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WESTERN BALKANS 2018/19 – OVERCOMING OR DEEPENING OF CRISES?

Predrag Jureković

Election results in Bosnia and Herzegovina are likely to prolong the political crisis rather than end it. The situation calls for a stronger commitment by the international monitoring body OHR. The Kosovo “dialogue” as well as the security situation in Kosovo remain fragile. By contrast, the naming dispute between Athens and Skopje has taken a positive turn.

Bosnia and Herzegovina – Persisting dominance of clientelistic parties

On 7 October federal elections took place in Bosnia and Herzegovina for the eighth time since the end of the war and the signing of the Dayton Peace Agreement in November 1995. In view of the enduring political crises, the elections raised new hopes concerning a fresh political start in Bosnia and Herzegovina. However, already the very low turnout of hardly more than 50% of the approx. 3.35 million eligible voters gave rise to the assumption that party clientelism as well as belonging to one of the constitutional ethnicities (Bosniak, Croat and Serb) would again play a decisive role in the election. Elections were held for the State Parliament, the parliaments of the two entities, Republika Srpska and Federation of Bosnia and Herzegovina, as well as for the ten cantonal parliaments of the Federation; also for election stood the Bosnian, Croatian, and Serbian representatives within the collective State Presidency as well as the president of the Republika Srpska.

The election results tempered hopes concerning the end of the internal crisis. They indicate that the clientelistic and ethnic-nationalist-oriented parties SNSD (Serb), SDA (Bosniak), and the HDZ BiH (Croat) will continue to play a dominant role. Most political observers are not confident that those parties will manage to reintroduce domestic balance or the necessary reforms. Substantial reforms, however, would be essential for Bosnia and Herzegovina to better function as a multi-ethnic federal state and catch up with Albania, Montenegro and Serbia in the EU integration process.

Gains for state-oriented parties in parts of the Federation of Bosnia and Herzegovina

Parties with supra-national and civic orientation, like the social-democratic SDP and the “Democratic Forum” (DF), as well as

the liberal party “Naša stranka”, had some partial successes; however, almost only in regions with a Bosniak majority. Civil organisations but also politicians of Bosnia and Herzegovina have accused the Central Electoral Commission of not having made sufficient preparations for orderly and constitutionally correct elections to take place. According to media in Bosnia and Herzegovina, there have been up to 500,000 invalid ballot papers and numerous attempts at election manipulation.

Expectable controversies within the State Presidency of Bosnia and Herzegovina

It can be anticipated that the new composition of Bosnia and Herzegovina’s State Presidency will not only constitute a challenge for its members but also for international contacts. So far president of the Republika Srpska and new Serb representative in the State Presidency, Milorad Dodik, has often dismissed the viability of Bosnia and Herzegovina and advocated the political independence of the Republika Srpska. At the end of the Obama Administration, Dodik - due to his polarising and nationalist positions - made it onto the US sanction list, where his name can still be found. As a member of the State Presidency Dodik is one of the persons responsible for shaping the foreign policy of Bosnia and Herzegovina. However, his room for manoeuvre will be restricted, at least regarding relations to the crucial player U.S.

Moreover, Croat-national parties in Bosnia and Herzegovina question the ethnic “authenticity” of the Croat representative in the State Presidency, Željko Komšić, and thus his political legitimacy. They accuse Komšić of having been elected mostly with Bosniak votes, a process perfectly legal, though, according to the current election law.

Tensions with neighbouring countries

Legal issues, in particular regarding the election law, might hamper or even pre-

vent the post-elective reconstitution of some legislative bodies in Bosnia and Herzegovina. The difficult framework conditions in which domestic politics takes place as well as the nationalist discourse will likely prove big obstacles to both the consolidation and the headway of Bosnia and Herzegovina within the European integration process. Constructive relations between Bosnia and Herzegovina and its direct neighbours, Croatia and Serbia, would therefore be all the more important. Recently, however, relations between the Croat government and Bosniak representatives from Bosnia and Herzegovina, in particular, have greatly deteriorated.

The Bosniaks maintain that this is mainly due to Zagreb’s numerous attempts at meddling with domestic politics in Bosnia and Herzegovina. According to the EU member state Croatia, however, these attempts have represented legitimate interventions to favour the Croats’ equality to Bosniaks and Serbs in constitutional terms. Serbia is striving for correct relations with Sarajevo. However, Bosniak politicians criticise that, within their intensive relations with the Republika Srpska, political authorities in Belgrade have never disapproved of Dodik’s separatist rhetoric.

International factors of influence

Since election results in Bosnia and Herzegovina do not point to an easing of tensions on the domestic front, proactive contributions of the EU and the international community will be all the more important to turn Bosnia and Herzegovina into a functioning state. Otherwise, various nationalist politics would be gaining further momentum with the potential of rekindling violent crises in the country. In this context, big challenges lie ahead, in particular for the Office of the High Representative (OHR) and its head, the Austrian diplomat Valentin Inzko. As head of the highest international supervisory body responsible for the implemen-

tation of the civilian part of the Dayton Peace Agreement, Inzko has regularly and throughout the past years drawn attention to the dangerous nationalist developments in Bosnia and Herzegovina in briefings before the UN Security Council. He has justified the OHR's continuing presence in Bosnia and Herzegovina in particular with the fact that the country is still lacking political stability.

