

**Limits of Democratization and Europeanization:
Considerations from the region of the Western Balkans
shaped by ethno-nationalism, ethno-politics and protracted
democratization processes**

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The Yugoslav dissolution brought various challenges in the relationship of state and society, of state-building and nation-building. Such circumstances made it possible, that by relying on a new form of collectivism built on ethnic nationalism the rulers of the new Former Yugoslav states were able to hijack the idea of transition to democracy. Ascribing national unity and territorial sovereignty with an exclusive ethnic logic may result in undermining democracy and stateness by complicating the creation of effective and functioning institutions. In the Former Yugoslavia this took the form of hybrid state-systems, which, while relying on an ethnic and national exclusivity, were upheld through the replacement of individual liberties by national-collective logic and an interwoven net of clientism and corruption.

The value of nationalism for state-building is in conflict with a state of democracy and thus also with a process of Europeanization. The question of stateness and the nationalist imperative served as grounds for the armed dissolution of Yugoslavia. Regional authors have pointed to the intrinsically undemocratic character of the national idea, how it developed in the Western Balkans, and its implications for democracy. Democracy in the Western Balkans came to be understood as freedom of the whole collective, not as freedom and equality of individuals. These nationalist ideologies characterized by an inherently “authoritarian nature” outlasted the wars of the 1990s; they are today most saliently expressed in the democratic paradox of Bosnia-Herzegovina, where the principle of freedom and democratic procedure serves to legitimize the ethno-nationalist elite. Also, in Croatia and Serbia, the ethno-national discourses survived consolidation of democratic formalities). The “dilemma of persistence” continuously challenges the harmonization of expectations to democracy

and its reality in the ex-Yugoslav countries. On the one hand, ethno-nationalism still co-shapes citizens' expectations that the collective rights as a nation should remain an important norm of the young states. Yet, on the other hand, ethno-national discourses and a lack of political alternatives hinder the realization of citizens' expectations regarding economic development or political accountability.

The persistence of national issues becomes the main challenge to democracy and also one of the major challenges for the way towards the EU. It is the mental and habitual level of ethnic nationalism as well as the continuation of ethno-nationalist discourses, which persists to the establishment of democracy and challenges its consolidation. Ethno-politics (in different forms) performed by political elites in these countries presents a crucial challenge to Europeanization as "ad hoc *acquis democratique*". Departing from the general observation that EU-Conditionality in the Western Balkans has been a rather difficult process characterized by setbacks and slow reforms, I will present here some insights into the dynamics between ethno-nationalism, democratization and EU-integration using some examples from the Western Balkans. Particular focus will be put – on the one hand – on Serbia and the region of Sandzak, where continuous ethno-nationalist policies on both the Bosniaks and Serb side creates tensions and fuels new nationalisms. Second focus will be Bosnia-Herzegovina, the country in which most dramatic and negative effects of ethno-nationalism can be observed.¹

¹ During the research project the decision was made to focus more intensively on Bosnia and Serbia in order to be able to make intensified research efforts able to produce substantive arguments. Consequently, I decided to deal with Kosovo only randomly as this "unfinished country" faces rather specific challenges on its way towards the EU.

Some arguments presented here relay on arguments made in publications that were published or prepared during my research stay at the Center for Transatlantic Relations, SAIS, Johns Hopkins University as an Austrian Marshall Plan Fellow.

1.

Ethno-nationalist sentiments within the country shaping the relationship between majority and national minorities – the case of Sandzak

During the last years Serbia has made “significant progress” on its way to European Union (EU) membership.² Although issues with regards to Kosovo and the extradition of Ratko Mladić and Goran Hadžić to the International Crime Tribunal for Former Yugoslavia in the Hague remain to be solved, Serbia ratified the Stabilization- and Association Agreement (SAA) with the EU, reached visa-liberalization in December 2009 and applied for the official candidate status, which was granted to Serbia in 2012, however with several objectives, the major one regarding the future cooperation with Kosovo and the progress in the so called „Kosovo-Serbia-technical-dialogue“. Still, Serbia is waiting for the official beginning of membership negotiations with the EU, the task that the new government headed by the Prime Minister Ivica Dacic has defined as one of its priorities. While we have to acknowledge some progress that Serbia has made towards the EU there are still major challenges on the way towards the full membership in the EU. The newly elected president Tomislav Nikolic, former member of the ultra-nationalist Serbian Radical Party, has the difficult task before him to convince the EU and international community that he has changed from former nationalist leader to a new pragmatic leader of European Serbia. Ivica Dacic, the new Prime Minister and former close ally of Slobodan Milosevic, has to initiate crucial reforms by relying not only on nationalist rhetorics but by focussing on reform processes and solutions for the extremely difficult economic and social crisis in Serbia.

Generally we can argue that despite various steps Serbia has made since 2000 strong nationalism is still widely present in Serbian society. In order to provide more in-depth analysis of one field of nationalist politics I will focus on a rather neglected topic of Sandzak and the relationship between Bosniacs and Serbs, which – as we will see –

² For an excellent overview about current developments in Serbia see Wolfgang Petritsch/Goran Svilanović/Christophe Solioz (eds): *Serbia Matters: Domestic Reforms and European Integration*, Baden-Baden: Nomos, 2009

creates new potentials for ethno-nationalist politics and will most certainly be one of the crucial dimensions on the Serbian way towards the full membership in the EU.

The protection of national minorities and their rights is an essential democratic norm and condition for EU accession. How a state deals with its national minorities and to what degree existing norms are implemented is a fundamental indicator of the quality of democracy and of the ability of the state to overcome ethno-nationalist tendencies in politics. This becomes additionally relevant when considering the rise of ethnonationalism in Serbia as well as ethnic conflicts Serbia was involved in during the 1990ies. Against this background, we focus here on the situation of national minorities in Serbia's Sandžak arguing that political and economic exclusion of minorities may continuously damage the relationship of majority and minority and thereby produce new nationalisms and compromise achieved democratic standards and achieved EU-reforms. Departing from these considerations one may also argue that formal minority standards as an inclusive part of the Europeanisation process are only implemented and may only reveal their normative strength once central political issues along the line of majority-minority relations are solved and polarization along ethnic and national lines has widely disappeared.

We can argue here that in the case of the Bosnian minority in Serbia, the polarization in the majority-minority relation continues and widespread nationalism is still present. Looking at the developments in Sandžak from the 1990ies until today, it becomes clear that the Bosniak minority has remained largely excluded by Belgrade, both in the political as well as in the economic sphere, and that the complex conflict between Serbian majority and Bosniak minority has not been solved after the end of the Milošević regime. A sentiment of discrimination is present among the members of the Bosniak minority in the Sandžak region, and it is characterized by the dissatisfaction with Belgrade policies and the demand for increased autonomy. In addition, the position of the Bosniak minority in Serbia is also weakened by the fact that the position towards Belgrade and the question of cooperation or non-cooperation with the central powers in the country has become a main line of division inside the minority itself. This has become apparent during the 2010 election for the national minority councils – a new form of minority rights protection in Serbia. The election campaign, the elections as well as their aftermath have been characterized by a new radicalization of the situation in

Sandžak and of the relations between Sandžak and Belgrade and strong nationalist sentiments on both sides.

Using the example of the minority council elections in Sandžak, we may also observe an enormous gap between the normative situation of minority rights and minority protection in Serbia on the one hand, and their actual implementation as well as factual position of the Bosniak minority on the other. This cleavage between the de jure and de facto situation not only provides an insight into the actual state of democracy in Serbia, but also points at certain limits of EU-conditionality and the remaining and immanent endangerment of democratic standards through ethnocentric politics in the Western Balkans. Apart from a few international reports on the issue, the example of the Bosniak majority in the Serbian region of Sandžak has been widely neglected in the scientific debate on minority rights in Serbia. The re-emerging crisis during the summer 2010 however points at the need to look more closely at the case of Sandžak in order to grasp substantial shortcomings of national minority rights in Serbia characterized by the deep dissatisfaction of minority members and the apparent inability of the Serbian authorities to deal with ethnic diversity and thus by new emergence of nationalism on both Serbian and Bosniak side.

From the 1990ies until today – the historic background of the current conflict in Sandzak

The region of Sandžak and its largest city Novi Pazar are situated on the border between Serbia, Montenegro and Kosovo. Historically, it has always been a border region in which the changes in governance structures, succession of empires and the various cultural influences leave their marks. The origin of the Muslim community in the region goes back to the Ottoman rule, yet, administratively the community has throughout history been separated from the larger Muslim population in Bosnia and Herzegovina. Also, during the Socialist rule in the 20th century the region remained part of Serbia, divided from Bosnia and Herzegovina. Yet, the (self-)conception of the community as part of the national group of “Bosniak Muslims” has its roots in the Yugoslav rule.³ In addition, the Sandžak region socio-economically profited from industrialization and the

³ See Francine Friedmann, *The Muslim Slavs of Bosnia and Herzegovina (with reference to the Sandžak of Novi Pazar): Islam as National Identity*, in: *Nationalities Papers*, 2000, Vol. 28, No. 1, 168

development of a textile- and shoe production sector during socialist Yugoslavia.⁴ This gradual national emancipation of the Muslims in the region as well as the economic advancement resulted in a high loyalty of the Sandžak community towards the Yugoslav regime. The violent dissolution of Socialist Yugoslavia left the Muslims of the Sandžak region caught between the positions as national minority inside Serbia on the one hand, and as part of the larger Muslim community in Bosnia and Herzegovina on the other. Apart from the fact that the community was part of a national group against which its regime was waging war in the neighboring country, the Muslim community in Serbia was itself exposed to direct discrimination and “state terror” by the Milošević regime.

Especially during the period of war between 1991 and 1995, Bosniak people in the Sandžak region became victims of ethnic discrimination, ethnic cleansing, kidnapping, destruction of property and murder. „For Bosniaks, the message of the 1990s with its state-sanctioned crimes and official legalized discrimination could not have been clearer: They were second-class citizens who did not enjoy the protection of the state, an unwanted and harmful foreign organism whose life and property had no value before the law.”⁵ During this period approximately a quarter of the Muslim population left the Sandžak region. Although violence against the Muslim community was executed by the state structures of the regime and no fighting between ethnic communities on the ground took place, the exclusive ethnonationalist politics of the Milošević regime and the legally unprotected position of the Muslims lead to increasing tension between the Serbian and Muslim communities in Serbia and in the Sandžak region.⁶ Also in the socio-economic sphere, the 1990ies left their marks with the rapid decline of the economic productivity of the whole country, the flourishing of crime and informal economy as well as the erosion of social structures. In the chaos economy of the 1990ies, the Bosnian Muslims of the Sandžak region paradoxically profited from the boom of the grey economy. This however additionally led to increasing tensions between the Serbs and Muslims from the region.

In the context of dominating ethno-nationalist policies and nation-building processes during this period also the remaining Muslim population in Serbia began to politically

⁴ International Crisis Group, Serbia’s Sandžak – Still Forgotten, Europe Report N°162 – 8 April 2005, 6

⁵ Lyon, Serbia’s Sandžak Under Milošević, 83

⁶ Helsinki Komitee für Menschenrechte, Sandžak - identitet u procepu starog i novog, 174

organize itself along ethno-national lines. Already during the war a local branch of the Bosnian SDA was formed in Novi Pazar and Sulejman Ugljanin, still a main political actor of the Bosnian Muslims in Serbia, became the key figure of the political movement. In the beginning of the 1990ies the SDA formed a national council of the Bosnian Muslim in Serbia, which in 1991 launched a referendum in the Sandžak region. At the referendum a great part of the Muslim population expressed its wish for increased cultural autonomy in Serbia as well as close cooperation with Bosnia and Herzegovina. In summary, the Belgrade politics of isolation, stigmatization and exclusion in the 1990ies encountered a growing national sentiment and increasing religious identification among the Bosniak population in Sandžak, resulting in rising tensions between the ethnic communities living in the region.

