policies on all media platforms and to generate a comprehensive standing point for the general public.²⁷

The High Representative for Bosnia and Herzegovina played an important role in the first ten years of the institution's establishment. He made decisions on crucial matters relating to state-level matters, like state symbols, the hymn of the country and on Constitutional issues. Since its main goals was to provide assistance to develop democratic values, he also had a say in the economic field, judicial reforms, media restructuring, he could remove or suspend people from public administration, and was a part of decisions taken about refugees and displaced persons, which, as mentioned before, is particularly a central government competence. The High Representative was an important actor in decisions relating to individuals indicted for war crimes.²⁸

These arrays and activities, the High Representative was engaged in show how the international community imagined state-building in Bosnia and Herzegovina. In 1995, the first High Representative for Bosnia and Herzegovina became Carl Bildt, the EU's representative at the Dayton negotiations, they increased their commitment to the country and pledged cooperation until Bosnia and Herzegovina is able for peaceful coordination on its own. The EU made statements on each of the reports of the High Representative where they

²⁶ *General Information*, Office of the High Representative, 2021 [<http://www.ohr.int/about-ohr/general-information/>]

²⁷ *Departments*, Office of the High Representative [<http://www.ohr.int/about-ohr/departments/>]

²⁸ *Decisions of the High Representative*, Office of the High Representative [<http://www.ohr.int/decisions-of-the-high-representative/>]

transmitted their full support for actions of development and for the proposals of the High Representative, as they are needed for the country to move towards EU integration.²⁹

In 2002, Javier Solana, EU High Representative for Common Foreign and Security Policy made a statement, quoted: “The future for Bosnia and Herzegovina lies in a unified and stable state, within its internationally recognized borders, moving towards closer European integration. This will be a state based on democracy, rule of law, and prosperity, a state which will be able to bring justice and job opportunities to all its citizens equally.”³⁰ His remarks highlight the challenges faced by the country, them being the lack of a unified approach towards integration, even eight years after Dayton, and internal problems, as the high unemployment. According to World Bank data, in 2002 27.5% of the total labor force was unemployed in Bosnia and Herzegovina, and it was increasing at a steady pace, compared to previous years.³¹

Annex I of the DPA regulated the military aspects of the agreement, commissioned the establishment of a peacekeeping force and about its mandate. The IFOR mission had a one-year mandate, under NATO command. The mission fulfilled classical peacekeeping tasks, such as securing territories, border enforcement, and monitoring arms control. The commander had comprising authority, they had the right to use military power, if justifiable.³²

In 1996, IFOR was changed into SFOR (Stabilization Force), as the one-year mandate of the mission was successful in creating a safe environment, however, the country needed external help to maintain it. Therefore, their task was to stabilize peace and build a safe environment, where development can be accomplished. After the 9/11 incident, NATO’s focus shifted from Europe and Bosnia and Herzegovina became less of a priority for the US. The IFOR mandate was about to end in 2004³³, thus an EU takeover was anticipated in a report made by Javier Solana. The possible EU deployment would rely majorly on the experiences, structures, and goals of the previous missions and on the decisions of the Office of the High Representative.

²⁹ **EUROPEAN UNION PRESIDENCY:** *Conseil Permanent N°361, Office of the High Representative*. 2001.10.18. [http://www.ohr.int/ohr_archive/eu-statement-on-bosnia-herzegovina/]

³⁰ **EUROPEAN UNION:** *Remarks by Javier SOLANA, EU High Representative for CFSP, on the situation in Bosnia and Herzegovina*. 2002 [http://www.ohr.int/ohr_archive/remarks-by-javier-solana-eu-high-representative-for-cfsp-on-the-situation-in-bosnia-and-herzegovina/]

³¹ **THE WORLD BANK:** *Unemployment, total (% of total labor force) (modeled ILO estimate) - Bosnia and Herzegovina*, 2022 [https://data.worldbank.org/indicator/SL.UEM.TOTL.ZS?locations=BA&most_recent_year_desc=true]

³² **JUHÁSZ** et al. 2003, 180-181. p.

