



UNIVERSITÀ DEGLI STUDI DI TRIESTE

Sede amministrativa del Dottorato di Ricerca

Sedi Consorziate (IUIES)

Università degli Studi di Udine - Università di Klagenfurt - Università MGIMO di Mosca - Università di Nova Gorica - Università Jagiellonica di Cracovia - Università Eotvos Lorand di Budapest - Università Babes-Bolyai di Cluj-Napoca - Università Comenius di Bratislava - Istituto di Sociologia Internazionale di Gorizia

XXV CICLO DEL

DOTTORATO DI RICERCA IN

**POLITICHE TRANSFRONTALIERE PER LA VITA QUOTIDIANA
TRANSBORDER POLICIES FOR DAILY LIFE**

**BOSNIA AND HERZEGOVINA ON THE ROAD TO THE
MODERN STATE: Relationship between national
disintegration and international integration**

(Settore scientifico-disciplinare: SPS 10)

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BOSNIA AND HERZEGOVINA ON THE ROAD TO THE MODERN STATE: Relationship between national disintegration and international integration

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Note on pronunciation

Some words in Bosnian, Croatian or Serb language will be used in this work.

For the pronunciation use it as follows:

Bosnian English Pronunciation

Alphabet Sound Example

A /a/ a as in car

C /ts/ c as in cats

Č /tʃ/ č as in chalk

Ć /tɕ/ ć as in church

Dž /dʒ/ dž as in gin

Đ /dʒ/ đ as in jack

G /g/ g as in game

H /x/ h as in heaven

I /i/ i as in east

J /j/ j as in year

K /k/ k as in cut

Lj /ʎ/ lj as in million

Nj /ɲ/ nj as in onion

S /s/ s as in sound

Š /ʃ/ š as in shut

U /u/ u as in shoot

Z /z/ z as in zest

Ž /ʒ/ ž as in pleasure

ABBREVIATIONS

BiH- Bosnia and Herzegovina

F BiH- Federation of Bosnia and Herzegovina

RS- Serb Republic

FNY- Federal People's Republic of Yugoslavia

SFRY- Socialistic Federal Republic of Yugoslavia

OHR-Office of High Representative

OSCE- Organization for Security and Cooperation in Europe

ICTY- The International Criminal Tribunal for the Former Yugoslavia

ECHR- European Convention on Human Rights

ECtHR- European Court of Human Rights

CCPR- International Covenant on Civil and Political Rights

ECN- European Convention on Nationality

UNC- United Nation Charter

NATO- North Atlantic Treaty Organization

MAP- Membership Action Plan

GDP- Gross Domestic Product

CEFTA- Central European Free Trade Agreement

WTO-World Trade Organization

CoE- Council of Europe

IPA-Instrument for Pre-accession Assistance

CBC- Cross border Cooperation

RAUSKA-Development Agency of Una-Sana Canton

INTRODUCTION

First and second chapter deals with classical problems in terms of state, nation, people, minority, society. BiH was dealing with frequent change of state polity and therefore following influence to the social and cultural change of its people. At the end the individual and collective identity modifications created distinct value disagreements. BiH society is confronting dichotomy in its ethnic affiliations regarding the concept of “multiculturalism” among the Bosniaks’ majority and other two constitutive people Serbs and Croats in terms of three B, believing/belonging/becoming. One will say that ethnicity is a changeable socially constructed concept like e.g. the class, race, etc. another will accentuate the natural constant of ethnic solidarity and the third will emphasize the long-term effects of institutional and cultural environment of ethnic relations. The theoretical framework in the context of ethnographic data is necessary to reach a social and cultural maturity.

BiH was experiencing the process of territorial and constitutional transformation after the dissolution of common state of Yugoslavia. Constitutional order of 1995 created complex decision making system and complex state structure blocking the state functions and creating the frequent political, economic and social crises. As a part of international peace agreement the forcible Constitution created unequal standing for three constitutive peoples, the “Others” and citizens of BiH. In its end line it froze the war territorial division. The term “constitutive” people were taken from the last Yugoslav constitution where the state sovereignty was diffused between different holders: the peoples

and republics and at the end conditioned by consensus. The reinforced EU presence is a crossforce in supporting the domestic stakeholders and BiH citizens in the EU integration process as well in sooner closure of the OHR and transfer of competencies to the state of BiH and to the other domestic stakeholders. The initiation of “late” approval of crucial laws of BiH e.g. the Law on citizenship, the Law on residence and the Law on Personal identification number happened under the pressure of civil society with “baby revolution”.

In the last chapter the accent is on good practice examples of Crossborder Cooperation Program Croatia/BiH 2007-2013 aiming the better quality of life of people in the border region of Una-Sana Canton. An opportunity is entrance of Croatia to EU considering that now 2/3 of the internationally recognized BiH’s border is external border of EU now. The European Aid funds are welcomed in this area, although the consumption of funds could be better. Here is to point out a field work in a multicultural environment of the municipality of Bosanski Petrovac where peace agreement of 1995 established an internal administrative boundary line making two municipalities Bosanski Petrovac and Petrovac.

INTRODUZIONE

I capitoli primo e secondo trattano di problemi classici in termini di stato, nazione, popolo, minoranza e società. La BiH si confronta con un frequente cambio di sistema politico dello stato e questo influenza il cambiamento sociale e culturale del popolo. Alla fine del processo le differenze individuali e collettive di identità creano diversi aspetti di valore. La BiH sta affrontando una dicotomia nella sue identità etniche sul concetto di "multiculturalismo" tra la maggioranza dei Bosniacchi e gli altri due popoli costitutivi Serbi e Croati in termini di tre B, credere/appartenere/diventare (believing/belonging/becoming). Alcuni dicono che l'etnicità è un mutevole concetto sociale, altri accentuano la costante di solidarietà etnica e i terzi mettono in risalto gli effetti a lungo termine del contesto istituzionale e culturale delle relazioni etniche. Il quadro teorico nel contesto dei dati etnografici è necessario per raggiungere una maturità sociale e culturale.

La BiH sta vivendo il processo di trasformazione territoriale e costituzionale dopo la dissoluzione dello stato comune della Jugoslavia. L'ordine costituzionale ha creato un complesso sistema decisionale ed una struttura statale complessa, bloccando le funzioni dello stato e provocando le frequenti crisi politiche, economiche e sociali. La Costituzione della BiH, che fa parte dell'accordo internazionale di pace del 1995, ha creato una disuguaglianza tra i tre popoli costitutivi, gli "Altri" ed i cittadini della BiH. Il termine del popolo "costitutivo" è stato preso dall'ultima costituzione jugoslava dove la sovranità statale viene trasmessa tra i popoli e le repubbliche condizionato dal consenso istituzionale. La presenza rafforzata dell'UE ha una ambiguità nel sostenere i titolari del potere nazionale ed i cittadini della BiH nel processo di integrazione

europea. Attualmente non esiste una volontà politica per la chiusura finale dell'OHR e per il trasferimento delle competenze all'amministrazione statale ed alle altre parti interne. La procedura di approvazione "in ritardo" delle leggi fondamentali della BiH, ad esempio la legge sulla cittadinanza, la legge sulla residenza e sul numero di identificazione personale, è avvenuta sotto la pressione della società civile con la "baby rivoluzione".

Nell'ultimo capitolo l'accento è sugli esempi di buona pratica di cooperazione transfrontaliera e di programma Croazia/Bosnia-Erzegovina (CBC Cr/BiH) per una migliore qualità della vita delle persone nella regione di confine, Cantone Una-Sana. Un'opportunità di sviluppo economico è l'ingresso della Croazia nell'UE, considerando che oggi i 2/3 della frontiera della BiH riconosciuta a livello internazionale è frontiera esterna dell'UE. I fondi degli aiuti europei sono presenti in questa regione, anche se la loro utilizzazione potrebbe essere migliore. Si evidenzia anche una ricerca in ambiente multiculturale nel territorio di Bosanski Petrovac dove l'accordo di pace del 1995 ha creato una linea di confine interna creando due comuni, quello di Bosanski Petrovac e quello di Petrovac.

I Chapter: STATE BUILDING

I haven't decided upon who I am! Everything is already given to me: my birth, name, family and city, an end even a people. The strange thing is that I'm trying to convert that compulsion into love.

Something must be mine, because everything belongs to the others. Since the childhood I wanted to possess the street, the city, the region, the sky over my city, because of the fear of emptiness that the world can exist without me. I hold on them, but my street and sky are still the same. Anyway, I do not want to know, inspired by love I'm giving my feelings just to have them back.

(free trans.)

Meša Selimović

1.1 The birth of modern state

The new model of state is created by the revolution in England in 1688 and the revolution in France in 1789. Those revolutions eliminated the middle age privilege system and the absolutisms of power of kings and proposed another way making a base for a “constitutional state” (Locke, Rousseau). Admit it or not, it is a historical, geographical and whatever fact that the state is born as a personification of military force embodied in its expansionistic politics. The success of modern state depends on the circumstances of its birth. Pre-modern states are static and they possess a high level of coercion. Modern states are dynamic instead; they own much higher level of consent; they are enriched with extraordinary expectations of their subjects; they are entrusted with high level of power: to organize, to regulate, to rationalize, to tax, to coerce, to trust. Modern states exercise power in their own benefit.¹

The modern state is an organized society on a certain territory ruled by sovereignty of power forming a compact political unity. It is composed by three basic elements: a territory with definite geographical boundaries (recognized by other states), a government that maintains a monopoly of the legitimate use of force within a certain geographical territory and the people. The modern nation state depends on the loyalty of its citizens. The state offers protection, order, justice, free trade, and facilitations to its citizens in exchange for their loyalty. The goal of the modern state is to maintain public order and *happiness* of its citizens is obtained by efforts of established officials, courts and laws and there the cycle continues because they have unequivocal force to protect the state and its system of market economy.

The state sovereignty confirms certain territory; it is undivided, non-transferable and it must be applied to the entire territory. Sovereignty presents the power to decide about the war and about the peace, to recruit an army, to collect taxes and print money to enforce the law to all and to ensure justice in framework of defined territory and competencies. All of this constitutes the nucleus of the

¹Gellner, E., Nations and Nationalism

modern concept of sovereignty². State sovereignty is tool of statecraft of the state: to exclude, to admit and to expel through civil contract. State sovereignty is made of internal as well as external factors. Internal factors allow to impose and to execute the normative acts of state empowered by legitimate use of sanctions in order to defend its internal public order. External factors deal with the defense of the external borders of the state.

The modern state government is composed of *legitimate representatives*; it means they are elected on free and democratic election through full respect of civil, political and social rights of people. The international law points the unitary or federal (complex) system of governance: Federation, Federation of states, Union of states, sovereign states, vassals' state and protectorates. Usually in most of the countries the Constitution provides how to organize the state governance and distribution of powers between central and subnational governance, so the country possess unitary or federal system. The state and provinces share sovereignty in federal system. Even in some established democracies distribution of powers between different levels is the matter of negotiation (United States, Switzerland). By the Constitution of 1948 Italy also made a third intermediary level as a correction of its previous of two levels and still it is an ongoing process.

A confederation is an everlasting union of political units for related common accomplishment. Some more open confederations are similar to intergovernmental organizations and may even permit secession from the confederation. Usually, they are created by agreement but often adopt later a common constitution. Confederations tend to be established for dealing with critical issues, being required to provide support for all its members. The nature of the relationship among the member states of confederation varies significantly. Likewise, the relationship between the member states, the central government, and the distribution of powers among them is highly variable. Some other confederations with strict rules may look like federations. A unitary state and some federations may decentralize powers to regional or local entities in a nonfederal form.

²Bagnasco, A., Barbagli, M., Cavali, A., Corso di sociologia, (free trans...), pg. 58

In a multicultural (polycultural) society there is a set of complex question of social policy, legislative, border control and census. Reconciliation of cultural diversity and question of mechanism about the enrollment of these in a system of political unity, trying to satisfy all basic normative requirements (rights, recognition, liberty and equality). That is especially difficult task for a state where no one is “clear majority”, in BiH numbers of certain ethnic group (dominant or dependent groups) still count.

For most of people those two civic nationhood and ethnicity are incompatible reaching a peak of discord in public discourse. Some authors consider civic nationhood as either a component or a necessary condition of democracy. Ethnicity is an essential condition to certain aspects of nationhood and thus to democracy. A democratic nationhood is composed of three key elements: civil society, state and ethnicity, and also by a fourth dimension: supra national identity (as response to European integration, e.g.). Relationships among these four dimensions are causal, reciprocal and conditioning. They are anyway depicted as a zero-sum game, so that the stronger the state, the weaker the civil society. It is hard to conceive the civil society functioning without the state, the citizen being as an agent and a political subject simultaneously constrained by the state and protected by it. Without an appropriate framework like the rule of law and the ability to create coherence, state could become uncivil or decline into anomie.

| SOCIETY | | |
|----------------------------|--------------------------------|--------------|
| Personal attachment | Intermediary structures | State |
| Family | Civil society | State party |
| Friends | Universities, schools | |
| Peer groups | Parties | |
| | Churches | |

In the name of greater efficiency state is becoming more administrative and extractive (taxation). The redistribution of power is less hazardous in societies where identity and values are broadly shared, not relying only on solidarity but producing new kind of solidarity.

1.2 Historical consideration on state building process

The Slavs³ settled in Bosnia in the VI and VII centuries. In the IX century Bosnian society was Christianized, and in the X century Bosnia was divided between Croats and Serbs. The name/noun of Bosnia (Bosona) is mentioned for the first time in the work of the emperor of Byzantine, Constantine Porphyrogenitus "De administrando imperio" written in mid-X century. This is a political-geographical manual and is in part dedicated to the Serbs principalities. It reports: "...in baptized Serbia are inhabited cities of Destinikon, and on the territory of Bosona Katera and Desnik⁴". In medieval Bosnian fonts the name is reported variously as Восна, Восана, Восин (Cyrillic). In Latin fonts the nomination is Bosson, Bossini, Bosnia. The statement letter of king of Duklja addressed to Pope Innocent III dated year 1199. stands Bessina⁵.

Later Bosnia was conquered by Hungary and Eastern Roman empire (Byzantine) forming an independent state for the first time in XII century. The writer Kinam also mentioned the river Drina like a demarcation line between Bosnia and Serbia that lasted for a bigger part of its history.

In 1463 Bosnia was conquered by the Ottoman Empire. Under the Ottoman's rule it was composed by three communities' catholic, orthodox and muslim. The kind of modern definition of citizenship in Bosnia was treated through a specific legislation and primarily through Nationality law of 1869 and other similar edicts⁶ dates back to this period.

³Imamović, Historija države i prava BiH: The Czech philologist Josef Dobrovsky considered one unique "Slavic people" which language is consisted of four dialects: Russian, Illyrian, Czech and Polish, pg. 23.

⁴Malcolm, „Povijest Bosne“, pg. 13

⁵Ibrahimagić „Bosanski identitet i suverenitet“, also see Exhibition of historical maps, Editorial House of Gorizia (LEG), Tables and maps, Map 1.

⁶Sarajlić, A citizenship beyond the Nation-State: Dilemmas of the „Europeanisation“ of BiH, University of Edinburgh, UK

Bosnia fell under the rule of the Austria-Hungarian Empire in 1878 as a “corpus separatum” and it was during the whole time of the First World War. An attempt to federalize the Balkan people was made in order to prevent creation of violently fighting states and to perform a balance between unitarists and separatists. The constitutional commitments of European countries after First World War recognized a favorable treatment of minorities and it was largely influenced by League of Nations and Resolutions of the Council like a conditional in their intention to become an independent states.

After 1918 BiH became a part of the Kingdom of Serbs, Croats and Slovenes by Nis Declaration and the city of Nis (Serbia) is usually called as “birthplace of Yugoslavia”. Official state ideology was against of “separatists nations” but a single Yugoslav nation (south Slavs), and that was a single concept for centralist authority to establish a Yugoslav Democratic Party in Sarajevo in 1919. Later it manifested more moderate political view closer to the other parties of federalist concept.

Firs after war people’s census in BiH in 1921 revealed as follows:

| orthodox | Muslims | catholics | Jews | others | Total |
|-----------------|----------------|------------------|-------------|---------------|--------------|
| 829.360 | 588.173 | 444.309 | 12.051 | 16.567 | 1.890.460 |

In 1929 the Kingdom of Serbs, Croats and Slovenes was renamed into a Kingdom of Yugoslavia. The Kingdom of Yugoslavia was divided into the nine *banovinas* as administrative subdivisions in period 1929 to 1941. Here, it should be stressed that this was less statehood period than ever for Bosnia. The growing rivalry between Serbs and Croats within the Kingdom of Yugoslavia led to its first partition⁷. Agreement Cvetković-Maček (1939) was a political agreement on the internal divisions in the Kingdom of Yugoslavia. In the period

⁷Donia, J. R., (2006), Sarajevo: A Biography, Behind Cvetkovic’s (Prime minister of Kingdom of Yugoslavia) accolades lay a desire to invoke Spaho’s (Muslim Minister of forest and mines and leader of Yugoslav Muslim Organization) legacy for an historic Serb-Croat compromise about to be struck... Their Agreement created a large Croat banovina consisting of historic Croatian lands parts of central and northern Bosnia, western Herzegovina and several other areas with substantial Croat populations, pg. 165, 166

1918-1941 Bosnian Muslims political party known as a Yugoslav Muslim Organization stated grave reservations about living in two different lands, the notion of 866,000 Serbs living in areas of Croatian rule and also hundreds of thousands Croats left to the Serbian land.

Certainly, after the invasion of Nazi Germany BiH fell to the complete governance of an Independent State of Croatia (NDH)⁸. Hitler allowed to his ally A. Pavelic to take over Bosnia-Herzegovina. The point is that these demarcation lines were never considered as final, because in future some other treaty may come, maybe more favorable including more ethnically homogenized territory. The World War II in Yugoslavia ended on May 15, 1945 leaving a destroyed and fragmented territory and more than a million of deaths. The liberation movement carried by Tito's partisans had defined their own path towards socialism. Following the end of the conflict the leaders of the Communist Party of Yugoslavia (CPY) initiated a process of rapid transformation for the construction of a Socialist Yugoslavia following the model of Stalin's USSR. This created a federal system bringing together the various national entities on the basis of communist ideology (unity and brotherhood).

The first session of the Anti-fascist Council of People's Liberation of Yugoslavia (AVNOJ), the highest political representative body of the people's-liberation movement of Yugoslavia held in Bihać (BiH) on November 26, 1942. The AVNOJ elected its executive board which, together with the Supreme Staff of Army constituted the state authority of Yugoslavia. In spite of the fact that the war continued the Executive Board rendered a decision to convoke a next session of the National Anti-fascist Council in year 1945. The Federal People's Yugoslavia was created on November 29, 1945. Its name remained the same until 1963 when it was changed into The Socialist Federal Republic of Yugoslavia. After the Second World War BiH became one of the six republics of the federal Yugoslavia

⁸NDH-The Independent State of Croatia (1941-1945) was a puppet state of Nazi Germany in World War II. The NDH consisted of most of modern day Croatia and BiH together with some parts of nowadays Serbia. Some academics use this fact also as an argument of denying BiH's statehood, also a fact of a national population growth happened in about thirty years.

Bosnia and Herzegovina's *National day* points back to November 25, 1943 when the First Anti-fascist Council of People's Liberation of BiH (ZAVNOBiH) was held in the city Mrkonjić. BiH restored its modern statehood as constitutive Republic within the Yugoslav federation within the historical boundaries dated back to the time of medieval Bosnia. The Communists took the term Muslims from the monarchists and built that into the decision of ZAVNOBiH: ...”a country is neither Serbian nor Croatian nor Muslim, but also Serbian and Croatian and Muslim, a fraternal community of people with full equality and respect of human rights to all”.

At the second Anti-fascist Council of BiH (July 01,1944) held in Sanski Most, the Declaration of basic rights of citizens of BiH was adopted:” ...the battle for liberation makes the brotherhood of Serbs, Croats and Muslims stronger, and thus builds a sure foundation of free and fraternal BiH, equal federal unit in the Democratic Federal Yugoslavia (DFJ)... Therefore ZAVNOBiH assurance: equality of Serbs, Muslims and Croats in BiH, which is their common and indivisible homeland; freedom of religion, freedom of expression and equality of all religions will be fully respected.”

The third ZAVNOBiH session (April 26, 1945) held in Sarajevo, ZAVNOBiH changed into the National Assembly of BiH with plebiscitary support of all people. However, the Declaration on BiH with accent on its multicultural concept, than the transformation of ZAVNOBiH into National Assembly of BiH and the establishment of its government was followed by the actions to guarantee the main achievements of the National Anti-fascist Resistance aiming to prevent and restrict escalation of violence and every possible uprising of nationalism.

The people of BiH by their own wiliness gathered together without any conflict in the period from 1945 to1990 providing the 45 years of peace, prosperity and development. BiH has had a consistent and steady progress in all its features, it developed all major natural and human resources, built a strong industry, achieved a full education, institutional and cultural development. BiH created a respectable and productive scientific capacity, developed its own ability to

improve technology development and interior relations. This happened despite the communist regime limiting framework of human rights.

In 1963, April 7 the new Constitution of Federal Republic of Yugoslavia changed the state nomination into the Socialist Federal Republic of Yugoslavia (SFRY). The amendments to the new Constitution of Yugoslavia were adopted in the same year. Such amendment included decentralization of political power and some federal competences are downed to the approval by the republican government authorities. The BiH's Constitution of 1963 introduces "Serbs, Croats and Muslims allied in the past by a common life" and subsequently they will be recognized as constitute people of BiH. The Population census of 1971 provided that Muslims of BiH were identified by their national name.

The Constitution of 1974 consisted of more decentralized policy giving the greater autonomy to the republics. After the death of Tito 1980 great demands were oriented to dismiss that Constitution. The crisis of Presidency of SFRY (1989) and in the same time the political promotion of Headquarter of Yugoslav People's Army as supreme commander over the state army led to the disguised military coup.⁹

1.2.1 The first multiparty elections after communism

Parliamentary elections were held in the Republic of BiH in November 1990. They led to a predominantly ethnic composition of the Parliament whose majority was composed by three national parties. The first President of the Republic of BiH was a Muslim, the Chairman of the government was Croat, and a head of Parliament of R BiH was Serb. It was a multiethnic government¹⁰ and

⁹Imamović, M., *Historija države i prava BiH*, pg. 304, 305.

¹⁰Hajrić, M., *Adviser of war Presidency of BiH*, Interview for Independent (1996): "It is a grave error to see Bosnia's tragedy as primarily a conflict between religions. Forty years of Communism left most Yugoslavs with little or no knowledge of their various faiths. Moreover, the Bosnian government, which Mr Welch would no doubt label the 'Muslim side', is in fact determinedly multi-ethnic: eight cabinet ministers are Muslim, six are Serbs and six Croats, a fact that makes nonsense of any attempt to portray the war as a purely sectarian dispute. The war should instead be seen as a conflict between rival national visions, the one (advocated by Radovan Karadzic) being mono-ethnic, expansionist and chauvinistic, and the other (the elected

Serbs represented a great part of the first collective presidency of BiH. In this period Muslims represented 44% of the total population, 31% were Serbs and 17% Croats.

The meeting between Tuđman and Milošević in Karađorđevo on March 25, 1991 revealed the aspirations of some intellectuals presenting one and another political view. They met three times: the Vila Weiss in Zagreb, then at the place Belje, and the third time at Vila Botić in Belgrade. Already at the first meeting Republic of BiH was an open question in terms of normalization of situation between Serbia and Croatia. One issue was at the table it regards whether Serbia accepts the Yugoslav state as set by the principle agreed in Jajce 1943 (AVNOJ). Serb's side claimed that the boundaries were the result of the arrangement between Croats and Slovenes, so Serbia will not agree to anything other than the liquidation of AVNOJ's borders (Markovic A., Bilandzic D., Mesic S.). According to Marković, the last Prime Minister of the former common state, they consider BiH as an artificial creation. Since Serbs and Croats jointly constituted a majority in BiH, they also believed that the division of BiH would not cause a war and support from Europe was expected as they did not want an island of muslims' state¹¹.

In October 1991 the Parliament Assembly of Republic of Bosnia and Herzegovina declared its independence. In November 1991 the Croats declared a type of autonomy of Croatian Community Herzeg-Bosna and after two years Croatian Republic of Herceg-Bosna¹². M. Boban was a First president of community and republic, and a president of major political party of Croats in BiH Croatian Democratic Union (HDZ) elected during the second Congress of HDZ in 1992 after the S. Ključić. In the line also the Serb Republic of Bosnia and

government) committed to pluralism and a unitary Bosnian state in which all citizens, irrespective of ethnic affiliation are free to live where they choose".

¹¹Marković testimony at ICTY, The Case Prosecutor v. Slobodan Milošević, see on: http://www.icty.org/x/cases/slobodan_milosevic/proswitness/bcs/mil-wit-markovic.htm

¹²Aftermath, the Judgment of ICTY in 2011 for the founders of Herzeg-Bosna, The case of the Prosecutor v. J. Prlić, B. Stojić, S. Praljak, M. Petković, V. Čorić and B. Pušić. The "Prlić trial" resulted to a Judgment on joint criminal enterprise on 111 years of prison in total for these persons for numerous crimes committed by members of the armed Croatian Community forces (later Republic of Herceg-Bosna) and the harsh conditions under which Muslims arrested by the HVO were detained in the Dretelj, Gabela and the Heliodrom prisons. See on: http://icty.org/x/cases/prlic/tjug/en/130529_summary_en.pdf

Herzegovina is created on January 9, 1992 with the Declaration proclaiming the Serb Republic of Bosnia and Herzegovina¹³. The Declaration provided that the Serb Republic would be constituted as a federal unit within the Federal Republic of Yugoslavia¹⁴. This Declaration also provided the basis for the constitution of the Serb Republic. On 12 August 1992 the Serb Republic of Bosnia and Herzegovina was renamed into the Serb Republic. However, the Constitutional Court of R BiH took this Declaration as unconstitutional and therefore void¹⁵.

A referendum for the independence of R BiH was organized by Muslims and Croats on February 29 and March 1 of 1992. However, 63% of the total electorate voted for independence¹⁶ (and 99% of them), while Serbs boycotted it. On March 3, 1992 the Government of BiH declared the independence of BiH. Ministers of foreign affairs of EZ and USA recognized Bosnia and Herzegovina's¹⁷ state borders on April 6. Serbia and Croatia were internationally recognized already in January of the same year and then Macedonia in April 1993.

1.2.2 Contemporary state building

Officially the Peace agreement of 1995 is titled General Framework Agreement on Bosnia and Herzegovina (GFAT). The Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia as signature parties made an agreement: "The Parties shall conduct their relations in accordance with the principles set in the United Nations Charter, as well as the Helsinki Final Act and other documents of the Organization for Security and Cooperation in Europe. In particular, the Parties shall fully respect the sovereign equality of one another, they shall settle disputes by peaceful means, and shall

¹³"Official Gazette of Serbian Republic of Bosnia and Herzegovina," No. 2/92, January 27, 1992.

