



# EU democratisation of BiH

## - Right principles, wrong policies -

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### Introduction

On November 6<sup>th</sup> 2007 the European Commission reported to the European Parliament and the Council that Bosnia and Herzegovina is still not prepared to formally conclude negotiations on a Stabilisation and Association Agreement (SAA) with the EU, due to a "lack of progress in implementing the necessary reforms"<sup>1</sup> (2007, p. 4). Specifically, the Report asserted that the reform agenda was undermined by the "complex institutional arrangements, frequent attacks to the Dayton/Paris peace agreement and nationalistic rhetoric" (2007, p. 4). However, by December 4<sup>th</sup> 2007, less than a month later, the EC reversed its position and initialled an SAA with BiH. BiH was said to have made the necessary progress, even though it substituted an entire reform process with a set of decisions made in a single day, under strong international pressure. Jeffrey Checkel states that "the best way to attain compliance with core norms is to bring applicant countries into the institution as quickly as possible, where they can then "persuade" and "socialise" them" (1999, p. 29), which partly explains the logic behind the EU's decision. However, this paper is not about the application of double standards in EU policies. It will rather analyse and evaluate the application of EU values and standards in promoting democratisation policies in BiH.

<sup>1</sup> Commission Staff Working Document, Bosnia and Herzegovina 2007 Progress Report

### Democracy – BiH Style

Democracy in BiH is characterized by ethnicity based party-politicking, confrontational discourse, political pressure on the press and media, reform stalemate, inflammatory political rhetoric and perpetuation of political crisis. Democracy has not consolidated, which is also confirmed by poor ratings on numerous comparative charts of democratic development. For example, the Bertelsmann Index of Transformation (2007) ranks BiH as 48<sup>th</sup> out of 125 states assessed in terms of their democratic status (stateness, political participation, rule of law, and stability of democratic institutions), and as 81<sup>st</sup> on the index of political management (traditions of civil society, intensity of conflicts, level of education, economic performance and institutional capacity).

Furthermore, the Freedom House 2007 country report says that BiH is not an electoral democracy. Even though voters can freely elect their representatives, the OHR has the authority to remove publicly-elected officials if they are deemed to be obstructing the peace process, and ethnic divisions are institutionalized on several levels of government. The report also states that "from January to June 2006, Free Media Helpline documented 41 reported violations of journalists' freedoms, including instances of pressure by politicians and law enforcement" (2007, Chapter on Political Rights and Civil Liberties, para. 3).

### Consolidation of democracy

A democratisation process consists of three stages: liberalization, transition and consolidation. "Consolidation refers to the process, often a lengthy one and in a certain sense always ongoing, of stabilizing and institutionalizing democratic institutions and practices, as well

as the internalization of democratic norms by elites and masses” (Kubicek, 2002, p. 21). The importance of this definition is in the synthesis of ‘institutionalisation’ of democratic practices and ‘internalisation’ of democratic norms. This paper will argue that EU democratisation efforts in BiH have focused primarily on the so-called ‘formal/institutional/procedural/bureaucratic’ democratisation, while paying less attention to ‘informal/substantive/hybrid’ democratisation which would have resulted in ‘internalisation’ of norms in BiH society and state. It requires a “genuine deepening of democracy, a move beyond promulgation of new rules and toward sustained, meaningful democratic practice” (Kaldor and Vejevoda, 2002, p. 21). Apart from the basic conditions, such as holding free parliamentary elections and a multi-party system, what is also expected of substantive or consolidated democracy is active political participation, respect for freedom of media and not just adoption of legislation that enables it. It means constructive political dialogue, issue-driven and with effective public support.

It will thus be claimed that the basic precondition for consolidation of democracy in BiH is a synthesis and inseparability of its institutional/formal aspects and internalization of democratic norms. Based on that, the following assumptions can be made:

- I The success of EU policy of democratizing BiH is conditioned by ‘normative incompatibility’ between two systems of values.
- II Nationalism, ethnic division, and protection of collective over individual rights, represent ‘counter-norms’ to EU system of values or competing ideologies, and as such they curb the potency of EU’s ‘normative power’ in BiH.
- III BiH is a ‘grey-zone’ or ‘reluctant’ democracy. As such, EU policy is distracted by the claiming of success for partial or superficial changes in major reform areas.
- IV The EU democratisation policy focuses excessively on ‘formal/institutional/structural’ democratisation, and thus fails to project positive effects on substantive ‘internalisation’ of EU norms in BiH society.
- V EU as an actor and a ‘project’ is regarded fairly highly in BiH society, but it has not utilised this image to overcome the potency of the existing ‘counter-norms’. As a result, EU rhetoric has not been transformed into adequate and effective policies which would pursue its proclaimed goals.

<sup>2</sup> Evidence for this part of the research was collected from official EU, CoE and OSCE documents and content analysis was conducted. Further research through semi-structured interviews will be conducted in preparation of the second draft of the paper.

<sup>3</sup> 1973 Copenhagen Declaration on European Identity: “The Nine wish to ensure that the cherished values of their legal, political and moral order are respected, and to preserve the rich variety of their national cultures. Sharing as they do the same attitudes to life, based on a determination to build a society which measures up to the needs of the individual, they are determined to defend the principles of representative democracy, of the rule of law, of social justice - which is the ultimate goal of economic progress - and of respect for human rights. All of these are fundamental elements of the European Identity.”

## **I The success of EU policy of democratizing BiH is conditioned by ‘normative incompatibility’ between the two systems of values<sup>2</sup>.**

“the different existence, the different norms, and the different policies which the EU pursues are really part of redefining what *can* be ‘normal’ in international relations”  
(Manners, 2002, p. 253)

EU ‘normative power’ rests on a normative basis which stems from the 1973 Copenhagen Declaration on European Identity. It establishes democracy, rule of law, social justice and respect for human rights as “the fundamental elements of the European Identity”<sup>3</sup> or the ‘core norms’



(Manners, 2002, p. 254). The Thessaloniki Declaration<sup>4</sup> (2003) is the key document which reiterates support for integration of South-East European (SEE) countries into the EU and their determination that “the Stabilisation and Association process (SAP) will remain the framework for the European course of the Western Balkan countries, all the way to their future accession” (para. 5). Countries which adopted the Thessaloniki Declaration, including BiH, expressly committed to support the ‘core norms’ by stating that: “We all share the values of democracy, the rule of law, respect for human and minority rights, solidarity and a market economy, fully aware that they constitute the very foundations of the European Union” (Thessaloniki Declaration, 2003, para. 2).

