

BOSNIA AND HERZEGOVINA AT 20: TWO VIEWS ON CURRENT CHALLENGES'

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Abstract: History of post-Dayton Bosnia and Herzegovina is marked by succession of protracted crises, which, despite different causes, share common traits over the years. Flawed political system with unique provisions giving unqualified veto powers to all three constituent peoples gave birth to political elites which profit from continuing paralysis of the country and have no practical interest in its progress. First part of this article analyzes the development and characteristics of the political crisis in BiH during the past decade. Part II of the article provides different angle of view of the same political situation, written from the perspective of a foreign diplomat having the opportunity to observe workings of the BiH politics first-hand.

Key words: Bosnia and Herzegovina, policy dynamics, crisis, identity, diplomatic relations, Bulgaria.

PART I: MAIN CHALLENGES FACING BOSNIA AND HERZEGOVINA (Ešref Kenan Rašidagić)

1. INTRODUCTION

Those who don't know their history are bound to repeat it. History of post-war Bosnia and Herzegovina (BiH) is well known, yet somehow Bosnians keep on going through the same experiences over and over again. The basis of this article is the analysis of main challenges facing BiH, prepared for a local think-tank over two years ago [1].¹ The fact that the present analysis, written in 2013, arrives at almost the same conclusions, serves as a chilling reminder of just how paralyzed the country is. Actually, as the original analysis noted, such paralysis in many key

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aspects reached back decades: the casual follower of news from Bosnia and Herzegovina could nowadays be forgiven for thinking that his newspaper has accidentally reprinted a page originally published sometimes in the early 1990s. Political stalemate on all levels of government, state institutions incapable of breaking the pattern of paralysis, dire financial situation forcing the government to rely on the IMF just to afford to pay the salaries of civil servants, and an economy at breaking point.

Worst of all, political elites of the three ethnic groups remain consumed by squabbles and petty politicking that would not be out of place in France's 4th Republic, or immediate post-WWII Italy, both of which have long been used in political science to illustrate everything that could go wrong with parliamentary democracies. On the surface – and symbolic level – Bosniaks are fighting, seemingly in vain, to strengthen the statehood of their only homeland, while the Serbs are threatening to put an end to it through secession of territories where they predominate. Croats, having remained quiet for almost a decade, have recently engaged in renewed push for their separate ethnically-defined entity. At the same time, the whole fuss is being callously ignored by a disinterested international community, preoccupied with more pressing problems elsewhere.

At least, the difference between 2010s and 1990s is that no one is currently using the parliament pulpit to publicly threaten 'Bosnia with becoming a hell and Muslims in Bosnia with disappearance', as Radovan Karadžić prophetically did in October 1991 (although, as it later became apparent, the accuracy of his prophecies benefitted a great deal from him being privy to details of precisely such a scenario for his adoptive homeland) [2]. The outcome of the crisis that resulted from the breakup of Yugoslavia was Europe's bloodiest conflict since World War II. Its ultimate resolution in Dayton in 1995 did not mean an end to the crisis, however. Indeed, Bosnia stumbled from one crisis to another in its post-war existence. The country was often perceived as being at the 'brink, or at pivotal crossroads, at various stages in its post-war existence. Frequency of crises labeled as 'seminal' or 'turning points' would lead one of the authors to observe, when asked by a journalist of the effects of world recession on BiH, that in this country everything fails, even the crisis.

Crises are therefore nothing new to this country. In fact, they occur with rather unnerving regularity in response to a host of internal and external (mostly regional) factors. The current bout of crisis started with the election victory in 2006 of Milorad Dodik, one-time darling of the international community, who in his previous incarnation helped break up hard-liners' stranglehold over Republic of Srpska. Contrary to widespread consensus, Dodik is not one's typical '90s model nationalist-populist politician. His business-oriented mindset once led him to take a huge gamble to team up with his international sponsors to challenge Karadžić's SDS and bring Republic of Srpska out of the self-imposed isolation in 1997-1998 [3]. However, he then went on to learn how quickly the international community's

support dissipates after his principal backers became preoccupied with different priorities internationally, leading him to lose the next elections. Having understood how little genuine achievements count when measured against inflammatory nationalist slogans, Dodik successfully used the time-tested formula of stirring up the fear of the 'others' in his 2006 election campaign. In the process he turned his once reform-oriented party, SNSD, into champions of radical rhetoric, making even the old school nationalists from SDS sound meek in comparison.

The tactics worked. SNSD triumphed, becoming the sole proprietor of Republic of Srpska and Serb's undisputed voice in Joint Institutions (central government in BiH lingo). SDS was left soul-searching and other opposition parties were in disarray. Serb opposition parties were quick to adapt, however, radicalizing their propaganda as well. This in turn forced the SNSD to harden its rhetoric even more, turning the entire Bosnian Serbs' political discourse into one of contest for the title of the top hard-line nationalist.

Consequences for the political dynamics in Bosnia and Herzegovina were disastrous. Prior to the 2006 elections and for the first time ever BiH started to resemble something close to a consensus-based society. If only for the strong (some would say imperial) leadership of the High Representative at the time, Paddy Ashdown, the country at last entered into crucially important reform processes. Institution building on the state level was accompanied by a rise of mutual trust between ethnic communities and rapprochement between leading politicians who in BiH still principally champion the causes of their respective ethnic groups. In a momentous move, the country's separate armies were unified under the single Ministry of Defense in 2005. This act alone made the prospect of renewed conflict a very distant one.

Police was next on the agenda. However, in 2006 Dodik moved aggressively to roll back the progress that the country had made. The unification of the country's disparate police forces which was supposed to be a comparably easier task, given that nationalist politicians already gave up the control of ethnic armies, was stopped dead in its tracks. Blockages of key state institutions followed, with key pieces of legislation being stopped, or endlessly amended to the point of becoming meaningless (thanks again to the unlimited ethnic veto power enshrined in the Dayton Constitution). In place of progressive, if not always adept, Chairman of the Council of Ministers, Adnan Terzić, Dodik appointed his puppet Nikola Špirić, whose main task during his four years in office was to apparently sabotage every single initiative that, if implemented, would make the country a better functioning political entity.

