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From Frozen to Latent Conflicts. Is a New EU Paradigm for Bosnia and Herzegovina Urgent?[1]

Abstract: Three decades have passed since the beginning of the war, which ravaged Bosnia and Herzegovina (BiH), and the state finds itself once again in the quagmire of partitioning. In terms of high diplomacy, it is described as the worst crisis since the signing of the Dayton Peace Agreement (1995), which still needs to be consolidated and fully legitimised. The international document that stopped the bloodshed and, at the same time, plunged the state into a tortuous citizenship abyss made of political contradictions, together with an institutional framework instrumentalised as a fertile ground for stabilitocracy and geostrategic influence games. The war in Ukraine has revived the international community's interest in BiH, forcing it to take firmer stances. This article aims to analyse the recent events in BiH and the European Union (EU)'s strategy in light of its complex relationship based on coherence and inconsistency and the idea of security. The research questions whether the EU will take advantage of the lessons learned in the bloody nineties to resolve frozen conflicts. Answers are provided through an argumentative research design comprising a qualitative analysis of the institutional structure of BiH and the review of the interrelationships between the state and the triggers of local, regional and international instability with a special focus on the EU. The Ukraine scenario shows how quickly frozen conflicts start burning.

Key words: Bosnia and Herzegovina, Dayton, European Union, Counter-Europeanisation, stabilitocracy

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1. A Brief Conceptualisation

This article aims to analyse the recent events in Bosnia and Herzegovina (BiH) and the European Union (EU)’s strategy in light of its complex relationship based on coherence and inconsistency and the idea of cohesion and security. The research questions whether the EU needs a new agenda for Bosnia and Herzegovina to resolve frozen conflicts, especially in light of the Ukraine scenario, taking advantage of the lessons learned in the bloody nineties. Answers are provided through an argumentative research design comprising a qualitative analysis of the institutional structure of BiH and the review of the triggers of local, regional and international instability with a special focus on the EU’s political agenda and its challenges of counter-Europeanisation and de-Europeanisation that, in the void of credible alternatives, invite external actors to escalate their destabilisation campaigns.

The text is structured in various sections that address the conceptualisation of the highly volatile BiH institutional structure and its return to the EU political agenda, where the shared tolerance of stabilitocracy cemented in these three decades is revealed. Current challenges such as the secession and the movement of regional borders in an ethnic key are based on a reading of European discontinuity towards the Western Balkans enlargement that makes it a prone space for destabilising policies and further amplifies the currents of reverse Europeanisation. The results show the urgency of resizing European conditionality as a new agenda for BiH as a matter of stability in the region and security for the UE.

1.1. Bosnia and Herzegovina in the Layout of Dayton: From Latent to Frozen Conflict

The birth of present-day Bosnia and Herzegovina (BiH) took place in Dayton, Ohio (United States) in 1995, under an international peace agreement that built the country’s convoluted institutional puzzle. Signed by three parties, the then Federal Republic of Yugoslavia (present-day Serbia and Montenegro), Croatia and Bosnia and Herzegovina, and the lack of solutions advanced by Europe, the Dayton Peace Agreement highlighted the United States (US)’ leading role. The Dayton Peace Agreement (OHR, 1995) stopped the bloodshed that caused 100,000 deaths and displaced two million people. At the same time, it left a state structure that disfigured the

previous *acquis* of the Republic of Bosnia and Herzegovina and established the formula of “one state – two entities (plus a district) – three constituent peoples” that operate in a complex system of checks and balances aimed to safeguard the interethnic balance of the country, not only from the position of the two entities, one, Republika Srpska with a unitary structure and another, the Federation of Bosnia and Herzegovina, decentralised but rather through an institutional structure based on ethnic quotas.[2]

Since the end of the war (1995), BiH has gone from a decade of hope and progress in making the democratic process its own to almost two decades of stagnation in which the ethnonationalist parties have imposed a system of stabilitocracy where UE and West are willing to tolerate illiberal tendencies as long as local regimes contribute to regional stability (Milosevic, 2021).

