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DIPLOMOVÁ PRÁCE

Obor: Mezinárodní politika a diplomacie

2014

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Téma

**The Role of OSCE in Post-Conflict
Reconstruction of Bosnia and
Herzegovina**

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V Praze dne 8.12.2014

.....
podpis

Poděkování

Ráda bych tímto poděkovala panu Ing. Zbyňkovi Dubskému, Ph.D. za cenné rady, odborné vedení a ochotu poskytnutou při zpracování této práce. Stejně tak bych chtěla poděkovat své rodině za jejich podporu během studií.

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Abbreviations

OSCE	Organization for Security and Cooperation in Europe
CSCE	Conference for Security and Cooperation in Europe
NATO	North Atlantic Treaty Organisation
EU	European Union
UN	United Nations
USA	United States of America
EEC	European Economic Community
BiH	Bosnia and Herzegovina
ODIHR	Office for Democratic Institutions and Human Rights
IFOR	Implementation Forces
SFOR	Stabilization Forces
UNPROFOR	United Nations Protection Force
EUFOR	European Forces
UNHCR	United Nations Commission for Refugees
UNMIBH	United Nations Mission in Bosnia and Herzegovina
NGO	Non-governmental Organization
WB	World Bank
IMF	International Monetary Fund
PIC	Peace Implementation Council
OHR	Office of the High Representative
GFAP	General Framework Agreement for Peace
PfP	Partnership for Peace
RS	Republika Srpska
FBiH	Federation of Bosnia and Herzegovina
SAA	Stabilization and Association Agreement
ICTY	International Criminal Tribunal for the former Yugoslavia

Introduction

The post-conflict reconstruction and peacebuilding operations conducted by the various organizations, bodies and agencies of the international community in Bosnia and Herzegovina (Bosna i Hercegovina, BiH or Bosnia hereafter) have been considered as one of the most challenging and complex in rehabilitation of former Yugoslavian countries. The state of approximately 3.8 million people with three main ethnic groups: Bosniak (48 percent of the total population), Serb (37.1 percent), Croat (14.3 percent); and three main religions: Muslim (40 percent); Orthodox (31 percent); Roman Catholic (15 percent)¹; was in a war conflict between 1992 and 1995 escalating into ethnic cleansing which scars are not healed until today.

This thesis primarily aims to analyse the results of post-conflict reconstruction efforts undertaken by the Organization for Security and Co-operation in Europe (hereafter OSCE), a regional security organization that comprises 57 countries from across Europe, North America and Asia, accounting for over a billion people in total.

The Dayton Accords, a peace agreement ending the war in BiH, assigned the OSCE a wide mandate in restoring the peace and security in the war-shattered state. Therefore, the OSCE became a vital actor in re-establishing the social and political infrastructure in the process of country's reconstruction. Concretely, the roles appointed to the OSCE by the Dayton Agreement included restoring security and stability (Annex 1-B), organizing of the elections and establishing a national electoral system (Annex 3), protection of human rights (Annex 6), strengthening civilian society (Annex 10), and moreover, the organization has been participating in issues concerning the military, refugees and internally displaced persons in cooperation with other crucial international actors.

The role of the OSCE in the post-conflict reconstruction of BiH has been of a key importance. Regrettably, the United Nations were largely discredited in the 1992-1995 war in BiH as they did not manage to protect the civilians inside of the UN-established safe havens and prevent the genocide. Consequently, the OSCE's Mission to BiH was assigned significantly larger mandate and wider scale of responsibility and authority in the peacebuilding processes than the the United Nations Mission in Bosnia and Herzegovina (UNMIBH). Moreover, not only has been the reconstruction process crucial for installing peace in BiH, but also for the sake of stabilizing the whole Western Balkans that had found itself in military and political disarray following the breakup of Yugoslavia.

Unfortunately, the importance of the OSCE is nowadays very often underrated. One needs to realize it is the world's largest regional security organization working to provide peace and security for more than a billion people on three continents. It is

¹ CIA World Factbook: Bosnia and Herzegovina, available at: <https://www.cia.gov/library/publications/the-world-factbook/geos/bk.html>, accessed 10 October 2014.

operating with the budget of over EUR 142 million in 2014 and 2,690 staff, of which 2,119 people are engaged in 16 field operations mainly in South-Eastern and Eastern Europe but also in the South Caucasus and last but not least, Central Asia.² The OSCE consists of 57 participating states with equal status where decisions are taken by consensus on a politically, however not legally, binding basis.

The most valuable asset of the OSCE is providing platform for dialogue and a discussion of security-related topics between the most important actors of the international relations on the European continent. It is the only peace and security forum which unites the member states of the European Union, North America as well as Russia or Central Asia. We should, therefore, never underestimate or even depreciate the occupation and mechanisms it provides us with.

The thesis is meant be understood as an analysis based on a mosaic of mechanisms, tools, activities and instruments implemented and conducted by the OSCE Mission to BiH for the purpose of contribution to building self-sustaining state and society within the framework of the OSCE comprehension of security and peace through the organization's peacebuilding, peacekeeping and post-conflict reconstruction programs and initiatives.

The aim of the work is to outline and bring together the wide mandate of the OSCE Mission to BiH that took one of the leading roles in the country's post-conflict reconstruction. Additionally, an evaluation of the OSCE Mission is offered through summary of the current political, economic and social conditions in today's Bosnia. This goal is rather challenging as the most significant subjects of the OSCE interests, emphasis and activities, the improvement of democratization or empowerment of the civic society among others, are phenomena that are seldom evaluated, explained, graded and moreover, are extremely difficult or even impossible to observe and measure.

To fulfil the ambitious goal stated in the introduction and provide a complex analysis of role of the OSCE in the post-conflict reconstruction of BiH, one of the states succeeding the former federation of Yugoslavia, a dual theoretical path is considered in order to bring an integrated and logical academic outcome.

Firstly, introduction of the peace-related operations, peacemaking, peacekeeping, peacebuilding, and peace-enforcement approach primary defined in the United Nations Agenda for Peace and the Brahimi Report is crucial for setting up theoretical framework for analysis of operations undertaken by various international organizations. Particular attention is given to the OSCE's comprehension of security as an integrated unit of three security dimensions. This division is crucial for the work as the OSCE's competencies given by the Dayton mandate are divided in the paper accordingly.

² OSCE Factsheet, What is the OSCE? Available at: <http://www.osce.org/secretariat/35775>, accessed 18 November 2014.

Moreover, the methodology used while elaborating this paper is also discussed in this part.

Secondly, the procedures and policies that followed the diplomatic pressure, recommendations and reports of the international community in the country were a result of complicated situation that evolved from historical circumstances and the ethno-nationalist war between 1992 and 1995. The following part of the thesis is therefore dedicated to explaining the roots of the conflict in BiH, including the historical overview as a background of recent Bosnian war in the nineties; which I believe, are vital for understanding the challenges the OSCE and other agencies involved in the peacebuilding efforts have been facing.

Additionally, the Dayton mandate of the OSCE is shortly presented whereas the most extensive part is dedicated to the OSCE Mission to BiH and its main responsibilities and functions as well as concrete projects, strategies, technical and diplomatic tools and instruments are closely inspected in all sectors that the organization has been involved in. I have decided to divide the Mission's mandate twofold – as a set of politico-military and humanitarian dimensions of security and peace restoration. The division comes from the OSCE's approach to security described in the theoretical chapter.

Last but not least, the current political, economic and social environment of the country is summarized in the last chapter, creating a link towards the evaluation of the peacebuilding efforts and its positive as well as negative outcomes of the OSCE and other core actors and their almost twenty-year-long presence in BiH. The most significant obstructions of peaceful and harmonious coexistence of all ethnics and nationals are stated in this part.

The information, facts and figures stated in this thesis come from the in-depth research of the official reports and publications of the international governmental as well as non-governmental organizations and agencies directly involved in the post-conflict reconstruction of BiH, in particular the OSCE official reports, the EU Progress Reports, the communiques of the NATO summits, etc.; in addition, the scholarly articles published by the academics and researches professionally devoted to area of peacebuilding and post-conflict reconstruction of former Yugoslavia and the Western Balkans.

The methodological approach of the thesis is based on the comparison and evaluation of the quantitative as well as qualitative data gained due to research and information from the aforementioned sources.

On the one hand, the quantitative approach is mostly present in the chapters devoted to the evaluation of the BiH's implementation of the military sector reform where the outcomes are measurable and hence, easily comparable. The same applies to the Property Law Implementation Strategy that provides us with the exact statistics on the returnees. Moreover, the figures are known also for the performance comparison in

terms of the macroeconomic indicators such as the unemployment rate or the GDP growth, and the country comparison in terms of the business-friendly environment or the corruption perception rate.

On the other hand, the qualitative approach was chosen for the evaluation of non-numeric realities and factors and rather employs general theory and common-sense preferences. This type of evaluation is used mostly in the chapters dedicated to the analyses of the humanitarian dimension of security, in particular the protection of human rights, strengthening the civic society and democratization, election system or education. The activities of the OSCE and other agencies and organizations conducted in these sectors are very difficult to evaluate and impossible to measure.

The information and figures used in the paper are taken from the primary sources such as the official reports and publications of the international organizations directly involved in the reconstruction of BiH. In particular, the reports published by the OSCE Mission to BiH or the ODIHR as well as the Office of the High Representative and the EU Reports on Progress in combination with various articles and comments served as a foundation of the chapter devoted to the evaluation of the current situation in the country.

The Dayton Peace Accords gives a foundation for introducing the OSCE mandate and therefore, it is a document of key importance to the thesis. Taking into consideration the part of the work devoted to the OSCE Mission to BiH, very appreciated were the reports by various governmental and non-governmental organizations such as the Human Rights Watch or the International Crisis Group; that have provided me with very interesting insights and analyses into the nature of the political crisis. In addition, the scholarly articles published by the academics, observers and researches professionally devoted to area of BiH peacebuilding were a great help. For the updates of current happening I used the news provided by the internationally recognized media such as Al Jazeera, BBC or the Balkan Insight and Sarajevo Times.

1 Development of International Security Concepts

Peace is generally a cornerstone for security; a peace state is not explicitly defined by the United Nations and is rather implicitly considered as a state with a *lack of war*,³ however, this does not necessarily equal security. For the purpose of maintaining interstate peace and security across Europe, the OSCE stresses the need of a complex vision of security consisting of a more comprehensive concept than strict adhering to the military aspect only. Security, therefore, is understood as an interconnection of the lack of war in compliance with other factors such as environmental, political, economic, geostrategic, psychological, and strategic as well as assurance of basic human and civil rights.⁴

Three terms were introduced by the United Nations in the *Agenda for Peace*⁵ in 1992 as conflict-preventive and peace-building instruments that are very often favoured to be exercised by the international community adhering to the importance of operations eliminating the causes of tensions prior any armed or non-armed conflict and as a part of post-conflict rehabilitation assistance in order to keep the international community free of security threats and serious, conventional conflicts.

1.1 Peacemaking, Peacekeeping, Peacebuilding and Peace-Enforcement

Currently, the international community recognizes four peace-related operations distinct in their tools, mechanisms and actions; those concepts are peacemaking, peacekeeping, peacebuilding; and peace-enforcement. Although they are all associated with the operations undertaken when the conflict is not actually ongoing, they stress the need of international interference but promote distinctive and particular approaches to undertake the action towards eliminating threats.

Furthermore, the Agenda for Peace includes **preventive diplomacy** as additional mechanism to the common tools exercised as a guarantee for peaceful global coexistence. It is, however, a rather weak approach aiming to keep the disputes from arising or already existing disputes from escalating and spreading into more severe forms.⁶ Preventive diplomacy has been exercised by the High Representative as well as EU diplomats in many cases regarding BiH.

³ Charter of the United Nations, available at: <http://www.un.org/en/documents/charter/index.shtml>, accessed 2 January 2014.

⁴ The OSCE Concept of Comprehensive and Co-operative Security, available at: <http://www.osce.org/cpc/37592>, accessed 20 November 2014.

⁵ According to the UN Peacebuilding strategy since 2002 stated in the Agenda for Peace (1992), available at: http://www.un.org/en/sc/repertoire/89-92/Chapter%208/GENERAL%20ISSUES/Item%2029_Agenda%20for%20peace_.pdf, and Brahimi Report (2000), available at: http://www.un.org/ga/search/view_doc.asp?symbol=A/55/305, accessed 5 January 2014.

⁶ Agenda for Peace, para. 2.

The **peacemaking** concepts consist of strengthening peace in the situation where a dispute or a conflict has already emerged and hence, the need for peacekeeping initiatives is requested in order to try to find the solutions for the causes of the problem. Peacemaking is aimed at the root causes of the conflict with the purpose to resolve the issues.

Peacemaking is very closely connected to another crucial mechanism of the international community, the **peacekeeping**, as the legal agreements reached through diplomatic negotiations and tools of the peacemakers are further delegated to the peacebuilding missions in order to be implemented, peacekeeping missions are ready to assist. Peacekeeping operations are mostly deployed in situations where fighting had been halted.

The definition of **peacebuilding** was introduced for the first time in the Agenda for Peace as “*action to identify and support structures, which will tend to strengthen and solidify peace in order to avoid a relapse into conflict.*”⁷ Generally, peacebuilding operations are considered a state by which the international units are present in the field very often with international military and police staff to insure smooth course of post-conflict rehabilitation and avoidance of another conflict eruption once the state of peace is already installed. The first definition of peacebuilding was mentioned stating that

Consequently, the determining of peacebuilding activities was further elaborated over the following years. The *Brahimi Report* from 2000 therefore offers an extended definition of peacebuilding as “*activities undertaken on the far side of conflict to reassemble the foundations of peace and provide the tools for building on those foundations something that is more than just the absence of war.*”⁸

In addition, the Secretary-General’s Policy Committee further modified and extended the definition of peacebuilding which has since then been understood as a set of instruments designed to diminish the risk of “*lapsing or relapsing into conflict by strengthening national capacities at all levels for conflict management, and to lay the foundation for sustainable peace and development. Peacebuilding strategies must be coherent and tailored to the specific needs of the country concerned, based on national ownership, and should comprise a carefully prioritized, sequenced, and relatively narrow set of activities aimed at achieving the above objectives.*”⁹

Peacebuilding in broader sense can be divided in two forms, **the cultural and structural peacebuilding**.¹⁰ A combination of both in the post-conflict reconstruction

⁷ Ibid., para. 21.

⁸ Brahimi Report, para 13.

⁹ United Nations. Definition and Policy Development. Available at: <http://www.unpbf.org/application-guidelines/what-is-peacebuilding/>, accessed 3 January 2014.

¹⁰ Ramsbotham, O., Miall, H.; Woodhouse, T. Contemporary Conflict Resolution, available at: <http://books.google.cz/books?hl=sk&lr=&id=71b9UMgPgbwC&oi=fnd&pg=PR1&dq=contemporary+co>

processes ensures the deepest levels of conflict settlement efforts are reached and all stages of conflict are eliminated. These forms of peacebuilding target the post-conflict reconstruction in terms of normalization and reconciliation. Both peacebuilding methods have been exercised by the OSCE in the post-conflict reconstruction in BiH and their relation is rather interconnected as both dimensions have been running in parallel to each other.¹¹

While cultural peacebuilding is rather problem-solving oriented and supports establishment of the peace commissions and various fact-finding missions, encourages operations and activities aimed at toleration and respect building in all the sectors and levels of the post-conflict society including education system or inclusive policies towards minorities; with the regard to the conflict reconciliation the free media development, peace and conflict awareness trainings, civic initiatives, sports and cultural exchanges are involved.

The structural peacebuilding, on the other hand, is more long-term in its nature and targets civic society strengthening, governance and institution building, human rights training, constitutional and legal provision as well as social justice. In addition, collective security and sustainable economic development are considered as a part of normalization processes.¹²

Last but not least, probably the most invasive completion of the aforementioned instruments would be **peace-enforcement**, which is considered very often as not welcoming act unlike peacekeeping or peacebuilding, mostly because it includes conventional arms and requires foreign military presence and intervention to ensure a cease-fire among the rivals. Peace-enforcement is implemented to ensure physical security and existence for the population at the intervening territory.¹³ As far as BiH is concerned, the responsibility for assuring the physical security had been assigned by the Dayton Peace Accords to NATO and their SFOR, later IFOR.

The OSCE has been determined to keep the rooted principles of refraining from any use of armed force; the main tools for activities exercised by the OSCE have been formed into the peacebuilding, peacekeeping and post-conflict rehabilitation operations. Therefore, prevention is the fundament of the OSCE work including the early warning, conflict prevention and post-conflict reconciliation. The complex understanding of peace and basically the whole idea of cooperation and negotiation in security-related

nflct+resolution&ots=aCYJxy3D8J&sig=tTMVD50N4h57_3PNy5nBn6TCWQ0&redir_esc=y#v=onepage&q=contemporary%20conflict%20resolution&f=false, p. 16, accessed 29 November 2014.

¹¹ Ackermann, A. Idea and Practice of Conflict Prevention, *Journal of Peace Research*, Vol. 40, No. 3, May 2003, available at: <http://www.jstor.org/stable/3648335>, p. 341, accessed 29 November 2014.

¹² Ramsbotham, O.; Miall, H.; Woodhouse, T. *Contemporary Conflict Resolution*, p. 16.

¹³ Snow, D. M. *Peacekeeping, Peacemaking and Peace-enforcement: The U.S. Role in the International Order*, February 1993, available at: <http://www.strategicstudiesinstitute.army.mil/pdffiles/PUB348.pdf>, p.16, accessed 30 November 2014.

question on multilateral and international level represents liberal or neoliberal comprehension of security and peace.

1.2 The Post-Conflict Peacebuilding Concept by the OSCE

The OSCE, regional security organization that grew up from the CSCE in 1994, has been developing its institutional and organization structure since the early seventies. According to the OSCE, cooperation of the participating states is of a crucial importance as insecurity of one state would undisputedly influence the confidence and security of the others. Common security is therefore beneficial to all participating states.

The OSCE's unique approach to security has been evolving since the first important document, the *Helsinki Final Act*, was signed in 1975.¹⁴ Since that time, major agreements reaffirming the cooperative and comprehensive principles to security in Europe have been achieved. The November 1990 *Charter of Paris for a New Europe*¹⁵ introduced a regular schedule of summits for the participating states and founded the permanent offices in Vienna, Warsaw and Prague.

The most advanced document enhancing wide scale of the new security challenges, OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century, was signed in December 2003 at the 11th Meeting of the Ministerial Council, and is also known as the *Maastricht Strategy*. The OSCE participating states' approach is based on the principles described in the Maastricht Strategy and adheres to "multidimensional concept of common, comprehensive, co-operative and indivisible security."¹⁶

Nowadays, the OSCE has been dealing with a manifold range of security-related issues, including arms control, confidence- and security-building measures, human rights, national minorities, and democratization, policing strategies, counter-terrorism and economic and environmental activities.¹⁷ However, OSCE's primer interests focus on activities concerning early warning, conflict prevention, crisis management and post-conflict rehabilitation.

As far as the institutionalization of preventive security capacity is concerned, the OSCE has developed the most advanced instruments such as the Office of the High Commissioner on National Minorities, the Centre for Conflict Prevention, the Office for

¹⁴ Conference on Security and Co-operation in Europe Final Act, Helsinki, August 1975, available at: <http://www.osce.org/mc/39501?download=true>, accessed 20 November 2014.

¹⁵ OSCE Charter of Paris for a New Europe, Paris, 21 November 1990, available at: <http://www.osce.org/node/39516>, accessed 20 November 2014.

¹⁶ OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century, Maastricht, 2 December 2003, available at: <http://www.osce.org/mc/17504>, accessed 15 November 2014.

¹⁷ OSCE, Who We Are, available at: <http://www.osce.org/who>, accessed 20 October 2014.

Democratic Institutions and Human Rights, and the OSCE field missions which are involved in monitoring activities as well as in more structural preventive tasks.¹⁸

The Dayton peace accords recognized the OSCE as one of the key actors in reforming the security architecture of the war-shattered state, taking active part in the peacebuilding process and the country's reconstruction and thus, the agreement concretely appoints the OSCE core responsibility for complying with the Annex 3 (Agreement on Elections), Annex 6 (Agreement on Human Rights), Annex 10 (Agreement on Civilian Participation); in addition, the OSCE is assigned partial roles in issues concerning the military, refugees and internally displaced persons.

Although the *raison d'être* of the OSCE was understood as a mosaic of early warning and conflict prevention, crises management and post-conflict rehabilitation assistance, the organization has adopted an extensive a number of new activities and measures in order to be able to respond to new security challenges. As already stated, the organization has over time developed a complex system of a "common and comprehensive security" that comprises of the three security dimensions, referred to as the "*three baskets*" of the 1975 CSCE, namely - the politico-military, the economic-environmental, and the human aspects. All three security dimensions are deeply interconnected and form an integrated security unit.

The politico-military dimension of security had been considered as the cornerstone of the international peace and security as preventing the threat of the international tensions escalating into nuclear conflict was essential during the Cold War period. The first basket also included reaffirming the principles of international co-operations and strengthening peaceful relations among the participating states. Expressing the states' common adherence to the aforementioned principles, they reaffirmed common interest in the peaceful settlement of disputes. This principle remains the core philosophy of the organization until today.

Currently, the military factor is mainly contained in defence reform, policing, and the safe storage and destruction of small arms and light weapons and conventional and conventional ammunition.¹⁹ The basket also includes the risk reduction and early warning, combating the global terrorism, border security, inter-ethnic tensions.

With regard to the Dayton Accords, the OSCE was not assigned the main responsibilities concerning the politico-military dimension of security, which was given to NATO, however, the OSCE participated on the defence reform and the arms control mechanism implementation undertaken in the first years after the conflict in BiH. Moreover, the organization has been involved, in cooperation with other agencies as

¹⁸ Ackermann, A. *Idea and Practice of Conflict Prevention*, p. 344.

¹⁹ OSCE. *Small Arms and Conventional Ammunition*. Available at: <http://www.osce.org/fsc/24282>, accessed 14 October 2014.

well as local NGOs, in police matters or security issues such as organized crime and many others.

Aware of the indisputably influential role of economic prosperity and social progress as a key to international tolerance and peace as a whole, the CSCE had implemented the **economic-environmental** security aspects into the Final Act. Not only does this basket cover wide areas for cooperation in mutual trade, industry, science and technology, but also in the fields of transportation, tourism and labour migration, energy, agriculture, space research, and the meteorology, seismic research or oceanography, etc.

The participating countries dedicated themselves to promoting economic co-operation and good governance. The economic governance compasses also the fight on corruption and money laundering, migration, and ever-arising problems of energy security.

The environmental aspect of security is not underestimated as the countries have promised to control the air and water pollution carefully and manage the hazardous waste responsibly in order to protect the nature, to raise environmental awareness and to encourage co-operation and rational utilization over shared natural resources.

Taking into account the post-conflict reconstruction of BiH, although there are overlapping programs and projects of the OSCE activities involved in infrastructure awareness building etc., the economic and environmental area was delegated to the international financial institutions such as the World Bank and the IMF, always backed by the US Aid and the EU.

Within the **humanitarian security basket** all OSCE participating countries declared their determination to respect the most fundamental human rights: liberty of thought, conscience, and faith; the possibility of exercising all kinds of civil and political rights and the rights of minorities. The Helsinki Final Act made an effort to ensure freer flow of information, ideas, and people and called for greater freedom for the press and media across all the countries as well as improvement of working conditions for journalists.

The rights of individual included the cultural and educational aspects as well, cultural and educational exchange, family reunification, the right to travel for personal or professional reasons and to marriage between citizens of different states. The OSCE supports the participating states at building democratic institutions and holding free, fair and transparent elections; helps to promote gender equality and to ensure respect for human rights and the rule of law; tolerance and non-discrimination.

Regarding the OSCE mandate in BiH, the humanitarian dimension has been the most widely introduced in the post-conflict rebuilding. Probably the most significant role was in the early stage when the OSCE fully overtook the competencies for the conduction of the elections at every level of governance. Since 1995, the OSCE has managed to establish a robust election system that is now fully organized by the domestic organs.

Moreover, the OSCE has introduced many projects and programs supporting the democratization of the Bosnian society, strengthening the justice system and the rule of law whereas a huge scope of responsibility has been given to the OSCE with regard to the protection of human rights, encouraging tolerance and non-discrimination policies affecting the most vulnerable social groups such as women, IDPs, refugees or disabled, and ensuring equal rights for national minorities, in particular the Roma.

To recap, all of the concepts of the aforementioned OSCE peace-related methods have been guided by the paradigm of **liberal internationalism** and interventionism,²⁰ based on individualism and respect to basic freedoms and reduction of the power of state, multilateral cooperation and international institutions. Furthermore, this concept automatically assumes that the market-oriented economy and liberal democracy is a natural stage all countries evolve into and subsequently, it is a safe background for peaceful domestic and international coexistence. This concept is also supported by the assumption of the theory of “democratic peace” that the democratic countries rarely fight against each other.