New state-level institutions created in previous years, which were not part of the original Dayton constitutional framework, found themselves under constant attacks aimed at discrediting their work and mission. Unable to undo the key reform which created unified armed forces in the country, RS politicians now focus their attention at exploring the possibilities for abolishing the army altogether.

Therefore, regular calls are made for 'demilitarization' of BiH, ostensibly for financial and peace-loving reasons (while conveniently ignoring the fact that such a move would leave the Bosniaks virtually defenseless, while Serbia and Croatia continue to maintain sizeable armies) [4]. No single month passes without Dodik's call for yet another state institution to be abolished, or simply ignored, just as when in a long TV interview in October 2012 he insisted that he would 'no longer respect the Constitutional Court of BiH' [5].

The 2010 general elections cemented the existing divisions and further radicalized the political scene in BiH. Having failed to respond to the worsening economic and financial situation in the country, leading political parties stuck with the time-tested recipe of stirring up nationalistic passions and fears of the 'others' and responding by hardening their own nationalistic rhetoric. With radicalization reaching extreme levels, the usual post-election coalition-building exercise was made exceptionally difficult. It took 14 months to form loose coalition on a state level after the elections, but only six months later this coalition fell apart among mutual bickering and accusations.

The 2012 local elections further exacerbated the fragmentation of the political scene, with the result of virtually all of the main political parties now finding themselves both as members of the governing coalitions and oppositions on various levels of government. Thus, for example, SNSD and SDS are in coalition on the state level, but are vociferously attacking each other on the entity level, where the SDS is in opposition. Similarly, previous allies in the Federation – SDP and SDA are now sworn enemies, with SDA ministers dismissed from the state level government, but still serving in the Federal government, while SDP, which was part of the two cantonal governments in Sarajevo since 2010 is now (a vocal) opposition to the SDA-led government there.

2. POLITICAL AND ECONOMIC CRISIS IN THE FEDERATION OF BIH

On the entity level, the situation in the Federation of BiH has been rapidly deteriorating for reasons largely related to the aforementioned politicking affecting the government on all levels. To begin with, the Federation was always something of an unhappy marriage between the Bosniaks and the Croats, whose elites have diametrically opposite political goals. In its attempt to reconcile the Bosniaks' struggle to preserve a unified state and the Croats independence-leaning policies, the United States sponsored the creation of a shell entity enclosing ten cantons, which actually possess many of the prerogatives of a state. Many Croats from the beginning felt trapped in a political superstructure which dampened their independence leanings and in which Bosniaks outnumbered them to the order of five to one. Bosniaks on the other hand, resented political arrangements which accorded much smaller Croat populations almost equal say in the decision-making processes.

Beyond the issues related to failing to create synergies between the two ethnic groups, such gargantuan institutional framework simply costs too much to be sustainable in the long run. The bulk of the budget is devoured by eleven fully-staffed governments with their complements of ministries, parliaments, bureaucrats, agencies, all in the entity with a total population of approximately 2.3 million people. Much of the rest of the budget (up to 40% of the total) is eaten up by the government's commitment to the payment of a large number of benefits to an inflated number of war veterans. Such an untenable structure was supported by different means, with a large influx of aid money after the war providing a temporary solution. Afterwards, the introduction of VAT tax in 2006 on the state level resulted in a temporary surge of income for all levels of government. Lately though, this source of income has stabilized on the level that proved insufficient to finance operations of the Federation budget.

When remittances from large Bosnian Diaspora dried up as a result of the recession in 2009, the BiH Council of Ministers was forced to appeal for an emergency IMF loan to the tune of EUR 1.2 billion to be shared by the central and Entity governments. However, the three-year stand-by arrangement came with strings attached, which affected the Federation more than the RS or State government. Demands for significant budget cuts meant that large savings had to be made in payments to war veterans and cuts related to administration expenses in the cantonal and Federation budgets. This, however, touched a raw nerve of a population of more than 180,000 veterans, who enjoyed these privileges for such a long time. Even the plan for modest 10% cuts to veterans' benefits brought hundreds of them before the Federal Parliament in Sarajevo in October 2009, forcing the government to renege on the promise given to the IMF. Faced with the prospect of virtual bankruptcy, the Federal government passed the measures demanded by the IMF, which resulted in mass protests and storming of the Federal government building in April 2010, nearly bringing the government down.

Although economic in nature, these upheavals actually reflect a deeper crisis of confidence in the Federal constitutional order and its institutional framework. No one feels any sort of attachment to purely administrative creations, meaning that legitimacy of the government has always been very low. Borrowing from the IMF and commercial banks which has picked up since the advent of the worldwide recession will only be used for plugging the ever-increasing holes in the entity and cantonal budgets. No money is earmarked for development and the psychological and fiscal burden of sustaining such a huge bureaucracy is slowly crushing the business sector and society as a whole. Also, leading Croat politicians have in recent years increasingly associated their policies with Dodik's radical nationalism, seeing him as a natural ally in their quest for independence. This alliance brings back harrowing memories of 1993 Serbo-Croat cooperation in dismembering the country, and the failed attempt at establishing the separate Croat entity through the so-called 'Croatian Homerule' in 2001.