At first, the political changes in the year 2000 in Serbia brought about advancement in the relations between Belgrade and Novi Pazar. The new Prime Minister Zoran Đinđić made an effort to cooperate more closely with Bosniak representatives and repeatedly visited the region. First standards of minority right protection were introduced and in 2002/2003 an International University in Novi Pazar was opened. After the assassination of Đinđić and the return of the national-conservative wing of Vojislav Koštunica to power, relations however worsened again. Belgrade returned to old forms of ethnicized politics and the preservation of tensions between ethnic groups in the country. During this period also the SDA and Sulejman Ugljanin began to loose influence and hegemony among the Bosniak population in the Sandžak region. The Sandzak Democratic Party (SDP) and its leader Rasim Ljajić won political support and the islamic religious leadership under Mufti Zukorlić distanced itself from the SDA. In the growing diversification of the political representation of the Muslims in Serbia, Koštunica clearly supported the SDA branch and sided with Ugljanin.

Discrepancies in formal standards of minority right protection and their actual implementation

The formal achievements of minority rights protection after the year 2000 failed to be translated into reality due to antagonisms in of the Serbian policies in the post-Milošević-era as well as growing political differentiation inside the Bosniak community in the Sandžak region. The period of affirmative policies towards the Muslims under

Dinđić remained a short inclusive phase and failed to break long-established political patterns. The continuity of authoritarian power structures and decision-making on the national as well as local level furthermore hardened existing cleavages between the Serbian and Muslim communities.⁷ As a result the discrepancies between the formal existence and actual implementation of minority rights continued. A range of international actors pointed to the fact that in the process of European integration Serbia has improved its legal framework of minority rights protection, however fails to implement existing provisions and misses political readiness to fight discrimination.⁸

From the perspective of minority representatives in Novi Pazar, the main example for the discrimination of Bosniak Muslims in Serbia is the fact that governance- and power structures remain closed to minority members. Due to the restructuring of administration, jurisdiction and the executive branch under Milošević, the Bosniaks were excluded and continued to be under-represented in the state institutions. The European Commission Progress Reports point to the fact that after 2000 affirmative action has been taken to increase the number of Bosniaks working in the public sector. However, human rights organizations continue to highlight the disproportional ethnic composition and discrimination of the Bosniak community in public sector employment. Especially police, army and judicial structures are affected.⁹ In Novi Pazar where 80% of the inhabitants are Bosniaks, the picture inside police structures is mirror-inverted, with only 20% of the employees having a Muslim background. In other municipalities where Bosnian Muslims do not represent the majority of the population, the situation is even worse. In the municipalities of Priboj and Prijepolje, Muslims have little influence in public sectors like education or jurisdiction. In Priboj, no public institution is lead by a Bosniak whereas only two out of nine judges at the local court are Bosniaks and only 15 out of 81 school inspectors in Prijepolje have a Muslim background.¹⁰

⁷ Goran Bašić: Politička participacija i kulturna autonomija nacionalnih manjina u Srbiji, Friedrich Ebert Stiftung 2006, 13

⁸ Report by the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, on his visit to Serbia (13-17 October 2008), available under <https://wcd.coe.int/ViewDoc.jsp?id=1417013>; European Commission Progress Report on Serbia 2009, Brussels, 17, abrufbar unter http://ec.europa.eu/enlargement/pdf/key_documents/2009/sr_rapport_2009_en.pdf

⁹ Sandžački odbor za ljudska prava, Prava i slobode u Sandžaku IX, Novi Pazar 2009, 184

¹⁰ Lyon, Serbia's Sandžak Under Milošević, 79. See interview with Zibija Šarenkapić from Damad, Urban-In as well as interviews with representatives of the Islam Community in Serbia, Novi Pazar, 2011

The underrepresentation of Bosniaks and the predominance of Serbian representatives in public institutions also have impact on general employment structures. High unemployment rates, especially among the younger generation, represent a structural exclusion of the Muslim minority in the working sphere, since public institutions remain one of the most important employers in the region. Together with the low level of education in Sandžak, these failures of minority right implementation increase a sense of lack of perspective and alternative among young people and enhance their preparedness to migrate.

Education hereby becomes another field of minority rights, which in the perspective of Muslim representatives and civil society actors in Novi Pazar lacks affirmative policies and the acknowledgment of Bosniak Muslim identity. These concerns have also been confirmed in European evaluations of minority rights in Serbia. The Council of Europe pressed for a better implementation and regulation of the use of minority language in education in the Sandžak region. Problems have mainly been identified in the fact that although Muslim pupils in the region have the opportunity of education in their mother tongue, these provisions are restricted to two hours as an optional subject in elementary school.¹¹ In addition, the content of school books remains a source of concern. Although some progress has been recognized in the implementation of the right to education in the mother tongue and culture, the curriculum continues to be defined in Belgrade and school books remain to be characterized by ethnocentric and discriminating references. Issues related to the use of minority language are based on the fact that although the Muslim population in the Sandžak region speaks the same Serbo-Croatian dialect as the rest of the population, the Muslims use the Latin alphabet whereas Cyrillic is the officially used alphabet in Serbia. By these means, the right to minority language and script is tightly connected to the official use of minority language and script. In Serbia, the official use of minority language is secured by the constitution as well as related legal minority rights provision which foreseen the usage of Bosnian as an official language in municipalities with more than 15% minority population. This is in most of the municipalities in the Sandžak region the case, yet, the legal provisions lack implementation. In some municipalities, the Latin alphabet is still not used as official script and until 2008, members of the Bosniak Muslim minority continued to have

¹¹ Esad Džudžević, Položaj i prava sandžačkih Bošnjaka u Srbiji, in: Biletin za razvoj lokalne demokratije, 2007, No. 3-4, 18

serious problems in receiving official documents in their minority script. With the introduction of a state-wide software for issuing identity cards the choice of script should however be provided.¹²

The willingness of Belgrade to remove existing failures in minority rights implementation seems to be limited. Inside the Bosniak community the continuance of these failures supports the sentiment that Belgrade is not interested in eliminating existing forms of discrimination - or worse, it is consciously continuing to support discriminative policies. Apart from the examples of education and use of minority language and script, minority representatives also point to the fact that Belgrade does not seem to have an interest in supporting the socio-economic development of the region with investments in schools and future-oriented industrial branches. Explanations from Belgrade on the representation of minorities in public institutions also remain to be regarded as unwilling excuses.¹³

Serbia's Stepchild? Internal perception of Belgrade's behaviour towards the Sandžak region

As shown above, the political as well as economic development in the Sandžak region and with it the attitudes among the Bosniak minority towards state authorities very much depend on the behavior of Belgrade towards the region. What are thus the areas which minority representatives highlight when describing the relationship with Belgrade?

Apart from the lack of minority rights implementation, Bosniak representatives miss economic investment and complain about overcautious attitudes towards the region.¹⁴ Examples mentioned by the interviewees are the non-structured and missing privatization of former state-owned enterprises in the region. Workers at the textile production company Raška went on strike in March 2001 in order to demonstrate against the fact that 18 to 26 monthly wages have not been paid by their state employers

¹² Helsinški odbor za ljudska prava u Srbiji, Helsinški Bilten, 2007, No. 3-4,13

¹³ Interviews with representatives of the Islam Community in Serbia (Islamska zajednica u Srbiji), "Bošnjački Preporod" and LDP, Novi Pazar, 2011

¹⁴ Forum ZFD-Reginal Office Novi Pazar: Percepcija privatnog biznisa, 185-247

and the wages which have been received were handed out without clearance. The sense of missing investment in the region is supported by the fact that in the Serbian state budget of 2008, an average of 24.647 Dinar has been invested per municipal inhabitant. Yet, investment in the region of Sandžak has been clearly below the average, with 11.838 Dinar in Novi Pazar, 9.010 in Tutin, in Sjenica 9.329, 10.960 in Prijepolje and 12.497 Dinar in Priboj with a low percentage of minority members. The municipality of Raška, a mainly Serb dominated settlement, received 16.949 Dinar per inhabitant in comparison to 11.838 dinar in its neighboring municipality Novi Pazar.¹⁵ In order to socio-economically upgrade the Sandžak region and decrease the dependence of local authorities from central state structures in Belgrade, a regional development strategy as well as a process of decentralization is needed and demanded by minority representatives. Until now, both are missing. The municipalities in Serbia do not possess own property, all public institutions and state possessions are in the hands of the central authorities in Belgrade. The lack of local ownership is hindering economic development by discouraging investment in local infrastructure and public services. Especially slow bureaucratic procedures due to dependency on decision-making in Belgrade constitute a challenge to potential investors.¹⁶

From the perspective of some minority representatives in the region as well as civil society actors, this behavior of Belgrade points at remaining mistrust towards the ethnic “other” and is characterized by the constant anxiety of separatism.¹⁷ The reluctance of Serbian authorities to support decentralization and local self-government is clearly demonstrated in the discussions preceding the change of statute of the Vojvodina region. In 2009, the Vojvodina region received increased autonomy. The years and period before the adoption of the related law were however characterized by intense political discussion on whether the law represents the beginning of Hungarian separatism or a legal category defined in the Serbian constitution. Although the Sandžak region did not receive a special status such as Vojvodina, a law on the decentralization of the region was adopted in 2009. The law on regionalization adopted in July 2009 should have represented a milestone in the EU integration process of Serbia by giving Serbian

¹⁶ Center for European Policy Studies, *Decentralisation of Serbia: The Minority Dimension*, 2007, 3

¹⁷ Interview with representatives of Heinrich Boell Foundation in Belgrad, conducted in Belgrad on Mai 26, 2010, as well as with representatives of the International University and the Islam Community in Serbia and „Bošnjanski preporod“, Novi Pazar, 2011

regions more independence and enhancing their abilities to apply and profit from EU structural funds. The law was however largely criticized. Especially in view of the situation in Sandžak, a paradoxical situation was observed. In the beginning, the separation of the Sandžak municipalities was discussed, but the two members of government from Sandžak, Rasim Ljajić and Sulejman Ugljanin, were able to secure that all municipalities in the Sandžak region became part of the same administrative section foreseen by the new law.¹⁸ Yet, the achievement was overshadowed by the fact that the unification of the six municipalities in a disproportionately large region did not represent a solution to the socioeconomic problems of the region.¹⁹ The negation of the historic tradition and cultural interrelation between the municipalities of Sandžak is also reflected in the definition of electoral sectors. After the fall of the Milošević regime, the borders of electoral sectors were defined in a way that divided the six traditional municipalities in two electoral sections.²⁰ It is also in the sphere of religious rights and autonomy where the refusal of Belgrade authorities to admit to the tradition and culture of the region becomes very clear.

As mentioned earlier, the end of the authoritarian Milošević regime represented an enhancement of the relations between Belgrade and Novi Pazar. In the increased cooperation with the region, premier Đinđić and his successor Zoran Živković however mainly turned to the religious leaders of the Bosniak community; thus when visiting Novi Pazar both met with Mufti Zukorlić. Zukorlić even accompanied Đinđić on his state visit to the United Arab Emirates in 2003 while at the same time the prime minister did not regularly meet with the political representatives of the Muslims in Sandžak. The Đinđić government also invested in the region, especially in education and health care. The main achievement was the opening of the private University in Novi Pazar, the first graduate school and institution for higher education in the Sandžak region. The establishment of the university is regarded as the main result of the cooperation between Zukorlić and Đinđić. After the assassination of the premier in 2003 it however became clear that other politicians in the country did not support the affirmative approach towards Novi Pazar and its religious leaders. Koštunica searched for other partners in the region and found a close ally in Sulejman Ugljanin. Without the support

¹⁸ Između partijske alavosti i lokalnih potreba, *Vreme*, 20.8.2009, available under <http://www.vreme.com/cms/view.php?id=882117>

¹⁹ Interview with representatives of SDP and SEDA, conducted in Novi Pazar, 2011

²⁰ International Crisis Group, *Serbia's Sandžak*, 17

of two members of Ugljanin's SDA the formation of the 2004 Koštunica's government would not have been possible.²¹ On the other hand, Ugljanin used the support of Koštunica to fight against his inner-Bosniak political rivals as well as the religious leader Zukorlić.²² With the support of the Belgrade government he opened a second, state-University in 2007 in Novi Pazar. From the perspective of the private university representatives this was understood as conscious provocation and political statement against the growing (political) influence of Mufti Zukorlić. The conflict between the two universities deepened the inner-Bosniak cleavages and increased the political battle between minority representatives.

