ATILIM UNIVERSITY
GRADUATE SCHOOL OF SOCIAL SCIENCES
DEPARTMENT OF INTERNATIONAL RELATIONS
INTERNATIONAL RELATIONS MASTER'S PROGRAMME

INTEGRATION OF BOSNIA AND HERZEGOVINA INTO THE EURO-ATLANTIC STRUCTURE

Master's Thesis

Netice Yalman

Ankara-2021

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Supervisor
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Ankara-2021

ACCEPTANCE AND APPROVAL

This is to certify that this thesis titled “Integration of Bosnia and Herzegovina into the Euro-Atlantic Structure” and prepared by Netice Yalman meets with the commitee’s approval unanimously as Master’s Thesis in the field of International Relations following the successful defense of the thesis conducted in 19.01.2021.

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Netice Yalman

ÖZ

Netice Yalman, “Bosna-Hersek’in Euro-Atlantic Yapısına Entegrasyonu,” Yüksek Lisans Tezi, Ankara, 2020.

Bu tez çalışmasının amacı, Bosna-Hersek’in (BiH)NATO ve AB kurumlarına entegrasyon sürecinin neden ilerleyemediğini, bu konudaki aşamaları ve zorlukları tarihsel süreç analizine dayalı olarak ortaya koyup analiz etmektir. Bu çalışmada nitel yöntem izlenmiştir. Tez çalışmasında 2011'den sonraki dönemde BiH'in Avrupa-Atlantik entegrasyonu konusunda yeterince tez yazılmamış sebebiyle, bu alandaki çalışmalara katkıda bulunmak amaçlanmıştır. İlaveten, BiH'in AB ve NATO üyelik süreci halihazırda güncel bir konudur. Öncelikle çalışmaya temel teşkil etmesi açısından Bosna-Hersek’in kısa bir tarihi ve Dayton Barış Antlaşması ile meydana gelen idari ve siyasi yapı incelenmiştir. Akabinde entegrasyon teorisi sınırlı kapsamda ele alınmış ve NATO ve AB’nin kuruluşu ve yapısı incelenmiştir. Bosna-Hersek’in Avrupa-Atlantik kurumlarına üyelik aşamaları, karşılaşılan sorunlar ve şu ana kadar gerçekleşmiş ve kendisinden beklenen reformlar, yasal düzenlemeler ortaya koyulmuştur. Nihayetinde BiH’in Euro-Atlantic entegrasyonuna ilişkin çabaları ve iradesi incelenmiştir. Tezin konusu, Bosna-Hersek’in dünyanın en karmaşık idari ve siyasi yapısına sahip olması ve etnik yapısının çeşitliliği sebebiyle, Avrupa-Atlantik kurumlarına entegrasyon sürecindeki zorlukların üstesinden gelme hususunda yeterli bir iradeye sahip olması ve bu iradenin uygulanabilirliğini kanıtlaması açısından üzerinde durulması gereken bir vakadır. Zira ülkede devlet inşası ve üye devlet inşası aynı anda gerçekleşmektedir. Ülke, karmaşık idari ve siyasi yapısı, siyasiler arasında ülkenin geleceği hakkında ortak bir anlayışın bulunmaması, uluslararası vesayet, ekonomi, seçim sisteminin ayrımcı olması ve anayasasındaki birtakım sorunlarla yüzyüzedir. Savaş sonrası dönemde ülkenin yapısının belirlenmesinin temeli olan etno-ulusal politikanın, devletçilik ve demokratikleşme için mücadele eden kırılgan bir ülkede başarılı olamayacağı değerlendirilmektedir. Entegrasyon teorisi çerçevesinde Avrupa-Atlantik üyeliği yeni bir karar verme mekanizmasını gerektirmektedir. Bu durumun, karar alma mekanizmasında zorluklar yaşayan BiH’in siyasi yapısının işlerlik kazanmasında önemli bir rol oynayacağı değerlendirilmektedir. NATO ve AB’nin, genel-geçer

yaklaşımlar yerine, ülkenin hassasiyetlerini dikkate alan etkili-özel stratejiler oluşturarak entegrasyon iradesini daha açık şekilde ortaya koyması, ülkede kalıcı istikrarın sağlanmasına da olumlu etki edebileceği değerlendirilmektedir.

Anahtar Sözcükler: Bosna, Hersek, NATO, AB, Entegrasyon

ABSTRACT

Netice Yalman, “Integration of Bosnia and Herzegovina into the Euro-Atlantic Structure,” MA Thesis, Ankara, 2020.

The aim of this thesis was to identify and analyze why the process of integration of Bosnia and Herzegovina into NATO and EU institutions has not progressed, and discuss the stages and challenges in this regard based on historical process analysis. In this study, the qualitative method was followed. Due to the fact that not enough dissertations were written on the Euro-Atlantic integration of BiH in the period after 2011, the dissertation was intended to contribute to the work in this area In addition, BiH's EU and NATO membership process is already a current issue. First, a brief history of BiH, and the administrative and political structure formed by the Dayton Peace Agreement were examined in order to serve as the basis for the study. After that, integration theory was discussed in a limited context and the establishment and structure of NATO and the EU. BiH's accession to Euro-Atlantic institutions, the problems encountered, and the reforms and legal arrangements that have thus far been realized and expected from it were identified. Eventually, BiH's and will for Euro-Atlantic integration were examined. The subject of the thesis was a case to be considered, because BiH has the most complex administrative and political structure in the world and, due to the diversity of its ethnic structure, has a sufficient will to overcome the difficulties in the process of integration into Euro-Atlantic institutions and proves the applicability. Because the state construction and member state construction take place simultaneously in the country. BiH faces a number of challenges: complex administrative and political structure, dilemmas in this structure, in the absence of a common understanding among politicians about the future of the country, the international patronage regime, economics, discriminatory electoral system, some problems in the Constitution. It is estimated that the ethno-national policy, which was the basis for determining the structure of the country in the post-war period, will not succeed in a fragile country struggling for statehood and democratization. Within the framework of integration theory, Euro-Atlantic membership requires a new decision-making mechanism. It is considered that this situation will play an important role in the functioning of the political structure of

BiH, which has difficulties in decision-making. It is considered that NATO and the EU, instead of general approaches, should create effective-specific strategies that take into account the sensitivities of the country and more clearly demonstrate the will for integration, so that they can also have a positive impact on ensuring permanent stability in BiH.

Key words: Bosnia, Herzegovina, NATO, EU, Integration

ACKNOWLEDGMENTS

This study was the product of an examination of why Bosnia and Herzegovina's accession process to the European Union and NATO cannot progress and the challenges faced by all parties. First, I would like to express my eternal gratitude to my valuable Thesis Advisor, Asst. Prof. Dr. Aslı Gülseven, for her valuable support, guidance, trust, and patience, and for motivating me by her kind approach throughout my work. I am grateful to my Dissertation Committee Members. At the same time, I would like to express my gratitude to all of the Lecturers of Atılım University. I also thank the Faculty Staff. I would like to express my gratitude to my dear friend Layla Ghalib, who has supported me, shared her valuable contributions with great patience, and helped me on every issue. I would like to express my sincere gratitude to all of my Colleagues, first of all, my dear Bosses, for the understanding and valuable support they have shown me both during the course phase and the thesis phase. I express my gratitude to all my friends who shared their views and thoughts with me on the various issues I wrote about in the dissertation, and enriched my dissertation by their suggestions and help. I want to thank all of the Bosnian people who inspired me to write this thesis and who desire to a live peaceful co-existence together despite their differences and believe in it. Finally, I would like to thank my family for their support and encouragement during my work.

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ABBREVIATIONS

BiH	Bosnia and Herzegovina
CoE	Council of Europe
CPY	Communist Party of Yugoslavia
CBBH	Central Bank of BiH
CEECs	Central and Eastern European countries
CFE	Adapted Conventional Armed Forces in Europe Treaty
CEFTA	Central European Free Trade Agreement
DPA	Dayton Peace Agreement
EU	European Union
ECHR	European Court of Human Rights
EUSR	EU Special Representative Office
ECSC	European Coal and Steel Community
EC	European Community
Euratom	European Atomic Energy Community
EUFOR	EU Force
EIB	European Investment Bank
EADRCC	Euro-Atlantic Disaster Response Coordination Centre
FAC	EU Foreign Affairs Council
FRY	Federal Republic of Yugoslavia
FPRY	Federal People's Republic of Yugoslavia
FBiH	Federation of Bosnia and Herzegovina
GDP	Gross Domestic Product
HR	High Representative
ISAF	International Security Assistance Force
ICTY	International Criminal Tribunal for the former Yugoslavia
IFRC	International Federation of Red Cross and Red Crescent Societies
IOM	International Organization for Migration
MAP	Membership Action Plan
NATO	North Atlantic Treaty Organization
OECD	Organization for European Co-operation and Development

OEEC	Organization for European Economic Cooperation
OHR	Office of the High Representative
OSCE	Organization for Security and Co-operation in Europe
OIC	Organisation of the Islamic Conference
PIC	Peace Implementation Council
PfP	Partnership for Peace
PARP	Participating in the Planning and Review Process
RSM	Resolute Support Mission
RS	Republika Srpska
RF	Russian Federation
SPS	Science for Peace and Security
SAP	Stabilisation and Association Process
SHAPE	Supreme Headquarters Allied Powers Europe
UNGA	United Nations General Assembly
UNHCR	United Nations High Commissioner for Refugees
UNSC	United Nations Security Council
USSR	Union of Soviet Socialist Republics
UN	United Nations
WEU	Western European Union

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In the memory of my deceased mother Melek Yalman

INTRODUCTION

The country of Bosnia and Herzegovina (BiH) is in Eastern Europe and in the Western Balkans. The line that descends from the east of Europe to the Adriatic and the Aegean is a place where migration, invasions, the struggles of great states, and ethnic and religious tensions can be seen throughout history. The country entered the twentieth century depending on the Hungarian Kingdom, the Ottoman state, and Austria-Hungary, respectively. This is a country where Catholic, Orthodox, and Muslim peoples have lived together as recognized entities for centuries, except for short periods. However, what brought BiH to the forefront in the last century is that it has been the node or focus of the resolution of crises in which a wide range of actors are involved, rather than its ethnic and folkloric characteristics.[1]

The so-called Eastern Question in European diplomacy is considered to have begun in Bosnia. After the First World War, the state established on these lands in 1918 was called Yugoslavia. During the Second World War, the armies of Germany, Italy, Hungary, and Bulgaria all occupied Yugoslavia. Immediately after the war, Josip Broz Tito, the wartime partisan head of the Communist Party, took over. The constitution adopted in 1946 established Yugoslavia, comprising Bosnia and Herzegovina, Croatia, Macedonia, Montenegro, Serbia, and Slovenia, thus consisting of six republics.[2] [3] Tito accepted the ideology of the communist regime in state administration. Nevertheless, he took an independent position against Communist

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[1] Sezgin, Esra. "Dayton Antlaşması Tarihi ve Günümüze Etkileri." *TUİÇ Akademi:* BALKAM-Balkan Araştırmaları Merkezi, 25 Jul. 2016, <https://www.tuicakademi.org/dayton-antlasmasi-tarihi-gunumuze-etkileri-2/>.14 Apr. 2020.

[2] Ibid

[3] Kosovo which was first divided between Serbia and Montenegro in 1913, was later divided into two parts: After World War II it was incorporated into the Kingdom of Serbs, Croats, and Slovenes (then called Yugoslavia). After World War II, Kosovo became part of the Socialist Federal Republic of Yugoslavia (S. F. R. Y.), and became an autonomous province of Serbia. The 1974 Yugoslav institution granted Kosovo (along with Vojvodina) the status of a socialist autonomous province within Serbia. Therefore, it had rights almost equal to those of the six constituents of the S.F.R.Y. In late 1998, Milosevic launched a military campaign that included widespread atrocities against civilians. In March June 1999, NATO military began aerial bombardment to stop the violence in Kosovo, and this continued from March until June. Milosevic was captured after 78 days of bombing. After that, the UN Security Council adopted Resolution 1244 (1999), which suspended Belgrade's administration over Kosovo and placed Kosovo under the administration of the United Nations Inter-administrative mission (UNMIK), and allowed a NATO peacekeeping force. The resolution also envisioned a political process designed to determine Kosovo's future status. Kosovo declared independence from Serbia on 17 February 2008. https://history.state.gov/countries/kosovo access date: 11 Mar.2020.

Soviet Russia and pursued a socialist policy different from that of the Soviet leader Stalin throughout his administration. Tito made Yugoslavia a Socialist Federal Republic in 1953.[4]

Tito, who was elected president for life in 1974, switched to a system of collective presidential administration as he died in 1980. The economic and political depression of 1989 led to the deterioration of relations between the republics of Croatia and Slovenia. In the same year, the renewal movements seen in the Eastern Bloc were also reflected in Yugoslavia, and, in 1990, the multi-party order was switched. The country was then torn apart with the results of civil war between the republics, beginning in 1991. With dissolution of the Eastern Bloc, the possibility of Federal Socialist Yugoslavia keeping its different ethnic groups together disappeared. Serbs did not participate in the 1992 referendum on secession from Yugoslavia, while 98% of Bosniaks and Croats voted affirmatively for independence. BiH subsequently declared its independence on the 5th of April. On April 7, 1992, both the European Community and the United States acknowledged BiH's identity as an independent state. Serbs, however, strongly opposed the independence movement led by Slovenes and Croats and boycotted the referendum, aiming instead to unite all Southern Slavs under Serbian leadership and create a Greater Serbia. The regional peace expected with the recognition of the independence of BiH did not meet the hopes that were felt for it. On the contrary, Europe experienced civil war for the first time since the conclusion of that in Greece in 1949, and its consequences turned into an unpredictable political dispute.[5]

Bosnian Serbs and Serbia declared war on BiH by not accepting the referendum. Hundreds of thousands of people died in 3 years of war and thousands were killed in mass murder. BiH's complex administrative and political structure was laid down by the Dayton Peace Agreement (DPA), which was signed to end this civil war in the country. This agreement, signed on December 14, 1995, had basically two goals: the first was to end the war among the three ethnic groups (Croats, Serbs, and Bosniaks) who had been fighting in the country for 3 years and even while peace talks were underway. Second, it was aimed to create a permanent atmosphere of peace and to make the state work by ensuring that the state to be rebuilt was

[4] Sezgin. Ibid.
[5] Ibid.

organized carefully together with all its institutions. BiH, established in such a sensitive environment, is governed by a very fragmented political system. The Dayton Peace Agreement consists of 150 pages of main text and 11 appendices.[6]

Bosniak leader Aliya Izetbegovic, journeying to Dayton to end the war, said: "This may not be a just peace, but it is better than a war that continues."[7] Annex 4 of the DPA, presenting the constitution of BiH, defines this country as a state consisting of the Federation and the Republika Srpska. In other provisions of the same annex, the federal structure is described and the position of these two subunits within the state of BiH is determined. The federal entity has a two-thirds share in the overall administration of BiH, both in Parliament and at the presidential and governmental levels. Therefore, Croats, who, despite their small number, share the administration within the Federation equally with Bosniaks, also received a third of the say in the administration of BiH. A detailed description of the Federation was not made in the DPA, however, and that issue was referred to the 1994 Washington Treaty, according to which the federal land was split into 10 cantons, which would each have a government of its own in the form of a state.[8]

The first elections showed that the people of BiH preferred war-triggered nationalist parties, where they would choose politicians who would move the country toward a single multinational state structure. The most important factor in this was that the ethnic groups did not trust each other, each believing that the nationalist parties representing them would protect their interests. Accordingly, political parties can be divided into three groups as Bosniak, Bosnian Croat, and Bosnian Serb parties.[9]

In BiH, in the period leading up to the 2006 election, mainly nationalist parties marked the country's politics; reforms that needed to be implemented were the main factor that delayed the EU integration process. Most of the reforms implemented were made possible by the imposition of the Office of the High Representative (OHR). With the DPA, which silenced the weapons of the country's

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[6] Deniz, Emel. "Bosna Hersek'in Karmaşık İdari Yapısı." *TUİÇ Akademi:* BALKAM, 25 Jul. 2013, <http://www.bosnahersek.ba/bosna-hersekin-karmasik-idari-yapisi-emel-deniz/>. 22 May 2020.
[7] Sezgin, Ibid.
[8] Tekin, Cemile. "Dayton Barış Antlaşmasına Göre Bosna-Hersek Devleti." <https://docplayer.biz.tr/15160816-Dayton-baris-antlasmasina-gore-bosna-hersek-devleti.html> . 31 Aug. 2020.
[9] Deniz. Ibid.

mixed political structure, Bosniaks, Serbs, and Croats served together as the country's founders. However, the country's formation upon a base of three constituent ethnic communities and its unique political structure have made BiH one of the most politically mixed states in the world. The country has 3 members in the presidential council, 3 prime ministers, 13 governments, 16 parliaments, and more than 300 ministers, all of whom are headed by the High Representative appointed by the international community. This has often prevented things from working, as the Bosniak, Serb, and Croat communities also have to approve decisions. Nationalist Croatian parties, on the other hand, occasionally express their desire to become a third entity. If this is implemented, the possibility of the division of the Federation of BiH would arise. Due to ethnic identity problems in education and health, many politicians in BiH stress that a second DPA is essential.[10]

The DPA, in which the type of state administrative structuring is not specified, created a republic and a federation within BiH. In addition to these, the Brčko region is an internationally controlled administrative unit with its own autonomy under the sovereignty of BiH. Brčko, which has an area of about 12 km^2 and has international control, is located in a spot that divides the territory of Republika Srpska, which stretches in a strip in the northern and southern parts of the country; in other words, it interrupts the territorial integrity of Republika Srpska.[11]

Republika Srpska has a central administration, while the Federation consists of 10 cantons. Just as both units have separate parliaments, these cantons also have their own assemblies. Each institution of the country pays attention to the representation of Bosniaks, Serbs, and Croats, defined as the three constituent nations. Thus, for example, the presidency has a tripartite structure, and the representative of each ethnicity is elected separately.[12]

The institutional structure that came with the DPA can be called a consociational arrangement and an asymmetric multinational federation. With this understanding, it seems quite difficult to say that BiH is a federal state. In federal states, a central authority has the power to resolve disputes between subunits by law. Despite the difference in legal order in federal states, the unity of the state is

[10] Ibid.
[11] Ibid.
[12] Tekin. Ibid.

somehow protected. The legal structure in BiH, however, is quite weak because there is serious flexibility among government institutions. Furthermore, the subunits of the federal republics are stronger than the central state.[13]

BiH has the High Representative Office of BiH presiding over all political mechanisms. This is an institution created by the council tasked with implementing peace in BiH under the DPA. It is headquartered in Sarajevo, the capital of BiH. It is the High Representative's responsibility to implement, in particular, civil aspects of the DPA, such as ensuring the functioning of political institutions in the country. The High Representative Office is led by the High Representative of BiH, a figure appointed by the EU. The High Representative has unlimited authority in all democratic institutions of BiH. As part of these powers, the High Representative of BiH can remove even the president of BiH from his or her position without being affiliated with any institution. For example, former High Representative of BiH Wolfgang Petritsch ended Croatia's Ante Jelavić's membership in the Tripartite Presidential Council of BiH in 2001 on the grounds that he intended to create a Croatian entity in the country.[14]

In Bosnia and Herzegovina (BiH), the equality of citizens in all territories of the country is not achieved. It can be said that the Constitution gives a place in the administration for the founding nations, not for the citizens. According to the treaty, ethnic discrimination occurred in the choice of public officials, which led to new problems. Tekin said that the BiH is a symbolic fiction of the international community rather than a real state, because the structure created by the terms of the Dayton Peace Agreement is a dysfunctional state based on ethnicity. After all, behind the democratic image, the economy, including all public enterprises, is managed by a division of labor between the IMF and the European Bank for Reconstruction and Development, in turn managed by US-EU partnership through the High Representative Office. This suggests to some extent that the country has come under an undefined patronage regime. Many international observers confirm this, and even the High Representative, who can be considered the most senior official, clearly expresses this fact. With the DPA, BiH was established as a state on ethnic grounds, with a complex and dysfunctional administrative structure, under some form of