At the same time, not even in cases of a clear violation of the Dayton Agreement did Inzko make use of his special mandates, including sanctions against politicians of Bosnia and Herzegovina, a fact he has attributed to the missing support of the Peace Implementation Council. As the OHR's toothlessness contributes to the permanent crisis of Bosnia and Herzegovina, it should adopt a more active role, at least in the case of clear violations of the Dayton Agreement.

The status of Bosnia and Herzegovina as an EU accession candidate might be a chance for reform-oriented forces in this country to gain more attention. If Bosnia and Herzegovina, together with Kosovo, continues to lag behind in the EU integration process, the political influence of Turkey and Russia on Bosniak and Serb politicians could further increase. As far as economic matters are concerned, China attempts to strengthen its position on the Western Balkans. In view of the domestic instability, the further presence of EUFOR ALTHEA and its 650 soldiers under Austrian command constitutes an essential stabilisation factor in Bosnia and Herzegovina.

Risky ideas of solving the Kosovo conflict

Within ongoing accession negotiations the EU Commission is putting increased pressure on Belgrade and Prishtina/Priština to sign a fundamental agreement on the normalisation of their relations. Not further detailed suggestions put forward by the presidents of Serbia and Ko-

sovo in the summer of 2018 to solve the "Kosovo issue" by way of an exchange of territories on the basis of purely ethnic criteria have entailed predominantly negative reactions in the Western Balkans. For good reasons, such ideas cause fears regarding destabilising domino effects, which might fuel secession aspirations and inter-ethnic conflicts, especially in Macedonia and Bosnia and Herzegovina.

Thus, in terms of peace consolidation Brussels might consider it more effective to stick to proven European models of conflict solution rather than open the gates for risky ethnic-territorial shifts. A first step would include the implementation of autonomy for Serb communities in Kosovo, which Belgrade and Prishtina/Priština principally agreed upon as early as in April 2013. Moreover, the solution of the South Tyrol issue might be partly helpful in improving relations between Serbs and Kosovo Albanians.

War crime as an element of uncertainty in Kosovo

Another factor of influence not to be underestimated regarding the "dialogue" between Serbs and Kosovo Albanians but also regarding the general security situation in Kosovo might be the activities of the Kosovo Specialist Chamber and the Specialist Prosecutor's Office in The Hague. It is possible that this court will, in the near future, indict several Kosovo-Albanian politicians for war crimes committed by members of the "Kosovo Liberation Army" (UÇK). The Serbian side denounces, in particular, Prishtinian preparations to transform the "Kosovo Security Force" into an army as a new factor of conflict. In view of these risk factors and the distrust on the political level, the presence of the approx. 4,000 soldiers of the international peace force KFOR constitutes one of the stabilising elements acknowledged by both sides. Within the framework of the NATO Partnership for Peace Austria contributes between 400 and 450 soldiers to this operation.

Positive model (Northern) Macedonia?

The latest advances in the decade-long, muddled naming dispute between Skopje and Athens shows that with the goodwill on the part of political decision-makers major progress is feasible, even in conflicts fraught with questions of national identity. In mid-October, a two-third majority of the Macedonian parliament voted for the opening of constitutional changes so that the state can be renamed into "Republic of Northern Macedonia". Should Skopje and Athens, within the next few months, manage to overcome all the remaining legal and political obstacles, the implementation of the compromise agreed on in June might end a year-long, bilateral conflict between the two countries. In this way Macedonia could, in 2019, join NATO and start accession negotiations with the EU. In the opposite case, integration processes would continue to be halted. The situation on the domestic front would likely turn more unstable.

- Such an agreement should orientate itself toward tested European models of minority protection, local self-administration, and cultural autonomy.
- Due to the expectable indictment of alleged war criminals and responsible politicians in Kosovo by the Kosovo Specialist Chambers & Specialist Prosecutor's Office, the security situation in Kosovo is likely to deteriorate temporarily.
- Political instability in Bosnia and Herzegovina and concrete security risks in Kosovo require the further presence of EUFOR ALTHEA and KFOR.
- In order to overcome the remaining political and legal obstacles in solving the naming dispute, Skopje and Athens definitely require EU and NATO support.

Conclusions and recommendations

- The status of Bosnia and Herzegovina as a candidate for EU membership would help Europe-oriented politicians to make their mark.
- As the guardian of the Dayton/Paris Agreement the OHR should - particularly in the case of violations - readopt a more active role.
- The EU should not accept an agreement between Belgrade and Prishtina/Priština on the normalisation of their relations that might cause instability in the neighbouring countries, such as an exchange of territories on the basis of ethnic criteria.

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