³³ **SZENT-KIRÁLYI** Bálint: *Az EUFOR Althea és KFOR missziók szükségessége napjainkban 2. rész*. Hadtudományi Szemle, IX. évfolyam, 2. szám, 2016, 421. p.

The main pillars of the EU led mission were and still are the creation of a secure environment with a focus on organized crime by using EU capabilities for an integrated EU approach.³⁴

The Dayton Agreement and its implementation opened a new chapter in peace building operations and crisis management. The case of Bosnia and Herzegovina was new in the sense, that peace building was initiated in the form of a Contact Group where the UN was only one of the actors among others. The budget of the missions was also significant compared to other similar efforts in the 1990s, not to mention that it was highly dependent on the EU as a creditor. The military implementation did not belong to the UN Security Council, and this was the first ever peacekeeping mission where the military command was exchanged between two international institutions.³⁵

The EU envisaged a humanitarian approach to solve the problem, which meant a closer cooperation with the common institutions of Bosnia and Herzegovina. In this concept peacekeeping was the enforcement of humanitarian law. In effect, it would be the civilian and military implementation of the Dayton Peace Agreement by the people and for the people of the country. Ideally, this would cure the roots of the conflicts, as this approach understood how the war was not fought between the ethnicities but against civil society.³⁶ However, in a system where international institutions, and military missions monitor and ensure the work of national institutions, out of which many were still not functioning or non-existent by the time the EU took over the region, this was a very naïve policy. The DPA was a good start to enforce ceasefire and create a stable environment for further talks and negotiations, but the manufactured constitution, created in accordance with the nationalist needs of political leaders, the complex system of checks and balances restricts and makes it almost impossible to create an internal integration in Bosnia and Herzegovina. The question of who leads the country remains open to this day, as the international community is still in charge of many state competences, and the political system based on parity, not allowing any type of conflict or change is unable to adopt the EU aspirations.

³⁴ **EUROPEAN UNION HIGH REPRESENTATIVE FOR COMMON FOREIGN AND SECURITY POLICY: *Summary of the Report by Javier Solana, EU High Representative for CFSP, on a Possible EU Deployment in BiH***, 2004 [http://www.ohr.int/ohr_archive/summary-of-the-report-by-javier-solana-eu-high-representative-for-cfsp-on-a-possible-eu-deployment-in-bih-presented-to-the-eu-council-of-foreign-ministers/]

³⁵ **HALÁSZ** Iván: *Az állam összeomlása és újjáépítése*. Nemzeti Közszerológati Egyetem, 2014, 122-128. p.

³⁶ **KALDOR** 1999, 66-68. p.

5. The European Union's policy on Bosnia and Herzegovina's integration

Now that we have seen what shaped the current form of Bosnia and Herzegovina, we can examine the European Union's relation with the country from both points of view. It is important to highlight in the beginning the fact that integration and a national self-determination cannot be achieved at the same time. First and foremost, an internal stability is needed in order not to view the sharing of our sovereignty as losing our authority and giving up national values. The EU and Bosnia and Herzegovina mutually expect way too much from the other side and miss a common idea.

5.1 Internal integration

In 1995, the most important task of the High Representative for Bosnia and Herzegovina was to establish common institutions for the central government. According to Carl Bildt, otherwise the only two governmental institutions would have been the IFOR and the Office of the High Representative. It was his job to monitor and organize the setting of these institutions because the entities would not cooperate. In the 1996 elections each entity tried to enforce its own political goals and common goals were overshadowed by personal interests once again in Bosnia and Herzegovina. The Serbs were not interested in the setting of common institutions, they focused on gaining legitimacy for Republika Srpska, while Izetbegović wanted to demonstrate the fall of Serbian separatist ideals with these institutions. After the elections, the first Parliamentary Assembly could not hold its meeting because the Serbian representatives did not present themselves, only in 1997 could they hold the first Assembly with a significant US pressure.³⁷