Previously unthinkable calls are now regularly made as part of pre-election jockeying for separate Croat entity modeled upon Republika Srpska in status and – presumably – in ethnic exclusivity [6]. The problem, as in all similar political adventures, is that no such arrangements could be made without Bosniak approval. While expressing their tacit acceptance of Croats' requests as legitimate, politicians in Republika Srpska agree that no territorial rearrangements can come at the expense of the RS [7]. This means that any possible solution in this regard would have to chip away territory from the already territorially hard-squeezed Bosniaks, otherwise the Croat population in Central Bosnia would be left isolated. Attempts to create a continuum of territory under Croat control and link Western Herzegovina with Croat enclaves in Central Bosnia was precisely the reason for the outbreak of the Bosniak-Croat conflict in 1993. Repetition of such a scenario is impossible now, leaving one to wonder if the sole reason for floating such demands at present is in reality just a cover for attempts at creating personal fiefdoms for a handful of Croat politicians in Western Herzegovina. Whatever the cause, one can only expect such calls to increase in the future, while wasting precious time and effort that could be better spent elsewhere, and further eroding support for Federal institutions.

3. SITUATION IN THE REPUBLIC OF SRPSKA

Thanks to the virtue of being ethnically homogeneous (with Bosniaks and Croats cleansed during the war and never returning in sizeable numbers) and under complete domination by a single political party, the situation in the smaller BiH entity appears much more stable overall, especially when contrasted with the Federation. The fact that money is not squandered on multiple governments alone puts the RS in a much more advantageous position. More importantly, a homogeneous population and a centralized government structure created during the war removed the need for permanent consensus-building typical of the Federation, even when it comes to minuscule details of decision-making processes. Total dominance of SNSD in the political life of this entity translates practically into a one-man rule, which, although not very democratic, is certainly expedient and efficient. However, such unopposed position of dominance that Dodik and SNSD enjoy also leads, expectedly, to abuse of power, corruption, and short-sightedness in decision-making.

All dissent is silenced. Allegations of heavy-handed tactics used to deal with whistleblowers abound, although none have so far been proved. The regime completely dominates the media space in the RS, including both printed and electronic media. This does not only mean control over Republika Srpska Radio and TV (HQ of which Dodik – symbolically – built in the backyard of his new government mansion in Banja Luka). Cable TV companies, for instance, 'spontaneously' decided to remove Federal TV stations from their program lists,

denying Dodik's critics the single venue they had to voice their opinions of his government's policies.

In politics, the regime is alleged to fund a whole array of NGOs which are then used to test the grounds for some of the more radical ideas mooted by Dodik. For example, on the issue of independence referendum, several NGOs which sprang out of nowhere held well organized and attended rallies in Banja Luka and other big cities in the RS, demanding independence, denouncing opposition and Federation political parties, etc. Having seen no decisive response to several of such rallies by the international community, Dodik felt comfortable to voice such demands himself. On the other side, activities of the local NGOs against the perceived corruption in political elite, protests organized to highlight the dire economic situation and rising unemployment, led clearly irate Dodik to promise stern action against 'foreign paid NGOs' who received '10 million dollars' to start some kind of 'spring revolution' in the Republic of Srpska [8].

Instead of focusing on finding workable solutions and common ground with other two ethnic groups in the country, Dodik uses all available resources on making Bosnia and Herzegovina look like an impossible state and demanding independence for the RS as a matter of necessity ("BiH, an impossible state" [9]; "Milorad Dodik in Belgrade: BiH is an impossible state" [10]; "Dodik: BiH is impossible as a state, never was, never will be" [11]; "Bosnia is an impossible state" [12]; "Republika Srpska is a State" [13]).

By controlling the political process on the central level through frequent use of unlimited veto power accorded to the representatives of the constituent peoples by the Dayton, Dodik is able, not only to portray, but to actually make Bosnia look like an impossible state and an artificial creation where nothing will ever work and no agreement is possible. While his pawns in state institutions use veto power to block their work, stopping key pieces of legislation in parliament for instance, millions of dollars from the RS budget are spent on paying the US lobbying firms to further the RS 'cause'. Work of PR specialists and spin doctors retained by Dodik is clearly visible every time yet another 'former junior assistant to deputy undersecretary of ...' is given ample time in state media to elaborate his claim that Bosnia is untenable construction and that the Republic of Srpska should go independent. Or when Dodik, not otherwise known for his eloquence, every once in a while launches catchy slogan of the "RS is the better part of BiH" kind.

Shortsightedness of such policies is mind boggling. Politically, Dodik managed to destroy what little consensus was built between the three ethnic groups in the county prior to 2006. His portrayal of Sarajevo (and by implication the rest of the Federation) as 'Tehran' where he feels like an alien reversed years of hard work invested to increase the trust between the communities.

More importantly, such warmongering rhetoric seems to serve another important objective: hiding from public eyes his dismal record as leader of the Republic of Srpska. Corruption is rife. Political discourse is stifled. Economy is in

dire straits. Dodik has been good in PR, but little else. His claim that Republic of Srpska represents “the better part of BiH” is obviously based solely on advice of his PR consultants, rather than on sound economic and social indicators. Despite the aforementioned systemic advantages the Republic of Srpska continues to stagnate in most economic parameters. Underdevelopment and even poverty outside Banja Luka is palpable. Most of Dodik’s grandiosely advertised development projects ended in complete failure. Money from privatization of Telecom and oil refinery in Bosanski Brod disappeared down the budget sinkhole instead of being used to fund economic revival, as once promised [14]. Indeed, some reports allege that privatization of refinery actually cost the RS budget more than it benefited from shady investment deal with Russian company Zarubezneft/Neftegazinkor [15, 16, 17].

Likewise, once much trumpeted and now virtually forgotten deals with CEZ for investment in energy sector and STRABAG, which was supposed to construct the RS-wide highway network, collapsed in mutual acrimony and actually forced payment of significant penalties by Dodik’s government to foreign partners, due to imprecise wording of partnership agreements. Sky-reaching projects devoid of any economic (as well as common) sense, such as ‘Sky Srpska’ (promoted as the RS ‘national airways’) and construction of the new (international, not less) airport near Trebinje ended with no planes and a vacant field, but not before costing tax payers dearly [18].