¹⁴The Federal Republic of Yugoslavia (FRJ) existed from 1992 to 2003, when it was reconstituted as a State Union of Serbia and Montenegro existing three more years till it separate in two different countries.

¹⁵See Decision of Constitutional Court of RBiH, Case: U 47/92 from 8 October 1992, "Official Gazette of RBiH" No. 18/92.

¹⁶Klemenčić, M., *Međunarodna Zajednica i SRJ/zaraćene strane, 1989-1997*, pg. 171.

¹⁷"Official Gazette of Republic of Bosnia and Herzegovina", No. 49, from December 20, 1995.

refrain from any action, by threat or use of force or otherwise against the territorial integrity or political independence of Bosnia and Herzegovina or any other State”¹⁸. “The Federal Republic of Yugoslavia and the Republic of Bosnia and Herzegovina recognize each other as sovereign independent States within their international borders”¹⁹.

The Constitution of BiH (Anex 4 of DPA) introduced a “con/federalization” of BiH, although it was not explicitly introduced there. It was the price for peace, but also for the legal continuation and existence of BiH as a state within the international law.

The international recognition of BiH (than Republic of BiH) was in 1992, thus before the Peace Agreement was signed and before a forcible constitution. This agreement made that Federation of BiH and Serb Republic became the constituent Entities of henceforth BiH and it introduces a special status of District Brčko. The Inter-Entity Boundary Line (IEBL) was introduced in Annex 2 of Agreement called the Inter-Entity Boundary Line and Related Issues. All further work on demarcation were left to international arbitration. Each Entity has its own political structure and administration with an overreaching central government. The political structure of the Federation of BiH (51% of territory of BiH) is divided into three levels: federal, cantonal and municipal. The Serb Republic (49% of territory), on the other hand is composed of municipalities, which all have their own councils and administrative structures. The Dayton Peace Agreement (DPA) created 13 overlapping constitutions for the 10 cantons of the Federation of BiH, the two entities and the central BiH’s government.

One of the main objectives of peace agreement was the reestablishment of a pluralistic society and the return of refugees and displaced persons to their original homes, although there is not much of progress in the last ten years. The help was highly agreed for returnees forced to leave their homes as a result of

¹⁸Article 1 of General Framework Agreement on BiH, Office of High Representative (OHR) see on: http://www.ohr.int/dpa/default.asp?content_id=379

¹⁹Ibid., Article 10

ethnic cleansing or human rights violations²⁰. Related to these are the state property issue and a property over few dozen military objects as a political question in BiH. However, today's BiH consists of Entities and Brcko District. The dispute over state property is present at least for ten years. It involved the OHR, the State Property Commission, entities and the Constitutional Court. The Constitutional Court of BiH has decided on state property in July 2012, but it is not still implemented.

However, it is always useful to take better positions before the final adhesion to the EU and therefore accepting the relevant legislative of the EU. What people did not achieve in the war, maybe it could be chance in “after peace” negotiation. Currently it is unpleasant situation in BiH where the Bosniaks, Serbs and Croats fight for the best *possible* position in the pre-accession and accession negotiations to EU. So what is happening is that only six/seven people (presidents of the leading parties) have all the power and are involved in all important questions, so all that is left to the legal institutions of BiH is to confirm what they already agreed. In the modern state there are forces that pull to the center of civil and unitary state and ethno-separatists forces, although it is hard to distinguish them lately. The first tend to centralization and the others relay on separatism taking steps to political or other type of autonomy. BiH is the place where nationalism or populism of the majority interferes with the ideology of patriotism, like saying to the others “You are in my house”. The problem is how to neutralize those destructive tendencies for the state and society.

1.3 Borders and demarcation lines

Boundaries and their meanings are historically contingent, and they are part of the production and institutionalization of territories and territoriality²¹. The border of state is set of stable expectations, which ultimately constitute the state as an

²⁰Neussl Peter, adviser at Department of displaced persons at United Nations, Office for the Coordination of Humanitarian Affairs (UNOCHA)

²¹Newman and Passi, Fences and neighbors in the postmodern world: Boundary narratives in political geography, Progress in Human Geography, SAGE

institution. The institutionalization and deinstitutionalization of specific territory divide the process of (de)institutionalization into different stages depending on the degree to which a territory is considered an integral part of the national territory. Disengagement (separation) may cause domestic protests and/or violent conflicts. Even if they are always more or less arbitrary lines between territorial entities, they may also have deep symbolic, cultural, historical and religious meanings for social communities. The attention is on boundary-producing practices and questions of identity. The questions of power becomes crucial as far as boundaries are concerned. These ideas are particularly important in the contemporary world where notions of territoriality and boundaries have become associated with the aims of various social groups to define and redefine the relations between social (community) and physical (corporeal) space²².

It is not a subject of this work to speak from the point of view of political geographers, but few basic notions about BiH's borders (external and some internal) should be made. Some authors consider BiH like buffer state handling between different spheres of interest. In public discourse, BiH is usually compared to Kingdom of Belgium a federal monarchy with its complexity of levels of power, or to the Swiss Confederation, (Lat. Confederatio Helvetica-CH), a kind of confederation where the state structure is consisted by 26 cantons. After all the opposition will say that in CH had the Cantons existed first and the state like a unifying reality only came afterwards. Also an example is the Kingdom of Spain where Catalans share different ethnic affiliations that are seen in conflict with the Spanish identity; by the way Catalans certainly are not the fans of the national football team.

The current BiH's border is the result of the demarcation line dating back to the XVII and XVIII century; it was acknowledged by Austria-Hungarian Croatia, Ottoman Bosnia, Venetian Dalmatia and independent Republic of Ragusa.²³

²²Agnew, J., Divided cities, divided regions in historical perspective. The conference "Borderscapes III" organized at University of Trieste, Department of Humanity Studies and a field trip to the countries of Western Balkans.

²³Cross-border Cooperation in the Balkan-Danube Area, An analysis of strengths, weaknesses, opportunities and threats, pg.70

The northern demarcation was established following the Karlovac Treaty (Sremski Karlovci) in 1699 (peace agreement between Austria, Venetia and on the other hand Ottoman empire) with two sub-sections that were later redrawn in the Požarevac Treaty in favor of Austria on July 1718. Also Dalmatia under Venetian rule spread to a line that has since more or less remained southwestern border of Bosnia. The A/U Empire in 1878 on Berlin Congress got whole Bosnia after a long period of Ottoman rule till the World War I. The same border divided the Socialist Republic of Croatia and Republic of BiH in 1945. The only change involves a few Croatian villages that were handed over to BiH bringing the borderline on the mount Plješevica near Bihać. Aside from a few minor changes afterwards the border remained the same until 1991, when it became the international border between Croatia and BiH. This border is internationally recognized since 1992 by the International Community, European Union and United States of America.

BiH share the borders to Croatia on its north, west and south-west (border length, 932 km), than to Montenegro (249 km) and finally to Serbia (357 km) on the east and south-east. The country also has a short (13 km long) coastline along the Adriatic Sea around the town of Neum. The main rivers are the Sava (331 km within BiH), which runs along the country's northern border, the Bosna (271 km) running through Sarajevo, the Una, the Drina and the Vrbas which all flow to the north. A small number of rivers, notably the Neretva (218 km), flow towards the Adriatic Sea. Rivers also define the country's two historical provinces: Bosnia which lies in the Sava River valley and Herzegovina which is situated in the Neretva river basin and the upper reaches of the Drina.

Bosnia-Herzegovina's internal order and the internal boundary are worth consideration alongside the country's international boundary primarily because of the fact that the two entities which make up the state in reality enjoy more power than its central government²⁴. BiH's international borders are protected by the newly created internal division as the biggest threat to the county's integrity it is sometimes perceived as a "harder" border than parts of international border. Opponents argue that the Republic of BiH existed before

²⁴The boundaries, internal order and identities of BiH, IBRU, Klemenčić, pg. 63,70.

the peace agreement and forcible constitution structured as Republic of BiH and has been recognized by UN.

There are obvious disputes between those who want to make the frontier more visible and stronger and those who consider it just as constitutional category without any function in practice. The peace agreement was provided by foreign actors NATO-led troops, the Organisation for Security and Cooperation (OSCE) and other bodies in stabilization and peace implementation process and they did not define BiH as a federal state. The term “federalization” should stress clearly the federal nature of the relationship between the entities, the international mediators who prepared the agreement effectively encouraged the Serbs to take the view that Republika Srpska is more than a federal unit²⁵. That line was a clear epitome of the situation on the ground which was further developed following the combined Croat-Bosniak offensives of autumn 1995 with only few adjustments.

1.3.1 The birth of IEBL

Various peace negotiations were held during the war time 1991-1995. Many interesting geo-political maps were made as a part of different peace agreement “some good or less good”. The price of peace changed with every new map and thus the personal and material cost of every single day of war. How to measure the burden in people’s life which is brought with the struggle for the “our thing” expressed in “Bosniak’s national question” or “Croatian national question” or “Serb national question”²⁶. The war was just a “modus operandi” to achieve more ethnically homogenized territory or really people had higher more generous and noble objectives worth of dying for?

²⁵ Ibid.,

²⁶ Question of national importance for Bosniaks, Croats or Serbs got its legal protection through Peace agreement in 1995 more precisely its Annex 4, the Constitution of BiH. All three constitutive people have a singular protected by legal institute of “Vital national interest” in judiciary system of BiH.

The plan Cutilero-Carrington²⁷ was promoted by the European Union in September 1991 included a consociate government and the autonomy of three entities. Consociativism as type of power sharing is present also in some other multiethnic European countries. The plan at the beginning was accepted by all three parties, but was eventually rejected by the Bosnians.

The Vance-Owen plan was a joint venture of the UN and the EU made in January 1993. It provided integration of ten federative units, through the model of ethnically homogeneous cantons: three Serbian, three Croatian and three Muslims and multiethnic Sarajevo. The central government of BiH would have the limited powers including foreign policy. The cantons would not be subjects by international law. Serbia would return 27% of occupied territory, keeping 43%. The plan was accepted by Bosnians and Croats, but not by the Serbs.

The Owen-Stoltenberg plan was made in August 1993 established a compromise solution of confederal state polity. BiH should be a confederation (symmetrical) with 52% of territory for the Serbs, the 18% to the Croats, 30% to the Bosnians. This plan was rejected by Bosnians, although their share had eventually increased to 33%.

The plan drawn up by the Contact Group in July 1994 was an ultimatum for NATO intervention against the Serbs in Sarajevo. It proposed a confederation as a system of government. The secession was explicitly forbidden for each of three parties. Sarajevo was assigned to the Federation of BiH, the Serbs returned 20% of Bosnian territory, keeping the 49% of the total. The plan proposed the peaceful exchange of territory between Serbian and Bosniak parties, in order to fit into the plan of Contact Group. However, the NATO air strikes were begun in August hitting the military targets and infrastructure of RS (30.8.-13.9.1995).

²⁷When Malcom write "Short history of Bosnia" in 1996, many years after Carrington said that it should be written before, accentuate that they were coping with lack of historical and other facts during the peace building process in BiH.

Some international representatives e.g. Albright²⁸ saw the proposals on the referendum of Bosnian Serbs and the right to secede as vague, but maybe as one of further scenario. The option was that an agreement without air strikes would go in favor of the Serbian side to take advantage of peaceful secession from BiH and potentially to join Serbia. The IEBL divided already destroyed cities of BiH e.g., Sarajevo (Sarajevo, Eastern Sarajevo) and Mostar (eastern, western) without any urban planning. Civilians were demoralized and many residents of Mostar left the city during the Muslim-Croat conflict of 1993-94. *Mostar* is a city usually used as an example to explain the term of “divided cities”. All three parties were bargaining making false allies as stated once an Adviser of the first President of BiH Hajrić. They were paying certain amount of money or another type of goods as a price or bribe to bomb the third side: “once on the battle field around Mostar they had an agreement on cease fire, but one party continued to bomb instead. After that, during the everyday conversation one of the generals gave a clear explanation that this time it was on the house”.

Only one interstate agreement on borders in states of former Yugoslavia ratified on both sides is the agreement between Serbia and Macedonia (Clive Schofield, Ian Townsend-Gault, Mladen Klemencic Lexicographic Institute). The agreement Tudjman/Izetbegovic on the Bosnia/Croatian border is signed during the 1999, but has not been ratified yet in Parliaments of two countries.

Croatian opposition on Tudjman/Izetbegovic agreement is powerful. The reason for it is sovereignty over two islands in Adriatic sea, Veliki and Mali Skolj and the upper part of the peninsula Klek . HDZ (Croatian Democratic Union), also cartographic experts and right opposition led by the HDZ claim that Croatia would thus give up part of the sovereign territory. Although their founder Tudjman signed agreement with President of BiH Izetbegovic in 1999, HDZ members refuse to confirm it for years. The contract specified that each of the

²⁸Albright M. was an appointed US Ambassador to the UN, shortly after Clinton was inaugurated; she collaborated with Holbrook during the peace negotiation in BiH.

parties should bring it in legislative procedure to ratify it. The question is why this bilateral agreement has not been ratified yet²⁹.

The problem of status of Port Ploče and building of the Peliešac bridge are still on table. The seaport Ploče is located on the Adriatic coast in Croatia (Dubrovnik-Neretva County). BiH and Croatia are negotiating a “privileged economic zone” for Bosnian businesses within the Ploče port facilities. Local government and population do not support their national authorities, convinced the agreement will lead to a partial loss of sovereignty over the port. Bosnian government prefers a 99 years concession, with sovereignty features, while the Croatian government would like to offer only a commercial passage for BiH goods through its territory. The construction of a bridge through BiH’s territory is still in dispute.

From the other hand the border line BiH/Serbia is one of the oldest border in the region³⁰. Unresolved border issues also exist between BiH and Serbia, although relations between the two countries seem to work far better than in the past.

BiH/Montenegro border line is not subject of disputes, except maybe on see border regarding the question of Sutorina³¹. The neighboring state of Montenegro often receives praise from the EU for fostering good neighborly relations. According to BiH’s foreign minister Z. Lagumdžija border agreement should be signed by the end of the year. The expert time and commissions were almost done with demarcating the frontier. However, the most recent European Commission progress report on the country, published last October, cautioned that Montenegro’s border demarcation process with Bosnia, Croatia, Kosovo and Serbia had yet to be completed.

²⁹Perkovic. Z. "Any arbitration shall take into account two facts, that the agreement signed by authorized representatives of the two countries it has been perfectly working for a 13 years and it did not produce any adverse effects".

³⁰Malcom N., A Short history of Bosnia

³¹Ibrahimagić claims that Sutorina is second Bosnian part of Adriatic see sight.

1.4 The nature of modern nation

After the fall of communism the Western Balkan countries still have to walk through heavy transition to the liberal democracy. The central and east Europeanas respond in a manner of fear for their cultural reproduction and survival of communities. Western thoughts could be described as pragmatic, professional, oriented to future and rational, on the other hand post-communist thoughts are seen as relying on history and a sense of bitterness and injustice. Traditionally the West is designated as no nation-no state, and no borders-no nations while the East is characterized by a large imperial powers, instable and flicker multi-ethnic state. Going through socio-political view the characteristics of the nation are: ancient, unique, opposed. Kymlicka says that the majority³², of people create a nation and in the same time the others “otherness” create minority. At the end of the day majority and minority are covered by umbrella called culture. From the other side authors argue that characteristics of nation can be imaginary, can be constructed even “invent”, and it is a subject of change and not constant in time and space.

The term culture refers to a distinctive way of life of a group of people, their complete design for living is a historically created system of explicit and implicit designs which tend to be shared by all or specially designate members of a group at a specific point of time. For a contemporary society, it is impossible to separate the problem of cultural identity from the process of protecting the characters of its past. Identity is a matter of awareness. In fact all societies, as much as individuals, are only equal to themselves, but to realize that a search must be done in order to achieve socio cultural maturity. Culture means first of all behavior, tradition, custom and characteristic or subjective attributes of both individuals and institutions and nations. All features of social behavior are a result of the interaction of individuals, and all those present unique process of inclusion or alienation of every individual. Some individuals (very often outsiders) are in constant research for their own “pure and unique” identity so it

³²The International Covenant on Civil and Political Rights (1966) and UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992) states more than 51% of the complete population.

goes along with their deviant performances and at the end of the day making harm to themselves and/or to others.

Cultures evolve over time; the man was not born with, it is feature which has to be learned and can be learned. Culture should be performed in civilized manner and usually is an invisible part of everyday life. So, someone could be not conscious of personal change, of a transformation of ambient, of a political reform, and every other reform, but still it exists. Culture evolves in time and space, every individual (person) or collective (community) need complexity of factors to be matched to reach special level of cultural maturity. It shapes all human life and is an instrument for identification and distinction between in-group and out-group. It is an object in situation of actor, value orientation of actor. It is a system of actions (Parsons). National style of negotiation³³ is much dependent on its culture and history. Adequate question to be made is: Do I think in the same way as I thought three years ago? Those cultures that have been stifled by the presence of a static, authoritarian hierarchy have often evolved rather slowly. Cultural identity is the collection of values, traditions, symbols, beliefs, customs and behaviors that work as a cohesive element within a social group sense of belonging to..., but in the same time also to believe without belonging and belong without believing. In that line also the demands of the state for the further affirmation of belonging and loyalty (obligations) in return for their status of citizenship.

Nation is at the same time a mixture of ethnic, civic and state factors. Some "imagined" factors certainly are structured by the state, and protected by it. Hence the extremes of ethnicity derive from the shortcomings of state capacity and the weakness of civil society. If ethnicity is well and alive what is its role? National identity is created at both *institutional* and *symbolic* (flags, monuments, ceremonies) level and those two should be seen as functioning reciprocally.

³³Simmel, G. Conflict and the web of group affiliations, wrote in 1908 "On the whole compromise especially that brought about through exchange no matter how much we think it's an everyday technique we take for granted it is one of mankind's greatest inventions".

There are four processes of identity formation³⁴ (identities derive from those processes):

- *Identities are structured by the state*: People evolve in the ambit of a certain state; they share habits and practices as their response living in. The modern state is one of growing complexity and intensity. The identities formed by diverse state regulations bind people living in one state bringing different practices and shared values. That's why civil society has to be open to change, to challenges and to live with difference. But, also it can become rigid and bureaucratic ambit for living.
- *Civil society*, web of associations presents activities where individuals use a right to formulate their aspirations and to make choices, of course in consistent legal framework.
- *Ethnicity* is the most controversial, because it is constrained by the state and by civil society. The bonds of solidarity are lying through ethnicity. Civil society depends also on ethnicity to endow it with modes of communication across ethnic boundaries. The existence of the state is seen as neutral, but still as a vital element in this process.
- The international dimension or *supra-national* has its growing importance especially in the late of XX century. Supra- state set of identities, like the European Union comprises a power through its political, economic and cultural competences. The role of *acquis communautaire* is vital. It lacks only an extraordinary regulatory capacity of modern state.

Identities are formed by every type of collective human activity. These processes are acting one on another and the intensity of action may vary. When one process is weak the others will gain in strength. It is not the case that in the post-communist world people are obdurate in their attachment to "outdated" ethnic identities, but rather that the institutions of the state and civil society are weak and not trusted (authenticity of ethnicity). That implies that once historic task of reconstructing the state as a neutral body is achieved, the preeminence of ethnicity will diminish and citizenship will be de-ethnicized. National identities could disappear if it may be proved that national state has more to offer than

³⁴Schopflin, (2000), Nations identity power: The new politics of Europe, pg. 29

ethnicity does, at least Stalin declared so. The disappearance of communism has its roots in weakening or erosion of the old moral criteria without an acceptance of new ones. A state of affairs that Zygmunt Bauman has called "liminality" has its approbation. To make it more simple, we could call it moral inflation. The contest is not bounded by rules; self-limitation doesn't exist, so the only instrument for regulation is morality. New winners and new losers, there is no criteria for just and unjust enrichment.

How ancient one nation should be in order to stand as undisputable state/nation in all its consequences. Maybe we could speak about 500 years or 600 years as a proof of its traditionalism. How to measure its characteristics as unique(ness) and opposed? How much different has it be in comparison to the other nations. Old nation are old news and explicitly there is nothing relevant to speak about, although a lot of could be written even about the birth of those nation/states. Ancient nations make an old news³⁵ i.e. Italians have no such of doubts about their own national identity, a rich civilization heritage of Italian society with the education system dating back to twelfth and thirteenth centuries and to add as a constitutional, democratic republic founded on labour. Sovereignty belongs to the people and it is exercised by the people in the manner and within the limits of the Constitution³⁶. Italy rejects war as an instrument of aggression against the freedom of other people and as a means for the settlement of international disputes. Italy agrees an equal treatment with other States, to the limitations of sovereignty that may be necessary to a world order ensuring peace and justice between nations. Italy promotes and encourages international organizations having such ends.³⁷

1.4.1 National identity building

Identity is the product of self-consciousness that I or we possess certain qualities as an entity for which I am different from you and you are different from

³⁵"The news is not relevant any more. The news has to walk by the odds so it could be relevant and thus sold, and it has nothing to do with the truth", prof. Beloratsky, Lecture in Sociology at University of Trieste

³⁶Article 1, Constitution of the Republic of Italy, Fundamental Principles see on: <http://www.quirinale.it/qrnw/statico/costituzione/costituzione.htm#Principi>

³⁷Idem, Article 11

me. For national identity is very much of importance the part of external recognition of nation. History did not meet people with no names, no languages or cultures³⁸. It assumes that the identity of people should be recognized in the same characteristics that make us different from other nations. It has to be at least the examination of such feature, specificities or at least the stereotypes that people annex to themselves or the other people attribute to them. Nowadays, about 4.5 millions of Bosniaks descendants who emigrated from BiH and Sandzak live in Turkey. Their ancestors emigrated from BiH from 1878 to 1921 and later. By their assessment it is more important to preserve their national identity than a religious name in a foreign country. More than 1 300 000 emigrants live in 110 countries around the world.

Still in BiH it is present the process of differentiation between people, nation (state law) and religious content of Bosniaks supported by occasional BiH's cultural events. Bosniaks were for a great period of history restricted on their religious community as their only framework and support of cultural and national identity. In the former Yugoslavia majority of population corresponded to concepts of people-Yugoslav people based on principle of unity and brotherhood. Yugoslavia was a federation of different people and/or nations, republics and different nationalities (national minority). Croats, Serbs, Slovenians, Muslims, Montenegrins and Macedonians were considered as "constitutive people" or nations/people (narod) regardless of their Republic of residence, while the other 18 ethnic groups and/or minorities present in Yugoslavia were considered as nationalities (narodnosti). Still, some disputes about nation and/or people take a great place in academic papers (BiH, Croatia, Serbia).

A few political parties gathered a grand part of Muslims like: Muslim National Organization, the Yugoslav Muslim Organization, and after the 1990s is the Democratic Action Party, the Socialist Democratic Party and others. In that part of political building Islamic culture and civilization played its role. In the modern era, politics shape the life of their supporters through the right to vote at free and democratic elections. The political programs are more or less adjusted to

³⁸Calohon, 1994, Social Theory and the Politics of Identity

the current socio-historical condition. All citizens with voting rights have equal opportunity to give their vote to those they believe will achieve their interest like to the individuals, parties and coalitions (although they can be formed before elections and also after the elections). It is a core of democracy.

Being Bosnia-Herzegovinian, what does it mean and how is that mentality manifested in and out of BiH? Politicians, academics, journalists and just people are interested in this question. Obviously that is influenced also by seeing and “copying of others” in their cultural and political presentation. How come that muslims came to Europe? Are they Turks, referring on 415 years of Ottoman rule in Bosnia³⁹? Why Serb Republic has no right on secession? But not only the “others” are questioning about Bosnian and Bosniaks, also Bosnia-Herzegovinians are still making questions. However Balcan countries always produce more history than they can handle. Today Muslims are mostly Bosniaks and they replicate an important role in BiH’s society, a role of statehood nation.

In Bosnia and Herzegovina today exists three constitutive people: Bosniaks, Croats and Serbs. Three different religions: Muslim, Catholic and Orthodox. Three languages: Bosnian, Croatian and Serbian. There are two kinds of scripts: Latin and Cyrillic. The Law on citizenship looks at people as the BiH’s citizens. The socio-cultural aspect of identity recognizes a language as obvious characteristic of an ethnic identity, but not decisional one. However there are cases where one language is part of the identity of many different nations (English, German language, Serbo-Croatian language). There are some other features underlying the differentiation of identities such as, religion, or customs territories, which leads to many uncertainties in terms of “to whom does this language belong”. The affiliations are relative, but it does not mean less important⁴⁰. Some international diplomats argued during the war in BiH that it is

³⁹Schachinger, W., Die Bosniaken kommen 1979-1918, “You, kid are you Turk?! No, I am Austrian, hm... I am Bosnian.”

⁴⁰Sometimes is easier to explain a process through a personal story of life but also it depends on who talks and to whom you are talking to (in particular situation). In the ambient of University of Trieste, one colleague of mine started to talk about Bosnia, Bosnian mentality and “some of ours disputes”. And, at one point he asked, what do you think do we belong to the same people, do you really think that there are some difference between us? What would be the conclusion?

result of anxious hatred between people in former Yugoslavia when the state (Tito) had legal and every other power to enforce peaceful coexistence of those people.

Still discussions about nations, people and minority rights are more than relevant and oppressive. It is discouraging news in XXI century and it wakes up some retrograde behaviors and memories. Bosniaks do not have an answer about that what kind of state they want⁴¹? Is it a national state of Bosniaks independent and separate of Serbs and Croats, or a hegemon state of present BiH transforming Croats and Serbs in national minorities? First scenario would lead to separation of Serbs and Croats and creation of a smaller but more homogeneous Bosnian country similar to what was offered by the Vance-Owen plan in 1993. Second scenario is a "wait and hope policy". Bosniaks could become an absolute majority of the population through ethnic and demographic changes. Without the supervision of the international community people of BiH cannot find the political consent even on trivial matters. Finally third reason for skepticism about the idea of creating a Bosnian "common" people is the fact that no one works on this project. There are no institutional arrangements, because the whole institutional structure of BiH is based on the idea of three isolated people⁴². Also Croatian deputy in European Parliament Ivo Stier sees "further federalization" of Federation of BiH as a possible scenario of internal state policy of BiH.