Therefore, all peacebuilding programs and activities have been conducted underneath the Western social, political and economic model and paradigm of a peace through political and economic liberalization. This model, however, has not been particularly effective in installing sustainable peace in post-war regions. For example, in BiH the general elections emphasized the separation of the three rival ethnic parties rather than contributed to facilitating the Bosnian reconciliation process. Typically, the war-shattered countries are ill equipped in terms of institutional structures and economic strength capable of independently moderating and resolving internal disputes. As a consequence, unforeseen obstructions and problems have occurred in BiH in a form of lasting political instability.

²⁰ Paris, R. Peacebuilding and the Limits of Liberal Internationalism, *International Security*, Vol. 22, No. 2, 1997, available at: <http://www.jstor.org/stable/2539367>, p. 56, accessed 14 November 2014.

2 The Roots of Crisis in Bosnia and Herzegovina

The war in former Yugoslavia, the federation of six south eastern European republics which Bosnia and Herzegovina was part of since 1945, has been considered as the black days of contemporary European history. In total, the conflict lasting from 1991 until 1999 cost tens of thousands casualties.

The population of Bosnia and Herzegovina until nowadays compasses a diverse mosaic of ethnicities, religion groups and nationalities from all over former Yugoslavia. This fact had been the major cause of the complicated, unquiet and bloodshed history of the country.

The capital and also the country's largest city is Sarajevo with a population of 369,534 people. Sharing its borders with Croatia to the north, west and south, Serbia to the east and Montenegro to the southeast, makes the south eastern European country almost landlocked, with the exception of only 20 kilometre coastline of Adriatic Sea.

2.1 Commencement of the Tensions across the Federation of Yugoslavia

The decay of Tito's communistic system across Yugoslavia during the eighties consequently affected BiH.²¹ The spark for the breakup of the federation was lit up as a logical by-product of severe economic crisis escalating into rocketing inflation rate to annual 1,900 percent in November 1989 and even up to 3,000 percent in 1990²² as Slovenia had been discontent with the regime and amended its own constitution to allow secession, which was followed by other nationalist movements across Yugoslavia. At the beginning of the crisis BiH was trying to keep a compromise position of more autonomy for the states while staying underneath united federation within Yugoslavia.

By the end of February 1990 the leader of Croatian Democratic Union (HDZ²³) Franjo Tuđman pronounced in Zagreb that *"parts of territory of BiH needed to be considered the national territory of Croatia and Muslims as a part of it."*²⁴ The Muslim activists

²¹ On the one hand, the decentralization under the 1974 constitution divided the federation into six (eight including the autonomous regions of Kosovo and Vojvodina) relatively independent economic entities; and on the other hand, the world economic crisis of the seventies negatively influenced the economy of Yugoslavia causing high unemployment followed by falling far behind the rapidly developing western European countries. Moreover, the death of the communistic leader Josip Broz Tito on 4 May 1980 brought political crisis into the dwindling communistic party in the mid-eighties that led to conflicts among the Yugoslavian nations which in the end culminated in disintegration of the federation. It is very often interpreted that the breakup of Yugoslavia was initiated by the Serbs, especially after ambitious politician Slobodan Milošević was elected president for the SKJ's Serbian branch Central Committee in 1986 claiming the 1874 constitution changes harmed the Serb minority. He just like other Yugoslavian politicians understood he could receive the support of the masses when strumming the nationalist chord. It is however very important to underline that the nationalist rhetoric emerged among all nations.

²² Gapinski, J. H. The Economic Structure and Failure of Yugoslavia, p. 5.

²³ In Croatian: Hrvatska demokratska zajednica

²⁴ Hladký, L. Bosenská otázka v 19. a 20. století, p. 242.

strongly protested against these statements and organized themselves in order to protect their national interests within the Party of Democratic Action (SDA²⁵) led by Alija Izetbegović, Bosniak politician and activist and former Muslim dissident. The tensions between the nations were further deepened by proclamations of the leaders of Serbia and Croatia doubting the integrity of the BiH territory and legitimacy of national borders within Yugoslavia.²⁶

Foundation of the Serb Democratic Party (SDS BaH²⁷) followed in July 1990 with psychiatrist Radovan Karadžić elected its chairman and becoming the Bosnian Serb leader. The program of the party consisted of improving the relations between the nations and ensuring the civil peace within BiH as well as preservation of the federation with BiH as an equal member.

At the same time, the Bosnian Croat Party was founded (HDZ BaH) led by Croat politician Davor Perinović and Stjepan Kljuić shortly after. The aim of the party was *“transformation of Yugoslavia into confederation and equal and peaceful coexistence of Muslims, Croats and Serbs in BiH.”*²⁸

Both nationalist parties - the HDZ BaH as well as the SDS BaH – were officially founded to protect the interests of the Croat and Serb nations living in BiH, however, later on it was proved they did not to work completely independently but were cooperating with political centres in Zagreb and Belgrade.

The first multi-party parliamentary elections were held in November 1990 by which the three nationalistically oriented parties, the Muslim Party of Democratic Action, the Serb Democratic Party and the Croatian Democratic Union, replaced the communist party winning 86% of the votes and forming a three party coalition.²⁹ Alija Izetbegović, the SDA member, became the first Chairman of the Presidency of BiH. The coalition parties did not have a complex idea nor a common view on how to lead and develop the country therefore the first conflicts among the partners emerged soon. A silent coalition was created between SDA and HDZ BaH opposing the SDS BaH.

Being part of the federation was overwhelmingly favoured among the Serbs although an independent country was preferred by the Bosniaks and the Croats. Although the country tried to stand aside of the Serbo-Croatian war that started in 1991 and rather focus on building stability on own territory, BiH could not refrain long from the ongoing conflict that it was finally dragged in. The process of disintegration of the country started during 1991 when the Serbian minority groups started, just like the Serbians did in Croatia, establishing the Serbian autonomous districts. President

²⁵ In Bosnian: Stranka Demokratske Akcije

²⁶ Hladký, L. Bosenská otázka v 19. a 20. století, p. 247.

²⁷ In Serbian: Српска демократска Странка, СДС; Srpska Demokratska Stranka

²⁸ Hladký, L. Bosenská otázka v 19. a 20. století, p. 248.

²⁹ Hladký, L. Panorama Dějin. Jugoslávská krize a její souvislosti, p. 36.

Izetbegović requested support from the European Community that thereafter sent its observers to BiH by the end of September 1991.

To support the authority of the united BiH, the Muslim and Croatian members of the Bosnian parliament passed a Memorandum on sovereignty of BiH on 15 October 1991. The members of the Serb Democratic Party abandoned the parliament in Sarajevo to protest against that and subsequently created the Assembly of the Serb People of Bosnia and Herzegovina on 24 October 1991.

The HDZ BaH proclaimed The Croatian Republic on 18 November 1991 consisting of the Croat enclaves inside of the country under the name Croatian Community of Herzeg-Bosnia. Moreover, On 9 January 1992 the Assembly established Serbian Republic of Bosnia and Herzegovina which became the ethnical Serb Republic (or Republika Srpska) led by anti-Muslim and nationalist propaganda leader Radovan Karadžić as its president taking in over 70 percent of the territory of the country including the regions inhabited mostly by Croats and Muslims. Republika Srpska aimed to stay an independent political entity inside of Yugoslavian federation, or join in with Serbia.³⁰

Desirous to eliminate the causes of tension and pursue towards the diplomatic solution of the crises, the three parties met in February 1992 with an intention to divide the country into ethnically based cantons with certain autonomy while keeping the unity of BiH. These aspirations were however unfortunate.

The referendum for the country's independence was held between 29 February and 3 March 1992 in which 63.4 percent of the population, mostly Croats and Muslims, voted for the independence.³¹ The vast majority of Serbs decided to boycott this act. Almost immediately, the first barricades occurred in Sarajevo the following day after the referendum and a huge ethnical conflict erupted across the whole country. The new constitution was adopted on 27 March 1992 and the major ethical clashes followed from April on.

The Serb party was supported by the Yugoslav People's Army (JNA) which provided them with the direct military support and arm supplies as well as semi-military squads, so called *White Eagles*, coming from Serbia and Croatia and becoming even more organized and aggressive after the spread-out of the UN units.³²

The EEC member countries as well as the USA recognized BiH as an independent state on 7 April 1992 in order to prevent the military conflict and civil war hoping the independent state could more easily resist and fight the JLA. Nevertheless, this step did

³⁰ Hladký, L. Bosenská otázka v 19. a 20. Století, p. 262.

³¹ Hladký, L. Panorama Dějin. Jugoslávská krize a její souvislosti, p. 36.

³² The UN Protection Forces (UNPROFOR) were spread across Croatia during spring 1992.

not manage to abate the ongoing conflict; on the contrary led to escalation of violence across the country.

As the government did not succeed to take effective measures against the severe conflict at its origin, the Bosnian War, an international armed conflict, followed and took place between 8 April 1992 and 14 December 1995.

2.2 The Bosnian War 1992 – 1995

The fate of the young country seemed to be unclear at that point as the neighbouring Croatia and Serbia had their own interests in dividing the territory between themselves. Croatia was interested in some of the northern regions as well as the west of the country inhabited mostly by the Croats. The Serbians would accept the rest of the Bosnian land.

On the other hand, the major ethnic group were the Muslims representing more than 40 percent of total Bosnian population, being spread across the country, mostly in the central area as well as the western regions and creating the most of the urban population.

As the war broke out, the Serb minority managed to take control around 55 percent of the territory by September 1992. Ethnically based conflict escalated into ethnic cleansing not only in the newly proclaimed Republika Srpska but also in Muslim and Croat-controlled regions. The Bosnian Serbs military units led by Radovan Karadzic laid siege particularly on Sarajevo. The capital was, however, controlled by Muslims who were unable to overpass the lines set up to defend surrounding Serb villages.

The tensions arose during 1993, culminating in destruction of beautiful city Mostar. Its bridge had graced the city since it was built by the Ottomans in the 16th century and had been a symbol of country's cultural and ethnical diversity.

The violence erupted in several directions. Through 1993 Muslims and Serbs created an alliance against Croats in Herzegovina while rival Muslim units – occurring as a result of conflict between two Muslim politicians Alija Izetbegović and Fikret Abdić - were fighting against each other in the north-western part of Bosnia which made the ethnical conflict even more complicated.

In addition, at the beginning of December 1993 Croat and Serb units started fighting the Muslims in central Bosnia. Although Croats and Serbs were fighting each other in Croatia and Serbia, in BiH they came together against the common enemy – the Bosniaks – who were the only obstacle to divide the Bosnian territory between Croatia and Serbia.

The Croats used to address the Bosnian Muslims to the Islamic fundamentalism as a part of propaganda although president Alija Izetbegović has been seen as the representative of the all the inhabitants of BiH regardless of the ethnical or national adherence as well as a symbol of united and integrated state.

The radical international community's interference only occurred at the beginning of 1994 as a reaction to the massacre at the marketplace in centre of Sarajevo on 5 February.

UN established several safe havens for Bosnian Muslim civilians including Sarajevo, Gorazde and Srebrenica. However, safe haven of Srebrenica was overrun by Bosnian Serb forces led by General Ratko Mladic. Entering the UN safe havens of Tuzla, Zepa, and Srebrenica, thousands of Bosnian Muslim men and boys were massacred in the ruthless ethnical cleansing by Serbs.

The conflict had not been diminishing until NATO forces entered the country, bombing Serb positions in Bosnia in August and September 1995, helping the Muslims and Croats to gain big territories while expelling the Serbs.

The death toll after the warfare in BiH was estimated at being approximately 100 thousand out of whom 35 to 40 percent casualties were civilians³³; moreover the conflict caused massive internal displacement and the exodus of around one million refugees fleeing to safe havens, in total leaving almost 2 million people without homes.³⁴ The historical cities and their cultural heritage across the country were plundered and deep distrust, fear and hatred was rooted in the hearts of its people. More than twenty years since the beginning of the Bosnian war, ethnicity still creates a deep gap in Bosnia and Herzegovina that has been very difficult to overcome.

2.3 Towards the Dayton Peace Agreement

The division of the country or a new delimitation of its borders was absolutely unacceptable by the world society. Newly recognized state on the world map, Bosnia and Herzegovina, must have kept its territorial integrity particularly because of the fact that the disunion of the state would have been achieved by the neighbouring countries through aggression, violence and force escalating into the civil war accompanied by "ethnic cleansing". In case the international community had agreed to deny the political and territorial unity of current BiH, *"it would in fact approve the disassembling of the multinational states with the use of force, which would be a dangerous precedent for all other countries in the world."*³⁵

The US-sponsored peace talks took place in Dayton, Ohio and led to Dayton Agreement reached on 21 November and formally signed in Paris on 14 December 1995 by the three presidents: Slobodan Milosević, Franjo Tuđman and Alija Izetbegović.

³³ Some older sources estimated the death toll between 200 and 250 thousand; however, new research of 2007 and 2010 suggests the casualties were significantly lower than initially cited. Available at: <http://www.jfcnaples.nato.int/hqsarajevo/destination-nato-defence-reform-in-bosnia-and-herzegovina.aspx>, 2 January 2014.

³⁴ World Bank, Bosnia and Herzegovina: Post-Conflict Reconstruction, Country Case Study Series, p. 20.

³⁵ Hladký, L. Bosenská otázka v 19. a 20. století, p. 358.

The Dayton Accords consisted of eleven Annexes, concretely, the Annex 1-A - Agreement on the Military Aspects of the Peace Settlement, Annex 1-B - Agreement of Regional Stabilization, Annex 2 – Agreement of Inter-Entity Boundary Line and Related Issues, Annex 3 – Agreement on Elections, Annex 4 – Constitution, Annex 5 – Agreement on Arbitration, Annex 6 – Agreement on Human Rights, Annex 7 – Agreement on Refugees and Displaced Persons, Annex 8 – Agreement on the Commission to Preserve National Monuments, Annex 9 – Agreement on Bosnia and Herzegovina Public Corporations, Annex 10 – Agreement on Civilian Implementation, and Annex 11 – Agreement on International Police Task Force.

The State of Bosnia Herzegovina was preserved as a single state with a rather limited governance, made up of the Federation of Bosnia-Herzegovina and of the Republika Srpska, ie. two entities of approximately equal size, the Bosniak- Croat part taking over 51 percent (25 989 km²) of the state territory and the other 49 percent (25 208 km²) mostly inhabited by the Serbs. The capital Sarajevo remained undivided.

The Peace Agreement in fact *”recreates key Yugoslav concepts within a Bosnian miniature.”*³⁶ The governmental functions have been delegated to four levels: the state, entities, cantons and municipalities. Thus, 10 cantons of the federation entity were divided into six cantons with Bosniak population, two Croat and two mixed.

The breakdown of the trust among the country’s three main ethnicities was so obvious and deep that for example, municipalities of an ethnic majority that is different to the one of the canton overtake all the cantonal functions (education, culture, etc.). However, the most noteworthy governmental weakness on the state level could be illustrated in the allocation of defence and police forces that was assigned to the entities.

According to Dayton Agreement BiH is a not a confederation therefore no entity could ever be separated unless through due legal process. Although significantly decentralised in its entities, it would still preserve a central democratic government, a rotating State Presidency, a Central Bank and a Constitutional Court.

³⁶ World Bank, Bosnia and Herzegovina: Post-Conflict Reconstruction, Country Case Study Series, p. 23.

3 After Dayton

The Bosnian war changed the nature of the state significantly when compared to what it used to be like before the breakup of Yugoslavia. Before the “ethnic cleansing” erupted the country had multi-ethnic and multinational character in all aspects of everyday life whereas nowadays is no longer typically diverse however consists of rather compact national regions.

Numerous multi-ethnic Bosnians still live in emigration abroad and do not plan to return back to their homeland because of mistrust in the political ability to overcome the current problems and recreate multinational Bosnia. It is estimated only like a ninth of the total number of refugees has come back to their homeland.³⁷ The absence of intelligent, educated and socially active people has proved to be an obstacle in post-war reconstruction of Bosnian society.

3.1 New Political System and Division of Powers

The new system of allocation of political and economic power had to consider complicated ethnic realities of post-war Bosnia and create democratic procedures that would ensure each of the three groups being present at the decision-making process as well as contributing with equal share to the reconstruction of their common homeland.

The Annex 4 of the Dayton Peace Accords spelled the Constitution of post-war BiH; its Article IV describes a sophisticated political system that was formed during the second half of the nineties. **Parliamentary Assembly** with two chambers, the House of Peoples and the House of Representatives, was created democratically on the ethnical and nationalist principles.

*The House of Peoples comprise 15 Delegates, two-thirds from the Federation (including five Croats and five Bosniaks) and one-third from the Republika Srpska (five Serbs). The designated Croat and Bosniak Delegates from the Federation shall be selected, respectively, by the Croat and Bosniak Delegates to the House of Peoples of the Federation. Delegates from the Republika Srpska shall be selected by the National Assembly of the Republika Srpska. Nine members of the House of Peoples shall comprise a quorum, provided that at least three Bosniak, three Croat, and three Serb Delegates are present.*³⁸

The House of Representatives comprise 42 Members, two-thirds elected from the territory of the Federation, one-third from the territory of the Republika Srpska.

³⁷ Ibid., p. 78.

³⁸ Dayton Peace Agreement, Annex 4, Article IV, p. 65.

*Members of the House of Representatives shall be directly elected from their Entity in accordance with an election law to be adopted by the Parliamentary Assembly.*³⁹

Each chamber adopted majority-vote rule and agreed that all legislation steps must gain the approval of both of them. Each of them also selects three of their members, one Croat, one Serb and one Bosniak to hold the position of the Chair and the Deputy Chairs, rotating the Chair role between the three of them.

Moreover, Article V of Annex 4 establishes the role of **Presidency** consisting of three members, likewise each of the three aforementioned nationals, i.e. *one Bosniak and one Croat, each directly elected from the territory of the Federation, and one Serb directly elected from the territory of the Republika Srpska.*⁴⁰

Also, the **Constitutional Court** was created having nine members in total. Four members are selected by the House of Representatives of the Federation, and two members by the Assembly of the RS. In addition, three members are named by the President of the European Court of Human Rights, after consultation with the Presidency. The judges are in the office for the period of five years without the possibility of reappointment.

The exclusive authority for monetary policies and issuing currency holds the **Central Bank** of Bosnia and Herzegovina. The head of the Governing Board is the Governor,⁴¹ accompanied by three members chosen by the Presidency, two from the Federation (one Bosniak and one Croat) and the third one from the RS, all of whom serve a six-year term.

Brčko, a town of mixed ethnic population and strategic geopolitical location as it is connecting the eastern and western parts of Republika Srpska, was left unresolved in the Dayton Peace Agreement as a subject to international arbitration. The area was claimed by the Bosnian Serbs as it is dividing the territory of RS, and at the same time, the district was also claimed by the Croat population because of the access to the Sava River and the northern border of the Federation.

The Arbitration Tribunal was formed in mid-1996 and resolved the status of Brčko by issuing the *Final Award* on 5 March 1999. In the end, Brčko was made a special District in August 1999. The status of the District Brčko was underneath of exclusive sovereignty of BiH, meaning its territory belongs to both entities simultaneously, as a multi-ethnic, democratic and demilitarized unit of local self-government. A Deputy

³⁹ Dayton Peace Agreement, Annex 4, Article IV, p. 66.

⁴⁰ Dayton Peace Agreement, Annex 4, Article V, p. 67.

⁴¹ The first Governor, a New Zealand economist Peter Nicholl, was appointed by the International Monetary Fund, in accordance with the Presidency. Thereafter, the following Governing Board of the CB was appointed by the Presidency.

High Representative, an international supervisor for Brčko, was introduced for overseeing the compliance and implementation of the Dayton Accords in 1997.

3.2 Engagement of the International Community

Following the peace negotiations in the United States, the international organizations and their forces stepped in and took over the role of external guarantor of the integrity of BiH. Not only NATO, which was assigned the biggest share of responsibility for the carrying out of the Dayton Peace Accords, but also the UN, numerous donors, the group of the WB, local and international NGOs or the OSCE have been participating on the peacekeeping operations.

The Bosnian parties were very reluctant to contribute to the peacebuilding process strategy planning. The most commonly expressed opinions in the late nineties were claiming that *“the conflict is continuing in non-violent forms and would breakout in warfare again, if and when the SFOR is withdrawn.”*⁴² Hence, the international community was left with no other option to prevent the further bloodshed than installing their forces and operations and supervising and the processes.

3.2.1 The Role of NATO, EU, UN and the World Bank

More than 55 thousand NATO troops were deployed between 1995 and 1996 to supervise the implementation of the agreement. The foreign military squads and gunmen left the country within the first month since the operations were launched. The NATO-led Implementation Force IFOR, relieved the UN peacekeeping force UNPROFOR that had been present in the country since 1992, managed to create demilitarized line four kilometres wide and 1080 kilometres long that divided the Federation of BiH and RS.

The internal conditions and the situation in the country were relatively quickly stabilized due to the presence of the IFOR divisions. The mission was therefore formally completed in 1997 and replaced with the Stabilization forces SFOR on 21 December operating with the reduced number of 37 thousand soldiers. In turn, the Europe Force EUFOR Althea took over the SFOR in December 2004 deploying around seven thousand troops.

⁴² World Bank, Bosnia and Herzegovina: Post-Conflict Reconstruction, Country Case Study Series, p. 26.

3.2.2 The Peace Implementation Council and the Office of the High Representative

The aforementioned bodies serve as the primer administrative machinery of the international diplomatic peace building. The Peace Implementation Council (PIC) consists of the national as well as international signatories to the Dayton Accords and a PIC Steering Board.

The Office of the High Representative (OHR) with offices in Sarajevo and Brussels holds a final authority and hence a crucial role in the process of successful implementation of the civilian aspects of the peace settlement as set out in Annex 10 of the Dayton Agreement. The main responsibilities of the OHR involve a wide range of tasks that include facilitating the implementation and overseeing the progress of the process itself, coordination of the activities of the agencies and organisations involved and staying closely in touch with IFOR/EUFOR, among others. However, the High Representative has no power over the international military missions.

In order to accelerate the peace-building in the country the PIC awarded the OHR in the 1997 Bonn Conference session a so called “Bonn authority” allowing them to dismiss elected and non-elected political figures who obstruct the implementation process.⁴³

Currently, the position of the OHR is represented by an Austrian diplomat Valentin Inkzo. He is the seventh High Representative elected for the mandate.⁴⁴

3.3 The OSCE’s Mandate in the Post-Conflict Reconstruction

It was essential that all involved Bosnian parties agreed on establishment of reformist measures heavily supported by the international community in order to establish stability and peace in the region. One of the key roles in the process of peace and security building, conflict and arms race prevention, transparency and confidence building, etc. was appointed to the Organization for Security and Cooperation in Europe. The OSCE’s mandate towards the reconciliation started in December 1995.

The Dayton Agreement assigned the OSCE with the important role of facilitator of negotiations between the Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, and the Republika Srpska, following the 1994 Vienna Document of

⁴³ This right was used, for example, by the The High Representative from 2006-2007, Christian Schwarz-Schilling, in order to promote confidence in elected domestic government.

⁴⁴ The first High Representative of the International Community in Bosnia and Herzegovina was the former Prime Minister of Sweden and the European Union’s Special Negotiator at the end of the war in Bosnia and Herzegovina, Carl Bildt (December 1995 - June 1997); succeeded by the former Spanish Secretary of State for European Affairs and Minister of Foreign Affairs, Carlos Westendorp (June 1997 - July 1999); the former EU Chief Negotiator at the Kosovo peace talks in Rambouillet, Wolfgang Petritsch (August 1999 - May 2002); the former Leader of the UK’s Liberal Democrat Party, Paddy Ashdown (27 May 2002 - 31 January 2006); the previous German Federal Minister Christian Schwarz-Schilling (01 February 2006 - 31 June 2007); Miroslav Lajčák (1 July 2007 - 26 March 2009), a Slovak diplomat and later Foreign Minister of Slovakia; Christian Schwarz-Schilling. Available online at WWW: <http://www.ohr.int/ohr-info/gen-info/>, accessed 8 October 2014.

the Negotiations on Confidence- and Security-Building Measures of the OSCE.⁴⁵ The goal of the initial negotiations was to make the parties agree on the basic steps in the first months after war.

Firstly, a great importance in further conflict prevention consisted in the sub-regional and regional **arms control mechanism** that would significantly reduce the levels of armaments as well as the military manpower. The negotiated topics included, for example, the *restrictions on military deployments and exercises in certain geographical area, restrictions on locations of heavy weapons, notification of certain planned military activities, including international military assistance and training programs, identification of and monitoring of weapons manufacturing capabilities; immediate exchange of data on the holdings of the five Treaty on Conventional Armed Forces in Europe weapons categories as defined in the CFE Treaty, immediate establishment of military liaison missions between the Chiefs of the Armed Forces of the Federation of Bosnia and Herzegovina and the Republika Srpska, etc.*

In addition, to be able to react effectively to any kind of future disagreements, the conflict parties agreed to establish a commission in accordance with the OSCE representatives. A special representative would be assigned to assist in building the regional balance in all countries of former Yugoslavian federation.