[13] Ibid.
[14] Deniz. Ibid.

international patronage. This international patronage administration monitors the implementation of the DPA. As a result, serious challenges arise in exercising sovereignty. In the state of BiH, which has a unique ethnic structure, reforms cannot be carried out as a result of mutual obstacles. In the event of entry into the EU, however, it might be possible to solve important problems within the state. Therefore, there are important efforts being made to adopt the EU criteria instead of the Dayton criteria.[15]

BiH, which already has the status of a potential candidate country, is waiting to apply for EU membership. The Dayton Agreement, which ended the 1992-1995 war, established a complex administrative and political structure. Accordingly, the absence of a common understanding of the future of BiH among politicians poses the prime roadblock to the progress of BiH towards membership in the EU.[16]

On June 27, 2012, the European Commission launched its "High-Level Dialogue on the Access Process" with BiH, presenting guidelines containing the conditions that the country must meet before the Stabilisation and Association Agreement (SAA), considered a prerequisite for applying for EU membership, could enter into force. According to the roadmap produced here, BiH must amend its constitution to permit other ethnicities than the three present constituent groups of Croats, Bosniaks, and Serbs to be elected to high-level public positions in accordance with the 2009 Sejdić and Finci decision of the European Court of Human Rights (ECHR). In this context, it was stressed that the elections to be held in 2014 would not be considered to have taken place in accordance with international standards.[17]

On November 5, 2014, the German and UK foreign ministers submitted a proposal to overcome the impasse in BiH's EU integration process, which was approved by the EU foreign ministers on December 15, 2014. According to this proposal, the administration of BiH is provided with the condition that it accept a document that promises to accept the necessary reforms on the road to EU integration. This document received the signatures of the leaders of all political parties in the country and was approved in parliament on February 23, 2015. In a

[15] Tekin. Ibid.
[16] İKV. "Diğer Aday ve Potansiyel Aday Ülkeler." *İktisadi Kalkınma Vakfı:* Avrupa Birliği-AB Genişleme Politikası, Jun. 2018.
[17] Ibid.

meeting on March 16, 2015, the EU foreign ministers approved the SAA's entry into force, the agreement having been originally signed in 2008.[18]

Following April June 21, 2015, the SAA was approved in the Council of the EU, and entered into force on June 1, 2015. The BiH progress report of 2015 was noted as a positive development and stressed the need to implement reforms in areas of rule of law as well as socioeconomic reforms, such as reforms fighting corruption and organized crime. BiH applied for EU membership on February 15, 2016. On September 20, 2016, the EU Council requested that the Commission prepare its position on the application of BiH for EU membership. According to the 2016 progress report, BiH needed to maintain the momentum of socioeconomic reform, address deep structural problems, and bolster the power of both the public administration and the rule of law at all levels of governance.[19]

The NATO Membership Action Plan (MAP) was designed to meet the specific priorities and needs of the states that desired to become a part of the Alliance. It represents a program of advice, aid, and support in realms of practicality as designed by the Alliance. The MAP does not, however, represent a preliminary provision for future membership in the Alliance. States that participate in the MAP undertake national programs on a yearly basis with an eye toward potential future preparations for membership. Such programs include economic, defense, political, resource, legal, and security aspects. Bosnian Serb leaders have long opposed BiH's membership in NATO and court disputes over the re-registration of military property in Republika Srpska have significantly slowed the way to re-mobilize the MAP.[20]

In addition, pro-Russian Serbs have opposed NATO membership as a result of Yugoslavia being bombed by NATO in 1999 -the action which ended the 1992 to 1995 war. In contrast, the Bosniaks and Croats, constituting as much as 65% of the overall population of BiH, support the idea of BiH gaining membership in NATO. With these two sides agreeing, BiH formally submitted its application to join the alliance. In return, NATO proposed a roadmap to membership highlighting the negative circumstances currently preventing membership without restrictions.

[18] Ibid.
[19] Ibid.
[20] OSCE BiH. "Resolution Against NATO Membership by Bosnian Serbs." Organization for Security and Co-operation in Europe to Bosnia-Herzegovina <https://www.oscebih.org/resolution-against-nato-membership-by-bosnian-serbs> . 31 Aug. 2020.

Dissatisfied with these circumstances, Bosnian Serb politicians changed the rationale of the argument against full membership, which many observers claim was motivated by a desire to placate Russia. The Serbs find themselves in a complicated position, not wanting to fully lose their alliance with the West by fully cooperating with Russia. At the same time, for historical reasons, they are also opposed to membership in NATO; hence, this drives them to favor a stance of neutrality.[21]

The candidate country needed to make reforms in political, economic, defense, and security areas. According to political analysts in BiH, NATO membership would eliminate the possibility of an armed conflict again and give foreign investors a great guarantee of the country's stability.[22]

NATO and BiH have much in common in recent history. It is therefore possible that they will have a common future. During the Bosnian tragedy in 1991-1995, that is, after the Cold War, NATO carried out its first transformation. NATO has facilitated an alliance that has managed to set a fresh course for the future. The United Nations mission in Bosnia failed in the beginning of the 1990s. BiH subsequently saw NATO as the only intergovernmental organization capable of providing security to its citizens in the future. BiH made a logical choice, looking back and hoping for a better future. BiH made a logical choice in pursuing membership in the NATO alliance to enjoy the benefits of collective defense.

Participating in the Partnership for Peace (PfP) is understood by the Bosnian people as the first important step towards NATO membership. It is no coincidence that Bosnia was invited to join the PfP program. Relationships, common history, and geography have all worked to shape this. Although the NATO membership process is not just a Bosnian responsibility, the majority of efforts related to this process must be carried out by the government and the people of BiH.[23]

This study provides a roadmap for solving the problems that BiH must overcome in order to achieve Euro-Atlantic membership. It is based on a study of the shaping of EU and NATO policies as regional powers and defining elements in Central and Eastern Europe.

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[21] Ibid.

[22] Aljazeera Turkish. "Ülke Profili: Bosna-Hersek." 1 Mar. 2014. <http://www.aljazeera.com.tr/ulke-profili/ulke-profili-bosna-hersek>. 31 Aug.2020.

[23] Katica, Jasmin. "NATO membership for Bosnia and Herzegovina Obstacles and Challenges." Calhoun Institutional Archive of the Naval Postgraduate School. Monterey, California: 2008, pp.1-2.

In order to fill the gap in the existing literature on Euro-Atlantic membership, the broad research question examined in this thesis is: Why has BiH's Euro-Atlantic membership process been unable to progress? To answer this question, this thesis addresses the following more specific questions: What are the possible obstacles facing the EU and NATO membership process, and what are the most effective solutions that are expected from both administrators and the public to overcome these obstacles? What are the main challenges in the process of EU and NATO enlargement, especially in Eastern and Central Europe? Why are the EU and NATO having a hard time transforming the region and, as a result, ensuring security there? What are the perspectives and tools that the EU and NATO offer in light of the historical, ethnic, political, and economic diversity of BiH? What is the main longing driving BiH's efforts to obtain membership in the EU and NATO? Can postwar ethno-national politics succeed in such a fragile country that has struggled for statehood and democratization? Can BiH be a security provider for its allies? How did disputes between neighboring countries change after the Euro-Atlantic accession process? Did the previously existing problems with BiH's neighbors in the Euro-Atlantic process have an impact on the Euro-Atlantic process? Could the policies of the EU and NATO have hampered the progress? Are the internal dynamics of BiH among the reasons for the integration process to be slowing down?

This thesis is based on a qualitative method for finding accurate answers the above questions. The research is based on the historical process analysis method to reach the conclusion. The focus is on the analysis of the prolongation of the Euro-Atlantic process due to both the administrative and political structure of BiH and its ethnic diversity. Data collection was conducted through a literature survey of books, articles, magazines, and official websites.

This thesis is arranged as follows. Chapter I examines BiH's history through the rule of the Ottoman Empire, its place in global events following the world wars, and the process that eventually began with the dissolving of the Federal Republic of Yugoslavia up until the DPA.

Chapter II emphasizes the peace talks that preceded the signing of the DPA. It further explores that agreement itself and the OHR, created after the agreement, following the battles between 1992 and 1995. In addition, this chapter analyzes

international organizations and efforts within the country after the DPA. Also addressed to help us understand the integration process of the country into the Euro-Atlantic realm are the state's administrative and political structure and the common main institutions of BiH, the Federation of BiH, the Republika Srpska, and the autonomous Brčko district and their structures.

Chapter III focuses on the historical formation process of NATO and its establishment and organizational structure, as well as the history of the EU and its institutional structure. This is followed by a review of integration theory, an analysis of the Euro-Atlantic process of BiH, and the problems and shortcomings in the Euro-Atlantic process.

CHAPTER ONE

HISTORICAL BACKGROUND

1.1. History of BiH Until Ottoman Rule

The history of the Bosniaks can be traced through three major periods: (1) the Bosnian Feudal State Period, (2) the Ottoman Rule Period, and (3) the Modern Period, the latter of which was begun by the invasion of the Austro-Hungarian Empire in 1878 and has continued until today. Each of these three major periods has a large number of intermediate periods in itself, and these specified periods have qualities and characters that are more or less different from the general depictions of Bosniak historical periods. The beginning of this history can be dated back to the late Roman Empire and the earliest feudal days of the South Slavs, and it reaches to the present day without interruption.[24]

The word "Balkan" was first used to describe the range of mountains known more commonly to well-educated travelers from the West as the "ancient Haemus," which was traversed in the course of the journey from Central Europe to Constantinople. The world of Orthodoxy encompassed both Slavs and Greeks. As a majority of Slavonic races belonged to the "Greek" religion, they were also widely considered as "Greek." The irregular structure of the Balkans presented a dilemma in terms of connections between one valley and the next. Instead, connections with the world outside the peninsula were easier. As a result, the Balkans became a region open to foreign attacks from the east and north with no real barrier against invasion. In addition, this mountain structure affected commercial relations in the region and made such relations more expensive to maintain. It also affected and complicated the process of political unification.[25]

Both Habsburg and Ottoman authorities tried seriously to modernize their Balkan domains, but political, strategic, and topographical factors intervened and

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[24] Imamović, Mustafa. Translators: Hüseyin Gül and Cenita Özgüner. *Boşnakların Tarihi.* Bosna Sancak Akademik Kültür ve Tarih Vakfı Ortak Yayını, İstanbul: Tarih Vakfı Yurt Yayınları, Oct. 2018, 1st ed., p. 2.

[25] Mazower, Mark. *The Balkans: From the End of Byzantium to the Present Day*. London: Weidenfeld & Nicolson, 2001, pp. 1-19.

complicated the construction of railways. The 16th century can be considered as a period of prosperity and showed high population growth. Serious crises and disasters happened in the 17th century, where Southeast Europe in particular experienced a period that combined endless wars, political instability, and pandemic diseases such that frequent plagues and famine were described as follows: “The sickness rageth as if it would dispeople the city.”[26]

Only at the beginning of the 19th century was the Balkan population able to restore the quality of life to the level that had been reached in the late 16th century and start to step consistently upwards. From the beginning of the 20th century, the underpopulation problem of the old Ottoman era ended with an increase of birth rates and falling death rates.[27]

Capitalism or the money economy and modernization of the Ottoman Empire as in Austria-Hungary and Tsarist Russia all affected the traditional rhythms of social relationships while simultaneously preparing the area for dramatic shifts in the political realm. It was clear that the nationalism movement in the 19th century was a mass movement that inevitably involved the peasants, but really what interested these individuals was not the idea of the nation or similar abstract ideas of politics; rather, they were passionate about their rights to the land, their livelihood, and a more fair implementation of taxes. However, conditions worsened again between the wars and inter-war economists calculated that a labor force of just under thirty million was unemployed, described as “the vicious circle of population pressure, poverty and lack of industries.” Steven Runciman, a historian, pointed in 1974 to the movement of people from the hills to the plains, followed by a further movement to the towns. “As in fifty years, total share of the working population employed on the land fell, so in the Balkan we are dealing no longer with a peasant society, but with its successor.”[28]

BiH has a mountainous terrain within an area that resembles a triangle. This mountainous terrain is fragmented by the waters of the Sava and Neretva rivers. The name “Bosnia” originated from the river of the same name, attributed to the wider northern part of the country, and there are arable lands in the north of the country’s

[26] Ibid. pp. 22-27.
[27] Ibid. p. 28.
[28] Ibid. pp. 43-48.

territory. The area of Herzegovina (Hezeq = Land of Herzegovina) in the southern regions with the Neretva river basin was named after the Byzantine Emperor Besim Spahić for the first time in 858. In a geopolitical book written by Constantine (*de administrando Imperio* = On the Governance of the Empire), he states that he passed through this area. According to this book, Bosnia takes its name from "Horion Bosono," which means "good people."[29]

BiH has been a region of constant conflict, strife, and wars throughout history. One of the reasons for this is the geostrategic meaning of its geography. It has always been a center of attention because it is in a geographical location where two axes intersect, covering the East against the West, West against East, North against South, and South against North. BiH also serves as a corridor of sorts between the Balkans and West Europe, between South and West Europe, and between the Balkans and South Europe. Another characteristic is that it is a cultural bridge between the West and the Muslim East. In addition, coal, copper, manganese, iron, lead, mercury, and silver are the main sources of underground wealth in the Balkans, which increases the strategic importance of the region.[30]

The first inhabitants of the region were the Illyrians, a tribe of Indo-European origin that spread to the northwestern parts of the Balkan Peninsula. The second important period for this land was the Roman era. It would close with the Avar and Slovene invasions around the beginning of the 600s AD; at that time, the country "Hum" took its name. Thereafter, the first Slavs, many of them belonging to Serb and Croat tribes, came to settle in Dalmatia, present-day BiH, North Montenegro, northern Albania, and Novi Pazar.[31]

Among the Serbs who chose Greek Orthodoxy and Croats who entered Roman Catholic religious circles, peoples of Slavic origin who settled thoroughly in a significant part of present-day BiH also developed a new sect known as Bogomil in the face of oppression. The name "Bosniak," which means "Bosnian," became widespread in order to distinguish these people from the Turks, although there would

[29] Şahin, İlhan, and Mim Kemal Öke. *Bosna- Hersek.* Türk Dünyası Araştırmaları Vakfı, İstanbul, 1992, pp. 19-20.
[30] Ibid. pp. 15-21.
[31] Ibid. p. 6.

be some who would call themselves "Turci" among the new Muslim people of BiH.[32]

Most of Bosnia from the 1st century BC until the 6th century AD remained under the rule of the Roman Empire. During the 7th century, Slavic migrations to the Balkans started and these people reached Bosnia as it was already becoming an exceptional country of the Balkans in terms of its ethnic and cultural diversity.[33]

Ethnically, the Bosniaks also came from Slavic backgrounds. Another assessment notes that the Bogomils were named after the founder of the sect, the priest Theophil Bogomil, an agnostic cleric who lived during the reign of Peter I (927-969) in Bulgaria. Among the characteristics of bogomilism that are similar to Islam is that there are no instruments in the relationship between God and humans, such as idols or paintings in places of worship. Other similarities include a lack of materialism, worshipping five times a day, and Friday being considered sacred.[34]

1.2. Ottoman Era of BiH

Bosnia is a country situated within the midwestern/northwestern section of the Balkan Peninsula, located on the European continent. This is a peninsula between the Black Sea, the Aegean, and the Adriatic. In all the world's languages, it is referred to as the Balkans, which is a Turkish word, meaning a tree-lined mountain range. Throughout history, the central line of the Balkans has been the Danube River, and Slavs were the first of the tribes that settled in the Balkans, which have been invaded by Illyrians, Thracians, Albanians, Romanians, Dacians, Germanics, Goths, Avars, Slavs, Hungarians, Pechenegs, Kumans, and Mongols, respectively.[35]

The Ottomans came from Anatolia; Istanbul was not their first conquest. They made a series of raids into the Balkans; each wave went further than before, and the Ottomans continued to expand until they had fully taken over the entire Balkan Peninsula in the middle of the 16th century. In the late 17th and 18th centuries they gradually withdrew from the northern Balkans, and the Austrian

[32] Ibid. pp. 3-4.
[33] Bora, Tanıl. *Yeni Dünya Düzeni'nin Av Sahası Bosna- Hersek.* İstanbul: Birikim Yayınları, 1994, 1st ed., p. 21.
[34] Şahin and Öke, Ibid., pp. 36-37.
[35] Otyakmaz, Hilal. *Avrupa'nın Kudüs'ü, Bosna Hersek: Saraybosna ve Çevresi Savaş Hatıralar.* İstanbul: Cağaloğlu Yayınevi, 2018, 2nd ed., p. 24.

Habsburgs annexed these lands to their multi-ethnic state and took Bosnia and Herzegovina under their patronage in 1878. At the same time, Greece, Serbia, Montenegro, and Bulgaria became independent states while the Ottomans continued to weaken. In fact the Ottoman administration gave the communities, ruled by the aristocrats, extensive local control under the guidance of their religious leaders. At the same time, Islam found supporters among the Albanians, Bosnians, and Vlachs and to a lesser extent among Bulgarians, Montenegrins, and the Roma. After being expelled from Spain toward the closing of the 15th century, many Jews arrived to settle in this region and enrich it with the encouragement of the Ottomans.[36]

By the 15th century, Islam was well established on the Balkan Peninsula. As much as 70% of Albanians and 50% of Bosnians seem to have converted to Islam; fewer converts can be found among other Balkan peoples.[37]

Despite scattered revolts, Ottoman control over the Balkans allowed the inhabitants of the peninsula to experience the longest period of peace since Roman times; in the next centuries they would not see such a prolonged peace. Unfortunately, this peace did not bring long-term prosperity. Indeed, the economic situation of many residents of the Balkans seems to have deteriorated over time. In the Ottoman Empire from the 14th until the middle of the 16th century, the system worked quite well. Taxes were not overwhelming, and the army could be fed by fief taxes and gains from conquests. [38]

The first Ottoman influx into Bosnia started in 1386. In 1389, Bosnian soldiers under the command of Serbian Knezi Lazar participated in the Kosovo War. When the Ottomans won the war, the Serbian Knezlik was forced to accept Ottoman rule. The conquest of Skopje in 1392 led to significant changes in the situation of Serbia and Bosnia. During the time of Pasha Yiğit Bey, who created the basis of a movement in the region, important raids were carried out in Bosnia, and between 1428 and 1429 they were connected by tributes to the Ottomans.[39]

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[36] Wachtel, Andrew Baruch. Translator: Ali Cevat Akkoyunlu. *Dünya Tarihinde Balkanlar*. İstanbul: Doğan Egmont Yayınevi, 2009, 1st ed., pp. 63-65.
[37] Ibid., p. 75.
[38] Ibid., pp. 79-80.
[39] Devlet Arşivleri Genel Müdürlüğü, Osmanlı Arşivleri. *Bosna-Hersek İle İlgili Arşiv Belgeleri (1516 – 1919),* Ankara, 1992, p. 6.

