

## **Bosnia between Dayton and Brussels**

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### **Abstract**

*There is no doubt that in XXI century European Union (EU) is the major challenge and the most powerful actor on the global scene. Moreover, EU is a real challenge for countries that are marked as hotbeds of permanent conflicts, such as the Balkans. One of the most specific cases from the Balkans regarding the process of Europeanisation is Bosnia and Herzegovina. The relations between EU and Bosnia are not new. They exist more than two decades when EU becomes a factor responsible for peace building in Bosnia. This article is divided into two main sections. The first section presents a chronological overview of the intensifying relations between the EU and Bosnia and Herzegovina, through explaining the status quo situation, the failures of Dayton Agreement, the fragmentation along ethnic lines etc. The second section discusses the real capacity of Bosnia to accomplish the integration process requests.*

**Key Words:** conflict, post-conflict Bosnia, Dayton Peace Agreement, Bosnian EU integration, status quo, ethnic fragmentation, power sharing.

### **1. Introduction**

Many commentators suggest that Bosnia and Herzegovina is a typical example of sui generis country in the context of its EU accession membership. Back to Dayton Peace Agreement, when practically started the relations between Bosnia and Herzegovina and the European Union, we recognized a country with traumatic past, with deep ethno-nationalistic cleavages and a country divided along (two separate) ethnic lines. The idea of the General Framework Agreement for Peace in Bosnia and Herzegovina was to put the end of conflicts and to overcome these difficult circumstances. Two decades after Bosnia remains politically stagnant. The country under Dayton shows the lack of capacity to overcome the problematic past and to carry the way toward EU membership. In fact, besides the ambition for transatlantic and European integration, Bosnian EU integration is not a top priority among most of the Bosnian political leaders. The political sphere is deeply polarized, there's a serious fragmentation along ethnic lines and domination of ethnic nationalism. In one word, Bosnia has been suffering long socio-political status quo. Against all other Balkan neighbors, that already made significant progress towards their EU accession, Bosnian way to EU will be harder. So, it is still too early to talk of any indications of a shift of Bosnia as a modern and functional European country. Having in mind all above mentioned circumstances, the two central research questions of this paper will be: (1) Can Bosnia become more closely to EU and to gain its candidate status soon? ; (2) Can EU's involvement overcomes the present political realities of the country?

### **2. Historical background**

The case of Bosnia and Herzegovina can be considered as an experiment in peace building and a country model for a multiethnic society with peaceful interethnic co-existence (Abazović., Seizović, 2007: 5). The attempt to describe the historical development of Bosnia, especially from political perspective lead as back to the Bosnian war, Dayton Agreement and in the end to the beginning of international intervention in the country. Bosnian conflict was very traumatic and crude. If we know all the horrors of the war, we'll easily understand the current situation. These horrors imposed all the difficulties in the post-war period and they are in fact response for today's Bosnian status quo. Bosnia after the war should respond to the new set of challenges.

It should overcome its passivity and to change the authoritarian development with a democratic one. That kind of transition from authoritarian to a democratic settlement was practically the biggest assessment of the country. Experience shows us it was not an easy process. What concretely Bosnia had to do in this case was first to introduce the “golden age” of democracy with passing the period of serious transition, which includes: a shift from dictatorship to democracy, reconstruction of society in political, security and economic sense. As we can see, Bosnia has a lot of work yet. The crucial question that emerged after war was ‘Could Bosnia has been saved?’ In the aftermath of the war, the Bosnian policy agenda was focused on peace- implementation tasks: security, demobilization, reconstruction and return. Two decades after, social and economic problems have re-emerged as the main preoccupation of Bosnian citizens (World Bank Study, 2002: 11). Nowadays, central question of analysis is ‘Could the international community have done anything differently to prevent this terrible conflict before it broke out?’ An answer of this question would require further analysis in order to examine the international response to the crisis. The International intervention was present in whole post- conflict Yugoslavia, but Bosnia was the most tragical one. It cannot be hidden that there were *pro et contra* international intervention in Bosnia. Those who opposed the US administration to plunge into the Balkan quagmire underlined the fact that US had no vital interest in the region since no Balkanic power posed threat to the security of Europe (Vukadinović, 2002:32). Furthermore, the same clique advocated that the European Union should be given a chance to prove its eligibility to cope with a problem in its backyard (Carpenter G. T, 2004).

