



The Bosnian European membership deadlock - A Brussels' credibility crisis

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Abstract

Bosnia and Herzegovina (BiH)'s quest for the membership of the European Union has lingered for the past 14 years with little promise of success. The main reason for this predicament has often been attributed to the chronic ethnic politics characteristics of the Bosnian country. This paper, however, takes a different view of the problem by bringing into focus the EU's contribution to it. Four facets of the EU shortcomings were examined to prove this point, namely (1) The problem with the EU's Special Representative; (2) The problem with the EU's Stabilisation and Association Agreement in Bosnia; (3) The disunity of the European Union position on Bosnia; and (4) The failure of 'Dayton II'. The paper concludes that the four areas of weakness point to the reality of a serious credibility crisis resulting from the capability-expectations gap on the part of the EU, a situation that had since rendered the EU ineffective in helping Bosnia and Herzegovina (BiH) to overcome its intricate domestic challenges and to bring it closer to its membership of the EU.

Keywords: capability-expectations gap, constitutional reforms, credibility crisis, Europeanisation, European union, ethnic politics

Without integrating the Western Balkans, Europe will struggle to manage its out-of-area expansion and its global commitments as problems from the region will keep its focus on local issues (Antonio Milososki)

Introduction

Bosnia and Herzegovina (BiH) and the European Union have been in close economic and political relations for more than a decade now. In the aftermath of the war in Bosnia which ended in December 1995 the European Union has intensified its strategic activities towards the western Balkans region including Bosnia. The end of the war saw the shift in the EU governance towards the western Balkans in general and BiH in particular. One after another the EU proposed initiatives that were supposed to strengthen the European perspective of BiH (Hadzikadunic, 2005: 51).

The first such initiative came from France during its EU presidency in December 1996 within the framework of the so-called Royaumont Process. The initiative's main objective was the stabilization and peace-building in South-East Europe. The Royaumont Process was the first regional strategy towards the western Balkans. Then beginning in 1997 and adopting a regional and more active and united approach, the EU launched a political and economic conditionality for the development of bilateral relations through the PHARE and OBNOVA humanitarian programmes whereby aspiring countries must respect human rights, democracy, and the rule of law (Juncos, 2005: 96).

Later, in June 1998, the EU-BiH Consultative Task Force was established and tasked with the responsibility of providing technical and expert advice in the field of judiciary, education, media, administration, and economy. This signified the BiH initial official move towards the EU

membership (Susko, 2009: 104). In addition, the EU and BiH officials signed the “Declaration of Special Relations between EU and BiH”. Then in 1999 the EU initiated the Stabilisation and Association Process (SAP) establishing more concrete and tangible political and economic links with the regional countries. On 8 March 2000 the EU Commissioner Chris Patten announced the Road Map for BiH as the first step in the framework of SAP. The document identified 18 initial steps which had to be implemented and which could lead to a feasibility study for a SAA with the EU. A new European partnership with Bosnia and Herzegovina was adopted by the Council on 18 February 2008. Following a difficult and slow reform process Bosnian government signed a Stabilisation and Association Agreements (SAA) with the EU in June 2008, which was the first pre-accession tool towards the country’s EU membership (Vucheva, 2008). Since then little progress has been achieved.

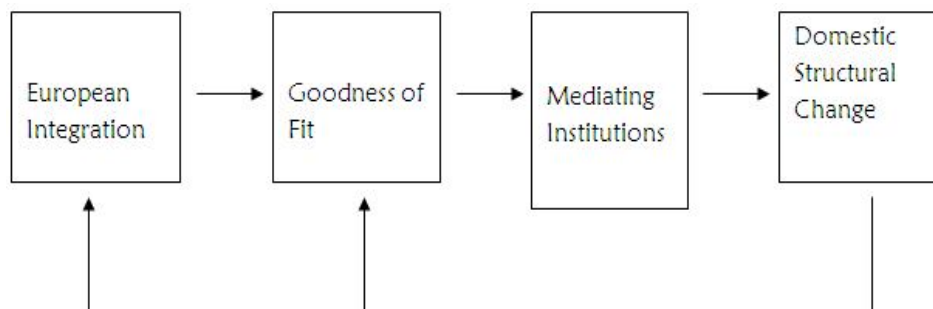
The slow progress of the BiH accession to the EU may be attributed to two categories of factors, namely the complex and intractable nature of the Bosnian ethnic political differences, and the relative incapability of the EU to help Bosnian domestic actors resolve those differences. Because relatively scant attention has hitherto been given to the EU factors, this paper seeks to elucidate the manner in which the EU limitations had contributed to the deadlock in the Bosnian Europeanisation process.