1.2. BiH Euro-Atlantic Integration: A Bumpy Agenda

The European Union presence in BiH date back to 1996, first as the Delegation of the European Commission for Bosnia and Herzegovina, and after the entry into force of the Lisbon Treaty in 2009, as the Delegation of the European Union with its special representative in BiH. The Delegation operates under the authority of the High Representative of the European Union for Foreign Policy and Security and is responsible for coordinating the poli-

[2] In 2009, the European Court of Human Rights ECtHR published the Sejdic-Finci judgment (ECtHR, 2009) in which it requires amending the Constitution of Bosnia and Herzegovina on grounds of violation of the fundamental rights of passive suffrage to the Presidency, the House of Peoples and the Parliamentary Assembly, reserved exclusively to members from the three constituent peoples, Serbs, Croats or Bosniaks. The ECtHR determined that the Bosnian Constitution is not in accordance with the ECHR. The sentence of Mr. Sejdic (of Roma origin) and Mr. Finci (representative of the Jewish community) has not been the only case brought against BiH. Pilav vs BiH shed light on the case of Mr. Pilav, a Bosniak who could not run for president of BiH from the entity of the Republika Srpska. Zornic vs BiH presents the case of a Bosnian politician who did not want to ascribe to any of the three ethnic groups to run in the presidential elections. The case of Pudaric presents that of a Serb who could not run for the presidency from the Federation and more recently the case of Irma Baralija before the ECtHR highlighted the impossibility of holding municipal elections in the city of Mostar due to a lack of agreement on the new electoral law. The ECtHR urged the state to modify the electoral law within a maximum period of six months. With an *in extremis* agreement, after a period of eight years, elections were held in Mostar in December 2020. The constitution has not yet been modified.

cies of approximation and assistance regarding integration. This function has been carried out by the high representative (through the OHR) since 2010.

In 2003, at the Thessaloniki summit, the EU promised Western Balkan countries European integration if they achieved some admission criteria. The 14 conditions for BiH, embodied in the Copenhagen criteria, require undertaking a profound constitutional reform, developing economic policies that allow integration into the common market, reinforcing institutional stability, and the rule of law and respect for human rights, especially those of minorities. In 2003, the Delegation of the European Union established the European Police Mission (EUPM) in order to modernise the BiH Police to be composed of multi-ethnic bodies capable of assuming full responsibilities based on international standards (EU external action, 2012), one of the conditions for the signing of the Stability and Admission Agreement. The law of April 11, 2008 was accompanied by a battery of norms to guarantee the independence of police structures. However, the balance in democratising the structural commands has not yet reached independence of the political powers, despite new threats such as terrorism, organised crime and corruption.

In June 2008, BiH signed the Stabilisation and Association Agreement and the Interim Agreement on trade-related issues. The same year, the EU proposed the lifting of visa requirements for citizens of Bosnia and Herzegovina to enter the Schengen area, for which Bosnia and Herzegovina had to meet several conditions, such as biometric passports, better border and security control, and some precise results in the fight against crime, as well as the unification of the Ombudsman offices to centralise them in a single state’s office. Due to the lack of political will, it took two years for Bosnia and Herzegovina citizens to move freely through the Schengen area, one of the greatest achievements in terms of civilian rights. It was also the first explicit example showing that local politicians could agree on matters relating to the EU.

In 2009, the ECHR published the Sejdic-Finci Judgment that requires amending the Constitution of Bosnia and Herzegovina and eliminating discriminatory clauses, but the changes have not arrived, and for more than a decade, they remained stalled like the advances on the Euro-Atlantic path. In late 2014, the European Union adopted a new strategy for Bosnia and Herzegovina promoted by Germany and the United Kingdom, focused on structural socio-economic reforms. BiH authorities agreed on a ‘Reform Agenda 2015–18’ with the EU and International Financial Institutions (IFIs). However, as pointed out the analyst Bodo Weber, “EU

representatives pushed for the non-transparent parliamentary adoption of key Agenda measures, lending tacit support to the gross violation of parliamentary rules of procedure by the ruling coalitions, further undermining of the rule of law” (Weber, 2019). In 2015, the EU-BiH Stabilization and Association Agreement entered into force, 7 years after the signing, and in February 2016, BiH submitted its application for EU membership. In early October, an EU summit in Slovenia failed to publish a clear work plan for Bosnia’s accession to the Union.