When the Ottomans conquered Istanbul, ending the Byzantine Empire, it caused great excitement in Europe and preparations for a new crusade were started under the leadership of Pope Pius II. The pope's call to this crusade drew attention to the importance given to the Kingdom of Bosnia and the Duchy of Herzegovina. Sultan Mehmed the Conqueror was very disturbed by this situation developing against the Ottoman state in the Balkans and decided to complete the Balkan conquests in order to eliminate the danger that was growing next door to him.[40]

Meanwhile, Bosnian King Stephan Tomasevic cut off the tribute of fifty thousand ducats that he had previously sent continuously. The imprisonment of two envoys sent from Istanbul to take care of this business in Bosnia was the last straw and the conquest of Bosnia became a necessity. The conquest of Bosnia was also important for later Venetian expeditions because Bosnia was of strategic importance in the expeditions to be made from Venice. Finally, the expedition that began in 1463 was commanded by Sultan Mehmed the Conqueror himself. The Bosnian king withdrew to Jajce Castle for defensive purposes and then retreated to Ključ Castle because he could not hold on there; after these castles were conquered, he had to surrender. Stephan Tomasevic had cut off the tribute to the Ottoman Empire, put their envoys in jail, and provoked Hungary, Venice, and Albanian King Alexander against the Turks during the preparations for the Crusades, bringing the Turkish hostility to the fore. [41]

The administrative structure of the administrative province of Bosnia was in the form of "sanjaks." These were the Saray Sanjak, Izvornik Sanjak, Banaluka Sanjak, Herzegovina Sanjak, Novi Pazar Sanjak, and 7 centers in total.[42]

It is not known for certain when Sarajevo, the most important city in Bosnia, was founded. In 1468-1469, the center of the administrative region known as "Saray Plain Province" was recorded as "Tirgovişte market." In time, the name of "Saray" began to be used for this settlement. Only the name "Saray market" was used for this place in 1489 and "Sarajevo" was used in 1501. The city was founded by Ottoman Raiders and before Ottoman rule Bosnia was divided into three main elements in the

[40] General Directorate. Ibid., p. 7.
[41] Ibid.
[42] *Zambaklar Solmasın: Uluslararası Bosna-Hersek Konferansı-20-23 Oct. 1994.* İstanbul: Yıldızlar Yayın, 1996, pp. 18-21.

form of Bosnian Church/Catholic Church/Orthodox Church. This would go on to become Muslims/Catholics/Orthodox during the Ottoman period. It can be said that the conquest of BiH as well as the conquest of other lands was not easy, but in spite of this, for the Ottomans, BiH always had a special place. One of the major reasons for this is that the Bosnians soon adopted many cultural elements of the Ottoman Empire such as traditions regarding the family, social life, eating and drinking, and clothing.[43]

Bosnia and Herzegovina under the rule of the Ottoman period was overseen with a special sort of national authority organized in a collective manner. They had their own divans, considered as a counseling body and named the Bosnian Divan of a Bosnian valija (governor of a given province). This included judicial and financial authorities, the senior military officers, senior administrative figures, and other dignitaries.[44]

There was a Council of Ajani in Bosnia in which people known as ajani, a title reflecting a high level of respect, would discuss issues with the individuals serving as the Bosnian Divan. These members were respected and firmly supported across the whole state and thus the Bosnian valija could not ignore or reject the decisions that they made. In 1737 the Council of Ajani was summoned, at which point the members compelled the representative of the Ottoman Empire in Bosnia to issue warnings about the inevitable approach of the Austrian army. As a result, with this resistance, the Bosnians defeated the Austrian army at the battle of Banja Luka.[45]

In 1865, the Bosnian Eyalet or administrative division was transformed into a province. The purpose of the Decree on the Organization of the Vilayet Administration was to formally bring together the Bosnian Vilayet's General Vilayet Council ("Medžlisi umumii vilájet"), also known as the Vilayet Assembly. Each sanjak was to delegate a total of 4 representatives, of which 2 were to be Muslims and the other 2 non-Muslims. This assembly would be called into session annually for meetings that were not to surpass 40 days in length. These chosen representatives had a one-year term of office. They also had the right to be re-elected. The assembly

[43] Otyakmaz. Ibid., pp. 18-19.
[44] Parliamentary Assembly of Bosnia and Herzegovina, "The period of Ottoman rule." <https://www.parlament.ba/Content/Read/178?title=PeriodOsmanskevladavine&lang=en>. 18 Mar. 2020.
[45] Ibid.

covered many issues. These included promotion of the economy, public order and traffic, health services, education and culture, public and military facilities, tax obligations, public works, construction and maintenance of communications, and tax assessment and collection in addition to issues concerning landed property.[46]

While the Bosnians were busy defending their country against Napoleon's possible invasion, the greater danger was the rebellion led by Kara Yorgi in Serbia. The Ottoman-Russian wars of 1806-1812 began before the rebellion was suppressed. The Serbs then launched violent attacks against Bosnia and captured Yadar, Radiyavana, and Bögürdelen and carried out catastrophic massacres. Many Muslim people from Serbia and Montenegro defected to Bosnia to escape the persecution of the rebelliouses. When war started with the Russians in 1809, the Serbs attacked in BiH and the Sanjak region together with the Montenegrin people. However, as a result of the war, the Union of Montenegro and Serbia was not possible. After the war with the Russians ended with the Treaty of Bucharest in 1812, Serbian rebellions were suppressed and Belgrade and other castles were recaptured. During these insurgent movements, Bosnians were generally on the state's side, defending their province.[47]

After the rebellion was suppressed in 1832, the captaincy establishment was abolished. The Austro-Hungarian Empire had long ambitions over BiH, and the main goal of this state was to reach Thessaloniki. There is no doubt that Austria's role in the emergence of a new rebellion in BiH in 1875 was enormous. On April 19, 1877, (In some sources, this date is also stated as April 24, 1877) Russia launched a war against the Ottoman Empire; as a result, the Russian armistice was held in Edirne on January 31, 1878, and then the San Stefano Agreement was signed (March 3, 1878).[48]

[46] Ibid.
[47] General Directorate. Ibid., pp. 11-12.
[48] Ibid. p. 20

1.3. Bosnia and Herzegovina Under Austrian Rule

The concept of nationalism began to arise in 1887 and took different paths toward reaching autonomy, even asking other foreign states and forces for help, e.g. Russia, which had entered repeated wars with the Ottoman Empire.[49]

The Habsburg government was largely dependent on the provinces for financial support and imperial army recruits. The concept of nationalism (the German liberal and national movement) started to constitute a threat for the monarchy as the number of people loyal to the monarch and church decreased while the government was trying to keep the status quo as much as possible. The fact is that the main aim of the Habsburg government was to protect its interests in Italian and German lands, while the Balkans and eastern affairs were secondary in importance. Meanwhile, the peasants in the Balkans were fighting to end feudal dues and to obtain their full ownership rights. The Latin language was the language of the administration and education in all areas under the rule of the Hungarian crown with later attempts to impose the Hungarian language. The appearance of an Illyrian movement was inaugurated by Ljudevit Gaj, of German background, which constituted all South Slav peoples; although it was sponsored by the Croatians, it was not composed of merely the Croats. It took the Yugoslav idea as its basis to oppose German and Hungarian influences.[50]

Internal and external crises continued from 1848 to 1867 as a liberal movement swept the Empire and the national movement spread both inside and abroad. The revolutionary period saw Croatian leaders defeat the Hungarian attempts to impose unity. However, the establishment of a centralized system naturally displeased almost all Croatian political leaders.[51]

The year 1867 can be considered as decisive in Habsburg history as the struggle between Habsburg and Hungarian leadership greatly influenced the Croats, Serbs, and Romanians. After 1848, the national goal of Hungarians was not compatible with Croatian, Serb, and Romanian desires, as was the case for the policies of the previous Habsburg absolutist regime. Members of the middle class,

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[49] Jelavich, Barbara. *History of the Balkans: Eighteenth and Nineteenth Centuries*. Vol. 1. USA: Cambridge University Press, 1983, pp. 377-378.
[50] Ibid. pp. 300-308.
[51] Ibid. pp. 308-318.

although they were small in proportion, were professionals and they had active roles in the political field, while peasants were totally excluded from political activity.[52]

From the 18th century to the middle of the 19th century, the Bosnian military was in frequent conflict with the central government. A Janissary uprising appeared in Sarajevo after the Serbian revolt. Full organization of all opposition was realized in 1831 as the Sultan intended to implement military reforms. These people were seeking the autonomy of Bosnia and Herzegovina with their elected native rulers. "In 1834 new administrative system was introduced into Bosnia; the province was divided to six sanjaks, 42 nahiyes (township), and many more communes. In 1645 provincial councils were set up, these centralizing measures were strongly opposed by the local Muslim leaders. The Ottoman government sent their best generals to subdue the uprisings and by 1851 they were in full military control of both Bosnia and Herzegovina." In 1875 the uprising of Slavic social movements was supported economically by armed mountain tribes that broke into Herzegovina and rapidly spread to Bosnia. This event complicated the "Eastern Question" and to lead to another Russo-Turkish war.[53]

After the Russo-Turkish War of 1878, the Treaty of San Stefano was signed. After that, the Treaty of Berlin, the revision of San Stefano, was signed. According to this treaty, Bosnia and Herzegovina was under Ottoman rule, but would be occupied by Austrian troops. For an indefinite period, it would be governed by laws that would be drawn up in later negotiations between European states. The Habsburg dynasty saw taking control of BiH as an absolute necessity; control of the provinces would not only provide Dalmatia with a militarily strategic interior, but it would also more easily prevent the spreading of Serbian influence. However, during these 30 years of occupation, Austria failed to do anything for the political or social development of the people of BiH.[54]

Throughout history, the Balkans have been a precarious region of conflicts and conquests, with a history of constant foreign occupation. The Great Powers of Europe also considered this area depending on their own interests, in spite of the idea

[52] Ibid. pp. 327-328.
[53] Ibid. pp. 348-352.
[54] Demirci, Sevtap. Ed: Necip Azakoğlu. Necip. *İngiliz Basınında Osmanlı'nın İki Büyük Krizi Bosna-Hersek 1908-1909/Balkan Savaşları 1912-191*3. İstanbul: Tarihçi Kitapevi, 2016, 1st ed., pp. 25-26.

supported by British Prime Minister Gladstone that "the Balkans are the Balkan peoples." In Dillon's words, the Balkan Peninsula has been one of the major regions where the Great Powers have focused their diplomatic efforts as well as their armed forces. BiH has historically always had a crucial position for the foreign policy of the Great Powers due to its political, ethnic, economic, and strategic characteristics.[55]

At the same time, the Young Turk revolution in the Ottoman lands forced the Austro-Hungarians to revise the situation of Bosnia, changing it from simply a territory under occupation to a land that was completely and officially annexed to the empire. In 1909, major concessions were given by Austria-Hungary, particularly in terms of political issues. For example, the Muslims were given the right to a vakif administration system, something that they had been pursuing for a long period of time. After a year, elections occurred to elect a Bosnian Parliament that had no direct legislative powers; however, this parliament would help communities in forming political parties at the local and national levels, including the Muslim National Organization (1906), Serbian National Organization (1907), and Croatian National Society (1909). BiH would remain a territory of the Austro-Hungarian Empire through the conclusion of World War I.[56]

1.4. Establishment and Dissolution of the Yugoslav Federation

It is important to underline that when the first Yugoslavia came into existence, it consisted of a multi-confessional population, which included three critical religious communities that were large in size and also divided historically. These groups were the Eastern Orthodox (46.7%), Roman Catholics (39.3%), and Muslims (11.2%). The land was simultaneously home to diverse and numerous nationalities; Serbs and Montenegrins together accounted for approximately 42% of the population, together with Croats at 23%, Slovenes at 8%, Macedonians at 5%, the Muslims of Bosnia and Herzegovina and the Sanjak at 5%, and Albanians at 4%.[57]

The sense of dissatisfaction with Serbian political and cultural domination was especially strong for Croats, believing that nothing had changed for them;

[55] Ibid. pp. 14-25.
[56] Galip, İbrahim. "Post Dayton Political Structure and Debate on Constitution in Bosnia and Herzegovina." Master Thesis. Dokuz Eylül University, İzmir, 2008, p. 7.
[57] Ibid. p. 9.

authority had only been transferred to the Serbs from the Austro-Hungarians. Even the Albanian population of Kosovo believed this as a large percent of Albanians, who are not Slavs, remained outside the newly independent Albanian state. In addition, some Slavic proponents of nationalism also expressed their concerns about the explicit strategies of "Serbification" in Macedonia.[58]

In 1921, Aleksandr Karađorđević, the prince of Serbia, proclaimed himself the Dictator-King of "Yugoslavia." Every aspect of governance, from the high ranks of ministries to police system and the military apparatus, were controlled by Serbian nationalism. The Croatian party alone appeared to oppose the new system. However, Karađorđević withstood the Croats, in 1929 changing the nation's name to Yugoslavia, supposedly to remove the perceived bias of the tradition of political superiority for Serbs.[59]

Due to different expectations and perceptions, Croats, Serbs, and Muslims struggled with each other during WWII. Accordingly, three main groups emerged. The extreme fascist group established by the Croatians in Zagreb was known as the Ustasha. This group would become known for its terrorist actions targeting Serbs in both Croatia and Bosnia. Meanwhile, the Chetnik forces, known for their loyalty to a Serb-dominated Yugoslavia, were also firmly established and would begin combating the Ustasha.[60]

The South Slavic political union fought for their survival, not for the restoration of the old constitutional order on 1 December 1918. In addition, during the war in different parts of Yugoslavia, national liberation bodies were established and organized by the Council of National Liberation (AVNOJ). Their aim was the establishment of the criteria necessary for "full freedom and equality" in a "liberated brotherly union." In addition, during the war, the AVNOJ declared federal principles in September 1943. The Serbs, Croats, Slovenes, Macedonians, and Montenegrins had their distinct republics according to the principles of nationality. Later, to remove any risks of clashes between the Serbs and Croats, BiH would be established, becoming the sixth republic. As for Vojvodina and Kosovo, these two historical units formed multinational autonomous provinces. In this period, "the local assemblies

[58] Ibid.
[59] Ibid. p. 10.
[60] Ibid. p. 11.

throughout Yugoslavia voted for unification on the basis of the AVNOJ resolution and none used the right of separation and they constituted themselves as the governmental organs of the new Republic."[61]

The leader of Yugoslavia, Josip Broz, known as Tito, came from a big family of peasants, having been born in Croatia in 1892, when it was part of the Austro-Hungarian Empire. During the First World War, being in Austro-Hungarian lands, he fought against Serbia, then later went to the Russian front and was captured there. In 1917, he participated in the Russian Revolution as a member of the Bolsheviks. With the Red Guard, he fought during the Civil War. After his return to Croatia in 1920, these lands having been absorbed into the Kingdom of Yugoslavia, which contained many nations but was inarguably dominated by Serbs,[62] he would join the Communist Party of Yugoslavia (CPY). In 1928, he would be arrested for political reasons, later released in 1934. Tito would then become the Secretary-General of the CPY in 1939. He won the elections in November 1945 as the candidate from the National Liberation Front, a group strongly dominated by a communist presence. The Federal People's Republic of Yugoslavia was declared, constituting republics of Serbia, Croatia, Bosnia-Herzegovina, Montenegro, Slovenia, and Macedonia, with a new constitution. Tito ruled dictatorially and he had the ability to suppress the power of others; he was able to suppress his opposition. Tito would be declared the president of Yugoslavia for life by the new constitution of the newly named Socialist Federal Republic of Yugoslavia.[63]

In 1948, as a result of a dispute between the leader of the USSR and the founder of Cominform and the president of the YSCF, Tito stated that he was walking away from the Socialist bloc on the grounds that Yugoslavia was trying to impose hegemony by force. However, even if he left the Socialist bloc, Tito did not give up on socialism; he believed that the main thing was not to present socialism as hegemony but to develop it as a harmonious union. He argued that the state should continue to exist as a superstructure in socialist societies as well.[64]

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[61] Ibid. pp. 10-11.
[62] History.com. "1963, 07 March Tito is made President of Yugoslavia for Life". 4 Mar. 2010, <https://www.history.com/this-day-in-history/tito-is-made-president-for-life>. 10 Feb. 2020.
[63] Ibid.
[64] Yılmaz, Mukaddes. "Avrupa Birliği'ne Üyelik Sürecinde Bosna Hersek." Master Thesis. Karadeniz Technical University, Trabzon, 2019, p. 39.

With Tito's death, Yugoslavia quickly collapsed. However, in order to equalize the level of development between states in an economic sense, "market socialism" was introduced. In order for states not to leave the Federation under the influence of nationalism, the collective presidential system was developed with the 1971 constitution. The purpose of this system was to ensure that after Tito's death, each federal unit was to fulfill the federal head of state, subject to an annual rotation of the General Sectarian of the Communist Party. It is inevitable that any system established would need revision, and Titoist socialism had to adapt simultaneously to the international conditions and the wishes of the federated units in order to survive within its own unique structure.[65]

The 1974 constitutional amendment gave the federated units veto power so that the power of the central government was shared with the federated units. Some authors suggest that this transformed the state into a loose federation or even a confederation; in this case, each federated unit had its own sovereignty and had no obligations to respect the federative power. Each federated unit was now in a position to make its own constitution alongside the Yugoslav constitution.[66]

With Kosovo gaining autonomy with Vojvodina and Serbia in 1974, the new goal of the Kosovo Albanians, whose areas of freedom were expanded, was to become the seventh federated state of Yugoslavia. Even in the environment of freedom afforded by the 1974 constitution, the units that were autonomous regions did not possess the right to self-determination. Achieving independence was an important element for the Albanian-populated (almost homogeneously so) Kosovo, which saw its reasons for lagging behind as the outcome of Serbian nationalism. There was, for example, a gap between the economies of Kosovo and Slovenia. The Slovenian economy was 6.1 times more developed than that of Kosovo, with poor economic conditions and limited freedom in Serbia’s shadow for the people of Kosovo as an unwelcome federative union, and it was felt that conditions needed to be fixed.[67]

Wars in general are caused by economics, ideology, and religion/ethnic factors. In the case of Yugoslavia, all ethnic communities wanted to live within the

[65] Ibíd. p. 40.
[66] Ibid. p. 40.
[67] Ibid. p. 41.

borders of a republic in which they were a majority and not be dominated by others. In addition to the role of the multinational and multi-religious structure in the process that would eventually lead to the dissolving of Yugoslavia, the differences in economic development between the republics that formed the state were an important factor. The main issue is that having power or economic resources distributed along ethnic lines played a central role. One may argue that the Yugoslav civil war had religious foundations, but religion was not the only factor in this war. The Yugoslav war was not truly a religious war, for Christians also fought each other and religion was a complementary factor in this war only as a part of ethnic and cultural identity.[68]

An important point of the Yugoslavia issue is that the conflict between the peoples offers an uncluttered account of the period of 1918-1945. The Albanian community's uprising in Kosovo in 1981 was a harbinger of future events; in fact, with the further weakening of authority in Yugoslavia, which brought together people from different ethnicities and members of various religions and did not allow conflict between them, the peoples under the umbrella of the federation embarked on new pursuits. The resulting political crisis in 1989 caused the breakdown of relations between the republics. In the same year, the reform movements in the Eastern Bloc were also reflected in Yugoslavia. Unlike the other republics of BiH, a coalition was formed between the Serbian, Croat, and Bosniak nationalist parties.[69]

Due to its sociocultural structure and geopolitical position, the Balkans have been a vital region for Russia throughout history. As for the United States, its strategic goal for the Balkans and Yugoslavia was to launch both the region and the country into a free market economy. Instead of the collapsed USSR, it aimed to have power in the Balkans. At first, the EU declared that it supported the integrity of the territory of Yugoslavia; as the crisis was beginning, the EU advocated the policy of "territorial integrity of Yugoslavia" and, with the effect of realpolitik developments, began to recognize the independence of the republics in Yugoslavia that declared independence.[70]

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[68] Tekin, Cemile Haliloviç. *Bosna-Hersek Devleti 1991-2011*. Konya: Cizgi Yayın, 2012, 3rd ed., pp.9-12.
[69] Ibid. pp. 16-17.
[70] Ibid. pp. 22-24.