The conflict between the Islamic religious community and the Serbian government did not only run along the intermediate position of Sulejman Ugljanin but was also reflected in direct state interventions into the religious rights of the community. Since the dissolution of the Former Yugoslavia, two registered Islamic communities had existed in Serbia – two so-called “Mešihats”. One was the Mešihat of the Islamic community in Sandžak and the other one, the Mešihat of the Islamic community in Serbia domiciled in Belgrade.²³ Due to the fact that the Muslims of the Sandžak region were traditionally associated to Bosnia and Herzegovina, the Mešihat in Novi Pazar, with its Mufti Zukorlić were part of the “Rijaset” of Bosnia and Herzegovina, with the Bosnian Reis-Ul-Ulema as main religious leader of the community. Since 2006, the discussion between the two Islamic communities in Serbia on the unification of their structures increased. This has to be seen in the view of the 2006 law on churches and religious communities which divided existing religious groups in Serbia into traditional and non-traditional communities, whereas only one representation of a traditional community was foreseen. For the two parallel Mešihats in Serbia this meant that a compromise for a joint representation and fusion of structures had to be found in order to be declared as traditional community. The Sandžak Mešihat proposed the formation of an Islamic community with representatives from the Sandžak region, the Preševo valley, Vojvodina and central Serbia as well as structural association with the Rijaset in Bosnia and Herzegovina. The Islamic community in Belgrade however favored the formation of

²¹ Close to Belgrade, Far from Sarajevo, BIRN, 2010, available under <http://birn.eu.com/en/1/190/7108/?tpl=30>

²² Interview with representatives of International University in Novi Pazar, conducted in Novi Pazar on June 23, 2010

²³ Srđan Barišić, IZS vs. IZuS – retrospektiva”, 2009, available under www.pescanik.net/content/view/2573/190/

their own Rijaset.²⁴ Since no agreement was to be found, the government in Belgrade intervened by establishing a new Rijaset of the Islamic community in Serbia on 19th February 2007, with a new constitution of the community and Adem Zilkić as new Reis in Serbia. The decision of the Belgrade authorities was not accepted by Mufti Zukorlić in Novi Pazar nor by Reis-ul-Ulema in Sarajevo. As a reaction a so-called congress of unification of the Islamic community in Serbia was held at the end of March in Novi Pazar. At the congress a new constitution of the Islamic community on the basis of the Mešihat in Sandžak was adopted and Zukorlić elected as the new Mufti of the Islamic community in Serbia.²⁵

Since then two official Islamic communities exist and fight each other in Novi Pazar. The situation escalated in 2007 with violent incidents and shootings in front of the mosques. In the course of events Zilkić as Reis of the Islamic community in Belgrade demanded police protection at the ministry for interior. The police directly intervened in October 2007 whereas the reactions of the ministry were directed against Mufti Zukorlić arguing that he was using the autonomy of religious community for his political ambitions. In Novi Pazar also the relations between Zukorlić and Sulejman Ugljanin, who supported the Islamic community in Belgrade, deteriorated. Ugljanin called for the support of the Islamic community in Belgrade and an increase of the influence of the minority council, dominated by his party, in religious issues. From the point of view of independent analysts and civil society actors Ugljanin was the engine behind the escalation.²⁶ The total complexity and entanglement of political and religious cleavages between Novi Pazar and Belgrade became clear when the inner-Bosniak rival of Ugljanin, Rasim Ljajić took the side of Mufti Zukorlić. Thereby the two political rivals were positioned in religious issues on two opposing sides.

Although the official reaction of the Koštunica government was that issues of religious representation need to be resolved inside the religious community, the government still influenced the conflict due to political partnership between Koštunica and Ugljanin as well as the adherence to the law on religious communities. International institutions

²⁴ *ibid.*

²⁵ Srđan Barišić, *Institucionalizacija Islamskih zajednica nakon raspada SFRJ*, in: *Filozofija i društvo*, 2/2008, 117-127

²⁶ Helsinški odbor za ljudska prava, *Sandžak - identitet u procepu starog i novog*, 161 as well as reports on Radio Slobodna Evropa unter <http://www.slobodnaevropa.org/content/article/717320.html>

classified the newly adopted law harmful to religious rights. The European Commission in its Progress Reports repeatedly pointed at the fact that the law was not consistent with international standards and that the differentiation between traditional and non-traditional religious communities was discriminative. Premier Koštunica and his partner Sulejman Ugljanin were viewed as enemies by Mufti Zukorlić and his supporters. The support of Zukorlić by Rasim Ljajić, who during this period politically allied with the national opposition party of Tadić, added fuel to the conflict and deepened the political battle inside the Bosniak community in Serbia. Until today the fundamental conflict between the two Islamic communities in Serbia was not resolved and did not lose intensity, with new violent incidents in 2009. As I will show in the next chapter, the continuation of the conflict between Mufti Zukorlić and Belgrade in 2010 added to the already existing sentiment of structural discrimination among the Bosniak community in Serbia and nationalist politics of Serbia towards Sandzak and Bosniaks.

Lines of division inside a minority group

This sentiment of the inherent negation of Muslim identity and discrimination of socioeconomic development in the region is especially in conflict with the self-understanding of Bosniaks as equal and autochthon national group in Serbia. Minority representatives point out that the Bosniak Muslims are an inherent and equal part of Serbia. Such a multicultural understanding is however continuously challenged by constantly present emphasis on the ethno-national identity and exclusive national character of Serbia in the Serbian public. Such reduction to the status of a minority inside the Serbian nation-state is – in the eyes of Bosniak representatives – understood as negation of their commitment and belonging to Serbia.²⁷ These two conflicting interpretations of the Serbian reality have two consequences for Bosniaks living in Serbia. Firstly, the position and definition as a national minority is sensed as degrading and traumatic among the community.²⁸ Secondly, this sentiment of constant exclusion undermines the loyalty of Bosniak Muslims in Serbia towards the state they are living in,

²⁷ Interviews with representatives of the Islam Community in Serbia and “Bošnjački Preporod“, Novi Pazar, 2011

²⁸ Interviews with representatives of the Islam Community in Serbia (Islamska zajednica u Srbiji), “Bošnjački Preporod” and the International University in Novi Pazar, Novi Pazar, 2011

especially when considering the strong connection and loyalty of the Sandžak Muslims to Bosnia and Herzegovina.

Inside Sandžak this has led to the fact that cooperation with state structures and the authorities in Belgrade is regarded as negative and used as an allegation in the inner-bosniak political battle. This has become very obvious during the local elections in 2004 when mayor Sulejman Ugljanin and his SDA lost the majority of seats in the municipal council and Ljajić's SDP managed to form a multinational coalition with Serbian parties against the SDA. After that flyers appeared in Novi Pazar calling Rasim Ljajić and his colleagues traitors who cooperate with Serbian parties. In addition, the former local government refused to hand over the premises to the newly elected and positioned armed guards at the town hall. On 9 February 2005, the Belgrade government intervened and escorted the newly elected local authorities into their working premises. This time it was the SDA which (although supporting the national government) called the Belgrade intervention illegitimate. A few months after that it was the SDP again who used the argument of Belgrade-cooperation against its political rivals. In April 2006 the government in Belgrade resolved the local government in Novi Pazar again due to the fact that no budget had been adopted since the elections. After a short period of interim administration new elections were held.²⁹ This time it was Rasim Ljajić who called the behavior of Belgrade illegitimate. The following elections in September 2006 were characterized by violent incidents, with one SDA politician (Ruždija Durović) who died and a range SDA and SDP supporters who got injured. The elections were followed by mutual accusation of the SDA and SDP and in view of possible escalation Belgrade was again called to intervene. Mufti Zukorlić, during this time already religious leader in the region, criticized Belgrade and the Koštunica government for being responsible for the violence in Novi Pazar due to a lack of a neutral position and its fluctuating support of one side and the other.³⁰

Since 2006, the conflict between Ljajić und Ugljanin is continuing. At the early elections in 2008 Ljajić was part of the European coalition under Tadić, whereas Ugljanin was the main candidate of his own list. The Tadić-coalition was however able to ensure the

²⁹ Political murder raises tension in Sandžak, BIRN, 14.9.2006, available under <http://birn.eu.com/en/49/10/1046/?ILStart=20>

³⁰ ebd.

majority of votes throughout the Sandžak region and in Novi Pazar the SDP of Ljajić together with Tadić's DS (Demokratska stranka) and the Unified Serbian List (Jedinstvena srpska lista) took the power with 23 seats in the local government against 18 seats of the SDA. The position and coalition with Belgrade parties remained a line of conflict. Although the issue was partly neutralized by the fact that both personalities, Rasim Ljajić as well as Sulejman Ugljanin were given ministerial positions in the national government after 2008 (Ljajić is Minister of Social Affairs, whereas Ugljanin holds a ministerial position without portefeuille) tensions in Novi Pazar between the parties remained. In January 2009 tensions rose again and violent incidents broke out again.³¹ Only after the arbitration of the Serbian and Turkish ministers for foreign affairs a "forced peace" between Ljajić and Ugljanin was reached. The agreement however did not end the conflict inside the Bosniak community and did not decrease the criticism towards Belgrade and the two ministers now cooperating with Belgrade.

The government in Belgrade continues to be criticized by a great majority of the Bosniak population and civil society actors in Novi Pazar for its inability and disinterest in the situation in the Sandžak region.³² The two ministers and Bosniak representatives inside the national government increasingly became subject to the critique from Novi Pazar: the main accusations being that they support the discriminatory policies of Belgrade against the Sandžak region and that their work is lead by personal interest, characterized by corruption and clientelism. Accusations concerning politics of interest, dysfunctional state structure, the strong influence of organized crime as well as the incompetence of the elected elites are however not a specificity of the Sandžak region but frustrate citizens in the whole of Serbia. The dependency on party structures is understood as main challenge by civil society actors as well as local politicians. Whereas the governing SDP authorities see the only opportunity to solve the problems in Novi Pazar by cooperating with party structures in Belgrade, the opposition and civil society identifies party structures inside Novi Pazar and clientelism resulting out of it as main factor hindering the socio-economic development in the region. The possibility that the region may profit from the ministerial positions of the two local leaders is generally doubted, since investments in other parts of Serbia has been made but are still missing

³¹ Vrhunac medjubošnjackog sukoba, Radio Slobodna Evropa, 19.1.2009, <http://www.slobodnaevropa.org/Content/Article/1371960.html>

³² *ibid.*

in the Sandžak region although the region has two ministers.³³ Due to daily challenges of unemployment, infrastructure and poverty where no progress seems to be noticeable and the unresolved conflict between Ljajić and Ugljanin who seem to have adopted to the positions of Belgrade the citizens of Novi Pazar are slowly losing trust in their two main political figures. According to a current study on the business-sector in the Sandžak region the political discrepancies and fights inside the Bosniak community according to local entrepreneurs have negative effects on the economy and local development.³⁴

Although the cleavages between the two Muslim communities in the region may also be counted to the discontinuity which negatively influences the development of the region, Muamer Zukorlić took the role of the main critic of the two local politicians, their party structures and their cooperation with Belgrade. Out of conflict between Rasim Ljajić and Sulejman Ugljanin, Zukorlić arose as the main oppositional figure. In this role he has been the main driving force between the explicitly political declaration of human and religious rights of Bosniaks in Serbia which was adopted in July 2009 and in which the policy of Belgrade was criticised and an end to the “administrative divestiture” of the Sandžak region was demanded. The declaration was not supported by the SDA nor by the SDP. This increased Zukorlić accusations towards the SDA and SDP rather working in the interest of Belgrade, than in the interest of the region.³⁵ His increasingly radical critique towards Belgrade and the local politicians as well as the great frustration among the citizens in Sandžak paved the way to his success at the elections to the national minority councils in June 2010. As will be shown in the following chapter the developments in the forefront and aftermath of the national minority council elections brought the political tension in Sandžak to a new dimension and suggest a new rearrangement of political power in the region.