In 1999, there was a change in the Office's personnel, and Wolfgang Petrisch, Austrian Ambassador of Belgrade, became the High Representative for Bosnia and Herzegovina. He realized that the international community expects rapid changes from him, as they were planning on withdrawing efforts from the country. Politically they were still engaged in the region which appeared in the promotion of unity, integrity, democratic values, and the advantages of market economy. However, none of the international actors provided the adequate tools for building a viable environment where these ideas could take root. There was

³⁷ JUHÁSZ et al. 2003, 214-217. p.

a significant decrease in financial support and in security matters.³⁸ By the end of the '90s the SFOR troops were reduced to 26,000 compared to previous 63,000.³⁹

Petrisch noticed how political leaders in Bosnia and Herzegovina deferred themselves into the fact that the international community will take the necessary steps instead of them. Based on previous experiences after the decisions of the Office of the High Representative, politicians would object every time, yet these protests whist in a few days. This process allowed them to propagate their nationalist ideas while still accepting the right decisions. For this reason, the international community changed its Bosnia-policy, which became known as the Ownership Concept. The purpose of this concept was to gradually give governmental institutions into Bosnian hands. The concept was widely welcomed in the international circles, however, they had to admit its unreality in practice. The Ownership Concept meant an executive responsibility for the politicians of the different entities, which would automatically lead to a Serb resistance. The country still struggled with many difficulties to be able to function without international help thanks to the divisive Constitution, the lack of common institutions and government competences.⁴⁰

From 1995, the EU took great responsibility in peacebuilding in the region which emphasized democracy-building, institutional and legislative reforms, as well as welcoming refugees back to their country of origin. Bosnian entities viewed these efforts useless and controversial, because of the EU's incompetence to provide necessary aid for them during the war. Furthermore, their current constitutional system was fabricated by the international community, and this Agreement is exactly the reason why reforms are almost impossible to make, not to mention that territories gained by war crimes were also legitimized by the Dayton Agreement.⁴¹

An amendment to the Constitution ripened due to dissatisfaction of the constituent peoples of Bosnia and Herzegovina. Despite the decrees of the DPA, the two official entities of Bosnia and Herzegovina had their own Constitutions. Both declared its own language as the official language of the entity and considered themselves as a state for their own nation. In 2002, the High Representative for Bosnia and Herzegovina called a meeting with the leaders of the most influential political parties and representatives of the international community to work

³⁸ JUHÁSZ et al. 2003 265-269. p.

³⁹ KÁLMÁNYI Gábor: *Kis EUFOR-határozó*. Honvédelem.hu, 2022 [<https://honvedelem.hu/missziok/kis-eufor-hatarozo.html>]

⁴⁰ JUHÁSZ et al. 2003, 265-269. p.

⁴¹ SZALAY Szabolcs: *A bosnyák nemzetépítés folyamata és perspektívái*. GROTIUS e-könyvtár, 2013, 47. p.

on acceptable modifications for all ethnicities. The HDZ and the SDA refused to sign the amendment urging ethnic proportioning, thus it was ratified by the High Representative. At the same time, they managed to compromise regarding electoral laws, which was a huge stepping-stone in Bosnian state building. This step implied that the OSCE⁴² assigned the responsibility of monitoring the elections to the central government of Bosnia and Herzegovina. It was also the criteria of the Council of Europe to take Bosnia and Herzegovina as its member. Regarding the country's foreign policy, the entities agreed on more and more things, which drafted the idea of EU accession as a long-term goal.⁴³