On the other side, as mentioned previously, Bosnian crisis required not only the democratization, peace building and reasonable conflict management. In other words, an active international intervention was more than needed in this case, within the meaning of total reconstruction of all policies and installation of a set of political institutions which would be charged with introducing liberal democratic political system and a value system that should overcome not only the problems caused by the conflict, but also who will un-root one of the biggest drawbacks of this society- fragmentation along ethnic lines. In the early years of the peace process, real political decisions were taken outside formal structures (Bose, 2002: 204). The situation has rapidly changed in summer and fall 1993 when international community presented by EU and US took first efforts to negotiate an agreed partition of Bosnia and Herzegovina (Burg L. S., & Shoup S. P, 2015: 263). International mediators worked directly to develop a plan acceptable to all sides. European leaders were pessimistic over which approaches should be taken as a part of partition proposal (Burg L. S., & Shoup S. P, 2015: 266). One of these reasons has been the condition that in Bosnia’ case the United States, would not act as the hegemonic power. All the polls from that period of time had shown that the United States should be participating in the negotiation process as a part of the multilateral intervention.

Another condition closely related to this was that US should not contribute more than its fair share of troops compared to other countries (Sobel R., & Shiraev E., 2003: 70). A third condition was that the operation must have a reasonable likelihood of success. That means that negotiation process should be assertive and not passive. European officials included in the process of negotiations share its dissatisfaction with several proposals: the establishment of status quo; the formation of Contact Group; and the success of the so-called Vance- Owen plan. However, they continued the negotiations, because they have in common with the United States the ultimate goal- to end the conflict and to solve the Bosnia crisis. The fear of Europe was justified. It was the fact that the US pay little attention to events in Bosnia. However, both sides failed in the field of fusion of diplomacy and force. Some political scientists comment this situation as total collapse of the policymakers to solve the crisis. From this historical perspective, this decision was the turning point, which later leads to the imposing of Dayton Peace Agreement as last chance for peace building.

### **3. Dayton Agreement as potential for status quo**

#### **3.1 A general overview to the Dayton Agreement**

The four years negotiations among European Union, the United Nations and United States of America, from one side, and the Federal Republic Yugoslavia, Croatia and Bosnia and Herzegovina, from the other side, ended with the achievement of the General Framework Agreement for Peace in Bosnia and Herzegovina, also known as Dayton Peace Agreement (General Framework Agreement for Peace in Bosnia, 1995). The exhausting negotiation efforts were finalized at the moment when USA encouraged the mediator Richard Holbrooke to lead an “all out negotiating effort” (Holbrooke, 1998), who was faced with three major negotiating challenges:

(1) First and most important, to end the bloody conflict (Bosnian conflict is considered as the worst conflict in Europe since the Second World War); (2) to ensure the safe withdrawal of the UN peacekeeping forces that were effectively being held hostage by Bosnian Serb forces; (3) he had to work out an acceptable division of the Bosnian territory that would not lead to its partition and would discourage further conflict (Camisar., Diechtiareff., Letica., & Switzer, 2005: 7). The first thing that comes to mind is the dilemma: Did the USA take the dominant role in the negotiation process, which was discussed in previous? If so, whether the USA bears the bigger part of the responsibility of what Holbrooke called, “the greatest failure of the West since the 1930s?” (Ullman H.R, 1996:90). Maybe, the statement of the British leader of the delegation at Dayton, best describe the US role in this process:

*“USA not only took direct control over the peace process, but at the same time subordinates the roles of the other Western actors participants.”*

Moreover, as British leader declared, its very large team and US organize (d) the whole agenda and run the negotiations as they wished (Burg L. S., & Shoup S. P, 2000: 361). Of course, since that time there have been both failures and progress and there are still maintained and unfinished things. In order to understand why this is so, we must first examine briefly the goals vs. the level of implementation of the agreement, then to outline the real situation in which is Bosnia today and also to try to explain what the future prospects are.