Ethnic and religious identity is more visible after war and 1995 Peace agreement and thus related territorial division. The BiH's people identify themselves with the territory where they had been born through the features of belonging and believing of their parents, traditional and religious factors. That

It was obviously that he is or Serb or Croat by nationality, but it was hard to guess which one of those two? Taking to consideration that spoken language is more/less the same, it was hard to make "categorization". The similar question to this would be also: Is the Serbo-Croatian language one language or two. Are we one nation or two or three or etc.? The candidate had been born in SFRY so was a Yugoslav till 1992 when the Republic of BiH declared its independence, so becomes a Bosnian. Or, for example, the parent of his was born in 1929 at the time of Kingdom of Yugoslavia. But even that is not so simple because the Yugoslav Constitution recognized muslims in BiH as a nation with uppercase M.

⁴¹D. Jović, Identity of Muslim/Bosniaks, pg. 135, "Political Thought", V50. No. 4, from December 2013, Faculty of Political Science, University of Zagreb

⁴²Ibid.,

introduces traditionally based concept of fatherhood and genuine kindness of Bosnian people. Those ties mark the real life of their descendants. Also, this line goes parallel with horizontal underpinning of negative stereotypes. Sometimes it is very hard to take off that burden, and in the name of quality of life to break down prejudices. So the term of state BiH, common culture and shared values is still to be discussed. However, it stands the reason that we should continue to reject the view of nationalist and anti-Bosnians prejudices. Dogmatism, nationalism and even perceived deprivation lead to the conflict.

Negative aspects of nation building in BiH are supported by political “elite” by all three constitutive people through the shared populism and dogmatism for more than 20 years. It is discouraging that politicians “steal” ideas from national Academies of science and vice versa, but in wrong purposes just in the name of short term and flicker objectives. Not to be forget that nationalism and/or dogmatism can be scaled/judged actually by their ability to mobilize the masses and not just through public discourse. It is no secret that people of BiH identify themselves by their ethnicity rather than citizenship entry, and great part of these affiliations are result of bloodshed 1991-95. To make it clear the best nations are those who do not need to pass all this processes of building like it happened in BiH (when I say this it concerns all three constitute people of BiH). Character/mentality of adaptation of Bosniaks is discernable and quite fast and certainly one of their integration forces.

“Along with distinctive historical experience in the region religious origin or orientation essentially determines whether the person is a Serb a Croat or a Muslim, whether the person practices that religion or not. Ethnic identification based on religion is accentuated during the time of acute interethnic conflict. Serbs are almost exclusively Eastern Orthodox Christians with their roots in the Byzantium Church, Croats are almost exclusively Roman Catholics with their roots in the Church of Rome, and Muslims are mainly Serbs and another Slav converts from the region who embraced Islam during the centuries of Turkish rule. Until Tito created the new Slavic nationality of “Muslims”, Bosnian Muslims generally considered themselves as Serbian, Croatian, Bosnian or Yugoslav

Muslims.”⁴³ National question of the Western Balkans states search an adequate peaceful answers, and should be treated at least in the mode to not provoke more harm than it is already.

On human relations has been committed a genocide. How to be a role model of a parent, friend, teacher a front of their descendants/ancestors. The easiest way would be just to give up and to say “I am a Bosniak/Croat/Serb”, but would it be enough to resolve all problems. It presents an old problem of definition of boundaries, the question of self-identification and its denial. Did the concept of nation exist always or it just shows up during the war time. A great match of fragmentation and destroying of people and its heritage has begun by the blessing of Germany with “Danke Deutschland” in Croatia and “hvala Rusima” in Serbia. German interest had prevailed in Croatia at the same time Russian in Serbia. The nonsense of categorization of people is well done: all Croats are ustashas, Serbs are chetniks and Muslims are fundamentalists. With intergroup conflict came also unavoidable in-group conflict, as a part of internal fight with the country’s heavy history.

The issue of crime, guilt and moral crisis are serious problems of moral renewal and regeneration of BiH’s society. To keep and preserve the status quo in political life is the only chance for a forced conservancy of the ruling power structures and their artificial and false management of cultural identity. Freedom is a torch given to each man as an individual. The democratically elected leaders are more illiterate than their electorate and it is manifested through provincial or “peasant” part of people’s mentality. That’s how it is and nothing new in Bosnia. An ancient people’s narrative “Mirna Bosna” or “Peace upon Bosnia” means “liberation” when people find a solution for a great problem just right now by a simple and easy gesture, so now there is no need to worry anymore. Will modernity blur of ethnic boundaries and how will ethnic

⁴³Thomas and Friman, The South Slav conflict, pg. 26

competitiveness influence the process of social integration? Where people could settle an internal border⁴⁴?

How to make an internal frontier between Wallach's⁴⁵ and Turk's part of identity inside of men? It is inseparable inside of human, at least in terms of pain and trouble which tend to be "equally my and equally yours". It is essential to find the capacity to read the image of the city visible field and invisible field to get out of the usual expression of "divided city" created through the new image of the state by old/new crimes, ethnic cleanses and genocide. E.g. Jajce is very famous Bosnian (state) medieval city and the born city of new Yugoslavia from 1942. *Kljuc* is the place where the last Bosnian medieval king Tomasevic was killed, legend speaks that people had heard an "ezan"⁴⁶ here for the first time in Bosnia. *Medjugorje* is a very popular location of religious pilgrimage for the great part of the world Catholics.

1.4.2 Nation and nationality through the population census

People's census for most of word countries would not perform any burden to its citizens except maybe financial, but in Bosnia is not so. Last population census was held in the eve of war 1991. Bosniaks felt threatened in this "percentage things" for the next population census in 2013. It brought a discussion about linguistic differentiation in nomination of Bosnian nation and a kind of fear for existence as real situation of small nations. Many older citizens identified themselves as Muslims rather than Bosniaks, due to the long influence of tradition and islam "being Muslim is superior than belonging to any nation", or due to the fact of "unknowing" considering very high illiterate rate of Bosniak people during the past regimes, or simply that "umet (peoplehood) is the greatest gift given to the humanity by God" (Kardavi). This category of Muslims can be included in census form only in the category of others, but not just they

⁴⁴A friend writer from Bihac said: "When I married a Muslim girl it was considered as a scandal. But later when some cousins of her get married to German, Turk as well as an Italian guy it was not such of big deal. Obviously they were adorned with weightier characteristics than I was.

⁴⁵In colloquial speech the nouns Turk and Wallach usually are used to accent difference between Muslim fait believers and non-Muslims.

⁴⁶The imam's call for muslims to a prayer. Islam is one form of monotheistic religion occurred between predominantly Jewish or Christian communities in the Middle East.

also a personal statement of Bosnian/Herzegovinian (nation), since even this does not exist as a category in Constitution and thus it will be enumerated also under a category of “others”. Some are considering these numbers as very important, but BiH never was a typical nation/state and did not born as it. This may suggest that state and religious affiliation are more important than nationality, but not necessarily.

After World War I BiH was part of the Kingdom of Serbs, Croats and Slovenes. The census was carried out by territorial division, which was established during the Austro-Hungarian monarchy according to Bosnia was divided into six districts, namely: Banja Luka, Tuzla, Travnik, Mostar, Sarajevo and Bihać. According to these BiH had about 1.850.000 inhabitants. The 1931 cesus was held in renamed Kingdom of Yugoslavia. The difference was in administrative division of BiH, whose territory now was divided into provinces, namely: Vrbaska, Drinska, Primorska and Zetska. According to this list Bosnia had 2.323.000 inhabitants.

After World War II muslims began their struggle for the status recognition of the people/nation which would be equal with those of Serbs and Croats. However H. Čišić a muslim member of the Assembly of Federal People’s Yugoslavia was the only one who voted against the constitution Federal People’s Republic of Yugoslavia in 1946. Hypothetically speaking that new status would add the sixth torch to the coat of arms of Federal People’s Republic of Yugoslavia (FPRY). So having in mind the six Yugoslav republic and five torches, one torch more will be added.

The people’s census held in 1948 offered to muslims three options: they could be declared as “Serbs of muslim religion”, “Croats of muslim religion” or “nationally undecided.” In total: 72 000 of them said they are Serbs, 25 000 are Croats, 778 000 declared themselves as “nationally undecided”. After in late 1960is the term Muslim with a capital M was introduced as a national category, which was applied for the first time in the population census in 1971.

| Muslims | Serbs | Croats | Yugoslavs | Others | Total |
|----------------|--------------|---------------|------------------|---------------|--------------|
| 1.482.430 | 1.393.148 | 772.491 | 43.769 | 54.246 | 3.746.111 |
| 39,57% | 37,18% | 20,62% | 1,16% | 1,44% | 100,00% |

Imamovic⁴⁷

More reliable insight in national structure of Yugoslavia in 1974 give Demographic research center of Institute for social science of Yugoslavia (see the table on pg. 36) in a World population yearbook through next analysis: "Thus according to the last census Serbs made up 71,2% of the population in Serbia, Croats 79,4% of the population of Croatia, Slovenians 94,0% of the population of Slovenia, Macedonians 69,3% of the population in Macedonia, and Montenegrins 67,2% of the population of Montenegro, while 37,2% of the population in Bosnia and Herzegovina were Serbs, 20,6% Croats and 39,6% Muslims (as nationality). In Kosovo 73,7 of the populations were Albanians, 18,4% Serbs, 2,5% Montenegrins and 2,1% Muslims. In Vojvodina, according to the last census 55,8 were Serbs, 21,7 % Hungarians, 3,7% Slovaks, 2,7% Rumanians, etc."

Serbs as the most numerous nation in former Yugoslavia presented only the 36.3% of the entire Yugoslavian population in 1981⁴⁸. Here it should be stressed another dates also mentioned by Jovanovic about 12.16 % Serbs in Croatian population census in 1991 and 4.5% in census of 2001.

The last population census in BiH before its independence was carried out as part of the population census in the SFRY in March 1991. According to it BiH had 4.377.033 inhabitants. Also the EU policy towards BiH will depend on the last census results. The Statistical Office of the European Commission, EUROSTAT is in charged to observe all developments and the implementation of the census results in all EU countries but also in countries that do not have the status of a full member.

⁴⁷ Imamovic, M., History of BiH, National structure of people by census in 1971 in Socialistic Republic of BiH

⁴⁸ Unpublished doctoral theses of Milovanovic, J., National Identity of Serbs in Croatia: From constitutive people to minority

| NATIONALITY STRUCTURE OF THE YUGOSLAV POPULATION 1971 CENSUS⁴⁹ | | |
|--|----------------|------|
| | Numbers in 000 | % |
| | Total 20 523 | 100 |
| Nations of Yugoslavia | | |
| Montenegrins | 509 | 2,5 |
| Croatians | 4 527 | 22,1 |
| Macedonians | 1 195 | 5,8 |
| Muslims (as a nationality) | - | - |
| Slovenians | 1 678 | 8,2 |
| Serbians | 8 143 | 39,7 |
| National Minorities | | |
| Albanians | 1310 | 6,4 |
| Bulgarians | 59 | 0,3 |
| Czechs | 25 | 0,1 |
| Italians | 22 | 0,1 |
| Hungarians | 477 | 2,3 |
| Rumanians | 59 | 0,3 |
| Ruthenians | 25 | 0,1 |
| Slovaks | 84 | 0,4 |
| Turks | 129 | 0,6 |
| Other Nations, Nationalities and Ethnic Groups | | |
| Gypsies | 78 | 0,4 |
| Ukrainians | 14 | 0,1 |
| Wallachians | 22 | 0,1 |
| Others | 51 | 0,2 |
| Undeclared Nationality On the basis of Art. 14 of the Constitution of SFRY | 33 | 0,2 |
| “Yugoslavs” | 273 | 1,3 |
| Regional identification | 15 | 0,1 |
| Unknown | 47 | 0,3 |

⁴⁹Breznik, D., Demographic research center, Institute for social science, World population Year, the Population of Yugoslavia, Beograd

1.4.3 Civic or national state

First, the noun Bosnian and/or Herzegovinian derived from BiH's territorial designation of the land/territory not from the name of people or nationality nomination. The nomination of state varied through history, but also it depends on different fonts in use: Bosna/Bosnae/Bosona/Bessina. Linguistically speaking dispute is about two or three letters or voice in the nomination of Bosnian people (Bosnian language: Bosanci or Bošnjaci,⁵⁰ Eng. or Bosnians or Bosniaks), so there are two different ethnonyms for a male person from Bosnia: "Bošnjak" or "Bosanac". And while first term nominates a person of the Islamic faith like predecessors of "nationally undecided" and then in Constitution of 1971 "Muslim with a capital M", the second term Bosnian "Bosanac and/or Hercegovac," refers equally to a Croat, Serb or Bosniak from BiH. The third term "Bošnjanin" is somewhat archaic so it is not any more in use.

Modern state assumes important powers or jurisdictions on state questions: its territorial, political and legal unity. In the complex state as BiH is, most of Bosnian Serbs and Croats do not agree and they want to exercise their right on self-determination and territory limited by its ethno-national affiliations. Some of key features determining politics of ethnic distance is mentality of "factocracy" through "factor of time" and "people's habitus". When asked whether they could live in a peace in a single state with other two groups only Bosniaks thought so 80% while Serbs 89% and Croats 85% thought that "the war has permanently damaged inter-ethnic relations and hence "it is not possible for three communities to live together (Zunec, 1998:203). Compared to the results of the 1989 surveys in which 90% of respondents described interethnic relations in the place they lived as good or very good and 62.75 % had agreed that one's nationality should be of no importance in choosing life partner (Pesic 1995).⁵¹ BiH is structured as sovereign state and relations between two entities are (con)federal, although Constitution of BiH did not define an internal structure.

⁵⁰The first Kongres of Bosniaks held in war time in September 1993. Alija Isakovic stated the Declaration on national name. "In future Muslims will be called Bosniaks".

⁵¹Malešević, pg. 162, Ethnicity and federalism in communist Yugoslavia and its successor states

However it has to be admitted that some entity jurisdictions in defense, security and trade economy are transferred to state level.

The compensation rights of war veterans challenge with its often status review and irregularities. There is a continual disagreement on who was a hero and who was a traitor during war time. Some are very much determined to measure social contribution to war veterans or to their families depending on war party “he was” and “how long”. In this line goes also further discussion on centenary of World War I and its formally beginning in Sarajevo⁵². Still it is basic human right to have an opinion on these events and also to change it. However, it is impossible to have a criminal and hero incorporated in the same person. Perception of hero and criminal in a battle field is not so visible, but after in peace time it becomes crucial. Nationalism is housing corruption and it is the last shelter for the scums⁵³.

The point is whether people believe to the Bosnian academics and political leaders, because they explicitly and implicitly construct and make a “limits” to the national/people’s identity and in the same time peoples are governed by them. People believe them, they are elite who take care about Bosnian cultural identity, Bosnian nation and language, then this discussion has no much meaning cause people’s identity is well and alive, so no sense to worry about. Lately they become “truly cultural identity makers” in their devoted role of closing the door of one of the most important cultural institutions in BiH, the National Museum of Bosnia and Herzegovina established in 1888. On 4 October 2012, after 124 years of work the institution closed its doors due to ongoing disputes about its funding.

⁵²Roberto Todero is a collector and scholar interested in historic tourism in FVG. His field of the research is World War One and the Austria-Hungarian and Italian soldiers that fought at the Isonzo Front. He organized and participated in many exhibitions, conferences, memorials in remembrance of WWI, including the presentation “Bosnian soldiers in Tsar’s Army” in Trieste. Special event “Viaggio in Galizia” will be organized from April 28 to May 4 2014, in remembrance of 100 years from the beginning of WWI. Regarding Sarajevo, also an International conference, “The Great war: Regional Approaches and Global Contexts” will be held from 19 to 21 June 2014. The organizers are: Institute for History Sarajevo; Croatian Institute of History, Zagreb; Institute of National History, Skopje; Institute for East and Southeast European Studies, Regensburg.

⁵³Habermas, Culture of constitutional patriotism in his contemplation of German integration and European integration

Many stereotypes about BiH and Bosniaks are getting on their “visibility” in last twenty years. One of negative stereotypes about Bosnia and Herzegovina is its comparison to former Yugoslavia, “just a similar state with the same end”, prophesying falling apart of multiethnic BiH. Politicians from Zagreb (Croatia) will say that the Bosnian Muslims actually are Croats but they really do not know it. On the other hand the populist Serbian politicians will say Bosnians are actually Serbs, but still denying⁵⁴ it. Our cultural vision of world is constructed and easy led by stereotypes and its constant existence in our everyday life. It makes people’s perception easier helping to feel safe in certain way.

Stereotypes are:

- generalizations about a person or group of persons,
- strictly linked to the process of categorization always present in our perception,
- useful because they help to construct our vision (definition) of reality,
- a fixed idea or image that many people have about particular type of person or thing, which is often not truth and has nothing or little to do with reality,
- in an absence of a “total picture” these allow “to fill the blanks” protecting our cultural vision,
- Often laid to unfair discrimination and prosecution, especially if they are not in favor of a person.

The communicators tend to share more stereotype-consistent than stereotype-inconsistent information. There are central functions of communication:

- Social connectivity functions is a dynamic and situated social activity, people share information and regulate their relationship;
- Cognitive function, presents cognitive burden of dealing with complexity of modern world, carrying out predictability to the social world;

⁵⁴Valery Pery, OSCE mission to Bosnia

- Psychodynamic function serve to the function of ego-protection or in purposes of self-defense;
- Sociocultural function helps to the people to fit in their own group, but also to acquire set of beliefs and expectations about other group of people. This is mutable process of our own vision in correlation with vision of others on us.

Results showed that stereotype-consistent information is perceived as more socially connective but less informative than stereotype-inconsistent information. If some type of stereotype is perceived as highly shared in the community, this is a due to its greater social connectivity function.

II Chapter: SOME ASPECTS OF ETHNIC RELATION

But, excuse me, what do you care how you look like in the eyes of others and what do they think or know about you? Like it matter? Important is how great is man's life and what he builds about it for his community and descendants. (free trans.)

Ivo Andrić

Can we see nowadays BiH as an example of a multicultural state in Europe? Hypothesis: Those who foster secession aspirations, they also negate the existence of a Bosnian nation. Absence of war would lead to rebirth of a shared Bosnian identity among the Bosniaks, Croats and Serbs. In all of this process of “building” not enough chance was given to Bosnian Croats and Bosnian Serbs to accept the common nationality of Bosnian and/or Herzegovinian⁵⁵?

Bosniaks, Croats and Serbs have the same South Slav heritage. One of cultural differences between them is their religious origin or affiliation. That cultural difference still could be explained through the legacy of the Ottoman Empire where different religious groups coexisted. The idea of a broader Serb, Croat or Bosniak nation includes some regional leaders along with their historical, cultural, ideological efforts, but also not to forget the easy way principle of quality of life where some Bosnians enjoyed or not the benefits of a political center of governance⁵⁶.

⁵⁵Krizisnik, B, V., Bosanski identitet

⁵⁶M. Spaho was one of three Ministers from Bosnia in the Government of Kingdom of Serbs, Croats and Slovenes 1921; Dz. Bijedic was a President of the Federal Executive Committee (Government) in the former Yugoslavia; Hamdija Pozderac was one of the most important

The association of religion with national identity means that religious identity remains important. The role of religion within all three people was evident through the collapse of communism and the revival of nationalism in time of Yugoslav disintegration. It becomes popular theme lately in survey of some think tanks to explain cultural, political and other affiliations of BiH's muslims through simple survey based on their religious practice. However, the religious practice manifested through the attendance at church and mosque services continues to be low.

Some identical qualities and values make the ethnic group affiliations more occurred especially when people prescribe these through a well-known catalog of values and aspirations. BiH is a home to many ethnic groups: the biggest are Bosniaks, than the Serbs and finally the Croats. Negative development was recorded in a field of human rights means that there is no significant refugee return lately, considering the fact of 2,2 millions of displaced persons. Even efforts of the international community on this issue failed. Some of them already made a home somewhere else far away, so it has no sense to start all over again in BiH; some stay out of Bosnia just temporarily hoping to return one day; some still live with bitterness of the past and "everybody else except us and ours" make responsible and fault for their unhappiness; some feel very material fear of history repeating so they will never consider an option of going back to home⁵⁷.

About 1,4 million of BH's citizens, 38% of the total population live outside of BiH⁵⁸ and they are the most widespread global diaspora from the former Yugoslavia. After the census of 2013 BiH will face probably more homogeneous ethnically clear regions distributed among different ethnic groups and also a visible population decline. At the end the population structure and other indicators will show the different picture than in 1991, what maybe will not help to move forward in personal and collective reconciliation of people?

politician and the president of BiH from 1971 to 1974; Branko Mikulic president of Government of Yugoslavia 1986-1989 after him came Ante Markovic; Fuad Muhic; Hrvoje Istuk,...

⁵⁷Sokolovic, Dz., Politics and society in modern era in the Balcans, "If you truly wish to return, why you do not do that?"

⁵⁸Halilovic, H., Reconstruction of official identities in BH diaspora, trans-local communities in Australia, SAD, Austria, Melbourne and Austria

Serbs and Croats of BiH are constitutive people of BiH, not minority. The uniqueness of Serb or Croatian nation stems from two factors: the first is that both the Serbian and Croatian national identity for more than a century had been recognized and assisted by the structure of the state governance. They completed the process of identification of religious and national identity in a unique identity. An offer in a possibility form of some new inexplicit identification to them does not apply. After all, about the Serbian or Croatian nationhood/statehood, no one makes a question.

The offer of an alternative identification points out only to Bosniaks. a) The term Bosniak had been already in use during Ottoman Empire, b) Than prohibited as a national name from 1906-1993, c) In the same time it was proposed an alternative solution in the term of Muslim, and d) Many times the population census pushed Bosniaks to decide on who they are inserted in vague unpleasant constellation of powers.

2.1 Tolerance, economic theory and discriminatory divisions

Most people see the phenomenon of ethnicity as mixture of two factors “primordial” and “interest” factors. The cultural part is highly flexible and can be rearranged (Cohen) but material interests are well served by ethnicity (Daniel Bell). Milton Yinger added a third factor “characterological” one, which means first the sense of being marginal to his own group, and second the sense of being marginal to the state and society or alienated with. People’s ethnic attachment varies also depending on their feelings and attitude because of different life experiences and expectations. Those who personify an ethnic group usually are outsiders. However the effects of these factors vary and certainly cannot be dismissed.

Three source of ethnic strength could be stated in urban society: primordial attachments, shared interests, and state alienation. Ethnicity is based on shared

biological, cultural and historical markers. That list of marks can be short or long, different in different time and space. Who and what are criteria to make a closure on one ethnic group, depends on social force in use. Lately more common is a question which ethnic group does man belong as a consciousness and silence of difference, than a question about someone nationality. The interesting case is when high levels of ethnic identity is seen when a primordial attachment is lost but may indicate a high level of perceived interests with high level of alienated persons⁵⁹ .

Assimilative or dissimilative forces are characteristic especially for non-dominant groups. The persistence of intergroup inequalities has a focus on the market, e.g. unemployment of low-skilled workers eliminates a strong competitive force so the discrimination of that class continues. A minimum wage policy element is an important element in the reduction of exploitation. Dominant groups having the most to gain are mostly antagonistic to the interests of lower status groups. It is very dangerous when people try to keep their gain, even though it is very small just because they are afraid that they will lose even that. This of course is dangerous for the concept of greatest human achievement, for liberty. Social bonds are more preferable than class bonds. A dependent group tries to mobilize all resources, than the dominant group thinks it is less costly to manage conflict and to distribute rewards than an open recognition of class differences could be. The more common way of distribution of resources (not equal) is to be paid by interior or even higher promotion in the dominant institution. Anyway, man is not part of a state sovereignty, so if he gets some power from it, this could help to assimilate a bit at least imaginary. So, social peace is purchased.

Inclinations towards separatism through demographic, economic, cultural and political settings can have an internal strength or weakness in ethnic

⁵⁹Pettigrew D., is a Professor of Philosophy, a member of the Steering committee of the Yale University's Genocide Studies program, also serves as an International expert team council member of the Institute for the research of genocide Canada. He delivered a lecture at the Summer University of Srebrenica in 2012 at Potočari Memorial Center in Bosnia. See also: <http://www.home.southernct.edu/~Pettigrewd1/DavidPettigrew3.html>

attachments and also can be influenced by the surrounding society⁶⁰. Other influences obscure the boundaries and in the limit case wipe them out. The lines of differentiation like cultural diversity and class distinction are strong so they cut across racial and ethnic boundaries when the state is under threat from outside, and in that case citizenship may be a dominant identity. Non dominant groups experience a number of both assimilative and dissimilative forces some increasing other decreasing the salience of their membership in their racial or ethnic group. Ethnic identity is as stratagem for group improvement. Cross cutting forces of ethnicity and other possible elements of influence accentuate ethnic distinction. The effects of intergroup contacts comparatively are rapid social change affecting men and women young and old can blur both ethnic and class boundaries.

It is an interesting case e.g. when members of the same nationality define themselves as members of some third nation, even though neither biologically nor nationally, nor culturally they form a part of that nation.

Very much of interest is also a kind of revolt identity, usually formed as a respond on social extreme behaviors. “Probabilmente in Bosnia, l’Europa ha perduto una battaglia decisiva contro l’islamismo integralista nel suo complesso: i musulmani bosniaci erano in maggioranza inoffensivi, moderati e più laici degli altri. Nel cuore del nostro Continente, di cui condividono i valori fondamentali, meritavano una maggiore protezione.”⁶¹

When living in another state, to be foreigner is much more likely than solely a member of the domestic ethnic group. So shift in identity focus makes integration on higher level. Believe it or not interethnic love marriages also depend on material security. What would an identity of such allies be, how to sort their ancestors? Calls for religious and national purity and family connection are still very important in traditional societies. The *ethnic revitalization* can be present as the end of ethnicity in particular societies.

⁶⁰ Malesevic, S., Ethnicity and federalism in communist Yugoslavia and its successor states, University of Cambridge, ... pg. 162

⁶¹ Islam Balcanico, Maria Berga, F., Introduzione di Predrag Matvejevic, pg. XXI

The salience of membership in one or another ethnic group⁶²

| Increase salience | Decrease salience |
|---|---|
| Large group | small group |
| Residentially concentrated by region or community | residentially scattered |
| Short-term residents | long-term residents (low proportion of newcomers) |
| Different language | speak dominant language |
| Different religion from the majority | share majority religion |
| Easy and frequent return to homeland | difficult and infrequent return to homeland |
| Different race | same race |
| Entered society by forced migration or conquest | entered voluntarily |
| Come from culturally different society | come from culturally similar society |
| Attracted by political or economic developments in land of origin | repelled by those developments |
| Homogeneous in class and occupation | diverse in class and occupation |
| Low average level of education | high average level of education |
| Experience a great deal of discrimination | experience a great deal of discrimination |
| Resident in society with little social mobility | resident in an open class society |

Whether ethnic identities become politically relevant or not depends on a wider social context. Ethnic revitalization may be an inherited feature of modernity and ethnic alignment is not outdated. Still an ethnicity does not necessarily arise from modernity and it is not necessarily an end product. On the other hand, people belong rather to their class than to ethnic neighborhoods.