One of the key programs of the European Union in BiH is its military operation EUFOR Althea, established in December 2004 by the United Nations Security Council Resolution 1574 as a substitute for the SFOR military troops under the NATO command. Althea is carried out with recourse to NATO assets and capabilities, on the basis agreed with NATO (“Berlin Plus”) and its powers remain responsible for reacting to any possible security challenge (Euforbih). However, even to this extent, the EU has been limited by external actors, such as Russia, refusing to extend its mandate to be renovated in November 2022.

Since 2018, the discussion about possible border changes along ethnic lines has been open talk which increased in the light of the Ukrainian aggression. In addition to the inability to reward and motivate reforms in the region, “the EU has shown that it is not able to jointly sanction actors and processes in BiH that EU institutions have publicly assessed as dangerous”, as stated by Cerimagic (2022). In such a situation, the increased interest and bilateral action of EU member states as Germany and its partners, “primarily the Netherlands, due to the opposition of Hungary, led to the logical consequence of the EU member states not sanctioning anyone in BiH” (Cerimagic, 2022).

In October 2018, local elections were held. Ethnic slopes allow the institutions of the Federation of BiH to remain provisional. For example, in 2019, the Bosnian Parliament did not hold any session as it was blocked by the Alliance of Independent Social Democrats (SNSD). In December 2019, the Council of the EU adopted conclusions on the European Commission’s opinion on BiH’s application for EU membership, endorsing the 14 key priorities for the opening of accession negotiations and in October 2020, the European Commission proposed an Economic and Investment Plan to support and bring the Western Balkans closer to the EU.

In 2021, Serb representatives suspended their participation in national institutions and in December 2021, they announced a transfer of competencies to Republika Srpska. In 2022, the Croatian Democratic Union

(HDZ) demanded an ad hoc electoral reform. In March 2022, in the context of the war in Ukraine, Bosnia asked for an acceleration of the EU membership procedure. In March 2022, the International negotiations on electoral reform failed, and the boycott of the October 2022 elections was feared. Regarding the NATO association[3], in December 2019, Bosnia and Herzegovina submitted to NATO its first annual Reform Program document. In February 2021, Bosnia and Herzegovina’s Council of Ministers approved the formation of a Commission for Cooperation with NATO, which will act as the primary state-level coordinating body for the country’s partnership with NATO (US Department of State).

On May 9, 2022, on the occasion of Europe Day, France’s president warned that decades could pass before Ukraine (and the rest of the potential candidates) joins the European Union and is proposing a new political organisation to bring together countries on the continent that share the bloc’s values but are not part of the EU. It is interpreted as the last nail in the coffin of the EU enlargement despite the calls for a clear EU strategy from several member states. All this causes disillusionment with the European dream. As a researcher, Karcic (2021b) states, “these negative signals out of Brussels are inevitably affecting the Bosnian public, which is starting to perceive the integration process as unfair and inconsistent”.

2. BiH: The Mirror Image of Ukraine or Vice Versa

With the first shots fired in Ukraine on February 24, 2022, the EU announced that it would double its troops in BiH in the face of a possible increase in tension. “The worsening of the international security situation could potentially cause instability in Bosnia-Herzegovina. The deployment of these forces is a precautionary measure” (El Confidencial, 2022), announced the EUFOR Althea mission, which acts under the mandate of the United Nations (UN) monitors of the peace agreement. A symbolic contingent of just 1,100 soldiers was supplied. The head of EU foreign policy, Josep Borrell, pointed out that “the (European foreign) ministers have to make decisions on how to stop this dynamic in Bosnia Herzegovina and prevent the country from falling to pieces. It is a critical situation” (Efe, 2022).

[3] NATO’s ability as peacekeeping force in Bosnia and Herzegovina is stipulated in the Dayton Peace Agreement under the Annex 1A Military Aspects of the Peace Settlement. BH joined the NATO Partnership for Peace program in 2004 and in 2010 the Membership Action Plan.

The Russian embassy in BiH reacted quickly. The Russian Ambassador to BiH, Igor Karabuhov, pointed out on Bosnian television on March 15, 2022, that “on the example of Ukraine, we have shown what we expect. If there is a threat, we will react” (N1, 2022), in line with Milorad Dodik, the *de facto* leader of the Republika Srpska, who is in turn president of the collegiate presidency of the state, and who presents himself as Putin’s great ally. Some investigations point to the Russian omnipresence in the Balkans (Katic, 2022).