³³ Interviews with representatives of the Islamic Community in Serbia and “Bošnjački Preporod”, Novi Pazar, 2011

³⁴ Forum ZFD-Regional Office Novi Pazar: Percpcija privatnog biznis sektora Sandžaka o politickom i ekonomskom ambijentu, Empirijska studija, Novi Pazar, jul 2009, in: Helsinški odbor za ljudska prava u Srbiji, Sandžak i evropske perspektive, 185-247

³⁵ Sonja Biserko: Sandžak: Radikalizacija ili saradnja, in: Helsinški odbor za ljudska prava u Srbiji, Sandžak i evropske perspektive, 8-28

The National Minority Council Election and the third political option in the Sandžak region – New rise of ethno-nationalist sentiments and renewed conflict potential for the relations between Belgrade and Novi Pazar

In the course of 2009, the Serbian parliament adopted a new law on the councils of national minorities. The law defined the minority councils as main institutions in the realisation of cultural rights of national minorities in Serbia. The new legislation may be understood as the alignment of the Serbian jurisdiction to the EU minority rights criteria and functions as an example for the formal and institutional adaptation of European standards in Serbia. With the new law, the national councils received increased competences in the field of culture, education, information as well as in the official usage of script and language. Although the responsibilities of the minority councils were explicitly restricted to the cultural sphere it was clear beforehand that the elections of the minority council would have a distinctive political character and that new forms of nationalist and populist arguments will play a decisive role during the election campaign.³⁶

This became obvious in the intensive election campaigns. In the forefront to the elections an intense public debate, initiated by Mufti Zukorlić broke out on the formal composition of the election register and the election procedure. In addition, the growing gap between the official political representatives in the region and in Belgrade on the one hand, as well as the religious community lead by Mufti Zukorlić became obvious. Ugljanin and Ljajić used every opportunity to politically discredit Zukorlić, whereas the latter continuously emphasised the discrimination of Bosniaks by Belgrade endorsed by the “traitors” Ugljanin and Ljajić. Already in September 2009 Zukorlić predicted a radicalisation of the situation in Sandžak due to the betrayal of the two politicians from Sandžak.³⁷ In the official gazette of the Muslim community in Serbia “Glas islama” (Voice of Islam) the Belgrade policies were pictured as “special war” against Sandžak and the need for “national resistance” was emphasised.³⁸

On June 6, 2010 the elections to the national minority councils were held. Three different election lists mirroring the political divisions inside the Bosniak community

³⁶ Safeta Biševac: Političke poruke izbora za nacionalni savet Bošnjaka, in: Helsinški odbor za ljudska prava u Srbiji, Sandžak i evropske perspektive, 28-30

³⁷ Izdali nas Ugljanin i Ljajić, Pravda, 9. septembar 2009

³⁸ Vgl. Sonja Biserko: Sandžak: Radikalizacija ili saradnja, 18

ran for the posts in the council. The “Bošnjačka Lista“ (Bosniak List) was formed with the support of Sulejman Ugljanin and his SDA. The SDP of Rasim Ljajić supported a list called “Bošnjački preporod” (Bosniak renewal), whereas the so-called “Bošnjačka kulturna zajednica – BKZ – Muftija Muamer ef. Zukorlić” (Bosniak cultural community) was formed and lead by Mufti Zukorlić. With a turnout of 56, 46% the BKZ of Zukorlić was able to ensure 48,4% of the votes and with it the relative majority of 17 seats in the 35-seat Bosniak minority council. The Bošnjačka lista reached 37,35% of the votes and 13 seats whereas Bošnjački preporod only got 14,25% of the votes and only 5 seats. The outcome of the elections were characterized by mutual accusations of election manipulation by the three parties. Zukorlić claimed that 10.000 voters of his BKZ had been excluded from the election process.³⁹ On the day of the elections, the Serbian ministry for interior stationed 1500 armed police officers in Novi Pazar. Mufti Zukorlić called the action of the ministry unacceptable and hostile towards Novi Pazar. In the aftermath of the elections he described his victory as a clear signal of the Bosniaks to fight against the policies from Belgrade and argued that Ljajić and Ugljanin were continuing to try to undermine his triumph with the help of Belgrade.⁴⁰ The two other parties reacted to the outcome of the elections by relativizing the importance of the Bosniak minority council, emphasising the cultural rather than political character of the elections and accusing Zukorlić of politicizing the elections and buying votes by the representatives of the two other parties. With the elections, the already existent tensions inside the Bosniak community in Sandžak were increased and Zukorlić as a third political actor in the rivalry for power established.⁴¹

The elections were followed by the so-called “Blic Affair” which is referring to a caricature in the Belgrade daily “Blic” in which Mufti Zukorlić was pictured with Serbian-orthodox insignia. The caricature provoked heavy reactions from Zukorlić who called it an affront to all Muslims in Serbia, demanding a “symbolic compensation” of 100 million Euros. In the meantime the election lists in Novi Pazar were trying to form a majority inside the minority council. Zukorlić was able to get two candidates of “Bošnjački preporod” on his side and was able to constitute the majority of seats inside the council and thereby officially form the central structures of the council in July

³⁹ Vjerujem das je Beograd shvatio poruku, Intervju, Danas, 16. juni 2010

⁴⁰ Interviews with Zibija Šarenkapić from Damad sowie Urban In, conducted in Novi Pazar, 2011

⁴¹ Vgl. Muftija Zukorlić – od verskog do političkog vođe, Politika, 9. Juni 2010

2010.⁴² Yet, the ministry for human and minority rights in Belgrade changed the legal prerequisites for the formation of the Bosniak minority council on the day of the elections and now demanded a two-third rather than a bare majority. The ministry annulled the constituent meeting of the council and dissolved it. This was again followed by harsh reactions from Zukorlić and his followers characterizing a new phase in the radicalization of the relations between Belgrade and Novi Pazar. In the constituent meeting of the minority council a declaration was adopted in which the status of the Bosniaks in Serbia as a constituent group rather than the legal position of a minority was demanded. In addition, Mufti Zukorlić held a speech at the meeting saying that „it is not possible to play with the Sandžak region and thereby not playing with Serbia. The state can be compared to an apartment building in which the inhabitants may like each other or not. If the majority of the inhabitants decide to set fire in one apartment, they run risk of burning down the whole building. Therefore, one should not play with the fire. Either we all are doing well or everything will burn.”⁴³

After that the minister for religion and religious communities, Čiplić harshly criticized Mufti Zukorlić and declared the constitution of the Bosniak minority council illegal. In the way the government dealt with the elections of the minority council Zukorlić found new evidence for the systematic discrimination of the Bosniaks in Serbia and the stigmatization of Bosniaks by Belgrade.⁴⁴ In the rhetoric fight between the ministry and Zukorlić the two ministers from Sandžak took the side of the government and against their new opponent in Novi Pazar, Mufti Zukorlić. Rasim Ljajić called the Bosniaks in Serbia to patience and calmness and criticized the rhetoric of Zukorlić, who on the other hand stated that all three, the minister as well as the two politicians from Novi Pazar should be arrested for their doing. In its evaluation of the situation and of the decision of the ministry to annul the constituted minority council, the Ombudsperson for equality, Neven Petrusic in August 2010 criticized the decision of the ministry. As a reaction, Minister Čiplić promised to undo the dissolution of the minority council, yet, nothing changed immediately so Zukorlić increased his demands for the autonomy of the Sandžak region. At the end of 2010, Minister Čiplić finally decided to call for the

⁴² Zukorlić u vrtolgu vere i politike, Radio Slobodna Evropa, 28.6.2010, available under http://www.slobodnaevropa.org/content/zukolic_vera_politika/2085019.html

⁴³ Tenzije u Sandžaku, Intervju sa Muamerom Zukorlićem, Slobodna Bosna, 22.7.2010, 17 – translation from Bosnish

⁴⁴ Iz Sandžaka stižu upozoravajuće poruke, Radio Slobodna Evropa 17.7.2010, available under http://www.danas.org/content/Sandžak_bosnjaci_islamska_zajednica_Zukorlić_tadic/2101910.html

repetition of the elections for the Bosniak minority council, which led to sharp reactions from Zukorlić. President of the Executive Board of the Council dominated by Zukorlić and non-recognized by Belgrade, Samir Tandir, rejected the possibility of new elections and described the decision of Minister Čiplić as a continuation of discriminatory practices towards the Bosniaks from Belgrade.⁴⁵ The tensions continued to grow as we have witnessed during 2011 and in the election campaign 2012.

Independent NGO activists and critiques assess the political demands of Zukorlić as contra productive for the situation in Sandžak, especially using ethnic arguments for his political ambitions and wish to increase his influence in the political and economic sphere of Sandžak.⁴⁶ These actions and behavior of the central actors from Belgrade and Novi Pazar suggest, as formulated in the beginning, that main conflicts and central problems in the relationship of Serbia towards its Bosniak minority are not yet solved.

The probability that the tensions and conflicts inside the Bosniak community as well as in the relations with Belgrade will continue is currently pretty high. The minority council elections gave the first insight into the logics of the conflict. Mufti Zukorlić has used the minority council elections and its constitution to strengthen his political stances and powers. The aggressive behavior of Belgrade in dealing with the religious leader helped him to enforce his arguments in characterizing the national government as discriminatory and anti-Bosniak and picture himself as the savior of the Bosniak people in Serbia. This however does not give an optimistic prospect for the living standards and daily challenges of the Bosniak community. There seems to be no rapid end to the high unemployment rate and the economic problems of the region. On the one hand, the enduring socio-economic challenges will reflect on the political landscape and add to the political polarization in the region and in the relations with Belgrade, yet, this in turn will not help to solve the economic pessimism and dissatisfaction in the region. The elections of the minority council are an important example for how political conflicts between majority and minority as well as general dissatisfaction among minority members damask the merely formal character of minority protection in a country and re-produce new nationalist sentiments. Only the consequent

⁴⁵ Zukorliceva zajednica odbija nove izbore, Radio Free Europe, 10.12.2010, http://www.danas.org/content/sandzak_bosnjacki_nacionalni_savet/2243851.html

⁴⁶ see interviews in Novi Pazar, 2011

implementation of minority rights in the framework of continuous progress in the European integration of Serbia as well as increased political and socioeconomic inclusion of the Sandžak region may help to overcome these divides and ethno-nationalism and find alternatives to the present situation in spite of general economic hardship and political divides inside the country. Generally we can conclude here that national issues still matter and that ethno-nationalism in various manifestations within the countries of the Western Balkans will continue to pose serious challenges to the democratization as well as Europeanization of the region.

2.

Radical effects of ethno-nationalism destroying the state coherence and producing a state of „permanent crisis“ – The Case of Bosnia-Herzegovina

Ethno-nationalism as a topic and a political principle seems to be en vogue today, and Bosnia and Herzegovina can be seen as paradigm of significance and virulence of ethno-nationalism. Even after seventeen years of post-conflict development and democratic transition following the Dayton Peace Agreement in 1995, Bosnia and Herzegovina still falls in the category of countries shaken by the political crisis or even in the category of so-called fragile states.⁴⁷ Several authors and scholars argue that Bosnia and Herzegovina in the last few years has been facing a serious crisis of stateness, with the basic foundations of the state permanently questioned and challenged from major political forces in the country.⁴⁸ Some even describe the country as suffering one of the worst political situations since the end of the war.⁴⁹ The 2010 Gallup Balkan Monitor described Bosnia and Herzegovina as ‘a country of conflicts and contradictions’.⁵⁰ At the same time, even major indices (Nations in Transit) that measure the level of democratic

⁴⁷ The Fund for Peace, Failed State Index 2011, <http://www.fundforpeace.org/global/?q=fsi>.

⁴⁸ See for example, Morton Abramowitz / Daniel Serwer: Bosnia: What is to be done?, United States Institute for Peace, Washington D.C., March 2009, www.usip.org, 23.11.2010 or Kurt Bassuener: Catalysts for Change: The American and German Leadership Essential to Arresting Bosnia and Herzegovina’s Downward Spiral, in: Vedran Dzihic/Dan Hamilton (ed.): Unfinished Business: The Western Balkans and the International Community, Center for Transatlantic Relations, SAIS, Brookings Institutions Press, Washington DC 2012, pp. 97-112

⁴⁹ Judy Batt, “Bosnia and Herzegovina: Politics as ‘War by Other Means’. Challenge to the EU’s Strategy for the Western Balkans, Institute Note, Institute for Security Studies, 19. November 2007

⁵⁰ GALLUP BALKAN MONITOR, Focus on Bosnia and Herzegovina, November 2010, 1

stability and quality in so-called 'transitional states' indicate that democracy development in Bosnia and the whole region of the Western Balkans has slowed down and is actually stagnating.⁵¹ Undemocratic practices have grown in parallel with the stagnation of democratic development and continuous strength of ethno-nationalism and ethno-politics⁵², particularly in Bosnia and Herzegovina.