⁶²Variables that affect the extent and speed of assimilation of an ethnic group, Ethnicity: source of strength, source of conflict, Yinger and Milton, pg 53,54

A new feature of social life appears e.g. new sports club, bars, political parties, religious aggrupation, sects and cults of young people, some have tendency to traditionalism and some to modernism. Individual achievements are highly prized; one cannot only rely on his own family any more. Ethnic competitions but also inside of domestic group are enriched by a new experience, a different way of living with some new added and some old values. A welfare state depends on its employees, an educational level and systematic educational reforms depends also on economic indicators.

2.2 Ethno linguistic shift towards the independent state

In the eve of the war a high level of competition of elites occurred using the ancient "divide et impera" principle manipulating by cultural, religious and linguistics features. The standardized nomination of language was Serbo-Croatian or Croatian-Serbian language with a line between the two components or without. However, new linguistic planners divided it only in Serbian and Croatian language.

The official term Srpskohrvatski/Hrvatskosrpski language has been split through a series of fragmented unilateral decisions. Before the former Yugoslav Federation collapsed, Croats made an amendment to the Constitution in order to rename their language into Croatian. Serbs and Montenegrins had followed an example of neighbors inserting Serbian language into Declaration of the Federal Republic of Yugoslavia. After Bosnia and Herzegovina acquired an international recognition in April 1992, the Bosnian language planners separated the Bosnian language getting the legitimacy through the Dayton peace agreement.

The language status as a tool of securing the oneness of national identity is not confirmed. Language and ethnicity i.e. research on ethnic minorities in the so-called (socio)linguistic minorities is an needed feature of a defining ethnicity. Also there are communities where all members have the "same blood" but the culture is the result of various influences and changes. So, it could be said that

ethnic and cultural identities are also imagined (Benedict Anderson). However, the power of biological reposes in it, because when everything else is destroyed "nation"⁶³ remains. Also, the oneness of linguistic identity does not depend on the possibility of mutual understanding and communication within such a linguistic community i.e. mandarin-simplified Chinese language has about one billion of speakers). Speakers of different dialects do not have to reach a certain level of understanding, and still their combination is implicitly and explicitly assumed as common one.

Language shape ethnic identity but it is not a decisive factor. Proponents of this fact justify their position by the relationship between dead languages-living peoples. An example of dead languages-living peoples can be found in the ancient-Greek language and the Greek ethnicity, the Latin language and Roman ethnicity and the Hebrew language and Jewish ethnicity. These languages have disappeared, only Hebrew language has been revived by the reestablishment of the state of Israel. The relation between Latin language and Roman ethnic identity still makes confusion as whether the Latin language is dead because a Roman ethnicity is disappeared or ethnic identity of Romans is dissolved because Latin language is dead.

Before XIX century the language was a guaranty to all other types of identity no matter where the speakers are, but in modern time identity is based more on territory and less on the speakers. The language area is of one of the bases of the nation-state. The term Serbo-Croatian or Croat-Serbian language include all what the Serbs later appointed Serbian, Croats Croatian, Bosniaks Bosnian, and the vernacular and literary language Montenegrins, and all other actors who do not feel the sense of national belongings of these four, but they share the same cultural and historical space of language⁶⁴. Balkan nationalism itself did not cause the ultimate end of the process of "extinction" of common language. It has begun much earlier. Greenberg says that the disappearance of Serbo-Croatian language as a common language does not go under the usual definition of language annihilation. This language did not disappear as a result

⁶³ Report of UNDP 2010, Come over the past, statistics

⁶⁴Halilovic, 1998

of the death of its last speaker, nor was overpowered by a neighboring language through a process known as language shift.

The Austria-Hungarian cultural policy towards the dependent countries of its monarchy is hard to describe. The imperial court provided a platform for the development of culture and language. The Viennese Karadzic-Gaj literary agreement was the official political and legal arrangement for Slavic people in the Austria-Hungarian empire (1850). It has been financed also by the monarchy. Slovene Franc Miklošič⁶⁵ and representatives of Serbs and Croats came to discuss about unifying the literary language of Serbs, Croats and Slovenes. The agreement was not universally accepted by the Serbs and Croats, but got the support of influential Serbian and Croatian linguists, literates and politicians. "This agreement respectively has never come to life. Simply, identity is connected to the appointment of the language, and even if it is not so we are still going to have a problem with those that we nominate "Serbo-Croatian" ("Srpskohrvatski") language. This language in its appointment and perhaps further development will be dissolved into at least five languages. Perhaps it is politically necessary, but I think that the appointment of language should not play such an important role. It would be reasonable to accept the fact that these people understand each other very well⁶⁶". The common S/C language emerged as a result of the desire to build a common South Slavic identity. Guided by the idea that there is no nation without a language and encouraged by the political centers like Pest and Vienna. Nowadays this contract is considered by some Croatian linguists like one of the most distressing documents.

The Austria-Hungarian Government issued several orders with goal to appoint the instruction language in provincial schools. After the death of B. Kallay (1903) new protector for BiH was Burian, who issued an order on October 4,

⁶⁵F. Miklošič was a Slovene philologist, imperial librarian in Vienna (Hofbibliothek) and Member of Parliament (Reichstag). In 1849 he became the first professor of the newly established chair for Slavic Studies at the University of Vienna. He is also famous for his work on Language diversity of Trieste (Trst), than Kiinstenland (Primorska) and Istria (Istra) region. Katja Sturm-Schnabl, The difficult path towards the acceptance of the concept of diversity and plurality. See on: http://cf.hum.uva.nl/natlearn/Balkan/athens_sturmschnabl.html

⁶⁶ Gertraud Matinelli-König, Interview to Deutsche Welle, Slavicist and historian at the Austrian Academy of Sciences.

1907 "The Provincial Government ordered to the counties in its power that their languages either Bosnian language has to be completely abandoned in the all official documents, offices and institutions, then in any business communication and that the future appointment of the provincial language without exception will be Serbo-Croatian language" (ABH ZMF, No. 168,539, October 4, 1907). However, during the years from 1930 to 1941 the ethnic ties were suppressed. Still, the fascist ideology curbed the common language between 1941 and 1945, and that was pictured by Serbs like one of the darkest periods in the relations between them and Croats.

Croatian linguists made an effort for Croatian language to be special and separate it from its fraternal languages (Serbian, Bosnian, Montenegrin) still in everyday communication it shows the kinship with them. A similar situation exists with Bosniaks and Bosnian language, with Montenegrins and the Montenegrin language. Bosnian language was streamed on the beginning of the twentieth century, when political circumstances changed its public status⁶⁷. The formation of collective identity has a prominent place in the consciousness of speakers of different variants of the same language, although these speakers from their everyday life do not notice that slow movement. Making an effort to this movement today very much of importance has language policy and the Course of action in its standardization⁶⁸.

No matter how hard linguistics planners try to overcome the natural speaking modification of language, people have still the greatest role in this processes. An individual preference of the members of the community leads to confusion when making question of their identities and those answers can be sometimes puzzling. Am I a grater Bosniak if...I comply with "imposed" standard or my own? Am I greater Serb just because of my spoken language? Does it depend on the pronunciation of very few ad specific words like kahvana=kavana=bar? Each individual has a right to greet people saying "good afternoon" or "salaam

⁶⁷Isakovic, A., "Dictionary Characteristic Lexicon on Bosnian Language", Sarajevo, 1992.

⁶⁸The School Dictionary of the Bosnian language has been published by Dzevad Jahic, Ljiljan, Sarajevo, 1999. That was followed soon by a Grammar of the Bosnian language authored by Dzevad Jahić, Senahid Halilovic and Ismail Palic (Zenica: Home Press, 2000). Earlier, Senahid Halilovic published Orthography of the Bosnian Language, Preporod, Sarajevo 1996.

aleik", by the way greeting with "shalom" in the Hebrew language is much a like muslim people greeting "salam". However, language (or just a dialect) is a secure, fast and easy mode for the categorization of people

The humankind is evolving and growing up. When the aim of talking is that people communicate through mutual exchange of information, they will find a reason d'être of communication whatever language/s they speak. On the other hand, when people have another "main strategy" behind of communication they will also find the proper reason for their projects. Potential clashes depend also on ideological manipulation with language saying like "language follows a nation", "you do not have a language, you speak my language" and not to say demagogical. Giddens⁶⁹ said that there is no end to ideology, since there is no end to the salience of nation. No one knows how Bosnians and/or Herzegovinians will be titled on a national scale in the next 50 years. Linguists claim that people will face the problem of designation the language by the name of the state where people live and not by the people living there. The possibility for another renaming of language according to the majority cannot be allowed.

2.3 Agents in teacher education and pedagogical process

How far should the state allow educational decentralization? How to question the role of the state as guardian of culture and citizenship orientation and move towards a unrestrictive individualist and consumerist approach to educational reform? Multicultural education is first of all value education. Still modernists assume the relativity of these two components like society of knowledge and of course, values. In the modern world they are embraced through their tendencies of globalization and individualism.

BiH's schooling process reproduces existing patterns of class and gender inequality cutting across the ethno-national division leading to unequal life chances and employment opportunities. The education system appears to be

⁶⁹ Giddens, Central problems in social theory.

unsuccessful in challenging the current system of political governance and the present value system. In the long-term it does not prepare young people to think critically and to deal conflict situations.⁷⁰ In BiH, integrated schools offered returnees and internally displaced persons a secular program on the “culture of religions”, what eventually enabled social integration. Child-friendly schools are another example of a remarkable educational initiative which enables pupils to better cope with the fragile context in which they live by promoting their life skills and self-esteem. Education of children from poor families in Bosnia’s villages is another problem. The goal of similar projects is to help building social protection and inclusion of children and their families.

The good news is adoption of state-level framework laws: Parliamentary Assembly of BiH finally adopted the Framework law on primary and secondary education of BiH in 2003 and the Framework law on higher education in 2007. This legal area is regulated also in Serb Republic with the Law on Higher Education of Serb Republic in 2010. The question of multicultural education to all constitutive people still should be secured to all, not just as a phase in a school books. One-sided narratives are taught in schools and there is no visible need to decenter national histories with fragmented programs of education. In the Federation of BiH, Cantons have authority over education and different levels advocate different policies in education.

The actuality is also judicial protection against ethnic and every other discrimination in schools. The Court in Mostar made the verdict that the existence of "two schools under one roof" is violation of the State law on the Prohibition of Discrimination. The Ministry of Education, Science, Sports and Culture of the Herzegovina-Neretva Canton (HNC) was given the deadline by September 2012 in sense that this practice should be abolished. The chair of Elementary school and Elementary school Čapljina performed school teaching by ethnic lines; they adopt and implement school plans and programs by ethnic

⁷⁰UN recommendation program "Strengthening the Social Protection and Inclusion System for Children in Bosnia and Herzegovina" as a joint project of the EU and UNICEF, with the participation of all relevant ministries in BiH brought some positive changes. The project is implemented through the Instrument for Pre-Accession Assistance (IPA) in the amount of 4.1 million euros.

lines separating pupils at schools in the Herzegovina-Neretva Canton on the basis of their ethnicity committing discrimination. This is the first verdict in BiH related to the ethnic segregation of children in schools. But unfortunately it is a single case, because lately the Municipality Court of Travnik has issued a totally different verdict. Usually in BiH a notice of “politically correct” and social justice has nothing to do with, sometimes the content of verdict depends on the political environment and on power sharing structures in place where the court is settled.

The central ideas of possible common recognition of people are on the background of tolerance creating mutual relations between individuals and state, individuals and representatives of other cultures, religions, etc. Educational institutions are among the main agents to implement the idea, which cannot be understood as an aim for itself, it is rather a way of living. At the end of the day nothing without institutions which are created just to help people to come together. One of the main aims of education structure should be to provide a good public education system, because the private education still is represented only in the bigger cities.

Social deviations example: After the war, new teaching plans and programs were set up in high schools. This let a lot of questions arise: How come that new school subjects are so difficult to follow? How come that my previous knowledge is so scarce? How come those pupils even after the past of two years are in the same class? Not just that pupils lost two years of school, but also it was more defeating to not know anything about the new topics. Of course some school subjects like Arabic language was canceled very soon when the teachers figured out that it was quite impossible for them in a high school to grasp it. Those who obtained some kind of religious knowledge before, they had a better starting point. Still that lack of distinction of formal and non-formal knowledge (at that time it was hard to distinguish these two in practice) had a positive effect that influenced personal enthusiasm of pupils to study more, to obtain more knowledge. At that time pupils did not feel a great loss in their personal advancement, because peace had come and nothing else mattered. In short term that loss was not important, because it was reimbursed by individual

feeling of happiness. In long term that presented individual and collective backward step and trauma for all.

The Gender equality agency of BiH is founded on both state and entity levels also focuses on education, particularly of vulnerable groups like women. Their activities towards reducing illiterate rate in BiH are significant. The Gender center of RS and that of FBiH work on harmonization and implementation of national and international legal standards for gender equality. Strategic directions of educational development 2008 to 2015 set a long-term goal of reducing the illiteracy rate in BiH from the current five to two percent. It is obvious that the development of democracy in a given society correlates with its level of socioeconomic development and modernization. The level of socioeconomic development is made of factors: high per capita income, widespread literacy and established urban residence-active civil society (Lipset, 1960). The success of educational reform in BiH will in large part reflect the extent to which education serves as a building block for a common citizenship and shared experiences, so the country that can successfully integrated in European and global structures.⁷¹

2.4 Personal and collective process of reconciliation

2.4.1 Field of cultural reproduction

The society of Bosnia & Herzegovina meets crossroads of memory and oblivion within everyday life decisions⁷². Different memories are diverse in reality through their essence and they are revealed always in plural. Usually are connected with the concept of enemy, and they leaves very strong remarks on people where cemeteries are aggregating force for community. At the end of the day memories support identity. Events from the past influence our life, and suggest a question: Shall we have a future? We cannot cancel the remembrance or find the strict border between our individual and collective

⁷¹Perry, V., Reading, writing and reconciliation: Educational reform in Bosnia and Herzegovina, European Centre for Minority Issues (ECMI)

⁷² International Conference "Difficult memories: Remembrance and oblivion after Yugoslav wars" at University of Trieste, March 2012

memory. It is like two processes of living and thinking, they go together and we are not conscious of that. In our reconstruction of social life remains the choice to deal with memory or to forget, these two still stay together and there is no winners.

On the other hand epic memory is external part of remember e.g. military victory or successful historical events. Individuals should obey to this type of collective memories and embody them in the national building strategy. Could we say that there are only good friends and bad enemies? What is than with a good enemy and a bad friend? It is possible to notice also some internal deviation like e.g. when a person in a dangerous situation continues to think good about his enemy. Giving a meaning to a certain memory is an instrument of survival. Tragic events make an interruption of the normal continuity of time, they freeze the time. On the other side people want to steal it from oblivion, to freeze it out of time or to fight against time. However, "I am writing". At the end of the day the "masks" of memory serve to build equilibrium. Memory is identity, has its functions, has its masks and gives balance to life. We could see three type of manifestation of memory: regression (influenced by propaganda of winners), rationalization and sublimation of the tragic memories.

People use different means to deal with their own past or not to deal with it at all. Some have chosen to ignore or to forget, the great part of people under the pressure of everyday life left those question behind⁷³, while others are engaged in criminal prosecutions that have resulted in public conviction of the perpetrators⁷⁴.

⁷³"How could a psychologist help? Talking to a stranger about everything what I've experienced makes no sense. My sister was, and I do not want. I do not want my life to be told to anyone. I had suppressed that part of my life and continued to work on my life and to help the family. However, as I get older often I wake up with nightmares. It might be due to the fact I will become a mother soon:" testimony.

⁷⁴The Dutch Supreme Court has ruled that the Netherlands was liable for the deaths of three Bosnian muslims killed in the 1995 Srebrenica massacre. This was for the first time that the state has been convicted even though Dutch battalion was under the command of UN peacekeeping mission. Srebrenica is considered the worst massacre in Europe since WWII. More than 7 500 Bosnian muslim men and boys were killed. The judicial case centered only on three Bosniaks who were employees of Dutch forces. See more: <http://www.bbc.co.uk>, from Sept. 06. 2013.

Amnesty is one of the concepts within the realm of transitional justice and one of the means used by a government to deal with previous repressive regimes in order to protect the transitional state. Lustration is another form of dealing with perpetrators that has been most notably used in the Eastern European states. It involves abolition of charge for people involved with the previous regime. Criminal prosecutions is reserved to those who committed crimes in order to let them take responsibility for the criminal action they done. At the end as special element are founded the Commissions on truth and reconciliation on state level. Reconciliation is a process of peace building reached through different phases and it presents: 1. The interplay of group emotions and group politics, 2. The institutionalization of memories, 3. The interplay of domestic politics and international politics. 4. The methodological issue can be interpersonal and intergroup reconciliation like intrastate and interstate, (Mandeloff 2004). Necessary steps (elements) for reconciliation are the admission of wrong past, justice, reparation, apology⁷⁵, forgiveness, truth and cultural exchange. This is very much bottom of any process from reconciliation to multicultural society and liberal democracy.

2.4.2 Transitional justice

Transitional justice is a method used in societies burdened by heavy, massive and systematic violations of human rights and of the international humanitarian law as a response to these violations, in order to foster the establishment of the rule of law. The activities aimed to curb the consequences of crimes and create conditions for the promotion of peace and democracy (reconciliation) in order to prevent a recurrence of the past⁷⁶. The judiciary reform and defense reform in BiH are completed and the Strategy on transitional justice was promulgated for the 2012-2016 period. The establishment of the Court of Bosnia and Herzegovina gives answers to the questions about genocide, war crimes, corruption, organized crimes, etc. The court of BiH has jurisdiction to judge criminal, administrative and civil cases, but also comprises the authority to

⁷⁵ Defensive, exculpatory and genuine (categorical) apology, Smith 2008

⁷⁶ Guide for Transitional Justice in Bosnia, Ministry of Justice in cooperation with UNDP of BiH

review first-instance and second–instance court decisions upon legal remedies under the conditions of law, it has appellate jurisdiction as well. The historical monuments, memorial centers, school programs, public features and all other governmental instruments and institutions serve to the civil society enhancing quality of life, social inclusion and social justice of multicultural BiH society.

Examination of ideological regimes in their reproduction through remembrance and oblivion is not a subject of this work. Just a few comparative snapshots will be given, e.g. about efforts of Germany and its cultural remembrance of Holocaust. Like Kershaw said in his book "Hitler Myth" it is possible that someone can force people to sing, but not with so much of enthusiasm. The cult of leader lived even posthumously in the minds of his followers especially during the "economic miracle." In 1955 the percentage of those who thought that Hitler was one of the leading German leaders who just accidentally „dropped into war“ with the whole world was 48% and only in 1967 it had gone down to 32%. The best depiction of the ongoing process of reconciliation in the last 50 years in Germany lately was described by Lasic.⁷⁷ There is good reason to believe that the process of reconciliation and denazification could be faster, fascism is not an opinion but it is a crime.

The emergence of right-wing trends is obvious in countries that have shown less willingness to demystify their own past. The most pressing task not only in BiH but also in its neighboring countries is to cancel existing myths about false political and spiritual leaders, which are very much considered powerful because „they acquired a power from people and/or God“, so that they have a legal and legitimate right to exercise it. Nowadays, one professor simply admitted one of his greatest regrets: “When I was a student our behavior was according to the previously adopted social standards, rules and in line to the common practice. We were showing respect even a personal fear towards certain authority persons like professors, politicians, lawyers, etc. because they seemed like giants of science. Seeing now from this time distance I was wrong”.

⁷⁷ Lasic, M., Mukotržno do političke moderne, Dijalog, Mostar, 2010

The initial capsule for discussion on justice and reconciliation in Bosnia and Herzegovina held in Strasbourg in July 1997. This session was sponsored by the United States Institute of Peace (USIP), the Organization for European security and cooperation (OSCE), the Council of Europe (CoE) and some justice officials from BiH. The National coordinating committee is established and it prepared the statute for a Commission on truth and reconciliation adopted by the Government of BiH. On the other hand the countries of former Yugoslavia have an initiative to found a Coalition for RECOM⁷⁸ with the support of OSCE Missions to BiH and OSCE Mission to Serbia. In their initiative N. Kandic, Z. Puhovski and D. Mustafic called publically for the support of the RS President M. Dodik and BiH Presidency member N. Radmanovic to join the already appointed members by the presidents of Serbia, Croatia, Montenegro, Kosovo, Macedonia, and two members of the Presidency of BiH.

During the 1990s more than half of the population of BiH around 2.2 million of people were displaced or became refugees⁷⁹. Housing remains a problem for refugees in the country. Still there joint actions of Serbia, Bosnia and Montenegro involved in regional housing projects. At the donor's conference in Sarajevo were raised about 583 million euros. The project aims to resolve the housing problems of 27,000 refuge families in Bosnia, Croatia and Serbia. Meanwhile, Sarajevo government statistics say that Bosnia has around 10,000 refugees and internally displaced people, but 50.000 requests for reconstruction of their homes.

The mean lever of justice is still through judicial processes at courts in Bosnia and other courts of European counties but also international courts. According to late Strasbourg reports, Serb entity of BiH is guilty of crimes that qualify as torture: the police of the Republika Srpska is responsible for inhuman treatments that reach the limits of torture. CPT delegation indicates that the

⁷⁸Regional Commission for establishing the facts about war crimes and other serious human rights violations committed in the territory of the former Yugoslavia in the period 1991-2001, see on: <http://www.zarekom.org/vesti/Javni-zagovaraci-pozvali-Republiku-Srpsku-da-se-ukljuci-u-proces-REKOM.sr.html>

⁷⁹ Just to compare In Croatia, the number of displaced people was 550,000, and in Serbia 540,000.

infliction of ill-treatment for the purposes of trying to extort a confession is a frequent practice by crime inspectors.⁸⁰

Lately the BIRN justice report stresses that some governments especially these of Bosnia and Kosovo, have no idea about how the monuments they built after the war and how much they were costing to the citizens. The state has no the centralized database on the number of monuments, and to mention that Framework law on monuments did not pass still. Even this needs to be decided by consensus of all three sides. Almost every question results that national interests of one of them are endangered more than other two.

BiH is housing many different cultural heritage like those of eastern and also of western civilization. Recently, the monument to the people hero Bruce Lee, the Chinese-American actor who died 32 years ago, is settled in southern BH town Mostar. The bronze statue is located in Mostar central park, close to the former frontline of 1992-95 war. A decade after the conflict, Muslim and Croat inhabitants are coexisting there. In this context also some terms like “divided city” or “annihilated urban environment” appears just to many times repeated. This does not mean that Bruce Lee will unite Bosniaks, Serbs and Croats, but that monument is common to all.

⁸⁰Center for prevention of torture, Councils of Europe, see full report <http://www.cpt.coe.int/documents/bih/>

III Chapter: CONSTITUTIONAL REFORM WITH SPECIAL REGARDS TO BiH's CITIZESHIP

Nothing is possible without men, but nothing is lasting without institutions

Jean Monnet

3.1 Con/federal state policy

The European Community recognized Bosnia and Herzegovina as an independent state on April 06, 1992. Bosnia and Herzegovina was accepted as a member of UN in May 22, 1992, the same day when Croatia and Slovenia did.

After the Dayton Peace Agreement (DPA) in 1995, the Republic of Bosnia and Herzegovina continued its legal existence as Bosnia and Herzegovina (without prefix) under the international law as a state, although with changes to its internal administrative structure. BiH lost the status of Republic and lost its previous Constitution of Republic of Bosnia and Herzegovina and also the Inter ethnic boundary line (IEBL) was imposed as constitutional category (Annex 4 to DPA) like demarcation line between the two entities separating the 51% (Federation of Bosnia and Herzegovina) from the 49% (Serb Republic) of its territory.

The domestic and foreign politicians, international community, civil society, NGO-s, media, etc. handle with the issue of institutional framework building for the democratic BH's state for a while (18 years). The most persistent debate is about: Constitutional reform, (read: Implementation of the Sejdic-Finci judgment of the European Court of Human Rights-ECHR. The implementation of this

verdict regards directly to the reform of Constitution of BiH, of the Election law and amendments to the Law on citizenship. Amendments to the Law on conflict of interests are also of the great importance. In addition, the laws those are more specific are the Law on residence and domicile act, the Law on public procurement, the Law on civil service and the Law on free information access.

Unfortunately, the tendency is to restrict the freedom of the individuals and to reduce the right to participate in the decision-making processes for a grand part of people. Especially, the Election law predicts a closed list for next parliamentary elections in 2014 and that would disable people to elect candidates in person as their representatives. So in this constellation of powers the next elections in 2014 will be in question (Fajon).

Amendments to the Law on conflict of interests in BiH, provide a type of self-declaration on the political and material eligibility what would mean the abolition of the function of the country's Central Election Commission to deal with the issue of personal eligibility of political representatives like it does now. "Unfortunately, the Commission does not meet the requirement of independence due to its composition, and this could jeopardize the independence of the screening process. This adoption of amendments at the BiH level shall have an impact on the implementation of the legislation on conflict of interest both in Federation of BiH and Brcko District, which will have to re-design their system having in mind that the Central Election Commission implements their laws. We regret that by adoption of these amendments, the BiH authorities have not focused on the adequate management of conflict of interest in order to guarantee that the public service functions are performed effectively, objectively and in a transparent manner⁸¹."

The further development of present con/federal state polity is still one of the greatest questions to be discussed. The author agrees with Sarajlic's view of future of the country. BiH will probably never develop into a classic European republican polity, nor will it dissolve along the ethnic lines into three miniature nation-states. Both the ethno-territorial internal setup and the external

⁸¹Andy McGuffie EUD/EUSR spokesperson regarding the amendments to the Law on Conflict of interest adopted in the House of Peoples

international context do not allow for these scenarios.⁸² Thus, the only sustainable alternative is to try to come up with solutions which will lead state priorities to democratic transformations (reforms) at nobody's detriment in line with respect of human rights and long term political stability.

The institutional reform process goes further in defining BiH internal and external sovereignty. The Venice commission⁸³ began its dealings with BiH from two premises, that democracy is better than Dayton accords and with the conclusion that entities in BiH should not be removed since this would not be accepted by the Serb Republic (Venice commission 2005). How can a country based on political units and entities based on national groups be democratized?

If the Commission indeed stands for the viewpoint of sovereignty of peoples and citizens and for democracy in Bosnia, it must prove that by demanding the removal of entities based on national principle and genocidal praxis. Or it must stand for a consistent implementation of the Dayton accords that implies the return of all refugees; something that has never happened⁸⁴.

Does Bosnia have a reason to rely on Europe and/or America in line with the main proposals that are coming from? During the visit of the vice president of USA Joe Biden and the EU representative of foreign politics Solana to Sarajevo in 2009 a rivalry was visible between American and European influence⁸⁵.