On the heels of the dissolving of the Socialist Federal Republic of Yugoslavia, the assembly of BiH decided on independence in October 1991, following the assemblies of Croatia and Slovenia. Serbian lawmakers who voted for suspension left parliament and established a new parliament, called the Serb People's Assembly of BiH. This assembly proclaimed the Srpska People's Republic of BiH as a unit of the Federal Republic of Yugoslavia on January 9, 1992. Meanwhile, Croats living in the country organized under the name of the Herzegovina-Bosnia Croat community, working to create a basis for the unification of Croats with Croatia.[71]

1.5. Bosnia and Herzegovina During the Period of Civil War

It can be said that all parts of Bosnian society were affected by the war, which dramatically reduced the quality of material and social life. It also impacted the percentages and numbers of ethnic minorities, and the relations between these groups were affected. In 1991, looking at the percentages of various ethnic groups, about 44% was Bosniak, 31% of the Bosnian population was Serb and 17% was Croat, and, with 5.5% of the population considering themselves "Yugoslav" while other ethnic minorities such as Roma/Sinti and Jews were about 2.5%. Meanwhile, the percentage of marriages that were "mixed" across ethnic lines was about 27% in 1991 and BiH was well known for the compatible ethnic blending of the inhabitants in many of its towns and villages. In August of 1991, the Soviet Union broke up, which opened the way for ethnic tensions. In October 1991, the independence of Bosnia and Herzegovina was declared.[72]

From February 29 to March 1, 1992, a referendum on independence was held in BiH's parliament. After over 90% voted for independence in the referendum, the Parliament of BiH officially declared independence on March 3, 1992. The Serbian People's Assembly, which did not recognize that declaration of independence, officially announced its separation from BiH and changed its state's name to Republika Srpska (RS).[73]

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[71] Ekinci, Mehmet Uğur. *Bosna-Hersek Siyasetini Anlama Kılavuzu.* Ankara: SETA Yayınları, 2016, p. 16.
[72] Education. Stateuniversity.com. "Bosna and Herzegovina, History and Background." <https://education.stateuniversity.com/pages/174/Bosnia-Herzegovina-HISTORY-BACKGROUND.html>. 12 Mar. 2020.
[73] Ekinci. Ibid., p. 16.

On March 5, 1992, the parliament of BiH passed a resolution declaring the independent state of BiH. In fact, shortly after Bosnia's declaration of independence, soldiers and paramilitary groups secretly infiltrated Bosnian territory from Serbia and rebel Serb forces, determined to bring the great Serbian dream to life in coordination with them, began a brutal war against the Bosnian state, which did not have an equipped army.[74]

Following this, the newly formed Yugoslav Federal Republic announced that it had completely severed its official ties with the Bosnian Serbs. However, it soon became clear that this was a game. In secret, the Federal Army formed its own military forces in important cities such as Kupres, Bosanski Brod, Biyelina (Bijelina), and Sarajevo at the beginning of April. Cannons were turned towards the areas populated by Bosniaks and Croats, preventing the supply of all the vital needs of the population. It was delivering weapons, ammunition, and troops to Bosnian Serb paramilitary groups.[75]

The number of Bosniaks raped in these areas was 30,000 at the most optimistic estimation. With Serbian police in the vicinity of the Drina River in just 5 days the number of men and children killed by soldiers is stated to be around 8,000. In March 1993, Bosnian Serb forces deployed supplies to several cities, including Srebrenica, causing loss of life and property in the region, while the fighting severely hampered the UN's humanitarian work.[76]

NATO forces, previously authorized by the UNSC, brought down 4 Serbian warplanes on February 28, 1994, which were breaking the UN's previously declared ban on flights over Bosnian territory. However, despite NATO's active stance, general passivity toward Bosnia continued throughout the war. Although the Croatian-Bosniak War ended on February 23, 1994, the Serbo-Bosniak War continued until late 1995. In July 1995, Serb forces under the control of General Ratko Mladic invaded Srebrenica in eastern Bosnia, which had previously been a "safe zone," and demonstrated monstrosity by massacring 8,000 men captured there, young and old. This separation of lands in the form of a "safe zone" is a

[74] Emgili, Fahriye. "Bosna-Hersek Trajedisinde (1992-1995) Türk Birligi.*" Güney-Doğu Araştırmaları Dergisi*, No. 21, 2012, p.59, pp.57-87.
[75] Ibid. p. 60.
[76] Ibid. pp. 62-63.

misconception, because the presence of other “unsafe” zones encouraged actions of ethnic cleansing.[77]

In late 1995, a new order for BiH was reconciled with initiatives of the global community, especially the US government, to bring together foreign ministers of BiH, Croatia, and Yugoslavia. The country would be composed of two main regions (entities) under the names of the Federation of BiH (FBiH) and Republika Srpska (RS). The FBiH, which would be composed mostly of Bosniaks and Croats, would constitute 51% of the country's territory and the RS 49%. The foreign and monetary policies of the country would be determined by the participation of the three founding peoples. The two entities would have their own constitutions, parliaments, and governments. As the head of state, a tripartite Presidential Council would be formed, with one member from all three constituent peoples. All laws in the country and all land to be taken would be subject to the consent of the three constituent elements. A general guideline for peace in BiH, the Dayton Agreement, was agreed upon by all relevant groups.[78]

Bosniaks have experienced 10 major genocides in the last three centuries. BiH, a model country of multiculturalism and ethnic tolerance, has suddenly found itself in a spiral of ethnic and religious violence. Despite all the wars and suffering, the Bosnian people have produced admirable works in both the material and spiritual fields of culture. Despite the social changes, class renewal, and intellectual diversity experienced by the Muslim Bosniak society, the efforts to maintain its existence and self-cultural identity continue without interruption, starting from the Siege of Vienna (1683-1699) to this day.[79]

The borders of the Balkans contain Albania, Bulgaria, Bosnia and Herzegovina, Croatia, Montenegro, Kosovo, North Macedonia, Romania, Serbia, Slovenia, Greece, and Thrace. The concept of the Western Balkans spans the countries of Albania, Bosnia and Herzegovina, Montenegro, Kosovo, North Macedonia, and Serbia. The coast of the Balkan Peninsula opens to 6 seas that are included in the Mediterranean system. This important feature reveals the

[77] Ibid. p. 63.
[78] New World Encyclopedia. “Bosnian War.” 13 Dec. 2019, <https://www.newworldencyclopedia.org/entry/Bosnian War>.(20 Feb. 202).
[79] Imamović. Ibid., pp. 697-698.

multidimensional place of the Balkans in Mediterranean strategy. Due to its geographical location, which allows passage to other parts of Europe, adjacent to Asia and close to Africa, the Balkans have been an attractive area of conquest, where empires have met and fought for centuries. The Balkan Peninsula is Europe's gateway and an important gateway. It is therefore of extreme strategic importance. The Balkans, a transit point between Europe and Asia, have been the target of invasions by many tribes and armies throughout history. The historical traces and cultural heritage left by such invasions and migrations are also the main source of the complex situation of the political geography of the Balkans today. All of the great wars that have happened in history have somehow either started in the Balkans or were triggered through the geography of the Balkans. However, peace has come again from the Balkans. In the Balkans, which is a strategic transition zone between Europe and Asia, different ethnic elements have coexisted throughout history and different empires have ruled the region. Because of the basic elements of culture, such as language, religion, and nationality, and this diversity seen in terms of management, the geography of the Balkans, which has a cosmopolitan structure, has always been of great importance in world politics and has been the central point of the wars that determine world history. Historically, its multiculturalism and its presence among different administrations have been at the center of the conflicts of interest of great powers in every period of history. Therefore, the Balkan states and their peoples did not have the opportunity to determine their own destiny. In the following period, this was reflected in relations between peoples as well as relations between the major states in question as tension and conflicts. The instability caused by conflicts and wars after the Cold War proved how strategic the Balkans are in terms of international peace. The value of this region continues to increase today due to migrations from Africa and the Middle East and the fact that it is a transit point for power transmission lines.

CHAPTER TWO

ADMINISTRATIVE AND POLITICAL STRUCTURE

2.1. Dayton Peace Agreement (DPA)

The DPA presents the general points in the agreement for peace in BiH. The treaty was finalized on November 21, 1995, at the Wright-Patterson Air Force Base in the United States.[80] Later, on December 14, 1995, the agreement that silenced the weapons in BiH but brought a complex political structure to the country was formally signed by the now-deceased BiH President Alija Izetbegovic, Croatian President Franjo Tuđman, and Serbian President Slobodan Milosevic at the Elize Palace in Paris. The DPA can be assessed based on three general topics of state-reconstruction/state-building, the establishment of peace, and democratization.[81] With the DPA, the Croats Bosniaks, and Serbs, who had warred amongst themselves for 3.5 years, were recognized as the "founding peoples of the country."[82]

The agreement received authorization from Alija Izetbegovic, Slobodan Milosevic, Franjo Tuđman, Bill Clinton, Jacques René Chirac, John Major, Helmut Kohl, Viktor Stepanovich Chernomyrdin, and the European Union Special Negotiator. After the DPA, the state system and constitution of BiH were created, and BiH could remain an independent state with internationally recognized borders and territorial integrity.[83] According to this agreement, the state of BiH comprises two separate units, the FBiH and RS, as well as the small autonomous region of Brčko District as a self-governing administrative unit within the context of the sovereignty of BiH.[84] The disputed Brčko District, which was not regulated by the DPA, was transferred to international administration on February 4, 1997.[85]

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[80] Bosnahersek.ba. "Dayton Antlaşması 19 Yıl Önce Bugün İmzalandı." (14 Dec. 2014, <https://www.bosnahersek.ba/dayton-antlasmasi-19-yil-bugun-imzalandi/>. 14 Mar. 2020.

[81] Keil, Soeren and Anastasiia Kudlenko. "Bosnia and Herzegovina 20 Years after Dayton: Complexity Born of Paradoxes." *International Peacekeeping,* Vol. 22, 2015, pp.471-489.

[82] OHR. Office of the High Representative. <http://www.ohr.int/?page_id=1252>. 15 Mar. 2020.

[83] Akçay, Yaşar. "AB Entegrasyon Sürecinde Potansiyel Aday Olarak Bosna-Hersek." *Bilecik Şeyh Edebali Üniversitesi Sosyal Bilimler Enstitüsü Dergisi*, 22 Jun. 2017, Vol. 2, Issue: 1, pp. 50-64.

[84] Chivvis, Christopher S. "The Dayton, Dilemma." *Survival.* Johns Hopkins University School of Advanced International Studies, Vol. 52, No: 5, Oct.-Nov. 2010, pp. 47-74.

[85] Bosnahersek.ba. Tarih. <http://www.bosnahersek.ba/bosna-hersek/tarih/>. 19 Feb. 2020.

2.1.1. Historical process

In 1993-1994, the Bosniaks and the Croats in BiH were caught up in a war against each other. With pressures by the international community, Bosniaks and Croats signed the Washington Peace Agreement. The agreement led to the foundation of the Federation of BiH. In addition, the agreement partly resolved the conflict in the region by a process known as the Bosniak-Serbo-Croat talks. [86]

2.1.1.1. Lisbon Conference

Before the start of the Bosnian War, a final consensus was sought between the parties through the efforts of the European Community. A conference was held in Lisbon in March 1992 with party representatives of these three groups. Accordingly, a system of a "Cantonal Confederation" with a flexible structure indexed to Bosniak, Serb, and Croat societies was proposed. Under this plan, the new order would comprise 27% Bosniaks, 17% Croats, and 52% Serbs. The cantons had a very strong structure and were to be governed according to their own constitutions. In this case, it was very difficult for the center to maintain the territorial integrity of Bosnia in the future as its powers were restricted over these regions. The Serbian and Croatian cantons formed the border with Serbia and Croatia, and in a possible clash, they could immediately decide to split up and merge with those countries. Therefore, as a result of this conference, no compromise was reached between the parties.[87]

2.1.1.2. London Conference

In August 1992, the parties held a conference in London. This time the territorial integrity of BiH was maintained, and the aggression of Serbian and Yugoslav forces was recognized. However, a decision was slow to be made because Serb forces occupied 70% of Bosnia and had killed thousands of Bosniaks, and no compromise was reached between the parties as a result of the conference.[88]

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[86] Çetinkaya, Mustafa Said. "Dayton'dan Günümüze Bosna Hersek." Jul. 2014, <https://www.academia.edu/8552834/Daytondan_Gunumuze_Bosna-Hersek>. (Mar. 2020.
[87] Ibid
[88] Ibid.

2.1.1.3. Vance-owen Plan

According to this plan, the Serbian leader Karadzic wanted to reach a compromise between the two sides, in accordance with his own interests, a few months after the war began. They had occupied 70% of the territory of BiH and thus wanted to guarantee their control. Karadzic wanted the UN to create a buffer zone between Serbian forces and Bosniaks. Thus, the Bosniak forces would not be able to fight the Serbs again in any way. Another decision was for three of the ten provinces to be affiliated with Serbs, three with Croats, and three with Bosniaks, and for Sarajevo, a tri-communal status would be determined. The Bosniaks accepted this plan, but the Serbs strongly opposed it, as they would suffer great territorial loss. As a result, the Vance-Owen plan also failed to be implemented.[89]

2.1.1.4. Owen-Stoltenberg Plan

The parties met again in Geneva in May 1993. According to this new plan, a single Bosnia based on three ethnic groups in BiH was intended to be created. The biggest problem, however, was that the borders that Bosniaks, Croats, and Serbs would be satisfied with were not drawn. Some principles were adopted as a result of the USA taking a clear stance. The first was that Bosniaks must have land of at least 32%. The second was that since BiH was a member of the UN, its borders needed to be recognized. Third, BiH absolutely needed a sea port through the Brčko and Neum regions. However, it was not decided which ethnic group these regions should be assigned to, and although it was desired to make decisions according to population density, the issue could not be resolved because no group in these regions had a majority. As a result, this plan also failed.[90]

2.1.1.5. The Plan for Safe Zones

Both international organizations and the international community avoided much interference in the war that began in 1992. After Serb forces carried out massacres in areas inhabited by Bosnian Muslims who had been abandoned as a result of this insensitivity, the UN put the “Safe Zone” into practice to make the

[89] Ibid.
[90] Ibid.

region more livable for Bosniaks by protecting at least six Muslim-majority cities. This plan was rejected by Bosniaks because it was meant to approve Serbian occupation. However, the UN still managed to curtail short-lived Serbian attacks by declaring six cities, especially Srebrenica, as "safe zones." However, on July 6th, Srebrenica was under UN protection as a safe zone but there was a hostage situation between Serbian forces and the Dutch soldiers who led the protection mission, and the city was handed over to the Serbs.[91]

In Srebrenica, where at least 8,372 Bosniaks were massacred in just a few days, the identities of 6,610 victims have been identified to date. What happened in Srebrenica was described as "the largest massacre in Europe after the Second World War."[92] In 2007, the UN's judicial body, the International Court of Justice, described what happened in the town as "genocide," but the UN's judicial body ruled that Serbia was not responsible. Russia had vetoed a draft resolution submitted to the UN Security Council in 2015 describing what happened in the town as "genocide." The International Criminal Tribunal for the former Yugoslavia (ICTY) in The Hague, in the Netherlands, found Bosnian Serb General Ratko Mladic to be convicted of genocide, other crimes against humanity, and the Srebrenica massacre. Mladic was sentenced to life in prison.[93]

2.1.1.6. General Framework Agreement (DPA)

The DPA aimed, with the slogan of "One State, Two Entities, and Three Nations," to establishing a compromising balance among parties with conflicting interests. The agreement also sought to restrict disintegrating political forces. A complicated system of politics was born, constituting four administrative levels with veto powers for the three ethnicities. At the same time, the concept of consociationalism was integrated in the political system. Establishment of the OHR was foreseen by the DPA. This office is an observant governing body capable of coordinating and supervising implementations of the parts of the agreement relevant to civil life. From 1997 onwards, the powers of the OHR have continued to broadly

[91] Ibid.
[92] İNSAMER. Srebrenica Genocide Will Not Be Forgotten. 28 Jul. 2018, <https://insamer.com/en/srebrenica-genocide-will-not-be-forgotten_1572.html>. 14 Mar. 2020.
[93] Ibid.

expand, now also including law enforcement competencies and the right to strip public officials of their positions, privileges also known as the Bonn Powers.[94]

With this agreement, Croatia, BiH, and the Federal Republic of Yugoslavia pledged full respect of each other's sovereign equality. In addition, they agreed to resolve disputes peacefully. The FRY and BiH both recognized the other party. They also agreed to participate in future discussions on other factors relevant to this mutual recognition. These signatories agreed to extend their respect and encouragement in the process of fulfilling the commitments contained in the various DPA annexes. The parties were also obliged to respect human rights, refugees' rights, and the rights of displaced persons. The signatories, with the authorization of the United Nations Security Council, were bound to implementing the peace agreement and investigating and prosecuting war crimes and any other violations of international humanitarian law.[95]

2.1.1.7. Annexes of the Dayton Peace Agreement

The DPA included several further annexes, as follows: Annex 1-A: Military Aspects, Annex, 1-B: Regional Stabilization, Annex 2: Inter-Entity Boundary, Annex 3: Elections, Annex 4: Constitution, Annex 5: Arbitration, Annex 7: Refugees and Displaced Persons, Annex 8: Commission to Preserve National Monuments, Annex 9: BiH Public Corporations, Annex 10: Civilian Implementation, Annex 11: International Police Task Force Agreement on Initialing the General Framework Agreement.[96] (For the Constitution of BiH, please see http://www.ohr.int/laws-of-bih/constitutions-2/.)

2.1.2. The international role in Bosnia and Herzegovina's peace process

The actors involved in the peace process included the Peace Implementation Council (PIC), the UN, the OHR, the Organization for Security and Co-operation in

[94] Gavrić, Saša, Damir Banović and Mariña Barreiro. "The Political System of Bosnia and Herzegovina: Institutions–Actors–Processes." Sarajevo: Sarajevo Open Centre, 2013, pp.1-118, p. 16
[95] UMN. "Summary of the Dayton Peace Agreement on Bosnia-Herzegovina." University of Minnesota. Human Rights Library, 30 Nov. 1995, <http://hrlibrary.umn.edu/icty/dayton/daytonsum.html>. 10 Mar. 2020.
[96] OSCE BiH. Organization for Security and Co-operation in Europe to Bosnia and Herzegovina, <https://www.osce.org/bih/126173>. 12 Mar.2020.

Europe (OSCE), and the EU, together with various governments that individually took an active interest in Bosnia, such as the UK, the US, Turkey, Russia, France, and Germany.[97]

2.1.2.1. The Office of the High Representative (OHR)

The OHR can be best described as an ad hoc international body. This office holds the responsibility for the oversight of the process of implementing the civilian aspects of the DPA that ended the warring in BiH. The OHR works with the peoples and the institutions of BiH, as well as with the international community, for ensuring BiH's transformation to a functional and peace-enjoying democracy on the road to moving steadily towards integrating itself into the Euro-Atlantic institutions. This office continues its efforts to reach the point where BiH can assume complete responsibility in maintaining its affairs on its own. The Steering Board of the Peace Implementation Council (PIC) guides the peace process.[98]

The EU, likewise, has expanded its commitment to supporting BiH, the international body guiding the peace process, the High Representative to BiH, and the PIC with close cooperation and coordination in line with existing roles and among other international community actors.[99]

The OHR's established status is that of a diplomatic mission in BiH. The office consists of diplomatic staff appointed by the governments of the states participating in the PIC, with both international staff directly recruited and national staff from BiH. Four international and 78 national staff members are employed, of which 15 were assigned in July 2018. All vacancies declared in the OHR became open to applications from BiH citizens as of September 2002. Additionally, if a foreign citizen applying for the same post as a BiH citizen is considered to have equal merit, qualifications, and experience, the BiH citizen is to be preferred. The OHR funds are allocated by the PIC. Its budget for 2018/2019 was € 5.328 million. The contributions of external actors to the budget of the OHR in terms of proportions

[97] OHR. Office of the High Representative. <http://www.ohr.int/?lang=en>. 15 Mar. 2020.
[98] OHR. Office of the High Representative. (<http://www.ohr.int/about-ohr/general-information/>. 15 Mar. 2020.
[99] Ibid.

are as follows: EU 54.37%, US 22%, Japan 10%, Canada 3.03%, OIC 2.5%, Russia 1.2%, and others 6.9%.[100]

2.1.2.2. Peace Implementation Council (PIC)

After the successful negotiation of the DPA in November and December of 1995, a conference for peace implementation was organized in London on December 8-9, 1995, with the goal of mobilizing support for the DPA at the international level. This conference led to the Peace Implementation Council (PIC) being established.[101]

The High Representative is responsible to this council and its executive branch, the Steering Board. The Steering Board members are Canada, France, Germany, Italy, Japan, Russia, United Kingdom, United States, the Presidency of the European Union, the European Commission, and the Organisation of the Islamic Conference (OIC), which is represented by Turkey. [102]

PIC supports BiH in establishing favourable conditions for the return of large numbers of refugees and displaced persons, establishing the rule of law, strengthening common institutions, establishing a sustainable market economy and accelerating the democratization process. It also supports the efforts of the High Representative to improve the financing of state institutions, the decision-making process within the presidency, the structure of the Council of Ministers, and cooperation between state and entity authorities. In addition, PIC also points out that measures must be taken to combat corruption on both sides and eliminate illegal parallel institutions that exist in the Federation. PIC is making efforts on measures (the enactment of a new electoral law, assets and more openness in the relations between administrative organs, media reform and the continuation of training measures, assets of the Constitution of the Constitution of the state and civil society to be aligned with promotion) to strengthen the democratization process in BiH. The PIC also supports the High Representative, the main civilian power in Bosnia, to overcome obstacles to the implementation of the peace agreement.[103]

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[100] Ibid.