Here we will consider weaknesses of the democratic order in Bosnia and Herzegovina and make the argument that the country suffers from prolonged structural dysfunctionality of the state or, in other words, from immanent problems of stateness connected with continuous strength of ethno-nationalism and ethno-politics, which altogether hinders the prospects for successful EU-integration. Besides the structural problems of the Dayton Agreement and the frustration with the political stalemate and a permanent crisis, Bosnian citizens also face widespread socio-economic problems, which can be understood as one of the effects of the ethno-nationalist blockade of the country. The result is generally a widespread apathy, low level of trust in politicians and formal state institutions as well as lack of formal participation in political processes. Thus, Bosnia and Herzegovina can be best described as electoral democracy with limited acceptance from the constituency, where the political elites have been able to create instruments of power based on managing and using fears and ethno-national sentiments. Such a system, labelled as electoral *ethno-cracy*, has a specific kind of its own logic and functionality; it is able to satisfy certain needs of constituencies while neglecting others, thus creating a permanent crisis in the country and leaving it in a limbo. Let us take a closer look on major dysfunctions of the Bosnian political system created in the Dayton negotiations, show the strength of ethno-nationalism by examining political developments since 2006 and make some conclusions about the role of international community and the EU in Bosnia.

⁵¹SNations in Transit 2011, Freedom House, accessed on http://www.freedomhouse.org/sites/default/files/inline_images/NIT-2011-Tables.pdf.

⁵² 'Ethnopolitics', at its core, seeks to meet the particular interests of political and economic elites and to protect ethnonational 'reserved domains'. In the context of such a kind of politics, formal legal preference for collective representation stripped the category of citizens of any legitimisation and led to a situation in which constitutional and institutional discrimination pervades virtually all of public and private life. Such a deeply internalised form of discrimination creates a fertile ground for deepening of differences, maintaining negative tensions and therefore utilising 'ethnicity' for political purposes. 'Ethnocracy' or 'ethnopolitics' finally refers to a system where political elites use fear as a 'political principle' to maximise their power and leave aside the interests of citizens.

Structural problems of the Bosnian state, dysfunctional government and effects of ethnopolitics

The Dayton Peace Agreement ended the war, but became an obstacle for political stabilization and democratization of the country.⁵³ The compromise brokered by the international community in Dayton, Ohio, suffered from the beginning from one small but substantial problem – neither Croats nor Serbs nor Bosniaks were satisfied with the outcome, which was described as a ‘very much needed but not unwanted compromise.’⁵⁴ Therefore, the Dayton settlement can best be seen as an example of formally ending a violent conflict, however, the fundamental conflict based on unresolved national question endured.

The key section of the Dayton Peace Agreement and major structural precondition for post-Dayton Bosnia is Annex 4, which contains the new constitution of Bosnia and Herzegovina. The Dayton Constitution defines Bosniaks, Croats, and Serbs as constituent peoples, while citizens of Bosnia and Herzegovina who do not belong or do not identify themselves as belonging to these three ethnic groups, are grouped in the category of ‘others’. Citizens are mentioned only in the preamble of the constitution, and are thus denied the possibility of direct participation in the newly established system of power-sharing in Post-Dayton Bosnia. Therefore, the post-Dayton state conciliated the wartime disputes through its political-legal arrangements ‘...at the expense of an effective statehood’⁵⁵.

By taking a closer look at the wording of the Dayton Peace Agreement, we can easily recognize a deep gap between the formal provisions and an implicit and explicit wish of the international community to erase the effects of ethnic cleansing and recreate multiethnic Bosnia and Herzegovina.⁵⁶ The architect of Dayton, Richard Holbrooke, was convinced that the agreement itself and its implementation through the international

⁵³ See contributions in: Christophe Solioz/Tobias K Vogel (Ed.): *Dayton and Beyond: Perspectives on the Future of Bosnia and Herzegovina*, Baden-Baden 2004

⁵⁴ Frequently the Dayton Peace Agreement was described as an agreement that was a kind of a life jacket (in terms of stopping the war) but a straitjacket in terms of creating a functional state. See Nerzuk ĆURAK, *Dejtonski nacionalizam*, 2007.

⁵⁵ Matthias Hartwig, *Mišljenje o nacrtu izmjena Ustava Bosne i Hercegovine*, Sarajevo: Konrad Adenauer Stiftung, 2007, p. 4. and Gerard Toal and Carl T. Dahmann, *Bosnia Remade. Ethnic Cleansing and Its Reversal*, New York 2011, p. 72.

⁵⁶ Richard Holbrooke, *To End a War*, New York 1998, pp. 362-363.

community would be able to preserve – or re-establish – multiethnic Bosnia. The provisions of Dayton designed to diminish the effects and results of the war, such as the right for refugees and internally displaced person to return to their pre-war homes and to recover their property, turned into instruments that cemented the war results and contributed largely to an even deeper internal (ethnic) division of the country. The current constitutional framework continues to be a direct source of discrimination at collective and individual levels. It frustrates all ethnic groups: Croats feel that their vital national interests are jeopardized or denied to an entire collectivity; Bosniaks feel that they are being continually and unjustifiably punished despite the proof of terrible mass crimes and even genocide committed against them; and Serbs claim that the existence of the Republika Srpska is repeatedly undermined and questioned.

The system of Dayton created a complicated and complex division of power that led to an explosion of costs for sustaining different layers of the government. Today, Bosnia-Herzegovina has two entities (Republika Srpska and Federation of Bosnia-Herzegovina), 10 cantons within the Federation, and the special district of Brčko; it is a country with 13 prime ministers, nine ministries at the state and 32 at the level of entities as well as almost 130 ministers at the cantonal level. Besides the several administrative layers, the efficiency and functionality of Bosnian institutions is limited by the strong ethno-national, power-sharing arrangements including the so-called entity veto-right and the deep inscription of the ethnic principle into the Bosnian constitution and administration.⁵⁷

Serious defects are noticeable in the functioning of the Parliamentary Assembly of Bosnia-Herzegovina and the issue of decision-making processes as basic principles of functioning democracy. Since the Dayton Agreement, almost 200 laws and proposals have been stopped with the so-called entity veto-right, a central element of the Dayton Constitution. That means, for example, that of 42 parliamentarians only 10 from one of the three constituent groups can block the decision-making procedure. So far, the entity veto-right, originally designed to protect national interests of constituent peoples, has been predominantly (mis)used as a political power tool by the representatives from

⁵⁷ Vedran Dzihic 2009, Florian Bieber (ed.): Unconditional Conditionality? The Impact of EU Conditionality in the Western Balkans, Special issue, Europe-Asia Studies, Vol. 63, no. 10/2011, see also Edin Sarcevic 2010

Republika Srpska. Thus, the Office of High Representative extensively used the Bonn Powers to impose most decisions and reform bills in the Parliamentary Assembly of Bosnia-Herzegovina.⁵⁸

Such a specific kind of ethnic power-sharing system is a permanent source of discrimination against individual citizens, where individuals are excluded from certain political position (for example, the Presidency has reserved seats only for representatives of constituent people and thus discriminates against other ethnic minorities). In considering the case of Sejdić-Finci, the European Court for Human Rights ruled that the discriminatory sections of the Bosnian constitution should be revised.⁵⁹ Dervo Sejdić, president of the Roma community in Bosnia, and Jakob Finci, President of the Bosnian Jewish community, made a claim to the court about constitutional provisions prohibiting a member of ethnic minorities in Bosnia to be elected as members of Bosnian presidency. The court's verdict, based on the provisions of European Convention of Human Rights, is binding for the Bosnian authorities, which were not able (and willing) to agree on the concrete procedure for implementing the verdict (as of August 2012).

To sum up, the conflict that led to war in Bosnia between 1992 and 1995, essentially remained unresolved – both on the battlefield and at the negotiating table. The country faces a negative peace understood merely as an absence of hostilities, and continuing structural violence. Furthermore, post-Dayton Bosnia has become a giant laboratory for social engineering, in experimenting with state- and nation-building and has resulted in institutionalizing ethnicity.⁶⁰ That means, to quote Bosnian political scientist Nerzuk Ćurak, 'by the Dayton BiH, we designated the civil community created and imagined in the war, realized through war and conditioned by its result. And, the Dayton construct has become the political, social and cultural norm in Bosnia. We do not even remember or have forgotten that Bosnia once was a society different than today. Dayton and the Dayton political practice created a new artificial paradigm, which presents itself as a real

⁵⁸ Nerzuk Curka 2007, pp. 56ff

⁵⁹ See Stefan Hammer: Ko je gospodar Daytonskog ustava? Implikacije presude Evropskog suda za ljudska prava u predmetu Sejdić i Finci o procesu ustavne reforme, in: Dino Abazovic / Stefan Hammer (ed.): Bosna i Hercegovina petnaest godina nakon Daytona. Političko-pravni aspekti demokratske konsolidacije u postkonfliktnom periodu, Sarajevo 2010, 109-123

⁶⁰ See Nerzuk Curak: Obnova bosanskih utopija, Sarajevo/Zagreb 2006 and Asim Mujkić: Mi, građani etnopolisa, Sarajevo 2007

form: only the naïve believe that something artificially produced cannot last. This is one of the reasons why politics in post-Dayton Bosnia remains zero-sum.⁶¹

The constitutional provisions of the Dayton Agreement based on the ethnic-power-sharing principle made the country highly dysfunctional. Institutions either were blocked in their work by the use of ethnically motivated veto rights or were inefficient due to the pervasive influence of political parties pursuing their own political agendas instead of striving to realize the interest of their constituencies. When the Dayton Agreement inscribed the ethno-nationalist conflict into the institutional *raison d'être* of the country, it was obvious from the beginning of the implementation of the accord that political elites will use ethno-nationalistic rhetoric and arguments as the dominant instrument of power.⁶² This is confirmed by the kind of rhetoric widely used within the Bosnian political space since 2006, where politics – to return to the citation at the end of the last paragraph – has been reduced to a zero-sum game. Using fear as ‘political principle’ became a dominant tool in the hands of political elites for maximizing their power.

The Dayton Peace Agreement and all its contradictions contributed to the emergence of a phenomenon that I describe as ‘Daytonism’. Daytonism as a dynamic category describes a logic and political practice, where Bosnian (ethno-national) political parties and constitutive people constantly and voluntarily (mis)use and instrumentalize provisions of Dayton for their own political purposes. Dayton is understood as a fluid and changeable category, which enables political ethnic elites to distance themselves from Dayton while in just another moment claiming that their politics is based solely on

⁶¹ Nerzuk Curak: (Post)Dayton Bosnia and Herzegovina: 21.11.1995-21.11.2006 / Eleven Years of a Divided Society and an Underdeveloped State, in: *Forum Bosnae*, 39/2007., Unity and Plurality in Europe, Part 2 (edited by Rusmir Mahmutćehajić), Sarajevo 2007, pp. 87-104

There are of course another important reason for the “zero-sum” politics in Bosnia, among which the dependency syndrome developed in the course of international intervention can be considered as crucial one. The dependency-syndrome, i.e. the development of rather passive and awaiting style of politics by local elites as a result of the scale of the international presence and intensive usage of Bonn Powers particularly during the OHR-mandate of Wolfgang Petritsch and Paddy Ashdown, is still immanent in Bosnian political, social and economic life. It can be regarded as one of the symptoms and results of weak stateness of Bosnia and failed democratization. (see for example Nerzuk Ćurak: *Obnova bosanskih utopija*, Sarajevo/Zagreb 2006)

⁶² See Erdal Sarajlic: *Kultura kulture: etnicitet, postmodernost i politika*, Udruga gradjana Dijalog Mostar, 2010

Dayton and its provisions.⁶³ Generally, we can argue here that the immanent political crisis in Bosnia and Herzegovina since 2006 has its roots in the structural and institutional preconditions created in Dayton and in the phenomenon of Daytonism. The following chapter will analyze the political downward spiral since 2006 and sketch the extremely negative effect of ethno-nationalism on democratic rule of Bosnia and Herzegovina.