However, EU accession is not this easy in effect, and the enormous public administration system, and controversial opinions between the official entities of Bosnia and Herzegovina make it even harder, especially since Milorad Dodik, President of Republika Srpska entered his office. His policy is not integration-oriented, and continuously fights for Republika Srpska's autonomy. In 2021, he claimed that he plans to cut all ties with Bosnia and Herzegovina and enlisted the key steps he is willing to take soon. He will not consider decisions taken by the Office of the High Representative legitim anymore and blames the international community for creating a 'Muslim-state'.⁴⁴ The securitization of Islam in Europe is an urging question in the past few decades, which makes his statement problematic, particularly because of the radicalization tendencies in Bosnia and Herzegovina.⁴⁵ He also announced taking over military barracks on the territory of Republika Srpska, which are now managed by the Bosnian Armed Forces. In case of cutting EU financial support, he already initiated talks with Russia to fill in the gaps. On contrary, his revelations should be understood carefully. Most of these steps interfere with the decrees of the Dayton Agreement, thus taking them would lead to numerous sanctions against Republika Srpska and a probable international interference. Concerning their financial status, the European Investment Bank provides the biggest loans to Republika Srpska, amounting to 510 million euros. In addition, according to Bosnian Finance Ministry data, Russia was not among the creditors of Republika Srpska, but many other EU-member countries were.⁴⁶

⁴² OSCE: Organization for Security and Co-Operation in Europe

⁴³ JUHÁSZ et al. 2003, 286-287. p.

⁴⁴ Nermina KULOGLIJA, Emina DIZDAREVIC, Lamija GREBO and Jasmin BEGIC: *BIRN Fact-Check: The Questionable Claims of Bosnia's Dodik*. BalkanInsight.com, 2021 [<https://balkaninsight.com/2021/10/15/birn-fact-check-the-questionable-claims-of-bosnias-dodik/>]

⁴⁵ SZALAY 2013, 48. p.

⁴⁶ KULOGLIJA et al.

The aggressive politics of Dodik raise many security questions among other difficulties in this sphere. Starting from the late '90, the renewal of a military conflict was not probable anymore, on the other hand, because the country was unable to fulfill its responsibilities, protect its citizens and run a stable economy, Bosnia and Herzegovina became a hotbed for organized crime. It is mostly manifested as smuggling and human trafficking. Its road obviously leads to the West and became one of the main transit lines for illegal migration, which lifted the EU's perspective on the Balkans again, because it is a security question for the border countries. Thus, in November of 1999 the idea of a unified Bosnian passport and realization of a national border police came up. Nationalist political parties refused to sign this agreement, similarly to the previous ones concerning any reforms that would lead to a unified approach in Bosnia and Herzegovina. In 2000, Wolfgang Petrisch entered the agreement into force, as the Parliament could not vote on it. The initiative reached several successes in repelling illegal migration, smuggling and the international black market.⁴⁷

Yet, border control is not sufficient to have functioning armed forces, a unified defense policy or security criteria. The matter of civilian control over armed forces raised several questions, since all entities kept their own armies, even after the Dayton Agreement. Under US pressure, the Bosniaks and Croats unified their forces, but because of the differences in their command structures, it did not manage to develop into an operative army. The future security of the country highly depends on the level of cooperation between them. In 2000, the international community called Bosnia and Herzegovina to create its security policy concept, as without that, their integration will not take effect. The creation of a unified security policy concept failed, even though, the then in being commander of the SFOR mission played a huge role in drafting it. A compromise was born in 2002 about establishing a common army, but it did not imply the realization of a unified armed force.⁴⁸

Since then, the building of civilian control started in Bosnia and Herzegovina, but still a lot of arms are in private hands. The country cannot show significant development in the security sector.⁴⁹ Their liquidation is already in process under the command of EUFOR.⁵⁰ The operation is part of the EU's ESDP⁵¹ mission, engaging in a variety of activities. Their main tasks include deterrence and creating a viable security environment in the country. To achieve

⁴⁷ JUHÁSZ et al. 2003, 267-268. p.

⁴⁸ JUHÁSZ et al. 2003, 288-289. p.

⁴⁹ BIHARI Rita: *Bosnia and Herzegovina: Internal Challenges and EU Accession*. Hadtudományi szemle, 2018, XI. évfolyam 2. szám, 118-119. p.