[101] OHR. Office of the High Representative. <http://www.ohr.int/?page_id=1220>. 15 Mar. 2020.

[102] OHR. Office of the High Representative. <http://www.ohr.int/international-community-in-bih/peace-implementation-council/>. 15 Mar. 2020.

[103] CoE. Council of Europe. "Political situation in Bosnia and Herzegovina." *Political Affairs Committee*. Rapporteur: Mr Peter Bloetzer, Switzerland, Group of the European People's Party, 20

The PIC consists of 55 countries and institutions supporting the implementation of this peace process via an assortment of approaches, including financial aid or the provision of troops to EUFOR, among others.[104]

2.1.2.3. The international peacekeeping force

- UNPROFOR was present in 1992-1995,
- NATO IFOR was present in 1995-1996,
- NATO SFOR was present in 1996-2004,
- EUFOR-ALTHEA has been present from 2004 onwards.

In relation to the European Union Force in BiH, the mandate for the ALTHEA Operation of EUFOR has two main parts, which are executive and non-executive. The UNSC is the granter of the former mandate, with the EUFOR mission having its basis in the EU Foreign Affairs Council (FAC) Joint Action, including an executive aspect that derives from the UNSC for the support of the authorities of BiH in their efforts for maintaining an environment of safety and security. A non-executive part is also present, which is focused on providing support and combined training for the armed forces of BiH. These efforts are designed to support BiH in becoming a "security provider" rather than a "security consumer."[105]

A total of 23 countries, 18 of which are EU countries and 5 of which are non-EU, are involved in these operations for keeping the peace, which continue as Operation EUFOR-ALTHEA. Turkey, which has contributed from the beginning, is the second most contributing country after Austria.[106]

2.1.3. Criticism of the Dayton Peace Agreement

The primary aim of the DPA was to end ongoing armed conflict in BiH and to protect different ethnic groups through its peace-building mission. It was able to end the war by building collaboration between ethnicities and those in conflict zones.

Apr. 1999, <https://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewHTML.asp?FileID=8674&lang=EN>. 11 Mar. 2000.

[104] OHR. Ibid. <http://www.ohr.int/international-community-in-bih/peace-implementation-council/>

[105] European Union Force in BiH – Operation ALTHEA. About EUFOR. <http://www.euforbih.org/eufor/index.php/about-eufor/background>. 14 Mar. 2020.

[106] Kara Kuvvetleri Komutanlığı. Barışı Destekleme Harekatına Kara Kuvvetleri Komutanlığının Katkıları. < http://www.kkk.tsk.tr/BDH/BDH.aspx>. 14 Mar. 2020.

Although there was no conflict in the region after 1995, the DPA has been criticized for its inability to maintain peace itself. The main criticism on this issue is that the agreement undermined the functionality and efficiency of different ethnic groups in the newly formed postwar institutions. This is because, rather than having a solution-oriented functioning, different ethnic groups have been established with a structure that can go as far as political blockages in order to prevent each other from achieving goals. However, the goal of the DPA was to solve the problems that led these communities to war in the past and to create an integrated society for the future.[107]

If we look briefly at the efforts to build peace in post-Dayton BiH, the first goal is to create a safe society with a liberal order. This can only be ensured by guaranteeing that individual rights precede group rights in a centralized multinational society. The first strategy for this is to strengthen central institutions. However, the presence of two different entities and ten cantons in post-Dayton BiH, as opposed to centralization, facilitates division and causes a blockage of the decision-making mechanism. In other words, there are 13 different constitutions besides the Constitution of BiH and each of these cantons has much power compared to the central government. When a problem arises as a result of this situation, these different cantons, which are dominated by different ethnic groups, prefer to act according to their own political interests rather than take a stand for the solution. In this case, the solutions of the problems are blocked for many years.[108]

In addition, another problem that arose from the DPA involved decision-making processes. For example, a decision or a law requires the approval of three different ethnic groups. In other words, although decisions can be made mostly in entity assemblies, at least one-third of each group needs approval in order for these decisions to become law. Otherwise, the decisions cannot be enacted. As a result, the decision-making mechanism in Bosnia is often blocked, causing political crises.[109]

In other words, the DPA, which was adopted under pressure from the US and assorted international organizations with the goal of ending the war without much influence from the warring parties, does not only constitute the Constitution of BiH, but also places some kinds of restrictions on its sovereignty. As well as the

[107] Çetinkaya. Ibid.
[108] Ibid.
[109] Ibid.

obstructions in the legislature and execution that were mentioned earlier with the constitution created at Dayton, the OHR, established for implementing parts of the agreement relevant to civil life, also restricts the sovereignty rights of BiH as the OHR is endowed with much more authority than the Constitution of BiH.[110]

When examining the powers of the OHR, the fact that it has more powers than the constitution of a country recognized as a member of the UN has undoubtedly brought with it the question of sovereignty. In short, although the DPA ended the conflicts in the region, there was no solution to ethnic differences, one of the major causes of these conflicts. On the contrary, the constitutional order that it introduced brought the differences between Bosniaks, Croats, and Serbs to a political level, separating them along even sharper lines and causing a problem that could not be solved for many years. Tim Judah describes this situation as follows: "Dayton, the agreement that brought peace to the country after the Bosnian War, has brought peace to the country with a state structure that is difficult to understand and manage." Therefore, chronic blockages are experienced in solving problems. However, the OHR's authority and high number of powers are causing problems of sovereignty in the country. [111]

The DPA's effects on BiH have been critically explored by scholars ever since the agreement was concluded and a considerable amount of related literature has been produced. In particular, it is important to address the ways in which the DPA, although it did prevent the renewal of violent conflicts in BiH, has not succeeded in any goals of delivering development in the economic realm, reconciliations within politics, or state institutions that function effectively.[112]

The DPA created a system portrayed by some as "one of the most complicated and wasteful systems of government ever devised." It features a central government with considerably limited strength (i.e. the state of BiH) and two ethnonationalist actors that can be likened to states (Federation of BiH and Republika Srpska), while the Federation of BiH in turn comprises 10 cantons (three with a clear Bosnian Croat majority, five with Bosniak domination, and two that remain

[110] Ibid.
[111] Ibid
[112] Pinkerton, Patrick. "Deconstructing Dayton: Ethnic Politics and the Legacy of War in Bosnia and Herzegovina." *Journal of Intervention and Statebuilding*, 22 Jul. 2016, Vol.10, Issue 4, pp. 548-565.

contested) and 142 local municipalities.[113] The Dayton Accords created an inefficient system of government by claiming sovereign powers for international agencies such as the UN, EU, and NATO that would have been traditionally left to individual states.[114]

The democratization process is progressing slowly. Key elites initially took over the state and its institutions. They still successfully retain power despite the heavy international presence and reform attempts to balance them out.[115]

Large ethnic groups have been appointed to many posts with ethnic quotas.[116] The existence of a dual system causes every debate related to this structure to stand out as a discussion of power and sharing. The state structure established by this treaty divides the Bosnian state according to the existence of two institutions established based on ethnicity. During the first steps of the peace process, international actors made efforts to reduce the power of ethnic national parties through regular elections (every two years in the period of 1996-2002) and promote more moderate alternatives. There has been a heavy focus on strengthening official rules, without taking into account the internal dynamics of international parties, especially the EU, in trying to build new institutions.[117]

The DPA, which also defines the Constitution of BiH, brings a complex political system to the country, while symbolically binding the hands of BiH on many issues. The critical issue in decision-making processes is the Council of the Presidency. Decisions on important issues such as foreign policy can be made with the agreement of the three members. Sometimes it takes a long time to make these decisions, and sometimes it does not happen at all. The OHR of BiH, endowed with broad powers, is another topic under discussion. It is argued that the OHR restricts the country's sovereignty. In addition to other powers, the foreign High

[113] Tuathail, Gearóid Ó., John O'Loughlin and Dino Djipa. "Bosnia-Herzegovina Ten Years after Dayton: Constitutional Change and Public Opinion." *Eurasian Geography and Economics*, 2006, No. 1, pp. 61-75.
[114] Ponomareva, Elena. "Dayton: Pitfalls and Dilemmas of the Peace Agreement." *International Affairs: A Russian Journal of World Politics, Diplomacy & International Relations*, 2011, Vol. 57, Issue 2, pp. 207-219.
[115] Keil, Soeren, and Valery Perry. *State-Building and Democratization in Bosnia and Herzegovina*, <https://www.dr.com.tr/ekitap/state-building-and-democratization-in-bosnia-and-herzegovina-1>. 8 Mar. 2020.
[116] Sağıroğlu, Akın. "Bosna-Hersek ve Sırbistan'da Euroseptisizm: Batı Balkanlarda Avrupa Birliği'ne Bakış." *Ekonomi, Politika & Finans Araştırmaları Dergisi,* 2017, pp. 20-35.
[117] Ibid.

Representative also has the right to dismiss state actors, including members of the Council of Presidency, in the case of actions contrary to Dayton. The OHR, authorized to solve the problems of Dayton implementation, remains ineffective in solving many serious problems that fall under its responsibility despite its powers.[118]

Bosniaks, who favor changing the Dayton constitution, want a Muslim country to be one of the international guarantors in a second possible Dayton because no Muslim country was present when the DPA was signed.[119]

Bosnian academician Dzmaludin Latic stated that "BiH, with Dayton which is almost impossible to implement, [has been] put in a straitjacket and made the country a crippled country." Miro Lazovic, a Bosniak politician who also attended the Dayton peace talks, emphasized that the weakest side of Dayton is the 4th Chapter, the Constitution of Bosnia and Herzegovina. He recalled that some members of the US Congress also previously said that the Constitution should be changed. The current constitution is discriminatory and contrary to human rights. In fact, the source of all our problems is the Constitution. He added that the Sejdic-Finci decision of the European Court of human rights against BiH needs to be implemented. He believed that when this charter is implemented, the constitutional architecture as a whole will change. [120]

The existing political structure mandated an ethno-national policy.[121] A loose union formed in which both parties maintained the competence of governing, and important state decisions made trilateral agreement necessary. When the system is subject to the hindrance of nationalists, the international community has equipped the High Representative with broad powers to ensure the survival of the state. Therefore, this actor has supported decisions that give greater centralization and less consent, hoping to make the state more functional.[122] It can be argued that Bosnia possesses the most convoluted and confusing system of government in the world. Attempts to

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[118] Anadolu Ajansı. "Dayton Anlaşması ve Bosna Hersek'e giydirdiği 'deli gömleği' Bosna Hersek'te 1992-1995 yıllarında yaşanan savaşı sonlandıran ancak ülkeye karmaşık bir siyasi sistem getiren Dayton Barış Anlaşması, imzalanmasının üzerinden 23 yıl geçmesine rağmen tartışılmaya devam ediyor." 17 Jan. 2019, <https://www.aa.com.tr/tr/dunya/dayton-anlasmasi-ve-bosna-herseke-giydirdigi-deli-gomlegi/1367340>. 4 Jul. 2020.

[119] Ibid.

[120] Ibid.

[121] Keil. Ibid.

[122] Sağıroğlu. Ibid.

understand this unusual arrangement of constitutional and institutional factors must all inherently start with attempts to understand the DPA.[123]

2.2. The Common Institutions of Bosnia and Herzegovina

The political framework for BiH was first envisioned by the DPA, signed in 1995. The state system and the constitution of the country were established at the same time with this agreement and its annexes.[124]

BiH suffered the effects of the largest war to occur in Europe after the Second World War. As a result, the international community aimed to strike a balance in the country's ethnic conflicts. A complex federal structure has emerged in the country. It proved possible to end the war with the DPA, but the established political system has not united or consolidated the country as a cooperative nation. It also failed to establish any foundation for the growth of meaningful true peace or cooperation between ethnicities. Rather, the current structure of politics in BiH is among the most complex systems throughout the world, perhaps even throughout all of history. Still, it presents a multi-tiered system of politics which can be successfully managed in the presence of firm determination and decisions among political elites to cooperate with each other.[125]

Although the DPA envisioned a very complex political system, it was thought that the political structure of the country would be reformed and transformed into a more functional one as inter-communal normalization took place in a peaceful environment.[126]

BiH contains within itself two entities, the FBiH and the RS, and three constituent peoples, Bosniaks, Croats, and Serbs, along with the autonomous Brčko region, which has an autonomous administration. There are also 10 cantons within the FBiH, which is composed of Bosniaks and Croats.[127]

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[123] Nardelli, Alberto, Denis Dzidic and Elvira Jukic. "Bosnia and Herzegovina: the world's most complicated system of government?" *The Guardian*, 8 Oct. 2014, <https://www.theguardian.com/news/datablog/2014/oct/08/bosnia-herzegovina-elections-the-worlds-most-complicated-system-of-government>. 15 Mar. 2020.
[124] T.C. Dışişleri Bakanlığı. "Bosna-Hersek'in Siyasi Görünümü." <http://www.mfa.gov.tr/bosna-hersek-siyasi-gorunumu.tr.mfa>. 18 Mar. 2020.
[125] Gavrić, Banović and Barreiro. Ibid., p. 11.
[126] Ekinci. Ibid., p. 19.
[127] T.C. Dışişleri Bakanlığı. Ibid.

The DPA created a "republic" and a "federation" within BiH. The Serbian administration has a central administration, while the Federation consists of 10 cantons. Both units have separate parliaments, while each of these cantons has a separate assembly.[128] Both entities have a chairman and president, and each canton also has a chairman and president. In BiH, there is no real legal boundary between these two entities, but there is a separation of about 1,400 km long, which is controlled by international powers.[129]

The BiH Presidency Council consists of three members elected to represent the three constituent peoples, and the council presidency alternates between these three members for eight-month periods. The President of the Council of Ministers, namely the Prime Minister, is to be elected by the House of Representatives of BiH on the recommendation of the BiH State Presidency Council.[130]

The country's formation of 3 constituent ethnic communities and its unique political structure have made BiH one of the most complicated bodies of governance in the world. In this country, there are 3 members of the Presidential Council, 3 Prime Ministers, 13 governments, 16 parliaments, and over 300 ministers, and at the top of all this is the High Representative appointed by the international community.[131] This has often prevented things from working, as all three ethnic communities of Bosniaks, Serbs, and Croats have to approve any resolution.[132]

The OHR holds the responsibility of implementation of the parts of the DPA with relevance to civilian life, aiming to work with all institutions of BiH. It exercises powers within the framework of decisions made at the annual meetings of the members of the 56-nation PIC at the level of foreign ministers.[133]

2.2.1. Presidential Council

The history of the BiH Presidency dates back to 1974, the year of the Constitution of the Socialist Republic of BiH, which had been established within the frame of the Socialist Federal Republic of Yugoslavia. A novel institution was

[128] Tekin. Bosna-Hersek Devleti, Ibid., p. 46.
[129] Bosna-Hersek.ba. Siyasi Yapı. <http://www.bosnahersek.ba/bosna-hersek/siyasi-yapi/>. 12 Apr. 2020.
[130] T.C. Dışişleri Bakanlığı. Ibid.
[131] Ibid.
[132] Tekin. Bosna-Hersek Devleti. Ibid., pp. 44-45.
[133] Ibid. p. 49.

thereby constituted within the socio-political system. The Presidency had 9 members in this time period. However, in the aftermath of the first multi-party elections, which were held in December 1990, it had only 7 members. Of those, two were Bosniaks, two Serbs, and two Croats, with an additional member to represent all other peoples. Under the current constitution, the BiH Presidency is recognized as the supreme institution of the state. The functions of the collective head of state are to be shared equally among the three members from BiH's constituent peoples: Croats, Serbs, and Bosniaks. Article 5 of the constitution defines the Presidency's constitutional jurisdictions.[134]

The council is responsible for foreign policy, diplomatic relations, military issues, and the budgets of state-level institutions. A directly elected tripartite presidential structure is in place. The three members of the Presidency come from the three constituent nations as stated above. These candidates are "self-defined," only allowed to claim a single identity. In other words, it is not possible to vote for both Bosniak and Croat members or individuals not belonging to these carefully defined groups.[135]

The Bosniak and Croat members gain their positions via direct election from the territory of the Federation, while the Serbian election occurs in the territory of the RS.[136] In other words, a Croat or Bosniak living in the RS is only able to vote for the Serb representative. Likewise, a Serb living in BiH can only vote for the Croat or the Bosniak representative.[137]

The public directly elects members to serve terms of 4 years. Each member carries out the responsibilities of the presidency of the council for 8 months and then transfers it to another member. Thus, each member of the presidential council becomes council president twice in a 4-year period. The council tries to make decisions unanimously. In decisions where two of the three members have agreed, a

[134] Presidency of Bosnia and Herzegovina, Chronology of the Presidency of BiH, <http://www.predsjednistvobih.ba/hron/default.aspx?id=10074&langTag=en-US>. 22 Apr. 2020.
[135] Nardelli, Dzidic and Jukic. Ibid.
[136] Constitutionnet.org. Constitutional History of Bosnia and Herzegovina. <http://constitutionnet.org/country/bosnia-and-herzegovina>. 6 Apr. 2020.
[137] Deniz, Emel. "Bosna Hersek'in Karmaşık İdari Yapısı - Complex Administrative Structure of Bosnia and Herzegovina." *TUİÇ Akademi,* 25 Feb. 2013.

two-thirds majority of the entity parliament of the ethnic group from which a member voted negatively shall be sought.[138]

On the heels of the general elections held in BiH in October 2018, the seventh BiH Presidency was emplaced. At present, it includes Milorad Dodik as the Serb BiH Presidency Member, Željko Komšić as the Croat Member of the BiH Presidency, and Šefik Džaferović as the Bosniak Member of the BiH Presidency. In a session that was held on November 20, 2018, Milorad Dodik was selected as the first Chairman of the BiH Presidency.[139]

2.2.2. Parliament

The Parliament of BiH comprises a House of Representatives and a House of Peoples.

2.2.2.1. House of Representatives

Forty-two members are elected directly to the House of Representatives according to a system based on the principle of proportional representation. Twenty-eight members are from the FBiH and 14 from the RS. This parliament has the fewest members of any parliament in Europe.[140] As in the Council of Ministers of BiH, for example, if the speaker of the parliament is a Croat, one of his deputies must be a Bosniak and the other a Serb.[141]

2.2.2.2. House of Peoples

Fifteen individuals are elected to the House of Peoples indirectly by the entities' parliaments, 66% of them being members from the FBiH (five each from Bosniaks and Croats) and 33% from the RS (five Serbs).[142] The House of Peoples of BiH has the right to veto a resolution adopted in the House of Representatives of BiH, representing the second wing of the parliament.[143]

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[138] Ekinci. Ibid. p. 24.
[139] Presidency of Bosnia and Herzegovina. Ibid.
[140] Nardelli et al. Ibid.
[141] Bosnahersek.ba. Siyasi Yapı. Ibid.
[142] Nardelli et al. Ibid.
[143] Bosnahersek.ba. Siyasi Yapı. Ibid.