The Europeanisation process

The concept of Europeanisation has become very popular within the study of European integration. In fact, Europeanisation is a logical extension of the EU integration theory. It gained special popularity among academia during the 1990s and beyond (Ladrech, 1994; Borzel and Risse, 2003). There has been a variety of definitions made in relation to Europeanization. However, most of them interpret this process as reform process in domestic political and economic system affected by policies decided at the European level. That is, we can define Europeanization as some form of domestic change that is caused by European decision-making. Similarly, Radaelli defines Europeanization as a “processes of (a) construction, (b) diffusion and (c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, ways of doing things and shared beliefs and norms which are first defined and consolidated in the making of EU decisions and then incorporated in the logic of domestic discourses, identities, political structures and public policies” (2000).

However, very often it happens that European norms and values are in clash with the EU aspirant’s values and norms. As Rory Domm argues “despite the rhetoric, Europeanisation, whereby vast numbers of detailed, non-negotiable rules are adopted by applicant countries, is hardly always consistent with local ownership (2011: 58). Therefore, it is crucial that the EU find the way and develop solid methods as to how to diffuse and transmit its rules, policies, values and a European paradigm as an overall concept.

Europeanization process may have two functions. First, it explains the influence of the European politics and institutions on the domestic politics. Second, Europeanization stresses the process of change through which domestic actors adapt to European integration (Figure 1.1). As reflected in the paradigm European integration leads to pressures for the aspiring country to make necessary adjustments the success of which rests on the interplay of domestic factors (Risse *et al.* 2001: 6-12). Europeanization thus has critical transformative power for the member countries and therefore is of crucial importance. This pressure is a function of the degree of fit (or misfit) and congruence (or incongruence) between “Europe” and the aspiring countries’ domestic performance (Caporaso, 2008: 29). The degree of fit or misfit leads to adaptational pressures. If the EU policies and standards are similar to those within the aspiring countries then the pressure for reform is much lower. Granted that such a pressure may be necessary and therefore desirable, it is, alas, not sufficient a condition for reforms to be spearheaded by domestic actors (Borzel and Risse, 2003: 58).



Source: Risse et al. (2001: 6), in Cowles et al., p. 1-20.

Figure 1. *Europeanization and domestic change*

The Bosnian Europeanization process and the EU credibility crisis

There is a need to recognise that there is the so-called “capability–expectations gap” (Hill, 1993: 315) - between what the EU has been talking to be doing and what it is actually able to deliver in practice. The capability–expectations gap has resulted from three closely related factors: namely, the ability to agree on foreign policy goals, resource availability, and the instruments at the EU's disposal which all rendered the EU mission clouded in ambiguity (Toje, 2008: 124). In the Bosnian case it is imperative that the EU proves that it is capable of confronting the Bosnian malaise effectively instead of just placing the blame on the inflammatory rhetoric of the BiH ethno-nationalist political for the deadlock.

In fact, eighty-eight percent of Bosnians support Bosnia's European ambitions, according to the poll conducted by the Bosnian agency for European integration for which 1,200 people were questioned (Eubusiness, 2011). Furthermore, the poll results show that support for EU membership is strongest in Bosnia's Muslim (Bosniak) community with 97 percent in favor, while 85 percent of Bosnian Croats support it and 78 percent of Bosnian Serbs (Kotonika, 2011). Such a significant number of proponents for EU integration among the citizens of all the three ethnic groups is an opportunity for the EU to prove its institutional capabilities.

The problem with the EU's special representative

The EU has established certain instruments to speed up Bosnia's membership. One such instrument is the European Union Special Representative in BiH (EUSR) who also acts as a High Representative. In March 2001 Lord Paddy Ashdown was named the first EUSR in BiH.