Secondly, as important as the arms control another essential function of OSCE lies in promoting free, fair and democratic elections held at reasonable intervals. The crucial challenge is helping to create a politically neutral atmosphere in addition to ensuring and encouraging basic freedoms such as freedom of expression, right to vote freely, freedom of the press, movement or association.

The role of OSCE for all elections held in the country including cantonal legislatures and municipal governing authorities is to “*adopt and put in place an elections program,*” also for the purpose of nonviolent election procedures the OSCE establishes a **Provisional Election Commission**.

The aforementioned Commission would be responsible for “*the registration of political parties and independent candidates, eligibility of the candidates and voters, also contribute to ensuring free and fair electoral campaigns and the elections themselves; and the establishment, publication and certification of definitive election results.*”⁴⁶ The supervision also counts with the establishment of rules for the accredited domestic and international observers including staff from the international organizations and foreign as well as domestic NGOs.

⁴⁵ Vienna Document, 1994, OSCE, available online at WWW:
<http://www.osce.org/fsc/41270?download=true>, accessed 4 October 2014.

⁴⁶ Dayton Peace Agreement, Annex 3, Agreement on Elections, Article II.

The Commission comprises of Chairman who in fact is the Head of the OSCE Mission, accompanied by the High Representative (or his or her designee) and representatives of the Parties.

The last but not least, the Commission on Human Rights was established by Annex 6 of the Dayton Accords as a part of Agreement on Human Rights. The Commission is composed of **the Office of the Human Rights Ombudsman** and the Human Rights Chamber. The Ombudsman is elected by the OSCE for the period of five years, cannot be a citizen of BiH or any neighbouring state and is free however fully responsible for nominating their own staff. The institution started its work in 1996.

The Office of the Ombudsman works as an independent agency without any sort of interventions by individuals or organs. The goal of the Ombudsman is to monitor and investigate the alleged or apparent violations of human rights at any level. Moreover, the Office also may report special findings to a competent political organ or individual; those are supposed to reply within specific time offering responses to the Office of the Ombudsman.

What is more, the Ombudsman has a right to publish a report providing that an individual or any kind of entity does not act in accordance with their recommendations or conclusions. In that case the report would be delivered to the Office of the High Representative and even forwarded for appropriate reaction to the Presidency of the relevant Party.

4 The OSCE Mission to BiH

In order to fulfil the mandate given to the OSCE underneath the General Framework Agreement for Peace (GFAP further) and because of the fact that the OSCE field missions are recognized as the most effective tools for conflict resolution and restoring stabilization, the organization established a specific Mission to Bosnia and Herzegovina.

The Mission started its assignment in December 1995 and is nowadays the only international mission with staff members of 37 nationalities. The new Head of the Mission to BiH, American ambassador Jonathan Moore, took over the office in September 2014, and has been actively involved in the Balkan politics since 1991. The Mission's Head Office is located in the capital of Sarajevo.

The structure of the OSCE Mission work is thematically categorized into eleven sections and a network of eleven field offices.⁴⁷ This division permits the organization to reach every level of the decentralized state and to ensure the processes of conflict prevention and democratization are built according to the bottom-up principle. The mandate that was initially given to the OSCE is very general so the priorities of the Mission has been evolving over time which has also occurred as a result of constantly changing security situation and ever-evolving new challenges in the country.

I have divided the programs, projects and strategies of the Mission into two main categories taking into consideration the comprehension of the integrated security definition comprising of three security dimensions, namely the politico-military, economic-environmental and the humanitarian. Only the politico-military and humanitarian dimensions are mentioned in the thesis since the implementation of the economic-related reforms was not assigned to the OSCE by the Dayton Accords.

During the first years after almost four-year-long warfare it was crucial to focus on politico-military dimension of the security in the post-conflict country. Top priorities right after the war included also mechanisms that would enable the elections to be held and guarantee the voices of the people could be heard through the electoral processes. The key role in this process was assigned to free media. The first part of the chapter is therefore dedicated to the politico-military approach to security including the defence reform; arms control mechanism; and stabilization and security issues.

The secondary, however, not less important steps towards building a fully functional democratic society free of hatred and racism had to include and concentrate on human dimension of security and its rehabilitation. All these belong to the humanitarian dimension of the OSCE's security architecture. The subchapter includes the Mission's

⁴⁷ The field offices are present in following locations: Banja Luka, Bihac, Brčko, Doboj, Foca, Livno, Mostar, Srebrenica, Travnik, Trebinje, Tuzla.

efforts to establish a fully functioning independent election system in BiH, citizen awareness and democratization, human rights protection as well as the rights of national minorities, gender issues, justice and the rule of law, property repossession strategy, and education system.

Obviously, the security dimensions are very closely interlinked and the areas are overlapping. For instance, strengthening citizen participation and protection of human rights are interconnected with many areas of the politico-military category (border security, human trafficking) or even the economic dimension (corruption).

According to the OSCE official documents, the long-term overarching goal of the Mission to BiH is to build the capacity in local hands and to establish mechanisms and institutions that would sustain the focus on democratic and prosperous state. Once the local authorities and the civic society are able to take the responsibility to build on the achievements of the OSCE and carry on completely independently on self-sustaining way, the Mission fulfils its mandates and main goals, and thus, is ready to finish. Unfortunately, this situation has not occurred yet and is very difficult to determine when the society will be ready to be handed over these tasks.

4.1 The Politico-Military Dimension of Security Building in Post-Conflict BiH

The primary steps implemented through 1995, 1996 and 1997 were directly related to the politico-military dimension of security, i.e. ensuring the physical security of BiH's citizens. For this purpose two phases of military demobilization occurred between 1996 and 2000. The basic mechanisms had to be implemented very effectively so that the country could carry on building a multi-ethnic, democratic and inclusive society step by step.

The long-term objectives and motivation that BiH was following on its reforming path included joining the NATO's Partnership for Peace (hereafter PfP) programme⁴⁸, and the alliance itself as a full member state in middle-term. Full membership in NATO was presented as top priority legal and political aim of BiH by Article 80 of the state Law on Defence and also by decision of the BiH Presidency. That was of a crucial importance as it would guarantee security for the country as well as for the whole region and moreover, would serve as a pre-step to further Euro-Atlantic integration processes, eventually resulting in the EU membership.

⁴⁸ In January 2003 BiH formally announced the intention to join NATO as a full member state and hence, expressed a desire to undergo reforms necessary to become a credible candidate for the membership. Source: Maxwell, R. and Olsen, J. A. Destination NATO: Defence Reform in Bosnia and Herzegovina, 2003-2013, available at: <http://www.jfcnaples.nato.int/hqsarajevo/destination-nato-defence-reform-in-bosnia-and-herzegovina.aspx>, p. 30, accessed 14 November 2014.

4.1.1 *New State Defence Law*

The military reform or so-called the **Defence Strategy** aiming to bring together the three rival ethnic armies and create united and integrated armed forces under the control of state institutions including intelligence services and the police, started in 2003 following the establishment of the Defence Reform Commission in May to supervise the process. The reform of the Bosnian military sector was demanded as a condition for the country's membership in the NATO's PfP programme. The Law on Defence of BiH was approved by the Bosnian Parliament and entered into force in December 2003. The crucial period for the defence reform were the years of 2003 to 2005, when the process was accorded special priority by the High Representative Lord Paddy Ashdown.

The OSCE would not be able to complete the mission in this respect as the organization doesn't dispose of military capacities and has only civilian approach to security rehabilitation therefore, the military security has been ensured in cooperation with other agencies, particularly NATO. The role of the OSCE Mission has been, however, of a key importance especially because of the fact that it had participated in the first working group that made the recommendations for defence policies and in the working group that wrote the first defence and security policies and hence, the fundamental documents that set the base for the integrated security system of BiH.

The main obstacles on the way to militarily united BiH were in fact rooted in the post-Dayton division of the country due to which the defence and military competences were largely delegated on the two entities rather than on the state governance. Hence, BiH had to start the execution of the reforms with two Defence Ministries and "*divergent military establishments with competing political and ethnic loyalties*."⁴⁹ In addition, there was a third defence institution, Standing Committee on Military Matters operating on a state level which was, however, very weak in its competencies and powers.

Additionally, the post-communistic legacy leaving the country with "highly politicised command elements, weak civilian control below the head of state, almost no connectivity or communication between the Defence Ministries and general staffs, lack of transparency in budgeting and administration, and weak parliamentary oversight."⁵⁰ Therefore, it was crucial to establish common and integrated state-level defence institutions, civilian-led command and control, transparency in the armed forces and their democratic parliamentary control.

Generally, the nature of reforms was designed twofold – the technical reforms on the one hand and political reforms on the other. While the technical ones were very costly in terms of finances, as demobilization of soldiers into plundered economy already hit by extremely high unemployment and the need for know-how in all existing sectors; the

⁴⁹ Military Matters. Reforming Bosnia and Herzegovina's defence institutions, NATO, available online at WWW: <http://www.nato.int/docu/review/2004/issue4/english/military.html>, accessed 24 October 2014.

⁵⁰ Ibid.

political changes were less costly in terms of finances, however, a lot more problematic and challenging as they requested strong political will to pursue the implementation. The technical reforms could never be achieved without political approval and support.

In the first months of implementation of the military reforms the state as well as the entity governments managed to agree on constitution and legal changes needed in the military sector. They have also managed to improve the security and management of weapons through civilian military control and what is more, the new state-level Defence Ministry was established carrying on with Joint Staff and Operational Command. Joint Commission on Security and Defence was given the responsibility to supervise the operations of state-level institutions, officials and the ongoing procedures.

The reform further included division of roles of the top officials, founding of the administrative and operational chains of command and also new mechanism in controlling and coordinating budgeting as the military expenditures were significantly higher than spending of other European countries of a similar size and moreover, meant absolutely unsustainability in terms of economic evolvement and power.⁵¹ The divided armies of the two Bosnian entities were merged into one single unit - the Armed Forces of Bosnia and Herzegovina – led by a single operational chain. The entity ministries were assigned the administrative tasks that included manning, training and equipping the entity armies.

Additionally, a part of the defence reform was also reducing active soldiers by a further 40 percent from 19,090 to a total of 12,000 men; and decreasing the total reserves by 75 percent from 240,000 to 60,000; in addition, cutting down on the annual intake of conscripts by 50 percent and shortening the length of their service from six to four months. The reductions by 25 percent also applied to the headquarters and field staff of the entity Ministries of Defence.⁵²

Call for radical downsizing of the entity military personnel came as a result of 2001 audit undergone by the OSCE and sponsored by the United States, United Kingdom, Switzerland and Germany; and found out that the initially declared budget was absolutely deficient as it could only pay for 8,000 of the 24,000 full-time members of the VF. The audit also uncovered that the Federation of BiH spent during 2000 more than 10 percent of its GDP on defence. Moreover, the figures of RS were not much

⁵¹ Papenkort, B. Defence Reform in Bosnia and Herzegovina: A Long Way Towards Partnership for Peace, available online at WWW: http://www.bmlv.gv.at/pdf_pool/publikationen/10_wg9_taf_140.pdf, p. 207, accessed 15 October 2014.

⁵² Defence Reform Commission: The Path to Partnership for Peace, OHR, available at: <http://www.ohr.int/ohr-dept/pol/drc/pdf/drc-eng.pdf>, p. 5, accessed 15 October 2014.

different as they spent 7 percent of GDP on defence budget, which could in the end afford to pay for only about 6,666 of the 10,000 full-time members of the VRS.⁵³

The defence reform was also possible to implement due to significant improvement and change of the whole regional security environment as the threat for BiH to be conventionally attacked by the neighbours was no longer an issue due to fact that both Croatia and Serbia as well as all countries of the region, the former rivals, have implemented very successful reforms and defined the Euro-Atlantic integration processes as their top foreign policy priorities. Hence, BiH could fully focus on building modern defence strategy based on collective security, particularly through the membership in NATO, which became priority for the country and a great motivation to modernize and follow the international community's recommendations.

A pre-step for NATO membership has been believed to be the PfP program membership and although the PfP does not guarantee the same level of security for the candidate country, it is considered as NATO pre-stage. The full NATO membership would assure an absolute military security for BiH as the territorial integrity and sovereignty would be automatically guaranteed by all member states.

The determination of the international community to form the Defence Reform Commission in May 2003 accelerated the reform process. Under the auspices of the DRC, the recommendations to straighten state-level command and control over the armed forces were established and undertaken by the Bosnian political authorities.

There was a substantial progress during the year 2004 mainly due to OSCE-led working group consisting of Bosnian staff as well as international experts⁵⁴ that managed to draft the White Paper regarding defence and 1992-1995 Bosnian conflict and its developments not only in BiH but also in the whole region. The process of formulating the White paper facilitated the discussion between the Bosniaks and the Bosnian Serbs – two groups that had been having rather distinctive views on how to proceed with the reforms. One of the biggest successes of the drafting process was agreement of the involved parties to constitute a unit and to deploy a multi-ethnic platoon to join the international operations in Iraq. This fact meant successfully creating single external military unit being able to take part in and to fulfil the international commitments as all the deployments until that moment had been always in multiples of three, drawing from the VRS and VF.

⁵³ Maxwell, R. and Olsen, J. A. Destination NATO: Defence Reform in Bosnia and Herzegovina, 2003-2013, p. 31, accessed 15 October 2014.

⁵⁴ The responsibility to draft the structures for the MoD, Joint Staff and Operational Command was assigned formally by BiH Council of Ministers in March 2004, after the country's first common Bosnian minister of defence was elected, to an OSCE-led group of international experts coming from the OSCE, OHR, DRC, Secretariat and the US-funded consultancy firm Military Professional Resources Incorporated (MPRI), cooperating with the SCMM Secretariat.

It had been expected that the implementation of military reforms could lead to joining the PfP within 18 months or less. nevertheless, the initial cooperation agenda was rather overwhelmingly ambitious for yet feeble Bosnian structures and hence, disappointment followed when the invitation did not arrive at the 2004 NATO Summit, given the state-level military command and its capacity to exercise full control over the country's united armed forces remained very limited, and neither did the transfer of the entity functions manage to be performed as fast as initially planned, the state-level command was still just on the paper rather than in realities of the military.

Moreover, the commitments complying with the OSCE politico-military accords were neither fulfilled;⁵⁵ and according to 2004 Istanbul summit communiqué, NATO expressed their concerns over the lack of will of BiH and in particular of Republika Srpska to cooperate and to support the ICTY in arresting and transporting the indicted Bosnian war criminals.⁵⁶ Additional reasons were identified as failures in prioritizing the mid- and long-term goals against the ad-hoc tasks; also, the lack of qualified and educated staff able to participate in program offers.

Also, it is believed BiH was not able to process and effectively cooperate all of the initiatives, programs and offers proposed by various international organizations and obviously, the receiving country would seldom reject an offered assistance, especially finding itself in a situation that BiH did, even though they often complicated the situation and cost more than they were worth.⁵⁷

Although the candidacy for the NATO's PfP programme had to be put off, NATO expressed their full support for Bosnian defence reforms and encouraged the country to carry on with their efforts to join the program. The alliance also decided to establish a Contact Point Embassy and NATO headquarters (NATO HQ) in Sarajevo in order to increase the comprehension of the Alliance's mission to BiH and assist to defence reform procedures. NATO also announced the intention to forward all peace-enforcement operations to EUFOR mission at the end of 2004.

⁵⁵ BiH has been an OSCE participant since 1992 and hence, has been obligated to comply with the politico-military obligations the organizations requests from its participating states. Those commitments come from the set of documents that have been adopted by all the participating states including BiH. The following ones have influenced the post-conflict country: the Code of Conduct on Politico-Military Aspects of Security (1994), Document on Principles Governing Conventional Arms Transfers (1993), Document on Small Arms and Light Weapons (2000), and the Vienna Document (1999). Available at: <http://www.ohr.int/ohr-dept/pol/drc/pdf/drc-eng.pdf>, p. 40, accessed 22 October 2014.

⁵⁶ Istanbul Summit Communiqué 2004, NATO, available at: <http://www.nato.int/docu/pr/2004/p04-096e.htm>, accessed 29 September 2014.

⁵⁷ Šajinović, Z. Ongoing Defense Reform in Bosnia and Herzegovina, Challenges and Perspectives. January 2007, available at: <http://www.isn.ethz.ch/Digital-Library/Publications/Detail/?ots591=0c54e3b3-1e9c-be1e-2c24-a6a8c7060233&lng=en&id=31342>, accessed 30 September 2014.

Given the 2005 Report of the Defence Reform Commission, further recommendations were suggested and extensions to the benchmarks for the PfP candidacy were encouraged by the Defence Reform Commission.

Firstly, and probably most importantly, BiH should constitute more radical steps towards empowering single Ministry of Defence and state-level governance on military. It was planned to completely abolish the entity defence ministries from 1 January 2006 and forward their functions to the state Ministry of Defence or the Joint Staff. Furthermore, there would be a single defence budget. The defence expenditures were reduced by 55 percent between 2002 and 2005 however; this trend should not be continuous in order to guarantee successful implementation of the defence reforms.

Secondly, the military personnel downsizing would continue and armed forces would be in time fully professionalized and the conscriptions and the obligations for them to mobilize would be fully abandoned as of 1 January 2006. The reserves would be reduced again from 60,000 men to only 5,000 in total. A newly formed Active Reserve Force would consist of 50 percent of active duty force and would be set up within the following few years. The full-time force would only have between 9,000 and 10,000 soldiers and all ethnicities would be equally represented in the forces.

Regarding the drastic downsizing in the military sector, BiH received generous assistance to be able to manage the impact of a huge wave of unemployment. As a part of defence-reform aid, NATO established a trust fund in 2006 to help the country overcome the problem. The fund ultimately rose to almost “6 million (USD), and from July 2006 to September 2009 it provided resettlement support to approximately 3,000 military and civilian personnel made redundant because of downsizing during 2004 and 2006 to 2008.”⁵⁸

On the other hand, lower number of soldiers contributed to the full professionalization of the Bosnian armed forces and creation of general light infantry that would meet not only the needs of BiH but also standards of collective security required by NATO. The units would specialize in de-mining, explosive ordnance destruction, and be a supply for the NATO forces. By abandoning the obligatory military service, BiH has become the first country in the region to introduce the strategy of professional military. Just a couple months since the introduction of the reform process, BiH was already an active member or a participant of numerous regional security initiatives in South-Eastern Europe and developed a dynamic cooperation with NATO.⁵⁹

⁵⁸ Second trust fund was established in 2010 with additional budget of 4.6 million USD. Source: Maxwell, R. and Olsen, J. A. *Destination NATO: Defence Reform in Bosnia and Herzegovina, 2003-2013*, p. 61-62.

⁵⁹ Vital cooperation between NATO and Bosnian forces appeared during the operations in Afghanistan. Bosnian troops were confirmed to be deployed in March 2009 to ISAF, signing the participation and financial documents. This fact has made BiH a reliable partner in global security cooperation.

What is more, BiH has been able to build a military system that is compatible with the collective security structures of the NATO members, addressing the current global security issues just like terrorism or organized crime. The establishment of the State Information and Protection Agency (SIPA) operating underneath the Ministry of Security has ensured active combating of the organized crime, international terrorism as well as illegal migration not only in BiH but also regionally. Moreover, it was successfully managed and thus, SIPA is policed and effectively cooperated at the state-level. To fight the criminality or smuggling at the international Bosnian borders, the State Border Service (SBS) has been also involved as another key unit working under the supervision of the Ministry, representing the state-level intelligence competence.

To sum up, many accomplishments were reached in the military, and particularly in the defence sector. The most compelling reforms involved unifying the ethnically divided rival armies into a single unit commanded by state-level institutions, improving the transparency of the whole sector, creating fully professionalized forces as the first country in the region, notably slashing the number of the troops and as a result reducing the military spending. The success of reform from the point of view of the peacebuilding was also in the fact that it was carried out by the Bosnian leaders rather than enforced by the international community.

Significant progress has been made in Bosnian military sector in this respect and although the process is far from completed, the country's success in reform implementation led to the PfP membership on 1 January 2006, ten years after signing the Dayton Peace Accords, when the Armed Forces of BiH were finally formed into a single fully unified force, or at least formally.

What is more, BiH was invited to start an Intensified Dialogue on its aspirations to NATO membership at the 2008 Summit and finally invited to take part in the last step to full NATO membership - the Membership Action Plan (MAP) at the 2010 Summit. Bosnia still, however, waits to be a full member of the Alliance as according to NATO, the country still has not fulfilled all the requirements to be accepted as a full member, particularly failed to manage the "*transfer of 63 defence facilities from local authorities to the central government.*"⁶⁰ In fact, still much work in military sector needs to be done and lot of political effort must be used for the process to be to be fully completed.

Although the defence reform in BiH has been considered much more successful than any other reform implemented, the process is still far from completed. The whole concept of the military should be transformed from fear and mistrust to trust and collaboration. It should be therefore considered as a part of not only military reform, however, a social change. Nevertheless, the international community, in particular the

⁶⁰ NATO rules out admitting new member anytime soon, Fox News, 5 July 2014, available at: <http://www.foxnews.com/world/2014/07/05/nato-rules-out-admitting-new-members-anytime-soon/>, accessed 2 November 2014.

OSCE, deserves respectful acknowledgement for the defence reform establishment and its implementation.

Moreover, the defence reform is seen as a reform of the most fragile sector of every country – the military. It should provide motivation and enthusiasm to sectors seeking and working on a change as well. Lessons learn from implementing this reform teach us that determination and will, accompanied by the international support can lead to improvements in any part of Bosnia's reality although *“the key issue is continuous support of the international community.”*⁶¹

4.1.2 Arms Control Mechanism

Defence reform comes hand in hand with another politico-military initiative; the **sub regional arms control regime and verification** that was introduced to ensure continuing the institutions functions and processes of the security sector.

The international community expectations and requirements (especially those of NATO) basically match the OSCE Code of Conduct on Politico-Military Aspects of Security⁶² – a document adopted in December 1994 that all participating states of OSCE and hence, also BiH are supposed to accommodate and according to which all the OSCE member states are obliged to dispose of politically neutral army and police that fully respect human rights. The authorities of the OSCE countries are also expected to provide democratic supervision of their armed, internal, paramilitary, intelligence forces and also the police units.

The OSCE, in co-operation with other international organizations, promotes an opinion that all participating states should only possess that amount of ammunition and armed forces necessary for individual or collective defence. Therefore, all redundant ammunition and most, if not all, of the surplus weaponry should be destroyed. OSCE encourages BiH to accelerate the pace of destruction by seeking, if necessary, assistance from the OSCE or other international organizations or bilateral agreements. To increase the transparency, the OSCE has introduced a tool for facilitating the information exchange based on annual reporting of the practices the countries' use as their implementation strategies. This practice brings more confidence and security into the community of OSCE member states.

In addition to all of the above, the process of the arm and weapon reduction should continue in BiH according to the OSCE as well as other international peace-building

⁶¹ Maxwell, R. and Olsen, J. A. Destination NATO: Defence Reform in Bosnia and Herzegovina, 2003-2013, p. 96.

⁶² Code of Conduct, Politico-Military Aspects of Security, OSCE, available at: <http://www.osce.org/fsc/41355>, accessed 19 October 2014.

agencies. Recently, the BiH Ministry of Defence has determined that it has a surplus of approximately 40,000 weapons and approximately 17,000 tons of ammunition.⁶³

4.1.3 Security and Stabilization

Additional set of activities of the OSCE Mission regarding the politico-military dimension include the **security area**. It is of a key priority to the state of BiH as well as the international community to proceed with the adopted Security Policy which goes hand in hand with the raising of awareness about the importance for such guideline, and maintenance of self-sustaining institutions established for these purposes. The OSCE Mission concentrates on four cross-cutting security areas that include following: border management, **combating terrorism**, civil protection or crisis management, and special police matters, including promotion of gender inclusiveness in the security sector. Hence, the overlapping topics are also present in the sphere of security and stabilization sharing several issues with the military field as well as human affairs.

Although the main mandate was assigned to the NATO and later delegated to the EU's EUFOR, the OSCE's contribution is of a significant importance as the Mission has been often asked to provide the Bosnian institutions with the advices and recommendations or to facilitate the activities related even to issues that were not specifically stated in the official mandate, but in fact are connected to comprehensive security. If this is the case, the Mission consults together with the OSCE Secretariat and Conflict Prevention Centre to warrant the adequate advices are given and the right activities are undertaken by the Mission.

Currently, terrorism is one of the biggest world's preoccupations and unfortunately, Bosnia has also been involved in this issue. The international community stays alert as the domestic threat of terrorism is still present. These extremist groups are in general veteran soldiers of former paramilitary units and in fact, the Bosnian Serb extremists actually "*demonstrated their will to target SFOR*."⁶⁴

In order to effectively combat the acts of terrorism in the country, BiH adopted a program *Plan for the fight against terrorism*. One of the crucial issues was to make the State Border Service working properly. The plan included adopting of several laws supporting the combat; however, the implementation was met with delays and obstructions. Also, successful result will not arrive without regional cooperation.

BiH did not managed to implement the 2012 ECtHR ruling that was aimed to stop the deportation to Syria of Imad Al Husin, a naturalized Bosnian who remains in indefinite

⁶³ OSCE Mission to BiH, Factsheet, available at: <http://www.osce.org/bih/106818?download=true>, p. 5, accessed 3 November 2014.