On the other side, dire economic situation, budget cuts and fast rising unemployment make it increasingly hard for Dodik to utilize the nationalist rhetoric as a means of remaining in power. Political analysts, opposition leaders, journalists, and general population increasingly see through his nationalistic rants [19]. Banja Luka, the seat of his power and by far the most affluent part of the Republic of Srpska, witnessed protracted demonstrations this summer that were ignited by a shadowy real estate deal which flattened the local park. Planned pay cuts to workforce on budget payroll (currently over two-thirds of the total workforce) are likely to lead to further bouts of publicly expressed discontent this spring.

4. THE ROLE OF INTERNATIONAL COMMUNITY

The conclusion of Paddy Ashdown’s mandate as the High Representative in 2006 marks the end of an era of forceful, sometimes heavy-handed, approach to rebuilding BiH society and state institutions. Volumes have been written on controversies surrounding international community’s mixed record in post-war Bosnia. However, what transpires from review of wealth of documentary evidence is that the task of reconstruction of the state was not finished by the time of Ashdown’s demise. Rather than follow the things through, principal backers of international institutions and organizations involved in BiH concluded that the country has recovered sufficiently to stand on its feet alone, even if slightly

assisted occasionally. Succession of meek and powerless High Representatives followed, tasked with little else but ensuring graceful exit of international community from Bosnia and Herzegovina. In practice, this meant that the international community gradually relegated itself to irrelevance by giving up the two tools it had at its disposal for such purpose.

The role of High Representative, has been finally relegated to history in all but name in June 2009 when Dodik, supported by all major Serb political parties, demonstratively flaunted Valentin Inzko's ultimatum to reverse the RS National Assembly's Declaration which calls on the OHR to stop using its broad powers, reverse all previous decisions, and – most provocatively – demands reversal of all OHR decisions which transferred competencies from entity to the state level. Even though Inzko threatened Dodik with application of 'Bonn Powers' (in effect threatening him with dismissal from the office), matter was eventually quietly dropped when Inzko realized that the international community's representatives in the Peace Implementation Council were not going to support him unanimously in this regard. Use of so-called 'Bonn Powers' has long been contested by Russia, member of the PIC, to which High Representative is in practice answerable. Russia's opposition, combined with only lukewarm support by the OHR's principle backers – United States and the EU, eventually made use of these powers all but impossible [20].

Such outcome was also forced by practical demise of the other 'stick' available to the international community - EUFOR troops, which are now down to an all-time low of approximately 600 soldiers, amounting to little more than skeleton headquarters staff [21]. Such symbolic presence of military force clearly does not create sufficient deterrent that would ensure radical politicians' compliance with the OHR's decisions, as was the case earlier.

In terms of carrots, the prospect of EU integrations was long thought to possess magic power to mend policies and break hard-liners' sway over people. It certainly worked in Serbia, to the point where President Tadić managed to collect enough votes to ensure passage in the parliament of (however diluted) resolution condemning Srebrenica massacre. He even attended funeral for Srebrenica genocide victims this year, which no leader of Republic Srpska ever attended. However, in order for this magic to work, there has to be widely perceived direct link between heeding Europe's demands and benefits that such actions bring. So far in BiH this has definitely not been the case. Bosnians watched from sidelines as Europe warmed towards Croatia, Serbia and Montenegro, which not long ago unleashed hell upon this unfortunate country.

Lucky not to be saddled with such paralyzing political system, first Croatia and then Serbia and Montenegro managed to shake off their wartime past, for which they were amply rewarded by moving forward on the path of European integration. Bosnia couldn't progress for as long as two thirds of its politicians – awarded universal veto powers in Dayton – prefer interests of neighboring

countries over their own. What progress was made after immense effort by pro-Bosnian politicians was perceived as going unrewarded by the EU. From the perspective of an ordinary Bosnian man, it appeared that those who unleashed butchers and plunderers upon him were amply rewarded just a few years later simply for handing over few of those war criminals to international justice.

Few Bosnians believe any more that Europe is genuinely interested in rewarding their overwhelmingly pro-European stance. No relevant surveys have been conducted, but anecdotal evidence suggests that general public is becoming increasingly mistrustful of Europe's intentions when it comes to BiH. It will be very hard for the EU 'carrot' to work its magic in the future, with most Bosnians deeply skeptical that the reward of membership in the European family is actually still in store for them.

5. CONCLUSION

As is apparent from the previous discussion, principal frustration of political analysts studying development in post-war Bosnia and Herzegovina is inability to measure, year to year, any progress against the set of principal indicators of society's development. Save for the immediate post-war period, economy has remained in a state of protracted shock, never actually picking up from where the war-time destruction left it; growth remains sluggish; the only reason why worldwide recession starting in 2009 didn't seem to bite as badly as in other countries in the region was that Bosnian economy ever since the collapse of Yugoslav era planned economy remains in perennial crisis; political process is not actually process at all, but rather set of deadlocked stalemates caused chiefly by political system in which political elites are given unlimited veto power on virtually all aspects of governance.

Today, seventeen years following the signing of the Dayton Agreement that ended the war, Bosnia suffers from the same degree of paralysis which at the time necessitated introduction of the so-called 'Bonn Powers' to the Office of the High Representative (OHR) [22]. However, while once the High Representative could (and often) did use those powers freely to break the political impasse, it is no longer in position to do so, due to lack of appetite by the international community to confront the local nationalist elites [23].

Rise of the Serb nationalist elites led by Milorad Dodik slowly eroded what progress had been made in reaching some kind of Bosnia-wide national accord in the 'golden era' of the early 2000s. Period since the 2006 elections that brought Dodik to power in the Republic of Srpska is generally considered among the impartial observers of Bosnian politics as the period of lost opportunities and general stagnation, political and otherwise. The European Union, which, due to the US withdrawal from the scene, emerged as the most relevant arbiter of Bosnian politics, illustrates such prevailing opinion by issuing series of warnings to Bosnian politicians, as well as unflattering reports on the state of reforms in the country.