### **Disconnect between values and policies**

However, the European Commission’s 2006 and 2007 Progress Reports on BiH offer evidence which contradicts the government’s commitment expressed in the Thessaloniki Declaration. The 2006 Report specifically says that:

Members of the Parliament frequently continue to vote along ethnic lines . . . failure to amend the Constitution made it impossible for the elections to comply fully with the requirements of the European Convention for Human Rights (ECHR) . . . Inflammatory rhetoric on identity and ethnicity-related issues impacted in particular on legislative reforms requiring transfer of competencies from Entities to the State. (EC, 2006, p. 6)

Furthermore, the 2007 Progress Report on BiH states: “Overall, Bosnia and Herzegovina’s political leaders have given limited attention to the necessary reforms and nationalist rhetoric has prevailed” (EC, 2007, p. 8).

The EC Reports illustrate very clearly that the normative incompatibility between EU and BiH is primarily rooted in the exclusivist and divisive nature of the Dayton structure and predominance of nationalist rhetoric (which will be analysed in the following chapter). Further evidence is presented in other reports recently published, which recognize the extent to which those structures preserve ethnic and social divisions in BiH. Those divisions impede compliance with international commitments, particularly in respect to the Council of Europe (CoE), European Convention on Human Rights, and different EU declarations. A 2005 Report by the CoE Venice Commission<sup>5</sup> very accurately describes the disparity between BiH normative aspirations and its structural outlook:

...the division existing within the country between the various ethnic groups remains a major concern. . . . At present, the State level is not able to effectively ensure compliance with the commitments of the country with respect to the Council of Europe and the international community in general. With respect to the EU it is unthinkable that BiH can make real progress with the present constitutional arrangements. (Venice Commission, 2005, p. 6)

The Venice Commission highlights other substantive contradictions between BiH and EU, particularly relating to a direct breach of the European Convention on Human Rights as reflected in “...an underlying tension between a constitutional system based on collective equality of ethnic groups and the principle of individual rights and equality of citizens” (2005, p. 17). It outlines specific flaws embedded in the system, namely:

The rules on the composition and election of the House of Peoples seem incompatible with Art. 14 ECHR, the rules on the composition and election of the Presidency seem incompatible with Protocol No. 12, which enters into force for BiH on 1 April 2005. (Venice Commission, 2005, p. 20)

<sup>4</sup> EU-Western Balkans Summit – Declaration, Thessaloniki, 21 June 2003

<sup>5</sup> European Commission for Democracy through Law (Venice Commission). Opinion on the constitutional situation in Bosnia and Herzegovina and the powers of the High Representative, adopted by the Venice Commission at its 62nd plenary session (Venice, 11-12 March 2005)

This is reiterated in the 2007 Progress Report, which now includes a requirement for constitutional changes in the way the Presidency and House of Peoples are composed and elected as one of the key conditions for European Partnership. The Report, however, does not go as far as setting those changes as a condition for signing the Stabilisation and Association Agreement, which would have ensured faster compliance. Commenting on the remaining conditionality for BiH, EU Enlargement Commissioner Olli Rehn puts emphasis on the police reform and functional state institutions, but in regards to constitutional changes he states that they are "...necessary for citizens of this country" (Press conference, 2007). Rehn thus makes constitutional changes more a matter of internal drive for change, rather than a key precondition for compliance with the basic EU documents on human rights. The use of rhetoric in promotion of EU policies will be analysed further in subsequent chapters, but here it serves the purpose of illustrating a disconnect between EU's diagnosis of flaws in the system, and how they respond to them through their policies.

### **Lack of 'cultural match'**

The above examples illustrate another important aspect of this incompatibility, which can be marked as the lack of 'cultural match' (Kubicek, 2003) between European and domestic norms. According to Kubicek "...the international norm must resonate or be proximate with pre-existing domestic norms and must have some degree of domestic authorship... the norm must be uncontested, and be able to travel easily from the temporal and cultural context in which the norm was constructed." (2003, p. 53). The Dayton Agreement created divisive structures, which impede the building of a democratic state to which citizens are comfortable to entrust their support and which they are able to identify with. As such, Dayton structures represent a basis of values which are in 'cultural clash' and contest the applicability of European norms and standards in the domestic framework. In examining how compliance with norms occurs in a country, Jeffrey Checkel states that "the structure of domestic institutions seems to be key in explaining variance in the mechanisms through which compliance occurs." (1999, p. 32). Understood in that way, BiH structures and the norms they project represent a serious challenge to the apparent political commitment expressed in the Thessaloniki declaration stating that "fragmentation and divisions along ethnic lines are incompatible with the European perspective, which should act as a catalyst for addressing problems in the region" (2003, para. 7).

## **II. Nationalism, ethnic division, and protection of collective over individual rights, represent 'counter-norms' or competing ideologies, which curb the potency of EU's 'normative power' in BiH.**

"Nisu oni mi da se udružuju da bi se mogli bolje pobit' kad se upale k'o kutnjaci"  
("They are not like us to form a union in order to better fight one another when they become inflamed")

Emir Imamovic Pirke,  
'Tajna doline piramida' (2007, p. 10)  
(The Secret Valley of the Pyramids)

As it has been illustrated, the divisive governance structures and the system of values they emanate are normatively incompatible with core EU values. This argument can be taken one step further in order to show how this incompatibility is channelled in order to empower what will be labelled here as 'counter-norms' (values which are contrary to those promoted by EU). Kubicek claims that the EU has benefited from a ready acceptance of EU norms mostly in coun-



tries where there was “no cultural disconnect or rival program (e.g. nationalism) that would challenge the principles upheld by the EU. EU norms were congruent with the agenda of most elites” (2003, p. 11). In the case of BiH, apart from institutional incompatibility with European conventions, there is a plethora of more substantive breaches of European democratic essence, projected through the rhetoric, actions and policies of BiH political leaders<sup>6</sup>.

### Counter-norms

Analysing the general political discourse of the two political figures who have characterized the BiH political scene for the past two years, RS Prime Minister Milorad Dodik and Bosniac member of BiH presidency Haris Silajdjic, it comes as fairly obvious that they have won elections based on the nationalistic rhetoric, which they have successfully sustained since, and which culminated in fabrication of, a political crisis in November 2007 and February 2008. Their discourse was fashioned in an inflammatory manner, further drifting apart the already divergent positions, but also bringing attention to the importance of discourse in the process of construction of a policy. The constructivist theory pays close attention to the prevailing discourse, because discourse reflects beliefs and interests, and establishes norms of behaviour. It has capacity to shape how political actors define themselves and their interests, and thus modify their behaviour, which eventually results in formation of a policy (Walt, 1998).

This is evidenced first and foremost by election promises which were employed during the election campaign in 2006. Haris Silajdzic secured his safe return to BiH political life by building a strong opposition to a package of amendments to the BiH Constitution, which were intended to make the State more functional. His main argument was that the package did not go far enough in curbing the autonomy of Republika Srpska, which in his opinion, should be abolished altogether. In managing to prevent adoption of constitutional amendments, Silajdzic created an atmosphere of anxiety over the current constitutional arrangement and woke up some long buried insecurities, from which he profited immensely during the election campaign by securing over 60% of the votes for his presidential candidacy.