⁶⁴ Lugert, A. C. Preventing and Combating Terrorism in Bosnia and Herzegovina. Available at: http://www.bundesheer.at/pdf_pool/publikationen/luge01.pdf, p. 79, accessed 27 November 2014.

detention since 2008 on suspicion of terrorism. The ruling called for BiH to charge him, find a third country for resettling him, or release him.⁶⁵

One of the most recent acts of terrorism in BiH was considered firing on the United States embassy in Sarajevo in 2011 that injured one policeman.⁶⁶ Mevlid Jasarevic, a Serbian citizen from the Muslim town of Novi Pazar, was sentenced to 15 years imprisonment in November 2013 after reopening the trial for the act of terrorism regarding the US embassy.

Nowadays, the Mission cooperates with the BiH Council of Ministers' Inter-Ministerial Working Group for the Implementation of BiH Security Policy. Among the security-building activities are annual and ad hoc events organized by the OSCE staff for officials and selected members of the public life. To ensure the efficiency and progress of the current security-related issues in wider sense, the Mission also supports the modifications and reforms of the Policy. Moreover, the Mission works in co-operation with the BiH Ministries of Defence and Security on facilitating regional dialogue on best approaches to eventual natural and human-made disasters.

As this cooperation has proved to be of a crucial importance, the decision to organize annual strategic politico-military seminars has been introduced counting with executive and senior representatives of the BiH Presidency, BiH Council of Ministers, Ministry of Defence, Ministry of Security, and the BiH Armed Forces and members of the BiH Parliamentary Assembly, media, and civil society organizations. The objective of these events is to bring together the officials, decision-makers, policy advisors, professionals and representatives of the civic society organizations to discuss and agree on processes *“by which critical decisions affecting the deployment of BiH officials on peace support operations and the country's ability to move toward Euro-Atlantic integration are made.”*⁶⁷

⁶⁵ Human Rights Watch Report, Country Summary: Bosnia and Herzegovina, January 2014, available at: http://www.hrw.org/sites/default/files/related_material/Bosnia%20and%20Herzegovina.pdf, accessed 16 November 2014.

⁶⁶ Gunman attacks U.S. embassy in Bosnia, Reuters, 28 October 2011, available at: <http://www.reuters.com/article/2011/10/28/us-bosnia-usa-embassy-idUSTRE79R66F20111028>, accessed 4 December 2014.

⁶⁷ OSCE Mission to BiH. Available online at WWW: <http://www.osce.org/bih/106818?download=true>, p. 6, accessed 22 October 2014.

4.2 Human Dimension of the OSCE Mission to Bosnia and Herzegovina

As the threats of actual physical security and existence were pacified and the progress was stewarded through the strategies and processes described above, the space for even more important security dimension of the Mission stepped in and hence, the human dimension.

The currently targeted areas include issues related to the human dimension of the OSCE security tree. According to the latest report by OSCE, the organization has been focusing on eleven areas closely interconnected aiming to contribute to creating fully inclusive political culture and democratically accountable institutions. The OSCE has become, in this respect, a crucial actor and assistant for BiH on its way to strengthening ties with the Euro-Atlantic integrations, especially the EU.

The eleven categories cover the following areas: community engagement; governance development; parliamentary support and monitoring; judicial and legal reform; economic and social rights and equality; education; compliance assistance; arms control; parliamentary oversight of the security sector; institutional capacity of the security sector; and monitoring of cross-cutting security issues.⁶⁸

4.2.1 Establishing a Robust Election System

The organization of the elections was probably one of the most important parts of the OSCE's mandate. In total, three general elections (1996, 1998 and 2000), two municipal elections (1997, 2000) and one round of elections for the National Assembly of the RS (1997), were organized entirely by the OSCE, and finally in 2001 the responsibility was transferred to the Central Election Commission of the BiH. The OSCE, however, still provided the technical assistance for administration.

One of the primary steps the OSCE made in order to create a new election system after the conflict compatible with the Dayton agreement was the establishment of the Provision Election Commission (PEC) that was led by the OSCE Head of the Mission. The PEC consisted of international as well as few local staff and its main responsibility was to regulate the electoral process, establish the regulations regarding the registration of the parties as well as eligibility of the voters, steward the campaigns and conduct the results of the elections. The evolved and amended rules and regulations underneath the PEC continue to operate under a Permanent Election Law of BiH.⁶⁹

Additional supervising body, so called Election Appeals Sub-Commission (EASC) was established in 1996. In fact, the EASC used its powerful competencies as part of overseeing the electoral rules and regulations. In fact, Radovan Karadzic was prohibited

⁶⁸ OSCE Mission to BiH, Factsheet.

⁶⁹ The first draft of the Election Law was designed by the OSCE and OHR in 1999 since the Entity officials had failed to do so, however, the draft was rejected by the BiH Parliament in 2000.

to lead the chairmanship of the SDS thanks to the OSCE competencies. Moreover, it was prohibited to broadcast or even mention his name or use his photographs publicly.⁷⁰

The importance of the OSCE in the Bosnian elections was not only the fact that the organization fully organized, oversaw and certified the elections, it also contributed to implementing of the results and foremost, the OSCE publically announced who they preferred to be voted for in the elections. This provided a clear guideline for the citizens to be able to support modern parties with multi-ethnic democratic visions willing to implement unpopular Dayton requirements. Also, the parties had to gain an approval of the OSCE before participating in the elections. The Presidents had to sign an agreement that they would adhere to the Dayton Peace Accords.

The first post-Dayton general elections took place on 14 September 1996 with the presence of nine hundred international observers. The representatives to the Presidency of BiH, the Presidency of RS, the House of Representatives of BiH, the House of Representatives of the Federation BiH, the National Assembly of the RS and the Cantonal Assemblies of the FBiH, were being elected that day. The first municipal elections were postponed to June 1997.

In 1996 general elections the citizens were voting for the three Presidents of BiH, one for each ethnic group. The Bosniak SDA candidate Alija Izetbegovic with 80 percent support, the Croat HDZ member Krešimir Zubak receiving 89 percent of the votes, and the Serb SDS representative Momčilo Krajinik getting 60 percent of the votes, were elected the first Presidents of the post-war country. Izetbegovic became the Chairman as he received the highest number of votes (730,592 in total).⁷¹ Additionally, the SDA and HDZ candidates got the most seats in the House of Representatives (114 seats of 140) and the SDS won 43 out of 83 seats in the National Assembly of the RS.

These elections came as a disappointment not only for the OSCE Mission to BiH but for the whole international community as no change since the pre-war elections occurred and the traditional nationalist parties with the pre-war narrative and leaders won the majority of the votes. Although many claimed BiH was not really ready to hold elections so soon after the end of war because of many factors including state-run media, two most wanted Bosnian Serbs Radovan Karadzic and General Ratko Mladic still very influential; the USA and EU believed it was better to organize imperfect

⁷⁰ Stoessel, M. The Role of OSCE in Bosnia and Herzegovina, 2001, The Graduate Institute of International Studies, Geneva, available at: http://www.stoessel.ch/bosnia/osce_bosnia_herzegovina.pdf, p. 12, accessed 17 November 2014.

⁷¹ Schmeets, H. and Exel, J. The 1996 Bosnia-Herzegovina Elections: An Analysis of the Observation, available at: http://books.google.cz/books?id=xy9jlGKrQlWc&pg=PA9&lpg=PA9&dq=hans+schmeets+1996+elections+bosnia&source=bl&ots=jexys4HJEJ&sig=pkUBu9gFAJdW5Xq5ArVvtJFzf04&hl=sk&sa=X&ei=pB BpVMawGufqyQOX6YHIAQ&redir_esc=y#v=onepage&q=hans%20schmeets%201996%20elections%20bosnia&f=false, p. 13, accessed 16 November 2014.

elections in order for people to elect new leaders and push them to implement the Dayton accords, than none at all.⁷²

Nevertheless, the elections were supervised by more than a thousand international observers and in the end were pronounced transparent and undertaken in a compliance with the international standards, however, the elections could not be considered absolutely fair and democratic as the new parties had not disposed of time to establish in newly-formed environment in just couple months and moreover, the lengthy process of voters' registration caused that thousands refugees had not managed to obtain valid documents eligible for participating on the elections.

The second general elections took place on 12 September 1998. By that time the OSCE had managed to train the local election observers, the organization together with the National Democratic Institute for International Affairs (NDI) provided training for around 3,000 Bosnian election observers from 159 local NGOs. Consequently, the number of local observers between the 1997 municipal elections and the 1998 general elections increased tenfold.⁷³ Furthermore, it had contributed to increased citizen awareness and encouraged the parties supporting the multi-ethnic democratic state, particularly by establishing The Political Party Service Centres throughout 1998 that provided all parties with space to hold meetings, access information or office equipment during the campaign. According to the OSCE report, almost 300 press conferences were held in those centres before the 1998 elections. In total, the OSCE contributed to the campaign with material support worth 1.5 million USD.⁷⁴ Nevertheless, there was very little cross-entity campaigning as the refugee-return processes were progressing slowly.

The 1998 general elections were again a win for the nationalist parties in spite of the OSCE efforts to weaken the influence of the traditional nationalist parties, in particular the Serb nationalist under the SDA and SRS.⁷⁵ A partial success could be considered a slight reduction of power of the nationalist parties. The OSCE showed its powers especially after the first general elections when in 1997 actually annulled the results of the elections in the Brčko District as the Serbs gained majority of the votes. Also, because of political involvement of many indicted war criminals, the OSCE had to

⁷² Begleiter, R. and Shymanski, J. - Ready or not, Bosnian elections forge ahead, CNN, 8 June 1996. Available online at WWW: <http://edition.cnn.com/WORLD/Bosnia/updates/9606/08/bosnia.election/>, accessed 17 November 2014.

⁷³ Bosnia and Herzegovina Elections, ODIHR, 12-13 September 1998, available at: <http://www.osce.org/odihr/elections/bih/14045?download=true>, p. 14, accessed 17 November 2014.

⁷⁴ Ibid, p. 19.

⁷⁵ Before the 1997 elections for the parliament in RS, the SDS party split into a fraction inspired by Karadzic (SDS) and more moderate fraction, the Serb National Alliance (in Serbian: Српски народни савез PC, SNS RS), led by Biljana Plavsic. Source: Bosnian Serb Vote Splits Parliament, 26 November 1997, Los Angeles Times, available at: <http://articles.latimes.com/1997/nov/26/news/mn-57913>, accessed 17 November 2014.

intervene and strike controversial officials from the party lists.⁷⁶ This would not be possible in a regular democratic country.

A very influential role in the elections has been held by the **media** and therefore, the OSCE has kept an eye on them. The war completely plundered the common state-system of information sharing and led to separation into three ethnically oriented and entity-based media. The fundamental obstacle was the lack of objectivity. According to the 1998 report, the major source of information in BiH was the television (for 75 percent of the Bosnian population), in particular the state television in the entities. The printed media, which had a tendency to bring more objective views, used to receive much lower attention of the citizens and what is more, the level of circulation of information between the entities was shockingly low. Nevertheless, the OSCE's report on media stated the campaign was generally well managed with more balanced broadcasting than during the previous elections.⁷⁷

The last general elections conducted, financed and stewarded by the OSCE took place on 11 November 2000, following the municipal elections held on 8 April 2000. Both were again fully organized by the OSCE as the Bosnian Parliament had not managed to adopt the Permanent Election Law during 1999. The OSCE had to step in as the ultra-nationalist Serb Radical Party (SRS) rejected to exclude several obstructionist politicians from the electoral list, and thus, the radical Bosnian Serb party SRS was banned from participating in the 2000 elections.⁷⁸

The 2000 municipal elections brought partly positive results as the Bosniaks rejected the nationalist parties, particularly the SDA. Although the Muslim-dominated areas including Sarajevo preferred the multi-ethnic Social Democratic Party (SDP), The Croats and Bosnian Serbs repeatedly voted for the nationalist ethnic parties. The municipal elections brought lots of optimism into the international diplomatic community, even the SDP leader, Zlatko Lagumdžija, described the results as the "biggest change" since the end of the war.⁷⁹

As far as the general elections are concerned, the Croat and Serb nationalist parties again scored victories, unlike the Muslim ethnicity that mainly voted for the Party for Bosnia and Herzegovina (SBiH) demanding the implementation of the Dayton

⁷⁶ For example, before the 1998 general elections, the OSCE removed 42 candidates from the party lists (20 candidates from the HDZ list, 11 from SRS, 4 from SDS,...). Source: ODIHR, Bosnia and Herzegovina Elections 1998, p. 20.

⁷⁷ Ibid., p. 21.

⁷⁸ The SRS leaders required to be dismissed from the electoral list included the former RS president Nikola Poplasen, Mirko Blagojevic, and Ognjen Tadic. Source: International Crisis Group (ICG), *Is Dayton Failing?: Bosnia four years after the Peace Agreement*, 28 October 1999, available at: <http://www.refworld.org/docid/3ae6a6ea4.html>, accessed 17 November 2014.

⁷⁹ Ethnic split in Bosnia vote, BBC, 10 April 2000, available at : <http://news.bbc.co.uk/2/hi/europe/707057.stm>, accessed 17 November 2014.

Agreement. Sadly, Bosnian Serbs and Croats had not adopted their narrative towards democracy and ethnic tolerance in spite of improving and progressive political movements in neighbouring Croatia and Serbia. On the contrary, they seemed to contribute to the Bosnian extremism and nationalism. The OSCE made some changes to the regulations⁸⁰ but generally followed the standards of striking the provocative candidates off the list as the EASC had to intervene before the 2000 elections again by issuing the decision regarding the campaign, among others banning the HDZ aggressive and provocative political advertisement.⁸¹

Once the **Permanent Election Law** was adopted in August 2001, independent election commission was established and the Bosnian authorities were ready to take over the OSCE's competencies regarding the organization and administration of the elections, the OSCE significantly reduced its role although it would keep its powers to interfere in the electoral processes if needed. The transfer of the competencies was slower than expected due to failure of the authorities to adopt the Election Law. However, in 1999 the responsibilities of "Associate Director General for Elections" was handed over to a Bosnian and the main emphasis was given on preparing local staff to handle sustainable and effective administration of the elections. The OSCE created a centralized database of the voters register and moreover, the organization kept cooperation with Local Election Commissions and a "Bosnian Association of Election Officials" was established.

The first **general elections** organized by Bosnian authorities took place on **5 October 2002**; they were also the first time that the elected State and Entity officials were taking the office for the period of four years. The OSCE/ODIHR, based in Warsaw, provided the Election Observation Mission and according to the official report the elections "*were largely in line with international standards,*" although they should rather be called the "transitional elections" as the international community still possessed the competencies to influence the crucial aspects of the process. The nationalist tendencies were still notable in the voting although again a little reduced than in the previous years and in addition, some cross-entity voting occurred. Although the campaign was rather negative, the media coverage had been significantly improved and brought more objective and pluralistic views into the discussion.⁸²

⁸⁰ The changes included prohibition of candidates occupying illegal property belonging to the refugees and the IDPs, requesting the submission of the financial disclosure forms from the candidates in order to weaken the political parties' control over the publicly-owned firms, etc. Source: Bosnia's November Elections: Dayton Stumbles, ICG Balkans Report No. 104, 18 December 2000, available at: <http://www.crisisgroup.org/~media/Files/europe/Bosnia%2037.pdf>, p. 2, accessed 17 November 2014.

⁸¹ Five Decisions Issues by Bosnia and Herzegovina Election Appeals Commission, OSCE, 31 October 2000, available at: <http://www.osce.org/bih/53050>, accessed 17 November 2014.

⁸² Bosnia and Herzegovina General Elections, 5 October 2002, OSCE/ODIHR Election Observation Mission Final Report, 9 January 2003, available at: <http://www.osce.org/odihr/elections/bih/14001?download=true>, accessed 19 November 2014.

The newly adopted election law provided the fundamental legal framework for democratic elections, however, restricted some national minorities from candidacy for the highest positions and according to the OSCE these arrangements “*should eventually be amended*” to meet the international standards. As far as the results are taken into consideration, no real changes appeared as the traditional nationalist parties, the HDZ, SDS and SDA, gained in total around 45 percent of the votes.⁸³

The following **general elections** took place on **1 October 2006** and were the first elections fully conducted by BiH. After four years the elections were administered on **3 October 2010** and the latest ones were organized on **12 October 2014**.⁸⁴ According to the OSCE, the elections have been conducted in accordance with the international democratic standards although with some problems, for example, with deficiencies in the registration irregularities, group voting or the vote count. It is stated in the reports that the situation with the media has improved as one can conclude the media in BiH has developed a pluralistic and diverse range of information platform although they tend to devote rather low attention to the important issues during the electoral campaigns. Moreover, some less influential parties have complained of systematic underexposure.⁸⁵

BiH has developed an integrated and legally based system of regular elections that have been rated in compliance with international standards. The main problem however, is not the elections but the results of the elections as the people’s preference of traditional parties and their nationalist rhetoric has not reduced significantly since the wartime. Therefore, the democratization, raising the public awareness and building the citizen participation have become the most valuable and crucial part of the OSCE Mission’s engagement and contribution to forming a modern Bosnian society.

4.2.2 Democratization and Strengthening Citizen Participation

After the disappointment following 1996 election results, the OSCE decided to rather focus on the democratization, support the civic society, and encourage independent information and free media across the country. Although the international community, including the OSCE and other governmental and non-governmental international organization, have devoted much energy and time in activities and projects encouraging civic society building, the outcomes are rather mixed.

Civil society is considered to be a vital midstream between the individual persons on the one hand, and state authorities on the other hand. Civil society is meant to balance the rights and duties of the state and to allow the individuals to express and develop their

⁸³ Ibid, p. 20.

⁸⁴ Apart from the general elections, BiH has conducted municipal elections 2 rounds of municipal elections since 2002, on 2 October 2004 and 5 October 2008.

⁸⁵ Bosnia and Herzegovina General Elections, 1 October 2006, OSCE/ODIHR Election Observation Mission Final Report, available at: <http://www.osce.org/odihr/elections/bih/23945?download=true>, p. 14, accessed 19 November 2014.

capacities. According to the PIC and also the OSCE views on civil society, their voices are best expressed through the civil organizations or the NGOs. Therefore, the Mission's key emphasis was placed on "*the quantitative growth of associations not directly traceable to or dependent upon state institutions.*"⁸⁶

The strategies aiming to **strengthen and encourage the participation** of the Bosnian society on the **decision-making** processes from the lowest governing level, ea. the municipalities or 143 units of local government throughout BiH, begun with establishment of six Democracy Centres in 1998. One of the goals of such centres was to help establish communities of locals working together and improving the life in BiH. The OSCE believed it could have worked through establishing the NGO and hence, the Centres have served as a place to gather, share experience and information, access independent media as well as provided support and advice to the NGOs. In addition, workshops and seminars on "How to establish an NGO" were organized by the OSCE in order to inform and encourage the local citizens like teachers, students or journalists, on how to handle the administrative and bureaucratic procedures.

The OSCE has developed a working strategy for encouraging **community engagement** through the *Local First Initiative* launched in 2009. The Initiative builds on and elaborates previously adopted programs of the Mission, namely the Municipal Administration Reform Programme. The long-term aim is "*to improve municipalities' abilities to identify and meet their own development needs and to decrease the need for external assistance.*"⁸⁷ Since 2009, the Mission has assisted to the evolvement of twenty-two municipal learning networks. The strategy is also taking into account the important role of media; and project management at the local level.

The primary target group is the Bosnia's youth that are encouraged to organize and help each other while the OSCE helps them launch various projects and establish contacts and communication between them and the authorities in order to assist them while presenting their views, needs, interests, and opinions on lower-governing levels.

Furthermore, democratization which was vital in the society could not have been achieved without objective and **free media** as independent providers of information. Thus, PEC designed a framework for fair reporting underneath the Standards of Professional Conduct for the Media and Journalists in 1999. The OSCE was also providing trainings for journalists, assistance and grants to encourage independent journalists to bring balanced and objective information. In addition, the organization also started a *Media Law* campaign in order to form a framework for legislative as well as lawyers to promote and protect the rights of journalists and **freedom of expression**

⁸⁶ Belloni, R. Civil Society and Peacebuilding in Bosnia and Herzegovina, available at: <http://www.jstor.org/stable/425493>, p. 168, accessed 24 October 2014

⁸⁷ The Local First Initiative, OSCE BiH, available at: http://www.oscebih.org/documents/osce_bih_doc_2012022117034294eng.pdf, accessed 21 October 2014

that would be supported by transparent and independent media. The OSCE also decided to establish a Help Line in order to assist the journalists when facing refusals to provide information, assaults, threatening, or even attacks.

The OSCE contributed to diversification of media as the state-level interactions very scarce in the period after the war. In addition to organizing seminars, workshops, conferences and establishing an association for journalists and spreading media from segregated entities across the country, the OSCE was also involved in launching the first and only radio station available across the whole territory in 1996, *Free Exchange Radio Network* (FERN), international community also financially supported establishment of a joint TV channel as an option for alternative broadcasting free of ethnic divisions, *Open Broadcast Network* (OBN). However, the disappointment followed when, according to the survey of viewers in RS, less than 5 percent actually followed the broadcasting of OBN or FERN.⁸⁸ Moreover, the Communication regulatory agency was established in 2001 with the help of the OSCE, free media helpline and BiH Press Council were formed in order to ensure freedom of information. Moreover, the *Defamation Laws* were adopted in 2002 which made Bosnia first country in the region to decriminalize slander and libel.⁸⁹

Although today the Public Broadcasting System (PBS) in BiH is a network of more than 40 TV channels and around 140 radio stations covering the local as well as national level, it is incredibly focused on its ethnic territories while there is only one state-level broadcaster and two entity stations.⁹⁰ According to the OSCE/ODIHR Observation Mission, the public as well as private media are rarely objective, especially when covering the election campaigns as they are often connected to and influenced by the political elites and a need of incomes from advertisement and hence, tend to provide subjective and politically tainted news. This is of a crucial seriousness as a television is the main source of information for most of the Bosnian population. Nevertheless, there is an increasing number of the Internet users country-wide and according to the Global Internet Report in 2014 almost 70 percent of population is using the Internet on regular basis.⁹¹

Additionally, RS adopted amendments to the *Law on Radio Television* in October 2013 that legalize direct governmental financing. Subsequently, the international community

⁸⁸ Stoessel, M. The OSCE in Bosnia and Herzegovina, available at:

http://www.stoessel.ch/bosnia/osce_bosnia_herzegovina.pdf, p. 22, accessed 4 December 2014.

⁸⁹ International, Defamation Law Legal Database, Defamation Laws in Bosnia and Herzegovina, available at: <http://kellywarnerlaw.com/bosnia-defamation-laws/>, accessed 4 December 2014.

⁹⁰ OSCE/ODIHR Observation Mission, Report 2014, available at:

<http://www.osce.org/odihr/elections/bih/121845>, accessed 3 December 2014.

⁹¹ Global Internet Report , 2014, available at:

http://www.internetsociety.org/sites/default/files/Global_Internet_Report_2014_0.pdf, accessed 4 December 2014.

expressed their concerns over increased vulnerability to the political influence as a consequence of losing editorial in the entity broadcasting.⁹²

Currently, another issue has been arising regarding freedom of expression on the social media. During the 2014 protests in BiH, there were several reports on restrictions of the Internet usage of Facebook and Twitter as well as the RS government disapproved of the activities of protesters on social media and reported that mostly “*individuals with Bosniak names were particularly active on internet forums and Facebook,*” and accused the state-level broadcaster BHT of “*politically motivated reporting*” and “*encouraging the citizens of Banja Luka to protest through social media.*”⁹³

The strategies for strengthening civil society, democratization and empowerment of public society have not brought desired results. Very often the local NGOs are dependent on external international donors and hence, the civil society building is directed by the international community instead of being pursued by the determination and responses of local citizens and elites. An increasing number of local NGOs does not necessarily equal a healthy civil society which in addition to civilian participation requires the environment of an open, accountable, transparent, and responsive state structure. The international community has been looking at its outcomes through the results of the elections, however, it may not be the most suitable indicator for BiH as the local civilian organizations cannot break the post-war issues and frustrations of the ethnically separated country, especially within less than twenty years since the cruel conflict.

4.2.3 *Justice and the Rule of Law*

Taking into consideration the rule of law in BiH, the main issue after the war was strengthening the justice sector, dealing with the war criminals and handling the war crime prosecutions. War crimes processing is of a crucial importance, especially in a post-war Bosnian society where the scars caused in the wartime still remain unhealed. The vital mandate for war crime prosecutions was assigned to the **International Criminal Tribunal for the former Yugoslavia (ICTY)**. As its mandate expires at the end of 2014, the institutions of BiH have to be able to effectively investigate and adjudicate cases of genocide, crimes against humanity and the war crimes. Therefore, justice strengthening became one of the top priorities of the Mission.

⁹² U.S. Embassy Joins OHR and EU Mission in BiH in their Expressed Concern over Recent Legislative Proposals and Actions, October 2013, available at: http://sarajevo.usembassy.gov/press_20131003.html, accessed 4 December 2014.