### **3.2 Purposes of the Dayton Agreement vs. reality**

As we can notice, Dayton is an agreement who faced with a lot of barriers. It is normal a situation like this to terminate with the signing of a peace agreement reflecting a difficult and unstable compromise when years of war destroy the physical and economic infrastructure, provoke mass human displacement, and leave the population traumatized. In a base of this critically- minded theoreticians appoint serious defects of the agreement, such us: it is an extremely complex and multi- tiered constitution agreement; the Dayton Peace Agreement produced an unstable, tenuous and tense peace, such that it provoked difficulties in realizing the state-building process and power-sharing; it generate territorial separation and fragmentation along ethnic lines; the Dayton Peace agreement also set up weak state-level institutions; it fails in providing the necessary incentives for collaboration; and a real disadvantage is that Dayton Peace Agreement remained dependent on the good will of politicians in relation to the effective governance.

However, the Dayton as an outcome of post-war intervention in Bosnia is not just about recovering the state. It equally aims to build the state and to restore a democratic institutional framework which will be acceptable to all stakeholders, and what is more important for all three national groups. One of the ideas was also to maintain the commitment of the country to the transatlantic integration. For truth, the twentieth anniversary of the Dayton Peace Agreement is a great chance to rethink the benefits of it versus the lost opportunities, especially because some parts of the Dayton Peace Agreement are still unimplemented and will probably remain so. From today’s perspective, the output is completely different. Therefore, as regards to the present reality in Bosnia, we must analyze careful, step by step. The answer to all dilemmas lies in the past. First, what we must know for Bosnia case and Dayton Peace Agreement is that Bosnia at the time of the signing of the Dayton Peace Agreement was a weak state which existed only on paper, deeply divided in separate ethnic lines and trapped in impasse status quo. The intentions, as the output, were also different. More for them in the following section.

### **3.3 Status quo situation as consequence of the Dayton Peace Agreement**

As is well known the Dayton Peace Agreement was a document designed to create a “new” country in which national entities were forced to live together in an artificial state, pluralism, and multiethnic community (Bose, 2002: 41). In addition of this, the main goals were: establishment of functional government, holding democratic elections, adoption of normal institutional standards, ensuring the respect of human rights and freedoms, compensation of the loss of refugees and returning in their pre-war homes, arresting in The Hague of the war criminals. In short, Dayton’s aim can be reduced to the creation of the unified state. The case of Bosnia is unique not only because it’s a case of “ three nationalities and three religions in one state”, but because those different ethnic and religious entities, living together against their will- under Dayton consequence, under NATO, EU and US recommendations, with aim to pass the terrible war. Just for illustration, in United States situation is totally opposite. Its nationalities and different religious affiliation group’s lives in the established model of melting pot, where the different entities remelt into the united community in which diversities are respected.

It is actually a typical example which indicates the weakness of Bosnia to recuperate in the post-conflict period without foreign interventionism and some kind of formal guarantee. In respect to this, it is very interesting one of the comments launched by the political scientist Larry Diamond:

*“Maybe, the most important and more urgent factor in the consolidation of democracy is not civil society but political institutionalization”* (Diamond, 1996: 238).

That means that according to Diamond, Bosnia should first pass the democratization process, first of all with establishing democratic institutions and governance, and after that to regulate the status of the national entities and to repair the civil society. While in one of the crisis reports also has been launched a really paradoxical comment:

*If we start by partitioning one country, where would we draw the line? Wouldn't partition embolden those who advocate ethnic separation and are prepared to commit terrible crimes to achieve their goals?* (Balkan Crisis Report, February 2001).