2.2.3. Prime Minister and Cabinet

The Council of Ministers constitutes the top executive authority of BiH, carrying out the duties of governance. There are 10 members, with 9 ministers and a Chairman. This council has the responsibility of monitoring policies in the realms of foreign, fiscal, and economic affairs. The Chairman receives his or her appointment from the Presidency of BiH. The remaining members of this council then receive appointments from the Chairman. Parliament subsequently grants approval for the Cabinet's roster of members. The Council of Ministers proposes laws to Parliament and implements its decisions.[144] The DPA introduced this council, with the vision that it would function similarly to a central state government and wield executive power in conjunction with the Presidency. In the years after the war, however, it has taken on a position akin to that of a humble coordination office.[145]

The nine ministries of the central government are required to be shared equally by the three ethnic groups in the country. Each minister, including the prime minister, has two deputies in the BiH Council of Ministers, and, for example, if the minister is a Bosniak, one of his deputies must be a Serb and the other a Croat.[146]

2.2.4. Constitutional Court

The Constitutional Court, as the top-level judicial body of the country, deals with constitutional disputes between the central government and the entities and between the entities themselves. It is also an appellate authority. This authority, whose decisions are final and binding, consists of nine members. Of these, 4 will be elected by the FBiH House of Representatives and 2 will be elected by the National Assembly of the RS. The final 3 members will receive their appointments externally from the president of the European Court of Human Rights as a result of consultations with the Tripartite Presidential Council.[147]

The Constitutional Court's areas of jurisdiction are generally identified by Article VI.3 and Article IV.3 of the Constitution. In addition to its primary

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[144] Visitmycountry.net. <https://www.visitmycountry.net/bosnia_herzegovina/en/index.php/state-system/28-vmc/drzavno-uredenje-bih/236-izvrsna-vlast>. 6 Apr. 2020.
[145] Gavrić et al. Ibid., p. 44.
[146] Bosna-hersek.ba. Siyasi Yapı. Ibid.
[147] Ekinci. Ibid., p. 27.

responsibility of upholding the Constitution of BiH, it has 5 basic jurisdiction areas. Proceedings that must be followed and the decisions that will be made are all dependent on the type of case.[148]

2.2.4.1. Decision of the European Court of Human Rights in the case of Sejdić & Finci vs. Bosnia and Herzegovina

The applicants in this case, Dervo Sejdić and Jakob Finci, were citizens of BiH. They were both prominent public figures in Sarajevo. Sejdić was of Roma background while Finci was Jewish. The constitution of BiH implements an understanding of two categories of citizens: the constituent groups are the Serbs, Croats, and Bosniaks, while the second category is simply "others." Both the House of Peoples of the Parliamentary Assembly (2nd chamber) and the Presidency itself are only open to membership from among the three constituent peoples defined above. Finci contacted the Central Election Commission regarding his desire to pursue election to the Presidency and the House of Peoples. He was informed in writing by that commission on January 3, 2007, that he was not eligible to pursue election as a Jew, or, in other words, because he was not a member of the specified constituent groups.[149]

The applicants directed an appeal to the European Court of Human Rights (ECHR) based on Articles 3 (prohibiting inhuman/degrading treatment), Article 13 (granting the right to effective remedies), Article 14 (establishing a basis for non-discrimination), Article 3 of Protocol No. 1 (asserting the right to free elections), and Article 1 of Protocol No. 12 (prohibiting discrimination in general) of the European Convention on Human Rights. Sejdić appealed on August 3, 2006, and Finci appealed on August 18, 2006, to the Court.[150]

The court (ECHR 2009) voted 14 to 3, finding that the lack of eligibility of these applicants to be elected to the House of Peoples of BiH did not have any

[148] CCBH, Constitutional Court of Bosnia and Herzegovina, <http://www.ccbh.ba/o-sudu/nadleznosti/?title=uvod> . 11 Apr. 2020.
[149] Gavrić et al. Ibid., pp. 27-28.
[150] Önok, R. Murat. "Avrupa İnsan Hakları Mahkemesi Büyük Dairesinin 22 Aralık 2009 tarihli Sejdic ve Finci Bosna Hersek Kararının Özeti." *Fascicle Law Journal*, Vol. 04, No. 29, Apr. 2012, pp. 12-14.

objective or defendable basis. The court thus decided that Article 14 had been breached together with Article 3 of Protocol No. 1.[151]

It ordered BiH to remove the regulation from its constitutional and electoral law. Bosnia promised to make the necessary arrangements by 2013, but it still has not done so.[152]

2.2.4.2. International Criminal Tribunal for the Former Yugoslavia (ICTY)

The ICTY began its life as a UN court of law. It was established with the intent of addressing the war crimes committed in the course of the violence in the Balkans throughout the 1990s. With a mandate spanning the years of 1993 to 2017, the ICTY had impacts on international humanitarian law of considerable importance, changing the overall atmosphere of the field. Of critical importance, this body allowed victims to publicly share what they had suffered, demonstrating that individuals responsible for atrocities in times of war can and will be held accountable on the international stage.[153]

Widespread war crimes occurring in Croatia first and then subsequently in BiH forced the international community to act. The UN first noted the dire realities of the situation and fervently called on participants in the conflicts to comply with standards of international law in September 1991. While thousands of individuals suffered injuries or death, hundreds of thousands would be displaced from their homes. People reported civilian massacres, cases of torture and rape within detention camps, and the miseries of hundreds of thousands of people forced out of their homes as cities fell under siege. As a result, the UN established a Commission of Experts for examining events in the Balkans toward the end of 1992.[154]

On May 25, 1993, with Resolution 827, the UNSC officially established the ICTY. The Statute of the ICTY as contained in the aforementioned resolution would determine the ICTY's areas of jurisdiction and its organization, simultaneously

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[151] Gavrić et al. Ibid., p. 28.

[152] Köybaşı, Serkan. "Avrupa Konseyi Bosna-Hersek'e yaptırım kararı almaya hazırlanıyor." *Anayasa Gündemi*, 4 Jan. 2018.

[153] ICTY. United Nations International Criminal Tribunal for the former Yugoslavia 1993 – 2017. <https://www.icty.org/>. 26 Apr. 2020.

[154] ICTY. United Nations International Criminal Tribunal for the former Yugoslavia 1993 – 2017. <https://www.icty.org/en/about>. 26 Apr. 2020

laying the general framework of criminal procedures. This represented the first time that a war crimes court was assembled by the UN; it was furthermore the first international war crimes tribunal to be called into action since Nuremberg and Tokyo. This process reflected the ending of impunity for war crimes in the lands of the former Yugoslavia.[155]

2.2.5. State Court of BiH

The Law on the Court of BiH, imposed based on the relevant High Representative's decision in 2000, received formal confirmation from the Parliamentary Assembly of BiH at the House of Peoples session on June 25, 2002, and the House of Representatives session on July 3, 2002.[156] This court, which includes foreign judges, handles cases concerning the practices of the central government and its affiliated institutions. It is also responsible for prosecutions of major crimes such as war crimes, organized crime, and smuggling and oversight of nationwide procedural standards.[157]

2.2.6. Central Bank (CBBH)

The establishment of the Central Bank of BiH (CBBH) was undertaken as a result of a law passed in the Parliament of BiH on June 20, 1997. The CBBH launched its operations on August 11, 1997. The main objectives and duties of the CBBH are defined by law and in accordance with the DPA. The CBBH is to define and control all implementations of BiH's monetary policies. The CBBH is furthermore empowered to support and maintain payment and settlement systems in an appropriate manner. It is tasked with coordination of the functions and actions of BiH entity banking institutions, responsible for bank licensing and for supervising. The senior body of the CBBH, the Governing Board, is responsible for the establishment and oversight of the monetary policies, general organization, and strategizing of the CBBH. For the first 6 years, this Board included the governor,

[155] Ibid.
[156] SUDBiH. The Court of Bosnia and Herzegovina, <http://www.sudbih.gov.ba/stranica/86/pregled>. 11 Apr. 2020.
[157] Ekinci. Ibid., p. 27.

who served as Chairman of the Board, together with 3 members, 2 of them (a Bosniak and a Croat) from the FBiH and one (a Serb) from the RS.[158]

According to CBBH law, the board is presently made up of 5 people who receive appointments from the BiH Presidency for terms of 6 years. The Board is to appoint a member to fill the role of governor. The administration of the CBBH comprises this governor thus appointed together with 3 deputy governors, who are to be appointed by the governor with the Board's approval. The administration is tasked with managing the operations of CBBH business. Vice governors have direct responsibility for operations of various CBBH sectors. There is a head office, 3 main units, and 2 branches. Sarajevo is home to the CBBH's head office. Main units, in turn, include the main unit of Sarajevo, the main bank of RS CBBH Banja Luka, and the main unit of Mostar. Finally, there is a Brčko CBBH branch and Pale CBBH Branch.[159]

2.2.7. The Office of the High Representative (OHR)

The OHR constitutes an ad hoc body of international scale with the responsibility of oversight of implementations of aspects of the DPA relevant to civilian life. The OHR has status of a diplomatic mission in BiH. The High Representative (HR) works with both individuals and institutional actors of BiH and with international actors with the goal of ensuring that BiH becomes a strong democracy based on peace that continues its path towards integrating with Euro-Atlantic institutions. The OHR continues its efforts to reach the point where BiH can assume complete responsibility itself for its affairs.[160]

The HR works under the authority of the UNSC. He or she is the highest-ranking representative of the international community in BiH, working with broad powers, such as dismissal and legislating.[161] For example, former HR of BiH Wolfgang Petritsch ended Croatia's Ante Jelavić's membership in the Tripartite

[158] CBBH. Constitutional Court of Bosnia and Herzegovina, <https://www.cbbh.ba/Content/Read/13>. 22 Apr. 2020.
[159] CBBH. Ibid.
[160] OHR. Office of the High Representative. General Information. <http://www.ohr.int/about-ohr/general-information/>. 15 Mar. 2020.
[161] Erbesler, Esat Ertaç. *Bosna'da Egemenlik Sorunu: Dayton Anlaşması*. İstanbul: Biyografi Net, May 2014, pp. 17-18.

Presidential Council of BiH in 2001 on the grounds that he intended to create a Croatian entity in the country.[162]

Powers are designated in the DPA's 10th appendix. The powers extended by the PIC at the December 1997 meeting in Bonn are known in the literature as "Bonn powers."[163] The application of these powers by various HRs over the years has allowed certain political obstacles to be overcome by imposing various laws with relevance to diverse but fundamental areas, such as the state currency or election laws. However, this virtue is underlined by the fact that these decisions issue from an actor not elected by the peoples of BiH and without any public consultation. This reality clearly challenges the OHR's democratic legitimacy.[164]

The goal of the OHR is to reach a time where BiH as a state has the capability of successfully taking on complete responsibility for its affairs. The Steering Board of the PIC, which is the international body that guided the peace process, stated at a July 2011 meeting that it was eager to see a future of "close cooperation and coordination between the enhanced EU presence, the HR in BiH, and other international community actors in line with their respective existing roles."[165]

The OHR has the obligation to periodically report on implementations of the DPA to the EU, the US, the UN, Russia, and other interested parties.[166] It is composed of diplomatic staff from governments of PIC countries, with international staff members who are directly hired and national staff members from BiH. The OHR employs 15 international personnel, 4 of whom are seconded, together with 78 national staff members since July 2018. Please see Section 2.1.2.1 for detailed information about the OHR budget.[167]

2.3. Federal Republic of Bosnia and Herzegovina (FBiH)

In BiH, the classic federalist understanding of "self-rule and shared rule" is particularly complicated. The principle of federalism as a frame for ideological self-

[162] Deniz. Ibid.
[163] Erbesler. Ibid., pp. 17-18.
[164] Gavrić et al. Ibid., p. 89.
[165] OHR. General Information. Ibid.
[166] Gedik, Ömer, and İsmail Köküsarı. "14 Aralık 1995 tarihli Dayton Anlaşması ile oluşturulan hükümet biçiminin Bosna pratiğindeki sorunları ve çözüm önerileri." *EÜHFD*, C. XVIII, Nr. 1-2, 2014, pp. 25-61, p. 49.
[167] OHR. General Information. Ibid.

rule and shared-rule is unnatural in the case of BiH. However, external actors have imposed this framework in BiH all the same. At the beginning, these actors saw federalism as a solution for conflict resolution, holding the potential to convince Bosniaks, Serbs, and Croats to embrace a ceasefire and accept a peace settlement. The FBiH can have its origin traced to the Washington Agreement, signed in 1994, between Presidents Alija Izetbegovic and Franjo Tudjman. That occurred as a result of extensive diplomatic interventions by the US in Bosnia, since the European Community/EU and the UN were not successful in establishing peace in the war-torn country after the beginning of violence in 1992.[168]

This entity, inhabited by the majority of Bosniaks and Croats in BiH, covers the central, eastern, and southern regions of the country. Its capital is Sarajevo.[169] The federation has a two-thirds weight in the general administration of BiH, in numbers in the parliament, and at presidential and governmental levels. This is also shared between Bosniaks and Croats. Therefore, Croats, who share the rule equally within the Federation despite small numbers, also have a third of the say in the administration of BiH.[170]

The FBiH has a central structure. The FBiH is itself divided into 10 cantons. Each canton has a parliament with a number of deputies, which may differ according to population size, and each canton has its own president. The president of the canton proposes the prime minister and the government of the canton to the canton's parliament, and the canton assembly approves it. All local laws must pass with the approval of the canton. These cantons are divided into "Bosniak-intensive," "Croat-intensive," and "ethnically mixed" cantons according to their population structures.[171]

2.3.1. Legislation

In the FBiH, the legislature has a bicameral structure.

[168] Keil, Soeren. "Building a Federation within a Federation: The Curious Case of the Federation of Bosnia and Herzegovina." *Cairn Info*, 2013, pp. 114-125.
[169] Ekinci. Ibid., p. 19.
[170] Tekin. Ibid., p. 41.
[171] Deniz. Ibid.

2.3.1.1. House of Representatives

This constitutes the primary legislative actor of the federation. There are 98 seats. The public elects members for 4 years. The five percent threshold is applied to the parties in the elections. Constituencies are organized differently from general elections nationwide. Each of the three constituent peoples is represented in the assembly by at least 4 deputies.[172]

2.3.1.2. House of Peoples

This is the legislative body tasked with discussing the laws and decisions made by the House of Representatives of FBiH in matters concerning national interests of any of the three constituent peoples and deciding their compliance with the interests. Of its 58 members, 17 are Bosniaks, 17 are Serbs, 17 are Croats, and the remaining 7 are members of other ethnic groups. Members are elected and sent by cantonal assemblies for 4 years. Each canton has to send at least one representative from the 3 ethnic elements.[173]

2.3.2. Executive

Prime Minister and Cabinet: Although the head of administration and representative of the people is the president, the vice president's office was established in both entities taking into account the multi-ethnic structure of the society.

It consists of a president and the government (a prime minister together with deputy prime ministers, and other ministers). There are a total of 16 ministers: 8 Bosniaks, 5 Croats, and 3 Serbs. Two ministers from the two ethnic groups other than that of the prime minister also serve as deputy prime ministers.[174]

The prime minister's powers are enforcing policy and federal authority laws. He or she also ensures the execution of decisions adopted by Federation courts. In addition, he or she submits proposals for the removal of the President of the Federation from his or her office as allowed by Article IV B.3. (2) of the FbiH's

[172] Ekinci. Ibid., p. 22.
[173] Ekinci. Ibid., p. 22.
[174] Ekinci. Ibid., p. 25.

constitution. He or she submits legislative recommendations and proposals, and he or she prepares proposals for budgets to be given to the Parliament of the FBiH.[175]

2.3.3. Judiciary

Both entities have a constitutional authority and a Supreme Court. The FBiH also has regional courts in addition to cantonal courts belonging to each canton, while there are five regional courts in Republika Srpska.[176] In the FBiH, the Constitutional Court and the Supreme Court of the FBiH are present, along with the FBiH Prosecutor's Office, a total of 28 municipal courts, and the aforementioned cantonal courts. The Constitutional Court oversees the constitutionality of the laws and looks at the cantons' disputes with each other, the Federation, and the municipalities. The Supreme Court is the Federation's highest appellate authority. The Supreme Council of Judges and Prosecutors, an autonomous institution, holds the responsibility of appointments of prosecutors and judges and the oversight of judicial independence.[177]

2.3.4. Cantons

In 1996 the FBiH was divided into 10 ethnic (Bosniak-Croat) cantons. On October 6, 2002, the OHR abolished the post of governor. Serbian/Bosnian transliteration based on the Roman equivalents was used for Croatian and Slovenian as recommended by the United Nations (1977).[178]

Each canton has a parliament with a number of deputies, which may differ according to their populations. Additionally, each canton has its own president and government, which includes a prime minister and other ministers. The president of the canton proposes the prime minister of the canton and his government to the canton parliament, and the canton assembly approves this. All local laws must pass through the approval of the canton. Of the 10 cantons of the FBiH, 5 have Bosniaks

[175] Fbihvlada. Government of Federation of Bosnia and Herzegovina. <http://www.fbihvlada.gov.ba/english/premijer_v2/>. 13 Apr. 2020.
[176] Yürür, Pınar. "Uluslararası toplumun Bosna-Hersek'i yeniden yapılandırma süreci ve modeli." PhD Thesis. University of Gazi, Ankara, 2007, p. 107.
[177] Ekinci. Ibid., p. 27.
[178] Worldstatemen.org. Cantons of the Federation of Bosnia and Hercegovina, (8 Apr. 2020), <https://www.worldstatesmen.org/Bosnia_canton.html> . 8 Apr. 2020.

as their majority (the Tuzla, Una-Sana, Zenica-Doboj, Bosnia-Podrinje, and Sarajevo cantons), 3 have Croats constituting the majority (Posavina, West Herzegovina, and Livno cantons), and the final 2 (Central Bosnia and Herzegovina-Neretva) are ethnically mixed. The cantons of the FBiH are second-level administrations that constitute the Federation's administration. Above the cantonal governments and parliaments in the federation are the Parliament of the FBiH and the Government of the FBiH.[179]

Cantons in the FBiH:

- Una-Sana (Bihać) Canton / Unsko-sanski Kanton (1)
- Bosnian Posavina Canton / Županija Posavska (2)
- Tuzla Canton / Tuzlanski Kanton (3)
- Zenica-Doboj Canton / Zeničko-Dobojski Kanton (4)
- Bosnian Podrinje Canton Goražde Canton / Bosanskopodrinjski Kanton (5)
- Central Bosnia (Srednjobosanski) Canton / Srednjebosanski / Županija Središnja Bosna (6)
- Hercegovina-Neretva Canton / Hercegovačko-neretvanski Kanton / Županija Hercegovačko-neretvanska (7)
- West Hercegovina (Zapadno Hercegovački) Canton / Županija Zapadnohercegovačka (8)
- Sarajevo Canton / Kanton Sarajevo / Županija Vrhbosanska (9)
- Livno (West Bosnia) Kantonu / Livanjski kanton/Zapadnobosanska Županija (10)[180]

[179] Bosnahersek.ba. Siyasi Yapı. Ibid.
[180] Worldstatemen.org. Ibid.

Figure 2.1. Cantons of BiH

[181] Nardelli et al. Ibid.