Freedom of speech, freedom of association need to be protected on the highest level, and not only formally, but all together considering the very specific of a fragile society reaching the main goal of a regionally integrated civil society and institutions focused on the protection of all its citizens.

⁸² The Citizenship beyond nation-state: Dilemas..., Sarajlic

⁸³ The Venice Commission is the common name of the European Commission for Democracy through Law; it is an advisory body of the Council of Europe on constitutional issues. The seat of the commission is settled in Venice and a permanent secretariat is in Strasbourg. Its establishment initiated a work in Venice in January in 1990 at a meeting of the European Ministers of Foreign Affairs.

⁸⁴ Politics and society in the modern era in the Balkans: Global and Regional context, Slavic Research Center, Sokolovic Dzevad, 2007, pp. 315-331

⁸⁵ Bosnia needs EU and America. The Frankfurter Allgemeine Zeitung published an article of minister of foreign affairs of BiH Sven Alkalaj stating that the EU and the USA should continue to assist the forces that are fighting against nationalism and for a common democratic state, because BiH still has a chance.

3.2 Institutional and administrative framework

The Constitution of BiH was agreed as a part of the Dayton peace agreement (DPA) in November 1995. The Constitution gave to BiH a very complex political structure with a heavy and multilayer administrative and institutional structure what at the end of the day brought very complex and lazy decision making process. At the top of this administration is the state-Bosnia and Herzegovina-dealing with state issues. Under the state administration are two entities. Each entity has its own political structure and administration, with a central entity government.

- The central Government of BiH consists of a rotating tripartite Presidency, a Council of ministers and a bicameral Parliamentary assembly. The three-member joint Presidency consists of one Bosniak, one Croat and one Serb elected by popular vote: two of them are from Federation of Bosnia and Herzegovina (F BiH) and one from Serb Republic (RS). All three serve for four years and have equal rights. The chairmanship of the Presidency rotates every eight months. The Presidency is accountable for the foreign policy; it ratifies international treaties after approval by the Parliamentary assembly and represents BiH in international organizations and institutions.
- The Council of ministers is the executive branch of power of BiH. It is responsible to carry out state policies and for implementation of decisions. It is composed of a Chairman and nine ministers, all appointed along ethnic lines. The Chairman of the Council of ministers is nominated by the Presidency and confirmed by the House of representatives. The Chairman of the Council of Ministers appoints the other ministers.
- The Parliamentary assembly of BiH is responsible for adopting laws and for state budget institutions. It is bicameral and comprised of the House of representatives and a House of peoples. The House of representatives has 42 directly elected members, two thirds are elected from Federation of BiH and one third from RS. It represents the citizens. Here the special issue presents the “entity voting” as Constitution of BiH rules one third of representatives of the entity need to approve the law in

order to be adopted⁸⁶. The House of peoples has 15 members, elected for a four-year term. It represents the constituent peoples: Bosniaks, Croats, and Serbs. The whole voting procedure is based on the “parity of Entities” and “consensus of the peoples”. In addition, each Entity FBiH and RS has a veto regardless of the number of the party representatives. All legislative decisions have to be adopted by both houses. Nine members of the House of people present quorum, at least three Bosniaks, three Croats and three Serb delegates must be present. The House of peoples has a veto to the Laws in parliamentary procedure. If the majority of Bosniaks, Croats or Serb delegates conclude that the law jeopardizes the vital national interest of one of the constituent peoples of BiH they make a veto. The joint commission (composed by delegates in the House of peoples) must reach an agreement within five days, otherwise they refer to the Constitutional court of BiH towards the final decision.

- The political structure of Federation of BiH (FBiH) is divided into three levels: the entity level, the cantonal level and the municipal level. At the entity level, FBiH has its own Constitution, President, Government and Prime minister nominated by the Parliament of Federation of BiH and the bicameral Parliament. At cantonal level, each of the 10 cantons has its own Constitution, the Parliamentary assembly with the power to adopt cantonal laws and appoint the cantonal government. The third political level is the municipal one, composed of 137 municipalities, 74 are in the Federation of BiH, and 63 in the RS. They have their own municipal council and administration.
- Serb Republic (RS) has no cantons only municipalities. At the entity level is a National assembly, a President of RS, two Vice-presidents, and a Government under a Prime minister. The municipalities, as in FBiH, all

⁸⁶ Constitution of BiH, Article 4, paragraph 3, point d): All decisions in both chambers shall be by majority of those present and voting. The delegates and members shall make their best efforts to see that the majority includes at least one third of the votes of delegates or members from the territory of each entity. If majority vote does not include one-third of the votes of delegates and members from the territory of each entity, the Chair and Deputy chairs shall meet as a commission and attempt to obtain approval within three days of the vote. If those efforts fail, decisions shall be taken by a majority of those present and voting, provided that the dissenting votes do not include two-thirds or more of the delegates or members elected from each Entity.

have their own assemblies and administrative structures. Each entity has its own government, president, parliament, police department and postal system. In both entities, the competencies of the municipalities include child care, primary and secondary school structures, employment agencies, social care, culture, sports, housing and urban planning, municipal utilities (sanitation, sewage treatment and water supply), public order, tourism and management of municipal properties.

- In addition to the two main entities, BiH has a small autonomous entity, the District of Brčko. Brčko is a shared territory that belongs to both entities but comes under the exclusive sovereignty of the State of BiH. The Brčko authorities consist of the District assembly than a multi-ethnic Government, police force and judiciary.
- The Office of the High Representative (OHR) was established as an external organization embodied in the Dayton Peace Agreement (Annex 6 of DPA). The High representative is supported by a Peace implementation council (PIC). Currently, the High representative's main task is to ensure that the institutions function effectively and responsibly. The High representative has substantial political power (Bonn Powers) and can remove public officials from office if they violate legal commitments or the DPA. While OHR was intended to withdraw entirely by 2008, its current plan is to maintain its presence until the final implementation of legal and institutional reforms.
- The Constitutional court of BiH is the highest judicial authority. The Constitutional court is there to defend the Constitution and has exclusive jurisdiction to decide any dispute between the entities, between BiH and entity, or both of the entities, or between the country's institutions. The court has nine judges, of whom six are selected by the respective assemblies or parliaments of the entities (four are elected by the FBiH House of representatives and two by the RS People's assembly). The remaining three judges are appointed by the President of the European Court of Human Rights after consultation with the Presidency of BiH.
- The Court of Bosnia and Herzegovina was formally established by the Decision of the High representative on May 8, 2002 year. He appointed the first seven judges of the Court. The competencies of the Court are

regulated by the Law on the court of BiH and they are linked to the criminal, administrative and appellate jurisdictions. The criminal dissection deals with war crimes, organized crime, economic crime and corruption, among others. The administrative jurisdiction of the Court referees cases related to complaints against decisions issued by BiH institutions as part of their public functions. The judges and President of the Court are appointed by the High judicial and prosecutorial council, the autonomous organ ensuring the maintenance of an independent, unbiased and professional judiciary at the state level and in the Brčko district.

- Central Bank of BiH is the only authority for issuing currency according to a Currency board arrangement 1KM:0,51129 Euro and for control and implementation of monetary policy of BiH⁸⁷. It also supports appropriate payment and settlements systems and it coordinates the activities of the Entity banking agencies which are in charge of bank licensing and supervision.

3.3 Constitutional reform

The country highly decentralized structure dates back to the war time, which at end through peace agreement created a large bureaucracy freezing the current postwar situation. After DPA the great part of reform process strengthened the powers of the state government regarding the entities government. The complicated procedure of transfer of jurisdictions is enrolled in daily decision making processes through power striping of entities' governance. However, this has met the opposition of the government of Serb Republic which properly notes the country's thirteen governments; eleven are in the Federation (ten cantonal governments and the Federal government). However, the other entity as "perfect state polity" is Serb Republic with municipality level of governance.

After the decision of the Constitutional court in 2001 entities are required to align their constitutions with the Constitution of BiH regarding Serbs, Bosniaks

⁸⁷Constitution of BiH, Article 7

and Croats as constituent peoples of BiH⁸⁸. After a year there has been a change in the Constitution of Serb Republic. The parliamentary majority in the RS refused to accept the Bosnian language as official. The issue was resolved through Article 7 of the Constitution of Republika Srpska which states that in RS the official languages are the language of Serbian people, the language of Bosniak people and the language of the Croatian people⁸⁹, although the Constitution of BiH says that official languages in Bosnia and Herzegovina are Bosnian, Serbian and Croatian language.

Violations of basic political rights are inevitably presented through a verdict *Sejdić and Finci v. Bosnia and Herzegovina* of European Court of Human Rights. The applicants complained that they were prevented by the Constitution of BiH, and the provisions of the Election law of BiH from being candidates for the Presidency of BiH and the House of people of the Parliamentary assembly solely on the ground of their ethnic origins. The Court decided about ineligibility of applicants to stand for election to the House of people as lack of an objective and reasonable justification and therefore pronounced breached Article 14 in line with Article 3 of Protocol No. 1 to the ECHR (European convention for the human rights and fundamental freedoms). The Court then proceeded to make the same finding in respect of the lack of eligibility for the state presidency, this time relying on Article 1 of Protocol 12 containing a general, far-reaching prohibition of discrimination⁹⁰.

The Council of Europe four years ago instructed BH political class to remove the constitutional provisions that are the cause of civil and human discrimination. The verdict of European court of human rights in Strasbourg in

⁸⁸The Constituent peoples are namely Bosniaks, Serbs and Croats. The rest of the national population makes another group "others" category and does not have equal political rights. In BiH there are other 17 national minorities.

⁸⁹Constitution of Republika Srpska, "Official Gazette of Republika Srpska," No. 6/92, 8/92, 15/92, 19/92, 21/92, 28/94, 8/96, 13/96, 15/96, 16/96, 21/96

⁹⁰European Court of Human Rights: *Sejdić and Finci v. Bosnia*: "In the former Yugoslavia, a person's ethnic affiliation was decided solely by that person through a system of self-classification. Thus, no objective criteria, such as knowledge of a certain language or belonging to a specific religion were required. There was also no requirement of acceptance by other members of the ethnic group in question. The Constitution contains no provisions regarding the determination of one's ethnicity: it appears that it was assumed that the traditional self-classification would suffice."

the "Sejdić and Finci" can be applied only if fully apply the European convention on human rights which is incorporated in Constitution of BiH.

There is no ground to claim that the judgment of the International court of justice (ICJ) in Hague on genocide in BiH has no legal consequences to constitutional reform in BiH. The judgment of the court, certainly has its own legal and political consequences which cannot be ignored in discussions on constitutional changes in BiH.⁹¹ The ICJ verdict which convicted the Republic of Serbia of failing to prevent genocide committed by political, military and police authorities make the implications to the region.

BiH have to deal with the revision of its Constitution dating 1995, something the authorities of Serb Republic are likely to oppose forever. They fear the revision could change the internal division of the country, and touch to the competencies of RS. The EU is asking a radical change of a constitutional charter that was the only possible result that the parts to the conflict could have ever accepted when they agreed to sign the Dayton Accords. A common agreement over the future revision of the Constitution, in particular of some of its discriminatory provisions, would show whether or not the country has made some steps forward in the democratization process.

These reforms are key to Bosnia and Herzegovina fulfilling their obligations to the European Union's Stabilisation and Association Agreement. The six/seven ruling coalition parties announced talks would resume in Brussels, and that the two main Croat parties (Croatian Democratic Union of Bosnia and Herzegovina and Croatian Democratic Union 1990) had submitted proposals for a new federal structure to the other party leaders.

Also, there are divided opinions on the reform of the Constitution of the Federation of BiH⁹². The last recommendation is given in Jun 2013 as group of experts recommended are the abolition of certain federal competencies, the greater role of Parliament and its President and a greater responsibility of the

⁹¹24SI - Representative of Bosnia and Herzegovina in the Venice Commission of the Council of Europe Čazim Sadiković <http://www.venice.coe.int/webforms/documents/?country=50&year=all>

⁹²Constitution of the Federation of Bosnia and Herzegovina, "Official Gazette of the Federation of Bosnia and Herzegovina", No. 1/94, 13/97, 16/02, 22/02, 52/02, 60/02, 18/03, 63/03.

municipalities. They suggested merging of some separated cantons and transferring part of their competencies to the Federation level. All the recommendations of the Expert team aim to amend the Constitution of Federation of BiH. Of course, the International community follows the efforts of BH politicians. U.S. Ambassador to BiH P. Moon assessed that it is a historic moment for reforms of Federation. Only one question remains open whether the political parties will make a consensus on the recommendations or not (ordinarily their sessions are out of the seat of Parliament).

The others recommendations are: to abolish the functions of the President and Vice-President of the Federation (entity); to consign the greater competencies to the President of the Parliament who will take over the responsibilities of the President, to increase the role of the Parliament which will remain bicameral, but with the introduction of joint sessions, a greater responsibility for municipalities and to merge cantons and transfer of their responsibilities to the level of the Federation.

Among these, the Law expert team recommended that Mostar should be one municipality. This caused discontent among political parties, especially Party of Democratic Action (SDA). They argue that such a rule will furnish prevalence of Croat interests in the city and that this proposal goes along with the objectives and requests of the Croat Democratic Union (HDZ). According to Ajanović (SDA), vice president of the Constitutional Commission of the Federal Parliament, Mostar should be united in one municipality and with certain modifications SDA will agree on it. However, discord is particularly with the abolition of singular cantons. To the Sarajevo Canton adjoins only small sized Canton of Goražde with 33093 of inhabitants, following this also Posavina Canton could be merged to the Tuzla Canton. At the end of the day, Federation of BiH should be consolidated into at most four to five cantons.

The Alliance for a Better Future (SBB) and the People's Party Work for Progress (NSRzB) accepted these recommendations. Social Democratic Party (SDP) has no final decision on the proposals, so they consider it like a number of recommendations or the amendments to the Constitution of the Federation. Abolition of cantons would cause savings, but the deficit is present to all levels

of government. The constitutional reforms should complete the abolition of cantons and transfer of powers from the cantons and municipalities to the Federation. However, there will be further negotiations before the final approbation of a new constitution. Without the consent of the Croats or to be more specific two-thirds majority in both chambers of Parliament it will remain just one of unfinished processes.

3.4 Newborn law on citizenship

A Law on Citizenship of BiH⁹³ was imposed by the High Representative in BiH (OHR) on 16 December 1997 and entered into force on 1 January 1998. A Law on Citizenship of Serb Republic⁹⁴ entered into force on 14 December 1999. Meanwhile, the Constitutional Court of BiH proclaimed the contested provisions of Article 17 and 39 of the Law on Citizenship of BiH as an unconstitutional and therefore void. The Constitutional Court took the decision upon request of the BiH Presidency member B. Izetbegovic in September 2011 with the executive period March 2012.

Article 17 states that BiH citizens will lose BiH citizenship by voluntary acquisition of the citizenship of another state, unless otherwise provided by a bilateral agreement between BiH and that state approved by the Parliamentary Assembly of BiH in accordance with the Article IV of the Constitution. Article 39 states that all persons who before the entry into force of this law had acquired another citizenship will lose their BiH citizenship unless in 15 years from the date of entry into force of this law they renounce to the other nationality and unless otherwise provided by bilateral agreement. The contested articles created a concern that more than half a million of citizens of BiH from January 1 2013 could face a loss of citizenship. Anyway, the House of Peoples of

⁹³Official Gazette of BiH, No. 4/97,13/97,41/02,6/03,14/03

⁹⁴Official Gazette of RS, No. 24/99, 17/00

Parliamentary assembly of BiH adopted the Law on citizenship of BiH in November 2013⁹⁵.

The Constitution of BiH allows also citizenships claims to the Entities, although all citizens of Entities are citizens of BiH⁹⁶. The Law on Citizenship of RS⁹⁷ stated that all citizens of the former Socialist Federal Republic of Yugoslavia (SFRY), who were born in the territory of the SFRY and who until of June 30 1998 registered their permanent residence in the RS were citizens of the RS. The recognition is by law so it was granted ex lege.

The Law on Citizenship is one of the crucial legislative for all citizens of BiH, what was demonstrated also by the latest civil unrest in Sarajevo. People get out to the streets to show solidarity with an ill baby who could not have a medical treatment out of BiH because of administrative obstacles of a birth certificate and thus related to baby's reference number. It was first significant awakening of Bosnian civil society after the war, people before witnessed only few "minor" collective gatherings "celebration of football matches with fans of national football team called Bosnian dragons. Demonstrations were on the streets of some Bosnian cities and a front of Parliament of BiH, although the demonstrators had been labeled like opponents of Serb Republic and thus against the state order. Some representatives in Parliament of BiH from RS claimed that the Personal identification number need to perform territory and thus to label the Serb majority governed entity RS and the entity of Federation with Croat-Bosniak majority of population.

"The issue of the Personal identification number is the question of Bosnia and Herzegovina. It is a question of competencies of every state and the question of the state of BiH. I still believe that it is harmful, and the future will prove it is dangerous to bring down the issue of a personal identification number in the

⁹⁵ Parliamentary Assembly of BiH, Actualities on 33 session of House of Peoples, see on https://www.parlament.ba/sadrzaj/vijesti/2011/default.aspx?id=42871&langTag=bs-BA&template_id=5&pril=b&pageIndex=1

⁹⁶ Article I, paragraph 7, There shall be a citizenship of BiH to be regulated by the Parliamentary assembly, and a citizenship of each Entity to be regulated by each Entity

⁹⁷ Official Gazette of RS, No. 19/92, 16/96, 8/97

entity borders registration areas⁹⁸. The amendments to the Law on Residence and Domicile Act of BiH citizens are another issue to resolve. The Party of Democratic Action (SDA) submitted a statement of Vital national interest taking to consideration returnees, refugees and internally displaced persons, than those who have returned and those who intended to.

Only during 2012 year a total of 3489 people renounced to the BiH citizenship, also by June 2013 a significant number of 1490 meet the same situation. However, BH Parliament adopted Amendments to the Law on citizenship in July 2013. About one million of citizens of BiH would be forced to renounce to the citizenship of BiH without this law. The necessary reform of the Framework law on citizenship means that BiH citizens do not have to renounce their own citizenship in order to exercise the right to the citizenship of another country. The Council of Ministers of BiH stated they were determined to implement the decisions of the Constitutional Court of BiH and to facilitate the acquisition of BH citizenship in accordance to the European Convention on Nationality⁹⁹.

Those amendments are important especially due to the fact that BiH never concluded agreements on dual citizenship with a significant number of European and other countries where a great number of its citizens live. The Article 18 stated the loss of citizenship by law if a person acquired citizenship of another country was deleted. More or less this law is harmonized in general aspect of European legacy, so it stipulates usual legal procedure for acquiring the status of BiH citizen i.e. the certificate about no criminal proceedings, (except for stateless persons) all in line to avoid the threat for the state security. The applicant also proves a sustainable source of income, financial liability and a statement on acceptance of Constitution of BiH. Also, the amendments give an opportunity of BiH citizenship acquiring to a child who is born abroad whose parent was a citizen of BiH if until age of 23 submits a request to the competent

⁹⁸Delegate in the House of People of the Parliamentary Assembly of Bosnia and Herzegovina H. Genjac.

⁹⁹European Convention on Nationality is comprehensive convention of Council of Europe signed in 1997. It has been signed by 29 countries, among those also by BiH, but ratified only by 20 states. See: <http://conventions.coe.int/Treaty/en/Treaties/Html/166.htm>

authority of BiH. The time condition for acquiring citizenship by naturalization is reduced from 13 years' residence to 8 years' residence.

An adoption of the Law on Single Reference Number implemented the Constitutional Court rule from 2011 and made possible continuation of legal commitments a front of newborns and naturalized citizens throughout the centralized registration system in the country. Also the Draft amendments to the Law on Residence and Domicile Act update the current legal framework improving the efficient registration of residence throughout the country. These two laws are relevant for the requirements assessments of the European Commission through the framework of Post Visa Liberalization Monitoring Mechanism. The Delegation of the European Union to Bosnia and Herzegovina, the EU Special Representative Office and Council of ministers welcomed these important decisions.

3.5 Policy recommendations

The majority* does not require special protection by the state constitution. Its numerical strength in a democratic state provides an assurance of protection better than any words or language in a constitution can provide. The tensions of poly-ethnicity generally arise if there is at least one cohesive ethnic minority¹⁰⁰. The constitution is the most beautiful legal act we have.¹⁰¹ In Bosnia even the International court for human Rights cannot protect basic rights of minorities. It is grand probability that next census will show that at least 95% people presents constituent people in BiH, so obviously it remains unreasonable concern and threat of the other 5%. The political and civil rights are guaranteed by whole BiH's legal framework but still formally and in practice they exclude these 5% "others" from active or passive political rights. "Why do they afraid of these 5%

¹⁰⁰Law on Rights of National Minorities of BiH. ("Official Gazette of Bosnia and Herzegovina, No. 12/03"), Article 2, "BiH protects the status and equality of members of national minorities as follows: Albanians, Montenegrins, Czechs, Italians, Jews, Hungarians, Macedonians, Germans, Poles, Romas Romanians, Russians, Rusins, Slovaks, Slovenians, Turks, Ukrainians and other who meet requirements referred to Paragraph 1 of this Article.

¹⁰¹Boldrini, L., Presidente della Camera dei Deputati dello Parlamento Italiano

of others” but is always like this when differences are so much differentiated and thus a background and source to bolster someone’s “legitimacy” and political supremacy.

The census form P1 (population census in 2013) offers the categories Bosniak, Croat, Serb, non-declared and write in option, than a religious affiliations: islam, catholic, orthodox, agnostic, atheists, non-declared and write in option. The language categories are: Bosnian, Serbian, Croat and write in option (See Table 2). The category of Bosnian/Herzegovinian is not incorporated in the Constitution of BiH and thus it is not an option in the census form. Agency for statistics and entity statistical offices are obliged to release the preliminary results of the 2013 Census of population, households and dwellings in BiH within 90 days of the completed enumeration. OSCE as a factor of stability in the region offers policy recommendation and advising on electoral systems and election laws reporting it to the Venice Commission of Council of Europe¹⁰². Although, the political parties will drove their own political map according to the ethno-national results of census especially about Serb prevalence in the RS and Bosniaks in BiH overall.¹⁰³ Long term speaking it will influence different disposition of ethnic quotas in public service and disposition of power sharing results.

A content analysis of legal framework shows that BiH provides protection of collective rights but only constituent peoples enjoy full political subjectivity. The proposal to resolve discrimination and inequalities through the protection of national minority rights is endless process in BiH. The protection of individual rights of “others” and citizens (confusing categories of BiH’s constitution) is not possible without the constitutional reform and thus correspondent amendments to the Election law. The Constitution of BiH and the Constitutions of two Entities stipulate that the European Convention for Protection of Human Rights and Fundamental Freedoms shall be directly¹⁰⁴ applied in BiH with priority clause,

¹⁰²Council of Europe, Venice Commission, Opinions and studies on elections and referendums, see on: <http://www.venice.coe.int/webforms/documents/?country=50&year=all>

¹⁰³Bieber F., Census consideration

¹⁰⁴Article II, paragraph 2 of the Constitution of BiH

following legal logics it mean that also the judgments of European Court of Human Rights should be legal precedents.

BiH should become a federal state with territorial regionalization, the division of the country into two entities should be abolished and all ten cantons with their corresponding constitutions (Petrich, Solioz, Mesić, Kučan). Along to this line goes total Cantonal financial redundancy, i.e. even in “ethnically clean cantons” representatives exercise the institute of the Vital national interest a front of state courts in exclusive “vital representative interest” and thus blocking whole decision making system and cantonal nothing to do governance.

A national designation key in election of the tripartite Presidency of BiH should be excluded. In order to accomplish it, necessary is to cancel the national sign in the Constitutional reform procedure, what is possible only with required majority of 2/3 of votes in a Parliament Assembly. A simple majority would be enough for adoption of amendments to the Election law.

A House of People (now it represents only three constitutive people) should elect the President of BiH, also it would be expanded in order to include representatives of national minorities (not just peoples) with exclusive right to exercise on matters of collective rights and vital national interests. Council of Ministers of BiH and House of Representatives (now it represents citizens but still colored by “entity voting”) could hold the same composition.

3.6 The effects of external conditionality

The Office of the High Representative of the international community in BiH (OHR) was created in 1995 in order to ensure the implementation of the Peace Agreements and to interpret its provisions. It has become integral part of the BiH legal and political system mediating often among the accentuated national positions. The Office of High Representatives (OHR) possesses some competences explained in Article of Constitution of BiH called the Bonn

powers¹⁰⁵. It allows the achievement of significant objectives requiring necessary reforms in order to reduce the malfunctioning of the Bosnian political scene. In the same time OHR becomes also an obstacle to democratic transition of BiH. On one hand it reduces responsibility and liability of local political actors reducing motivations to achieve political compromise between the different parties. The decision to close the Office of the High Representative has not yet been implemented. Bosnia is a potential candidate for the EU, but the majority of member states do not consider BiH able to negotiate membership with the EU until the OHR remains the ultimate authority in the country.

The reinforced EU (EUSR) presence has the task to support BiH and their citizens in the EU integration process strengthening the state and creating long-lasting political settlement. Usually its competence is very much reduced welcoming already adopted laws, i.e. “We welcome today's adoption of the State Aid law and the Census law by the Parliamentary Assembly of Bosnia and Herzegovina. These are crucial for the next steps of the country on its EU integration path. The progress is made on implementing the European Court of Human Rights ruling in the 'Sejdic-Finci' case. We also urge relevant institutions to find agreement on the budgets, including the budget for 2012 and on the global fiscal framework.”¹⁰⁶

European Union Special Representative (EUSR) is also a main negotiator in contracts on European Aid. The EUD/EUSR office has 154 staff of whom 43 are international staff and 111 are national. In addition they have the following departments: Political Office, Legal Office, Home Affairs and Public Security, Communication Team, Operations, Contracts, Finance & Audit, and EUD and EUSR Administration Offices. EU draws missing European path “EU Integration Strategy for BiH” aiming on a functional, stabile and peaceful multiethnic BiH.

High Representative (HR) has a right to impose laws and other decisions to the government, also to dismiss local officials who contribute to the malfunctioning

¹⁰⁵The extension of the international mandate in BiH (1997), HR is also a final authority in the legal interpretation of Dayton peace agreement, Anex 10 of GFAT.

¹⁰⁶Andy McGuffie, spokesman of European Delegation in BiH EUD/EUSR, Feb, 03 2012, see on: <http://www.delbih.ec.europa.eu/News.aspx?newsid=66&lang=EN>

of the state. During his mandate HR Petrich used Bonn powers and around 50 functionaries were dismissed. Even the Constitutional Court of BiH has no jurisdiction over the activities taken by the OHR. All previous high representatives was Europeans. The EU has a power to regulate and to control over some area of life. Once when member state ceded power to EU, they are applied without more reference to the member state, hoping that it would not be leading to some new identity forming process structured around the idea of diversity and coping with diversity. The OHR mandate has no formal end and it is not clear what could eventually determine its closure. At the beginning, the general understanding was that it would be closed once when the country succeeds in its definitive way to Europe and NATO, so therefore it would be unnecessary institution in a democratically consolidated BiH.