Whether Bosnia will pass this controversy or not, above all, the goals of the agreement were ambitious. Unless the instigation of the cooperation among the three ethnic groups in order to implement the Dayton Peace Agreement when faced with pressure from the international community, the sad reality is that Bosnia today still consists of three de facto mono-ethnic entities, three separate armies, three separate police forces, three education systems and a national government that exists mostly on paper (Fischer, 2007: 54).

That is not all. Bosnia today is also a country with high level of corruption and criminal, inefficient bureaucracy, high taxes, with outdated infrastructure and almost without foreign investments. Politicians are more interested in staying in power than in making the changes which will ensure the better life. In one word, Bosnia faces with political status quo. Aside from its failures and acquisitions, Dayton was a useful example (both in positive and in negative sense), a blueprint for managing divided societies and transformation of them into democratic governing systems. Other is the question what was properly done, and what ought to be done differently in order to avoid the current situation.

### **3.4 EU attempts for modification of the Dayton Agreement**

Against the very present skepticism regarding the agreement, Dayton is not forgotten. A sufficient reason to believe in that is the attempt to do something related to that. In spring 2006, the national parliament discussed a proposal for constitution reform that was launched by US advisors. The proposal aimed to modify the Dayton constitution in a small way that would give more competences to state institutions at the national level.

At one point, this modification appeared to be supported by nearly two thirds of the members of parliament, including the majority of the political parties- the HDZ (the Party of the Bosnian Croats), the SDS (the Party of the Bosnian Serbs) and the Bosniak SDA. In the end, however, this reform failed by two votes. There are several reasons for this. Some Bosniak groups and individuals wanted a more far-reaching reform that would transfer all powers to a single national state, questioning the entity structure in general.

At the same time, Croat hardliners used this situation to put the possibility of establishing a third “Croatian” sub-state entity on the agenda yet again. Finally, the constitutional reform initiative also fell victim to power plays during the pre-election campaign because many political parties and prominent politicians decided to adopt extremist positions aiming to fish for voters in their respective ethnic constituencies, rather than to negotiate an agreement on state reforms.

Consequently, an important opportunity to strengthen the weak state structures initially set up by the Dayton constitution, and which have proved so problematic over time, was lost. By and large, then, it seems that the reform proposal was launched at the wrong time (Fisher, 2007: 7). Twenty-one year after Dayton, Bosnia is focused on European integration, besides that it hasn't taken some big step that could move forward on European integration. What is true, Bosnia made a lot in order to the democratization, but the state is still unable to move forward in its Euro-Atlantic integration process. The reason for this stagnation should be sought in the Dayton Peace Agreement, in its goals, weaknesses, proposals, and the obstacles to his implementation.

## **4. Power-sharing in post conflict Bosnia and Herzegovina**

The constitutional and transnational power sharing of Bosnia is part of the post- conflict reconstruction of the country associated with several activities such as, the following:

social and political re-engineering of a state with democratization of the state institutions, recovering the civil society, ensuring democratic and fair elections who will bring on power responsible leadership, professionalization of military and police forces, reconstruction of social infrastructure, economic development followed by improving investment conditions etc.

The post- conflict reconstruction of Bosnia is assessed as generalized version of the Western State with liberal-democratic economic model and state oriented to market economy (Clement, W., & Myles, J, 2005: 104 ).

The European Union through the European Commission also appealed for the need of the post-conflict reconstruction of Bosnia, thus understood as developing power sharing model on to two levels: constitutional (between the state and local government) and transnational (between international participants and the state).

In that case, power sharing can be defined as the distributions of those two elements among the various actors (Chandler, D, 1999: 66- 89).

One of the power sharing instruments in the case of Bosnia was exactly the Dayton Peace Agreement. Dayton model of power sharing provides a federal state with two constituent entities, the Bosniac Croat Federation, composed of Bosnian Muslims and Croats and Republika Srpska, composed of Serbs, comprising 51% and 49% of territory respectively. The constitution assigns equal legal status to both written forms of the Serbo- Croat language (Cyrillic and Latin) and to the three main religions: Islam, Orthodox Christianity, and Roman Catholicism. (Dayton Peace Agreement, 1995: ANNEX 4). It sets forth the fundamental democratic founding principles of the state and the rights of citizens, the structure of government institutions, the distribution of power and responsibilities between the Bosnian state and its constituent entities.