⁵⁰ EUFOR: European Union Force

⁵¹ ESDP: European Security and Defence Policy – it is part of the EU's Common Foreign and Security Policy

the latter, they take part in collecting arms from civilian citizens, collecting information, supporting, and training Bosnian armed forces, monitoring arms movement and building proper infrastructure.⁵² However, since 2012 Operation EUFOR Althea had only 600 troops in Bosnia and Herzegovina, due to Russian aggression in Ukraine, they announced doubling the number of troops to 1,100, as because of Dodik's politics in Republika Srpska, the events in Ukraine could lead to instability in the region again.⁵³

In conclusion, Bosnia and Herzegovina's approach to EU accession is important for the relevant politicians in the country, however, their interests revolve rather around the financial support, than around actual integration. This policy violates the interests of the average Bosnian citizens, and therefore they find EU-Bosnia ties controversial. Basically, there are three factors shaping their opinion regarding the EU. The first one is their history, which the EU often tends to ignore when it comes to its state building missions. The EU accentuates the obsolescence of a national consciousness in a country where self-determination is still in process and European political thinking arrived later, making it be in a totally different segment of state building compared to other EU nations. This lack of identity leads to the second factor shaping their opinion, that being the EU's relation with Islam. Thanks to their history, the Bosniaks can identify themselves with the East just as much as with the West. Getting rid of political and worldly values is one of the fundamental teachings of Islam, thus it is no surprise that more and more young people search for a sense of belonging here. The Muslim immigrants and their securitization cause societal, political and security problems in many EU-member countries, which makes many Bosnian Muslims believe that the EU is an Islamophobe organization. This automatically leads to the third shaping factor, the EU's communication and its programs and missions in the Balkan. The EU communicates clear values and promotes financial and political welfare, yet the continuous stream of the accession process creates dissatisfaction and questioning whether they belong to the organization or not.⁵⁴

We could see that Bosnia and Herzegovina is not ready for EU integration because of the still existing challenges that do not allow the country to exercise government competences on its own, like protecting civilians, creating a unified policy inside and outside the country, many

⁵² JUHÁSZ Krisztina: Az Európai Unió nyugat-balkáni válságkezelő missziói. *Nemzet és biztonság*, 2015, 2. szám, 81-82. p.

⁵³ Srecko LATAL: *EU Doubles Bosnia Peacekeepers as Global Security 'Deteriorates'*. *BalkanInsight.com*, 2022 [<https://balkaninsight.com/2022/02/24/eu-doubles-bosnia-peacekeepers-as-global-security-deteriorates/>]

⁵⁴ SZALAY 2013, 47-48. p.

common institutions are still not established, not to mention the separation in the armed forces, which still needs the EU's military mission to fulfill basic security tasks. Because of the principle of subsidiarity, integration requires the ability to solve problems on local terms, instead of expecting help from above, which still should be an area of focus for Bosnia and Herzegovina.⁵⁵

5.2 External integration

EU membership conditions are set in Article 49 of the Maastricht Treaty and are known as the Copenhagen criteria. The key components are in connection with stable institutions providing democracy, rule of law, protecting human rights and minorities, as well as a competent market economy, and the ability to execute EU standards and policies and membership criteria.⁵⁶

In 1999, a new approach was launched towards the Western Balkans, called the Stabilization and Association Process (SAP). It contained additional conditions regarding the EU association of countries in the region. The SAP can be interpreted as a bilateral agreement based on the respective country's own merits in terms of trade relations, financial assistance, good neighborly relations, and regional cooperation. The emphasis on the bilateral dimension of the agreement, guaranteeing the flexibility for each country to gradually apply certain components enlisted in the SAP at their own pace.