The latest such report, the 2012 Progress Report reads as damning indictment of incompetent and corrupt political elites, consumed by mutual bickering and oblivious to the real problems of the people [24]. The worst thing, however, is not the generally negative tone of the report, but the fact that most of the issues discussed by the report remain unresolved for years, illustrating just how paralyzed this country has become. Witness this parallel analysis of various issues mentioned in two EU Commission reports prepared four years apart [25, 26]:

Table 1.

<i>2008 Progress Report</i>	<i>2012 Progress Report</i>
<i>Bosnia and Herzegovina is a potential candidate for EU membership. The Stabilisation and Association Agreement (SAA) between Bosnia and Herzegovina and the EU was signed in June 2008.</i>	<i>Bosnia and Herzegovina is a potential candidate for EU membership. The Stabilisation and Association Agreement (SAA) has been ratified but has not yet entered into force.</i>
<i>However, constitutional elements established by the Dayton/Paris peace agreement have been frequently challenged by key political leaders in both Entities, and EU-related reforms have stagnated in recent months.</i>	<i>The political consensus that had emerged was lost and progress on the EU agenda stalled.</i>
<i>There has been little consensus on the main reform priorities. A shared vision on the direction of the country remains necessary for a smooth operation of institutions, for creating more functional and efficient state structures, and for speaking with one voice on EU and international matters.</i>	<i>A shared vision by the political representatives on the overall direction and future of the country and its institutional set up remains to be agreed as a matter of priority.</i> <i>(...) complex institutional architecture, which remains inefficient and is subject to different interpretations. The complicated decision-making process has continued to have a negative impact on structural reforms and the country's capacity to make progress towards the EU.</i>
<i>Nationalist rhetoric from political leaders from all the constituent peoples, challenging the Dayton/Paris Peace Agreement and, thus, the constitutional order, remained commonplace. The most frequent challenges came from the political leadership of Republika Srpska, who have continued to claim the right of self-determination for the Entity.</i>	<i>Some political representatives are questioning Bosnia and Herzegovina's capacity to function as a country and are calling for an Entity-level EU agenda separate from the Bosnia and Herzegovina state.</i>

<p><i>Due to the concerns over political stability in Bosnia and Herzegovina and in the region, the closure of the OHR has been further postponed. In February 2008, the Peace Implementation Council decided to make the closure conditional on Bosnia and Herzegovina's progress on addressing five specific objectives and two specific conditions (signing of the SAA and a stable political situation).</i></p>	<p><i>With regard to meeting the outstanding objectives and conditions for the closure of the Office of the High Representative (OHR), a high-level political agreement was reached on the principles (...) but it remains to be implemented.</i></p>
<p><i>As a result of the failure to reform the constitution, elections continue to be conducted under provisions that are in violation of the European Convention on Human Rights (ECHR). The election of Bosnia and Herzegovina's tripartite Presidency continues to be in contravention of Protocol 12 of the ECHR (...)</i></p>	<p><i>The Constitution of Bosnia and Herzegovina prevents citizens who do not declare themselves as one of the three constituent peoples (Bosniak, Serb and Croat) from standing as candidates for the Presidency and the House of Peoples of the Parliamentary Assembly.</i></p> <p><i>Overall, there has been little progress in compliance with the ECtHR judgement in the Sejdic-Finci case and in establishing functional and sustainable institutions.</i></p>
<p><i>Fragmented policy-making between the State and the Entities remains the main obstacle to efficient work by the State Government. Coordination between the different levels of authority is minimal and depends largely on personal and party interests. Due to its limited powers the Council of Ministers has occasionally been left out of negotiations on reforms, which have been conducted by the political parties. Another serious handicap for policy planning in Bosnia and Herzegovina as a whole is the lack of proper statistics, including an up-to-date population census. Major reforms are still based on the 1991 census, which does not reflect the current situation on the ground.</i></p>	<p><i>Overall, little progress was made by Bosnia and Herzegovina in improving the functionality and efficiency of all levels of government, which continued to be affected by fragmented, uncoordinated policy-making. The delays in the formation of the Council of Ministers and political disagreements between parties in the governing coalition delayed progress on the EU agenda. The development strategy and the social inclusion strategy need to be adopted at State level and in Republika Srpska. Overall, policy planning in Bosnia and Herzegovina remains hampered by the lack of up-to-date census data. Preparations for the census are hampered by organisational and financial constraints.</i></p>

<p><i>The civil service is in need of professionalisation, transparent and efficient recruitment procedures and modern career development. Sustained efforts remain necessary to prevent political interference and to limit the role played by ethnic identity and party membership in public administration.</i></p>	<p><i>Fragmentation and politicisation continued to hamper the establishment of a professional, accountable, transparent and efficient civil service based on merit and competence.</i></p>
<p><i>There has been some progress in the area of public administration reform, which is a key European Partnership priority (...) Despite these developments, the administrative structures remain cumbersome, and in some cases fragmented, and prone to duplication and unclear division of powers, both between institutions at the same level and vertically, between different levels of government.</i></p>	<p><i>The public administration reform process lacks the necessary political support. There has been little progress in strengthening administrative capacity for legal harmonisation and implementation of the acquis. The issue of financial sustainability of public administration at all levels needs to be addressed.</i></p>
<p><i>No progress has been made on regulating ownership rights to State property.</i></p>	<p><i>(...) high-level political agreement was reached on the principles for distributing defence and state property in March. In September, the Constitutional Court adopted a decision regulating property distribution, but it remains to be implemented.</i></p>
<p><i>Having 14 Ministries of Justice each preparing judicial budgets has been detrimental to judicial independence and overall implementation of the judicial reform. Political interference in the judicial system remains a cause for concern. In the parliamentary and executive branches of the governments, attempts are being made to reverse reforms already implemented so as to allow greater political influence in the work of prosecutors and judges. The jurisdiction and the competences of the State-level judicial agencies to operate freely in Republika Srpska have been challenged by the Republika Srpska government, which is a serious cause for concern.</i></p>	<p><i>Some shortcomings persist in relation to independence and impartiality. Political attacks on the State-level judiciary continued and the independence of the judicial system is not yet ensured. Draft laws repealing the Law on the Courts of BiH and the Law on the Prosecutor's Office of BiH were submitted to the Bosnia and Herzegovina Parliamentary Assembly in February, contrary to the spirit of cooperation agreed in the Structured Dialogue on Justice (...) Independence is also affected by budgetary fragmentation.</i></p>