This alliance dates back to long ago. The Russian Federation[4] has supported the approval of the draft law of the Judiciary, and the Prosecutor’s High Council of the Republika Srpska – one of Dodik’s pressure measures since the former German Agriculture Minister Christian Schmidt was appointed as OHR representative in August 2021 – through which the entity abolishes the State’s High Council and its institutions, approved by the Bosnian Parliament in 2004. That year, Russia voted in favour of the adoption of UN Security Council (UNSC) Resolution 1575 (UNSC, 2004), expressing support for the implementation of the Dayton Accords in strengthening the institutions of Bosnia and Herzegovina and building a full-fledged state, including through the presence of EUFOR and NATO. However, in 2015, the Russian Federation voted down the UNSC Resolution on the genocide in Srebrenica proposed by Great Britain (UNSC, 2015) under the pretext that it was a text that placed all the blame on one party. In 2021, it opposed the extension of EUFOR’s mandate.

In November 2021, Schmidt was unable to address the members of the UNSC in his first speech as High Representative to present his report on the situation in BiH due to pressure from Russia and China, both refusing to recognise his election. The humiliation was such that he was not even mentioned in the final approved resolution. The UNSC voted for the annual extension of EUFOR Althea, the EU military mission maintaining peace and security in Bosnia. Analysts Maja Ruge (2022) point out that Russia is aware of EUFOR’s weakness, which is why it is not interested in ending the mission. “It is rather using its veto over the EUFOR mandate to extract concessions that weaken the US and European policy initiatives in Bosnia”. On April 4, 2022, Russia announced that it was suspending funding for the

[4] The Russian Federation is member state of the Peace Implementation Council (PIC), the body that together with the Office of the High Representative – OHR (in charge of supervising and promoting the application of the civil aspects of the Dayton Peace Agreement) brings together all the international actors involved in the peace process in BiH.

Office of the High Representative for Bosnia and Herzegovina, as it believes the current High Representative was illegally appointed.

Fearing whether the Ukrainian scenario could spread to BiH, North Atlantic Treaty Organization (NATO) Secretary-General Jens Stoltenberg warned that NATO would protect every inch of NATO territory. Alija Kozljak, who once was the military representative in the BiH Mission to NATO, points out that this could be an opportunity for the state as there is an essential difference with Ukraine, where NATO does not have a mandate. Indeed, NATO has an existing mandate in BiH since the signing of the Dayton Peace Agreement and although the state is not a member of the NATO alliance (Kozljak, 2022).

According to the International Institute for the Middle East and Balkan Studies (IFIMES, 2021), which has special consultative status within the UN Economic and Social Council, Russia is using Milorad Dodik in BiH to lay the groundwork for future actions by allowing it to count on an intelligence structure independently of the one they could have in Serbia and beyond. There is a concatenation of actions between Moscow, Belgrade, Zagreb and Banja Luka. On the eve of the Head of Russian diplomacy Sergei Lavrov’s visit to BiH in December 2020, Dodik visited Croatian President Zoran Milanović and then took Dragan Čović, a former Croat member of the tripartite BH presidency and leader of the Croat HDZ party in BH, to Belgrade to meet President Aleksandar Vučić. A year later, *Foreign Policy* (Gutic, 2022) talks about an “open offensive against the sovereignty of Bosnia and Herzegovina”, and the operation is repeated. “It is not only the Serbs who are being influenced by Russia. Russia has been actively supporting Croatian accusations of discrimination and their demands for a third administrative entity for many years” (Gutic, 2022).

3. Three Decades of Post-War: From Dayton to Stabilitocracy

Days before leaving OHR, in July 2021, Valentín Inzko, the High Representative who has held his post the longest (between 2009 and 2021) and who had been harshly criticised by Bosnian society for his inaction in the face of increasing warmongering climate fostered by ruling politicians, amended the criminal code by introducing prison sentences for the glorification of war criminals and denial of genocide and crimes against humanity. Barely a week later, Schmidt replaced him. Inzko’s amendment

was used as the trigger for Milorad Dodik, an outspoken genocide denier, to blockade the central institutions by withdrawing representatives from the state parliament and threatening to expel Bosnian Army units from the entity’s territory to reactivate that of the Republika Srpska (whose troops sentenced to 2,000 years by the International Criminal Tribunal for the former Yugoslavia) in addition to abandoning the common judicial and prosecutorial system of BiH. In the first report as a new HR, Schmidt warned that this violation of Dayton “would be equivalent to secession without its proclamation” (Efe, 2021).