The Lisbon European Council made some important remarks concerning trade liberalization in the Western Balkans. As the EU is their most important creditor, they aim to improve the Balkans' way into the Single Market. The reason behind this idea is the disproportionality of import rates between the EU and Balkan states. While the EU is their main trading partner, import rates from the Balkans equal to less than 0.5% of all imports. The EU Council advised the provision of free access to the EU market, highlighting the importance of enlarging the economic area. The only precondition is the willingness to engage in political, economic, and security issues with the EU.

A new strategy was also launched to financially support the projects of countries participating in the SAP and to help the fulfillment of the annual country and regional strategies. The Community Assistance for Reconstruction, Development and Stabilization (CARDS) was put into effect in 2002, and the primary recipients of this aid were governmental and state

⁵⁵ BIHARI 2018, 115-116. p.

⁵⁶ *Accession criteria* (Copenhagen criteria). EUR-Lex [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3Aaccession_criteria_copenhagen]

institutions. The CARDS supports the creation and reservation of institutional and legislative framework to align with EU objectives.

Thus, the Stabilization and Association Agreements (SAA) were established, which are a formal agreement with the EU for the time being while the given country harmonizes its own values and legislation with the EU. The agreements do have punitive measures, ranging from postponing to the total suspension of cooperation. To decide whether any of these measures are taken or not is in the hands of EU legislative and executive bodies. While on one hand, the SAAs do not contain any formal commitment regarding the accession process to the EU, on the other hand, implementing the goals reposed in the SAP is a stable basis for becoming a potential membership candidate.

To monitor the enforcement of the EU's criteria, a new review mechanism was put in operation in 2001. This meant an annual, one-on-one Council review on the implementation of SAP for all recipient countries. The review is based on the Commission's reports, comprising the annual country reports combined with recommendations for future development and further engagement with the EU. In 2002, the European Parliament raised its concerns regarding the insufficient cooperation of Western Balkan countries, especially Bosnia and Herzegovina, with the Tribunal, and advised the Council and the Commission to suspend financial aid from any country that is not willing to fully engage with the set conditions. However, they could use punitive measures if the objectives in the SAA are not met, the Council only warned the respective countries that not cooperating adequately could jeopardize their further progress towards EU accession. This policy is extremely naïve from the EU's part, as European integration is important for the political elite in Bosnia and Herzegovina because of the financial benefits, which is rarely seen by the average citizen. This issue got highlighted in 2003 in the SAP reports, stating that despite the democratically elected governments, deficiencies in democratic governance, in application of rule of law, and struggle with corruption are still common in the Western Balkans.

In 2003, Bosnia and Herzegovina was identified as a potential candidate for EU membership at the Thessaloniki European Council summit, and a year later the European Integration Partnership was announced to provide step-by-step guidance for EU-conditionality.⁵⁷

In 2016, Bosnia and Herzegovina submitted its application to join the EU, and the Commission was asked to present an opinion about the country's aspirations. However, the

⁵⁷PIPPAN 2004, 229-243. p.

opinion was only adopted and endorsed by the Council in 2019.⁵⁸ It is important to highlight here, that in 2019, Olivér Várhelyi became the EU Commissioner for Neighborhood and Enlargement.⁵⁹ The Western Balkans are an important aspect of Hungary's foreign and security policy, not only because around 7% of Hungarian export goes to this region, but also because as a border country, Hungary can easily become the target of illegal migration, smuggling and drug dealing. Therefore, it is important whether Western Balkan countries will be EU members, and if so, when.⁶⁰

The opinion contains the major steppingstones of EU-Bosnia and Herzegovina relations, like participating in the SAP, the introduction of visa-free travel in the Schengen area, the signing of SAA and the Interim Agreement.⁶¹

The annual Commission reports in 2020 and 2021 on Bosnia and Herzegovina contain a wide range of fields that need to be developed concerning the accession process. The last chapter in both documents concludes the ability of Bosnia and Herzegovina to assume obligations of membership.