Political downward spiral since 2006 – Bosnia and Herzegovina in the permanent crisis

The in the year 2012 still ongoing and according to some experts even deepening downward spiral in Bosnia and Herzegovina began in the first half of 2006, precisely at the time when the international community made some substantive final efforts to change the Dayton Constitution despite the prevailing view among the international community that the peace implementation and state-building process in Bosnia and Herzegovina had reached an irreversible and self-sustaining stage. Even if the US-led, constitutional-reform talks failed to produce a concrete outcome and some substantial reforms like police restructuring had not been achieved, the international community started ‘re-arranging’ its principal stance towards Bosnia and Herzegovina. The new motto was to move the country ‘from Dayton to Brussels’. Consequently, the international community decided to end the interventionist era of Lord Paddy Ashdown as High Representative and selected the former German-government minister and Bosnia mediator Christian Schwarz-Schilling as the new High Representative. One of his first actions in office was to state that he does not intend to use his executive ‘Bonn Powers’, which – as described above – were instrumental to remove obstacles in decision-making processes in Bosnia otherwise blocked by ethno-political particularities and the frequent use of entity veto-rights.⁶⁴

⁶³ Vedran Dzihic: Bosnien und Herzegowina in der Sackgasse? Wechselwirkungen zwischen externe Inputs und internen Reaktionen - Struktur und Dynamik der Krise fünfzehn Jahre nach Dayton, Südosteuropa, Heft 1/2011, S. 50-76

⁶⁴ See the reporting of Bosnian weekly Dani and Slobodna Bosna as well as the daily Oslobođenje on these issues (private and complete archive of the author for the years 2006 to 2012)

Parallel to the change of the general approach of the international community towards Bosnia and Herzegovina, Milorad Dodik, head of the SNSD party, became Prime Minister of Republika Srpska (RS) in March 2006, only seven months before general elections in October 2006. Almost immediately, the RS government stopped cooperating on implementing already agreed upon state competences; Dodik was no longer ready to accept any measures towards strengthening state institutions. He began using aggressive rhetoric towards the Federation of Bosnia and Herzegovina and Bosniak political parties. Such a new political approach from Banja Luka coincided with the failure of the so-called 'April Package' for constitutional reforms in Bosnia and Herzegovina, which was initiated by the US and based on the Council of Europe's Venice Commission opinion. The constitutional reform effort, which almost succeeded in finding a consensus among Bosnian political parties for a set of constitutional changes, came short of final approval in the Parliamentary Assembly of Bosnia and Herzegovina.⁶⁵ The re-entry of one particular party leader into active politics, namely the Party for Bosnia and Herzegovina leader Haris Silajdžić, changed the positive working dynamic. The 'April package' finally failed by two votes to achieve the required two-thirds majority.

After the May 2006 referendum on independence of Montenegro, which led to the dissolution of their joint state with Serbia, Dodik began to speak of holding a referendum in the RS. By this point, the electoral campaign had effectively begun, with Dodik and Silajdžić acting as foils for one another. They managed to mobilize their constituencies and collectively drive the discourse deeper into divisive and more conflict-prone territory. This served them both well: Dodik gained a new term as Prime Minister of Republika Srpska and Haris Silajdžić won the Bosniak seat in the Presidency of Bosnia and Herzegovina. Instead of using language that is more conciliatory and

⁶⁵ These amendments would have strengthened the state by creating some new EU-required competences (Ministries of Agriculture and of Science and Technology, for example) and codifying post-Dayton bodies like the Ministry of Defense, Court of BiH, State Prosecutor's Office, High Judicial and Prosecutorial Council, and Indirect Taxation Authority into the written constitution. In addition, the relationship between the state and entities would have been clarified and provisions discriminating against the ability of citizens not aligning themselves with the three "constituent peoples" would be able to run for the state presidency and the House of Peoples would have been changed. See contributions in: Dino Abazovic/Stefan Hammer (ed.): *Bosna i Hercegovina petnaest godina nakon Dayton*. Političko-pravni aspekti demokratske konsolidacije u postkonfliktnom periodu, Sarajevo 2010 as well as Vedran Džihic/Angela Wieser: 'Incentives for Democratisation? Effects of EU conditionality on Democracy in Bosnia and Herzegovina', *Europe-Asia Studies*, 63:10/2011, pp. 1803-1825

trying to bring the country irretrievable on the path towards higher functionality of state institutions and thus integration with the EU, Bosnia witnessed the most ethnically polarizing elections since 1996. Both Dodik and Silajdžić were able to capitalize on the weaknesses of Dayton constitution, mobilize their voters with ethno-nationalist aggressive rhetoric and take the country as a hostage to their political ambitions and goals.

Schwarz-Schilling's successor, Slovak diplomat Miroslav Lajčák, was greeted in Sarajevo with great expectations. In late 2007, in the midst of negotiations to find a compromise in the police reform issue, Lajčák changed the subject by pressing for signing a Stabilization and Association Agreement (SAA) with the EU. Despite this symbolically important step on the way towards the EU integration, the desired momentum for the change of the political climate and a new EU-oriented reform spirit never developed.⁶⁶ During 2006 and the ethno-political battle between Dodik and Silajdžić, the international remained passive and not able to address the structural incentives and deficiencies of Dayton, which continued to drive BiH toward polarization and ethno-division even stronger than in the first ten years since the end of the war. Dayton not only preserved the nationalist leaders who signed it, but also generated new nationalists. The transformation of Dodik from internationally supported 'democratic leader of Bosnian Serbs' and a moderate politician into a nationalist populist illustrates the ambiguous effects of Dayton. Combined with international retrenchment at that time, the effects for the functioning of the state, the political climate in the country and finally for the overall democratic order in the country were devastating and resulted in a prolonged crisis, which substantially continues under unchanged circumstances until today.

Fast forward: Bosnian government was not able to make any significant progress towards the EU in the years following the elections in 2006. Successful reforms and positive achievements were rare; the most tangible accomplishment was fulfilling criteria necessary for granting a visa-free travel to the Schengen zone. General elections in October 2010 – similar to elections in 2006 – were clouded by an aggressive election campaign focusing strongly on ethno-nationalist arguments and general accusations of

⁶⁶ See Vedran Dzihic/Angela Wieser 2011

politicians and political parties of Bosnian Serbs, Croats and Bosniaks. Despite the fact that on the levels of the Federation of BiH and of the entire country, the Social Democratic Party (SDP) managed to achieve considerable electoral support, the general election results reaffirmed old dividing lines in the country and resulted in a complete standstill of any reforms. Prominent Bosnians described the outcome of the elections as a new victory of ethnopolitics and ethno-nationalist agendas.⁶⁷ After 15 months of failing negotiations, six major political parties (SDA, SDP, HDZ, HDZ 1990, SNSD, and SDS) finally agreed on building a new Council of Ministers led by Vjekoslav Bevanda from HDZ and based upon proportional division of ministerial places along the ethnic quota system. Even if the formation of a new governing coalition almost 15 months after general elections can hardly be described as success, some international institutions and actors such as the EU and the USA expressed their hopes that things will suddenly start to change. Only recently (beginning of 2012), the six major political parties reached an agreement regarding the state and defence property. Still, the prospects for a significant change at the Bosnian political scene are weak, and ethno-nationalism seems to be en vogue today as the country is heading towards municipal elections in autumn 2012.

The Republika Srpska with the SNSD and SDS parties continues to escalate its challenge to the state, blocking, starving, or actively dismantling state institutions established after – and even at – Dayton. Those created through constitutional amendments after Dayton, such as the reform of 2002 under Wolfgang Petritsch, are equally challenged as being unconstitutional and the products of ‘legal violence’ against the RS. Even some structure and competence of institutions embodied in the Dayton Peace Agreement, such as the Constitutional Court of BiH, have recently been under attack by authorities and media in Republika Srpska.⁶⁸ The ultimate goal here seems to be the frequently and openly declared goal by RS President Milorad Dodik – the ‘peaceful dissolution’ of the state.

The HDZ party will continue to seek partnership and support from the part of Republika Srpska for what HDZ calls ‘resolution of the Croatian question’ in Bosnia. Major political parties of Bosnian Croats blame the Bosniaks for being dominant within the Federation

⁶⁷ Cf. Miodrag Zivanovic: BiH je crna rupa na evropskoj karti, Radio Slobodna Evropa, 8.12.2010, under <http://www.danas.org/content/nve_intervju_miodrag_zivanovic/2241541.html>, 13.1.2011 also Asim Mujkic: Stanje nakon izbora u BiH promijeniće se nagore, Radio Slobodna Evropa, 13.11.2010, under <http://www.danas.org/content/intervju_asim_mujkić_bih_politika/2218660.html>, 13.1.2011

⁶⁸ See reports by the Bosnian daily Oslobođenje on this matter, private archive of the author

and trying to diminish the Croatian influence in the state. The solution for Croats, at least from the perspective of HDZ, lies in promoting a higher level of autonomy for Croatian cantons in the Federation with the ultimate goal of creating a separate ethno-territorial unit for the Croats. This is where HDZ leader Dragan Čović receives full political support from Republika Srpska and Milorad Dodik, who by allegedly promoting the endangered rights of Croats in Bosnia seeks to create a strong partner and an anti-centralist counterweight to the Bosniaks.

The SDP, in opposition since its loss in the 2002 elections, has received its share of ministerial and other relevant public positions, but effectively made a major move away from its multinational and programmatic governing agenda ('Platform'). SDP's ability to affect the political agenda-setting in the country and contribute to a "new non-nationalist" deal in Bosnia and Herzegovina in a coalition with all other major nationalist parties is highly doubtful, as the recent (summer 2012) rather difficult attempt (led by Foreign Minister and SDP-President Zlatko Lagumdžija) to reconfigure the government in the Federation of BiH has demonstrated. Finally, the SDP as the only significant non-nationalist party seems to have accepted responsibility without having any actual power or even much influence.

The results of all these protracted processes since 2006 are a widespread apathy, low level of trust in politicians and formal state institutions, lack of formal participation in political processes and continuous strength of ethno-nationalism. Altogether, such a political and socio-economic stalemate in the country prevents it from moving forward towards the EU. The notion of democracy, which has been formally brought to BiH through the Dayton Peace Agreement and the Dayton constitution, has thus suffered numerous setbacks since 2006 due to more radical populist rhetoric and mutually exclusive political goals within the same political community, on the one side, and a rather passive and indecisive international community on the other side.

Weak socio-economic foundation of democracy – economic and social inequalities in Bosnia and Herzegovina and its effects of ethno-nationalist politics and democracy in general

The radical downward spiral since 2006 described in the last chapter coincided with the global economic crisis, which hit the Western Balkans and particularly Bosnia-Herzegovina hard, challenging the already very small economic progress achieved in the last years. The economic consequences of the international financial crisis first seemed less threatening due to the absence of any hedge-fund involvement by predominantly foreign banks in the Western Balkans, but suddenly the economic crisis arrived in the region with the full range of negative effects. The prolonged political crisis together with deteriorating economic and social situation resulted in rising unemployment and poverty rates; this posed new challenges to democracy in Bosnia.

The economic and social situation in Bosnia-Herzegovina is very bleak and it is getting even more discouraging due to the economic crisis. In 2007 and 2008, Bosnia averaged annual GDP growth rates of almost 6 %. The years after the global economic crisis have had a devastating impact on Bosnian economic production. The GDP shrank in 2009 by 3.1 % with only slightly less damage in 2010 (-0.8 %). The projected growth of only 1.3 % for 2011, which is alarmingly weak – given the starting point for the development of Bosnian economy in 1995.⁶⁹ Parallel with the negative prospects for the GDP growth goes a decrease in Foreign Direct Investments accompanied by growing trade deficit. Industrial production and provided commercial credits have also been in constant decline, while the number of unemployed has increased from 23.4 % of the population in 2008 to more than 27 % in 2011, almost reaching the level of 550,000 unemployed in Bosnia and Herzegovina.⁷⁰ An inactivity rate of 59.9 % in Bosnia and Herzegovina implies that 1.53 million persons out of a total working-age population of 2.56 million are inactive and do not participate in the labour market. Inactivity rate in the country, particularly high for women and youth, is well above those of other countries in the region.⁷¹ Out of the unemployed, 80.7 % are long-term unemployed, being without jobs

⁶⁹ Lenard J. Cohen/John R. Lampe: Embracing Democracy in the Western Balkans. From Post-Conflict Struggles toward European Integration, Johns Hopkins University Press, Baltimore 2011, p.464.