In reaction to Silajdzic’s call for abolishment of the RS, Milorad Dodik created a counter campaign based on calls for a referendum on separation of the RS from BiH. This secessionist rhetoric secured his party a landslide victory in the RS, by winning almost half of the mandates in the RS National Assembly<sup>7</sup>.

Since then, the rhetoric has become even more inflamed and less refined. Dodik was reported to say that the abolishment of the RS is an ‘unfinished dream’ of SDA president Sulejman Tihic and SBiH president Haris Silajdzic, thus making those attacks even more targeted and aimed at personifying the ‘adversaries’ of the RS. He is quoted to have said that “Tihic and Silajdzic can continue dreaming that the RS does not exist, but when they wake up the first thing they will see if they look to the East from their apartment windows is the RS” (Oslobodjenje, 2007, March 9). After another failed attempt by the US administration to push for police and constitutional reform in May 2007 in Washington, Dodik gave a statement to a US paper saying that “for me Republika Srpska is a holy grail, and Bosnia and Herzegovina can be or cannot be”. He was further quoted to say that the Dayton BiH was created in order to “disable the creation of an Islamic state on the Balkans” (NewsMax, 2007, May).

On the other hand, Silajdzic’s official web page describes certain parts of BiH as “ethnic apartheid” ([www.zabih.ba](http://www.zabih.ba)) and he continues to insist on portrayal of Bosniacs as perpetual

<sup>6</sup> Data for this chapter has been collected from statements and declarations in the press, monitoring of electronic media, web-pages of political parties and international organizations, and some interviews.

<sup>7</sup> What this period showed was that ten years after the war, over two-thirds of the electorate could still be mobilized by appeals to ethnicity-based insecurities and fears, and continued to show their discontent with the current constitutional arrangement. It showed that the ethnic principle remained an overarching and dominant leitmotif of BiH political life. By being easily reverted into believing the rhetoric which resembles that of the early post-war years, a large share of the BiH electorate demonstrated their opposition to BiH in its current form and thus provided fertile ground for sustaining this rhetoric after the elections.

victims, who are under continuous threat by the RS through its very existence. His rhetoric is mainly symbolic and emotional, reminding of 'ethnic cleansing and genocide'. The policies which have come from his office are mainly those which have some symbolic meaning, such as appeals or claims for special status for Srebrenica.

Over time, political discourse in BiH became more heated and almost primordial. Dodik has called Silajdzic a liar and stated that he sees "no need to have any contact with him" (Fena, June 07). He said "I have nothing in common with Silajdzic. ... I do not share any values with Haris Silajdzic" (Fena, June 07). Sulejman Tihic, on the other hand, stated that Serbs wanting to secede "could pack their bags and leave but they could not take one inch of Bosnian territory with them"<sup>8</sup> (2006). In his reaction to this statement, Dodik retorted that Tihic's statement represented a drastic example of 'hate and chauvinism' which will only further inflame ethnic passions in Bosnia. "In Tihic's statement one can easily recognise an Islamic concept which sees Bosnia as its exclusive right" Dodik said (AKI, 2006).

<sup>8</sup> Presidential election campaign, rally in Mostar, September 2006.

### **Nationalism as a 'counter-norm'**

As the Study on Governance Structures in BiH reports, what becomes evident from the predominance of such nationalist rhetoric is that politicians from both entities ignore and undermine the present state. "Federation politicians tend to view it as a temporary system, hardly worthy of their attention, that will be ditched sooner or later in favour of a 'normal' unitary European state, with sub-units organised on 'functional' lines. Their counterparts in the RS view the current state as a minor obstacle to their autonomist ambitions" (VPI, 2007, p. 26). This lack of legitimacy and general lack of identification with the Dayton state, primarily by its political leaders, might provide an explanation of why nationalism proves to be a dominant force. It creates a vicious circle in which an unstable state inspires adverse feelings, which are shaped into policies of obstruction and insistence on the ethnic principle, which perpetuates the instability of the state and continues the cycle. By placing itself at the core of political rhetoric, nationalism is well positioned to expand into other areas where there is a vacuum -institutional structures, political interests and identities.

The purpose of nationalism is to turn a 'constructed' and 'imagined' idea of nation into reality. The reality which it creates in the form of political rhetoric is based on a 'constructed' interest, which is exclusivist and divisive. By permeating and dominating political life, nationalism maintains the disintegrationist nature of the BiH internal tri-partite arrangement and disables its statehood attributes. Politicians using nationalist rhetoric thus project an extremely distorted picture of BiH. In fact, they project three pictures, each representing individual nationalist interests, each representing a separate constituency. Taken together, the three pictures are reflections of the existing internal parallelisms, which can only create policies based on 'the lowest common denominators'. So, in spite of the fact that one of the intentions of the Dayton Agreement was to preserve the legacy of BiH as a state, the 'ethnic principle' which became the *raison d'être* of post-Dayton BiH, institutionalized the subjective category of nation into reality. In order to illustrate how ethnic categories, divisions and nationalism position themselves as 'counter-norms' to Europe, we need to examine where the interests, perceptions and identification of BiH citizens now lie.

### **Identification of citizens**

A survey conducted by the PULS agency in 2004, showed that 88% of BiH citizens were in favour of BiH accession to the EU. A more recent survey by UNDP (2007) 'Silent Majority Speaks' shows that 70.8% of BiH citizens see their country in the EU in 20 years' time. According to



authors of the survey, such a level of consensus is unusual in a survey with open-ended questions, which they interpret to underpin the idea that there is perhaps limited confidence in the domestic structures. The UNDP Report suggests that BiH respondents are looking outside of BiH for visions and solutions. This was further evidenced through twenty-odd brief interviews conducted as part of our research. When asked about the meaning of the EU to them, the one issue which came as the most prominent in all responses is the symbolic meaning of the EU, representing a cohesive vision of integration and unification. This response came out of every single interview that was conducted. This is followed, but not so closely, by economic development/prosperity, freedom of travel, rule of law, environmental protection, freedom of speech and human rights. Only one respondent showed some scepticism towards the EU as a project.

### **'Ideological clash'**

It can thus be said that accession to the EU has primarily symbolic meaning to BiH citizens, representing also a stable economic, security and democratic framework. The EU framework represents a set of values to which BiH citizens could subscribe. In essence, it is a framework of ideological values, qualitative aspirations of the society. However, since EU standards and values are 'integrationist' in nature, their ideological basis collides with the 'exclusivist' nature of ethnic nationalism. This 'ideological' collision is most evident in cases when politicians act contrary to the aspirations of the society and subdue social priorities to some narrower 'domestic' interests. For example, throughout his election campaign, the Prime Minister of Republika Srpska (RS), Milorad Dodik, opposed police reform, which is one of the six EU "key conditions". His argument was that police reform went against Serb interests, which would not be adequately protected if the RS police structures were dismantled. He has been quoted to say: "If the road to Europe means an end to Republika Srpska, we shall then say: Goodbye, Europe!" (Dani, 2006, June 6).