2.3.5. Local administration

Within the Federation, the presence of municipalities is permitted according to both local government laws and constitutions. These actors are free to associate with other governmental units, and particularly coterminous municipalities, to facilitate their delivery of various public services.[182]

The Federation also has a municipal level within its framework for managing local administration. All municipalities have statutes of their own in consistency with the constitution of the respective canton. Each municipality is required to act in conformity to all relevant cantonal legislation. The municipalities within the FBiH can be described as autonomous communities with powers of local self-governance. There is a mayor for governing the municipality, as well as a municipal council. The mandates of both council members and municipal mayors last for a span of 4 years. Municipal courts enjoy jurisdiction in all areas both civil and criminal, unless the original jurisdiction was formally given to a different court by the constitution of the canton or by a law of the Federation or the canton. They may be formed to serve the territory of one or more municipalities.[183]

Mostar's Status: Mostar is the biggest and most influential city in Herzegovina, the southern region of BiH, and it is the capital of the FBiH's Herzegovina-Neretva canton.[184] Mostar, which was an Ottoman city as of its establishment and initial development, has developed continuously and steadily since the reign of Sultan Mehmed the Conqueror and it has gained the status of a residential center with a legal personality. Since the beginning of the 16th century, it has become the shining star of the corridor connecting Bosnia to the Adriatic. The city is known for its single arched stone bridge, which the architect Hayrettin completed in 1566.[185]

It underwent a second period of development while controlled by the Austro-Hungarian Empire between 1878 and 1918, it was the territory of the Kingdom of

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[182] Jokay, Charles. "Local Government in Bosnia and Hercegovina." *European Stability Initiative* (ESI), Local Governments in Central and Eastern Europe, Chapter 3. pp. 90-138, p. 108.

[183]Galip. Ibid., pp. 52-53.

[184] International Crisis Group. "A Test of Political Maturity in Mostar." *Europe Briefing*, No. 54, Sarajevo/Brussels, 27 Jul. 2009, p. 2.

[185] TC Mostar Başkonsolosluğu. <http://mostar.bk.mfa.gov.tr/Mission/ShowInfoNote/338101>. 9 Mar. 2020.

Yugoslavia, and then it was a part of the Socialist Federal Republic of Yugoslavia between 1918 and 1992. During the breakup of Yugoslavia, Mostar was first attacked by Yugoslav (Serbian) troops, during which the city was defended together by Bosniaks and Croats. Following the repulsion of Serb troops, Croatian forces engaged in ethnic cleansing activities against Bosniaks, and the city experienced a devastating civil war, which lasted until 1994, in the form of battles in residential areas.[186] [187]

Following the 1992-1995 war in BiH, Mostar was divided into six municipalities, and with the 55-point Mostar status held in 2004 by the then High Representative of BiH, Paddy Ashdown, Mostar was made a single municipality, with the head of the executive branch being the mayor and the legislative body being the city council. However, the failure to approve the arrangement, due to opposition from Croats, has caused many issues in the city to remain unresolved. Due to this status issue, the first election after 2008 was held on October 2, 2016.[188]

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[186] TC Mostar BK. Ibid.

[187] Mostar Bridge built in 1566 by architect Hayreddin, a student of the architect Sinan. The bridge not only gave the city its name, but also served as an icon that united civilizations and cultures for many years. It was a 24-m-high, 30-m-long, and 4-m-wide bridge connecting the Bosniak and Croat parts of the city. The bridge, known as the spirit of the city of Mostar, was the victim of one of the most brutal attacks of the war in Bosnia on 9 November 1993. The Old Bridge, which could not withstand the intense artillery fire started by Croatian troops the day before, on November 8, 1993, was destroyed on November 9, when the clock showed exactly 10:16 h, and was buried in the cool waters of the Neretva River. <https://www.bosnahersek.ba/mostar-koprusunun-yikilisi/>. The monumental project to rebuild the Old Bridge and restore the surrounding structures, as well as the historic neighbourhoods, was launched in Paris on 30 July 1998, with the announcement of a partnership between UNESCO, the World Bank and the City of Mostar. Works began in 1999 and were largely completed by early 2004. The stone blocks were cut from the same local quarry that was used half a millennium before. The fact that the building had been destroyed made it possible to carry out archeological research, including on the structural detail and anatomy of the original bridge. The Old Bridge Area of the Old City of Mostar was inscribed on the World Heritage List in July 2005, 'underlining the unlimited efforts of human solidarity for peace and powerful cooperation in the face of overwhelming catastrophes' (World Heritage Committee, Decision 29 COM 8B.49, <https://unesdoc.unesco.org/ark:/48223/pf0000261515>. 28 Mar. 2020.

[188] Türk Dünyası Belediyeler Birliği. Bosna-Hersek'te Yerel Seçimler Yapıldı.10 Oct. 2016, <http://www.tdbb.org.tr/?p=8050&lang=tr>. 9 Apr. 2020.

2.4. Republika Srpska (RS)

The Serb-majority entity covers the northern and western regions of the country. According to the 1990 census in BiH, Serbs, who make up 37% of the country's population, maintain their sovereignty in RS with 49% of the country's territory under the DPA. Although the constitution states that its capital is Sarajevo, its de facto administrative center is the city of Banja Luka. The government of the RS is more centralized than the FBiH government. This is due to the lack of cantonal administrative units in the RS. The RS government has tight control over local units that are municipalities.[189]

2.4.1. Legislation

2.4.1.1. National Assembly

The National Assembly of RS is an entity for legislation embedded in the governmental hierarchy of the RS. The Assembly constitutes the central entity within the RS parliamentary structure. As per the general parliamentary principles of the contemporary period, the Assembly is made up of a total of 83 deputies, who receive their positions by the people via direct parliamentary elections.[190]

2.4.1.2. House of Peoples

The House of Peoples is the legislative body tasked with discussing the laws and decisions adopted by the RS National Assembly on issues related to the national interests of any of the three constituent peoples and deciding their compliance with the interests. It has a total of 28 members, consisting of 8 Bosniaks, 8 Croats, and 8 Serbs, with 4 representatives drawn from other ethnic groups.

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[189] Numanoviç, Amin. "Dayton Sonrası Bosna-Hersek ve Avrupa-Atlantik Entegrasyonu." Master Thesis. Ankara University, 2011, p. 2.

[190] The National Assembly of the Republic of Srpska, About National Assembly. <https://www.narodnaskupstinars.net/?q=en/national-assembly/about-national-assembly>. 8 Apr. 2020.

2.4.1.3. Senate

The Senate is an advisory and recommendation authority and makes recommendations to the National Assembly on political, economic, social, and cultural issues. It consists of 55 members appointed by the president. Serbian members constitute the vast majority.[191]

2.4.2. Executive

The executive branch comprises the president and the government. The Republika Srpska has a total of 16 ministers. Eight of these ministers are Serbs, 5 are Bosniaks, and 3 are Croats.[192]

The government consists of the prime minister, deputy prime ministers, and ministers. The commander of the entity's army has critical roles here within the fields of security and defense. The prime minister and deputy prime ministers are never selected from among the same ethnic groups of the constituent peoples. One must be a member of one of the groups of constituent peoples to be considered eligible for a position in the government, and a minimum of 35% of government members are required to hail from 2 of the groups of constituent peoples. Furthermore, at least one individual within the government needs to originate from the ethnic category of "others."[193]

2.4.3. Judiciary

The RS has a Constitutional Court, Supreme Court, Supreme Commercial Court, 5 district courts, and 19 basic courts. The president and members of the Constitutional Court are also recommended to the National Assembly by the President. The Supreme Court is the highest appellate authority.[194]

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[191] Ekinci. Ibid., p. 23.
[192] Haliloğlu, Gülten. "Bosna-Hersek'in İdari-Siyasi Yapısı ve Kimlik Sorunu." *Atlas International Refereed,* Vol. 4. No. 12, 19 Sep. 2018, p. 974, pp.971-978.
[193] Galip. Ibid., pp. 57-58.
[194] Ekinci. Ibid., p. 28.

2.5. Autonomous Brčko District of BiH (BDBiH)

The Brčko District of BiH was formally constituted following a process of arbitration pursued by the High Representative in 2000. Brčko had the status of a uniform autonomous district in the spring of 2008. It has its pre-war boundaries now. Legally, it enjoys a smaller number of arrangements for power distribution than is seen at the state level or in cantons or the other entities. Veto rights based on issues of national interest are also not permitted to the ethnic groups in the BDBiH. Rather, decision-making processes are generally concluded based upon a three-fifths majority in the Brčko District Assembly.[195]

BiH was granted the status of the Brčko Autonomous Region by an international arbitration decision in 1996. The Brčko district is an area with special status under US supervision. Geographically speaking, it is in a position that divides the territory of the RS in half, extending into a strip in the northern and southern parts of the country; in other words, it interrupts the territorial integrity of the RS. The region, which is subject to UN administration, has its own autonomous government (head of government, vice president, general coordinator, and 11 ministers), executive organs, and even its own autonomous police organization. Brčko also has its own legislature. The 31 members of this assembly are directly elected by the people for 4 years. Two seats in the Assembly, in which each of the three constituent ethnic elements is represented by at least three members, are also reserved for minorities.[196]

The Basic Court of the Brčko District of BiH and the Appellate Court of Brčko District are present to undertake judicial matters.[197] The autonomous region of Brčko covers an area of about 12 km^2 and is subject to international control. From this point of view, we can easily say that Brčko, despite its small size, is very important for BiH. Around 80,000 people live in Brčko today and there is a demographically mixed population structure in the region. In other words, all three ethnic peoples—Serbs, Bosniaks, and Croats—live there.[198]

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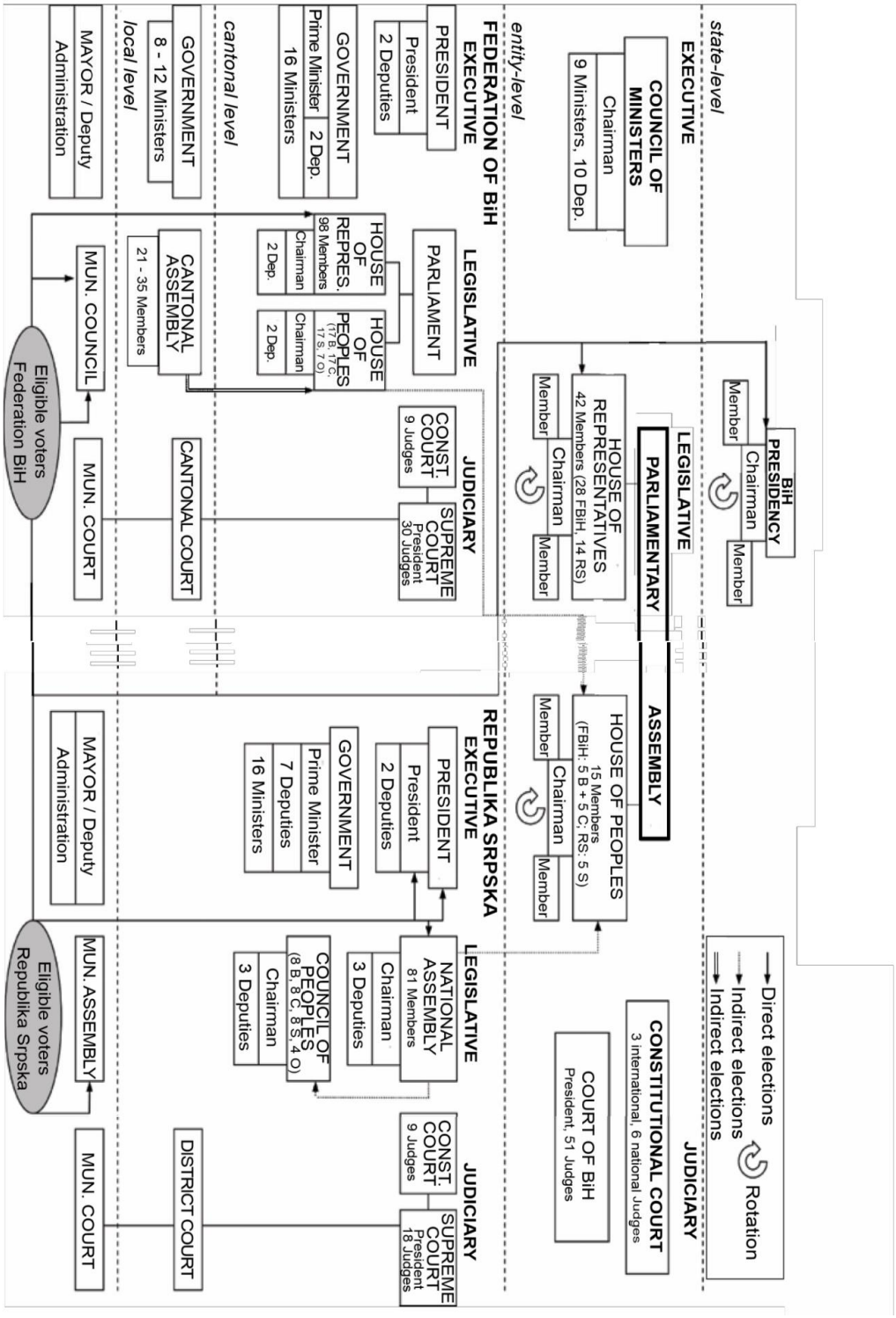
[195] Gavrić et al. Ibid., p. 57.
[196] Hayal Yetkin, Şale. "Bosna Hersek'te Kamu Yönetiminde Reform Çalışmaları." *Uluslararası Sosyal Araştırmalar Dergisi*, Nr: 46, Vol. 9, Issue: 46, Oct. 2016, pp.866-877, p. 869.
[197] Prosecutorsnetwork.org. Bosnia and Herzegovina. Organisation of the Judicial System. <http://www.prosecutorsnetwork.org/bosnia-herzegovina>. 26 Apr. 2020.
[198] Bosnahersek.ba. Siyasi Yapı. Ibid.

The international community still maintains its expectations that the district's hybrid status will eventually undergo significant changes that will allow Brčko to enjoy full incorporation into the constitutional structure. In this event, the municipality would accordingly undergo an upgrade, becoming a full federal unit of BiH in partnership with the other current entities.[199]

[199] Gavrić et al. Ibid., p. 56.



The political system of Bosnia and Herzegovina (without Brčko District)[200]

Figure 2.2. Bosnia and Herzegovina's political system, excluding Brčko District

[200] Gavrić et al. Ibid., pp. 116-117.

2.6. International actors in Bosnia and Herzegovina

2.6.1. Peace Implementation Council (PIC)

On the heels of the successfully concluded negotiations for the DPA in November 1995, a Peace Implementation Conference subsequently convened in London on December 8-9, 1995. Its purpose was mobilizing support internationally for the DPA. As a result of this conference, the PIC was established. It constitutes a gathering of representatives of 55 countries and institutions pledged to provide their support for the peace process via an assortment of methods. These countries assist in financial ways, provide manpower to the EUFOR forces, or participate in the direct running of operations in BiH. Observers also participate; their number generally fluctuates.[201] It is envisaged that the PIC will continue to exist in BiH until it is believed that politics are stabilized and democracy has been established. In addition to being a member of the PIC, Turkey also represents the Organisation of the Islamic Conference (OIC).[202]

The PIC has been summoned to meet at the ministerial level on five further instances since the original London Conference. It reviewed the advancements and defined the future aims of the peace implementation. Its meetings were held in Florence in June 1996, again in London in December 1996, in Bonn in December 1997, in Madrid in December 1998, and in Brussels in May 2000.[203]

PIC Observers to Date: The Central Bank of BiH, International Federation of Red Cross and Red Crescent Societies (IFRC), International Mediator for BiH, International Organization for Migration (IOM), Iceland, European Investment Bank (EIB), Latvia, South Africa, Australia, New Zealand, Liechtenstein, Estonia, Holy See, Human Rights Ombudsperson in BiH, Lithuania, and Special Co-Ordinator of the Stability Pact for South Eastern Europe have all served the PIC as observers to date.[204]

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[201] OHR. Office of the High Representative. Peace Implementation Council. <http://www.ohr.int/international-community-in-bih/peace-implementation-council/>. 14 Apr. 2020.
[202] Ekinci. Ibid., p. 28.
[203] OHR. Peace Implementation Council. Ibid.
[204] Ibid.

The conference in London also achieved the establishment of the Steering Board of the PIC, organized to function under the chairmanship of the HR and represent the executive body of the PIC.[205]

2.6.2. Steering Board

As stated above, the Steering Board of the PIC was established at the conference in London.[206]

The PIC works permanently under the HR. It has 11 members. Its Steering Board was created to guide the HR on strategic matters of political guidance and to offer support to the HR in practical matters. [207] The Steering Board members are the US, Russia, Japan, Canada, Italy, Germany, the European Commission, the UK, France, the Presidency of the European Union, and the OIC, the latter receiving representation by Turkey. The HR oversees biweekly gatherings in Sarajevo of the Ambassadors to BiH and Steering Board members, with the Steering Board tasked with providing guidance on political issues. The Steering Board also has meetings among political directors twice yearly.[208]

2.6.3. Organization for Security and Co-operation in Europe (OSCE)

In BiH, the OSCE was established with the aim of supporting lasting security and democracy with the DPA. On this occasion, the organization was inaugurated with its current name on December 18, 1995, having historically grown out of the Conference on Security and Co-operation in Europe (1973). The main BiH office is located in Sarajevo with 4 regional offices in Mostar, Sarajevo, Banja Luka, and Tuzla. There are also 22 work sites. The organization further undertook the duties of establishing legal rules, fulfilling the international standards and norms of human rights, and establishing municipal services. It carries out activities in the areas of democratization, public administration reforms, education, human rights, and "cooperation in the field of security." The OSCE has also been tasked with

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[205] Ibid.

[206] Ibid.

[207] Domm, Rory. "Next steps on Bosnia-Herzegovina: key elements to a revised EU strategy." *Southeast European and Black Sea Studies*, Vol. 11, Issue: 1, Mar. 2011, pp. 53-67.

[208] OHR. Peace Implementation Council. Ibid.

overseeing the arms stabilization agreement in the region and plays an important part in implementing defense and police reforms in the country.[209]

UGOVOR, referring to the three regional religions, was activated in March 2004. Its aim is to develop management elements and ensure alignment with the public.[210] The OSCE also has taken a leading role in organizing and supervising elections and ensuring regional stability.[211]

In the first democratic elections after the war, the OSCE was tasked with establishing an interim election commission to hold the elections. The OSCE mission to BiH also helps BiH move forward with its Euro-Atlantic integration goals. This mission thus has an ongoing and crucial contribution in working to strengthen BiH's capabilities to achieve a constantly stable atmosphere for security and defense.[212]

2.6.4. EU Special Representative Office (EUSR)

The Special Representative of the EU is appointed by the Council of the European Union to strengthen political support for the policy objectives of a BiH that is stable, consistent, peaceful, multi-ethnic, and in full peaceful cooperation with its neighbors in the region. The EUSR, especially within fields related to reforms of the security sector or the rule of law and political, economic, and European priorities to achieve more coherence and consistency at all levels, functions as an advisor and a facilitator to work with institutions on political matters. This actor thus is also playing an important part in bolstering the capabilities of the state to guarantee the presence of firmly rooted security and a stable system of defense.[213]

The EUSR is responsible for the EU's coordination of public communications in BiH. It is also responsible for extending contributions that will support the ongoing development of respect in the country for fundamental freedoms and the international norms of human rights. The EUSR answers to the Council of the EU, an

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[209] Tangör, Burak. *Avrupa Güvenlik Yönetişimi – Bosna, Kosova ve Makedonya Krizleri.* Ankara: Seçkin Yayınları, 2008, 1st ed., p. 115.
[210] Ibid. p. 116
[211] *Bosnia Herzegovina, Common History and Multicultural Atmosphere in the Balkans*: *International Balkan Annual Conference (IBAC***).** Ed: Mahir Aydın and Metin Ünver, İstanbul: Anadolu Ofset, 2015, p. 304
[212] Gavrić et al. Ibid., p. 93.
[213] European Union in Bosnia and Herzegovina. EUD / EUSR - Delegation of the European Union to Bosnia and Herzegovina and European Union Special Representative, <http://www.eubih.eu/eu-delegation-eu-special-representative-in-bih>. 16 Apr. 2020.

intergovernmental body that represents the member states of the EU, via the HR of the Common Foreign and Security Policy/Vice-President of the Commission. The EU and EUSR delegation in BiH have additional regional branches that they staff in Brčko, Banja Luka, and Mostar.[214]

2.6.5. The UN High Commissioner for Refugees (UNHCR)

BiH is obligated to comply with the 1951 UN Convention Relating to the Status of Refugees and the related protocol of 1967. Accordingly, the government is responsible for processing requests for asylum and makes decisions regarding whether or not a given individual is eligible to receive refugee status in BiH. In other words, the UNHCR is not tasked with registering individuals who seek asylum in BiH and it does not undertake examinations of any applications for asylum or any other documents related to issues that pertain to refugees. The government of BiH holds the responsibility for all of these tasks. Rather, the UNHCR in BiH works in cooperation with the government, non-governmental organizations and other similar groups, volunteer networks, and communities with the goal of ensuring that individuals seeking asylum or living as refugees in BiH remain suitably protected. The UNHCR works directly through its own staff. In addition, it works in cooperation with both international and national NGOs, it also cooperates with various local authorities, and it undertakes assorted advocacy and coordination roles.[215]

2.6.6. Council of Europe (CoE)

The Council of Europe made a decision to launch an Office of the Secretariat of the Council of Europe in BiH in Sarajevo in April 1996 on the basis of Annex 6 (Agreement on Human Rights) to the General Framework Agreement for Peace in BiH, which had been formalized in Paris on December 14, 1995. Its purpose was contributing support to the consolidation of the Human Rights Commission of BiH and offering assistance to the institution of the Human Rights Ombudsman, as well

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[214] European Union. Ibid.