⁷⁰ IMF, Country Report for Bosnia-Herzegovina, World Economic Outlook 2010-2011, Washington DC

⁷¹ WORLD BANK: Are Skills Constraining Growth in Bosnia and Herzegovina?, Washington, D.C.: 2009

for more than one year; 42.1 % have been looking for a job for longer than five years.⁷² Unsurprisingly, surveys of the BiH population indicate that unemployment is listed as the main problem, followed by corruption.⁷³ In addition to alarming unemployment rates, the estimates show that nearly 50 % of the population lives at or near the poverty line. This particularly affects the young generation, women and members of minorities. The poverty levels are the highest in Southeast Europe; 538,000 citizens of Bosnia and Herzegovina (14 %) live below the absolute poverty line. In the next two years, this number could even grow to 650,000.⁷⁴

Despite the alarming social and economic situation, the Bosnian government so far has been largely passive and reactive. No serious and adequate plans were developed to soften the effects of the financial crisis.⁷⁵ After the war, Bosnia and Herzegovina had shown considerable progress in implementing the structural reforms. However, these slowed down considerably during the term of the previous government, and virtual halted after the last parliamentary elections in October 2010. Differences between the political parties of the three constitutive peoples limited the much-needed decisions in the economic sphere.

On a more structural level and connected to the political setup in the country and strong influence of political and economic (ethno-national) elites on the development of the country, some of the economic problems must be seen in the context of dysfunctional institutional setup and ethno-political effects. As an effect of the war and post-war economies, the ruling parties on each side of the ethnic divide successfully merged economic and political control as a means of generating necessary resources to continue to fight for the rights of 'their' constituent people. There are several examples of merging economic and political power in the hands of nationalist-controlled networks.⁷⁶ They

⁷² Vjekoslav Domljan, *The Paralyzed Society: Is a New Beginning Possible?*, in: Vedran Džihic/Dan Hamilton 2012, pp. 79-88

⁷³ United Nations Development Program (UNDP), *Early Warning System*, Sarajevo 2003

⁷⁴ Mirza Hajric, *A Sustainable Economy is the Best Politics for Bosnia and the Balkans*, in: Vedran Džihic/Dan Hamilton 2012, pp. 121-129

⁷⁵ Vjekoslav Domljan 2012

⁷⁶ See for example, Michael Pugh: *Postwar Political Economy in Bosnia-Herzegovina. The Spoils of Peace*, in: *Global Governance*, 8/2002, p. 472; Timothy Donais/Andreas Pickel: *The International Engineering of a Multiethnic State in Bosnia. Bound to Fail, Yet Likely to Persist*. Conference paper prepared for the CPSA Annual Conference, Halifax, 1.6.2002, available on www.cpsa-acsp.ca/paper-2003/pickel.pdf, S. 16; Solioz, Christophe: *Turning Points in Post-War Bosnia. Ownership Process and European Integration*, 2nd edition,

advocate the notion of free market, but these markets have to be ethnically based and controlled by the newly rich, post-war criminals – ethno-political elites, corrupted leaders, war profiteers, smugglers and all other kind of criminals, most of them members or close to inner circles of ethnic political parties. Bosnia's nationalist elites have resisted giving up their economic prerogatives. This resistance has been particularly visible with privatization, where the process has been deeply compromised by the actions of domestic political and economic ethno-nationalist actors – resulting in a kind of wild-west type privatization. This ethno-privatization strengthened the rule of ethnocracy.

At the end, this clientelistic, criminalized economy is self-reinforcing and leads to elites capturing the economy. The ethno-nationalist control of economy and resistance to reform keeps the state weak, undermines the formal social safety net, and leads citizens to finally turn to localized nationalist 'godfathers' for subsistence. This popular dependence on local elites, in turn, helps sustain electoral support for nationalists, therefore justifying their determination to maintain the status quo.⁷⁷

Generally, we can conclude that bleak economic situation in the last few years has contributed to the rise of ethno-nationalist rhetoric, used much more intensively in order to gain popular support for political options relaying almost solely of ethno-politics and politics of fear, mutual accusations and ever-rising tensions.

Low trust in politics and institutions – Citizen support for the implemented form of democracy diminishing

What are visible and measurable results of the prolonged Bosnian political malaise and difficult economic and social situation combined with strong ethno-nationalism? According to the survey conducted in August 2010 by the US 'National Democratic Institute for International Affairs', nearly 90% of the population in Bosnia and Herzegovina stated that country is moving in a completely wrong direction. The

Baden-Baden 2007; Michael Ehrke: Bosnien: Bosnien: zur politischen Ökonomie erzwungenen Friedens, Frieden und Sicherheit, Friedrich-Ebert-Stiftung, Bonn 2003

⁷⁷ Timothy Donais/Andreas Pickel 2002 and Michael Pugh 2002

dissatisfaction with the government at that time amounted to almost 90%.⁷⁸ This trend has been confirmed by the findings of the Gallup Balkan Monitor.⁷⁹ Recent reports in international and Bosnian media confirm the high level of apathy by the citizens – they simply seem to be frustrated, disappointed, and passive.⁸⁰ As a result, even deeper mistrust in political institutions and their representatives can be expected, with severe effects for the popular perception of democratic rule in Bosnia and Herzegovina.⁸¹ Finally, the scepticism towards the state, its weaknesses and general socio-economic situation is reflected in growing scepticism towards democracy in general.⁸²

The existing lack of functionality and the permanent state of crisis in the country provided an opportunity for the political elite to question the legitimacy of Bosnia and Herzegovina as a political community. This is once again confirmed by the assessment of social capital in Bosnia and Herzegovina, according to which about 70 % of respondents have little or no trust in key state institutions, 55 % 'suggest that, in Bosnia and Herzegovina, there is no consensus on the normative boundaries of political community' and only 12 % of respondents are satisfied with democracy in Bosnia and Herzegovina, while 54 % prefer authoritarian rule (i.e. strong leaders).⁸³

Yet, the question that should be asked here is why the citizens remain passive but still vote for major ethno-national parties? We could argue that people actually vote but do not really choose any option because of the acute lack of political alternatives. In Bosnia and Herzegovina, the long history of ethno-national conflicts and tensions in the last 20 years have contributed to a certain demand for governments and political parties to provide at least a feeling of security by acting as protector of national interests of one particular ethnic group. The security function is an important one, even more in times of

⁷⁸ Građani ne vjeruju da država ide u pravom smjeru, Radio Slobodna Evropa, 31.8.2010, <http://www.danas.org/content/gradjani_ne_vjeruju_da_drzava_ide_u_pravom_smjeru/2144474.html>, 9.2.2011

⁷⁹ GALLUP BALKAN MONITOR: Focus on Bosnia and Herzegovina, November 2010

⁸⁰ See Centar Civilnih Inicijativa, Izvjestaj o učešću građana, Sarajevo 2011

⁸¹ BiH zemlja socijalne nepravde, Radio Slobodna Evropa, 20.2.2012, http://www.slobodnaevropa.org/content/bih_bez_socijalne_pravde/24490347.html, see also Vlast rastrošna, posao "po babu", građanima sve teže, Radio Slobodna Evropa, 5.3.2012, http://www.slobodnaevropa.org/content/vlast_rastrosna_posao_po_babu_gradjani/24505738.html and Sluccaj Džombić: U BiH hara nepotizam, Radio Slobodna Evropa, 28.2.2012, http://www.slobodnaevropa.org/content/u_bih_i_hara_nepotizam/24497834.html

⁸² Eldar Sarajlic: The Convenient Consociation. Bosnia and Herzegovina, Ethnopolitics and the EU, (2011) Transitions Vol. 51 (1-2), pp. 61-80

⁸³ Berto Salaj: Socijalno povjerenje u Bosni i Hercegovini, Friedrich Ebert Stiftung, Sarajevo 2009, p. 44.

widespread social and economic insecurities, which are a common feature of all Western Balkans' states and thus also Bosnia and Herzegovina. However, authoritarian regimes can provide security and probably even better than in a democratic system of check and balances. A part of the explanation for an electoral support for parties like HDZ, SDA, SNSD or SDS lies also in the fact that these parties have managed to retain critical support by traditional not volatile voters.

A crucial factor, however, seems to be the potential and ability of political elites to create tensions and fears by rhetorical means and populist mobilization. In all previous elections campaigns as well as in times of economic hardship we have seen intensified use of ethno-nationalism on the Bosnian political scene. Here the structural weaknesses of Dayton and the ethnic-negativism as a basic feature of post-Dayton Bosnia come to the fore. The very character of the political system, which prefers voting along ethno-national lines and does not allow alternative options, can certainly explain the support for ethno-nationalistic options. Having the prolonged and unresolved fundamental question of stateness within Bosnia and Herzegovina enables political elites and ethno-national parties to mobilize voters by referring to the past and promoting political options leading to further disintegration of the country instead of pursuing effective reforms to bring the country back on the path of European integration and positive democratic development.

To conclude we can say that the previously discussed issue of stateness and its ethno-national interpretation dominated the transformation and still directly hinders the fulfilment of basic democratic norms and expectations. The question of stateness and the nationalist imperative served as grounds for the armed dissolution of Yugoslavia and the war in Bosnia and Herzegovina. Regional authors have pointed to the intrinsically undemocratic character of the national idea, how it developed in Bosnia and Herzegovina since Dayton, and its implications for democracy. Democracy in Bosnia and Herzegovina came to be understood as freedom of the whole collective, not as freedom and equality of individuals. These nationalist ideologies characterized by an inherently 'authoritarian nature' outlasted the wars of the 1990s; they are today most saliently expressed in the democratic paradox of Bosnia and Herzegovina, where the principle of

freedom and democratic procedure serves to legitimize the ethno-nationalist elite.⁸⁴ Ethno-national discourses survived the consolidation of democratic formalities. The 'dilemma of persistence' continuously challenges the harmonization of expectations to democracy and its reality in the ex-Yugoslav countries and thus in Bosnia and Herzegovina. On the one hand, ethno-nationalism still co-shapes citizens' expectations that the collective rights as a nation should remain an important norm. Yet, on the other hand, ethno-national discourses and a lack of political alternatives hinder the realization of citizens' expectations regarding economic development or political accountability and thus creates a deep crisis of trust within the country.

What role for the EU in protracted and ethno-nationally "contaminated" environments like in Bosnia

The difficult engagement of external actors and the EU in securing and stabilizing the region still has an ambiguous influence on the development of democracy.⁸⁵ This leads to some considerations of the EU-role in difficult circumstances like the one described above using the Bosnian example and making finally some general observations regarding the future of EU-integration in the Western Balkans.

European Union (EU) conditionality in the Western Balkans as the main instrument to promote EU-integration and „force“ countries to pursue serious reforms on ist way towards the EU has been a difficult process characterised by setbacks and slow reforms. The argument here is that EU conditionality has limited potential to strengthen democracy due to the fact that in its current form, and because of the existing state structures in some countries of the Western Balkans, it provides only limited incentives for national elites to comply with conditions set by the EU. In the context of state building, such as in Bosnia and Hercegovina, the effectiveness of EU conditionality is weakened due to increasing domestic political costs of compliance. This results in the limited appeal of EU conditionality to national elites to pursue the reform path. In Bosnia and Herzegovina this implies the lack of EU incentives for national elites to restrain from political actions which undermine statehood and endanger democratic reforms. By these means EU conditionality runs the risk of losing its grip on elite

⁸⁴ Asim Mujkic 2007 and Eldar Sarajlic 2011

⁸⁵ See Florian Bieber 2011

commitment to reform and, so much the worse, losing the support of citizens. In the essay, we will examine the limits and challenges to EU conditionality in fostering democratisation in Bosnia and Herzegovina by arguing that its political appeal to national elites is limited.