Further evidence collected through surveys conducted by UNDP and Prism Research shows that such nationalistic rhetoric resonates very strongly among BiH citizens even though European integration is a social issue around which there is the largest degree of public consensus. Essentially, European integration is acceptable as long as it does not collide with the 'national' interests of individual groups or generate unwanted domestic political losses. The UNDP report shows that respondents who have an exclusive (ethnic) identity are considerably less likely to envisage EU membership than those who have a primary identity (see themselves as citizens of BiH, as well belonging to an ethnic group). According to the Prism Research (October 2005), 66.2% of the respondents believe that the sustainability of Republika Srpska is the only guarantee for the sustainability of Serbs in BiH and only 25.9% think that BiH integration into EU is a guarantee for sustainability and prosperity of Serbs in BiH. Only 37.4% support the surrender of Radovan Karadzic as a precondition for EU accession. However, only half of the respondents believe, either totally or somewhat, that the RS will exist in its current form at the end of the EU integration process, and 61.1% find it acceptable that Bosnia and Herzegovina should make significant changes in its constitutional system in accordance with EU requirements.

All this data indicates that even though there may be consensus about European integration, there is still no consensus about the state of BiH. While people may have differing views, EU accession might be acceptable even if it may require potential constitutional changes. However, it has to be recognized that the support for EU integration decreases significantly when conditioned with issues which have an ethnic or national dimension to them. This sheds some

doubt over the potency of EU integration in taking precedent over nationalism as a predominant value in BiH society, unless the EU becomes more proactive and forthright in promotion of its own values.

The emotional strength of nationalist rhetoric marginalizes the appeal of 'Europeaness' which might appear too distant to the local public. This puts tangible limits to the power of EU policies and constrains them substantively, but also shows that the EU needs to consider investing more efforts into changing perceptions and into promotion of its own values, rather than continuously insisting on simple institutional changes. Kubicek has argued that "repeated invocation of a given norm by political elites or social actors will increase the norm's salience. The invocation initially may be cynical or self-serving, but the very fact that the norms are given voice will affect their resonance and lead to greater chances for internalization" (2002, p. 15). The effectiveness of EU norms is conditioned by the saliency of the norm as well as the structural context of BiH and the predominant rhetoric employed by political leaders.

### **III. BiH is a 'grey-zone' or 'reluctant' democracy. As such, it distracts EU policy by claiming success for partial or superficial changes in major reform areas.**

"E, sjećam se kad smo svi bili Valter i mjesali malter za Brcko-Banovic prugu al' sad kad i jaran moze nosit' brusalter vidim da nam ova demokratija bas i ne ide od ruku"  
Tijana Dapcevic, 'Sve je isto, samo njega nema'  
("Oh, I remember, when we were all Valter, and built the Brcko-Banovici railway, But now, when a mate can wear a bra, I see democracy is not our thing"  
Tijana Dapcevic, "It's all the same, but he's gone")

Kubicek (2003) finds it particularly problematic when a state is perceived to meet a minimum of democratic standards in terms of having free elections, relatively independent media, formal freedom of speech and assembly, etc., but it comes short on substance. Those countries are labelled "reluctant democratisers" because they have been "reticent to push forward important aspects of political liberalization despite the presence of external encouragement in the form of the EU" (2003, p. 3). They are also called 'illiberal, electoral, delegative, limited, constrained, directed' democracies, but the problem they pose for the EU democratisation efforts is that they "enjoy a wide measure of domestic support or legitimacy" and "... may be better able to withstand any push to "deepen" democracy or force through a complete democratic breakthrough" (Kubicek, 2003, p. 19). As the previous chapter showed, public (electoral) support for a quasi-democratic regime in BiH is generated by the potency of rhetoric employed by domestic politicians, which relies on still fresh memories of the war, appeal to people's fears and political insecurities, making them feel inferior to the other groups and constantly appealing to some perceived social injustices stemming from ethnic distinctiveness.

#### **Democratic hypocrisy**

EU may find it more difficult to deal with these "quasi-democratic states, whose leaders may formally embrace democratic norms but argue that special circumstances limit the applicability of some democratic principles" (Kubicek, 2003, p. 23). For example, in the case of Slovakia, which posed considerable political barriers to its entry into EU, and which depended on the decisions of a very small circle of political leaders, the EU officials soon discovered there was not much the EU could do to make democracy more attractive to leaders who have decided "it is not otherwise in their best interest" (Kubicek, 2003, p. 81). Countries in which the local





political elites have been willing and prepared to employ the rhetoric of expressing a desire to be “European” or to “return to Europe” have been, over time, more willing to accede to EU demands (The Czech Republic, Slovenia, Croatia...). In countries like BiH, where the appeal of EU matters, but resonates less than the more powerful nationalist rhetoric, an alibi is created for political leaders who continue to express their alleged commitments to EU, but rarely transform this rhetoric into substantive change.

For example, even though he has been seen as one of the main obstructionists of meeting the SAA criteria on police reform and constitutional change, in a letter he sent to EU parliamentarians in November 2007, Milorad Dodik expresses strong reassurances that “the Government of the Republic of Srpska sees the future of BiH being the member of EU and NATO, and that the European course has no alternative”. Silajdzic’s webpage is also bursting with similar qualifications, to give but one example: “peace, democracy and mutual respect in BiH can only be built on the basis of respect of legal order, truth and justice” ([www.zabih.ba](http://www.zabih.ba)). But again, with a slight twist and stress put on truth and justice in order to make it more in line with his rhetoric on war, justice and genocide.

In the chapters on ‘reluctant democratisers’ (Slovakia under Meciar, Croatia under Tudjman, etc.) Kubicek and other authors present convincing evidence which shows that democratic consolidation does not occur with solely “soft tactics, and, with the possible exception of Romania, one does not see convincing evidence of a change in norms among those leaders who have been ‘reluctant democratisers’” (2003, p. 53). Mendelson notes that leaders that have prevented democratisation in these states do not become “inoculated with democratic values associated with the EU or a broader diffusion of values. They must either be ousted from power or be persuaded by judicious use of carrots and sticks” (2003, p. 64). The EC 2007 Progress Report locates this resistance very precisely: “Final responsibility for the difficulties in government work lies with the leadership of the political parties. On a number of occasions, the Council of Ministers has been left out of negotiations on reform issues for which the government would normally be responsible” (p. 9).