The second aspect of this crisis is the imposition of an *in extremis* negotiation of the electoral law, promoted by the leader of the Croat HDZ party, Dragan Čović, with barely 9% of the vote in the last elections, supported by the Croatian government to design a law tailored for his party with the pretext that the Croats in Bosnia and Herzegovina have been *majored* and ask for their own entity. In April 2022, the President of Croatia, Zoran Milanović, threatened to veto Finland’s entry into NATO if the electoral law in BiH was not changed in favour of the Croats.

This pressure has prevailed in all international negotiations during the current crisis. In a recent interview for *El País* (Pita, 2022), Valentín Inzko indicates that he waited until the last moment because he knew that he would not have international support. “The geostrategic situation was different. There was less interest from Russia and China in Bosnia”, he assured.

The half-hearted implementation of the Dayton annexes, which are an integral part of the peace agreement, has caused the greatest damage to the integrity of Bosnia and Herzegovina. Trying to pass it off as an unsustainable state while the nationalist leaders, necessary partners and through the interference of its satellite matrices, work towards modifying the post-war achievements, weakening the central institutions – through the judicial obstruction, non-compliance with the guarantees of return – engulfing the genocide denial rhetoric, dismantling the state’s army and absorbing state assets, including forests and rivers that they claim as “their territory”. Thus, in the few months since the beginning of his mandate, Schmidt has already made use of Bonn’s powers by repealing in April 2022 the law approved by the Republika Srpska that intended to transfer Bosnian state real estate assets to the entity. “Only the State of Bosnia-Herzegovina can dispose of state assets,” said Schmidt (Efe, 2022), while protesters in Banja Luka chanted death threats against the High Representative in the presence of Dodik.

4. Regional Scope: Secession 2.0. and EU Discontinuity

Progress in the EU accession negotiations is very slow. No consensus has been reached on amending the Constitution in line with the *Sejdić-Finci* judgment and related cases. The last census in Bosnia and Herzegovina (2013) has opened the debate on the failure of return policies for displaced persons and refugees and the perpetuation of ethnically cleansed territories, also facing new phenomena such as the development of the Balkan migratory route and the youth exodus. Concerning European 14 conditioning factors, BiH still has to work toward reforming the public administration, compliance with the *acquis communautaire*, the completion of the judicial reform, the economic market, the fight against corruption, organised crime, and the migratory crisis. The feeling that the European requirements towards BiH are stringent while the European strategy is lax is spreading. As defined by the political scientist Jarosław Jańczak, who has covered in depth the phenomena of de-bordering and re-bordering cross-border governance of the European Union:

> “Approaching the Europeanization as a non-linear phenomenon leads to differentiation of the reversed process into de-Europeanization and counter-Europeanization. While the former focuses on erosion (in the given context), the latter stresses interaction (between actors Europeanizing and opposing Europeanization). De-Europeanization then is much more visible among the member states and candidates, where Europeanization has reached a specific level. Counter-Europeanization, on the other hand, is also similarly visible in neighbouring and other states, however their sources differ and may come from inside and outside” (Jańczak, 2010).

It would explain why neither the international community nor the internal political fabric has found a way out of the Gordian Knot of Dayton. The stabilitocracy price of an “inconclusive peace in the face of an inconclusive war” (Spahic, 2021). Instead of publicly questioning the Dayton Peace Accords as he had been doing, Dodik’s current strategy is now framed as a return to an “original Dayton”. A “2.0” secession that uses collective decision-making in the Republika Srpska assembly hopes that sanctions will also be less coercive (Karčić, 2021). But the Bosnian Constitution, emanating from that original Dayton, dismantles Dodik’s narrative. Paragraph (1) of Article III of the Constitution of Bosnia and Herzegovina that establishes the relations and competencies of the State and entities, in point 5. of Article a) states that Bosnia and Herzegovina

shall assume the responsibilities that are necessary to “preserve the sovereignty, territorial integrity, independence and international personality of Bosnia and Herzegovina, in accordance with the division of responsibilities between the institutions of Bosnia and Herzegovina” and that “additional institutions are necessary to carry out such responsibilities” (OHR, 1995).