<p><i>No progress has been made towards ensuring proper implementation of the 2006 National Anti-Corruption Strategy and the associated Action Plan. Corruption is widespread and remains a serious problem, especially within government</i></p> <p><i>Overall, Bosnia and Herzegovina has made very little progress on improving its tools to fight corruption. Corruption is widespread and remains a serious problem, especially within government (...) Proper implementation of the National Anti-Corruption Strategy needs to be ensured.</i></p>	<p><i>Bosnia and Herzegovina has made limited progress in addressing corruption, which continues to remain widespread in the public sector and the public-private interface. (...)</i></p> <p><i>Corruption continues to affect all spheres of life, economic development and the rule of law. The implementation of the anticorruption strategy and action plan 2009-2014 has been delayed.</i></p>
<p><i>As regards promotion and enforcement of human rights, the enforcement of the decisions of the Human Rights Commission remains unsatisfactory. In several cases, criminal proceedings have been instituted because of failure to enforce such decisions.</i></p> <p><i>Overall, Bosnia and Herzegovina has made limited additional progress on improving observance of international human rights law.</i></p>	<p><i>In a number of cases the decisions of the Constitutional Court of Bosnia and Herzegovina have not been enforced, which led to cases being lodged before the European Court of Human Rights (ECtHR)</i></p> <p><i>Little progress has been made in the promotion and enforcement of human rights.</i></p>

The root of the problems in Bosnia and Herzegovina lies in a number of systemic deficiencies and issues that could be grouped into the following broad categories: 1) constitutional or structural problems related to a flawed constitutional framework; 2) problems in the functioning of the government related to the said unresolved constitutional and structural issues (unlimited ethnic-based veto power, multiple levels of government, huge administration presenting unbearable burden for the weak economy, etc.); 3) the lack of unified vision of the future of the country; 4) lack of resources for normal functioning of the state. Although significant advances have been made since the Dayton Agreement came into effect, the reform process has been stalled in the period since the last general elections. As a result, the country is now mired in its gravest political, economic and social crisis since the war.

It is clear from the preceding brief expose of the issues affecting the country's politics that the country is not equipped with the necessary legal and political instruments to break the impasse in a situation when one of the constitutional ethnic groups is blocking the political process. No matter how reluctant international community might be, breaking this deadlock will eventually

necessitate another decisive involvement of the EU and the United States working in concert to amend the country's faulty constitution. The only alternative to this is for the three sides to reach amicable accord whereby the country's central institutions will be empowered at the expense of the entities (an option which the Serbs are unlikely ever to agree with). The final alternative, one nobody wants to contemplate, is for the three sides to go their separate ways and complete the dissolution of the country, which is an option that would likely lead to yet another war for control of ethnically-defined territories.

PART II: POLICY DYNAMICS, TRENDS AND ISSUES IN BOSNIA AND HERZEGOVINA: DIPLOMAT'S OBSERVATIONS AND CONCLUSIONS

(Todor Koburov)

1. SHORT HISTORIC NOTES

In his book "Short history of Bosnia", historian Noel Malcolm writes that his main idea, which goes through his overall research dedicated to Bosnia and Herzegovina, is that this is a state with its own historic identity – in the period 1180-1463 it was an independent kingdom and from 1580 to 1878 it had the statute of a province, which was the biggest territorial unit in the Ottoman Empire. [27] This is a thesis, which I would like to agree with from the very beginning. But in order to be precise I need to make some more historic points.

Most of the researchers tend to accept that in the past the territory of Bosnia and Herzegovina was populated by the Illyrian tribe. [28] The name "Bosnia" comes from the one of the river, which springs from the mountain near the town of Sarajevo. The name "Herzegovina" appeared in a much later period when as a result of the Ottoman invasion at the end of the XV century the lands of the ruler Stefan Vukchich had been occupied. That same person called himself "Duke", which sounds like "Herzog" in the Slavonic languages.

In 1945 the Republic of Bosnia and Herzegovina became one of the six republics (together with Serbia, Slovenia, Croatia, Macedonia and Montenegro) to be included in the newly founded Federative People's Republic of Yugoslavia. In 1963 it was renamed to Socialist Federative Republic of Yugoslavia (SFRY). In the Constitution of SFRY of 1974 three national communities are determined as "holders of sovereignty": Muslims (who after 1991 call themselves "Bosniaks"), Croats and Serbs.

At the end of 1991 some separatist trends arose in the Republic of Bosnia and Herzegovina. A referendum for independence was organized and held on Feb 29th and March 1st 1992. 64 % of the votes were for the separation of Bosnia and Herzegovina from SFRY and declaring it an independent state.