### **Insufficiencies of formal democratisation**

But this opens the central question of this study - how substantial democratisation can occur in a country. Paul Kubicek identifies four ways: “control, contagion, convergence, and conditionality” (2003, p. 10). He also makes a distinction between the ultimate motivations for change, generally placing them in two categories. The first can be described as the rational, ‘instrumental calculation’ incited by some external conditionality. In principal, external conditionality can be broadly assumed to be either positive (e.g. economic, or aspiration to membership) or negative (sanctions). EU democratisation policies in BiH have mainly relied on this ‘instrumental calculation’, conditioning the signing of the SAA with BiH upon fulfilment of a number of short and medium-term requirements (police reform, adoption of Law on Public Broadcasting, public administration reform, cooperation with the Hague tribunal, etc.).

However, the approach taken by the EU does not seem to have yielded the desired results. Based on the argument that the EU and BiH systems of values are incompatible, and that the EU normative framework does not appear to be potent enough to take precedent over the nationalistic and divisive rhetoric in BiH society, the next chapter will argue that the second category of ‘motivations’ for democratisation are considered even more important. They are internal aspirations or motivations to accept democratic norms, and are generally represented through processes such as “learning, conscious-raising, socialization, and internalization of democratic norms” (2003, p. 6).

## **IV The EU democratisation policy focuses excessively on 'formal/institutional/structural' democratisation, and thus fails to project positive effects on substantive 'internalisation' of EU norms in BiH society.**

"democracy is often presented as a solution to the problems of the political sphere rather than as a process of determining and giving content to the 'good life'"

David Chandler, 2006

What can be understood by the democratic 'content' described by Chandler is the legitimacy and popular support that society can provide to democratic institutions. Institutions can structure political dialogue and provide a venue for the (un)resolving contesting political ideas and interests. However, in order for democracy to become effective and legitimate, and to move beyond provision of basic institutional requirements, it requires the substance and content of wider social participation.

### **Substantial democratisation**

EU policies have rarely moved beyond a formal examination of institutions to account for the way in which democracy and the rule of law operate in practice. One exception was the case of Slovakia in 1997 when the EC assessed not only the institutional structures of democracy, but evaluated substantial democracy as well. The Commission Report stated that "while the institutional framework defined by the Slovak Constitution corresponds to that of a parliamentary democracy with free and fair elections, the situation with regard to the stability of the institutions and their integration into political life is unsatisfactory." (EC, 1997, p. 23). The EC employed language which clearly showed that its negative decision on Slovakia's application for membership was based on an assessment of what the EC considered as *normal* in democratic practice. For example, it stated that the executive power adopts "an attitude which goes beyond the confrontations traditionally accepted in a democracy" (EC, 1997, p. 17) and referred to a strenuous relationship between the executive and President stating that "such inter-institutional conflict goes well beyond what is normally acceptable in democratic politics". (EC, 1997, p. 17). The Slovakian example is significant because it did represent an exception in the use of normative rhetoric by the EC, which in this case fully assumed its role of an arbitrator and interpreter of what is 'normal' in democratic practice.

The EC also condemned the fact that the Slovakian government did not fully respect the role and responsibilities of other institutions, the Copenhagen criteria was disregarded through a constant tension between the government and the President of the Republic, and on a number of occasions the government ignored decisions by the Constitutional Court. Again, all those instances were seen as running counter to normal democratic practice in the Union.

### **Weaknesses of the mild EU rhetoric on BiH**

Even though the EC 2007 Progress Report on BiH recognizes a number of similar situations in which democratic principles are breached, the rhetoric employed by the EU Reports is much milder and not as prescriptive or condemning as in the Slovakian case. For example, it states that "the Entities have failed to bring their constitutions into line with the March 2006 decision of the Constitutional Court of Bosnia and Herzegovina ruling that the Entity coat of arms, flag and anthem were not in line with the State-level constitution of Bosnia and Herzegovina" (EC, 2007, p. 7). However, apart from recognizing this situation, the Report does not problematise it, nor does it appeal to 'normal' democratic practices.



To draw another parallel to the Slovak example, we can also point to other similarities, for example the evident disregard of state institutions by the RS officials who threatened throughout 2007 to boycott their work, which culminated in a resignation by the Chairman of the Council of Ministers, Nikola Spiric, in response to an enactment of changes to the Law on Council of Ministers by the High Representative. Apart from a few moderate statements by EC Commissioner for enlargement Ollie Rehn, there were no official demarches or declarations condemning the situation in which the institutional stability of BiH was at serious risk, nor has the EC 2007 Progress Report addressed this problem at all. The situation was further exacerbated by continuous tensions primarily between Milorad Dodik and Haris Silajdzic, but also Haris Silajdzic and Nikola Radmanovic, Radmanovic and Komsic, Silajdzic and Komsic, Silajdzic and Tihic, Dodik and Lajcak, etc. And again, the EC Report recognized that “frequent attacks to the Dayton/Paris peace agreement and nationalistic rhetoric have undermined the country’s reform agenda” (EC, 2007, p. 5) but it fails to take the extra step to state that such rhetoric is intolerable in a democratic society. Some examples of non-democratic rhetoric have already been given, but we will refer to a few more illustrations of what can clearly be seen as ‘non-democratic’ behaviour.

Because of his accusations of the corruption of Dodik and his government in construction of the building of the RS Government, Director of Transparency International for BiH, Boris Divjak has been a continuous target of Dodik’s verbal attacks. This culminated in Dodik’s public statement that he would not allow Divjak to enter his office because of his alleged ‘sexual orientation’. This was not only an illustration of inappropriateness of language used in a ‘democratic environment’, but also demonstrated the extent to which the RS Prime Minister feels at liberty to show a clear disrespect for human rights. Subsequently, Dodik added him to his ‘black list’ of journalists and intellectuals who continuously criticise him. Radio Free Europe reported many other examples in which Dodik clearly crossed the line of democratic (and normal) behaviour, particularly in his treatment of representatives of press and media. He has often used extremely strong, foul language against journalists, such as Ms. Milijana Kos from Alternative TV when she asked him why he uses a private plane paid by the money of taxpayers in order to watch football matches at the World Championship in Germany. Or Ms. Nadja Diklic from Dnevni Avaz at whom he swore and whom he told to “get lost” because she asked him about the origin of his property. He vehemently reacted with strong body language to SDA President Sulejman Tihic’s proposal about the state budget. He called the previous Chairman Adnan Terzic ‘a fool’, and again swore at Vukota Govedarica in the RS National Assembly<sup>9</sup>.