⁹³ Bureau of Democracy, Human Rights and Labor Country Reports on Human Rights Practices for 2013, U.S. Department of State, available at: <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dld=220261#wrapper>, accessed 4 December 2014.

The OSCE's role consisted in monitoring and supervising the actions of courts, not only the court of BiH but also the cantonal and the district courts. Between 2004 and 2010 the OSCE monitored 232 cases, which means remarkable achievement for the domestic criminal justice system although it is still a long road ahead in terms of eradicating impunity, in particular of war crimes.

Additionally, in order to support the implementation of the **National Strategy for Processing War Crimes** the OSCE has managed to develop a software that allows the Prosecutor's Office of BiH to assess the number and the nature of the war crimes cases as the prosecutions are reported and so represent very important guidelines for future work of the courts and the evolvement of the justice system as a whole. As this Justice Sector Reform Strategy expired in 2013, a new strategy for the period of 2014-2018 was already adopted by the Brčko District and Federation while the RS government still needs to approve of the strategy.

Positive results represented in form of 199 war crime verdicts; in 2013 the War Crimes Chamber of the State Court of BiH had closed verdicts of 25 war crime cases, proving their capacity has had an increasing tendency.⁹⁴ However, successful implementation of the war crimes strategy has been influenced not only by the seriousness and complexity of cases but mainly by insufficient funding and capacity resulting in many perpetrators remaining unpunished. The biggest problems occur at the local level and hence, the OSCE provided the strategy with additional financing during 2014 and launched a program aimed at improving judicial capacity of district and cantonal courts. The strategy for war crimes processing has planned to reach final verdicts of the most complicated war crimes cases by 2016 and the rest of the war crimes cases by 2024.⁹⁵

The most public attention has been paid undoubtedly to the trial of Bosnia Serb General Ratko Mladic and the Bosnian Serb wartime president Radovan Karadzic. The trial with Mladic, accused of genocide, war crimes, and crimes against humanity which includes the murder of 7,000 men and boys from Srebrenica in 1995, has been ongoing in spite of repeated interruptions due to weak health condition of Mladic. The trial of Karadzic, charged with the war crimes, crimes against humanity, and genocide in seven Bosnian municipalities was reintroduced in July 2014, after being stopped in 2012 on the grounds of insufficient evidence.⁹⁶

Another important role of the organization consisted in supporting new legislative and law-making. They have also organized training sessions of the judges and prosecutors on the application of the *Law on Prohibition of Discrimination* and plenty of legislative pieces that the OSCE actively participated on.

⁹⁴ Human Rights Watch Report, January 2014.

⁹⁵ Bureau of Democracy, Human Rights and Labor Country Reports on Human Rights Practices for 2013, U.S. Department of State.

⁹⁶ Human Rights Watch Report, January 2014.

Arising problem is also hate speech that affects not only ethnic, but also religious, racial or LGBT groups. The Federation has adopted law that prohibits the hate speech whereas RS has not brought any legislative piece concerning this topic. In addition, the media also use language that often carries strong nationalist message.⁹⁷

One of the most essential current tasks that the OSCE is focused on is targeting transparency, good governance and effectiveness of the authorities at all governing levels. The Mission accesses the local governments especially through in-field offices when aiming to support the development of self-governing reforms. Not only is the municipal level taken into account when addressing the efficiency and transparency building but also the state parliament as well as municipal parliaments and the Brčko district Assembly. The Mission's task is also to monitor the plenary and committee sessions of the stated bodies as corruption is unfortunately present in many political as well as economic institutions in BiH.

4.2.4 Property Repossession Strategy

Crucial strategy in the process of return of the refugees and internally displaced few years after war evolved the intervention of the international community resulting into the **Property Law Implementation Plan** (hereafter PLIP), ensuring the property rights were recognized and most of all that people could have accessed and regained their confiscated property. The PLIP was a result of the international pressure developed mainly by the OSCE and UNHCR but also other agencies, to resolve the confiscated property issues across BiH. Unresolved property claims would only contribute to keeping or even deepening the ethnic segregation created during the warfare, which would make the peace building and reconciliation process far more complicated if neglected.

Most of organized minority returns took place between 1999 and 2004, peaking in 2000. Since the strategy was implemented in 1999, more than a million people exercised their right to regain their property. However, this is less than a half of the total number of refugees and internally displaced. Although the property regain plan has proved very successful resulting in one million people repossessing their houses due to PLIP, it was no longer possible to recreate the pre-1992 demographic map of BiH.

The process of land and property repossession has been very complicated as more than 2,3 million people out of 4,4 million total population were displaced by force from their homes during the war and therefore, the OSCE Mission joint in together with the other involved agencies to increase the efficiency of the refugee return process, namely the OHR, UNHCR, UNMIBH and Commission for Real Property Claims (CRPC).

⁹⁷ Bureau of Democracy, Human Rights and Labor Country Reports on Human Rights Practices for 2013, U.S. Department of State.

Out of approximately 1.3 million Bosnians who managed to gain asylum or any kind of protection status in other states of former Yugoslavia or Western Europe, 617,500 were from the territory of the Federation, and 682,500 from the territory of Republika Srpska. The majority of refugees were of Bosniak origin settled throughout RS before the war broke out.⁹⁸ Additionally, over a million citizens who were displaced from their original homes, relocated within the territory of BiH. Also, almost 80,000 Bosnians were displaced in the first months of 1996 as a result of the transfer of territory in the suburbs of capital Sarajevo. Hence, the return strategy was in most of the cases directed at Bosniaks repossessing their property in and coming back to RS.

Fleeing and exodus of Bosniak and Croat minorities from mostly-by-Serbs inhabited villages, cities and the whole counties; and on the other hand, Serb displacements from the Croat-populated areas also involved Roma and Yugoslav minorities living in the affected regions, and was a result of the ethnic cleansing campaigns in Bosnia during the war. What is more, expulsions were followed by the destruction of houses, cultural, religious facilities and other buildings with the purpose of making their return impossible. Typical feature of Bosnian cleansing was also the fact that these incredible processes were aimed to erase all signs of the other communities' existence.⁹⁹

As a result of international pressure on the Bosnian authorities, the first legal framework for property repossession was approved in April 1998 in the legislation of the Federation and followed by RS in December 1998, with returns to start from 1999 on. Increased pressure of the international community and organizations calling for improvement of legal processes and harmonization of property laws and their implementation consisted of the international community providing the new property law implementation with local monitoring through the network of field offices. The international supervision of county housing offices included the need to report the returnee property claims and enforcement rates every month. This meant higher transparency and hence, allowed the OSCE and UNHCR officers to keep an eye on idle and defiant local officers and authorities. The strategy to ensure effective implementation of property laws was launched in October 1999, reaching all municipalities and regions across BiH.

The goal of PLIP was to ensure democratic and equal procedures with the respect of civil rights for refugees and displaced persons in property regaining processes regardless of political interests. This would only be guaranteed through building neutral legal environment and the rule of law across BiH. Due to international community's

⁹⁸ Cox, M. The Right to Return Home: International Intervention and Ethnic Cleansing in Bosnia and Herzegovina. *The International and Comparative Law Quarterly*, available at: <http://www.jstor.org/stable/761425>, p. 621, accessed 14 October 2014.

⁹⁹ Dahlman, C. And Tuathail, G. Ó. Broken Bosnia: The Localized Geopolitics of Displacement and Return in Two Bosnian Places, available at: <http://www.jstor.org/stable/3693961>, p. 648-649, accessed 14 October 2014.

determination to oversee and supervise the process of property law enforcement since its establishment, the possibility to exercise this right has been broadly adopted in all Bosnian municipalities even in spite of the following obstacles.

Firstly, the nationalism and political unwillingness to reintegrate the three rival ethnicities across BiH even few years after the adoption of the property laws has been considered the biggest problem in implementation process. It has been proved that these kinds of obstacles are mostly produced by politically active individuals rather than emerging from the local communities themselves, and therefore the PLIP was aimed at distinguishing between the civil rights of the Bosnian citizens and the post-conflict political issues.¹⁰⁰

These attitudes simply mirrored the Bosnian post-war reality of the ethnic-nationalist parties sustaining full political powers at the local levels. Environment of political segregation or even described as “political apartheid” based on the ethnicity division was failing to improve the situation of the post-war traumas. The international field officers witnessed bizarre practices performed by the local administration obstructing the return processes in HDZ- and SDA-controlled regions.

Secondly, the institutional weaknesses of the country’s responsible authorities are also huge obstacle in reconciliation process as the result of their apathy is failure to ensure the property claims are legally, fairly and effectively processed.

The core actors in the obstruction were the counties’ housing offices and the officers working underneath the dominating nationalist parties that were responsible for processing the claims. According to the international agencies working in the field, they were negligent to process those claims and generally, the work was advancing very slowly. Often, they were refusing to evict illegal occupants of the claimed property. Moreover, because of the lack of transparency bribery in order to urge or simply falsify claims was wide-spread. Sometimes the municipal authorities even came up with legalistic boundaries to complete the property repossession decisions. As in most of Bosnian municipalities, the inactivity and idleness of the offices was the greatest when concerning a war veteran, war widow or similarly vulnerable occupant of the claimed property, as their eviction would significantly upset the local nationalist party as well as community.¹⁰¹

Finally, the lack of housing capacity for the citizens across BiH has contributed to the ongoing obstacles for returns. The PLIP has therefore addressed this problem by encouraging modern housing policies and development of real estate market. In 2001,

¹⁰⁰ Property Law Implementation Plan, OSCE, available at: http://www.oscebih.org/documents/osce_bih_doc_2000101511402819eng.pdf, p. 4, accessed 31 October 2014

¹⁰¹ Cox, M. The Right to Return Home: International Intervention and Ethnic Cleansing in Bosnia and Herzegovina. *The International and Comparative Law Quarterly*, p. 656.

the property market still lacked legislation to protect the consumers which created space for exploitation of the displaced persons and refugees coming to their homes. Given the ongoing housing issues, two proposals were presented by the OSCE and hence, the organization of property registration based on modernization of the property book and cadastre systems able to meet the needs of property market on the one hand, and privatization of the socially-owned houses guided by establishing a stable and efficient housing policy, on the other hand.¹⁰²

Moreover, not only the property repossession, but also the physical state of the houses that are return back to the original owners, is another problem. Fleeing away from those places was a result of the severe war state and hence, many of the houses were burnt, destroyed and simply impossible to move or live in. Many of the displaced therefore have been trying to address the authorities asking for financial help with the reconstruction of the properties. Short of resources and in a need of a roof, many moved in the destroyed houses and have been living in inhuman conditions. The Ministry of Human Rights and Refugees of BiH, with the cooperation of UNHCR, has developed a program called Reconstruction Housing Plan (RHP) that is targeting those in need.

The PLIP's methodology was based on principles that were believed to address the aforementioned boundaries to the successful implementation of the process in rural as well as urban areas of today's Bosnia. Non-discriminatory, neutral and equal laws as well as in-depth described rights and obligations ensure that de-politicisation and institutionalization of the property return process is installed. The long-term aim of the plan is not to create somewhat original pre-conflict social communities and structures; however, it only ensures the original owners of the properties can regain their houses and lands, which enables them to decide freely whether or not to exercise their right to do so. In the long run, it is believed this strategy prevents tensions and guarantees peace and stability.¹⁰³

Several mechanisms to oversee the implementation process were used counting with the OSCE, OHR and UNHCR field networks. One of the important tasks has also been held by local police authorities that have been supposed to assure that the eviction processes run smoothly. Nevertheless, police has not shown much will to comply with their legal obligations of the property repossession process as they were very often in the same situation, i.e. illegally occupying someone's property and thus, the process of the police officers' housing situation stabilization started in order to ensure the law enforcers themselves do adhere to the law they are expected to comply with. This principle was later requested to be followed by all public officers.

As already mentioned, the political apathy has been the biggest obstacle in the implementation process. The situation that occurred in Bosnia after the war across the

¹⁰² PLIP, OSCE, p. 15.

¹⁰³ Ibid., p. 5.

divided entities could be characterized as political segregation or even a political apartheid. Sadly, the problem with returnees and the sustaining political preferences of the nationalist parties in the regions only reflected the bizarre social situation of the whole country.

A stronger diplomatic pressure had to be used when the local officers did not seem to adhere to the Dayton Annex 7 ensuring equal rights for the returnees. The tools to do so involved shaming the local municipal officials, international aid conditionality, or even demonstrating and executing the Bonn powers by the OHR. In October 1999, the OHR removed twenty-two local officials for obstructing the property repossession right. These steps made the Bosnian politicians realize they had to cooperate and pursue the implementation strategy in order to stay in office, or at least to appear in public to be in favour of the repossessions.

Moreover, the international community has used local media to explain the repossession plan and paralyze the yet aggressive local nationalist propaganda in order to increase the acceptance of the return process among the public.¹⁰⁴ The process was accompanied by obvious political reluctance to solve the property repossession and housing issues.

To provide an example of how complicated the property repossession procedures were, could serve the one of Jajce, once very multi-ethnic industrial centre of BiH, where the return process was far slower than anywhere else in Bosnia even in spite of continuous pressure of the local offices of OSCE and OHR, which in the end called Jajce the "black sheep" of Bosnian counties because of its low property law implementation rate.

The slow progress was also believed to be a result of frequent changes of Jajce's HDZ mayors that did not have enough time to bring the results of the PLIP. The local OSCE and OHR officers had to step in 2000 as the 1997 obstructionist mayor was followed by a similarly hindering mayor elected in 1999. The HDZ party nominated an unfamiliar candidate for the 2000 local elections who was promising faster implementation of the new property law although he himself had been living in someone else's house.

The HDZ county president who had more power than the newly-elected mayor, however, encouraged local Croats to ignore the eviction notices. It was very clear that the new mayor was only another puppet of the HDZ political power with basically no ability to change the rotten political culture and its destructing structure.

The international organizations reacted to that situation by pushing on the HDZ at a state level to solve the problems with the local hindrances and moreover, with the help of local media they managed to counteract HDZ propaganda and properly explain the

¹⁰⁴ Cox, M. *The Right to Return Home: International Intervention and Ethnic Cleansing in Bosnia and Herzegovina*. *The International and Comparative Law Quarterly*, p. 651.

point of the new property laws. Two new officials were appointed in 2001 and fortunately, the housing issue started to move slowly forward.¹⁰⁵

Unfortunately, return-related violence incidents were reported by the international human rights organizations across the whole country only shortly after the return of ethnic minorities to the houses of their origin began. Aggressive reactions occurred as early as in 1996 when in May even in spite of the presence of IFOR troops in the area, the groups of Bosnian Serbs attacked the villages of the returnees, destroying numerous buildings and setting them on fire while a furious crowd surrounded the local headquarters of the OSCE to protest against the returns. Again, another wave of return-related violence hit Bosnia in mid-2001 namely Serb majorities targeting Bosniak minorities in the cities of Trebinje and Banja Luka.¹⁰⁶

In country like BiH, being a refugee or a displaced means many difficulties. Theoretically, the access to education, healthcare, social welfare or employment is guaranteed in a democratic country, which BiH is, by the rule of law equally to everyone. However, in reality the minority groups in BiH do not necessarily have the same conditions. Problems very often cited claim the refugees find it extremely complicated to obtain residence permits in their new locations. Moreover, another challenge of the Bosnian minorities happens to be statelessness. Not having valid identity documents or registration hinders the access to their rights and all of the facilities stated above. Discrimination is one of the top problems of today's BiH.

The PLIP also included elements counting with empowering and strengthening local structures and authorities by training the personnel, capacity building, monitoring and advising assistance as well as providing the financial support to the implementation process. Moreover, support of the judicial reform, domestic remedies before requesting external tools for intervention, and prosecution for non-compliance with the laws, especially applicable to the officials hindering the return-processes; were expressed in the PLIP inter-agency framework document.

The implementation ratio in BiH rose from less than 30 percent in 2000 to almost 93 percent at the end of 2003 in the Federation, and from 13 percent to 92 percent, respectively, in RS¹⁰⁷ as a consequence of international diplomatic pressure on Bosnian representatives. The UNHCR announced in September 2004 that the number of returnees reached one million, i.e. approximately half of the total number of displaced persons. It was considered a great success of the international community and a

¹⁰⁵ Ibid., p. 657.

¹⁰⁶ Bosnia-Herzegovina: Political violence a severe setback for the returning minorities, Amnesty International, May 2001, available at: <http://www.amnesty.org.uk/press-releases/bosnia-herzegovina-political-violence-severe-setback-returning-minorities>, accessed 31 October 2014.

¹⁰⁷ Property Implementation Law Statistics, September 2004, available at: http://www.ohr.int/plip/pdf/plip_09.04.PDF, accessed 2 November 2014.

highly positive result of the hard work of the OSCE and other organizations. According to UNHCR, of these one million people more than 440,000 were refugees who returned from exile, some as a result of loss of temporary asylum and around 560,000 persons are internally displaced persons returning to their places of residence prior to the war. More than 44 percent of the returnees are now minorities living in the areas of another ethnic group majority even though they were very often a majority group in those regions before 1992. Only three Serb-dominated counties in western Bosnia recreated the ethnic demographic map to a state prior to the war due to minority return.¹⁰⁸

Statistically, of the total one million returns, around 61 percent are Bosniaks, 24 percent are Serbs, 13 percent are Croats, and the rest 1 percent are other Bosnian minorities. Almost three quarters of all returns have been to the Federation of BiH and only one quarter to RS, which partially illustrates its larger pre-conflict population and urban centres as well as illustrates the trend of demographic shift and staggering housing issues and the need for reconstruction.¹⁰⁹

Estimated 113,000 internally displaced people are still in need of permanent housing solution. Moreover, around 6,800 refugees from Croatia are hosted in BiH.¹¹⁰ To completely resolve the refugee and displacement issues, BiH revised the implementation strategy in 2010 and until now works closely with the UNHCR through advocacy and direct assistance to the most vulnerable.

Return of the refugees and IDPs has remained insignificant. According to UNHCR statistics, only 104 refugees and 96 IDPs returning to their areas of origin in the first half of 2013 while there were still 103,353 registered IDPs.¹¹¹ Lack of employment opportunities, political instability as well as low living standard or unwillingness to return to regions of different ethnic group minorities; and in addition, excessive compensation fees to the occupants of the confiscated properties negatively influenced the rate of returns. Some returnees also lost the property in obligatory auctions aiming to satisfy the compensation claims despite of criticism of the OHR.

In addition to all activities and programs of the international community stated above, numerous programs for judges and practising lawyers have been adopted by various organizations within the country, particularly the OSCE and the American Bar Association, in order to improve their knowledge on the human rights and their new role

¹⁰⁸ Cox, M. - The Right to Return Home: International Intervention and Ethnic Cleansing in Bosnia and Herzegovina. *The International and Comparative Law Quarterly*, p. 658.

¹⁰⁹ Property Implementation Law Statistics, September 2004.

¹¹⁰ Bosnia and Herzegovina, UNHCR Global Appeal 2012-2013, available at: <http://www.unhcr.org/cgi-bin/texis/vtx/home/opendocPDFViewer.html?docid=4ec23109a&query=bosnia%202012>, accessed 2 November 2014.

¹¹¹ Human Rights Watch Report, January 2014.

addressing the property repossession laws.¹¹² Nevertheless, so much needed political and cultural change of the system is still, however, a long way to be achieved.

As already stated, reaching a million that reposessed their property is seen as a great result of the international involvement in the region. However, the long-term social results do not seem to be improving as even if the refugees and internally displaced successfully manage to regain their property; they do not necessarily relocate to the place of their origin. Many of them, however, still frustrated by the ongoing administrative as well as political obstructions, lack of transparency and poor economic outlooks, only apply for the property repossession to have a chance to sell their original houses to the new occupants and receive money while staying in the places they moved to during or after the war.

4.2.5 *Protection of Human Rights*

In order to address the promotion of human rights and the rule of law, the Mission has supported series of legal and judicial reforms and is devoted to ensure that all citizens have equal access to the justice enforcement. There is a sophisticated state-wide trial monitoring system that keeps an eye on all steps of judicial procedures in criminal cases, with a particular focus on war crimes, executions of criminal punishments, organized crimes, trafficking and gender-based violence as well as corruption. Thereafter, the OSCE bodies come up with proposals and recommendations for improvements of the system.

The Dayton agreement, concretely the Annex 6 of the GFAP, has established an independent agency for human rights - the Office of the Ombudsman of BiH, responsible for monitoring and investigating the human rights violations across the country. According to mandate of the OSCE in the post-conflict reconstruction, the Ombudsmen have been appointed by the OSCE Chairman-in-Office. Firstly, the Office of the Human Rights Ombudsman of the Federation was established by the Constitution of BiH with the help of the OSCE, the Ombudsman of Republika Srpska few months later; in the end three Ombudsman Institutions were created.¹¹³ The OSCE's ODIHR provided trainings on the human rights protection of the newly appointed Ombudsmen in 1995.¹¹⁴ In order to straighten the efficient human rights protection, the *Law on*

¹¹² Bosnia and Herzegovina, UNHCR Global Appeal 2012-2013, p. 615.

¹¹³ The first Human Rights Ombudsman of BiH, Ambassador Gret Haller of Switzerland, was appointed by the Hungarian Foreign Minister László Kovács. Source: OSCE Chairman-in-Office appoints Ombudsman for Bosnia and Herzegovina, 21 December 1995, available at: <http://www.osce.org/cio/52577>, accessed 13 November 2014.

¹¹⁴ The first three human rights Ombudsmen for BiH were representing all three ethnicities – Mrs. Vera Jovanovic (Serb), Mrs. Branka Raguz (Croat), Mr. Esad Muhibic (Bosniak) – and underwent special intensive training organized by the ODIHR Office in Warsaw between 13 and 15 February 1995. Source: ODIHR to train Ombudsmen for Bosnia-Herzegovina, Warsaw, 14 February 1995, available at: <http://www.osce.org/odihhr/52536>, accessed 13 November 2014.

Human Rights Ombudsman of BiH was imposed by the High Representative in 2000 which recognized the Ombudsman as a legislative authority after the endorsement by the Parliamentary Assembly of BiH.

Not only the human rights but also economic and social rights of the Bosnian inhabitants are taken into account when ensuring equality and non-discrimination and the state adherence to the international and European agreements. Social stability and security is believed to be the key component of integrating BiH's post-conflict multi-ethnic society. The Ombudsman Institution also takes into account the protection of the rights of children, prisoners and detainees, disabled persons as well as the LGBT population.

In 2003, the Chairman of the Presidency of BiH, Mr. Dragan Covic, requested recommendations regarding the intended reform of the Ombudsman Office. The main idea was a merger of the entity-level and state-level ombudsman institutions which would consequently increase the economic and functional effectivity of the human rights protection and ensure equal treatment of such cases. In addition, another significant adjustment since 1995 was a transfer of competencies to appoint the ombudsmen from the international to domestic bodies and therefore, at the beginning of 2004, three citizens of BiH appointed by the Parliamentary Assembly took over the previously foreign-run management of the Institution. The deadline for the reform was the end of 2006 which, however, was in the end not manageable as the transfer of the competencies had been proceeding slower than initially expected in spite of adopting the Law on Amendments to the Law on Ombudsman for Human Rights of BiH in March 2006.¹¹⁵ The headquarters of the institution was moved to Banja Luka and the responsibility to appoint and dismiss the Ombudsmen was delegated to the House of Representatives and House of Peoples of the Parliamentary Assembly of BiH while the ethnic representation in the institution is preserved. Moreover, it was adopted that the office would be reduced gradually from nine to three and finally from three to one ombudsman.¹¹⁶

Currently, there are three Ombudsmen of the human rights, and the appointments were granted by both houses of the BiH Parliamentary Assembly by two third majorities of votes for the period of six years to Mr. Ljubomir Sandic (appointed in 2008), Mrs. Jasminka Džumhur (in office since 2008) and Mrs. Nives Jukić (appointed in 2009).¹¹⁷

¹¹⁵ Law on Amendments to the Law on Ombudsman for Human Rights of BiH, 27 March 2006, available at: http://www.ombudsmen.gov.ba/documents/obudsmen_doc2013041003381359eng.pdf, accessed 13 November 2014.

¹¹⁶ Venice Commission, Agreed Conclusions of the Working Meeting on “Restructuring Ombudsman Institutions in Bosnia and Herzegovina”, Council of Europe, Strasbourg, 19 April 2004, available at: [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL\(2004\)028rev-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL(2004)028rev-e), accessed 11 November 2014

¹¹⁷ Ombudsmen, the Institution of Human Rights Ombudsman of Bosnia and Herzegovina, available at: <http://www.ombudsmen.gov.ba/Default.aspx?id=2&lang=EN>, accessed 4 November 2014.

The seat of the Ombudsman Institution is in Banja Luka, working in cooperation with the regional offices in Sarajevo, Mostar, Brčko as well as field office in Livno. The Ombudsman for Human Rights of BiH and the Constitutional Court of BiH are two institutions nowadays mandated to ensure the institutions' compliance with the adequate human rights protection.

