

Bosnia and Herzegovina – an ongoing erosion of the state

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Over half a year after the general election in Bosnia and Herzegovina (BiH) was held (3 October 2010), attempts to establish a central government failed. Conflicts over the establishment of the government are also escalating in the Federation of Bosnia and Herzegovina (FBiH) which is one of the two components of BiH. Breaking the deadlock and creating stable, multinational authorities is quite unlikely in the immediate future due to fundamental divergences among Bosnia's three constituent peoples: Serbs in Republika Srpska (RS) and Croats and Bosnians in the FBiH. Clear reactions from the EU which is currently the main actor overseeing the stabilisation process of BiH are also not to be expected. EU countries not having a clear strategy for a complex reform of this state have so far taken only short-term measures, which caused the EU to lose its influence over the political processes in BiH.

A prolonged lack of central institutions in the country will most likely lead to a strengthening in the autonomy of the national communities which will gradually be taking over the competences of central authorities. In the long term it will result in the establishment of three independent entities. This scenario calls into question the effectiveness of the EU's policy towards BiH as the main aim of this policy was to create a well-functioning multinational country with effective central institutions.

Paralysis of the state's institutions

The constitutional order was imposed on BiH in the Dayton peace accord that made provisions for a BiH functioning as a union of two entities - Republika Srpska and the Bosnian-Croatian FBiH - that were subordinated to the central government with limited competences. The octroyed constitution also introduced numerous mechanisms aimed at preventing national groups in a given territory from dominating state institutions on a central level and thus marginalising the rights of the remaining communities. However, the evolution of this system led to a situation where Serbs were abusing these mechanisms and the central institutions were paralysed and therefore deprived of real decision-making capacity. This move was aimed at strengthening the autonomy of the Serbian political entity, Republika Srpska, and blocking actions undertaken by Bosnians who sought to centralise the state with support from the international community.

Another aspect of the conflict was the increasingly clearly articulated demands from Croats to create a separate third political entity from the FBiH. The Croatian parties have become considerably more radical in order to achieve their objective and are using methods similar to the Serbian ones and are trying to paralyse the functioning of state institutions on

the level of the Federation of BiH. The prolonged lack of the governments on the central level and within the Federation not only impedes the process of reforms but also contributes to weakening an already frail cohesion of the state and a strengthening of national entities (Republika Srpska and the distinct Croatian cantons).

Disputes between Croats and Bosnians

On 17 March the Social Democratic Party (SDP) which had won the election in the FBiH decided to end negotiations with the two parties most popular with Croats – the Croatian Democratic Union of BiH (HDZ BiH) and the Croatian Democratic Union 1990 (HDZ 1990) and to establish a government in cooperation with the Bosnian Party of Democratic Action (SDA). In order to fulfil the requirements, stated in the constitution, of an appropriate representation of Croats in the government, two marginal Croatian parties were invited to the coalition – the Croatian Party of Rights (HSP) and the People's Party Work for Betterment (NPRzB).

These actions are part of a larger strategy of the SDP which presents itself in the political arena as a supranational party and since the election of 2006 has been seeking to also play the role of a representative of the interests of Croats although in reality it enjoys much greater support from Bosnian voters. The election of Zeljko Komsic, supported by the SDP, as the representative of Croats in the presidency of Bosnia and Herzegovina thanks to the vote of Bosnians can be seen in this context too. These measures cause Croats to feel marginalised on the political scene and deprived of the capacity to influence the decision-making process in the state. This increased uncertainty among Croats is being used by HDZ 1990 and HDZ BiH which are growing increasingly vocal in their demands of separating Croatian cantons from within BiH and establishing their own political entity, which would be the third in BiH. They believe that only an autonomous political entity can guarantee that Croatian interests are taken into account. This stance is gaining more and more ground with Serbian politicians who assume that this will weaken the position of the Bosnian majority.

The strengthening of Republika Srpska

The problems with the establishment of the government in the FBiH and the Bosnian-Croatian conflict work to the advantage of the authorities of the Serbian entity in BiH – Republika Srpska – as they make it possible for RS to consolidate its position. The paralysis of the central institutions will allow RS to gradually take over their competences through *fait accompli* and to strengthen its autonomy. The alliance of the RS authorities with Croatian parties also means the blocking of the centralisation of the state, promoted by Bosnians. The lack of both a central government and a federal government allows Serbs to paint a picture of RS as the entity most stable and favourable to reforms and which is adopting EU law. With this in mind the RS authorities, while defending fundamental provisions from the Dayton accord, will equally back all Croatian demands, including the establishment of a third entity.

The EU powerless

The objective of the EU's presence in BiH was stabilisation and the establishment of a well-functioning multinational state. In its actions the EU assumed the enlargement policy, which makes integration with the EU conditional on progress in introducing reforms, including constitutional reform, would be a sufficient instrument for the transformation of the country. This policy has been pursued inconsistently, which did not make it possible to reach the objective set and also led to the erosion of the EU's impact on the situation in BiH.

Firstly, within the EU there was no consensus about the method of introduction and the shape of the political reform (imposing it top-down or elaborating it by means of an internal agreement). This caused inconsistency in measures undertaken and a lack of clarity regarding the EU's expectations towards BiH. Secondly, even if particular recommendations were being formulated for politicians in BiH, after there had been difficulties in implementing them most often standards and expectations were lowered and sometimes entirely abandoned. No precise repercussions were introduced for the politicians who blocked the reforms and with the prospect of BiH's membership in the EU being delayed, the threat of a further slowdown of the enlargement process is no longer an effective tool for applying pressure.

A plan to transform the presence of the EU's institutions in BiH currently under consideration will allow for an enhancement of the competences of the EU Delegation and the introduction of restrictions against politicians going against the Dayton accord. It can however be assumed that the EU's decisions will still not be of a systemic nature and short-term actions will only aggravate the problems. This will not help solve the main issue which is the fundamental divergence in interests among the communities of BiH and a gradual strengthening of the three independent national political entities on BiH's territory.

Irrespective of the method chosen to resolve the current crisis, the most likely scenario for BiH is a paralysis of the state, a slow erosion of joint institutions and an increase in autonomy of the political units of the three national communities. These processes may in the longer term provoke a genuine disintegration of the state.