The 2020 report discusses a large number of topics, like free movement of goods, workers, capital, the different fields of law, Trans-European networks, science, research, education, climate change, healthcare, and lastly but most importantly for us, foreign, security and defense policy. The Commission reports that the country has some level of preparation, but no particular progress was made in that respective year. Concerning the future, the Commission advises Bosnia and Herzegovina to harmonize its internal foreign and security policy with the EU's foreign policy statements and apply restricting measures towards 3rd countries set out by the EU. The country should appoint representatives for political director and a European Correspondent. Joining arms control regimes is also in front of Bosnia and Herzegovina, but they continued to take part in crisis management missions.⁶²

The 2021 report also gathers topics like the internal market, competitiveness and inclusive growth, the Green Agenda, resources, agriculture, and cohesion. Regarding foreign, security

⁵⁸ **EUROPEAN COMMISSION:** *Bosnia and Herzegovina. European Neighbourhood Policy and Enlargement Negotiations* [https://ec.europa.eu/neighbourhood-enlargement/enlargement-policy/negotiations-status/bosnia-and-herzegovina_en]

⁵⁹ **EUROPEAN COMMISSION:** *Commissioner for Neighbourhood and Enlargement* [https://ec.europa.eu/commission/commissioners/2019-2024/varhelyi_en]

⁶⁰ **MÁRKUSZ László:** *Bosznia-Hercegovina: tizenöt évvel Dayton után.* Nemzet és Biztonság, 2010, 3-4. p.

⁶¹ **EUROPEAN COMMISSION:** *Commission Opinion on Bosnia and Herzegovina's application for membership of the European Union.* Brussels, 2019

⁶² **EUROPEAN COMMISSION:** *Bosnia and Herzegovina 2020 Report.* Brussels, 2020

and defense policy, Bosnia and Herzegovina made no progress compared to the previous year. The Commission argues, that however, the country applied a new strategy for small arms control, their alignment with EU foreign policy noticeably declined. The Commission's recommendations for 2020 were not implemented successfully, therefore they remained valid and applicable for the next year.⁶³

We can see that the enlargement process of the EU became prolonged in the past decades, especially in the Balkans. Steps that were previously formalities, take years to be put in action. During the years, the EU continued to add more and more conditions and control mechanisms before any country could finish its given integration stage. A lot of measures, like visa-free travel and other agreements were taken for the sake of keeping the appearance of getting closer to an exhaustive integration.

This prolongation is the result of a chain of events that effect how member countries view the EU enlargement process. The EU has its internal problems, many of the disciplined member states are failing to implement EU values and membership criteria, which led to tightening the already restricted requirements for new applicants. These challenges also generate a disagreement between member states on enlargement policy, and they are unable to communicate coherent objectives. Therefore, the EU extends the realization of integration criteria, instead suspending countries unable to cooperate to the required extent, which gives the political elite the power to take its own interests in front of EU values. Integration is not a neutral process, it swings into the direction of centralization, which could cause tension in Bosnia and Herzegovina, if not implemented gradually, because this would mean the abolishment of the two entities, which would result in Serbian opposition.

Another factor effecting this process, is the so called "enlargement fatigue", caused by previous experiences of EU enlargement. With more and more Eastern countries joining, the distinction between political interests made Western countries doubt the idea of an "open European Union". Countries of the Post-Soviet area are in a totally different stage of state building, not to mention the condition of the Western Balkans. Their quick acceptance to the EU, would result in even more misunderstandings, and the political integrity of the EU could

⁶³ EUROPEAN COMMISSION: *Bosnia and Herzegovina 2021 Report*. Brussels, 2021

collapse. In Bosnia and Herzegovina, with the policy of Milorad Dodik, the political and security aspects of EU membership would be impossible to fulfill.⁶⁴

In effect, because of the internal challenges of Bosnia and Herzegovina, the process of joining the EU still awaits itself, but because of the favorable geographical closeness and possible energy supplies, the EU largely promotes its accession. Between the years 2014-2020, enormous amounts of aids were given to the country within the framework of IPA II to solve the problems that they are facing, and to be able to fulfill the EU questionnaire.⁶⁵

6. Conclusion

Let's review how the historical ties, the Bosnian war, and the Dayton Peace Agreement affected Bosnia and Herzegovina's integration inside and outside the country.