The institution's main activity is to oversee the steps constituted by every institution in the Federation, cantons, municipalities and even persons by whom human rights might be violated. Ombudsmen have a right to examine all documentation (even the secret parts of the official documents) and they can also require any person or institution to collaborate on their activities. Moreover, they are allowed to participate at any kind of administrative hearings and meetings of other state organs or attend courts, and they also can inspect any place reported to be negating the rights of natural persons or legal entities.

The Office of the Ombudsman may be addressed by anyone with a complaint considering any case of the human rights violations regardless the race, ethnicity, gender, religious affiliation or citizenship. The complaint must contain a brief description of the supposed violation and is very easily accessible to submit one at the webpage of the Ombudsman office. The institution assists the citizens with how to work with the most appropriate legal remedy and advises on what organs to address or what steps to constitute in case the human rights violation is determined. As a result of these activities, annual reports and recommendations are published and addressed to the Prime Minister and other officials as well as the international organizations such as the OSCE or OHR. The Office of the Ombudsman, however, has no legal power to neither change the decisions of the public authorities nor decide the compensation for human rights violation; it can only appeal to the competent organs with their recommendations to undertake steps to ensure the compliance with the human rights. In addition, the ombudsmen cannot file a complaint on behalf of the violated persons or interfere with the legal processes of the courts.

Unfortunately, the Office of the Ombudsman has insufficient capacities for an effective and more in-depth engagement in restoring the human rights across the country. Many OSCE officers believe the Law on Antidiscrimination in BiH is not properly implemented¹¹⁸ because of firstly, the lack of capacity of the state institutions and bodies including the Ombudsman Office; and secondly, the lack of citizen awareness in BiH. Another significant problem is also that the Ombudsman institutions do not have sufficient financial resources¹¹⁹ to cover the activities supporting the human rights

¹¹⁸ Institution of Human Rights Ombudsman has insufficient capacities for a more complete engagement, Fermin Cordoba, OSCE, 4 December 2012, available at: <http://www.oscebih.org/Video.aspx?videoid=411&lang=EN>, accessed 11 November 2014.

¹¹⁹ Broad budgetary irregularities were discovered during the 2007 audit which stated that only 61 percent of the budget implementation was in the way of what was planned. Hence, poor planning of the budget

awareness across the territory of the whole country. Moreover, there existed no universal systematic way on how to deal with the complaints, no official register of the cases nor electronic database from the time the institution was presented as an international one. This had led to a rather chaotic ad hoc approach without strictly and systematically selective criteria. The total number of cases was stated as 1103, with the numbers of complaints increasing annually since 2003 that registered 81 cases in total to 246 cases in 2008.¹²⁰ In addition, the Ombudsman office made 86 recommendations and issues 24 special reports between 2004 and 2008.

In 2010 the total number of complaints rose by more than 60 percent compared to 2009 to 3298 cases. It is believed to be a result of the completed merger of the entity institutions into one state-level office which happened on 1 May 2010. The majority of the filed complaints were concerning the protections of the civil and political rights (1851 complaints or 56, 12 percent of total), followed by the complaints regarding the economic, social and cultural rights (962 cases or 29, 17 percent of total). Only eight complaints (or 0, 24 percent of total) were concerning the right of national, religion or other minorities.¹²¹ The majority of complaints were filed based on the violation of human rights by the police authorities, municipalities, entity and cantonal ministries, schools and public companies, specifically considering the civil and political rights, the highest number of complaints involved the courts, administration, property rights and freedom to access information and media issues. The Office of the Ombudsman issued 341 recommendations and around a third of addressed institutions and bodies responded to take steps in compliance with the recommendations.

Although the establishment of the human rights institution has been one of the most successful achievements, 2010 was a challenge for the ombudsman office as the 2003 reform was finalized and hence, the entity offices ceased to function. A common database for data and subjects as well as digital file management was established so that the office is able to view the breaches of human rights across BiH and a more effective and systematic approach is used.

In 2011 the Ombudsman Office received 3067 complaints, just a few complaints less than in 2010. The institution was able to resolve 2889 complaints (61 percent) of the total number of cases that were processed (4750 complaints in total when included the

caused delays with the opening of the Mostar offices and insufficient funds to cover basic legal obligations of the Office. Source: Annual Reports, Information 2008, Office of the Ombudsmen, available online at WWW: http://www.ombudsmen.gov.ba/documents/obudsmen_doc2013020407015213eng.pdf, p. 5, accessed 11 November 2014.

¹²⁰ Ibid., p. 6.

¹²¹ Annual report on results of the activities by the Human Rights Ombudsman of Bosnia and Herzegovina for 2010.

transferred ones from previous calendar years).¹²² The department for protection of political and civil rights again reported the highest number of complaints which is seen as a result of legislative disharmony in BiH. Positively speaking, the Ombudsman Office announced an improvement of the cooperation with the authorities.

In total 3124 complaints were received in 2012 although the institution was addressed by 12,441 people, which was a 20 percent increase compared to the previous year.¹²³ This could be seen positively as a result of a raised public awareness in the human rights protection and confidence in the institution. Again in 2012 the highest number of complaints was received by the department of political and civil rights (55, 6 percent of all complaints received), however, lower figures were registered compared to those of 2011. The most significant increase in complaints was indicated by the department for elimination of all forms of discrimination and department for following of rights of detainees and prisoners.

The growing trend of filed complaints is also continuous in 2013 since 13,962 people addressed the institution during that year which represents 12, 23 percent increase, concretely the office received 3,170 complaints what is 1, 47 percent more than in the previous years.¹²⁴ The office sees this fact as a positive result of the ever increasing awareness regarding the human rights protection among the Bosnian citizens. Also, the completed cases accounted for almost 70 percent of all complaints processed and moreover, the ombudsman office issued 305 recommendations. As in the previous periods, the most cases were concerning the violation of the political and civil rights (almost 60 percent) followed by the economic, social and cultural rights (accounting for around 22 percent). The least number of complaints was traditionally received by the department of the national, religious and other minorities (only 13 complaints in total), however, according to the ombudsman office this figure does not mirror the actual situation of the human rights violation of these groups as many complaints have been filed under other departments. The ombudsman office also reported higher efficiency in handling the cases in 2013, in total 335 recommendations were issues as well as special reports.

The budget for 2010 was 2.721.000 BAM with its total implementation reported to be 94 percent. However, the budget for 2011 was not adopted and hence, had to function within the framework of 2010 budget which was insufficient as planned expenses were higher due to complete transfer of the entity staff to a single Ombudsman office in

¹²² Annual Report on results of the activities of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina for 2011.

¹²³ Annual Report on results of the activities of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina for 2012, p. 10-11.

¹²⁴ Annual Report on results of the activities of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina for 2013, p. 5-6.

2011.¹²⁵ On the other hand, the 2012 budget amounted for 2,386,000 BAM¹²⁶ and 2,374,000 BAM in 2013,¹²⁷ which is ever diminishing amount since 2009. The Ombudsman has repeatedly indicated insufficient budget. The number of staff is also showing decreasing tendency as there is people currently 56 people working for the Ombudsman office, what is one person less than in 2011 whereas 61 persons worked for the office during 2010.

As a result of the Amendments to the Criminal Code in 2010 regarding the hate crime, hate monitor tool was introduced in May 2013 by the Ombudsman office. It is therefore very easily admissible to file a case or an event online at the webpage of the Office. Crime of hate is very dangerous in BiH since it contributes to mistrust and insecurity among various communities and minorities.

Although plenty of instruments have been installed in order to fight the human rights violation and discrimination, many obstacles preserve in the Bosnian system. Firstly, one of the biggest problems is the fact that the citizens are not aware of the possibilities to fight against discrimination and hence, often they do not report the violation and do not request legal protection.

Secondly, BiH's administrative and judicial apparatus suffer from very low efficiency, apathy as well as slowness and non-enforcement of the courts resulting in non-executed final decisions and impunity, lack of transparency and corruption of the organs, among others. Subsequently, the highest amount of the complaints that the Ombudsman institution faces is directly connected to their work.

Thirdly, tough social and economic situation of the citizens reflected in poor living conditions, high unemployment and very few opportunities for improvement, contributes to another set of complaints regarding the refusal of the social welfare money. It is quite obvious the level of human rights violation may be also connected to the economic strength of the country and the level of development as the governmental resources might be "lost" or misused by the authorities.

Another important issue represent the rights of prisoners. BiH had ratified the *Protocol to the UN Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment* in October 2008, however, the authorities have not managed yet to establish the National Preventive Mechanism (NPM) even though it is an obligation followed by the ratified Protocol and in spite of the pressure coming from both the domestic authorities as well as the OSCE.

¹²⁵ Annual Report on results of the activities of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina for 2011, p. 105-106.

¹²⁶ Annual Report on results of the activities of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina for 2012, p. 134-135.

¹²⁷ Annual Report on results of the activities of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina for 2013, p. 179-180.

In addition, due to lack of resources the Ombudsman has not been able to open additional field offices as planned. For that reason, the OSCE stepped in and with the help of the UNDP introduced an office with several open days weekly in Tuzla when people can ask for an advice or file their concerns regarding their rights. It has proved important that the physical presence of the ombudsman stays in the regions as the personal contact is second most used means of approaching the institution, right after the telephone contact that is used approximately in half of the cases. Because of lowering the institution's budget, the Ombudsmen have been unable to fully fulfil the mandate.

To sum up, the importance of the OSCE in the human rights strengthening across BiH is undisputable. The organization stays closely in cooperation with the Office of the Ombudsman in the area of human rights protection by organizing conferences, anti-discrimination campaigns, forums and issuing diverse promotional materials.

In spite of almost twenty-year-long presence of the human rights Ombudsman in BiH, the level of awareness on their powers and the grade of implementation of their recommendations is relatively low as only around a half of them are implemented fully or partially.

Moreover, the institution is still fully not self-efficient and self-sustainable as a conference for all Ombudsman offices was organized by the OSCE in order to strengthen and encourage closer cooperation between the seat and the regional as well as field offices. I am afraid it speaks for the incapability to co-work absolutely independently free from the outer supervision and intervention.

4.2.6 Ensuring equal Rights for the National Minorities

Assurance of the equal rights for the national minorities also belongs to the human rights protection; however, I have decided to dedicate a separate subchapter of the thesis to that topic because on the one hand, the violation of the rights of minorities, especially Roma, is a huge issue in BiH, and on the other hand, it attracts ever-growing attention of the international community and therefore, the OSCE as well as the EU and other agencies have been running plenty of projects and programs focused on the Roma issue.

The Roma minority is the largest of 17 national minorities¹²⁸ recognized by law in BiH and unfortunately, also the most vulnerable in terms of the human rights violations. According to official statistics quoted by the Ministry of Human Rights and Refugees in 2010, around 17 thousand Roma people live on the territory of BiH, however, more objective statistics show much higher figures as many of the Roma population do not register as Roma and hence, the estimated Roma population is around 30-40,000.

¹²⁸ The legally recognized national minorities in BiH are following: Albanian, Czech, German, Hungarian, Italian, Jewish, Macedonian, Montenegrin, Polish, Roma, Romanian, Russian, Ruthenian, Slovak, Slovene, Turkish, and Ukrainian.

Moreover, the information provided to the Ombudsman by the Association of Roma indicates there are around 50,000 Roma of whom 35,000 account for the territory of the Federation; more or less 3,000 live in the RS and between 2,000 and 2,500 in the Brčko District; while largest community of BiH Roma lives in the area of Tuzla Canton, which is between 15-17,000 persons.¹²⁹

The Roma are socially most endangered minority and socially mostly excluded and discriminated in terms of the access to housing, education, healthcare or work therefore, the OSCE keeps them under its watchful eye. The organization encourages the promotion of universal rights for national minorities and harmonization of domestic legislation with international standards of protection of human rights at all governing levels from the national parliament to the local bodies; to establish the councils of national minorities as advising bodies to those of the parliament.

The Roma are significantly under-represented in the political governing and that is also why not much had been done in terms of improving the situation of the Roma before taking part in this project although the *Law on Protection of Rights of National Minorities* had been adopted already in 2003. Thus, the Action Plan of Bosnia and Herzegovina for Addressing Roma Issues in the Field of Employment, Housing and Healthcare was adopted by the Council of Ministers in 2008 as a part of the international project “Decade of Roma Inclusion 2005-2015”¹³⁰ in order to improve all critical areas.

The OSCE supports the capacity and effectiveness building of the NGOs that support the national minorities, particularly the Roma. The amount of associations dealing with the Roma issues in BiH is 84; out of this figure 64 are registered in the Federation, 18 in Republika Srpska and two working in Brčko.¹³¹ The need to protect the rights of minorities is also considered crucial by the Ombudsman and therefore, a Special report on the Status of Roma in BiH¹³² regarding the human rights was presented in December 2013 by the Ombudsman and prepared in a close cooperation with the OSCE, EU and all Bosnian Roma associations.

¹²⁹ Annual Report on Occurrences of Discrimination in Bosnia and Herzegovina for 2013, available at: http://www.ombudsmen.gov.ba/documents/obmudsmen_doc2014042313191351eng.pdf, accessed 12 November 2014.

¹³⁰ The Decade of Roma Inclusion 2005-2012 is an international project that includes 12 countries from Central and Southeastern Europe (Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the Czech Republic, Hungary, Macedonia, Montenegro, Romania, Serbia, Slovakia and Spain, observers are Slovenia and the United States) that aims to bring together countries facing similar problems with Roma inclusion and share their experience and improve the practices. Source: The Decade of Roma Inclusion 2005-2015, available online at WWW: <http://www.romadecade.org/index>, accessed 12 November 2014.

¹³¹ Ibid.

¹³² Special Report on the Status of Roma in Bosnia and Herzegovina, available at: http://www.ombudsmen.gov.ba/documents/obmudsmen_doc2013121011144464eng.pdf, accessed 16 November 2014.

Also, the EU supports actively the integration of the Roma into the Bosnian society. As officially stated at the 27th International Steering Committee Meeting by the EU Delegation, the Roma inclusion and fight against the discrimination and racism is one of the top priorities of the EU in BiH and according to annual progress reports,¹³³ a lot more needs to be done in this respect by the authorities and the Bosnian society. The EU's financial support has been over 6 million Euro invested in the concrete projects in BiH. Currently, there are two ongoing projects, one for inclusive education and one concerning the housing issue. The Delegation of the EU encourages the authorities of BiH to support the policies and measures to accelerate the social inclusion of Roma as it is a part of the European integration agenda.¹³⁴ Hence, the Ombudsman's official work strategy for the 2010-2014 period mentions the protection of the rights of minorities as the first priority on the list.¹³⁵

The project dedicated to the Roma inclusion, "Best Practices for Roma Integration (BPRI)", has been funded by the EU¹³⁶ and implemented by the OSCE's ODIHR in cooperation with their field offices as well as other local associations and NGOs working on the development and implementation of practices against discrimination of the Roma minority. The BPRI project has cover four main areas which are promotion of the participation in public life and decision-making, legalization of housing and settlements, combating discrimination and promoting visibility for Roma communities and regional cooperation. The OSCE works hard to promote the anti-discrimination practices and raise the human rights awareness on the Roma minority by organizing workshops, seminars on the rights of Roma as well as seminars for the Roma associations in BiH.

The Special report on real situation of the Roma in BiH was elaborated in cooperation with the ODIHR and within the framework of the Best Practices for Roma Integration, following the Ombudsman investigation of the increasing number of complaints concerning the Roma minority in BiH. The most problematic areas include the housing status, education, unemployment and healthcare.

¹³³ The 2014 EU Progress Report on BiH, available at: http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-bosnia-and-herzegovina-progress-report_en.pdf, accessed 12 November 2014.

¹³⁴ The EU Supports the Decade of the Roma Integration, Melvin Asin, EU Delegation to BiH, OSCE Mission to BiH, available at: https://www.youtube.com/watch?v=x_DGkgmbL-Q, accessed 13 November 2014.

¹³⁵ Work Strategy of Human rights Ombudsman of Bosnia and Herzegovina for the period 2010-2014, available at: http://www.ombudsmen.gov.ba/documents/obmudsmen_doc2013041106512374eng.pdf, p. 15, accessed 19 November 2014.

¹³⁶ The budget for the "Best practices for Roma" is EUR 3.3 million, 90 percent of the budget is provided by the EU and 10 percent by the OSCE. The project is implemented internationally and covers the region of the Western Balkans. The implementation period was from January 2012 to March 2014. Source: Best Practices for Roma Integration, available at: <http://bpri-odihr.org/about-the-project.html>, accessed 13 November 2014.

One of the main issues that the Roma population faces is the housing issue which is seen as a result of lack of funding¹³⁷, unresolved property issues, unwillingness of Roma to move or actual migration of the Roma population, complicated bureaucracy, inhuman conditions of living without adequate hygiene, but foremost, low-efficiency and unwillingness of the authorities and non-realizations of the housing projects. Very interesting statics have been published on the housing conditions and living standards of Roma in BiH, for example, stating that the percentage of population living without access to secure housing is 37 percent Roma whereas only 7 percent of non-Roma, no access to improved water sources for 30 percent and to improved sanitation even 61 percent of the Roma, whereas compared to 18 and 34 percent respectively, for non-Roma population. Also, for example as a source of energy, 62 percent of Roma uses wood for heating and almost 50 percent for cooking as well whereas the share of non-Roma population using wood is only 17 and 5 percent respectively.¹³⁸

As stated above, the Roma are socially excluded and discriminated across BiH, this fact might in combination with the housing issues result in another serious set of problems that is the statelessness. There are approximately 5,000 people at a risk of statelessness in BiH, mainly Roma people, who often face serious obstacles to effective citizenship with full access to their rights and entitlements.¹³⁹ Particularly sensitive to the human rights violation in this respect are those Roma living in the informal (in fact illegal) settlements. According to the OSCE report, there are around one hundred such settlements with around 22,000 people across more than 30 municipalities in BiH.¹⁴⁰

Additionally, unemployment is a consequence of low education and qualification of most Roma. Incapability of running their private business or ability to find an employment therefore happens to be rather impossible. Although it is very difficult to estimate the unemployment rate of the Roma in BiH as they do not register as Roma or they do not register at all, it is estimated the employed Roma in the FBiH account for less than 1 percent and in RS and Brčko District less than 3 percent.¹⁴¹

Unfortunately, the first years of the Action plan implementation did not help to improve the Roma unemployment rate in spite of the ongoing employment programmes. There

¹³⁷ As of January 2013, the total amount of funds invested from the budget, donors, co-financing funds in the housing is BAM 12.085.405.71 KM. The funds were allocated in the housing projects in 55 locations in BiH, mostly reconstructing the destroyed properties. Moreover, the Ministry regularly applies for the IPA funds and in 2012 was approved 5 million EUR of which 80 percent was directly invested into the Roma housing initiatives. Source: Special Report on status of Roma, p. 28-29.

¹³⁸ Regional Report on Housing Legalization, Settlement Upgrading and Social Housing for Roma in the Western Balkans, OSCE/ODIHR, available at: <http://www.osce.org/odihr/115737?download=true>, p. 21, accessed 14 November 2014

¹³⁹ Bosnia and Herzegovina, UNHCR Global Appeal 2012-2013.

¹⁴⁰ Report on Roma Informal Settlements, OSCE, 22 May 2005, available at: <http://www.osce.org/eea/14860?download=true>, accessed 28 November 2014.

¹⁴¹ Special Report on status of Roma, p. 31-32

have been in fact three project for employing the Roma – in 2009, 2011 and 2013, however, the results of the programs cannot be fully visible yet as the two projects are still in the implementation phase, but the statistical bureau states that around 90 Roma people in RS and around 200 in the Federation have found the employment due to the funds used for the programs. Having spent 660,000.00 KM in RS and 1,069,000.00 KM in the FBiH on those projects, 250 persons employed between 2009 and 2013 seem to be quite an insufficient figure.¹⁴²

A huge obstacle hindering not only the employment but also the integration and social inclusiveness of the Roma minority, is the education. Low level of achieved education is extreme poverty, misunderstanding of the importance of education, changing place of residence and insufficient financing at the state level, for example, in 2012 and 2013 there were no state-level finances appropriated for the Roma Action plan implementation in the educational sector.¹⁴³

There has been higher enrolment of Roma children in the primary educational level although there is still low number of Roma enrolling in the secondary and higher educational institutions, according to educational institutions the Roma children are often excessively absent from school and hence, often fail to catch up with the level of their classmates. However, around one third of the Roma children left BiH with their families according to representatives of local schools.

The healthcare protection has indicated the biggest improvement within the Roma communities; nevertheless, there are still ongoing issues with the access to healthcare of the Roma that are not registered at the offices and are not familiar with their rights and options of social or health insurance. It is estimated that around 70 percent of the Roma have access to and receive an adequate healthcare. In total the Council of Ministers of BiH allocated EUR 1,475,000.00 in 2012 on the Roma issues of which 105,000.00 EUR was used for the healthcare. High financial resources invested into the health sector have paid off as the results proved positive.

Although there are many activities aiming to improve the social position and inclusion of the Roma minority, carried out by the Ombudsman as well as the OSCE, EU and other domestic and international organizations, there are also many obstacles. One of the mentioned problems is a low level of jurisprudence, which affects the implementation of the Law and hinders the performance of the Ombudsman's mandate. The budget appointed within the Bosnian institutions for the Roma inclusion strategy is 1.5 million EUR.¹⁴⁴ It can be assumed the level of implementation would be higher providing more generous financial support of the projects.

¹⁴² Ibid.

¹⁴³ Ibid, p. 34

¹⁴⁴ Special Report on status of Roma, p. 42

Unfortunately, many housing projects were not stopped because of lack of understanding and support of local authorities as well as disapproval of local communities with building the housing facilities for the Roma. This is a clear example of intolerance, racism, prejudice and need for awareness building of the BiH majority population. Not only housing, but also education problem is considered as a result of poor implementation of the Action Plan.

Still four months before the election date the national minorities in BiH, such as Jews or Roma, were denied the right to run for presidency or upper house of the Parliament in general elections in October 2014 in BiH¹⁴⁵ even in spite of a 2009 European Court ruling¹⁴⁶ ordering to undertake immediate constitutional amendments. The prohibition of equal political participation of minorities is discriminatory-based and is considered a strict violation of the human rights; however, the country is very reluctant to change the originally Dayton-set constitutional structure, supporting the tripartite system where only a person from one of the three dominant ethnic groups can run for a high seat. The sad fact is that the Roma population is discriminated in many, if not all, countries across Europe, however, the difference in BiH *“is that their exclusion from national politics and local government prevents their plight from even being recognized.”*¹⁴⁷

Equal rights to vote as well as stand for elections on the non-discriminatory basis speak for a fundamental principle of every democratic society. Bosnia and Herzegovina sees or would like to see itself as one; however, politically or racially based discrimination and restrictions on freedom and human rights have neither place nor understanding or support in any modern European country.

Action plan for Roma is according to the Roma Associations poorly implemented, particularly in the housing sector that desperately needs social housing that so far has not been included in any formal strategic or legal documents.¹⁴⁸ One of the crucial problems is the fact there is very little communication and cooperation between the municipal authorities and the Roma associations. It is in fact very difficult to deal with the Roma issues without Roma participation.

Very few changes have been achieved through ambitious international project of the Decade of Roma 2005-2015. On the one hand, political reluctance and lack of

¹⁴⁵ Bosnia and Herzegovina: Political Discrimination Back in Spotlight, Human Rights Watch, 24 June 2014, available at: <http://www.hrw.org/news/2014/06/24/bosnia-and-herzegovina-political-discrimination-back-spotlight>, accessed 14 November 2014.

¹⁴⁶ European Court for Human Rights, Case of Sejdic and Finci v. Bosnia and Herzegovina, Strasbourg, 22 December 2009, available at: [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-96491#{"itemid":\["001-96491"\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-96491#{), accessed 15 November 2014.

¹⁴⁷ Bosnia and Herzegovina: Roma, Jews Face Political Discrimination, Human Rights Watch, 24 April 2012, available at: <http://www.hrw.org/news/2012/04/04/bosnia-and-herzegovina-roma-jews-face-political-discrimination-0>, accessed 14 November 2014.

¹⁴⁸ Regional Report on Housing Legalization, Settlement Upgrading and Social Housing for Roma in the Western Balkans, OSCE/ODIHR, p. 31

leadership and on the other hand, no priority on the reform list concerning the minorities, particularly the Roma. Many in BiH believe the political priorities should be kept for the “constituent majority,” or the three dominant ethnic groups of the Croats, Serbs and Bosniaks as they are often referred to (by themselves?), however, I am afraid, in many cases it is doubtful the political representation actually disposes of the abilities and competencies to lead even the “constituent people.”

Positively speaking, the most fundamental steps were already made creating institutional and legislative framework for the Roma inclusion therefore I believe the integration and inclusion processes will be advancing in the future. The Ombudsmen encourages further cooperation between the state and local authorities and in fact, have recommended the Ministry for Human Rights and Refugees takes the responsibility for overseeing the implementation of housing project and complying with the Action Plan for Roma. Moreover, the emphasis should be given on awareness of the Roma regarding their rights in order to eliminate all forms of discrimination they often face.