The main and the most important duty of EUSR has been to help the BiH government in making the EU reforms. The mandate of the EUSR is to promote the overall political coordination and offer the EU advice and facilitation to BiH to help the country meet necessary requirements for the EU membership (EC, 2009: 8) in line with the European Union's policy objectives in Bosnia and Herzegovina. These include, in particular, helping achieve progress in implementing the Dayton Peace Agreement as well as in the Stabilisation and Association Process, the process by which BiH moves towards the European Union (EUSRBiH, 2011). In addition, the EUSR regularly reports to the Council of the European Union, the inter-governmental body representing the 27 EU member states, through the High Representative for the Common Foreign and Security Policy and Secretary-General of the Council.

Thus, the EUSR has been of crucial importance in putting pressure on domestic political leaders to continue with the EU-related reform process. However, due to the vague position of the EU on the Bosnian crisis the EUSR could not play his role effectively.

For instance, very often there has been serious imposition of reform process from the HR/EUSR on local politicians. Probably this was clearest during recent police reform. The Commission Feasibility Study published in November 2003 identified weaknesses in the policing system in BiH and concluded that it is necessary to “proceed with structural police reforms with a

view to rationalizing police services” (2003: 26). As BiH political elites could not make compromise on the necessary reforms the EUSR imposed the reforms on them and thus solved the deadlock. This finally enabled the EC to recommend the start of the SAA negotiations with the BiH government on 21 October 2005. However, such an imposition was clear forced Europeanizing reform. Previous HR Petritsch summarized the situation by stressing: “*I furthermore wanted to move this country away from a situation where it seemed, that fundamental changes – at times even alien to its local traditions – were being simply imposed on this state and its citizens. More often than not – the country was treated as object*” (2006: 4).

BiH future in the EU is thus highly uncertain and even problematic because of the underdeveloped domestic policy-making structures and serious marginalization of both political representatives and ordinary citizens from open democratic deliberation. That is, coerced Europeanization by the EUSR has hampered genuine democracy to flourish. Thus, the EU is implicitly paralysing active involvement in policy-making and political responsibility of the Bosnian politicians.

In addition, much confusion surrounds the dual function of the HR/EUSR in BiH. Commenting on the appointment of Lord Ashdown as the EUSR the EUPM official claimed that it was felt that “he was the right person for the job...but he never really was the EUSR...the EUSR position was essentially irrelevant” (Mustonen, 2007: 20). This was also the case when in January 2009, the international community’s High Representative (HR) and the EUSR in Bosnia and Herzegovina (BiH) unexpectedly announced his resignation in order to take up the post of Slovak Foreign Minister instead. From his early mandate he knew very well that his position was like ‘riding a dead horse’ as he used to say. Therefore, as Judy Batt points out, “the abrupt departure of HR/EUSR Lajcak has exposed drift and disarray in the EU’s policy towards BiH” (2009: 1). It would not be far from truth to infer that Lajcak did not have a clear-cut support from Brussels which would help him to do his job effectively. As the International Crisis Group pointed out in its report, “There is some reluctance in Brussels for taking up such responsibilities, especially if it means deployment of the largest ever EUSR office, and increased EC funding (2007: 27). In short, the disunited position of the EU member states makes the role of the EUSR in BiH ineffective and highly irrelevant as the case of Lajcak illustrates.

The problem with the EU's stabilisation and association agreement in Bosnia

The US’s shift in its foreign policy of prioritizing other regions than Bosnia has left a significant diplomatic space for other global powers such as the EU to assert its influence in this highly problematic country (Hadzikadunic , 2005: 23). Although the Union developed new institutional relations with the regional countries through the newly initiated Stabilisation and Association Agreement (SAA) it has faced a lot of challenges especially in Bosnia. The SAA includes provisions and measures for future EU membership of the western Balkan countries. In fact, SAA is similar to the Europe Agreements that the EU signed with the Central and Eastern European countries in the 1990s and to the Association Agreement with Turkey.