However, the Constitution of Bosnia and Herzegovina, which is Dayton’s Annex IV, states in Article I that the Republic of Bosnia and Herzegovina is renamed Bosnia and Herzegovina, thus guaranteeing its legal-institutional continuity as a state under international law, which means that in case that Dayton is blown up, as seems to be the intention in the present crisis, it is the Constitution of the Republic of Bosnia and Herzegovina that should return to legality (CDL-AD(2005)004-e, Venice Comission, 2005).

The central functionality’s tendentious obstruction has been done by blocking the judicial system. Judicial reform is one of the 14 European conditionalities in BiH, but the extremely fragmented financing system does not guarantee the key premise of independence. The blocking praxis from the entities incurs pressures from entities’ governments on naming their members, thus politicising Judicial Power Council and limiting its capacity to solve heated questions at the state level (IFIMES, 2022). In the case of the entity of the Federation, as IFIMES points out, the Constitutional Court has been working for two years on the edge of the quorum due to the HDZ party, which thus, at the same time, blocks the composition of the Council for the Protection of the Vital National Interest in the Federation that is chosen among the appointed judges of the Constitutional Court of the entity.

4.1. The “Non-Papers”: Future Instability Scenarios

There are milestones in the current crisis in Bosnia and Herzegovina that place it at the end of the cycle of territorial claims in 1992.[5] They are framed in the stalled talks between Pristina and Belgrade as the last

[5] With a thirty-year view, some analysis states they are converging towards the Lisbon plan (Carrington–Cutileiro plan 1992), a scheme of confederal division of the country along ethnic lines at all administrative levels, including the territories in which there was no clear ethnic majority (Hadzidedic, 2021). The antithesis of the BiH “tiger skin” and its pluralism as the idea that European construction itself yearns for.

opportunity to modify the borders in ethnic terms even though the borders’ architecture was completed with Kosovo’s independence. The so-called “non-papers” attributed to the Slovenian Prime Minister Janez Janša (SDS/EPP) in 2021 envision a great Albania with Kosovo at its heart, a great Serbia annexing the Republika Srpska and a great Croatia comprising several territorial units of the Federation of BiH, while the Bosniak-majority cantons in BiH would obtain a kind of “Fildžan” state, alluding to the cup of Turkish coffee. North Macedonia and Montenegro are also in the mix. That is – all the ethnically heterogeneous republics. Janša would not acknowledge the authorship of the papers, although the Albanian president said he initiated them. At the same time, Slovenian President Borut Pahor, during a visit to Sarajevo, asked the Croat and Bosniak members of BH presidency, Komšić and Džaferović, if they considered possible a peaceful division of the country, to which they replied that any state partition would be done by war. The Balkanist Miguel Roan (2022) indicates that:

> “The tensions between two perspectives of the EU are becoming more and more evident, one more oriented towards European cohesion and the other led by Hungary, Poland or Slovenia, focused on reinforcing the national sovereignty of the countries of the Eastern axis against the interference of Brussels. The western Balkans are a space the conservative cause can gain more followers”.

Inzko criticises that the “last two German foreign ministers have visited Mali, which is of course reasonable, because they have troops there, but never Bosnia. But Mali is in Africa, and Bosnia is in Europe. European security begins in the Balkans” (Pita, 2022). Even though the EU points out that the current political crisis in BiH calls into question the stability and prosperity of the country, no EU sanctions have been imposed. Sanctions have been initiated by Great Britain, whose Foreign Office affirms that the “Bosnian Serb leaders are ‘encouraged’ by Putin” (Paz, 2022). The US also initiated sanctions, including Dodik on its list since 2017 and now accusing him of setting up “parallel organisations” within the Republika Srpska “to accumulate personal wealth” (Europa Press, 2022).

The visit of Angelina Eichhorst, managing director for Europe and Central Asia at the European External Action Service, the Western Balkans and Turkey, and of the US envoy for electoral reform, Mat-

thew Palmer, to BiH generated many expectations. Although, their actions have been questioned because of the lack of transparency and pressuring of progressive parties to accept packages that follow the design of Čović’s agenda or keep them out of the negotiation (Mujanovic, 2022).