IV Chapter: INTERNATIONAL RELATIONS AND NEIGHBOURING POLICY

Human conflict is inevitable, but the path to violence is not.

Hobbes

4.1 Interstate relation BiH-R Serbia

The first spot of cooperation was foundation of an Intergovernmental Council for Cooperation between Serbia and Bosnia and Herzegovina at the end of May of 2001 in Belgrade. The Federal Republic of Yugoslavia (The State Union of Serbia and Montenegro) and BiH agreed about an agenda of main problems: Foreign policy and frontier line between Serbia and BiH, Judicial cooperation in relation to the prosecution of war crimes, Status of refugees and Fight against terrorism and organized crime. The status of war victims is a great issue to be resolved in the name of good-neighboring relations between BiH and Serbia. It should be stressed that Serbia still has the biggest number of refugees around 57. 076 and from that number about 25.000 are from BiH¹⁰⁷. BiH, Croatia, Montenegro and Serbia are under the Regional Housing Program to find sustainable housing solutions for some 74.000 refugees, returnees and IDPs

¹⁰⁷UNHCR, statistical snapshot Serbia

from the 1991-1995 conflict and for this purpose it has been organized a Sarajevo donors' conference in April 2012 under the UNHCR regional operational program for South-Eastern Europe.

September 2011, Serbia organized a Conference on Non-aligned Movement for the group of world states considering themselves formally not allied. The Ministerial conference brought together about 130 nations (almost 2/3 nations of the world). They made a recollection of historical events of former Yugoslavia and famous neutrality of Tito. "It was an initial capsule of peace in the region, which represents neutrality in a monopolar world" said President of R Serbia Tadic. It seemed that he played the role of a Serbian progressive and moderate politician with political appreciation of the international community, but in the same time a support to premier of Serb Republic and his nationalist rhetoric was obvious. The television show "Sunday at 2" of the Croatian radio and television on 28 October brought the question of war victims and genocide to Tadic. In his response he had an opinion about "the issue", but his public expressing will wait until all legal procedures would be finished. Until then let's leave it to historians and lawyers.

Shortly after taking office President of the Republic of Serbia Nikolic during his visit to Italy, the newspaper Curriera Della Sera transmitted his statement that in Srebrenica never happened genocide, so no one of Serbs does not recognize it, so why would he. After all, the turning point happened in interview made for the Federal Television of BiH in May 2013 with Prasovic S., when Nikolic transformed his statement manipulating between words of genocide and crime. Still, Serbian Parliament in 2010 condemns all crimes in Srebrenica, and since that it has been made a certain progress in these relations. Also BiH ambassador to Serbia has been appointed.

Some Serbian's NGOs like Coalition for access to justice are quite loud to make things right trying to help to the people of Western Balkans deal with its heavy history. The coalition is made up by: the Centre for the promotion of legal studies, Civil rights defenders, CHRIS-The Committee for human rights in Serbia, the Humanitarian law fund, the Youth initiative for human rights, the Independent journalists' society, Praxis, Sandzak committee for protection of

human rights and freedoms. They expressed concern over the statements of the President Nikolic and former President Tadic over denial of international courts decisions (ICTY and ICJ).

The end solution as it is seen by some Serbian dissidents¹⁰⁸ is a moral vacuum at the social level, even while individuals are being found legally guilty still it is present a situation of living in the same community, city or village with persons who have been prosecuted or even worse with those who was not. The public persons who should be seen as representatives of the positive reforms in society and serve as idols still supports war criminals. The judgments of International Criminal Tribunal for the Former Yugoslavia (ICTY) have an impact on good interstate relations and more or less it was an EU conditionality aspect for Serbia to extradite the responsible.

Fundamental questions remain open as the question of the BiH's recognition of Kosovo. Although, Vice premier of Serbia Vucic's statement in April in direct TV's transmission on the Radio Television of Serbia (RTS) sounded very promising especially when it comes the question of European path of Serbia. He notices great financial difficulties for Serbia. The northern municipalities of Kosovo* are mostly inhabited by Serb majority (doctors, teachers, other governmental and nongovernmental organizations, etc.) and they cost Serbia over 356 million of euro in a year, but also the problems of huge crisis in industrial plants of Serbia. Especially sensitive political debate is caused by a question of referendum for Serbs of the northern Kosovo*, at the end of the day Serbia want to avoid it. Vučić was acting more in secular mode regarding the strong opposition of the Orthodox Church.

Special relations of Belgrade and Banja Luka have their legal approbation in the Constitution of BiH, but it goes further towards de facto independence for Republic of Srpska as the international community will permit¹⁰⁹. Agreement on

¹⁰⁸Dimitrijevic, N., is an associate professor of political science at Central European University, Budapest, <http://genocideinvisegrad.wordpress.com/>

¹⁰⁹Daniel Sewer, January 2012, Voice of America, Article: Serb Republic is determined to dismay all ambitions of BiH to EU integrations. Sewer served from 1994 to 1996 as U.S. special envoy and coordinator for the Bosnian Federation, mediating between Croats and Muslims and negotiating the first agreement reached at the Dayton peace talks. From 1990 to 1993, he was deputy chief of mission of the U.S. Embassy in Rome, where he led a major

special parallel relations of Serb Republic and Serbia had been signed in 2006 and also successful cross border cooperation is visible. But, in the same time some basic human rights are in question, the right on associations, the right of free speech, gender rights, rights of LGBT persons. Although, the Law on Discrimination passed in Serbia in 2009, but still gay prides are banned¹¹⁰. The law was passed with great oppose of Serbian Orthodox Church, other religious communities and conservative political parties.

Serbia has not indicated it wishes to join NATO, since the Alliance forces bombed the country in 1999 and had a role in removing of Kosovo*. However Serbia participated in Partnership for Peace¹¹¹ like one of its difficult decisions. Good and unequivocally respect for the sovereignty and territorial integrity of all its neighbors is prerequisite to for accession to the EU and to join NATO. Also a financial crisis is an obstacle to faster EU integration of BiH. Real progress on membership made Macedonia and Montenegro at Chicago and it could be a motive also for other Western Balkans countries.

Two problems are to face the loss of Kosovo* and reintegration of Serbs into the BiH. The reintegration of Serbs in BiH is a social process depending on both, the state and the people alone, who at the end will be enjoying their relevant fates. The same applies to all peoples in BiH and their looking forward relations to other countries.

During the 2010 political campaign, the newly-elected President of RS Dodik continued to focus the attention of his voters to a greater autonomy of the RS. The references for secession of RS they find through a referendum as tool of a people's rights on self-determination. Of course, this is combined with the encouragement of some politicians of Bosnian Croats to seek a third ethnic-territorial community within the BiH. Still the warring thing is an political and legal attack of the RS to the judicial system. Some are too concerned for a few

diplomatic mission through the end of the Cold War and the first Gulf War. Interview for Al Jazeera, January 12 2011.

¹¹⁰Independent, October 2012, see on: <http://www.independent.co.uk/news/world/europe/gay-pride-march-banned-in-serbi-8196185.html>

¹¹¹The Partnership for Peace (PfP) is a programme of practical bilateral cooperation between individual Euro-Atlantic partner countries and NATO. It allows partners to build up an individual relationship with NATO, choosing their own priorities for cooperation.

Mujahedeen in BiH for a long time. To me this problem however does not worry so much. If BiH has problems with Islamic extremism, it is also within the United States and other parts of the world. It seems that the legal authorities of BiH are perfectly able to cope with this problem. After all, they have shown it many times.¹¹²

Examples from newspapers: Some of newspaper headlines not domestic one or those of neighboring countries makes easier to grasp the complexity of interstate policy of BiH and their neighboring countries. Since that a great amount of information of Balkan countries fluctuates through the Province of Trieste, it was inevitable to see “Il Piccolo” which comprises a good source about the issue not so common for other European countries. The author decided to use it the most but also some other i.e. “NY Times”, “Corriere della Sera”, etc.

*Euro crisis raises a mode of uniting policy like those headed by Tito
We need more investments of east from Russia and Arab countries,
Minister of Economy of R Serbia Dinkic*

Jan. 17 2012, Piccolo

*It is coming “Disgelo” between states of Russia and Croatia,
Prime minster of Croatia Milanovic gives support to the accession of Serbia to
the EU*

Jan, Piccolo

*Successor of prince of Arab Emirates choose to rent castle of Karadjordjevo
(Serbia) for 30 years*

Jan, Piccolo

*Disputes in UN about “The march on Drina”
The welcome song which has been played in honor to the new Serb
Presidency of General Assembly of UN, Jeremic*

Jan, Piccolo

*“The past will not come back”, “We are paying the bill of our predecessors”,
“We don’t have to like each other, but we have to cooperate”
After a difficult agreement with Kosovo Government great hope to initiate an
accession negotiations with EU, Vice premier of Serbia Dacic*

¹¹² Sewer D., Voice of America

Il "fihrer serbo" addestra i camerati veneti,

Davidovic arestato a Trieste nel 2009 da una mano alla capagna elettorale di una lista di destra

Piccolo Jan, 31 2013

"The Recycled anthem for Trentino",

The case Bregovic, Costs: 84.000 euro

Sweden wants to abolish free visa travel system

Jan 22, Piccolo

4.2 Interstate relations BiH-R Croatia

In January 2010, the new President of the Republic of Croatia Josipović started to concentrate on the restoration of good-neighboring relations recommended also by EU. In April 2010 during an official visit to BiH, he expressed regret about the involvement of his own country in the division of Bosnia society as well as in the suffering of innocent civilians. The same did the newly elected Bosniak member of the Presidency Izetbegović, apologizing giving an interview to a Serbian TV for all innocent people killed by the Army of BiH during the last war. In BiH's 2010 election nationalism again prevailed soon after when the two main parties in Serb Republic, the Alliance of Independent Social Democrats (SNSD) and the Serbian Democratic Party (SDS) announced their intention to do everything in their power to protect interests of the RS including its integrity and institutional independence. Similar cause happened with the two largest Bosnian Croat parties HDZ and HDZ 1990 in BiH.

Still BiH/Croatia unresolved problems remain: the question of borders and few small property issues, the status of the Port Ploče and construction of the bridge Pelješac. Lately the relations with Croatia become an example of good cooperation in framework of defining boundaries and securing political alliances with BiH as a whole and especially with Federation of BiH. All of that is influenced also by European Aid funds and IPA funds but unfortunately BiH still is not eligible to use all 4 components of IPA funds. The disputes about Bridge Pelješac refer to its height from the mainland and the range between its

pillars. The cheapest and environmentally stable political solution instead of construction of Bridge Pelješac is to connect Dubrovnik with the rest of the Croatia with Neum corridor. The Federation of BiH invests all hopes in construction of a highway "Coridor 5C" so till the end of 2014 Federation should have about 102 kilometers of modern highways. Also the Ploče-Neum Agreement in the late 1990 treated that question. The Ploče harbor can function only as BiH import-export port and the provision of rail corridor from Ploče to Metkovic what is not any threat to Croatian national sovereignty. BiH has a custom passage to the open waters of the Adriatic. At the end, it is hard that Neum will become commercial or military port.

This is an important step forward to take into account because, today BiH is a first neighbor to Croatia and to Europa (border long 1000km) Since Europe in Dec. 2012 granted visa free travel system to the citizen of BiH it was like "being born again". It has to be admitted that people living in border regions closer to Croatia are already beneficiaries of good projects. Still there are problems of opening more border crossing points with R Croatia, at least for people who are owner of agricultural lands on the territory of RH. For decades is a subject of negotiation to open the new T. Rastela border crossing point on the BiH/Croatia border for passengers and vehicles. They expected that the checkpoint will be operational by the end of the year (repeatedly). This is a decades-long dream for people in border area. Convinced it will boost tourist trips (specially two national parks Plitvice and National park Una) between BiH/Croatia and the development of border regions in both countries, and will significantly alleviate traffic at the other border crossing points on the BiH/Croatia border. This is in spite of numerous promises in the ten or more years by senior Bosnian and Croatian politicians that a border crossing point there will be opened "next year." Until now, Bosnia and Croatia share only two main border crossing points: Bijača and Gradiška and a few smaller one. However, it seems that Croatia prevailed in the dispute claiming that they have an agreement to open the pass but saying that they do not knew to whom to talk about. Croatia's government gave the green light to the launch of the border crossing point and also reviewed a draft agreement providing joint control for it.

Examples from newspapers: Some of newspaper headlines not domestic one or those of neighboring countries make easier to grasp the complexity of interstate policy of BiH and their neighboring countries. Since that a great amount of information of Balkan countries fluctuates through the Province of Trieste, it was inevitable to see “Il Piccolo” which comprises a good source about the issue not so common for other European countries. The author decided to use it the most but also some other i.e. “NY Times”, “Corriere della Sera”, “NZZ”, etc.

*Ljubljana stops the expansionistic politics of Jansa,
Commission for foreign politics refuse the wishes of premier,
Documents of ICY regarding the Port of Piran,
(border dispute)*

Jan. 31 2013, Piccolo

*There were the proves for a sentence to Gotovina,
The main prosecutor Brammertz express his suspicions for liberation verdict*

Jan, 06

*A Monument to Tudjman in Split,
The cost: 40.000 euro*

Jan

*Russian “locomotive” of Eastern Europe,
Wien: Conference “Euromoney”, difficulties for Croatia and Ungeria*

Jan

4.3 Foreign trade and CEFTA¹¹³

Bosnia and Herzegovina is a full member of the World Bank and the International Monetary Fund (IMF). BiH is also negotiating its entry to the World Trade Organization (WTO). In November 2005 it begun negotiations on a Stabilization and Association Agreement with the European Union also it became a member of Free trade zone in Central Europe with neighboring countries in December 2006. Meanwhile, the trade bilateral relations are regulated by an Interim Agreement (IA). The EU established a regional approach to the Western Balkans already in 1997 with political and economic conditionality criteria through some bilateral relations. EU/BiH Consultative task force was charged to start the process and in 2006 it was replaced by the Reform Process Monitoring (RPM).

The largest donors for the reconstruction of Bosnia and Herzegovina are the European Union, World Bank, United States, Japan and Islamic countries, but also others donors. BiH ended the process of reforms in the area of the fiscal system and monetary policy. The positive indicators: BiH has a very stable and convertible currency completely tied to the euro, inflation do not exceed the rate of inflation in the EU, the economic growth is visible in the sector of services and light industry, within the small and medium enterprises, attractive economic sectors as energy sector, agriculture and food processing industry and infrastructure and construction sector. Thanks to the efforts of High Representative Petric and President of Council of Ministers of BiH Terzić a common Agency for Indirect Taxation of BiH was introduced in 2006 which made the tax system more transparent and it contributed to the consolidation of central government incomes.

¹¹³The Central European Free Trade Agreement replaced the previously existing network of bilateral agreements between the countries. CEFTA 2006 includes successful regional cooperation as trade, simplification of contractual relations and removal of technical barriers to trade improving the mechanisms for resolving disputes. Also, this agreement introduces new areas of cooperation which were not covered by their past bilateral agreements or the "old" CEFTA. It is about services, investment, public procurement and intellectual property protection. Agreement on Amendments and CEFTA 2006 in Bosnia and Herzegovina entered into force on 22 November 2007.

An Agency for Indirect Taxation is launched while other taxes are administered by the entities. The privatization process of public-owned enterprises continues to be slow and inefficient. A Framework Law on Privatization was adopted under the pressure of the High Representative in 1998. A strong alteration of the market economy is grey illegal economy somewhere between 20-40% of GDP¹¹⁴. The banking system is regulated by entities under a supervision of Central bank, although the 73% of the country capital is in foreign-owned banks.

The macroeconomic indicators¹¹⁵

| Economic Indicators | 2004 | 2006 | 2008 | 2010 | 2012 | I-VI 2013 |
|---|-------------|-------------|-------------|-------------|-------------|------------------|
| Nominal GDP (in billions of Eur) | 8.2 | 9.9 | 12.6 | 12.7 | 13.1 | n/a |
| GDP per capita (Eur) | 2,122 | 2,564 | 3,289 | 3,296 | 3,419 | n/a |
| Real GDP growth rate % | 6.3 | 6.0 | 5.7 | 1.3 | -1.1 | n/a |
| The growth rate of industrial production % | 9.0 | 11.0 | 9.2 | 1.6 | -5.2 | 7.0 |
| Average net salary (Eur) | 258 | 300 | 385 | 408 | 422 | 421 |
| Annual inflation rate (%) | 0.4 | 6.1 | 7.4 | 2.1 | 2.1 | 0.6 |
| Annual unemploy. rate (%) | 4.2 | 31.0 | 23.4 | 27.2 | 28.0 | 27.5 |
| Foreign currency reserves (mill. Eur) | 1,779 | 2,787 | 3,219 | 3,301 | 3,327 | 3,304 |
| Trade balance (billions of euro) | -3.68 | -3.41 | -4.82 | -3.33 | -3.78 | -1.55 |
| Total FDI (mill. Eur) | 412 | 442 | 684 | 307 | 285 | 247* |
| FDI contribution to GDP (%) | 5.0 | 4.5 | 5.4 | 2.4 | 2.2 | n/a |
| Household deposits in Commercial Banks (Mill. Eur) | 1,273 | 2,097 | 2,662 | 3,318 | 3,913 | 4,055 |
| Population (in Million) | 3.84 | 3.84 | 3.84 | 3.84 | 3.84 | 3.84 |

European Commission and its Directory for economics give a Report on Western Balkan in Transition where BiH got positive judgments within its GDP*

¹¹⁴Bosnia and Herzegovina Country Report, BTI 2006

¹¹⁵The Agency for Statistics of BiH

growth for 4% and having inflation under 5%. It is important to accentuate that till 2005 BiH had its more successful indicators, than i.e. after 2008¹¹⁶.

Many indicators show stabilization achieved after a year of 2000. The economic reforms encouraged by International organizations have been carried out successfully with growing trend in GDP. The growing rate of GDP stood at an average of 5-6% per annum, a high public debt and the currency exchange rate is stable. The public debt is going down in 2000 reached 37.9% of GDP while in 2006 it stood at 21.5%. Despite the strong growth rate, however the GDP in 2008 was still 80% of the level of twenty years before¹¹⁷.

| Period | Import | Export | Trade Balance | The coverage exports imports |
|--------|-----------|----------|---------------|------------------------------|
| 2005 | 11.324,61 | 3.837,10 | -7.487,51 | 33,88% |
| 2006 | 11.240,89 | 5.271,01 | -5.969,88 | 46,89% |
| 2007 | 13.633,30 | 6.073,53 | -7.559,77 | 44,55% |
| 2008 | 15.930,55 | 6.847,32 | -9.085,22 | 42,98% |

The indicators of foreign trade of BiH under the general system of trade in the period from 2005-2008, expressed in millions of KM¹¹⁸

Only in January 2013 exports amounted to 607 million KM, which is 8.4% higher than In January 2012, while imports amounted to 1 billion 21 million KM, which is 2.3% more than in January last year. The coverage of imports by exports amounted 59.4%, while foreign trade deficit amounted to 414 million¹¹⁹. The Foreign investments on a global level decreased and the biggest decline of FDI inflow is recorded in the EU. In Southeast Europe the amount of FDI is almost halved, primarily as a result of reduction in investment from EU countries, which are faced with the consequences of the economic crisis. Till the December 2012 FDI amounted 5.6 billion of euro.

The Representatives of Chambers of Commerce of Croatia, Serbia, Montenegro, Macedonia, Kosovo, Albania, Moldova, Turkey, Bulgaria, Greece,

¹¹⁶General Directorate for Economic and Financial Affairs of EU

¹¹⁷The Council of Ministers of BiH, Directorate for Economic Planning of BiH, Ekonomski trendovi u 2010

¹¹⁸Statistics, The Indirect Taxation Authority of BiH

¹¹⁹BiH foreign trade in goods, First Release, Agency for Statistics of BiH

Germany, as well as representatives of the Regional Cooperation Council and CEFTA Secretariat meet to inform the regional companies about the advantages and disadvantages of CEFTA as well as to support partners in their efforts to encourage politicians to fulfill promises regarding the CEFTA. Still the problems exist in the areas of agriculture, questions of the origin of the goods and service sector, and that it should be elaborated in a three-year plan of the tasks and goals for each chamber. In the development phase 2013-16 The Chamber of Commerce of BiH will focus on harmonization of regulations in the area of food safety, service and transportation. The current CEFTA projects focused on removal of tariff and non-tariff barriers existing despite the fact that already CEFTA established trade rules which are based on the WTO. The heavy condition for BiH is that CEFTA countries do not recognized laboratory findings from on certification of products from BiH.

The scope of the budgetary support operation planned by the World Bank has been narrowed due to the slow implementation and lack of tangible outcomes of legislated reforms in the area of cash transfers. A loan totalling €100 million under the EU macro-financial assistance instrument has been disbursed in two equal tranches in February and September, respectively, after a delay of one year and following a satisfactory compliance with the attached economic policy conditions. In January 2013, the authorities submitted their seventh Economic and Fiscal Programme, covering the period 2013-2015, which foresees gradual economic recovery and simultaneous fiscal consolidation. Its macroeconomic scenario appears optimistic, while the fiscal and structural reform strategies remain fragmented and do not present a coherent nation-wide formulation of economic and fiscal policies. Overall, despite some slight improvement, the consensus on economic and fiscal policy essentials remains weak¹²⁰.

The report "Doing Business 2012" drawn up by World Bank says that BiH was ranked to 125 places among 183 countries. Nowadays the *World Bank* tries to bring 12 projects with amount of \$ 302, 30 mill. to the table. The *European Bank for Reconstruction and Development (EBRD)* approved 87 projects of €

¹²⁰Progress Report on Bosnia and Herzegovina, Enlargement Strategy and Main Challenges 2013-2014, the Commission Communication to the European Parliament and the Council, see on http://ec.europa.eu/enlargement/pdf/key_documents/2013/

1.321 billion with intention to support the small and medium-sized businesses, the modernization of infrastructure and to the energy sector. The support to the SMEs occurred through the loans of local banks companies leasing and other financial institutions. The Western Balkans Local Enterprise Facility is managed by the EBRD and co-financed also by the Italian government. The EBRD has published the "Strategy for Bosnia and Herzegovina" destined to regulate the economic activities over the period 2010-2013. In particular, the Strategy sets out in sectors of infrastructure and energy priority ones. In particular, the Bank supports the construction of new and rehabilitation of existing infrastructure with a more relevant involvement of the private sector through public private partnership projects. The *Instrument of Western Balkans Sustainable Energy Facilities* provides the support for energy efficiency and better use of existing services for small projects enhancing the renewable energy projects.

The large corporations are the biggest problem and as it seems there is no way out. The only thing you can do is to join NATO, which leads to political safety and thus to the foreign investments. All developing countries are colonies of large corporations, banks and credit agencies. For now, the economic experts do not see a way out. The worship of international financial institutions is the only guarantee that the foreign capital could come to our economic market. Therefore, nothing is in our hands. There is no economic sovereignty and development strategy, we do not have the instruments of economic policy, nor do politicians provide it. We lost every economic theory of state and it became corporation politics which is irrelevant to the macroeconomic policy. Center of economic power are the global corporations while the local corporations are destroyed. The concept is imposed from the outside and managed by big capital. This system will bring to the greater gap between the rich and poor people¹²¹.

The nationalist agendas present a challenge to democratic consolidation and more broadly to the county's economic and every other sustainability. It is not to expect to international community to appear as a lifeguard of economic flows in BiH. Also a civil society lacks the ability to curb the radicalization of the political space, and at the end again the control stick is in the hand of political leaders and their wiliness to win the next 4 years mandate. However, the election resulted in no radical change in terms of the main players on the political scene.

¹²¹The contemplation review of prof. D., Stojanov, an interview in Sarajevo, promotion of a book: *The Economic Crisis and the Crisis of Economic Science*

Only it remains on the citizens to find a way of political and economic transformation towards a democratic agenda.

4.4 Membership action plan (MAP)

Since gaining independence, BiH has signed several international agreements and participated in international forums, and served as a non-permanent member of the United Nations Security Council for the period 2010-2011. Since April 2010 is a candidate for NATO membership. Bosnia and Herzegovina participates in the program since 2006 through Partnership for Peace (PfP). During the summit in Tallinn held in April 2010 NATO foreign ministers agreed to grant a Membership Action Plan (MAP) to BiH. The launch of the MAP is conditioned by certain requirements relating to heritage of Military real estate, and thus the heritage of state of BiH.

The BiH state still lacks exclusive monopoly over the use of force on its territory. Competencies in this area are divided among different levels of government (state, entity and cantons within the Federation of Bosnia and Herzegovina (FBiH) and Serb Republic. However, a single professional army with unified command structures was created through a long reform process but more successful than many other reform in BiH. This reform process is conditional to join NATO¹²². This decision was based on a number of conditions being met like i.e. the destruction of remaining arms and ammunition, the contribution of BiH professional army troops to the NATO mission in Afghanistan.

Still the condition upon the military real estate legal registration remains. The legal property over the military assets has no still the state Ministry of Defense as one of nine main ministries of the state governance (council of Ministers). The harmonization of entity laws will take 63 military locations in registration as a property of BiH which will remove a big obstacle towards NATO membership. The Law on state property of BiH is in conformity with the decision of the

¹²²North Atlantic Treaty, Washington DC, 1949 in Art. 1, The Parties undertake as it is set out in the Charter of the United Nations, to settle any international dispute in which they may be involved by peaceful means in such a manner as not to endanger international peace, security and justice in their international relations from the threat refrain or use of force in any manner inconsistent with the purposes of the United Nations.

Constitutional Court of BiH and the opinion of the Venice Commission of the Council of Europe. The adoption of this law would provide the conditions for a secure future to BiH and its citizens. Those who live with the past events will probably try to stop this step forward having in mind the last military strikes which happened in BiH during the 1995 as an obstacle to a positive change in BiH.

The Partnership for Peace is a political and military NATO program aimed at creating trust between NATO and other European countries and the former Soviet Union, the establishment of mutual military cooperation and regional stability. The program is founded in 1994 after the fall of the Eastern bloc countries with the scope of governmental cooperation separately by each state Individual Partnership Program (IPP). It is manifested in a joint maneuvers meeting the NATO standards, in the procurement of military equipment or training of military officers of member countries even in non-member countries, also they can participate in peacekeeping missions. Every eventual threat or attack to a sovereignty of any of the signatory countries is defended through the organized consultations of NATO. However, the Partnership for Peace is an explicit alliance for defense and NATO member states can individually decide whether they send their troops in the military missions.