However, given the long political malaise in Bosnia it is obvious that the “EU’s carrot” in the form of the SAA has not worked well with the country’s local officials. As a pivotal agreement, the SAA has not generated enough momentum for reform process to take place in Bosnia. In fact, it should be re-examined in order to make it in line with the real needs of the BiH people. The EU leaders seem very often to be making the same mistake of ignoring the real problems of Bosnia because they tend to believe that mere European integration process will automatically make the country democratic, stable and peaceful. Hence the imposition of the simplistic ‘European values’ on the taken-for-granted but radically opposing ‘Bosnian values’. In other words, “The EU needs to rebuild its credibility in BiH by forging a unified position on a long-term strategy for the country, actively engaging in the constitutional reform process and giving more effective support to the next EUSR” (Batt, 2009: 1).

Indeed, not only had the SAA not generated the desired reform momentum, the Republika Srpska (RS) was busy unravelling some of the hard-won gains of the previous 13 years, including reforms required by the EU as preconditions for signing the SAA (Bassuener and Lyon , 2009: 2).

This made it even more urgent for the EU to be able to come up with concrete values, norms, and standards that would be appealing to Bosnian politicians and citizens.

If the EU has been short in its 'carrot' for the BiH the EU sticks have also not been effective in influencing the Bosnian political elites. The EU has not developed adequate "stick policy" which could be applied to politicians, political parties, and organizations that support counter Europeanisation policies. Only recently has the EU foreign minister Lady Ashton demanded that her new Bosnian envoy, part of her newly created diplomatic service, be given new powers by the Council of EU foreign ministers to impose travel bans and asset freezes on obstructionist Bosnian politicians (Waterfield, 2010).

Even the EU financial aid for the country has not been motivating enough for domestic politicians to implement the necessary measures that Brussels had set beforehand. For instance, the EU provides targeted assistance to potential candidate countries through its IPA (Instrument for Pre-accession Assistance) mechanism which supersedes the previous five pre-accession instruments of the Phare, ISPA, SAPARD, Turkey instrument, and CARDS. By means of this IPA the European Commission has allocated 440 million Euro to support BiH in its transition from the status of a potential candidate country to that of a candidate country for the period 2007-2011. However, the EU has subsequently reduced this financial assistance to BiH due to the latter's slow reform process, a move that only served to further pushed the country behind in its Europeanisation quest.

The disunity of the European Union position on Bosnia

Very often the EU leaders seem very divided and deliver conflicting messages with regard to the Bosnian European integration. This reflects the fact that the EU itself is divided about Bosnia. Among member states, only a handful, most notably the UK, appears to have a clear grasp of the dangers posed by Bosnia's current political dynamics" (Tanner, 2011). The EU officials often expressed diverse views and opinions the design and content of the future Bosnian constitutional framework. Bosnian authorities are referred to not one single model but two - the Copenhagen and Madrid formats - demonstrating the relative absence of an EU common stance. Thus, while EU officials have been vocal in their demands and calls for constitutional change, they have not been clear enough and committed about the specific requirements expected (Sebastian, 2011: 4). This has resulted in a huge EU credibility crisis in Bosnia.

Indeed, the EU politicians and officials were divided as to whether BiH must accomplish constitutional reforms as a condition for its EU membership. For instance, on the one hand the European Commission President Barroso pointed out that while constitutional reform was not a strict condition for signing the SAA, "there is [a] link between these two processes. . . . The EC and EU have to be convinced that they have a partner in BiH, which will be capable to respect its promises and implement the Agreement that we negotiate now" (2006). On the hand, Welner Almhofer, the Austrian Ambassador to BiH, claimed that the European Union had never set the successful implementation of constitutional reforms as a condition for BiH's EU membership (2006). This gives the impression that the EU authorities have only conceived of the Bosnian constitutional reform as an informal conditionality with no clear stipulations of rewards or punishments (Govedarica, 2010).

To make matters worse, the Copenhagen and Madrid criteria are vague and therefore open to political manipulation by Bosnian rivals. The Copenhagen and Madrid criteria can be interpreted in a thousand different ways by the Bosnian elites to serve their political and private interests. Thus while Bosnian Muslims want Bosnia to enter Brussels as a country with a strong and powerful central state, the Bosnian Croats would rather support a highly decentralized country, and the Bosnian Serbs would want to see Bosnia in the EU as a weak central state but with strong entities. This situation was let to happen because the EU has not set the ultimate standards on which all Bosnians could converge and thus avoid an impasse.