The EU thereby became the main actor of external democracy promotion in the region, with overlapping processes of Europeanisation and democratisation. EU conditionality can therefore be understood as ‘ad hoc *acquis democratique*’, which has been developed in the framework of the Copenhagen Criteria and adjusted to the specificities of each applicant country. The parallelism between Europeanisation and democratisation points at the non-linear transition in the Western Balkans, which—at least in the case of Bosnia and Herzegovina—has been additionally shaped by protracted and ongoing state-building processes.⁸⁶

The most striking example of the above mentioned difficult setbacks and slow reforms of EU conditionality in the Western Balkans may be the shifting conditionality for Bosnia and Herzegovina. Since Bosnia and Herzegovina’s general elections in 2006, EU conditionality has had only limited potential to reinforce democracy because the elite-driven process relies on domestic political elites that thrive from ethno-nationalist arguments. The EU’s unclear and inconsistent stance towards Bosnia has allowed ethno-nationalist politics in Bosnia-Herzegovina to challenge application of EU conditions.

Local politicians are not able or willing to reform their state structure to fit EU conditions. (See the Prud-Process.) In a minimalist state such as Bosnia and Herzegovina, where state-building has not yet been completed, the EU’s conditionality simply does not work. Sometimes, the external demands can even undermine the stability of such a minimalist state.⁸⁷ In Bosnia and Herzegovina, the EU has not been clear in its conditions, and has not found an appropriate stance towards obstructions by the local political elites. At the same time, different emphasis and declarations by the various international actors such as the Office of the High Representative (OHR), the

⁸⁶ Thorsten Gromes, *Demokratisierung nach Bürgerkriegen*, Frankfurt am Main 2007

⁸⁷ See Sofia Sebastian: *The Stabilisation and Association Process: Are EU inducements failing in the Western Balkans?*, Working Paper, FRIDE, February 2008; Solveig Richter: *Zielkonflikte der EU-Erweiterungspolitik? Kroatien und Makedonien zwischen Stabilität und Demokratie*, SWP-Studie, June 2009, Berlin and Othon Anastakis/Dimitar Bachev: *EU Conditionality in South East Europe*, Bridging Commitment to the Process, Oxford, European Studies Centre, April 2003

European Union Special Representative (EUSR), the Peace Implementation Council (PIC), the European Council (EC) Delegation and some EU countries reduced the effectiveness of conditionality. The complexity of political forces within the EU and the international presence (together with ambiguous signs from the EU concerning the EU perspective) obscures any clear state-building conditionality needed to move beyond the present political deadlock in Bosnia.

Setting conditions for membership does not automatically lead to a full compliance with EU's norms, values, and procedures. The politics of conditionality can only bring changes in a target state when key players want the benefits of admission or when all political parties feel that the EU demands do not threaten their vital interests. Bosnia and Herzegovina – as discussed extensively in the last chapter – displays the serious negative and unintended repercussions of the EU's approach to conditionality. Thorsten Gromes differentiates between negative impacts on the underlying conflict from within the society, on the general antagonism between the conflict parties, and on the behaviour of actors in the conflict.⁸⁸ Although all major parties in Bosnia and Herzegovina – at least in their rhetoric – agreed to work for ever-deeper integration and final membership within the EU, the reforms and conditions requested by the EU often have a negative impact on the internal political relations between Bosnian Serbs, Bosnian Croats and Bosnian Muslims. The above described rhetorical and institutional conflicts between the Federation of Bosnia and Herzegovina and the Republika Srpska over transferring administrative competencies from the entity to the state level are the best examples of the contradictory and unintended problems caused by the strict application of the conditionality principle.

Attempted reform of the police structures illustrates contradictory and inconsistent use of EU conditionality in Bosnia-Herzegovina. In the early 2000s – as discussed above –, the EU declared, during the early stage of the integration process, that restructuring police forces was a necessary precondition for accession. The road forward seemed to be paved after national actors agreed on the police reform in December 2005 and six political parties reached a consensus on the necessary constitutional reform in early 2006. However, following broad public polarisation, the constitutional changes failed to

⁸⁸ Thorsten Gromes, *The Prospect of European Integration and Conflict Transformation in Bosnia and Herzegovina*, in: *Journal of European Integration*, Jg. 31, 4/2009, pp. 431-447

pass the parliament on 26 April 2006. One month later, the police reform also came to a halt, with entity-level politicians withdrawing from the police-restructuring process. In view of the upcoming 2006 parliamentary elections, the parties retreated to their usual diametrically opposed positions that seek ethnic homogeneity.⁸⁹ Consequently, the interethnic stability index, which rose in the first quarter of 2006, began to decrease again.⁹⁰ Although the EU clearly stated that no SAA would be signed without changes in the police structure, the Bosnian leaders chose ethno-nationalist rhetoric rather than concrete reform. The prime minister of the Republika Srpska (RS), Milorad Dodik, even went so far to stress that the independent police forces of the RS are more important than EU integration.⁹¹ During 2007, major political parties repeatedly failed to agree on the police reform. That provoked one of the largest political crises since 1995, and led to the almost complete stop of any common efforts at the state level to fulfil the prerequisites for an SAA. Some actors even fuelled fears of a new war. The following year of stagnation and total blockade between the national leaders led to continuing political deterioration and a significant decline in interethnic relations.⁹² Although the new High Representative, Miroslav Lajčak, strongly emphasised European integration and the EU continued to pressure for a police-reform agreement, the SAA was only signed in June 2008 and represented an EU gift to stabilise the country, rather than a reward for implementing reforms. Because of Bosnia and Herzegovina's voting system and state structure, ethno-nationalism therefore proved to be a more secure source of power than commitment to the EU.

By softening its demands on the police reform, the EU made a major concession and opened a way in 2008 to sign the SAA. However, the underlying conflict over the state structure has still not been solved. Softening of EU conditionality induced the parties to openly question further demands by the EU. It also led to mutual accusations; the Bosnian Muslim political forces alleged that the other side is blocking integration with the EU. Such charges can substantially deepen the already strong cleavages within the society and deepen the antagonism that makes much more difficult the consensual steps

⁸⁹ UNDP 2006, p. 43.

⁹⁰ The interethnic stability index is part of the periodic UNDP Early Warning System, based on public survey on social distance between ethnic groups in Bosnia and Herzegovina as well as the analysis of political, social and economic developments in the country.

⁹¹ Radio Slobodna Evropa: O ustavnim promjenama ispočetka, 2.8.2007, <http://www.danas.org/content/article/1188455.html>, accessed on May 14, 2010.

⁹² UNDP 2007

necessary for further reforms on the country's way towards the EU. 'Demands by the EU, which the parties to the conflict have to fulfil in order to reach the next stage of the association and integration process, can fuel antagonism.'⁹³ After 2006, this has turned out to be true in Bosnia-Herzegovina.

The ethno-nationalist parties, with members attached to ethnic power-structures and their private interests, present themselves – at least rhetorically – as supporters of the integration because voters and the EU demand it.⁹⁴ At the same time, they use ethno-nationalist rhetoric to accuse others of endangering their national interests and mobilise the voters to protect 'the interests' of the Bosnian Serbs, Bosnian Croats, or Bosnian Muslims. This means, in the end, protecting the private interests of the political and economic elites. As a result, while the nationalist parties remain in power, they stall the EU integration process and the democratisation of the country. Because of the deteriorating situation in Bosnia, a specific kind of 'Bosnia fatigue' and apathy concerning the possibilities for political reforms emerged in Brussels and across some European capitals; this again deepens the political crisis in Bosnia and enhances the power of local ethno-nationalist political elites. The political deadlock and the passivity of the EU when it comes to solving major political problems in Bosnia can be for example seen in the latest EU initiatives for constitutional reform. In the second half of 2008, the EU supported the already mentioned 'Prud Process' to debate constitutional reform. After the failure of the 'Prud process', the international community led by the EU presidency and the US started, in October 2009, a new effort to address the constitutional issue. Again, the effort to bring the conflicting political parties to the negotiating table in Butmir ('Butmir process') failed. The 'Butmir process' led by Carl Bildt (Swedish Foreign Minister during the Swedish Presidency of the EU), Olli Rehn, and James Steinberg (Deputy to the US Secretary of State) focused once again only on political leaders of major ethnic groups in Bosnia. The package discussed in Butmir contained cosmetic changes to the Dayton constitution.⁹⁵

The ethnic leaders – first and foremost, Milorad Dodik, but also at that time Haris Silajdžić (today it is much more Zlatko Lagumdžija, who is seen as the major

⁹³ Gromes, T. (2009) 'The Prospect of European Integration and Conflict Transformation in Bosnia and Herzegovina' *Journal of European Integration*, 31, 4, p. 444

⁹⁴ Expert-Interview with Dino Abazovic, Faculty for Political Sciences, Sarajevo, April 2011

⁹⁵ see www.svevijesti.ba/content/view/51671/254.

representative of the Bosniak' led political forces in the country) – rejected the package and continued the practice of formulating maximalist demands and mutual accusations. Milorad Dodik even went a step further by describing the Butmir talks as an 'unnecessary adventure' and as a process 'that does not exist', leaving the EU and the US officials and OHR confused and desperate about the further implementation and real effects of political conditionality. Unsuccessful negotiations in Butmir over constitutional reform provides an additional example of superficial EU commitment to Bosnia as well as of reactive, insufficiently coordinated EU and other international efforts to address key problems in Bosnia-Herzegovina. The elite-oriented use of the EU's carrot-and-stick conditionality without a clear commitment and a unified position towards Bosnia proved ineffective, at least as long as the international community and the EU could not define the 'carrot' and could not find a new constructive way to use the 'stick'. It remains to be seen whether the post-Lisbon-Treaty EU will be able to find a new and common stance towards Bosnia-Herzegovina and irreversibly put the country on the path towards functional statehood and the EU membership.

3.

SOME CONCLUSIONS

Summing up, EU conditionality in the Western Balkans is generally characterised by an interactive dynamism between foreign and domestic actors, depending largely on elite actors and their willingness to pursue reforms. In the Western Balkan cases and particularly in Bosnia and Herzegovina this form of conditionality is challenged by the decreasing political commitment of political elites in the form of enlargement fatigue on the side of the EU, as well as the strength of ethno-nationalism challenging the willingness of national leaders to comply with conditions set in Brussels. In other cases, like in Serbia, setbacks in the relationship with Kosovo as well as some major internal national problems (like the one in Sandzak and recently – August 2012 – also in Vojvodina, where new nationalist sentiments between ethnic Serbs and national minorities have grown larger) shows the limits of EU-integration, or, to put it differently, illustrate the need to pay particular attention to ethno-nationalism and nationalistic

policies while the countries move further towards the final goal of full membership in the EU.

Generally spoken, in some countries the EU has had positive long-term impacts on democracy by promoting formal and institutional adjustments. The EU conditionality is defined as a process that depends on the interaction between foreign and domestic actors. Thus, the success of the formal and elite-driven EU conditionality on democratisation in an applicant country depends on the dynamics between the actors at both ends of the process. In the Western Balkans, these dynamics have been largely challenged by the symbolic and actual strength of ethno-nationalism as well as insufficient political commitment from both sides.

State building among ethnically divided citizens dilutes the power of EU conditionality to foster democratisation. EU conditionality is undermined due to the rhetoric commitment of political elites to European demands, yet their parallel and continuous usage of ethno-national resources and discourses. The costs of compliance with EU conditionality are too high for national leaders in Bosnia and Hercegovina since political competition in the country relies on ethno-national representation and since the commitment of the EU for further enlargement was diluted in the last years. Because of ambiguous sentiments among citizens - both positive attitudes towards EU membership, yet, increasing alienation towards the EU and increasing distances between ethnic identities - political leaders additionally benefit more by blocking reforms with ethno-nationalist arguments than they gain by complying with the conditions set by the EU. In addition, supranational institutions such as the EU are not seen as an alternative to the existing problems in national governance. By these means, the formal and elite-focused EU conditionality may also have negative repercussions on democracy, since it does not provide incentives for fostering alternative discourses adverse to ethno-nationalism. Similar dynamics can be seen in other Western Balkans' countries like in Serbia, Macedonia or Kosovo. Here we can also see that compliance with EU conditions has, at different stages, been challenged by the continuing strength of ethno-nationalist sentiments. In both cases, the soft power of EU conditionality has encouraged the increasingly pragmatic behaviour of the political elites, who commit fully to the EU perspective while, at the same time, relying on ethno-nationalist arguments as long as they represent a source of power. The decreasing popular support for the EU in all

countries of the Western Balkans, however, reveals the trapped position of citizens, frustrated with the government and discouraged by the lack of substantial reform as well as the pace of the EU integration process.