2. REPUBLIC OF BULGARIA – THE FIRST STATE TO RECOGNIZE THE INDEPENDENCE OF BIH

The Republic of Bulgaria was the first state, which on Jan 15th 1992 recognized the independence of Bosnia and Herzegovina. At that day the Bulgarian Government also recognized the independence of the other republics from SFRY – Slovenia, Croatia and Macedonia. It was stated in the press release of the Bulgarian Government that the Republic of Bulgaria supported the democratic process, peace and stability on the Balkans in conformity with the principles of the Helsinki Final Act and the Paris Charter for New Europe. [29]

In relation with the Bulgarian act of recognition of the four ex Yugoslav republics, the Bulgarian Ambassador to Belgrade Marko Markov was extended a note by the Yugoslav authorities. The Bulgarian Government was accused in it of breaching the UN Charter and other international instruments. It was also stated that this act of the Bulgarian Government would negatively affect the Bulgarian-Yugoslav relations because at that time there still had been no agreement for BiH by the European Community and the International Arbitration Commission. [30]

The European Community recognized the independence of BiH on Apr 6th 1992. After that on the territory of BiH a war started and had continued for almost four years (1992-1995). It took the lives of over 300 000 people.

BiH acceded to the UN on May 22nd 1992. The next day – May 23rd 1992 the Ministry of Foreign Affairs of the Republic of Bulgaria announced a declaration dedicated to the complicated situation in Bosnia and Herzegovina. Bulgaria suggested that UN observers should be sent to the Western boundaries of Bulgaria. On July 15th 1992 the Bulgarian Foreign Ministry extended an official offer to the foreign ministries of Slovenia, Croatia, Macedonia and Bosnia and Herzegovina to exchange representations with the rang of special missions in accordance with the Special Missions Convention of the UN General Assembly of 1969. [31]

After the bloody war on the territory of BiH in the period 1992-1995, a peace agreement was concluded. It was agreed on Nov 21st 1995 in the American Air Base Rite Paterson near the town of Dayton, Ohio, USA, by the presidents of BiH Alija Izetbegovich, ex SFRY Slobodan Milosevich and Croatia Franjo Tugman (the so-called Dayton Agreement). The full name of the document is General Framework Agreement for Peace in BiH. [32]

It was signed in solemn ambiance in Paris on Dec 14th 1995 during the Paris Peace Conference. The agreement put an end to the war and recognized BiH as an independent state consisting of two entities: Federation of Bosnia and Herzegovina (FBiH) populated mainly by Muslims and Croats, and Republic of Srpska (RS) prevailingly populated by Serbs.

On Dec 20th 1995 the UN Peace Force in ex Yugoslavia (UNPROFOR) transferred the responsibility for the security in BiH to NATO Implementation Force (IFOR). Its mandate concluded on Dec 20th 1996 when the security responsibility for BiH was taken by the NATO Stabilization Force (SFOR). In the

period 1996-2004 a large-scale reduction of NATO forces in BiH took place and the number of military was downsized from 66 000 to 7 000. [33]

On Dec 2nd 2004 an official ceremony took place in the NATO Military Base Camp Butmir near the capital Sarajevo. This ceremony marked the handover of the mission in BiH from the NATO SFOR to the European Union Operation Althea. By Dec 2011 Operation Althea had 1100 personnel, which was reduced to 600 military by Dec 2012.

3. ESTABLISHMENT OF BILATERAL DIPLOMATIC RELATIONS BETWEEN BIH AND THE REPUBLIC OF BULGARIA

The diplomatic relations between the two countries on the embassy level had been established on Jan 11th 1996 in Vienna, Austria, by exchange of notes between the diplomatic representative of Bulgaria to the Service of UN and other international organizations in Vienna and the diplomatic representative of BiH. On Feb 5th 1996 the Council of Ministers of Bulgaria took a decision to open a Bulgarian Embassy in Sarajevo, which would be initially headed by a charge d'affair. Marko Markov, the ex Ambassador to Belgrade, was appointed to the post. In March 1996 Marko Markov extended his credentials as the first Bulgarian Ambassador to BiH (his specific views and assessments on the BiH development Ambassador Markov shared under the title Political Panorama of BiH in the book „Special Case Bosnia” (in Bulgarian), edited by Antonina Željzkova, Sofia, 2001).

In 1999 Georgy Yurukov was appointed Charge d’Affair in Sarajevo and later promoted to Ambassador in 2000. In the period 2003-2007 Bulgarian Ambassador in Sarajevo was Lyubcho Troharov. The same position was occupied by Andrey Transki from 2007 till 2011. From April 2012 Bulgarian Ambassador to BiH is Angel Angelov. The Embassy of BiH in Sofia commenced its functions in Nov 2005 as a result of a decision by the Presidency of BiH (this is the collective head of state of BiH). It was officially opened on May 18th 2006. The first BiH Ambassador to Bulgaria is Hamid Yahich.

4. THE IDENTITY PROBLEM – RETURNING TO THE PAST OR LOOKING FORWARD TO THE FUTURE

In order to understand history as well as the modern development of BiH, we have to explore the issue with the identity of the Bosniaks. I would like to mention in the framework of this article that this problem has been widely researched and a big number of serious publications of both Bosnian and foreign authors are dedicated to it. [34] The problem with the identity of the Bosniaks after the socialist period in Yugoslavia is deeply explored in the far-reaching research of Prof. Sacir Filandra, dean of the Faculty for Political Sciences at the University of Sarajevo. [35] I am sure that even more scientific attention should be paid to this issue in the future.

The identity question is related to religion and its counteraction with politics. On Nov 21st and 22nd I attended a conference organized by the representation of the Konrad Adenauer Foundation in Sarajevo. The topic of the event was Religion and Politics in Europe. Participants at the conference were representatives from the four main religious communities in BiH – Orthodox, Catholic, Muslim and Jewish, as well as eminent intellectuals. [36]

I was deeply impressed by the statement of the writer Ivan Lovrenovich. According to him for a long period in history religions have been a reason for separation and antagonism among the three peoples of BiH. At the same time every day life was the life of communication, co-existence and tolerance among religions. The assessment of Lovrenovich is that parliamentary democracy and political pluralism in BiH after 1991 have not succeeded in bringing forward religious emancipation in the sense typical for the modern states.