The failure of 'Dayton II'

The Dayton-Paris Agreement (DPA) established the Constitution of BiH in an annex of the Agreement dividing the country into two political entities: the Bosniak/Croat Federation of BiH (mainly controlled by the Bosniaks and Bosnian Croats), and the Republika Srpska (RS) mainly

governed by the Bosnian Serbs). Both entities have their own political and administrative structures. The Federation of BiH is divided into three levels: the Entity level, the Cantonal level, and the Municipal level. The RS does not have a cantonal level but municipalities instead. Overall, the DPA has succeeded in keeping BiH as an independent and sovereign country with a joint multi-ethnic government. Thus, the current political system in Bosnia is a product and result of the DPA. Also, one of the most important goals of the DPA –the restoration of security and physical infrastructure- has been satisfactorily met.

However, the broader objective of organizing a multi-ethnic, democratic, and economically self-sustaining country has still a long way to go (Daalder and Froman, 1999: 107). While the DPA brought the war to an end and laid the foundation for consolidating peace, many observers also believe that as a document born of unique wartime circumstances the DPA cannot by itself ensure BiH's future as a functioning and self-sufficient democratic state (Ashdown, 2005).

Since domestic politicians could not agree on the necessary changes of the constitution external mediation is required. This happened when the EU authorities decided to take decisive and concrete diplomatic lead in fixing Dayton and thus paving the way for a new era of functional, self-sustaining and democratic BiH. Thus, during the Swedish EU Presidency there has been such initiative on the constitutional reform on 10 October and again on 20-21 October, when Carl Bildt, Sweden's foreign minister, Olli Rehn, the European commissioner for enlargement, and Jim Steinberg, the US deputy secretary of state, called most of Bosnia's political party leaders to gather at Butmir, outside Sarajevo, where they outlined a 'package' of reforms deemed necessary for a genuine Euro-Atlantic integration of their country (Bassuener, 2009). In media, the meeting in Butmir was called 'Dayton II' to signify its importance for the BiH future governance.

However, it ended in complete failure. Bosnian Serb representatives rejected the proposed reforms as too drastic while Bosniak and Croat leaders described them as insufficient to solve the long-standing political stalemate. The failure of the ambiguous and ill-prepared 'Dayton II' only heightened the current crisis rather than resolving it (Bieber, 2010: 1).

Although the EU and US seemed united in Butmir the EU is the most responsible for the failure. This is because the EU does not know how to behave like a global player *vis-a-vis* what is happening in Bosnia. Washington's central policy challenge has shifted from getting the Bosnians to cooperate to goading the Europeans to act (Joseph, 2010: 62).

What is more, the civil society was completely excluded from the Butmir negotiations. This was a clear threat to democratic deliberation, the very value that EU diplomats had hailed as European. Moreover, the Butmir meeting was silence on the controversial practice of ethnic voting although the EC had hinted that 'entity voting' has prevented the swift adoption of legislation thereby hindering the country's rapid progress towards the EU membership (EC, 2009: 9). All in all the Butmir talks served as a good showcase for the continued relevance of the international community but the status quo remained.

Concluding remarks

It is only natural that the BiH is expected to implement all the necessary economic, political, legal and administrative reforms as a part of the country's Europeanization process which already began in late 1990s. However, the country's Europeanization process has met with a prolonged impasse due to the opposing views of the three ethnic groups as to the framework of the country's future constitution. In this regard the EU may also be taken as responsible for the current status quo since its member states are not united in defining the standards and measures expected of the Bosnian politicians. It seems that European leaders believe that the mere process of the integration will bring stability, prosperity and genuine reconciliation to the country. They thus expect the Bosnian political elites to be able make the necessary reforms including constitutional changes that will satisfy all the three ethnic groups although they know that this is tantamount to a mission impossible. Although on paper the Copenhagen and Madrid criteria do represent the standards and measures that Bosnian politicians must reckon with these do not represent the EU's common position, a weakness that opportunistic BiH politicians had

effectively manipulated to their advantage. The hesitance, ambivalence and ambiguity on the part of the EU leadership had thus created a serious credibility gap for the EU since it could not assert and present itself as a convincing and effective trouble shooter for the Bosnian intrigue.

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