Dodik also accused Euro-MP and chair of the European Parliament’s Delegation for South-East Europe, Doris Pack, of being a “liar” and a “Serb hater”. In an undiplomatically-worded statement he described Pack as “an enemy of the RS and of Serbs as people”. Previously Pack gave a statement to Sarajevo daily Dnevni Avaz in which she alleged that Dodik had misused European Union funds during his first mandate as RS prime minister in 1998. “You and I have never politically agreed, therefore it is unimaginable that I should ask for your help, and to be clear – I don’t want it and never want to see you in my life,” Dodik said. Adding he could not “believe that there could be people in the European Parliament who can lie,” Dodik said he wants to see Bosnia and the RS enter the European Union, but “not at any cost. The EU must respect our dignity, you don’t have to love us, but you must respect us,” Dodik concluded<sup>10</sup>.

The EC reports hardly made any mention of this rhetoric, apart from the already quoted very general statements about the way nationalist rhetoric impeded the reform process. There was some reference in the 2007 Report, which stated that “the media remain ethnically divided” (p.

<sup>9</sup> All quotes collected from various websites, news and press archives, and media reports.

<sup>10</sup> Letter from RS Prime Minister Milorad Dodik to Doris Pack, European Parliament Rapporteur for BiH, dated 26<sup>th</sup> December 2006.

16). There was also a statement about the fact that the “Republika Srpska authorities refused to cooperate with the State-wide broadcaster for a period” (p. 16). However, there were no qualitative statements, words of condemnation, attempts to project some standards of democratic communication, not even press statements or demarches, even in the case when the target was a member of the EU Parliament. The EC did not issue anything even near the qualifications that they utilized in the case of Slovakia in 1997, when they disapproved the “attitude which goes beyond the confrontations traditionally accepted in a democracy” (p. 6) and tried to act as an arbitrator and interpreter of what might be considered ‘normal democratic practice’.

**V EU as an actor and a ‘project’ is regarded fairly highly in BiH society, but it has not utilised this image to exert more influence. The EU rhetoric has not been transformed into adequate and effective policies, which would pursue its proclaimed goals.**

According to Manners, the potency of EU’s ‘normative power’ becomes particularly evident in the context of potential membership (2002). However, this argument applies best to the recently admitted EU members from Central and Eastern Europe, which consciously sought to make themselves ‘more European’, extensively employed the rhetoric of a ‘return to Europe’, and for whom the EU accession was the motivation and driving force behind major structural reforms. The majority of those cases are post-transitional societies, well integrated, and already at one of the stages of democratic consolidation. However, in the case of Bosnia and Herzegovina, a post-conflict society, divided along ethnic lines, and with a state structure that is disputed in one way or another by the majority of its citizens, appealing to desires for potential membership has not generated an equal amount of enthusiasm among politicians. What motivated political leaders in BiH to make last minute steps in meeting the EU criteria for initialling the SAA, were not high aspirations to become ‘more European’, but first and foremost, a fear of being left out as the last country in the region without a contractual relationship with the EU. Furthermore, this pressure was generated from outside, by the international community, while the internal drive continues to be lacking in spite of an apparent public consensus on EU. So far, the EU policy in BiH has not addressed this evident gap, and thus has failed to ‘internalise’ a domestic ambition to join the EU. Based on the evidence presented so far, it can be argued that in the context of a post-conflict divided society in which the governing elites would rather preserve the status quo than integrate their societies, EU membership is not appealing enough if it jeopardizes this position. The EU itself, on the other hand, has failed to promote its values as a part of their enlargement and democratisation policies in BiH. So, Ian Manners’ definition of normative power as the ability to shape or change what passes for normal in international relations (2002, p. 2) may represent exactly the opposite of what the political elites in this divided society seek to achieve.

As a result, the mild rhetoric used in the EC reports on BiH is transferred into very soft and lenient policies, without much insistence on substantive fulfilment of EU norms and almost no use of other instruments at its disposal. According to Lucarelli and Manners “rhetoric is a performative act which might respond to actors’ interests in any given structural context, but which shapes collective understandings of that context and the identities of the actors involved” (2005, p. 4). However, this is precisely what the EC rhetoric did not do, whilst the nationalist rhetoric was being exploited with much success. The EC policies failed to make that extra step in order to attribute a certain value to their own rhetoric, which would have sent a very clear message to BiH society about what would pass for normal, and where in that context identities of individual political actors stand. In that regard, the EC policy can be seen as incomplete, an unfinished business of setting a norm, but failing to impose it as a prescription for normative action.



Summary of hypotheses  
(table adapted from Kubicek, 2003)

| HYPOTHESES   | CONDITIONS FOR EU SPREAD OF DEMOCRACY IN BIH  |
|--|---|
| EU and BiH systems of values are mutually 'incompatible'   | <ul style="list-style-type: none"> <li>- EU official documents identify 'core norms' and set them as principles of EU democratisation policies</li> <li>- Declarative support for EU core norms by BiH politicians</li> <li>- EU norms contested by domestic values and practices (voting along ethnic lines, constitution in breach of ECHR, prevalence of nationalistic rhetoric) - 'cultural clash'</li> <li>- Exclusivist and divisive nature of governance structures incompatible with EU 'integrationist' policies</li> <li>- Tension between a constitutional system based on collective equality of ethnic groups and the principles of individual rights</li> <li>- EU policies inconsistent with findings of EC reports</li> </ul> |
| 'Counter-norms' in BiH society curb the potency of EU 'normative power'                          | <ul style="list-style-type: none"> <li>- Existence of 'counter-norms' (nationalist and ethnic policies, discontent with BiH constitutional arrangement, inflammatory rhetoric on identity and ethnicity issues, lack of identification with the state)</li> <li>- Institutionalisation of ethnic policies</li> <li>- Public support for EU conditioned by the feeling of ethnic belonging</li> <li>- Emotional strength of nationalistic rhetoric marginalizes appeals to EU norms</li> <li>- Lack of EU policies in support of saliency of EU norms</li> </ul>   |
| BiH 'reluctant' democratisers distract EU policy by claiming reforms through superficial changes | <ul style="list-style-type: none"> <li>- BiH an 'illiberal, limited, superficial' democracy</li> <li>- Political leaders pay lip service to EU, but pursue alternative policies</li> <li>- Democratic policies do not resonate strongly enough in BiH environment</li> </ul>  |
| EU democratisation policy focuses primarily on 'structural' democratisation                      | <ul style="list-style-type: none"> <li>- EU reports not sufficiently evaluating conditions for substantial democracy</li> <li>- Non-democratic behaviour of BiH political leaders</li> <li>- Language used in EC reports does not provide qualitative prescriptions for democratic behaviour</li> </ul>   |
| EU fails to transcend its values through its rhetoric into an effective democratisation policy   | <ul style="list-style-type: none"> <li>- Potential membership as an instrument of positive conditioning not potent enough to instigate substantial democratisation</li> <li>- Failure of EU to 'internalise' a domestic ambition to join the EU</li> <li>- EU policies satisfied with hasty and superficial fulfilment of EU conditionality</li> </ul>  |