4.2.7 Fighting against the Gender Inequality in Bosnia and Herzegovina

The problem with the gender inequality emerges as a part of the human rights abuse across BiH, however, the topic of gender has very specific characteristics and therefore, I have decided to dedicate a separate column to this particular type of the human rights violations. Also, emancipation of women seems to be quite a new topic and luckily, attracts ever-growing attention into the discourse of the human rights protection in the region of the Western Balkans.

Historically, women had held a very traditional position in the society not only in BiH but in the whole region of the Western Balkans. Some NGOs have even reported ongoing practices of forced marriages in the most remote and traditional communities while rape, spousal rape and domestic violence on women is still on daily basis. Rape and in particular spousal rape is underreported by the victims and by the authorities. As the country tries to combat violence against women, several initiatives have been ongoing in BiH in order to inform women on their rights. A state-level Agency for Gender Equality made a research on domestic violence in RS and the Federation indicating that nearly 50 percent of the women that took part in the research have personally experienced psychological or physical abuse, and what is more, only 17 percent of violated women have sought help. The most common form of abuse against women, according to the research, is psychological violence (42 percent of women face this kind of abuse during their lifetime), physical violence (24 percent of women) and sexual violence (6 percent of women).¹⁴⁹ As this kind of violence very often stays

¹⁴⁹ U.S. Department of State, Bureau of Democracy, Human Rights, and Labour, Country Reports on Human Rights Practices for 2013, Bosnia and Herzegovina.

unreported, some NGOs even estimate that one third of Bosnian Women actually face domestic violence on almost daily basis.¹⁵⁰

Also, ever-growing problem is trafficking of women and girls and forced prostitution which have been flourishing in a country full of corruption and impunity. The Human Rights Watch published a Report stating there were around 230 nightclubs and bars in BiH involved in human trafficking and approximately 25 percent of young girls in the clubs are being trafficked, estimating around 2,000 girls coming from former Soviet Union and Eastern Europe (mostly from Moldova, Ukraine and Romania) are trapped into the network of human traffickers across BiH.¹⁵¹

Many associations concerned about the female rights have reported problems with employment discrimination towards women. The Ombudsman, therefore, released a Special Report on Violation of Human Right to Remuneration at the Time of Maternity Leave in Joint Institutions in BiH¹⁵² that encourages the Parliamentary Assembly of BiH, the Council of Minister and the Ministry of Finances to ensure compliance of BiH legislative with the international non-discriminatory standards and rights to remuneration at the time of maternity for women-mothers.

The secondary position of females in the traditional Bosnian society is nowadays reflected in underrepresentation of women in the political life and decision-making of BiH. After the last elections¹⁵³ females only account for around 17 percent of parliamentary positions; women hold less than 20 percent of the positions in the Parliamentary Assembly as well as in National Assembly of RS and in the BiH Federation Parliament. Even the electoral commission is not in accordance with the Law on Gender Equality¹⁵⁴ since of the seven members only one is a woman.

¹⁵⁰ Ibid.

¹⁵¹ Hopes Betrayed: Trafficking of Women and Girls to Post-Conflict Bosnia and Herzegovina for Forced Prostitution, Human Rights Watch, November 2002, available at: <http://www.hrw.org/reports/2002/bosnia/Bosnia1102.pdf>, accessed 24 November 2014.

¹⁵² Special Report on Violation of Human Right to Remuneration at the Time of Maternity Leave in Joint Institutions, 12 May 2009, available at: http://www.ombudsmen.gov.ba/documents/obmudsmen_doc2013020106114536eng.pdf, accessed 24 November 2014.

¹⁵³ The results of the general elections of 2010 are considered although the most recent elections took place in October 2014 at the state, entity and cantonal level; however, by the time of writing the government has not been formed yet (14 November 2014).

¹⁵⁴ In 2010 the Law on Amendment to the Election Law was adopted, stating on the gender equality: „Every candidates list shall include the candidates of male and female gender. Every minority gender candidates shall be distributed on the candidates list in the following manner. At least one minority gender candidate amongst the first two candidates, two minority gender candidates amongst the first five candidates, and three minority gender amongst the first eight candidates et seq. The number of minority gender candidates shall be at least equal to the total number of candidates on the list, divided by three rounded up to the closest higher integer.“ Source: Annual Report on results of the activities of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina for 2013, p. 43.

Special attention is requested to be paid by the Ombudsman institution to the status of civilian victims of the war; particularly women as the victims of sexual abuse which is not recognized in the legislation of RS.¹⁵⁵

In addition, the Roma women find themselves in a very difficult situation as they face double discrimination; firstly by the Roma because they are women, and secondly by most of Bosnians because they are Roma.¹⁵⁶ As a part of the project Best practices for Roma Integration, a documentary movie was presented by the OSCE on five women running the candidacy for municipal councils and assemblies in last local elections in 2012. The Roma women in the documentary expressed their fear not to be fully respected by other councillors and representatives because of the Roma ethnicity. Unfortunately, none of these women has held the position.¹⁵⁷

To ensure compliance with the Paris principles¹⁵⁸ equally for both men and women, the OSCE initiated the Action Plan for the Promotion of Gender Equality to promote the political participation of women in all 57 participating countries. In addition, the OSCE presented a Handbook for National Human Rights Institutions on Women's Rights and Gender Equality in Sarajevo in December 2012 in order to stress the importance of the national institutions in combating the discrimination against women and promote their position in the society. The handbook also offers examples and recommendations on how to strengthen and improve the protection of women's rights in the OSCE participating countries.

One of the positive outcomes of the international pressure on BiH to solve of the problem of the women rights is the fact that in July 2013 BiH ratified the Istanbul Convention¹⁵⁹ of the Council of Europe on preventing and combating violence against women and domestic violence.¹⁶⁰

¹⁵⁵ Annual Report on results of the activities of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina for 2013, p. 61.

¹⁵⁶ Documentary movie the Roma Women and Elections released by the OSCE, 18 November 2013, available at: http://bpri-odihr.org/single-news/items/Roma_women_face_double_discrimination.html, accessed 11 November 2014.

¹⁵⁷ The Roma Women and Elections, available at: <http://bpri-odihr.org/17/items/Roma-women-and-elections.html>, accessed 11 November 2014.

¹⁵⁸ The Paris principles are a set of international standards adopted by the United Nations in 1993 in order to create a framework for human rights protection in the international community. Source: Paris Principles: 20 years guiding the work of National Human Rights Institutions, 30 May 2013, available at: <http://www.ohchr.org/EN/NewsEvents/Pages/ParisPrinciples20yearsguidingtheworkofNHRI.aspx>, accessed 11 November 2014.

¹⁵⁹ Bosnia and Herzegovina ratifies the Istanbul Convention, Women against Violence Europe, 23 July 2014, available at: <http://www.wave-network.org/content/bosnia-and-herzegovina-ratifies-istanbul-convention>, accessed 15 November 2014.

¹⁶⁰ Council of Europe Convention on preventing and combating violence against women and domestic violence, 12 April 2011, available at: http://www.coe.int/t/dghl/standardsetting/equality/03themes/violence-against-women/Conv_VAW_en.pdf, accessed 8 November 2014.

As far as BiH is concerned, the OSCE is particularly active in the women rights protection through monitoring and data collection, complaints handling, promoting the initiatives like workshops on gender equality in cooperation with the UN Women or UNDP. However, the Bosnian representatives have not taken tangible measures to tackle the widespread human trafficking and violence against women and girls across the country.

4.2.8 Reforming the Education System

Education is another keystone in the peace rehabilitation process. The support of the education sector in BiH has been undertaken in three directions. Firstly, the actual physical reconstruction of destroyed schools and other educational facilities, equipping the institutions and refurbishing the classrooms; and only in the second stage of the process, the actual content of the classes and education methodology stepped in. Thirdly, a joint commission was created to agree on the interpretation of history free of aggressive narrative.

In late 2002 the OSCE Mission established an education department to support the reform process with its fundamental goal to promote political and legislative changes that would lead to creating comprehensive education system which is affordable, acceptable and efficient for all citizens regardless of their ethnic origin, gender or social status. The Mission's main goal is to integrate the content of education and develop more inclusive and accessible educational institutions that adhere to modern educational methods and support the respect for country's minorities and its ethnical diversity. This is believed to guarantee long term stability and security of the country as education forms the view of young people as well as their families. The necessity is to teach them to be tolerant and active members of their communities.

BiH's education system was suffering fundamental defects in the period right after the war as a result of the communist legacy as well as ethnic conflict in spite of the fact that prior to the war BiH was considered as mid-developed country with quite well established functioning educational system. The current rankings, however, show deterioration of the sector and severe falling behind the OECD average and even the country's neighbours. This has been a result of several simultaneously ongoing factors and tendencies. One of the core problems were nationalist policies having a huge influence on education which has been, fortunately, decreasing, however, there are numerous problems still on the Bosnian "must-reform" list. Quite shocking is widespread illiteracy¹⁶¹ especially affecting the minority and vulnerable groups (in particular Roma people still struggling with 25 percent illiteracy, moreover, gender

¹⁶¹ According to the official data, only 4-5 percent of the Bosnian population is illiterate, however, the unofficial data mentions the illiteracy figure rises up to 12 percent. Source: Pašalić, K. A. The War and Post-War Impact on the Educational System of Bosnia and Herzegovina, available at: <http://www.jstor.org/stable/40270038>, p. 357, accessed 3 November 2014.

issues are still alive – 80 percent of the illiterate are women), quite low percentage of population with high degree (estimated 10 to 14 percent only), strong impact of traditional conservative educational practices resulting in the institutions incapable of dealing with modern educational needs and very often unwilling to adopt new practices, segregation and discrimination among children as well as lack of investment in educational sector.¹⁶²

Education system has been undoubtedly affected by the unfortunate division of the country caused by the ethnic cleansing. As soon as the conflict broke out, the education sector divided into three ethnically based systems – Serb, taken from Serbia to the east of the country; Croat, adopted from Croatia and spread to the west and the north; and Bosnian keeping large parts of the old Yugoslav curriculum. The selected system was based on the location of the school and its dominant ethnicity. Sadly, the situation of the divided alphabets and languages, separate textbooks, different versions of history and explanation of reality, diverse religious, etc. has caused the young people and children being raised up into the atmosphere of hatred and mistrust of one another. The whole system of separation infected the society so deeply that their results are now very difficult to fight against.

As long as the linguistic issues are taken into account, the names for the languages are used differently across BiH depending on the aforementioned political and ethnic divisions (Serb, Bosnian, and Croat); consequently, it makes an impression that it actually is a different language rather than just various versions or dialects of a single language. All these variations are perfectly clear and understandable and hence, no language barriers are present in BiH. Therefore it is clear that the division of the language is not linguistically, however politically motivated.

In addition, another spark to the country's segregation is teaching religion at schools that was introduced after the war without adequate training of the teacher or developing a proper context for such education. The segregation is so strong that for example some village schools that have more than one ethnic group under one roof actually have separate entry door or separate floor for each ethnicity.¹⁶³

The Dayton Accords contributed to further separation of the prior-to-the-war-common system because all the educational sector competencies were delegated on the entities and what is more, even within the entities their competencies have been spread unequally. While the Federation of BiH was decentralized (with educational decision-making competencies delegated to cantons), RS kept more centralized governing management. Subsequently, thirteen constitutions and thirteen Ministries of Education were established across BiH (involving two entity ministries, ten cantonal ministries and the ministry of the Brčko District). First state-level educational authorities were

¹⁶² Ibid., p. 357-358.

¹⁶³ Ibid, p. 367.

established under the Ministry of Civil Affairs only as late as 2002. However, the competencies of those authorities stay very limited.

The OSCE holds a key role in the reform process as the organization has been working on the education system reform and cooperating with other international agencies and NGOs such as Save the Children intensively since 2002, promoting non-discriminatory and equal conditions to all children of BiH. The Education Reform Strategy presented in November 2002 consisting of recommendations on how to create a common, joint and inclusive educational state-level system. All ministries signed the strategy however, so far have failed to adhere to its principles. Once again, political reluctance hinders the implementation of the reform. Four principles of the Education Reform according to the OSCE are as follows: Coordination of political support for reform process, new legislation, inclusion and non-discrimination, civic involvement in the education reform process.

To bring positive and visible results, the organization started the reform efforts from the very bottom and hence, has revised the educational system of the country from its very foundation which was very challenging. As a result, the initial revising plans for 2010 proved rather unrealistic.

As stated above, the accent was given primarily on the history textbooks reform. The segregation that has occurred as an outcome of the ethnical conflict has also been present at schools therefore the OSCE has introduced projects that stress the capacity building for the school staff and educational management. The most obvious signs of the Bosnian intolerance were expressed by the textbooks, especially describing differently the realities of the war and fight for independence. Obviously, the biggest controversy arises when discussing the recent conflict. BiH was proposed a moratorium to design a common approach on how to teach about the conflict.

The process involved representatives of all three Bosnian ethnicities as well as international experts but nevertheless, has been extremely complicated and lengthy and has not brought expected outcomes as different nationals have distinct views and interpretations of the historical events. Very often the joint historical cooperation is hindered by political interference and hence, international mediation steps in to facilitate the discussion and bring the results. Although the international community tried to bring together historians of all three ethnic backgrounds and established textbook commission to work on the joint interpretation of the recent history, they all behaved as nationalist representatives of their ethnic minority rather than professional neutral scholars and it is very improbable that they would have made the effort to do that without the international pressure.¹⁶⁴ The following challenge was afterwards the textbook approval process. It was crucial to separate the independent pedagogical

¹⁶⁴ Pingel, F. Can Truth Be Negotiated? History Textbook Revision as a Means to Reconciliation, available at: <http://www.jstor.org/stable/25098021>, p. 193, accessed 4 October 2014.

approach from the political agenda. The concept of a united and harmonized interpretation of the past events is still a long way ahead; it is a proof the Bosnian *“teachers cannot implement it, scholars are not sufficiently trained to develop it, and politicians are not ready to accept it.”*¹⁶⁵

As far as the regular Bosnian population is concerned, some approve of the divisions and some even insist on them. On the other hand, there is an ever-growing group of people (totalling between 54 and 79 percent according to recent polls)¹⁶⁶ who absolutely disagree with the educational system being divided according to the ethnicity, nationality and religion as this division creates segregation among children from their very first school year.

Although the first approved common books were elaborated in 2007, the whole reform is at the risk. Republika Srpska is still reluctant to admit the war crimes the Serb minority caused in the First and Second World War and genocide in the most recent conflict. On the other hand, Bosniaks would only like to present themselves as “just and victimized.” The international community, however, tries to persuade the minorities that they have to present a neutral attitude and admit the good as well as the negative because *“without recognition of crimes, there can be no reconciliation.”*¹⁶⁷

What has been successfully done is the creation of a reforming platform and the decision on five premises for the educational reform given by the ministers to the PIC because it is an Action Plan that requests certain steps to be followed. The first common core curricula was introduced across BiH’s schools in the 2003/2004 academic year as a result of a State-level Framework Law on Primary and Secondary Education adopted by the Parliament.¹⁶⁸ The OSCE has used the help of local media to broadcast commercials supporting the educational reforms at schools.

To evaluate the outcomes of the introduced reforms and new practices, the Index for Inclusion was introduced in 2008. It has been installed in more than 350 educational institutions across BiH until now and according to the OSCE officers, has shown positive results so far. The Index contributes to building tolerance and respect for diversity in multi-ethnic Bosnian communities and what is more, it serves as a self-assessment tool for school staff, parents or even student themselves which they can use to actively contribute to inclusive developmental planning and its implementation in the education sector. Especially vulnerable to exclusiveness and discrimination are the communities of Roma, refugees or internally displaced, returnees or socially weak and

¹⁶⁵ Ibid., p. 192.

¹⁶⁶ Pašalić, K. A. The War and Post-War Impact on the Educational System of Bosnia and Herzegovina, p. 368.

¹⁶⁷ Pingel, F. Can Truth Be Negotiated? History Textbook Revision as a Means to Reconciliation, p. 193-194.

¹⁶⁸ Investing in the future: BiH education reform, OSCE, 24 March 2010, available at: <http://www.osce.org/bih/57534>, accessed 5 November 2014.

unfortunately, there has not been very positive impact in combating discrimination and fostering inclusion. These group are therefore of a particular interest for the OSCE and other involved agencies.

The OSCE is currently significantly active in the implementation of the education reform by providing BiH with the educational inspectors – the control mechanism that insures sustainable, professional and independent supervision. According to OSCE, their position is not really supported by the local authorities and therefore, the country actually lacks effective supervision. That might be one of the reasons why the education reform has been so progressing so slowly.

To sum up, the Bosnian education system is unfortunate as a result of the division following the ethnic conflict in the nineties, which was also facilitated by the Dayton accords separation of the entities and political decentralization. The education system has been directly affected by nationalist parties and their policies. Forceful ethnic, national and religious identity is often created artificially as many of the children and Bosnian inhabitants come from ethnically mixed families but because of the standards of the system they are pushed to choose only one ethnicity or nationality instead of belonging to a common BiH community. The nationalist leaders stand very often against the integration tendencies as they fear the loss of political power and influence once the ethnic groups are integrated.

But still, even if the reform is fully implemented and the commission's work is done, there will remain a gap between the history teaching and the history consciousness. Only open, inclusive, equal and free system can ensure successful and effective process of cooperation and integration where open-minded and tolerant young people of all ethnic and religious identities live together side by side in peace. This last step is, however, fully in the competence of Bosnian people themselves.

5 Bosnia and Herzegovina Almost Twenty Years since Signing the Dayton Peace Agreement

The story of BiH does not, unfortunately, recall of an immediate “success story” of the international peacebuilding programs and efforts. The country has been struggling with stagnating economy, high unemployment rate with very few opportunities for people, non-progressing nationalist atmosphere, huge bureaucratic apparatus that lacks transparency, enormous corruption, discrimination. However, it would be unfair to say BiH has not made any progress.

One of the biggest successes would be becoming a member of the Council of Europe in 2002 and signing a Stabilization and Association Agreement with the European Union on 16 June 2008, which labelled the country as a prospective member of the Union. For what concerns the Bosnian post-war legacy, in addition to Brussel’s regular pre-accession conditions, BiH was demanded to fulfil three extra requirements: an empowered European Union Special Representative, compliance with the objectives and conditions set out by the Peace Implementation Council (PIC), constitutional reforms stewarded by the EC.

District Brčko, a town in the north-eastern that was created as a multi-ethnic self-governing unit in 1999, is also considered a success story within BiH as its institutions were credited sustainable and effective in 2009 by the international observers, and thus, the supervising post of a deputy high representative was suspended by the PIC as off September 2012, however, not terminated as the function of an authoritative and a legal body as well as the Tribunal for Brčko continues to fulfil its duties.¹⁶⁹

The EU has been supporting BiH financially since the end of the war and has played a major role in external assistance to the post-war country. In fact, the EU has been Bosnia’s greatest international donor with financial help of more than two billion euro between 1995 and 2005.¹⁷⁰ Since that time, the Union’s financial assistance has gradually changed its character from providing the country with emergency assistance towards reform-related conditionality and thus, the aid is mostly aimed at institution and capacity building. The program through which the EU was delivering the assistance to the Western Balkans and BiH since 2001 was called the CARDS or “Community Assistance for Reconstruction, Development and Stabilization,” the new initiative

¹⁶⁹ Jukic, E. International Supervision of Brčko to be Lifted, *Balkan Insight*, 24 May 2012, available at: <http://www.balkaninsight.com/en/article/bosnia-s-peace-overseer-suspends-brcko-supervision>, accessed 23 November 2014.

¹⁷⁰ Recchia, S. Beyond international trusteeship: EU peacebuilding in Bosnia and Herzegovina, European Union Institute for Security Studies, available at: <http://www.iss.europa.eu/publications/detail/article/beyond-international-trusteeship-eu-peacebuilding-in-bosnia-and-herzegovina/>, p. 17, accessed 30 November 2014.

approved under the financial framework for 2007-2013 has been called the IPA “Instrument of Pre-accession Assistance.”

Although the PIC had announced its aim to close the OHR already in 2007, making Christian Schwarz-Schilling pronounce he would be the last High Representative in the office, however, was later succeeded by Miroslav Lajcak in the function who again claimed to be the last High Representative, the PIC had to postpone the plans to call off the OHR because of the political situation that followed in BiH. The international community imposed on BiH a need to fulfil five objectives and two conditions for the closure of the OHR.¹⁷¹ Until today, however, these conditions have not been met.

Bosnia has found itself in a political crisis since the general elections in October 2010 when the country was left without the central government for fourteen months and its fragile coalition collapsed only six months later. Milorad Dodik’s Alliance of Independent Social Democrats party (SNSD¹⁷²) gained significant support and came out of elections as a leader of the RS government and presidency, as well as the Republika Srpska National Assembly. Dodik is the strongest populist leader the RS has been led by in the last decade.

The Bosniaks showed in the 2010 elections they were willing to undertake the compromises in order to improve the dysfunctional government, move towards the EU integration and minimize the Serb and Croat attempts to undermine the BiH’s integrity.

The EU was present in BiH through the European Union’s Special Representative and the head of the European Commission Delegation to BiH. Since 2007, the High Representative has also held the position of EUSR, covering so called “double-hatted” function of EUSR/Head of EU delegation. However, in September 2011 the EU re-introduced the decoupling of EU Special Representative’s mandate from the Office of the High Representative in order to reinforce the EU’s mandate in BiH.¹⁷³

The political disarray escalated into a call for a Bosnian Serb referendum in 2011 requested by Milorad Dodik, the president of RS, with the purpose to gauge state war crimes court and special prosecutor’s office established in 2005 by international decree (the high representative).¹⁷⁴ The international community believed this referendum

¹⁷¹ The “5+2 agenda” includes five objectives: resolution of state property, resolution of defence property, completion of the Brčko Final Award, fiscal sustainability (completed as of May 2010), entrenchment of the rule of law (completed as of May 2010); and in addition, two conditions: signing of the SAA (completed on 16 June 2008), positive assessment of the situation in BiH by the PIC Steering Board.

¹⁷² In Serbian: Savez nezavisnih socijaldemokrata

¹⁷³ European Commission, Report on Progress, 2014.

¹⁷⁴ Bosnia in worst crisis since war as Serb leader calls referendum, The Guardian, 28 April 2011, available at: <http://www.theguardian.com/world/2011/apr/28/bosnia-crisis-serb-leader-referendum>, accessed 23 November 2014.

would spark the aspirations on referendum on the RS independence and hence, a Bosnia's breakup.¹⁷⁵

The High Representative Valentin Inzko as well as the EU warned the referendum would harm the relationship of BiH with Europe. Inzko even stated he would be obliged to use the "Bonn powers" and halt the referendum. Dodik in the end cancelled the referendum after the Baroness Catherine Ashton and an EU's Balkan envoy Lajcak travelled to Banja Luka to explain the consequences BiH would be facing in case of such act and offered the RS a dialogue on the judiciary process in order to bring it closer to the harmonized EU's *acquis communautaire*.¹⁷⁶

The European Commission expressed their concerns in 2012 regarding the unwillingness of the politicians and a lack of progress in adopting the constitutional amendments imposed by the European Court of Human Rights 2009 ruling on the Sejdić-Finci case that is discussed above. The issue became even more complicated after the collapse of the government coalition on 31 May 2012. The Council of Europe as well as the EU proclaimed it would not accept the results of the 2014 general elections unless the constitutional changes were made.¹⁷⁷

The difficult socio-economic situation, high unemployment, political disarray and state-wide corruption triggered a wave of protests in February 2014 as no surprise since BiH overcame so called "Baby Revolution" in June 2013,¹⁷⁸ that originated as the citizens protested against the political quarrels that were hindering the adoption of legislation on a single and unified identification number usually issued at birth that allows access to state services and documents.

The most recent Bosnian demonstrations began in Tuzla on 5 February 2014 when the trade union members and their supporters (around 6,000 people) protested in front of the cantonal government seat in response to unpaid salaries, layoffs and unjustifiably high severance pay for the officials following the privatizations of several companies in the town that immediately sold their assets, filed for bankruptcy and were planning to left thousands in the city unemployed.

The violence broke out between the protesters and special police as the demonstrators tried to enter by force into the cantonal building. Afterwards the protests spread very fast to around twenty other cities throughout BiH, including the town of Zenica and

¹⁷⁵ International Crisis Group: Bosnia in post-war crisis, BBC, 6 May 2011, available at: <http://www.bbc.co.uk/news/world-europe-13313857>, accessed 23 November 2014

¹⁷⁶ Bosnia tension eases as Serbs cancel referendum, BBC, 13 May 2011, available at: <http://www.bbc.co.uk/news/world-europe-13389051>, accessed 23 November 2014.

¹⁷⁷ Bosnia's Gordian Knot: Constitutional Reform, CIG, 12 July 2012, available at: <http://www.crisisgroup.org/en/regions/europe/balkans/bosnia-herzegovina/b068-bosnias-gordian-knot-constitutional-reform.aspx>, accessed 23 November 2014.