Both administrations have met with the ethnonationalist leaders, entering the game of the stabilitocracy, whose ethnic quotas paralyse parliamentary institutions. The political figures that have imposed a crisis also impose a way to exit, which collides with the constitutional principles of representativeness of civil society. It also collides with Dayton’s own design, in the case of Dodik’s attitude, propitiating a context that the High Representative himself sees as the closest thing to a *coup d’état*, and in the case of Čović, imposing international negotiation on a constitutional reform that cannot be done through electoral law. Even if there is political will, it requires at least one year, as advised by the Organisation for Security and Co-operation in Europe (OSCE) (OSCE, 2018, p. 23). According to the current legislation, BiH must announce general elections no later than the first half of May 2022.

The adoption of the proposal for constitutional changes in the BiH Parliament requires the opinion of the Venice Commission, which has already said that electoral changes are not adequate in such a bitter climate (IFIMES, 2022), and the affected Sejdić and Finci have done so themselves. They say that if they can wait two decades, they will do so one more electoral round to favour a true and slow electoral reform. After nine months of intense meetings with the EU and the US representatives, the negotiations have failed. The EU perceived this as the loss of a great opportunity for BiH, and there remains the threat of an election boycott of Čović, possibly opening the door to a new period of instability.

5. A Matter of Security: *Bosnification* or EU Enlargement in the Balkans

Facing the danger of dismemberment, and being the international figures that implemented the fewest decisions during their mandates, the former High Representatives, Schwarz-Schilling and Inzko, have asked the European Commission to allow Bosnia and Herzegovina to join the EU quickly and without heavy bureaucratic proceedings. They also demanded NATO guarantees to protect the population of BiH and urged the

deployment of NATO and EUFOR troops near the Brcko district under US administration and a strategic enclave along its border with Serbia and Croatia. Schwarz-Schilling and Inzko also believe that Serbia’s candidate status should be withdrawn (N1, 2022b).

In a recent interview, Kosovar Prime Minister Albin Kurti hinted at Belgrade’s game of *bosnification* in the region, with the support of Moscow, whereby

> “Serbia does not recognise the statehood of the countries that do not belong to the EU: Bosnia and Herzegovina, Montenegro, Kosovo and even North Macedonia. On the contrary: it considers these states to be temporary and commits all its capacities to destroy their statehood” (Nikcevic, 2021).

Dodik repeats that the fate of Bosnia and Herzegovina is in the hands of local leaders or should say in agreement with Croatia, Serbia, and Slovenia, where it is understood that Russia and Turkey have a role. Turkey is a member of the Peace Implementation Council and must coordinate its activities with the other states, but if it enters this complex axis, as analysts indicate, it risks being involved in very dangerous actions involving redrawing borders in the Balkans. As the political scientist Asim Mujkic stated, the problem is not just in BiH but in all Balkan countries with fragile multi-ethnic democracies where the West and the EU should be more present (Karabeg, 2021).

The de-Europeanisation axis does not necessarily imply an identical ideological line with counter-Europeanisation but rather an opposition strategy within and towards the EU itself, where figures like Orban find allies in Vučić and Dodik, that “pocket Putin”, in conjunction with alliances with the rising Islamophobic bandwagon among the extreme right in Europe. Dodik “now deliberately refers to Bosniaks as ‘Muslims’ in an effort to paint the population as a purely religious, inherently threatening community” (Karčić, 2022). Čović’s alliance, voting in line with the Bosnian Serb leader for the abolition of the prohibition of the Inzko Law on genocide denial in BiH, far from bringing out the colours of the social-democratic Croatian government, has found a kind of compassion in the words of President Zoran Milanović because for him “there are genocides and genocides [...] not everything is the same, not all victims are the same” (Al Jazeera Balkans, 2021). Milanović asked first for “soap, then perfume”, speaking of the possibility of establishing a state of citizenship in Bosnia and Herzegovina or its impossibility due to its two million Muslims.