Entities have been allowed to carry out their own policies: economic development, increasing the level of state competencies in the sector of justice, military, police, civil affairs, education, and health. Therefore, entities have their separate institutions and budgets, so they *de facto* exist independent of one another. The constitutional accord that provides this power sharing model in common with the multi-ethnic Bosnian state, in effect designed a weak federation in which all policies and actions based on ethnic criteria would operate throughout all levels of government. Federal power, for example, was devolved in a way that was intended “to provide security to all three minorities and therefore provide a crucial mechanism for institutionalizing support for a multi-ethnic society (Chandler, D, 1999: 67). In addition to the federal distribution of land and power, the constitution mandates five mechanisms of power sharing (Dayton Peace Agreement, 1995: ANNEX 4):

- (1) Ethnically based distribution of seats in the parliament;
- (2) A rotating presidency;
- (3) Legislative conditions that require support for bills across ethnic lines;
- (4) An ethnically based legislative veto over matters of vital interest;
- (5) An electoral process based on proportional representation and party lists.

In short, the basic thrust of the constitution in thus cultural-pluralist, rather than a multicultural and it has not been able to operate successfully because of a lack of cooperation on the part of the three dominant ethnic groups.

Besides the fact that Bosnia remains a sovereign state, the international intervention has left little space for Bosnian structures to create or implement policies. Consequently, to this, it can be concluded that power sharing in Bosnia is inadequate for resolving the conflict and to create a stable, democratic and modern state, independent from foreign policymakers. All the solutions provided by the current power sharing model and achieved by the Dayton Peace Agreement only increase the chances for a longer stagnation.

##### **5. EU integration process of Bosnia: achievements and obstacles**

The last news related to the EU integration movement of Bosnia is the announcement that exists a possibility country to gain the candidate status at the beginning of the next year. Only for information, the relations between the European Union and Bosnia date back to 1990s, when the Yugoslavia crisis began. Concretely, EU positions in Bosnia were fixed in 1991 when European Community declared itself *primus inter pares* to provide a solution for the crisis, ethnic division and embargo. Jacques Poos, the Foreign Minister of Luxembourg, has confirmed that with his statement that:

*“it was the hour of Europe, not the hour of the United States to solve the political matters in the European continent.”*

(Poos held the rotating European Community Presidency at that time, as part of the delegation called EU Troika consisted of the former, current, and future holders of the rotating EU Presidency. The delegation of the EU Troika, at that time consisted of foreign ministers of three countries: Hans van den Broek (Netherlands), Jacques Poos (Luxembourg) and João de Deus Pinheiro (Portugal)). The European Union then the European Community, EC, set up several agreements and a number of diplomatic and economic sanctions in order to convince the parties to adopt them.

First of those agreements was the Brioni Agreement who forecast an end to the war in Slovenia, while Slovenia and Croatia needed to take activities for a period of three months, to strengthen their independence (Brioni Agreement, July 7, 1991). In Bosnia at that time, elections finished with the formation of the shaky coalition government between the Bosniak, Serbian, and Croatian nationalist parties. Bosnia was practically in a tight spot where had to made a decision on what grounds should seek independence. The referendum about the question of independence passed without the votes of the Bosnian Serbs-they boycott. Under those circumstances, European Union officials proposed a power sharing model that was discussed in the previous section. Following the failure of that proposals and then the flawed of the Dayton Peace Agreement, EU recourse its actions in a search of a strategy which resulted with the post conflict reconstruction of Bosnia and Herzegovina. The reconstruction consisted of long term activities, with objectives of supporting economic development, reinforcement of civil society and reconciliation and regional economic prosperity. In the perspective of the peace, the EU is developing its long term policy toward the region to help build stability and prosperity (European Commission Brochure, August 2004: 13-15).