The all signatory countries of the document are obliged to respect the principles of the UN Charter and the Universal Declaration of Human Rights and to confirm their devotion to the Helsinki Final Act and other OSCE documents. In practical terms they assume responsibility together with the NATO to cooperate in the area of defense planning and in democratic control over the armed forces in peacekeeping operations. The most important political body within the organization's decision-making is the North Atlantic Council, which meets once a week at the level of Permanent representatives and at least twice a year at the level of Ministers of foreign affairs and defense. Also the Summits meet in intervals of two or three years at the level of Heads of State and Government chaired by the General Secretary. The launch of Partnership for Peace is not only a mechanism of cooperation but also strengthening political body between the partner countries and NATO. In case of need , in accordance with the NATO PfP framework document can advise on taking certain measures with any active

partner if the partner ahead of a direct threat to its territorial integrity , political independence or security. Ten countries that were members of the program have since joined NATO. The Partnership for Peace is a predecessor to enter the Alliance, but the member states are less interested in the membership of Pact.

The Euro-Atlantic Partnership Council as multilateral forum is created to improve relations between NATO and non-NATO countries in Europe and the parts of Asia on the European periphery also have a function in managing and observing the PfP. It is composed of 26 member states of NATO and the 23 member states of the Partnership for Peace. Bosnia and Herzegovina, Serbia and Montenegro joined to the Partnership for Peace Program in December 2006.

V Chapter: BiH TOWARDS EU INTEGRATION AND SUPRANATIONAL IDENTITY

5.1 Peacefull coexistance and sustainable development to the EU integration

South eastern Europa lost almost two decades behaind all others European countries in process of EU integration. The legal basis for enlargement policy is assumed in Article 49. of Treaty on European Union, as it fallowes: “any European state which respects the principles set out in Article 6 (1) may apply for membership in the Union¹²³. After the riotous in '80s and '90s, the leaders of 12 countries that made up the European Union at that time recognized the necessity of developing the formal instruments of foreign policy. The contract established the Common Foreign and Security Policy (CFSP) of the European Union, as one of the pillars of the European Union and the governments created joint decision making procedures on issues of international politics. The Council of Europe defines the principles of CFSP and the Council of Ministers make decisions on the basis of these principles.

The creation of the European External Action Service (EEAS) is one of the most significant changes introduced by the Treaty of Lisbon¹²⁴, which entered into

¹²³TEU-Treaty on European Union or Maastricht Treaty in 1992 defines a common foreign and security policy (CFSP). It is a continuation of the former European political cooperation that began in 1970 made formal in 1986 challenging on member states but still no formal consultation on matters of international policy.

¹²⁴Treaty of Lisbon (the Reform Treaty) amends the EU's two core treaties, the Treaty on European Union and the Treaty establishing the European Community signed on December

force on 1 December 2009 after having passed the ratification procedure of all Member States. The aim is to make the EU's external action more coherent and efficient, thereby increasing the European Union's influence in the world. The EEAS assists Catherine Ashton, High Representative of the Union for Foreign Affairs and Security Policy. The EEAS builds the network of 130 European Commission Delegations and Offices around the World¹²⁵. EU Delegation to BiH was established in 1996, then as the Delegation of the European Commission. The Treaty of Lisbon renamed it into the Delegation of the European Union to Bosnia and Herzegovina. The EU delegation performs the functions assigned to it by the founding acts including representing the interests of the European Union embodied in common EU policies such as the common foreign and security policy, common policy in the areas of trade, agriculture, fisheries, environmental protection, transportation and health protection.

Weak democratic institutions, political turmoil, unrest of people unsatisfied with economic situation, lack of implementation of the Sejdic-Finci (impossibility to protect the rights on equality and nondiscrimination) are just some of the challenges to BiH. Corruption and organized crime remains the biggest obstacle to the progress of BiH. Clear path to EU integration process is a more efficient administration, rule of law, administrative capacity, economic reform and social inclusion. The novelty of last EC Progress report on BiH in relation to those of previous years is the part that refers to Economic monitoring of candidates and potential candidates for EU membership. This monitoring provides hold ministerial meetings with the candidate countries and potential candidate countries where the country should justify the increasing changes in their economic and fiscal plans¹²⁶.

From other countries towards the EU, Serbia is Candidate country since March 2012 and EC acknowledged some progress. Report on Kosovo focused on the

2007. Latter it was renamed in the Treaty on the Functioning of the European Union. In addition, several Protocols and Declarations are attached to the Treaty.

¹²⁵See the brochure: Taking Europe to the World - 50 years of External Service, Catherine Ashton EU High Representative for Foreign Affairs and Security Policy and Vice President of the Commission, appointed five new Heads of European Union Delegations around the world: Eritrea, Egypt, Uzbekistan, Mali and South Sudan in 2011.

¹²⁶2012 Progress Report on BiH, Enlargement Strategy and main Challenges 2012-2013, European Commission

rule of law and the problem with corruption and organized crime. Positive development is recognized to Macedonia which has candidate status since 2005 and is waiting for the green light to open negotiations with the Council of Europe where member states are represented and which has the authority to make such a decision. Montenegro and Albania also have reasons for optimism. These countries acknowledges progress in all areas, the Commission specifically recognizes creation of political stability.

BiH is a member of the Council of Europe since April 24, 2002 and was a founding member of the Mediterranean Union upon its establishment on 13 July 2008. BiH started accession negotiations with the EU in November 2005 and potential candidate for membership. The huge support of the citizens of Bosnia and Herzegovina for membership in the EU has to be filled by political leaders in BiH, stated Commissioner of EU for an enlargement process, Fule.

The Nobel Committee favoured EU with a Nobel Prize for Peace in 2012 and stated that EU contributes to the peace and reconciliation, democracy and human rights for over six decades. Also some international organizations have won the prize in the past, i.e. the UN in 2001. The amount of money shared by EU institutions could be a reminder for institutions and countries that there are people who paid an exceptional price for peace and human rights what is at the end of the day the main scope of EU. It is still for the greatest goal of humanity.

5.2 What does EU bring to Bosnia and Herzegovina?

-BiH accession to European Union will close the process of state-building, as the member of European community BiH will become a partner with other state powers that during the XIX and XX century ruled over Bosnia.

-Peace and Security for BiH as for its neighbors as a member of NATO, economic, social and cultural integration, the free movement of the people, capital and market economy considering that on human rights and freedoms can be any limit except excerpt by rights and freedoms of other people.

-Late suspension of supervision to the Brčko District could represent an important step for the Constitutional Court of BiH to provide legal precedent and gave guidelines for the solution of state and military property¹²⁷.

BiH share two-thirds of its state border with the EU after the entrance of Croatia on July 1, 2013. The accession of Croatia to EU has a positive effect on the whole region regarding the free market challenges that will come especially in the field of foreign trade considering the BiH's difficulties in a field of exports of animal products. There will be no export of these products to Croatia if the country does not receive certificates that the rules on food safety are fully harmonized with those of EU¹²⁸. The conference "Open Days of the European cities and regions" was dedicated to the consequences of Croatian accession to the EU in organization of Canton Sarajevo brought more information. Canton Sarajevo is more developed region than the others in BiH and its development strategy contains a special chapter based on regional cooperation, thus is an agent for regional and neighboring policy. It is important to accentuate that Sarajevo is a capital city with faster after war economic development and thus more advanced in planning and organization than the others cities and Cantons of BiH. Sarajevo Canton enhances its cooperation with partner regions for further prosperity in their mutual economic dependence and it is a good example of regional cooperation¹²⁹.

The EU Special Representative in Bosnia and Herzegovina and the Chief of Delegation of EU to BiH, P. Sorensen with the support of the Swedish Embassy to BiH and Swedish Development Agency (SIDA) made a great effort on strengthening the civil society sector in BiH. The association "Vesta" is in charge of implementation of redesigned network of associations of civil society "Citizens for Europe"¹³⁰. It aims to contribute to a stronger voice of civil society in European integration of Bosnia and Herzegovina, which gathers 63 non-

¹²⁷ The five objectives and two conditions set by the Peace Implementation Council (PIC)

¹²⁸ Kukan, E., Chairman of the Delegation of the European Parliament for South East Europe and Paola Pamplona, head of unit for the BiH Directorate for Enlargement of the European Commission.

¹²⁹ Kacin, J., The Deputy Chairman of the European Parliament's delegation for relations with Albania, Bosnia and Herzegovina, Serbia, Montenegro and Kosovo.

¹³⁰ Citizens for Europa, see on: www.gradjanizaeuropu.ba

governmental organizations and other organization of civil society to study, to formulate and to promote policy recommendations in the sectors of energy and environment, labor and employment, rural development and agriculture.

Statistical dates about citizens support to EU integration:

- Eight out of ten of BiH citizens support EU accession of BiH. One third of the RS does not support accession. No significant changes in relation to the 2012;
- The vast majority of the citizens of Bosnia and Herzegovina has a positive view of the EU. The comparison of the results by entity, significantly larger number of citizens of the RS (slightly more than 1/3), which have a negative opinion about the EU;
- "Creating more and better jobs is the biggest advantage that EU membership will bring" is the opinion of the majority of citizens;
- Higher cost of living and higher taxes are perceived as the biggest disadvantages of EU membership;
- The fight against corruption is most in need of reform to citizens. The significance of these reforms has increased from 41% to 50 % in the past year;
- Constitutional reform is perceived more significant in the FBiH than in the RS;
- Almost every other citizen of the BiH see Council of Ministers of BiH as the driving force behind the country's integration into the EU;
- Citizens of RS see its entity government as the driving force of integration in the EU compared to the citizens of the Federation of BiH, who emphasize the role of BiH's Parliamentary Assembly;
- Every second citizen of BiH has heard for the Directorate for European Integration of BiH. No increase dates in recognition of the Directorate among citizens over the previous year;
- Citizens see the monitoring of the obligations implementation of BiH for accession to EU as the main role of the Directorate for European Integration;

- Two-thirds of people are interested in topics of European integration through the media consumption. Associating the results of the entities, there is less interest in the issues of EU integration in the RS;
- TV and the Internet are the most common sources of information related to European integration.¹³¹

5.3 Instrument for Pre-accession assistance

Within the Instrument for Pre-Accession Assistance (IPA) there are many opportunities for further supporting of reforms in BiH. This requires further investment in institutional capacity building and development of human capital. It is a necessary step in order to avoid further delays in application for a second financial tranche of Monetary fund. The International Monetary Fund (IMF) already postponed second tranche for BiH around 96 million euros what should not happen in the future. Council of EU and IPA Program Instrument launched project proposal for period 2007-2013. The main objectives of the program are to assist candidate countries and potential candidate countries in the harmonization of national legislation and implementation of the Community acquis (acquis communautaire) and to prepare these countries for next procedure of the structural and cohesion funds. The Directory of EU integration of BiH and the Central Office for Development Strategy and Coordination of EU Funds are responsible for the overall coordination and preparation of the implementation of IPA funds in BiH. The EU Delegation in BiH is a main contractor for BiH's side in negotiation with European Aid funds of Financial Assistance: IPA, EIDHR, EU (ex-Community Programs), CARDS, Other EU Instruments open for BiH (TAIEX, P2P, LAF, IFS)

IPA program is manifested through the implementation of five components:

- Transition assistance and institution building
- Cross-border cooperation
- Regional Development

¹³¹ Last Public opinion survey by Ipsos public affairs

- Human Resources Development
- Rural Development

Rural development makes special chapter in the IPA. It prepares activities for access to the common agricultural policy (CAP). It is the predecessor of the agricultural funds and it will be operative after the accession to EU. Potential beneficiaries are local governments, farms and other private individuals and legal bodies. The fact is that 60% of the population of 28 EU countries live in rural areas, it is clear why rural development policy is one of vital importance. It is performed through three basic fields:

- Improving market efficiency and implementation of Community standards,
- Preparative work for the implementation of agricultural and environmental measures according to Strategies of local development,
- Development of the rural economy.

Agricultural reform is necessary in Bosnia (70% of population of Bosnia is rural). The authorities was invested in infrastructure of roads during last 20 years, so villages are easily accessible from bigerr cities and settled along main roads and rivers e.g. is a densely populated Una-Sana Canton. Still agriculture remains an important activity in BiH. Family holdings are small and do not ensure full employment in the basic household. There is scarce level of quality of life and cultutal standards especially in marginal areas and not necessary rural. Problem of agrarian depopulation is obvios coused by internal and external urban migration and mostly to the West European states.

The Common agricultural policy (CAP) of the European Economic Community (EEC) began in 1958 with foundation of common fund to subsidize agricultural production. The Mansholt Plan of agricultural restructuring "Green Europe" resulted in decreasing number of farmers. It reduced the use of agricultural land to 5 million ha or 7% of all agricultural land in Europe, huge number of other small farmers barely survives, still the number of farms above 50ha increased. Declaration of Cork in 1996 defined the rural development policy. The emphasis is on „bottom up“ participation and access to the funds that will activate

creativity and solidarity of rural communities¹³². The socio-economic issue of rural population is on agenda with the new economic and social cohesion, adaptation of actual policies of agriculture to market situation and in the same time demanding protection of natural environment and conservation of natural resources. Seeing from outside some would say that CAP provides various forms to help farmers and small family farms, although the great part of family farms is dissolved after the entrance of Slovenia in EU because of emphasized competitiveness.

Human capital development is a special component within the instrument for Pre-Accession Assistance offering opportunities for the variety of new and different facilities and services especially in a field for touristic development with emphasis on education and training of people. The specific institutional arrangements in BiH require that all key policy makers and institutions including civil society are involved in the IPA programs. Although this requires further investment in institutional capacity building as necessary step in order to avoid further delays in reform process.

The recommendations and analyses in human capital development:

-it is necessary to develop the European dimension in education through teaching and popularizing the language of the Member States and encouraging mobility of students and teachers. To ensure the academic recognition of diplomas and periods of study abroad, to promote cooperation between educational systems, to encourage youth exchanges and exchanges of socio-pedagogical staff and even further development of distance education truly determined to become knowledge society.

-to update country intelligence and to provide an input assistance for BiH's active progress towards future better management and consumption of EU funds, (especially second IPA 2013-2020) as well as to strength state

¹³² „SAPARD“ Special Accession Program for Agriculture and Rural Development is a special adhesion program for the development of agriculture and rural area development in the EU candidate countries.

stakeholders by creating operational links between the local and stakeholders of IPA funds aiming further development in special sectors,

-capacity building support will enhance economic, political and social development in accordance with Copenhagen criteria and Education and training support under the EC instruction. It includes to be updated with major EU instruments such as the Common quality assurance framework, the European qualifications framework, Education and training 2010 benchmarks and indicators (European Centre for development of vocational training), teacher training and entrepreneurial learning, etc.

-to provide policy monitoring in the education and training sector and employment policies and link it with the on-going implementation of BiH strategies and EC human capital development in sectorial programs,

-to facilitate the development of instruments and tools for programming, implementing and monitoring adult learning and social inclusion in education provide policy analyses and advice in human capital development with regard to identified policy issues which will result in improved policy implementation and planning for IPA programming;

-assure better instruction in adult learning through instruments and tools development, than rigorous evaluation of programs and monitoring of their implementation enhancing the social inclusion.

A Regional cooperation is an essential element of European integration since its beginning and the first economic community of the European association for coal in steel till today's EU. The framework of European regional development within their financial infrastructure also give a support to the local initiatives in field of technology, roads and telecommunications. A common requirements of regional cooperation are settled in the Stabilization and association agreement (SAA) and also in state's bilateral agreements with the European Union as a prerequisite for further development of mutual relations between the signatory countries and the EU. It is an essential instrument of economic and social stability of Europe. Regional cooperation for the countries: Albania, Montenegro, Bosnia and Herzegovina, Croatia, Macedonia, Serbia and

Kosovo¹³³ as actors of stabilization and association process is one of the key conditions of their integration in the EU. In accordance with the conclusions of the European Council of Santa Maria de Feira in 2000, The Western Balkan countries were asked to conclude mutual agreements or conventions on regional cooperation. Summit in Zagreb 2000 gave a key stamp to the regional cooperation to where the Western Balkan leaders guaranteed to sign further agreements on bilateral and regional cooperation. These agreements include mutual political dialogue, free trade area and cooperation in the field of justice and home affairs, joint fighting against organized crime, corruption and any other illegal acts including illegal cross-border trade.

5.4 Crossborder cooperation programe BiH/Croatia

The definition of transfrontier cooperation is assumed in the European Outline Convention on Transfrontier Cooperation between Territorial Communities or Authorities, also called Madrid Convention. According to the art. 2 of the Convention, the transfrontier cooperation means any concerted action designed to reinforce and foster neighbourly relations between territorial communities or authorities within the jurisdiction of two or more contracting parties and the conclusion of any agreement and arrangement necessary for this purpose¹³⁴. The convention was adopted by the Council of Europe on May 21, 1980 in Madrid. Additional Protocol in 1995 supplemented the Convention with provisions enabling local and regional authorities with competencies to settle transfrontier collaboration.

Border region is a territory placed on one side of a frontier. A transfrontier region is a territory which is contained in one or more countries located on both sides of a frontier. Finally an euroregion is the highest and formalised structure of cooperation between territorial or local authorities and with a participation of

¹³³Under the UNSCR 1244/99

¹³⁴European Outline Convention on Transfrontier Cooperation between Territorial Communities or Authorities
<http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?CL=ENG&NT=106>

trade and industry or social partners. With the aim to encourage the creation of cross-border networks and partnerships, to encourage the development of joint cross-border activities with a view to revitalizing the economy, protecting nature and the environment and increasing social cohesion of the programming area European Commission launched third call for proposals of CBC BiH/HR.

Within the framework of the second IPA Component (in total 4 components) called Crossborder cooperation (CBC) BiH is participating in six programmes: three Bilateral crossborder cooperation programmes with Croatia, with Serbia and Montenegro, the crossborder cooperation programme with Member States IPA Adriatic Programme, and two programmes of transnational cooperation South East Europe Program(SEE) and Mediterranean Program (MED). All programmes are implemented through grant schemes and the calls for submission of project proposals. Activities related to the implementation of the programmes of cross border/transnational cooperation in BiH are in the competence of the Directorate for European Integration, Sector for Coordination of the EU Assistance Programmes, Department for Crossborder Cooperation through International and Special EU Assistance Programmes.

Agency for Regional Development of Republic of Croatia and the European Union Delegation to Bosnia and Herzegovina launched third call for proposals within IPA Cross-border Program Croatia-Bosnia/Herzegovina 2007-2013¹³⁵. Under this Call for Proposals an amount of 3.822.090,56 € is available for project proposals from both partner Countries (1.800.000,00€ for Croatia and 2.022.090,56€ for Bosnia and Herzegovina).

The programme area of the CBP Croatia/Bosnia and Herzegovina is composed by the “eligible” and “adjacent” areas.

¹³⁵ Calls for proposals & Procurement notices, Precession countries Bosnia and Herzegovina Europeaid, see on: <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome&nbPubliList=15&orderBy=upd&orderByad=Desc&searchtype=AS&pgm=7573840&ZGEO=35368&debpub=&finpub=>

| CROATIA | | |
|--|----------------------|----------------------|
| | Eligible area | Adjacent area |
| Vukovarsko-Srijemska County | ✓ | |
| Brodsko-Posavska County | ✓ | |
| Sisačko-Moslavačka County | ✓ | |
| Karlovačka County | ✓ | |
| Ličko-Senjska County | ✓ | |
| Zadarska County | ✓ | |
| Šibensko-Kninska County | ✓ | |
| Splitsko-Dalmatinska County | ✓ | |
| Dubrovačko-Neretvanska County | ✓ | |
| Osječko-Baranjska County | | ✓ |
| Požeško-Slavonska County | | ✓ |
| Zagrebačka County | | ✓ |
| Bjelovarsko-Bilogorska County | | ✓ |
| Primorsko-Goranska County | | ✓ |
| BOSNIA AND HERZEGOVINA | | |
| Eligible area | | |
| <p>North-East: Bijeljina, Teočak, Ugljevik, Lopare, Tuzla, Lukavac, Čelić, Brčko Distrikt BiH, Srebrenik, Petrovo, Gračanica, Doboj Istok, Gradačac, Pelagićevo, Donji Žabar, Orašje, Domaljevac-Šamac, Šamac, Modriča, Vukosavlje, Odžak, Bosanski Brod, Srebrenica, Bratunac, Milići, Han-Pijesak, Vlasenica, Kladanj, Šekovići, Kalesija Osmaci, Zvornik, Banovići, Živinice, Sapna.</p> | | |

North-West: Prnjavor, Srbac, Laktaši, Čelinac, Kotor Varoš, Skender Vakuf/Kneževo, Dobretići, Šipovo, Jajce, Jezero, Mrkonjić Grad, Banja Luka, Bosanska Gradiška, Bosanska Dubica, Prijedor, Oštra Luka, Sanski Most, Ključ, Ključ/Ribnik, Mrkonjić Grad/Vlasinje, Glamoč, Bosansko Grahovo, Drvar, Istočni Drvar, Petrovac-Drinić, Bosanski Petrovac, Bosanska Krupa, Krupa na Uni, Novi Grad, Kostajnica, Bužim, Velika Kladaša, Cazin, Bihać, Doboj, Derвента.

Herzegovina: Prozor/Rama, Konjic, Nevesinje, Gacko, Bileća, Trebinje, Ravno, Ljubinje, Berkovići, Mostar, Jablanica, Kupres, Kupres (RS), Tomislavgrad, Posušje, Široki Brijeg, Čitluk, Stolac, Neum, Čapljina, Ljubuški, Grude, Livno, Istočni Mostar.

Adjacent area

Central BiH (16 municipalities): Doboj Jug, Kakanj, Maglaj, Tešanj, Usora, Zavidovići, Zenica, Žepče, Bugojno, Busovača, Donji Vakuf, Gornji Vakuf-Uskoplje, Novi Travnik, Travnik, Vitez and Teslić.

All municipalities that are part of the below mentioned regions (North-East, North-West, Herzegovina) are eligible even if they are not explicitly listed¹³⁶.

5.4.1 Examples of good crossborder practice in Una-Sana Canton implemented by Development agencies and local governments

The economy holders in the area are micro enterprises which came up to nine employees. In recent years the USC comes to a reduction of business activity resulting in the closure of businesses and crafts and a reduction in investment activities. The last Draft of Strategy for Integrated Development of Una-Sana Canton 2014-2020¹³⁷ states that an investment potential is in household's savings deposited in banks and the insufficiently used income of the diaspora. Development Agency of the Una-Sana Canton (RAUSKA) in cooperation with the project partners of Croatia and BiH nominated 10 project proposals in 2013.

¹³⁶ Guidelines for grant applicants, Cross-Border Programme Croatia-Bosnia and Herzegovina 2007-2013 IPA Component II – Cross-Border Cooperation, Development and Cooperation-Europeaid, http://ec.europa.eu/europeaid/index_fr.htm

¹³⁷ Development Agency of USK, The Strategy for Integrated Development of Una-Sana Canton 2014-2020, see on: <http://www.rausk.ba/wp-content/uploads/2014/02/Integrirana-Strategija-razvoja-USK-2014-2020-17.01.2014.-Nacrt.pdf>, last access 14.03.2014

Priorities of public calls were to form a common economic space between Croatia and BiH in order to improve the quality of life in the border region of USC. RAUSKA nominated projects for the development of joint tourist offers, entrepreneurship development in the border area, and the protection of nature and environment. The average value of a single project proposal is € 400,000 means a 200,000 euros for each side.

1. “Una-the source of life” (Martin Brod)

The project “Una, the source of life” in two years enriched the tourist offer in Una-Sana Canton. Una is a river that much of its course separates Bosnia and Croatia. Name Una derives from the Latin word (“Una, la unicca”-One and the only one). Martin Brod is a small village located in the municipality of Bihać with forest surroundings, before the war it was part of municipality of Drvar. A great part of touristic infrastructure and prospective is developed lately through projects of CBC BiH/Croatia. This project enriched the tourist offer of the upper stream of river Una in Croatia, the spectacular waterfalls in Martin Brod and the reconstruction of historical town of Ostrovica within the Bosnian side of the border. Spectacular waterfall of the river Unac are at the verge of the new established Una National Park at Bihac which cooperates also with Croatian National Park “Plitvice”. In cooperation with the Zadar County and National Park of “Plitvice” we have the opportunity to learn the positive and negative experiences that we intend to use for the development of our National park Una, since also these two Parks are near one to another.¹³⁸ Zbog waterfalls at Uni, Martin Brod some might call the most beautiful village in Bosnia and Herzegovina. The river Una offers unforgettable rafting or kayak descent down to the water rapids and cave diving. The rivers Una and Klokot are a real challenge for sport fishing. After Dayton, the Croatian police left Martin Brod, and local people are starting to come back home. However, a lot of the houses are empty or abandoned. The greatest *benefit* of the project will have the locals within Martin Brod and people around the spring of Una in Croatia through visible results in terms of increased income of tourism. Una, the source of life is

¹³⁸ Dinka Majanović, Director of the Development Agency “PLOD” Bihać.

IPA projects financed in the amount of 420,000 euros. An amount of 320000 euros is an effort of European Commission and 100000 of Municipality of Bihać.

2. „On the frontiers of empire“ (Bosanski Petrovac)

„Back2History to bridge borders of empires for common future" is a name of project signed by Sisačko-Moslovačka County and District Brčko with other partners. The Agreement on behalf of the Sisačko-Moslovačka County signed Deputy Prefect Andrija Rudić and the Mayor of Ključ Osman Cehajić, Mayor of Tešanj Fuad Sišić, Mayor of Bosanski Petrovac Ermin Hajder, representative of Bosanska Krupa Esmā Hergić and other partners in the presence of the Chief of the Administrative Department for Management of Accession funds and Incentives Tatjana Puškaric.¹³⁹ The project contributed to enhance cross border development of joint tourism products in the border areas through the establishment of basic tourism infrastructure along the fortifications and historic towns in the border area. In that line the aim is to increase the capacity of human resources through training on development of cultural tourism and to heighten the awareness and information about the protection of historic heritage, to certify and to train a larger number of people for tourist guides.

Through a series of activities such as reconstruction and renovation of old towns and historic cultural buildings lighting and production project: to repair an old town in Kostajnica with furniture and equipment for Tabor tower, to repair the walls of the old town of Bosanska Krupa; reconstruction of access road and the casemates of the old town in Tešanj, setting up lighting and procurement of furniture and equipment "Eminagića Konak" of Tešanj, and to decorate the entrance of the museum "Jovan Bijelić" in Bosanski Petrovac), furthermore, set up tourist signaling for information and guidance to the cultural and historical buildings and monuments, equipment and establishment of workshops for the production of traditional items and souvenirs, the organization of training for the

¹³⁹ <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome>
Europe Aid, database
www.cbc-cro-bih.net CBC Program BiH/Hr
www.arr.hr www.mrrfeu.hr Ministry of Regional development and EU funds of RH
www.dei.gov.ba Directory for European Integration of BiH, last access:14.03.2014

production of traditional items and souvenirs, a public campaign to preserve and protect historical and cultural heritage in the border area, equipment and establishment cultural and tourist spot, monograph. To produce jointly new tourism products that bring prosperity to the inhabitants of the area, to strengthen their motivation for small entrepreneurial initiatives, and they once again convinced of the necessity of cooperation. The project last 24 months and the total planned cost of the project is 500,000 euros.