¹⁷⁸ Al Jazeera, Unity in #JMBG protests, 12 June 2013, available at: <http://stream.aljazeera.com/story/201306122003-0022824>, accessed 28 November 2014.

even the capital Sarajevo, where the cantonal buildings along with the presidential palace were set ablaze. Although the most demonstrations took part in the Bosniak-Croat part of BiH, the protestors were also supported in Banja Luka and thus, the protests could hardly be ethnically-driven. The authorities stated that around 200 people were injured during the unrest that calmed down on 8 February, as a result of a few cantonal prime ministers, including the ones of Tuzla and Sarajevo, resigning from their functions.

Moreover, the country was hit by severe flooding in May 2014 and consequent landslides which brought further challenges to the poor infrastructure, housing issues, economic weakness and hence, general dissatisfaction of its citizens. The estimated damage is 2.04 billion EUR which is almost 15 percent of BiH's GDP.¹⁷⁹ The international community and individual donors responded to the situation with immediate financial assistance to the countries affected by the heavy raining, including neighbouring Serbia and Croatia. In total, EUR 1.846 billion was pledged, out of which EUR 809.2 million was allocated for BiH, mostly in the form of loans.¹⁸⁰

The results of the general elections held on 12 October 2014 underpinned the dominance of the ethnic division of the country as the traditional nationalist-oriented rhetoric won over the multi-ethnic moderateness. The mistrust among the Bosnian ethnicities and functioning of the common democratic institutions as well as lack of the uniform and shared views on country's future violate the stability of the country and hinders the cooperation to undertake the reforms so much needed for political advancement. A new gender rule requires 40 percent of women presence in the administration of the elections as well as in the candidate list. Although the elections were pronounced to have been conducted in line with general democratic standards of the Council of Europe and the EU, the key obstructions for ethnic minorities to stand for the presidency positions remained unresolved. Sadly, it is already second general election term since the 2009 Sejdic-Finci judgement conducted without the required constitutional reform for fully democratic elections.¹⁸¹

The populist ethnic-nationalist parties came out of the elections as winners. In the Federation, the Bosniak Party of Democratic Action SDA won around 28 percent votes,

¹⁷⁹ OHR, 46th Report of the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina to the Secretary-General of the United Nations, available at: http://www.ohr.int/other-doc/hr-reports/default.asp?content_id=48883, accessed 30 November 2014.

¹⁸⁰ Ibid, p. 3.

¹⁸¹ The right to stand for the BiH Presidency and the RS President and Vice Presidents is granted only to "constituent people", i.e. the ones who declare themselves as Bosniaks, Croats or Serbs. Moreover, the right to stand as a candidate is limited by residency meaning a Serb registered in the FBiH and a Bosniak or Croat in the RS cannot stand for the BiH Presidency, RS voters might only vote for a Serb candidate for the BiH presidency and voters in the FBiH can only chose either a Bosniak or Croat candidate. Source: International Election Observation Mission, Bosnia and Herzegovina – General Elections, 12 October 2014, Statement of Preliminary Findings and Conclusions, p. 4.

which is around 233,000 votes, followed by the Democratic Front DF getting approximately 128,000 votes. In RS the Alliance of Independent Social Democrats SNSD received the most votes, 229,000 in total while the second most successful party was the Serbian Democratic Party SDS with around 193,000 votes. The leading party among the Croat community came out the HDZ.¹⁸²

Although it was not obvious at the beginning of the negotiations what coalition will the SNSD form in the RS parliament, they managed to sign a coalition agreement with the Socialist Party SP and the Democratic People's Alliance DNS to form the entity government. The SDA, the DF and the HDZ have agreed on the coalition program and signed the agreement to form the government in the Federation as well as the state level on 19 November 2014. To form the state-level government, however, they must also negotiate and agree on a program with a party from the RS entity.¹⁸³ At the time of writing this thesis, it is still not clear which party of the RS will be participating on the state-level government. Although the SDA and the DF prefer the opposition Serb parties, the HDZ has already started cooperation with the leading SNSD.

According to the Bosnian citizens and the High Representative, the presence of the Office as well as the military mission EUFOR is of a crucial importance not only for the OHR and the international community, but also for all ethnic groups across Bosnia.¹⁸⁴ Almost twenty years after the conflict, the extraordinary measures of the High Representative of stepping in the domestic affairs and regulating the political life by and removing the individuals from the public offices are still in place. In August 2014, the HR Valentin Inzko had to exercise his executive powers and banned 31 persons from holding the public office.¹⁸⁵ Regrettably, this fact only proves BiH has not yet developed a self-sustaining political democratic system able to act independently from the international community.

5.1 What hinders Bosnia and Herzegovina?

Firstly, the **legacy of Dayton agreement**, which was primarily meant to end the war, however, left the country ethnically divided and established a dysfunctional state apparatus. As former High Representative, Miroslav Lajcak, pointed out during his speech at John Hopkins that the country with a complex, costly but absolutely dysfunctional and ineffective governmental structure and bureaucratic apparatus of “*two*

¹⁸² Bosniak Party Mulls Options After Bosnia Election Win, Balkan Insight, 15 October 2014, available at: <http://www.balkaninsight.com/en/article/parties-mull-their-options-after-bosnia-elections>, accessed 23 November 2014.

¹⁸³ Parties Stake Claim to Run Bosnia Federation, 20 November 2014, Balkan Insight, available at: <http://www.balkaninsight.com/en/article/bosnia-parties-set-programs-for-govt-coalitions>, accessed 23 November 2014.

¹⁸⁴ OHR, 46th Report of the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina to the Secretary-General of the United Nations.

¹⁸⁵ Ibid, p. 4.

*entities [for] three constituent peoples; five presidents, four vice presidents, 13 prime ministers, 14 parliaments, 147 ministers and 700 members of Parliament, all of whom serve a population of just under four million people..”*¹⁸⁶ Unfortunately, the situation has not improved since and the country has been on the downward path regarding its development.

The key issue is the political instability that has been hindering BiH since the conflict ended. The obstacle is the different views of the three main ethnicities on what kind of state they want to live in, however, their concepts never really matched. The Bosniaks have been promoting the state of BiH, the Serbs have been loyal to their Republika Srpska; and the Croats have been desirous of their own entity within the state. Establishment of a loose union of two entities with broad competencies that has been gradually centralized basically promotes the Bosniak vision at the expense of the Croats and Serbs.¹⁸⁷

Secondly, continuing **economic stagnation**, very high unemployment and lack of opportunities are another set of Bosnian frustrations. Bosnian economy was in the recent years also affected by the economic recession and is only slowly recovering. Although privatization of several huge companies (RS Telecom and an oil refinery) between 2006 and 2008 gave the RS fake impression of economic growth, the gained funds contributed very little to the overall economic development.¹⁸⁸

The table below shows the tendencies of the macroeconomic indicators – the total GDP, GDP growth (in %) and GNI per capita – all in current USD. Paradoxically, according to the figures of the GDP and GDP per capita, they are obviously growing. However, it is interesting to see the Bosnian population has been in fact shrinking since.

Table: Macroeconomic Indicators

	2005	2007	2009	2011	2012	2013
GDP (bill. USD)	10,95	15,28	17,08	18,25	16,85	17,82
GDP growth (%)	5	7	-3	1	-1	0
GNI per capita (USD)	6,440	7,970	8,770	9,310	9,290	9,820
Population	3,879,82	3,868,665	3,853,44	3,839,322	3,833,916	3,829,307

Source: The World Bank data, 2014.

¹⁸⁶ United States Institute of Peace, Making Bosnia Work: Why EU Accession is Not Enough, June 2008, p. 2.

¹⁸⁷ CIG, Bosnia: State Institutions under Attack.

¹⁸⁸ CIG, Bosnia: What does Republika Srpska want?

The latest unrest in February 2014 was a result of sluggish economy, corruption in the country and triggered by 57 percent youth unemployment,¹⁸⁹ 44 percent general unemployment, 27.5 percent when taking into consideration the black economy.¹⁹⁰ According to Doing Business report published annually by the World Bank, BiH is at the tail of European standards with regard to general business-friendliness of the country (107. in the world ranking) even when compared to the poorest European countries like Belarus (57.), Moldova (63.) or Macedonia (30.).¹⁹¹

Moreover, the country has been falling into a huge public debt mostly caused by public companies located in Republika Srpska, rather than in the Federation. The debt with commercial banks doubled in the past four years and according to the Public Interest Advocacy Centre (PAIC) it *“is not in the interest of citizens and their children, who will be paying off the debt for decades.”*¹⁹²

Apart from the high unemployment rate and slow growth of the economy, the general standard of living in BiH is alarmingly low. The impure privatisation process that followed the fall of communism has produced a handful of tycoons, almost wiped out the middle class and dispatched the Bosnian working classes into poverty.¹⁹³ Almost 20 percent of the Bosnian population currently lives below the poverty line.¹⁹⁴

Corruption, rampant nepotism and weak rule of law sabotage the economic development and undercut the growth. According to Transparency International, BiH ranks 72. at the Corruption Perceptions Index 2013 rating 177 countries based on perception of their public sector corruption.¹⁹⁵

Thirdly, the **political unwillingness** to make compromises and agony underpinned by nationalism contribute to the instability and underdevelopment of the country. Valentin Inzko expressed his concerns over the political situation and its evolvement in the

¹⁸⁹ Improving Opportunities for Young People in Bosnia and Herzegovina, World Bank, 14 February 2014, available at: <http://www.worldbank.org/en/news/feature/2013/02/14/improving-opportunities-young-people-Bosnia-Herzegovina>, accessed 24 November 2014.

¹⁹⁰ Spring in the Bosnian Step, The Economist, 10 February 2014, available at: <http://www.economist.com/blogs/easternapproaches/2014/02/bosnias-protests>, accessed 24 November 2014.

¹⁹¹ According to the report, Bosnia holds 187. Place when dealing with construction permits is considered, and 151. position in paying the taxes. Source: Doing Business 2015: Going Beyond Efficiency, available at: <http://www.doingbusiness.org/reports/global-reports/doing-business-2015>, accessed 24 November 2014.

¹⁹² Analysts Worried Over Bosnia's Growing Debt, Balkan Insight, 1 August 2012, available at: <http://www.balkaninsight.com/en/article/bosnia-grows-indebtedness-analysts-say>, accessed 24 November 2014.

¹⁹³ Bosnia protests: 150 injured as demonstrators set fire to presidential palace, The Telegraph, 8 February 2014, available at: <http://www.telegraph.co.uk/news/worldnews/europe/bosnia/10625810/Bosnia-protests-150-injured-as-demonstrators-set-fire-to-presidential-palace.html>, accessed 23 November 2014.

¹⁹⁴ CIA World Factbook 2013.

¹⁹⁵ Corruption Perceptions Index 2013, Transparency International, available at: <http://www.transparency.org/cpi2013/results>, accessed 24 November 2014.

Report to the UN stating that “*political manoeuvrings have taken precedence over the pressing need of the citizens and a country as a whole.*”¹⁹⁶ Moreover, the politicians seem increasingly resistant to the domestic as well as international pressure imposed on them.

Although the nationalist parties and their obstructionist policies are very often criticized by the international community, they have been gaining continuous support by the voters since the end of the war. The reason, apart from nationalism rooted in the nature of the Bosnian people, might also be the political parties nominations in the governing agencies and hence, the party-controlled employment for a large percentage of the working population supporting the complex bureaucratic system, makes them dependent on the political parties they work for.¹⁹⁷

Probably the most obvious nationalist-rooted problem arises from Republika Srpska. The international community as well as BiH itself, has been struggling with RS since the very early stages of implementation of the Dayton Accords. As Valentin Inzko pointed out, the problematic is the populist policies by a worrisome rhetoric of Milorad Dodik and the Serb secessionist policies aimed at paralysing the country. The RS President states multiple times the RS already possesses the fundamental features of statehood and “*dissolution of BiH is inevitable.*” Therefore, he only waits for the right moment and circumstances to proclaim independence of the entity. Moreover, Dodik and other politicians from his party also support the idea of establishing the wartime entity “*Herzeg-Bosnia as a Croat state and the dissolution of the Federation entity into two separate states.*”¹⁹⁸ The territorial integrity of BiH is guaranteed by the Dayton constitution as well as international law and thus, the international community including the EU and OHR find these statements highly destabilizing for the development of the country.

The Serbs have caused obstructions in most of the issues that the international community as well as some Bosnian leaders themselves have approached. RS negates or does not adhere to most of the decisions and rulings discussed in BiH, like attempts to unite the system of education, laws for the return of the refugees and IDPs, etc.

The BiH Parliamentary Assembly’s growing impotency to address vital challenges is also seen though the ability to endorse new legislative pieces. Although the performance should better not be measured by the number of adopted legislative amendments, just for the sake of a comparison, while in the mandate years of 2006-2010 the Assembly adopted 58 new laws and amendments to 110 existing laws, in the 2010-2014 period the

¹⁹⁶ OHR, 42nd Report of the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina to the Secretary-General of the United Nations, p. 18.

¹⁹⁷ OSCE Report 2014, p. 3.

¹⁹⁸ OHR, 46th Report of the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina to the Secretary-General of the United Nations, p. 6.

figures reached only 14 newly adopted laws, including four annual budgets, and amendments to 71 existing ones.¹⁹⁹

Nevertheless, the biggest controversy arises when discussing the war crimes such as recognizing the rape as an act of violence or admitting the crimes on Bosniaks. BiH is awaiting the decision of the ICTY trial regarding the Bosnian Serb General Radko Mladic, charged with genocide, war crimes, and crimes against humanity, including the genocide in Srebrenica.

While in Federation the public denial or justifying of genocide and war crimes is since September 2014 a criminal offence punishable by three months to three years imprisonment,²⁰⁰ RS does not admit carrying out genocide and in fact, many Bosnian Serbs admire the wartime criminals as heroes.²⁰¹ For instance, a suggestion was raised publicly by the President Milorad Dodik to name some streets and public buildings across RS after the indicted Serb war criminals Radovan Karadzic and Ratko Mladic.²⁰² Obviously, a huge wave of outrage followed in the FBiH.

The Bosnian Serbs fear confession would result in taking away Republika Srpska from them; however, this is only deepening the mistrust among the citizens. RS should rather admit the culpability of their wartime acts to reach reconciliation that is more likely to bring respect and trust to a united Bosnia and Herzegovina. Also, it should not be forgotten that all ethnic groups in BiH suffered in the war and member of all ethnic groups committed inhuman and ruthless crimes.

Unfortunately, the EU magnet, unlike for the other countries in the Western Balkans, did not work for BiH. The leaders of RS fear that the state is taken from them and they are seldom willing to negotiate with the Federation and often question the state-level governing; for RS it is important to maintain as much autonomy as possible. As Lajcak pointed out that “*the Bosnian Serbs regularly seek to undermine state institutions, or question the state itself,*” and although the Euro-Atlantic integration is a primary concept of their external politics, it is not the decisive one, and they are not hesitant to express their opinion on that clearly by stating that “*when the choice is between Brussels and Republika Srpska, we choose Republika Srpska.*”²⁰³

Last but not least, constantly emerging issues and **changes in the global politics** and economy in the recent years including the global economic recession that severely hit most of the EU countries and hence, influenced the financing, staffing and a level of

¹⁹⁹ Ibid, p. 8.

²⁰⁰ FBiH Law Prohibiting Denial of Genocide and War Crimes Entered Into Force, 7 October 2014, Sarajevo Times, available at: <http://www.sarajevotimes.com/fbih-law-prohibiting-denial-genocide-war-crimes-entered-force/>, accessed 30 November 2014.

²⁰¹ CIG, Bosnia: What does Republika Srpska want?

²⁰² OHR, 46th Report of the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina to the Secretary-General of the United Nations, p. 9.

²⁰³ CIG, Bosnia: What does Republika Srpska want?

focus on BiH; and on the other hand, the issue with Kosovo where the attention switched to and consequently affected the support dedicated to BiH. Some international observers claim the international community has lost or is losing the patience with BiH and their leaders being unable to make compromises and govern their country peacefully and democratically on their own and thus, the international community is leaving the “wheelchair” behind; or at least this is how they have explained the fact that the approach of the previous two High Representatives, Christian Schwarz-Schilling and Miroslav Lajcak, was based on gradual moderation of the influence and involvement of the High Representative on domestic politics. As a result, Serbs have been misusing the space for sabotaging the post of the OHR as well as the state itself.

The people are frustrated and angry, they demand change and blame the politicians for the misery of life in Bosnia, however, they do not chose change in significant numbers when introduced to new options in the elections as the same parties have been dominating the Bosnian politics and plundering freely for the past twenty years.

The ethnic pride and nationalism is so deeply rooted in Bosnian people that, I am afraid, goes far beyond the Euro-Atlantic integration promise or any diplomatic efforts.

Conclusion

The cruel war conflict that had taken place across the countries of former Yugoslavia in the nineties was a proof that the war did not disappear from the European continent. Probably the most bloodthirsty conflict since the end of the Second World War shook the country that is the central subject of this thesis, Bosnia and Herzegovina, between 1992 and 1995. Today, almost twenty years since signing the Dayton Peace Agreement by the three ethnic rival parties have passed and unfortunately, it needs to be stated that BiH has not made as much progressed as expected by the international community and the Bosnian citizens as well. Even the EU expressed their concerns over the situation in BiH stating in the Progress Report by the European Commission that BiH *“has made a very limited progress in addressing political criteria.”*²⁰⁴

Although Bosnia is a unitary country, it is strongly decentralized in most of its public life as well as political and social sectors, including the political parties, media or education system. The division is underpinned by the ethnic separation of the country where the Bosniaks, Croats and Serbs find it strikingly difficult to unite on even marginal decisions. What is more, the central idea commonly shared by all ethnics about the country's future has been absolutely absent.

Not to ignore the progress that BiH has made, the country became a member of the Council of Europe in 2002, managed to sign a Stabilization and Association Agreement (SAA) with the European Union in 2008 and achieved a visa-free travel to the EU's Schengen area in December 2010. Moreover, Bosnia was formally invited by NATO to join the Membership Action Plan (MAP) in 2010, and took part in the United Nations Security Council during 2010-2011 as a non-permanent member. However, since the elections in 2010, increasingly worrisome political agitation has taken place in BiH, resulting in protests throughout June and July 2013 and 2014 anti-government unrest and worrisome results of the general elections in October 2014.

The thesis is not only focused on BiH and its struggle through the post-war reconstruction, however, also analyses the role of the OSCE and the impact of its mandate on the peacebuilding process. In many fields the mandate of the OSCE wasn't strong and powerful enough to proceed with further reforms and their implementation, therefore, the OSCE has had to act radically in some areas, especially in the period immediately after the conflict. Nevertheless, the OSCE has played crucial role in rebuilding Bosnia's capacities and implementing the Dayton Accords underneath its wide mandate.

With regard to the role of the OSCE's Mission to BiH, the importance in the peacebuilding process has been undisputable and irreplaceable. All of the strategies,

²⁰⁴ European Commission, 2014 Progress Report on Bosnia and Herzegovina, p. 2.

projects, initiatives and programs are described in the body of the thesis. The most crucial period for their implementation was, however, shortly after the conflict as ensuring the physical existence and basic state-governing functions, including organizing elections, was fully in competence of the international organizations such as NATO or OSCE.

As in 2002 BiH organized the general elections for the first time without the support of the OSCE, it can be stated the biggest mandate of the Mission was fulfilled and thus, their role switched from organizer to observer. Moreover, with the enlargement of the EU by ten new members from Central and Eastern Europe in 2004, the EU relationship towards the Western Balkans, because of immediate geographical and cultural closeness, has changed as well. With the 2007 Lisbon Treaty and the 2008 SAA signing, the European External Action Service was formed and thus, a new dimension to the BiH-EU relation was added. As a result, the influence and soft power of the EU has been increasing in recent years at the expense of the OSCE which leadership has been gradually diminishing.

The conclusions to which I have come in the thesis regarding the second aim, the analysis of current political, economic and social obstructions in BiH, were summed up in the last chapter of the paper where I came to finding four main aspects hindering the development and evolvement of Bosnia. Those could be divided twofold.

On the one hand, the external factors; firstly, discrepancies rooted in the legacy of the Dayton Peace Agreement that by the Constitution, established a divided weak state institutions of two powerful, however, disunited entities. Secondly, the involvement of the international community in BiH that is according to some observers decreasing. The reasons behind that has been the world economic crisis following economic and political instability of many Western countries, and consequently, general decrease of aid policies.

Additionally, the events of the 9/11, Bosnia's past connections with terrorists and most recently, establishing SIS; have resulted in lacking support or even hostility and antagonism of the Western society towards the Muslim states and communities that include Bosniaks - the biggest and the most-pro-Bosnian-oriented ethnic group. Consequently, if there is no pressure or will of the citizens to get involved in BiH, the Western politicians are also very unlikely to support it against the desire of the voters.

On the other hand, and in my opinion much more responsible for the current situation, are the internal factors. The economic stagnation caused by nepotism, wrong policies, high corruption and ineffectiveness is the main cause for current political instability that has shaken the country since the 2010 elections, resulting in the robust protests in 2013 and 2014.

Nevertheless, by far the biggest obstructions have been caused by the political representation of BiH that has been unable to bring the rotten state together. The

politicians have been reluctant to undertake the unpopular constitutional amendments requested by the international community in many areas, including human rights that are necessary in order to move forward towards the Euro-Atlantic integration.

Instead, the ill-founded nationalist rhetoric is a common song sang before general and municipal elections and sadly, the voters keep listening to it. The populist steps of the political leaders, in particular those of Republika Srpska, only contribute to the country's instability and underdevelopment. The repeated need of secession by the President of Republika Srpska prompted criticism by the OHR as well as the EU for undermining state integrity.

In summary, the involvement of the international community in BiH that is, in my aspects, overwhelming, and in fact, has not brought obviously positive results. Country is currently in the worst political deadlock since Dayton. There are many opinions of academic scholars and international or domestic observers and diplomats, on how the country should be reformed or what steps should be contributed to install sustainable stability and prosperity. However, there is one voice that is united in BiH and thus, the international physical presence in the country consisting of the OSCE, EUFOR, OHR, etc. is crucial to ensure peace. Without them, the fate of the country would be unclear.

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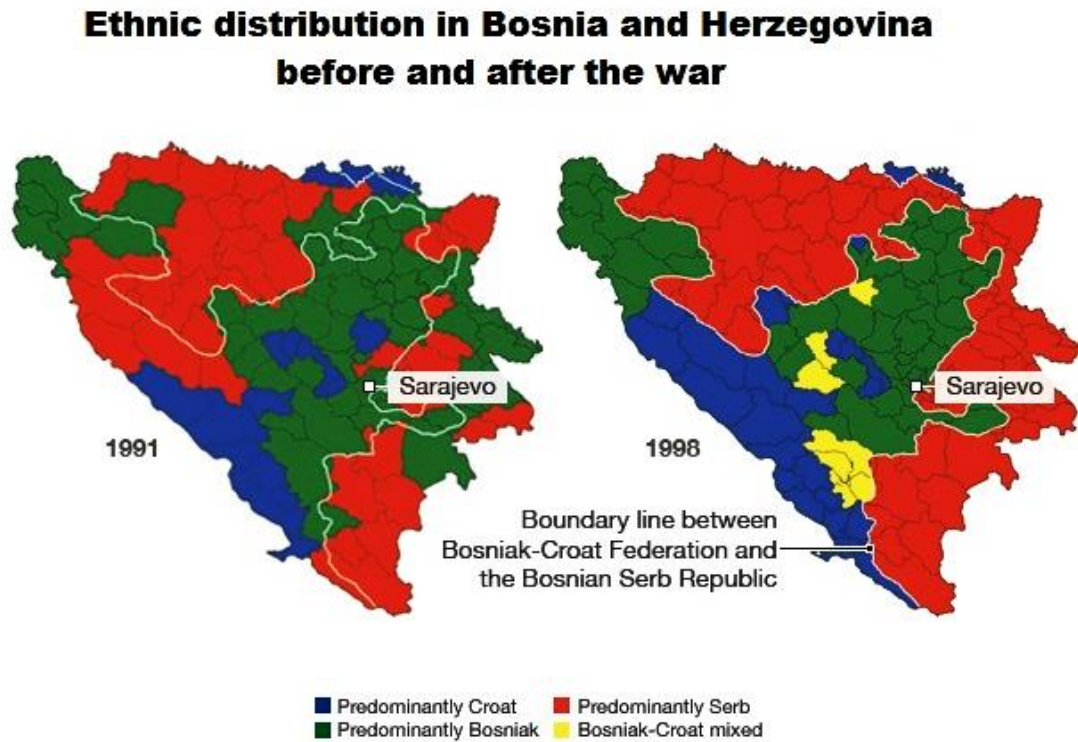
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Appendix

Map no. 1:

Ethnic map of Bosnia and Herzegovina before and after the war



Source: BBC, Ethnic Distribution in Bosnia and Herzegovina before and after the war [map].
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Map no. 2:

Division of Bosnia and Herzegovina into two entities by the Dayton Peace Accords



Source: U.S. DEPARTMENT OF STATE, Milestones 1993-2000, The War in Bosnia 1992-1995 [map]. In: *Bosnia and Herzegovina* [online]. 31 October 2013, available at: <https://history.state.gov/milestones/1993-2000/bosnia>