## EU DEMOCRATISATION POLICY OPTIONS

“Our alternative is a constant entering into the EU”,  
Boris Siber, Vecernja skola EU, FTV

In January 2006, the EU threatened to cancel the negotiations on the SAA with Serbia because it “failed to hand over former Bosnian Serb general Ratko Mladic and other war crimes suspects to the UN tribunal in The Hague” (EC, 2006, para. 1). To this date, the war crime suspects have not been arrested, yet meanwhile, the EU not only continued the negotiations, but actually initialled the SAA with Serbia in November 2007, and less than a month later, signed an agreement through which Serbia would receive non-refundable EU assistance worth 1 billion Euros over the next five years. And finally, following the Gymnich meeting (informal gathering of EU Foreign Ministers), the Slovene Foreign Minister reported to the European Parliament on April 1<sup>st</sup> 2008, that Ministers reiterated that they would be ready to grant Serbia EU candidate status – thus completely by-passing the cumbersome and arduous process of negotiations which was obligatory for other potential members and which took years, and decades in some cases. The real value of those political and financial incentives can only be seen in the context in which they were offered: the first round of Serbian presidential elections held on January 20<sup>th</sup> 2008, the looming decision on Kosovo independence, and May 2008 general elections in Serbia, respectively.

Following the subsequent victory in the first round of elections by Tomislav Nikolic, candidate of the Serbian Radical Party, and the lead Euro-sceptic, over more pro-European candidate Boris Tadic, *the EU invited Serbia to sign an interim political agreement on cooperation* on 29<sup>th</sup> January 2008. “This offer sends a strong signal to Serbia on its European future; which is real and tangible”, said Olli Rehn, EU Commissioner for Enlargement. Furthermore, on January 30<sup>th</sup> 2008, the *European Commission and Serbia discussed measures to end visa restrictions* and ensure visa-free travel for Serbian citizens to the European Union member states. This was a clear and successful attempt by the EU to show support to Boris Tadic in order to help him mobilize votes from those who are in favour of the European prospective.

Even though the EU policy of offering incentives to Serbia generated more popular support for an EU favoured political candidate and helped him win the second round of elections, it did not yield equal results in appealing to the same sentiments of Serbia’s Prime Minister, Vojislav Kostunica. Especially since the message was sent weeks before the EU’s official announcement of their support to Kosovo’s independence. Even though a signature of the Political Agreement between the EU and Serbia was planned for 7<sup>th</sup> February (10 days before declaration of Kosovo independence) it had to be postponed because Kostunica pronounced it a ‘deception’. Olli Rehn ‘regretted’ such decision and noted that “certain politicians in Belgrade blocked the signature” and added that “they have failed to hear the voice of the Serbian people who voted last Sunday in favour of Serbia’s European future” (Rehn’s Press Conference, 2008, February 6<sup>th</sup>). Rehn very sharply located the responsibility for the failure of Serbia to sign the Agreement: “My understanding is that one party in the coalition government – that is DSS of Prime Minister Kostunica – refuses to give a mandate for such a signature, apparently referring to reasons related to the Kosovo status process” (Press Conference, 2008, February 6<sup>th</sup>).

Those were two contemporary examples illustrating a policy similar to that applied in Slovakia more than ten years ago, where EU did not refrain from taking sides in the internal political process in order to achieve two core objectives of its Common Foreign and Security Policy:



“to safeguard the common values, fundamental interests, independence and integrity of the Union” and “to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms” (the Amsterdam Treaty, para. 2). They made a very clear distinction between those who favoured Europe (and who were favoured by Europe) and parties and politicians who were clearly against it.

Wolfgang Merkel argues that every democracy is embedded in an environment that stabilises it, and it can be destabilised if that environment is damaged. Integration into regional democratic organisations in particular has implications for the stability and quality of democracy. “Historically, the EU... has proven the most successful in the international embedding of democracies” (Merkel, 2004, p. 48)<sup>11</sup>. However, according to a former Serbian politician, the positioning of Serbian political parties towards EU and generally how they are positioned on the political spectrum, is more clear cut. It is ‘black and white’, almost binary – either they are for or against the EU; politically - they are either extremists or moderates. That split is far less clear in BiH. On one hand, most politicians claim to be pro-European. On the other hand, over the past two election cycles, the ‘nationalists’ have become more moderate, and ‘moderates’ have become very radical. And the EU not only failed to recognise this change, but it actually continues to exploit the blurriness of this situation in order to muddle their way through to an agreement with BiH. Because of their desire to integrate BiH as soon as possible, they switch between allies and foes almost on a weekly basis, and continuously fail to respond to a need for democracy to consolidate and internalise as a domestic ambition.

<sup>11</sup> Germany after WWII, Portugal, Spain, Central and Eastern Europe after the fall of the Berlin Wall.

As the Serbian case shows, the EU is capable and willing to use its positive and negative sanctioning to promote democracy, regardless of how challenging the environment may be for democratic consolidation. However, it does not have an adequate answer for tackling internal divisions and situations where social cohesion is lacking, while local politicians successfully sustain the delusion of endless reform negotiations. Merkel states that “the weaker the external embeddedness, and the lower the mutual respect and cooperation between the actors of the partial regimes, the closer the regime is to being a defective democracy” (2004, p. 48). In addition to this, he claims that “conditions for the development of a liberal democracy without severe defects are especially unfavourable if unresolved identity or stateness crises in the political community burden the transformation” (2004, p. 53), as is clearly the case with BiH.

We can thus propose a number of policy options aimed at substantiating, as well as increasing, the effectiveness and sustainability of the EU democratisation policies in BiH.

- BiH is essentially a divided, post-conflict society. It did not have the luxury of going directly through a classical transition to democracy and a market economy. The political will and public support for democratisation have been exhausted and entirely consumed by support for nationalism and ethnic divisions. There are no strong internal voices, in politics or civil society, that could generate substantive pressure for consolidation of democracy. That is why this drive should come from outside, particularly from the European Union, whose essence is to provide a normative framework for democratisation in its neighbourhood.
- Ideally, this drive for change should come about from both outside encouragement and pressure from below within a society or target state. But to be able to do that, opponents to the status quo first need to be identified and recognised by the international community. Secondly, they should be offered external moral legitimacy, and logistical and political support.

Weaknesses in civil society in BiH are usually attributed to their lack of capacity and interest, without any recognition of the enormous capacity of political elites and state to resist the internal drive for change. The 'privatisation' of public offices, characteristic of the Balkans, and BiH in particular, subdues the role of the civil society in formal relations with the state in favour of informal/private influences. This increases the resistance of the state and public officials to pressures from civil society, and undermines the concept of democratic accountability. Democratisation opens up the possibility that current elites may lose power, and they will be reluctant to accept such change.