The EU support was of great importance to all countries from Western Balkans, especially in the post- war period after the secession from the Former Yugoslavia, but EU assistance meant fulfilling certain conditions.

In December 1998, the EU Council decided to adopt a common strategy toward the Western Balkans, but such strategy did not include any perspective for the future integration of the region into the European Union (Strategy for Western Balkans, December 1, 1998). The EU's involvement in Bosnia and Herzegovina changed dramatically when Bosnia and EU signed the Declaration for special Relations between EU and Bosnia and Herzegovina (Declaration for special Relations between EU and Bosnia and Herzegovina, June 1998). Then in 1999 the European Union has initiated Stabilization and Association Process (SAP) which actually meant establishing more concrete and tangible political and economic links with the regional countries ( Đihic, V., & Weiser, A, 2011: 1805). The main objective of Stabilization and Association Process was to push democratic consolidation of countries from the region and through substantial domestic reforms which are based on European values and structure. Put differently, the SAP has been built on the idea of first stabilization of the region and its later integration into the EU political and economic structures. The European Commission has put six key target areas into the SAP (European Commission, May 26, 1999: (99): 235):

- (1) Development of existing economic and trade relations with and within the region;
- (2) Development and partial redirection of existing economic and financial assistance;
- (3) Increased assistance for democratization, civil society, education, and institution- building;
- (4) Cooperation in the area of justice and home affairs ;
- (5) Development of political dialogue, including regional level ;
- (6) Negotiation of Stabilization and association Agreements.

Thus, the regional shift in terms of integration emerged with EU's clear commitment towards EU membership of the Western Balkans in 1999 (Bieber, F.G. A, 2011: 1918). All these activities between EU and Bosnia finished with the signing of the Stabilization and Association Agreement in June 2008. The crucial achievement for Bosnia from this agreement was the visa liberalization. It is one of the key reforms important for all Bosnians. But this reform also had failures, because EU has its own requests that Bosnian officials needed to achieve. However, contrary to experience, Bosnian politicians completed the listed conditions for visa liberalization. It is clear that Bosnian politicians despite all, have a wish to become a part of the European family. However, the further steps in the EU integration process have become impossible. The first obstacle that should be harmonized with EU regulative is the Constitution. EU noted ethnic discrimination and ethnic miss-representation in institutions. The convocational model of democracy of Bosnia proved to be unable to carry out the implementation of all reforms. In addition, not only the implementation process and reforms. The whole process of democratization, post- war state building and peace building of Bosnia has not gone easily. Lessons learned from the past have not been used appropriately.

## 6. Conclusion

It is more than clear that a great part of the population of the Balkans formed their identities through the need to defend themselves from the repression imposed by occupiers. Maybe, that is the reason why most residents of Balkan lands believe that they live in democracies, however imperfect. They weigh the advantages of democracy not on the basis of some ideal type that sprang from the brow of the political-science professoriate, but in light of their own experience.

It is naïve to believe that their disappointment with the status quo will have no effect on the level of trust they are willing to place in the democratic system (Kratsev, I, 2000: 13(3):40). That also happened in Bosnia. The evolution of the country to democratic was all but not by regular flows. It was associated with the presence of foreign intervention; it is a state creation of Dayton agreement and in the end, it will probably be a European concept country in the future. In fact, there are no coincidences. There were only a need to stop a war, and a need to destroy dictatorship regime and to introduce a country into democratization; a need for re- establishing a normal functioning state, and a need to overcome the gap between three different national entities. Bosnia, after all, was a useful exam to all involved sides- European Union, United States, United Nations and Bosnia' representatives. In 1995 and today Dayton was the hardest exam that country had to pass. The second one now is the EU integration process. From this time distance, the Bosnian experience raises important questions, like:

- (a) What was already done, and what should be done further? ;
- (b) Could anything have been done differently? ; and in the end,
- (c) Could Bosnia have been saved?

Million alternatives and variants are available as a full answer to those questions. The only conclusion in the case of Bosnia, who was a subject of analysis of this paper, lead to the same ascertainment that is easier to stop a war than to build a peace.

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