According to Lovrenovich outdated understandings for religion, which existed in communist times, continue to prevail in BiH. Instead of being overcome, they get stronger.

Interreligious dialogue in BiH is capsulated and narrow. The country is far from separating politics from religion and religion from politics. There is a lack of any form of self-reflection and tolerance for criticism in the framework of all religions. Criticisms to religious leaders and their activities are accepted as criticisms against religion as a whole.

I was also strongly impressed by the assessment that civil society in BiH is destroyed in moral aspect. It is deeply traumatized from conflicts in far and near history and religious communities must firstly start accentuating on this issue – that is also their big historic chance. Aggressive and nationalistic rhetoric dominate on the level of political life. The words “fear”, “nation”, “victims of the past” are in the centre of attention nowadays instead of tolerance, community development and dialogue.

5. MAJOR POLITICAL EVENTS AND PROCESSES IN BIH IN 2012

My arrival as a diplomat in Sarajevo coincided with a particularly dynamic year from both internal and foreign policy point of view. The situation in BiH in 2012 was marked basically from political crisis at state level and on the level of Federation of BiH. I would emphasize on four major internal policy events in 2012:

1. Formation of the Council of Ministers of BiH on Feb 11th 2012 - more than a year and three months after the parliamentary elections (Oct 3rd 2010). After a short period of progress till May 2012, the country once again entered a process of political rivalry, conflicts and transformation of the governing coalition.

The 20th anniversary of the independence of BiH was on March 1st 2012. The holiday was celebrated on the territory of the Federation of BiH whilst in the Republic of Srpska it was a working day. The Chairperson of the Presidency of BiH Zhejko Komshich made an assessment that from the three questions set

forward by the referendum in 1992, only the first one has been solved – for the independence of BiH. The second and third questions – about the equality of the peoples and the citizens still stay open.

On Oct 31st the leaders of the SDP Zlatko Lagumdžija and SNSD Milorad Dodic concluded an agreement in Sarajevo for program co-operation until 2014, which should be basis for the activity of a new parliamentary majority on state level. Six political parties are included in it: SDP (Socijaldemokratska partija Bosne i Hercegovine), SNSD (Savez nezavisnih socijaldemokrata), SDS (Srpska demokratska stranka), HDZ BiH (Hrvatska demokratska zajednica Bosne i Hercegovine), HDZ 1990 (Hrvatska demokratska zajednica-1990) and SBB BiH (Savez za bolju budućnost Bosne i Hercegovine).

2. The adoption of a Road Map for European Integration of BiH on June 27th 2012 in Brussels, which was supported by the leaders of the aforementioned six political parties as well as SDA. Despite the huge efforts of the Head of the Delegation of the European Commission in Sarajevo P. Soerensen and the active engagement of the EU Enlargement Commissioner S. Fuelle, BiH did not achieve substantial results on the way to European integration in 2012.

S. Fuelle called for single voice and better focus on preparation of BiH for fulfilling the requirements for EU membership on July 23rd 2012. Later on, on Sep 19th he initiated the performance of a meeting on foreign ministerial level between Croatia and BiH in order to solve the open questions between the two states in the context of the upcoming Croatian membership in EU. S. Fuelle visited Sarajevo on Nov 27th to inject a new impulse for European integration of the country and for overcoming the political crisis.

3. The municipal elections on Oct 7th 2012.

My personal impressions from observing the local elections as well as the analysis of the results from them show a continuing process of ethnic homogenization of the population on a territorial principle. I was interested to read the assessments of the ex director of the Statistic Agency prof. H. Zolich published in the press that the Croats lose positions in Central Bosnia, where they come out to be a minority. The Bosniaks in Herzegovina are in the same situation. According to the professor, the elections reveal the formation of homogenic ethnic communities. The prevailing part (90%) of the persons living on the Territory of the Republic of Srpska are Serbs by nationality. Croats are concentrated mainly on the territory of Herzegovina and around the city of Mostar whilst the Bosniaks live predominantly around Sarajevo and in Central Bosnia and Herzegovina. [37]

4. The election of a new leader of the Islamic religious community in BiH (Reis-ul-ulem).

On Nov 15th 2012 on a solemn ceremony held at the Gazi Husrev Beg Mosque the new Reis-ul-ulem Husein Kavazovich entered into his duties. It was interesting to see that the ceremony was attended by representatives of all confessions and the civil authorities as well as by guests from Saudi Arabia, Iran,

Iraq, Kuwait, Qatar, Egypt, Malaysia, Pakistan, Russia, Serbia, Croatia, FYROM, Montenegro, Albania and Kosovo. In his first official statement the new religious leader mentioned that the mission of the Islamic religious community in BiH is to work for the correct understanding of the Islam and the enforcement of its laws.

4. MY PERSONAL CONCLUSION

The analysis of the religion-politics relations and the issue of the identity of the Bosniaks will most probably continue to be in the centre of the scientific attempts for better understanding of BiH.

The evaluations for some negative trends in BiH are a result of the overall development of the situation in Europe and the world and the financial and economic crisis. However, we should not underestimate some specifics, typical for BiH and the states from ex Yugoslavia.

As a diplomat I am not in the position to criticize the current political status quo in BiH, neither its constitutional order, which is stipulated in the Dayton Agreement.

As a doctor of political sciences I observe the situation in BiH with scientific curiosity and can hardly see a way for improvement under the current circumstances unless some major changes in the way of governing and functioning of the state are introduced.

As a person my first impressions from the country are generally optimistic – the people in BiH have formed a high level of tolerance. The young generation is well educated and ambitious to build a new and modern state with its identity and place in the region of South Eastern Europe.

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