- As an answer to those concerns, Checkel suggests that a "generational change... is often a key causal variable behind radical policy shifts" (1999, p.23). This is exactly the policy the EU employed in Slovakia in 1997, when it identified opposition voices and supported them financially, through technical assistance and political support. It would be hard to argue that EU policies themselves instigated the significant changes on Slovakia's political scene, but nonetheless, by insisting on substantial democratisation, including the generational change, the EU substantiated its own democratisation policy in Slovakia which was otherwise producing moderate results. In Serbia, however, this particular policy yielded very concrete results, at least in terms of generation of public support, by appeals to their sentiments to Europe.
- The broader normative environment in BiH has also been identified as resistant to EU norms, and it is a part of a vicious circle also comprising BiH political elites as potential agents for normative compliance, undemocratic state structures, and 'pseudo-democratic' processes. Checkel convincingly states that where there is a degree of mismatch between outside and institutionalized domestic norms, "one should expect heightened levels of normative contestation and a short-circuiting of social learning as agents find themselves in multiple (domestic, regional) institutional settings that evoke conflicting roles" (1999, p. 20). The EU democratisation policies in BiH thus need to find ways to confront 'counter-norms' that currently lessen the attractiveness of the EU itself as well as its norms and standards.
- These are all reasons why the EU needs to re-think and re-direct its democratisation policy in BiH towards greater insistence on substantial changes in application of democratic principles and practices. Their current policy relies mainly on positive and negative conditionality as instruments of policy promotion. But as the police reform and the hasty process of initialling an SAA illustrated, the EU gladly compromises its own principles and values in cases when faster integration serves its alternative interests and short-term political goals.
- The shift in EU policy should primarily focus on 'internalisation' of EU democratic norms in the BiH state and society. Its instruments can be "persuasion, dialogue, and socialization, or exposure to new ideas" (Kubicek, 2003, p. 12). In addition to this, such policy needs to be substantiated with a material or instrumental motivation, even through the use of conditionality.





## CONCLUSION

“You pretend to reform, and we will pretend that we will let you in.”

EU Diplomat in Belgrade

We have shown how, by deconstructing the ‘counter-norms’ in the BiH state and society, and identifying political actors as ‘reluctant democratisers’, the effectiveness of external democratization policies can be eroded. The powerful rhetoric which promotes the status quo and pursuit of narrow political interests mobilises and sustains serious contestation to the saliency of EU norms. Constructivists argue that material structures acquire meaning through the structure of ideas and values in which they are embedded (Wendt, 1995). We can therefore say that as long as the interests of individual ethnic groups are able to penetrate and dominate the political arena in BiH through the existing divisive structures, and as long as the rhetoric of nationalist political leaders remains dominant, public support for EU integration will continue to be marginalised. The main reason for this is the fact that there is no consensus inside BiH about its statehood, and individual national groups represented by nationalist politicians are able to project divergent interests on state policies. The exclusivist nature of ‘nationalist’ interests inhibits the promotion of inclusive and integrationist EU values.

By outlining some of the above considerations, we have shown that in as much as structural changes are an unavoidable aspect of consolidation of democracy in BiH (particularly in regards to those provisions of the Constitution which are in breach of the European Charter on Human Rights), they need to be supplemented by greater emphasis on its normative aspects, along the lines of the following recommendations:

- I The EU needs to think beyond the creation of a virtual democracy in BiH. From the perspective of a deeply divided society that is struggling to come to terms with its realities and does not have answers for overcoming internal divisions, and in the absence of a better constitutional arrangement, the EU is the only structure that can provide a framework of democratic norms, principles and values to which most citizens could subscribe without having to surrender their own identities and beliefs.
- II That is why the use of the standard ‘toolbox’ of EU democratisation policies will not yield desired results. BiH is not a transitional society – it is still primarily a post-conflict, divided society, which requires the use of tailor-made policies and instruments. EU integration is the process and the solution for the problems of BiH and the region. It thus needs policies which will overcome the fear of ‘constant entering into the EU’ - by integrating BiH substantively and symbolically into the EU. And in line with its offer to Serbia – immediately offer candidate status to BiH as well.
- III In order for this approach to reflect on the operation of the EU actors on the ground, there needs to be a greater synergy between the ‘political’ and ‘technical’ EU and EC representation. The European Commission and its Delegation to BiH need to recognise that they do not operate in a value-vacuum. The ‘tailor-made’ approach also means that in as much as the EU political representatives need to ‘take sides’ and make value judgments, so do the technical EC representatives. The EU approach to BiH cannot afford to be standardised, bureaucratic and neutral, because that means compromising the core EU values. History has proven this to be so.

- IV In order to ensure the sustainability of democratisation efforts in BiH, and ultimately to make the country more compatible with what Europe is all about, the EU needs to focus its policies at a minimum on moderating the internal social and structural divisions.
- In regards to the society, the EU can and should provide a common symbolic vision of the future. This means:
    - i Adapting its policies to accommodate the evident social craving for a more positive, symbolic identification with something that surpasses the internal divisions. This can be done by greater public promotion of the 'integrationist' values that are at the core of the EU, versus the 'undemocratic/divisive' values that are at the core of the currently dominant BiH system of values.
    - ii Increasing the salience and resonance of EU norms and values by constant public promotion of EU values and standards.
    - iii Making the vision of BiH inside the EU more tangible, realistic and within the reach of BiH society through policies of socialization. This primarily means easier access to the EU itself through an immediate and complete visa liberalisation regime and facilitation of travel opportunities.
    - iv Internalising EU norms and democratic principles in BiH society through policies of persuasion, dialogue, and exposure to new ideas. This may also require a material or instrumental motivation, and synergy with the use of conditionality is most appropriate. Such policies could be supported by activities such as more student scholarships, student exchanges, access to EU universities and research opportunities, strengthening of civil society through greater material and technical assistance, etc.
  - In regards to the state, the EU should also insist on promotion, institutionalization and internalisation of its norms and values.
    - i Primarily, internalisation and institutionalisation of EU norms in the BiH constitution, which should be fully harmonised with the European Charter on Human Rights and other EU and CoE documents.
    - ii The EU itself needs to stop compromising its own values for the sake of short-term political wins and gains, if it wishes to maintain its integrity, credibility and influence on local political actors.
    - iii In order for the EU values to have more 'buying power', to become attractive and sustainable, and to overcome the 'counter-norms' and influence of unfavourable political actors, there needs to be a clear link between the promotion of values and use of conditionality.
- V And finally, the EU should confront the political elites sustaining the status quo with open support to opponents to the status quo. Empower them by both the use of an international norm (gaining moral legitimacy) and access to external actors (who provide logistical and political support and greater leverage to domestic actors). This may require a 'generational change' that goes beyond the remit of EU's standard democratization policy. However, at a minimum, democratic voices need to be recognised publicly and provided external political legitimacy, while undemocratic voices need to be internationally marginalised, and some even isolated.



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