The Bosnian war was an archetype of new wars, as it was the first major crisis, the international community had to act on to preserve stability in Europe after two world wars. In the 21st century, crisis management is not resolvable on a national level because of the interconnectedness of our world. We could see the complexity of national forces in Bosnia and Herzegovina, and how it was not possible to win over hearts and minds, territories or gain political control by military force only, and how state and non-state actors cooperated, then turned against each other the next second. Multidimensional operations were launched in the country, and military personnel had to act in an environment where the frontlines and targets were not clear. These are all characteristics of new wars, where everything is interdependent, we cannot plan with only one scenario, and a rapid reaction is needed until the theatre of changes. The Bosnian war was fought for a national identity, not for territories, nor for ideologies.

It opened new chapters in international intervention, humanitarian aid, and crisis management. The fact that most of the international institutions took part in peacebuilding in Bosnia and Herzegovina also prove how one entity is not enough anymore to enforce the implementation of peacekeeping missions. Transparency was proven by the change of command in the EUFOR Althea mission, which continued its successful operation even after US withdrawal.

⁶⁴ Marta SZPALA: *The Western Balkans: deadlock in the EU enlargement process*. OSW Commentary, Center for Eastern Studies, Issue 43, 2010, 1-7. p.

⁶⁵ MOLNÁR Anna: *Az Európai Unió Külkapcsolati Rendszere és eszközei. A külkapcsolatoktól a kül-, és biztonság- és védelempolitikáig*. Dialóg Campus Kiadó, Budapest, 2018, 130. p.

However, this increased international engagement made it harder for Bosnia and Herzegovina to solve its problems at its own pace. The country was not yet in a state where giving part of its sovereignty up, did not mean the loss of its identity again. Thus, extreme opposition and nationalist propaganda could set feet in the country. The reason why Bosnia and Herzegovina cannot reach internal integration, is the divisiveness of the Dayton Peace Agreement. A strong central government should be established, not based on ethnic proportionality, but on political capabilities. Milorad Dodik's policy on disintegrating Bosnia and Herzegovina led to the total collapse of its legislative and executive powers. Most of the electors do not believe in political change, they still remember the brutality of war, and remain skeptical towards any reforms that might resolve constitutional problems, but also might revive potential conflicts. While the international community constantly pressures the outdatedness of nationalism, and promotes the unification of the country, offering dozens of financial aids, and political framework, the politicians of Bosnian entities still try to reinforce their own power in the country. Dodik continuously propagates the creation of a third entity and establishing institutions parallel to the ones set by the DPA. Right now, Bosnia and Herzegovina is in a political stalemate, which could be changed by electoral reforms, a unified central government, and by united, not only unified armed forces.

The European Union's approach fails to understand that Bosnia and Herzegovina, along with other Eastern European countries, is in a different stage of state building compared to the West. They are preoccupied with their own problems, which slows down the enlargement process. The lack of political cohesion between the member states allows the EU to prolongate the association and add continuous measures and requirements to the SAAs. Citizens of Bosnia and Herzegovina are in favor of joining the Union, however the prolonged association process could lead to the rise of nationalist ideals and seeking a sense of belonging elsewhere. The EU takes for granted the willingness of Balkan countries to fully integrate into the Euro-Atlantic region, yet oftentimes their values are mismatched. The progress majorly depends on the efforts of the two entities in Bosnia and Herzegovina and whether they can convince the current member states about the benefits of EU enlargement. Hungary is definitely in favor of welcoming the Western Balkans among member states of the Union, but the Western countries question the future cooperation with them. The Commission is trying to broadcast between Bosnia and Herzegovina and the opposing member states, but it is safe to say, that Bosnia and Herzegovina will not become an EU member in the near future.

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