But the danger also arises due to the lack of a clear EU enlargement strategy. As stated by Bassuener (2022),

> “Two years ago, French President Emmanuel Macron effectively proposed a values-neutral *cordon sanitaire* in the Balkans as an alternative to enlargement with standards-essentially economic rewards without standards for national kleptocracies in the region. The November 3 vote in the UNSC brings this closer to fruition”.

A permanent cross between EU coherence and incoherence towards the enlargement in the case of Bosnia and Herzegovina brings into light a discontinuity concerning the European construction itself.

6. Final Considerations: Resize Conditionality

The international community insists on a weak civil fabric that votes over and over again for the same people, having the key to change in their hands and making deals exclusively with the elite. The citizens of Bosnia and Herzegovina have made numerous attempts to change the “straitjacket” in which they find themselves. Let us remember that it was the country that had its own “spring” in 2014 and that even these protests ended up being ethnicised under the pattern of extra-institutional and “quarry governance” (Spahic, 2021), which overlooks true citizenship problems while growing the “Balkan fatigue” caused by the failure to meet the expectations of accession (Milosevic, 2021). The ECtHR dictated five judgments that urge to modify an unconstitutional electoral system, not in terms of constituent peoples but for all those who are not represented in an ethnic key. As Zdeb (2022) points out, “for years, the EU’s enlargement in the region has been considered the key to the stability and long-term development of Bosnia, but the accession process, as well as the EU-backed Berlin Process, have stalled”. This crisis occurs in electoral years in the region where Bosnia and Herzegovina is a good stumbling block to cover internal failures, and in a geostrategic scenario, with Ukraine burning in the so-called “backyard” of the EU. With the Bonn powers and being the last guarantor of the civilian implementation of Dayton, the OHR can stop local political figures who promote attacks on the integrity of Bosnia and Herzegovina. The stick and carrot policy is no longer working (Milosevic, 2021), and there is a need to readjust the conditionality in favour of security. The threat is growing, and as the former OHR representatives

claim, a quick and less bureaucratic EU and NATO accession process would strengthen the sovereignty of this country. From this perspective, a new EU paradigm for Bosnia and Herzegovina seems urgent but also key for Europe because, as Valentin Inzko says, “its security begins in the Balkans”.

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Od zamrożonych do ukrytych konfliktów. Czy potrzeba nowego paradygmatu działań Unii Europejskiej wobec Bośni i Hercegowiny jest pilna?

Streszczenie

Trzy dekady minęły od początku wojny, która spustoszyła Bośnię i Hercegowinę (BiH), a państwo ponownie znalazło się w grzęzawisku podziałów. W wysokiej dyplomacji określa się ją mianem najgorszego kryzysu od czasu podpisania poro-

zumienia pokojowego w Dayton (1995 r.), które nadal wymaga konsolidacji i pełnej legitymizacji. Ten międzynarodowy dokument zatrzymał rozlew krwi, a jednocześnie pogrążył państwo w krętej otchłani obywatelstwa złożonej z politycznych sprzeczności i ram instytucjonalnych zinstrumentalizowanych jako żyzny grunt dla stabilokracji i geostrategicznych gier wpływów. Wojna na Ukrainie ożywiła zainteresowanie społeczności międzynarodowej BiH, zmuszając ją do zajęcia bardziej zdecydowanego stanowiska. Niniejszy artykuł ma na celu analizę ostatnich wydarzeń w Bośni i Hercegowinie oraz strategii Unii Europejskiej (UE) w świetle jej złożonych relacji opartych na spójności i niespójności oraz idei bezpieczeństwa. Badania dotyczą tego, czy UE wykorzysta doświadczenia zdobyte w krwawych latach dziewięćdziesiątych do rozwiązania zamrożonych konfliktów. Odpowiedzi udziela się dzięki realizacji argumentacyjnego projektu badawczego obejmującego jakościową analizę struktury instytucjonalnej Bośni i Hercegowiny oraz przegląd wzajemnych powiązań między państwem a czynnikami wywołującymi niestabilność lokalną, regionalną i międzynarodową, ze szczególnym uwzględnieniem UE. Scenariusz ukraiński pokazuje, jak szybko zaczynają płonąć zamrożone konflikty.

Słowa kluczowe: Bośnia i Hercegowina, Dayton, Unia Europejska, kontreuropeizacja, stabilokracja

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