3. „Cr & BiH Joint Development Point“

Project proposal is presented by Municipality of Cazin. The holders of project are the Municipality of Cazin and the Development Agency Karlovac County „Karla doo.“ The partners on the project are: the Zadar County Development Agency, the Sisačko-Moslavačka County Development Agency, the Brod-Posavina County Development Agency, the Development Agency of Tesanj municipality, the Development Agency of municipality Prijedor, the Development Agency of Municipality Celinac, Municipality Livno, thr Fond of environmental protection and energy efficiency of RS, the Trade and Craft Chamber of Una-Sana Canton, Telecentre Prijedor. The aim of project is to create business connections and networks between the representatives of the business sector and support of institutions in HR–BiH cross-border area. In accordance with the Invitation project refers to the Priorities like the creation of a common economic space and promotion of entrepreneurship. Total value of the project is 508,000 euros.

4. „HERA projects“ Sustainable management of Adriatic heritage tourism

Among the projects whose implementation is underway is the HERA project, the Development Agency of the Una-Sana Canton implement joint cross-border project called "Sustainable management of Adriatic heritage tourism-HERA" together with 18 partners from 8 countries in the Adriatic region. The project aims to develop a common cross-border platform within the Adriatic area management and the promotion of sustainable tourism based on a common cultural heritage. As part of this project in the Una-Sana Canton will be restored old town Sokolac with all marketing work in order to form a platform for the development of tourism based on cultural heritage.

5. „Effective implementation of ethnic minority rights“ (State of Adriatic)

A simple project is funded by the IPA CBC Adriatic Sea 2007-2013. Project (March 2011 - February 2014) a new and ambitious initiative to gather to the table state of Adriatic aiming on secure and effective implementation of ethnic and historical minority rights. Balkans Immigration gradually leading to the consolidation of reality with numerically significant and sociologically relevant ethnic group, (example of the Albanian community emerging eg. in the Region of Abruzzo).

5.4.2 Elements and criteria of good practice

Here it is an imperative to mention two important documents for every policy and practice of CBC: The Cross-border Cooperation Toolkit prepared by Centre of Expertise for Local Government reform, Council of Europe in cooperation with Daniele Del Bianco and John Jackson, June 2012 and second one Manual on Removing Obstacles to CBC, ISIG- Institute for International Sociology, March 2013.

The examples of good practice of CBC BiH/Croatia in border region Una-Sana County had clearly identified the primary target group, stakeholders and the final beneficiaries. Projects offered good level of coordination and management. During the analysis of their project reports it was assessed that they had presented some level of monitoring and internal and external evaluation actions.

The absorption rate between indicates 77% and 98% what means that all this projects were successfully completed. This means that beneficiaries with their partners and associates have succeeded in procurement of implementation under the rules and procedures set by the EU. All projects have been cost-effective meaning that impact was created on a target group and the region with the relatively small financial investment on one side and strong possibilities for the multiplication on the other. Balance between different budget headings was also clear in each project meaning that there was a good ratio between internally assigned resources, outsourced services, workshops and supplies.

Funding support of the European Union intended to support CBC may be used only in relation to already published content, which is a logical response to the need to ensure external sources of funds. Therefore, it could be expected the transformation of cross-border cooperation along the Croatian-Bosnian and Herzegovinian border. But since it is the contents and participants who are part of the Euro-Regional cooperation and the necessity of carefully defining the position of the program content is the organizational structure in the structure of the Euro-Regional Cooperation „Danube-Drava-Sava“. The principle of integrity, cooperation requires that they be appropriately incorporated in Cooperation as a separate part of the program. Cross cutting forces- including gender balance, environmental and social concerns - were promoted and respected only to certain level and one can say that this is a main weakness of the presented projects.

Characteristics of good project:

| | |
|-----------------------|--|
| Efficiency | Projects were efficiently implemented meaning that they have produced expected results with implemented activities in defined time frame. By looking into procurement, quality of partnerships, reporting and visibility it was found that good projects have been reporting on their activities on time, showed good communication and problem solving abilities, had good visibility activities. |
| Effectiveness | Effectiveness - Good practice projects generated significant impact on the target group through smart project design, logical relation between activities, results, specific and overall objectives. In all ten projects activities were designed to address the problems of target group in the best possible way. |
| Relevance | Relevance - was demonstrated in these projects. They targeted a relevant sector including rural development, environment, economy, regional development, etc. and fostered cross-sector partnerships including NGOs, local governments, and businesses. They addressed a specific problem of the sector, and produced relevant outputs. |
| Sustainability | Sustainability – Projects have produced lasting effects or some spill over effect in the further of the projects. Some projects addressed environmental risks; others laid the ground for further development actions. |

GENERAL CONCLUSIONS

*"Smart person lives in a place of a better life,
another less smart in the place of his birth"
peoples narrative*

All Bosniaks are Bosnians, while all Bosnians are not Bosniaks. Above that multiplied identity considered as a wealth of BiH is another and that is European because we are Europeans, "think big, life is an ocean". BiH is not unique case of multicultural state, but it owes some specificities. For a purpose of comparison example we could name some other states and their national identities e.g. in Great Britain (The United Kingdom of Great Britain and Northern Ireland) or Swiss Confederation (Confederation Helvetica), or Kingdom of Belgium or Spain.

To start from above, no one has right to take away someone's life no matter on any ideology. Ideology is present in everyday life and certainly it will never end, but always could be replaced for better one. People has right to change opinion to have a "second thoughts" on themselves but also on everything else. In next three years shall we think the same as today; certainly time concept is good indicator for certain historical events which brings conclusion about us but also about concepts in question.

The purpose of every human activity is a value: to contribute to human and social promotion, to bring interethnic integration and to fight for better quality of life. It is important to perceive people in their natural environment and to ask do they feel good even with that little they have. The strengths are in the making choices having opportunities for integration, for social aggregation and acceptance of information like a path to personal and collective success.

There is nothing wrong to stand its own identity and to fight for its survival. Our identity is not in contradiction in relation with viability of other subject's identity. We are open to choose to live together with others or to fight them. The opposite view of the natural concept of humanity is just a pure underlining of my own identity and in the same time denying the others. The national identity of people is not a legal contract that can be imposed by transcript and sealed, (although it possesses some reciprocity of rights and duties), still it does not mean that people should not work to improve its final product. Personal building our own individuality being helped by community and v.v. is performed in a two-way road relationship; how we perceive ourselves and/or how others perceive us can be fair and reciprocal but not necessarily. This two way road is an important one and it always leaves a space for a *second thought* and improvements.

The identity and *responsibility* concepts are distinct moral notions bat tightly interdependent through shared cultural duties and responsibilities aiming to social justice. The responsibility extends beyond the boundaries of national communities like patriots and compatriots do when they come in situation to fight "the foreign enemies and domestic traitors". Still not to forget that even patriotism challenges patriotism. It is first charity and necessary *possible* to comprehend otherness only if "I" had a chance to meet "them", to spend "my time" in their natural environment, to learn their language, to meet their freedom of speech and expression, their organization and associations.

Sooner or later, the everyday life of people takes the precedence over the general and political topics. The process of personal and ethnic reconciliation is connected to every other sphere of people's life. It comes from inside, it starts through way of living, truly better mode of *media education* and their

consumption, through better education and control of teachers and educators. Those who should be “primus inter partes” cannot be frozen in time and space; they enjoy more responsibility a front of their pupils, community and the whole society.

However, the notion of competitively ethnic is inevitable part of political culture. Our cultural and historical monuments present a cross-force of a previous and present time, the past and new regimes making a great part of living memory culture on good and bad things calling for the affiliations of people’s in/resistance. The settle of monuments at wrong place and in wrong time are just a remainder of human stupidity and maliciousness. The monuments for the future and greater goals are to be built, like those in the honor to EU.

An appeal to those who listen is not to be drawn into the trap of a great part of Bosnian politicians with nationalistic ideas and to insist on the abolition of inequalities. It is hard to not to fall under their excuse of the supposed ethnic equality (national protection through ethnic quotas) which introduce a new form of discrimination. People that are easy influenced by demagogy and thus not reliable agent of community are those that have attained something but obviously not enough in a certain political system seeing themselves as losing even that little under the new political system. Human rights and quality of life is directly influenced by ethno-nationalistic ideology. In the most cases of BiH’s society people are ready to leave the ethno-national society for better or “worse” life.

Excerpt of field work in Bosanski Petrovac¹⁴⁰

The Ottomans conquered the area and they organized kadiluk Novosel the area between 1520-30. Bosanski Petrovac is among younger urban settlements in the Bosanska Krajina (Border Region once part of Austria- Hungarian Military border called “Vojna Krajina”). City of Petrovac was built during Sultan Ahmed

¹⁴⁰The part of pre-war Municipality of Bosanski Petrovac became a Municipality of Petrovac governed by the RS Entity through Dayton peace accords. The Municipality Petrovac is borders the municipality of Bosanski Petrovac to the north and west and Ribnik, Istočni Drvar on the east and Drvar on the south.

III. After the Treaty of Karlovac (1699) provinces of Lika and Dalmatia fall under Austrian Empire so the people of Venetian Republic and the Bosnian Muslim population start to withdraw to the interior territory of Bosnian Pashaluk to Kulen Vakuf, Bjelaj, Bihac, Cazin and Bosanski Petrovac where they established the cities. The city was one fortress and a tower on the various floors, among the highest in the Krajina region. Petrovac fall under Austro-Hungarian occupation in 1878, and probably was destroyed during the 1905. Urban planning of city regulation had happened under Austro-Hungarian rule. During the Second World War in Bosanski Petrovac welcomed the First Congress of Antifascist Council of Women and the First Congress of Partisans of doctors¹⁴¹.

Bosanski Petrovac is a small town in Una-Sana County in the northwest of BiH. Petrovac developed agriculture and livestock. It is widespread on a huge area of free space, lately was engaged with new production projects of renewable energy. The place is mainly engaged in cattle breeding and enriched by products of wool and suitable for rural tourism with direct personal participation in rural lifestyle. In the border region of Bosanska Krajina are not reported migrations in terms of the interior parts of the country, mainly people are temporarily labor migrants to western countries. They have a specific mentality „Krajiski“ caused by heritage of the Military border region called „Vojna krajina“ as a ultimate external border of Ottoman empire for 400 years. Small villages surrounds B. Petrovac like Bjelaj, Bravsko, Smoljave, Krnjeuša and Vrtoče (with famous traditional rural household „Čardaklije“).

It is hard to talk about after war reconciliation process in this town. How to build or to reconstruct good neighboring policy, or what has been done during last 17 years? Peace agreement in 1995 divided it administratively by IEBL- inter-entity boundary line in two municipalities Bosanski Petrovac and Petrovac.

¹⁴¹There is honoring plate in Piazza Oberdan (Trieste) made to remember the heroic fight of Italian Captain Aldo Brandolini, who fought just in Bosanski Petrovac at Medeno Polje (eng. meadow). He was awarded for his bravery, because even badly wounded he managed to bring back the Italian flag. The battle took place in January 22, 1942 near to city of Petrovac. The remembrance plate had been made on initiative of war veterans and sustained by his daughter. Like it has been written: "M.O.V.M. Cap Aldo Brandolin has fulfilled his duty."

Numbers: According to the 1991 census the municipality of BP had a population of 15 621 including: 11,694 inhabitants or 74.86% Serbs; 3,288-21.04% Bosniaks; 48-0.30% Croats; 366-2.34% Yugoslavs; 225-1.44% others. Today Municipality of Bosanski Petrovac has 7 601 inhabitants, age structure: till 14 years 1289; between 15-65 years 4263; over 65 years 2049 inhabitants¹⁴².

The interviews conceived to Mayor of Petrovac Ermin Hajder, Milan Perčović, representative of an Serb Orthodox Church, Mujesira Kavaz director of Basic school in Petrovac, Miroslav Baronja Chief Officer in Police Station Petrovac and his deputy in charge Semsudin Dedic, Ilhana Halkic Chief of Department for administration of Ministry for Internal Affairs. The interviews done also with: Senad Sepić Deputy minister of civil affairs of BiH; Gunic- public servant in Directory for indirect taxes of BiH; S. Kaljiković Adviser of Mayor in Municipality of Cazin; Skrgic-Entrepreneur in S. Most; A. Tabakovic- Government of Una-Sana Canton, educational sector; PLOD Development Center; Una-Sana County development Agency. Public workers in National and University library of Bihac; Development Agency of Una-Sana Canton; ICEA; IPSIA; Oxfam Italia, Silvana Grispino, project coordinator on the Sustainable tourism and development. Students and children were open to talk, and the others were more careful to speak about some issues.

Draft Interview: October 2012, An example interview with Mayor of B. Petrovac, E. Hajder

1. How do you see the interethnic relations in your city: a human one to another?

I had the opportunity through the past 4 years as a mayor to see the progress in inter-ethnic relations among citizens. My perception about these relations is excellent, as long as the politics is not entangled. Honestly, I think the political parties make the largest and only problem in these relationships. Probably due to the fact that our Constitution treats the definition of constitutional, political representatives of the people, and the struggle for power in the legitimacy of the political parties has priority.

¹⁴² Federal Office of Statistics.

2. What do you think about other ethnicities in BiH and their relations to the nationality/citizenship question, of Bosnia and Herzegovina (multiple loyalties)?

There is a strong gap between ethnicity and citizenship because of the above fact. Politicians are grouping their own ethnic body for the sake of political goals, and that is the model of most political parties in BiH. If we talk about other ethnicities, automatically the question is do I have to belong to any of them just by inertia?

3. How often do you cross inter-entity boundary? What does it represents to you?

I cross it very often. It does represent nothing; do not recognize the nature of that border neither is a part of any definitions in my consciousness.

4. Your attitude towards inter-entity boundaries and people coexistence in the border region? The IEBL is considered as soft, filter, strong (obstacle), it should increase the control?

I had an excellent cooperation with a colleague of mine, Mayor of neighboring municipality of Drinić, entity of Republic of Srpska. The Municipality of Drinic was created after Dayton peace agreement and used to be an integral part of the municipality of Bosanski Petrovac before the war. I think that the line in the border area for a large population is more administrative obstacles. We could not organize a bus line approximately of 10 kilometers long away, because we needed approval two competent ministries in both entities.

5. What would it be the main reasons to change domicile/residence (household replacement)? Favorable housing/home, cheaper land, better job, education facilities, family connections, second listing?

Just a work and better education system for my child...

6. About what do you think crossing inter-entity border and state border?

It does not represent anything to me.

7. Your attitude towards the recent peace and tolerance awards granted to former president of Serbia Boris Tadic and Croatian President Stipe Mesic, and the EU Nobel Prize winner for 2012?

I believe that we are coming to the last stage of human evolution. Everything today has a connotation of interest, including these awards. I have nothing against the prize awarded those statesmen, but the prize awarded to any institution. It has been given to something what is a symbol of globalization and the world's superpowers attempt pandas (EU). I think that is a kind of devaluation of rewards. More power it shod be granted to human being. Always a man is as much creator as much tool for making things happen.

8. Do you agree to imminent accession of BiH to the EU integration? why /why not?

Yes. I consider it like the inevitability of improving living standards of our citizens. Basically it would mean certain real sheet (legal framework) that will be applied to everyone without exception. Although, I doubt that this will happen soon

9. How crossborder cooperation BiH/Hr contributes to the process of reconciliation among peoples of BiH and improves economic cooperation between the two states?

CBC contributes to better economic cooperation between the countries. In fact, peoples of BiH do not need some special measure to peaceful coexistence, they get used to it. Their political-ethnic firms (national parties) have not been never reconciled and not even think so.

10. Timetable of Monuments in your city, which remind on the events of previous war?

... it is just strange feature of confused society...

11. Your attitude about the educational system and pedagogical processes in schools?

Disaster! No country on earth has more ministers of education and complete in this area, and more confusing and diverse education. I feel the fear for my child.

12. The first narrative which reminds you of post-conflict reconciliation of peoples in BiH. What is missing in your city in the field of reconciliation? (cross-cutting forces of ethnicity and ...)?

Working places are missing...

13. Which national football team you are a fan of? Why?

BiH. Why? Ugh ... that's the problem of BiH. Not only that you ask me this question but also are constrained to ask why ...

Further Conclusions

| | |
|---------------------------------------|--|
| 1. | <ul style="list-style-type: none"> • Strictly individualistic relations • Bad Economic situation influence reconciliation of people • Individualistic relations, although the politics and media put the fire on • Progressive relations |
| 2. | <ul style="list-style-type: none"> • Nationalistic relation, only Bosniaks exercise BiH's citizenship • Economic situation bring negative attitude towards BiH's citizenship • Bosniaks certainly exercise BiH's citizenship without alternative, while the most of Croats have citizenship of Croatia and a smaller number of Serbs have Serbian citizenship but personally attached to Serbia, • Progressive promotion of BiH's citizenship |
| 3. | <ul style="list-style-type: none"> • No IEBL, crossing it very often, after the legal harmonization in the field of traffic and communication has no any function • No IEBL, crossing it every day maybe some unpleasant imagine exists to some people who cross the border rarely • No IEBL, it exists only in the minds of politicians from RS, the people who returned to live in the border are occupied by everyday life routine • IEBL presents an unnatural line that hinders the development of the country; it is constitutional category to be changed consensually. |
| 4. | <ul style="list-style-type: none"> • No border, but it is an administrative obstacle, • No border, once there was a white line on the road that traced the shift from one to another entity even that line does not exist any more • No border, just an everyday life • Soft, in accordance with the EU integration |
| Borders and Citizenship of BiH | |

Reconciliation

A project of good neighboring policy should include all communities. Still it cannot be expected that it will function like in some western countries where they developed state feature of Public private partnership (PPP), or an example of very closely joint activities between church and public administration. The American administration granted free visit for 6 Municipality Mayors from Una-Sana Canton, as they said to the most successful mayors, to USA in 2011 where they meet some examples of good neighboring policy.

The majority of the population wants to forget, they speak unwillingly about. The city deals with a relic of the past. Yet, the war criminals have not been prosecuted; already they left the area of Petrovac to the other friendly countries. Project of the State Commission on Reconciliation had been implemented in the time of Major Jeličić and people consider it not so successful. A majority of public workers only work in Bosanski Petrovac, while during weekends and holidays they are out of Bosanski Petrovac. "We had a very difficult time of disorientation and fear, when a man as the only rational being cannot achieve anything by common sense, because there are no orientation values. We spent some time in Germany as refugees, but it did not change anything. Our return home becomes again another nightmare. After some time spent at home, my neighbor was in the yard and the pictures of past returned. My father was killed in that yard and we could not do anything. We escaped, or they left as to live. We had always good relations even that day I did not expect something bad". (testimony) The memories live among residents and returnees in Petrovac. It is not possible to like someone "more than you own blood", but also neither to hate more. An evil is a betrayal or deviation of the human soul and human purpose. The greater emotional deficiency is, the grater evil. The lowest point to which humanity can fall is that of total absorption in evil. It grows up and has no limits; just few people are not already infected.

Education

At the elementary schools among young people which more or less were born during and after the war has no evidence of national or ethnic intolerance. Usually, the teenagers and young couples spend some of their time in the town park and they are more open to talk. Already at the start they are convinced that nothing will be changed and that no one can help to them. They never notice any kind of interethnic intolerance or high disagreements. They meet in a few coffee-bars and more or less those are always the same well-known bars. They want to study but somehow one wants to continue their studying in Novi Sad and the other in Sarajevo. Border migrations to Serbia or Croatia are welcomed. There is a school bus taking some children from the Bosanski Petrovac (7,964 inhabitants by the last preliminary 2013 census results) to the school in Petrovac (376 inhabitants) crossing the "inter entity boundary line" every day.

The teacher education and pedagogical process at school are enriched, border migrations are present only for people in their efforts to the better life, The information technologies brought people together. The traditional way of life is abandoned in its great part; still multicultural teaching is in the school books within the traditional educational settings and a great effort is on the question to implement that concept into practice.

Faith

"This diocese was completely gone in 1995, but thanks to murcy of God and the great effort of our priests and the people who returned to their homes it emerged again. Serbian nation strives to be people who will make happy our holy Sava and our ancestors", said vladika Hrizostom bishop of Diocese of Bihać-Petrovac during a interreligious meeting. The mufti of Bihać Makić and the guardian of temple (protorejer) Perković are determined to help people in their striving for better life and full respect and appreciation of every personal choice of people. Also the Serbian Patriarch Irinej is a welcomed guest in the Diocese of Bihać-Petrovac as district for wich is a bishop Hrizostom responsible.

A mono-faith country does not exist nowadays. Faith is considered to be a uniting reality although sometimes it does not function like this. The cultural

diversity comes together with the philosophy of relativity and objectivity in the area of values. What is considered good for one can be perceived as bad by the others. Also, an objective observation can be made by people's common values which can be easily admitted theoretically causing the difficulties as soon as it deals with one's individual values.

The right of liberal formation of religious and every other orientations is a fundamental human right. Every citizen has a right to express its religious affiliation through individual and global priority of building educated and emancipated citizens. The educational content of school programs and subjects (including ethics) is based on science and ir/relevant truth. Every dogmatism, populism designated in purpose to indoctrinate people and especially the youth is unacceptable in BiH. The personal formation is influenced by formal and nonformal instruction which regards their free and voluntary belief or disbelief. The personal faith and especially theology as a science in their correlation could be an engine for responsible people to make good reforms and positive environment, although hoping that the man will never seat on the throne of God.

TABLES AND MAPS



[Title: ILLYRICVM. Vienna, Vale, 25 October 1572, (Ioannes Sambucus greets his friend Ortelius). I'm sending a modest presentation, in which the necessary boundaries of Pannonia are being described, as well as the location of rivers and some places. Those provided by Hirschvogel had changed to those of Angelinus. I have added some features and have corrected some distances compared to those of Hirschvogel, which contain some mistakes; he can follow the truth with greater certainty, with an imperial and royal privilege]. Source: The Town Exhibition of geographical maps presented by Libreria Editrice Goriziana. Photographic reproduction done with approval of LEG.

Map 1.



Map 2.

After the forced withdrawal from Germany and Italy, the Austria-Ungarian emperor and his foreign policy adviser had chosen Southeast Europe as a new sphere of influence. A/U had occupied Bosnia so called annexation crisis of 1878 with the approval of the Congress of Berlin. “Eastern question”-Habsburgs were seen as enemies for many activists in Bosnia but later it was to notice dichotomy in their attitude towards Habsburgs. In addition, the monarchy appeared there in competition with Russia, which claimed to be the patron of all Slavs”. Source: Wikipedia



Map 3.

A general map of Socialist Federal Republic of Yugoslavia (SFRY) with state borders and borders of 6 Republics as it existed from 1941-1991. Socialist Federal Republic of Yugoslavia ("second Yugoslavia") is a state founded on 29 of November 1943 at the second session of AVNOJ in Jajce as a community of 5 people and 6 republics (Slovenia, Croatia, Bosnia and Herzegovina, Serbia, Montenegro and Macedonia), with its original name Democratic Federal Yugoslavia (DFY). The third session of AVNOJ adopted the name Federal Republic of Yugoslavia (FRY) on 29 of November 1945 in Belgrade, and finally was renamed in the Socialist Federal Republic of Yugoslavia (SFRY) on April 7, 1963. Source: Wikipedia, see also IBRU BOUNDARY AND SECURITY BULETIN, Winter 2000-2001, KLEMENCIC, M., The boundaries, internal order and identities of Bosnia and Herzegovina pg. 64



Map 4.

Usually this is a an example map mostly in use to show all ethnic colors of BiH, Source: Burg and Shoup, pg. 3

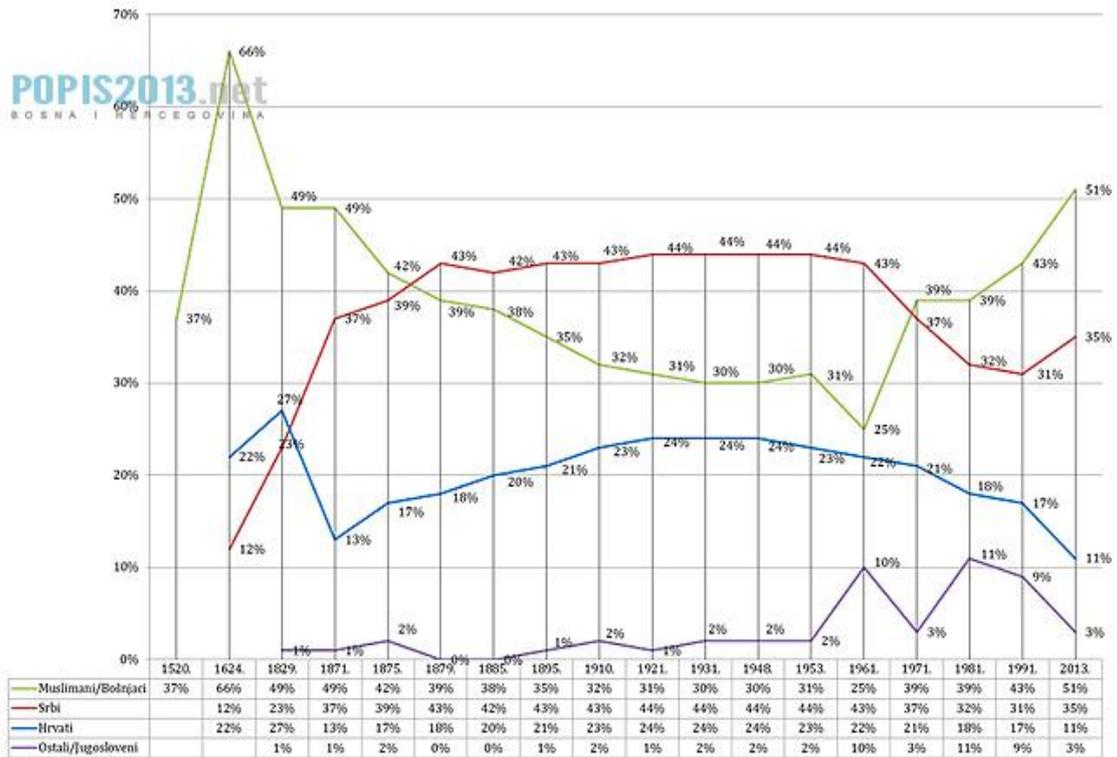


Table 1.

Population structure in BiH from 1520 to 2013, the 2013 population census demonstrated number of violations of the law and procedures so there is reason to believe that the new statistical data will not be realistic.

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