[215] UNCHR. What is the role of UNHCR in Bosnia and Herzegovina? <https://help.unhcr.org/bosniaandherzegovina/about-unhcr-in-bosnia-and-herzegovina/>. 27 Apr. 2020.

as overseeing the appointments of foreign judges according to DPA Annexes 4 and 7.[216]

The main goal here was primarily to provide substantial support in implementing the practical implications of Annex 6. In addition to that goal, the Office's mission was initially to help prepare BiH to meet the required criteria to gain full membership in the Council of Europe, as it had submitted an application for that in April 1995, while simultaneously working towards the promotion of the general values of the Council of Europe. On April 24, 2002, BiH became the 44th member state of the Council of Europe. It enjoys representation in the Parliamentary Assembly in the form of a delegation comprising 5 representatives, with 5 substitutes also selected. BiH thus vowed that it would support and encourage the Council's democratic values and standards when it became a full member of the Council of Europe.[217]

2.7. Implementation of Peace in Bosnia and Herzegovina

2.7.1. United Nations in BiH (UNBiH)

In keeping with the requirements stated in the DPA, on December 21, 1995, the UNSC announced the establishment of the UN International Police Task Force (IPTF) together with a civilian UN office in BiH. The primary responsibilities of the IPTF were defined by the DPA. It was to monitor, observe, and inspect various aspects of the law enforcement system. In addition, it advised and trained officers of the law and provided assistance to law enforcement personnel carrying out their own assigned tasks. Over the course of its presence in the country, the UNBiH saw itself undergo processes of expansion. It became, for example, responsible for investigating potential abuses of human rights committed by police personnel, as well as handling public security issues of high importance, such as drugs or corruption, and performing assessments of the courts. The UNBiH was terminated by the Security Council following the fulfillment of its tasks on December 31, 2002. A

[216] Council of Europe (CoE) in Bosnia and Herzegovina. <https://www.coe.int/en/web/sarajevo/coe-in-bih-and-region>. 27 Apr. 2020.
[217] CoE. Ibid.

small number of military personnel from Turkey were engaged in the activities of the UNBiH.[218]

2.7.2. North Atlantic Treaty Organization (NATO)

Since the early 1990s, NATO has focused on a commitment to supporting the processes necessary to maintain peace and stability in BiH; these efforts first began in the form of offering support for the attempts made by the international community to bring an end to the violence in BiH. NATO later made important contributions to the implementation of the DPA by deploying peacekeeping forces over a 9-year period (December 1995 to December 2004). Finally, at the end of that 9-year period, in December 2004, the EU took over the primary responsibilities for overseeing the implementation of the military aspects of the DPA.[219]

2.7.3. European Union (EU)

On January 1, 2003, the EU commissioned an EU Police Mission (EUPM) in BiH. This EU force (EUFOR) was composed of 7,000 soldiers with the participation of 33 countries including 22 EU members. EUFOR has carried out its activities by leveraging NATO assets. Britain's Paddy Ashdown, the international community's High Representative to BiH and also the EU's Special Representative to BiH, chaired EUFOR.[220]

Among the important objectives of BiH in the political realm, integration with Europe is critical. In this context, the EU has offered BiH the opportunity to join the EU if it meets the outlined requirements according to the Stabilisation and Association Process (SAP). Thereafter, the EU/BiH Consultative Task Force (CTF) was launched in 1998 to serve as an instrument for political dialogue and expert support. In January 2006, the CTF renamed the negotiations to emphasize "reform process monitoring" and the agreement for stabilization and association took effect in

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[218] *International Symposium on Bosnia and Herzegovina from Past to Present*. Çanakkale 18 Mart University, Çanakkale: Pozitif Printing, 28-30 Apr. 2005, p. 17.
[219] NATO. Relations with Bosnia and Herzegovina. 3 Feb. 2020, <https://www.nato.int/cps/en/natohq/topics_49127.htm>. 27 Apr. 2020.
[220] Tangör. Ibid., p. 116

November 2005, indicating beginnings of a new phase in relations between the EU and the BiH.[221]

2.7.4. UNPROFOR (UN Protection Force)

On February 15, 1992, the Secretary-General issued a recommendation stating that the Security Council should establish a United Nations Protection Force (UNPROFOR). One week later, that recommendation received approval from the Security Council, which undertook the necessary efforts to establish UNPROFOR within the confines of an initial lifespan of 12 months. The UNPROFOR mandate initially involved ensuring the demilitarization of the three "United Nations Protected Areas" of Croatia while further guaranteeing that all residents there faced no risks of armed attack. These responsibilities grew with time, expanding as a result of the inclusion of monitoring of the airport in Sarajevo, for example, and providing humanitarian assistance in that city and its surroundings. UNPROFOR was empowered to use force based on the principle of self-defense if attacks occurred in these regions, and it was further tasked with coordinating with NATO for air power, monitoring the "no-fly zone," overseeing the ban on military flights in BiH, and providing the necessary supervision of the "safe areas" declared by the UNSC surrounding 5 smaller Bosnian towns and Sarajevo.[222]

In spite of this impressive list of responsibilities, it was widely acknowledged that UNPROFOR was unable to effectively carry out its mandate. Several different explanations have been made for this, but the following points have been especially significant: lacks of mandate, equipment, authorization, financial resources, and staffing. On March 31, 1995, the Security Council made the decision of restructuring UNPROFOR. It was to be replaced with 3 distinct but overlapping peacekeeping operations. Before that happened, the Security Council had accepted Turkey's application to participate in UNPROFOR on March 22, 1994. A total of 1,464 soldiers from Turkey were deployed to the region between August 4, 1993, and December 31, 1995.[223]

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[221] Tangör. Ibid., 115

[222] International Symposium on Bosnia and Herzegovina. Ibid., p. 179

[223] Ibid. p. 179.

2.7.5. IFOR (Implementation Force)

NATO received a mandate for implementing the DPA. Along these lines, IFOR, a multinational force under the leadership of NATO, launched its mission in December of 1995.[224] The IFOR mission was begun in BiH by a resolution of the UN Security Council. It was ordered to establish a safe zone between the parties fighting in the war and to place heavy weapons in secure depots. In addition, these forces also enabled refugees to go home again and supported the work of the OSCE mission. IFOR supported the capture of war criminals sought by the ICTY. This success contributed to neutralizing the 3 armies in BiH. At the end of 1996, the mission was transferred to the NATO Stabilization Force (SFOR).[225]

IFOR repaired and replaced over 60 bridges and opened 2,500 km of roads. It also protected the Sarajevo Airport together with critically important railway routes. IFOR thus constituted the Alliance's first attempt to organize a large-scale mission for operational peacekeeping.[226]

NATO's activities in BiH (i.e. those of IFOR and SFOR) required elements such as war, deterrence, and humanitarian capabilities over the same period of time.[227]

2.7.6. SFOR (Stabilization Force)

As of December 1996, the SFOR mission led by NATO had been launched by a resolution of the UN Security Council.[228] The varied natures of the responsibilities of IFOR and SFOR are reflected in the way that they were named. IFOR (Operation Joint Endeavour) had been created for the implementation of peace, whereas SFOR (Operation Joint Guard/Operation Joint Forge) had been subsequently designed for the stabilization of peace.[229]

SFOR had a more important role in developing civil-military relations, and among its main aims was to eliminate possible threats to peace and facilitate the operation of civil sector bodies. Its tenure was extended until 1998. The number of

[224] Ibid. p. 180.
[225] Numanoviç. Ibid., p. 101.
[226] International Symposium on Bosnia and Herzegovina. Ibid., p. 180.
[227] Johnson, Gregory. "SFOR Deneyimi." Balkanlar'da Tarihi Değişim. *NATO Journal*. 2004.
[228] Numanoviç. Ibid., p. 101.
[229] International Symposium on Bosnia and Herzegovina. Ibid., p. 180.

troops was gradually reduced in 2003 and 2004 and its activities finally ended in 2004.[230]

Most of the Alliance's work in the Balkans would end after SFOR ended in BiH and the EU took on the responsibility for day-to-day security. However, the end of SFOR's mandate should not be seen as the beginning of NATO's withdrawal from the region, but rather as the beginning of a process aimed at entrenching the country into the Euro-Atlantic structure. Even after the EU deployed its forces there, NATO would maintain a 150-strong military headquarters in BiH. The work of this headquarters will focus on defense reform and the country's preparation for Partnership for Peace (PfP) membership.[231]

2.7.7. EUFOR-ALTHEA (EU Force)

On December 2, 2004, EUFOR-ALTHEA, an operation named after an ancient Greek goddess of healing, began its efforts of ensuring continuous stability in BiH. Its mission was to seize the reigns from SFOR, led by NATO and working towards increased stability in the region in the period of 1997-2004. Duties and obligations were formally transferred under the terms of the Berlin Plus agreement. At the same time that NATO surrendered its responsibilities for stabilization of the area to the EU, it continued to keep its military headquarters in Sarajevo. ALTHEA's primary task is to provide Safe and Secure Environment (SASE), trying to prevent a repeat of the violence. This transfer of responsibility from SFOR to EUFOR was in some senses just a change of name, however, as 80% of troops remained in place.[232]

Operation ALTHEA can be described as one among the many carefully detailed, extensive approaches that the EU has taken with the aim of ensuring the stabilizing of BiH in all realms, including areas of socio-economics, politics, and security. It is cohesive with the broader general stabilization plan that was drawn up for the Western Balkans. Plans were originally made for the presence of 1,300 troops. As those were lacking, the operation underwent a gradual reconfiguration and

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[230] Numanoviç. Ibid., p. 102.
[231] Serry, Robert, and Christopher Bennett. "Doğru Rotada Kalmak - Balkanlar'da Tarihi Değişim". *NATO Review*, 2004.
[232] OSCEBiH. Analyzing the Decision By EU to Extend Mission in Bosnia & Herzegovina. <https://www.oscebih.org/decision-by-eu-to-extend-mission-in-bosnia-herzegovina>. 14 Apr. 2020.

the number of soldiers was reduced by over 50% as of September 2012. The number would slowly fall to 600. These personnel are entitled to receive support from the immediate reserves of the nations that contribute troops to BiH should such a need ever arise.[233]

The Council of the EU proclaimed its plans to maintain Operation ALTHEA in the future. This will involve providing support to sustain executive military positions for preserving the security and stability of the area on the heels of the UN's renewal of the mandate. The Council further stated its recognition of the intrinsic value of ensuring that EUFOR-ALTHEA works in coordination with other international actors. The Council has tasked institutions in BiH with increasing their own contributions to bolster the independence and the function of the judicial system. Finally, the Council called for increased efforts in fighting terrorists, corruption, and circles of organized crime while also working to prevent radicalization.[234]

Operation ALTHEA has been the largest EU military operation undertaken to date. EUFOR stems from the European Security and Defense Policy (ESDP). In turn, the Common Foreign Security Policy (CFSP) has had its roots in the ESDP, with a main goal being preservation of the peace and the improvement of international security in line with the guiding contents of the United Nations Charter.[235]

2.7.8. EU Police Mission (EUPM)

The EU fills an important position in the efforts to maintain stability in BiH ever since the signing of the DPA (1995). The European Union Police Mission (EUPM) in BiH is symbolic of the more generalized wide efforts of the EU together with other actors to protect and improve BiH's rule of law. As a first mission within the framework of the ESDP, the EUPM began its activities on January 1, 2003, having been granted a time frame of 3 years to begin with. Authorities of BiH then invited the EUPM to continue fulfilling the same general duties with revisions to its mandates and its size through June 30, 2012. At the beginning, it boasted 478

[233] Ibid.
[234] Ibid.
[235] International Symposium on Bosnia and Herzegovina. Ibid., p. 181.

international and 296 national staff members, with its presence decreasing slowly to involve 34 international and 47 national staff members by June of 2012.[236]

The EUPM worked diligently over the course of nearly a decade, embedding itself in the efforts to strengthen the rule of law in BiH. Its purpose was outlined as entailing the creation of a modern and professional police force representing all ethnic groups that could be sustained under the control of BiH itself. In addition, the EUPM sought to create a police force that would receive appropriate training and equipment and would be capable of assuming full responsibilities for independently upholding the duties of law enforcement according to relevant international standards. Thus, the EUPM focused on reforming the law enforcement sector with a particular eye on the issues of police accountability. The EUPM's main areas of concern were accordingly the fights against both corruption and organized crime.

These efforts entailed particularly in-depth planning to achieve and maintain coordination, communication, and cooperation among the 15 different police forces that exist in BiH. These efforts were also directed at creating joint strategic and operational capacities between representatives of the law and the judiciary.[237]

The DPA was finalized at the end of 1995 to bring an end to the violence in the Balkans. The crucial and time-sensitive goal of halting the bloodshed was thus accomplished successfully by the DPA, but at the same time, this agreement solidified the ethnic divisions of BiH. The DPA further installed a uniquely complicated system for governance, with one country, two entities, and also an autonomous region; as a result, the governing of BiH has remained a challenging feat. Today, BiH has a very complex and fragmented administrative structure. In addition, this complex administrative structure of the country is one of BiH's biggest obstacles as it continues on its journey in hopes of joining the EU and NATO. To facilitate the steps being taken towards the EU and NATO, various constitutional reforms are being carried out to simplify the country's complex bureaucratic structure. For these to happen, however, first of all, the three ethnic peoples (Bosniaks, Serbs, Croats) need to reconcile with each other. This, in turn, will require

[236] European Union. External Action. Common Security and Defense Policy. European Union Police Mission in Bosnia and Herzegovina (EUPM), Jun. 2012, <http://www.eeas.europa.eu/archives/csdp/missions-and-operations/eupm-bih/pdf/25062012_factsheet_eupm-bih_en.pdf>. 16 Apr. 2020.
[237] Ibid.

a very long time in the current fragmented political structure of BiH. Given that the three ethnicities often disagree on even simple issues, it seems that such major constitutional reforms will require quite a lot of time to take place.

CHAPTER THREE

INTEGRATION INTO THE EU and NATO

3.1. Integration Theory

As the international relations between states are diversifying, different types and aspects of cooperation among states are also in motion. Therefore, especially after WWII, the theory of integration has possessed a place of importance within the realm of international relations. Together with a lack of consensus in the relevant literature on the definition of integration theory, there are diverse ideas that it is a "status," a "process," or both.[238] According to the view that accepts integration theory as a "status," it may be defined as an institution consisting of different states, which takes over the power of making decisions and of force and also has an identity for the member states.[239]

Regarding the theory that accepts integration as a process, this is a persuasion process of states, which will accept an institution that will have powers above the constituting states.[240] In this theory, the key points are the facts that the states agree to be loyal to the new institution in its integrity and pledge to act in conformity with the new establishment.[241] In line with both of these definitions, after the integration itself, a new political community with a new decision-making mechanism arises.[242]

This brings us to the point that in order to achieve such a goal, the constituting states must be acting deliberately with a common understanding. In

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[238] Haas, Ernst B. *Beyond the Nation State: Functionalism and International Organization (Integration in the discipline of international relations and the Balkans)*. Stanford University Press. p. 3, 1 December 1964.
[239] Yapıcı, Merve İrem. "Uluslararası İlişkiler Disiplininde Entegrasyon Teorilerinin Yeri ve Etkinliği." *Dokuz Eylül Üniversitesi Sosyal Bilimler Enstitüsü Dergisi*, Cilt-9, Sayı: 3, 2007, pp.130-157, p. 132.
[240] Arı, Tayyar. *Uluslararası İlişkiler Teorileri Çatışma, Hegemonya, İşbirliği.* 7th ed., Bursa: MKM Yayıncılık, 2011, p. 436.
[241] Ibid. p. 436.
[242] Doğan, Mahmut. "Bosna-Hersek'in Avrupa Birliği Üyeliğinin Balkanların Güvenliğine Etkisi." Master Thesis. Okan University, İstanbul, 2016, p. 4.

another definition of integration theory, it is a process whereby two or more international actors are constituting another new actor.[243] In this definition, if a new actor is not constituted, there is no possibility of mentioning an integration process.[244] In this process, constituting states are giving up their rights of decision-making on some specific topics and delegating a new institution in that regard.[245]

The main facts lying behind the idea of integration are the increasing needs of states in economic, security, social, cultural, political, and/or other areas.[246] With one or more aim, the integrating states constitute another institution to act accordingly and with cooperation. Therefore, the member states save their energy and resources for the specific aim or aims that they determine.[247]

Within this understanding, integration may be global, regional, or functional.[248] Namely, just as the European Council, Union of American States, and Arab Council are examples of regional integrations, NATO, the OECD, and EFTA may be accepted as functional integration models.[249] The functionality of the integration depends on four main points: the feeling of intimacy between the constituting states, harmony in values and benefits, mutual sensibility, and a feeling of common identity and loyalty to a certain extent.[250]

The most common type of integration may be accepted as economic integration, which may then evolve to other areas of cooperation, as we see in the European Union. The evolution of the EU represents a particularly successful example of economic integration that evolved and resulted in political integration.[251] In economic integration, member states aim to do away with trade barriers, provide for the unhindered movements of goods/services and capital, try to establish a unified

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[243] Özdemir, Haluk. *Avrupa Mantığı - Avrupa Bütünleşmesinin Teori ve Dinamikleri*. İstanbul: Boğaziçi Üniversitesi Yayınevi, 2012, 1st ed., p. 35.
[244] Özdemir. Ibid., p. 35.
[245] Dedeoğlu, Beril. *Adım Adım Avrupa Birliği.* İstanbul: Okumuş Adam Yayınları, 2006, 1st ed., p. 27; Canbolat, İbrahim. S. *Avrupa Birliği Uluslarüstü Bir Sistemin Tarihsel, Teorik, Kurumsal, Jeopolitik Analizi ve Genişleme Sürecinde Türkiye ile İlişkiler*. İstanbul: Alfa Basım Yayın, 2002, 3rd ed., p. 108.
[246] Özdemir. Ibid., p. 37.
[247] Reçber, Kamuran. *Avrupa Birliği Hukuku ve Temel Metinleri*. Bursa: Dora Yayıncılık, 2012, 1st ed., p. 6.
[248] Doğan. Ibid., pp. 6-7.
[249] Doğan. Ibid., p. 7.
[250] Arı. Ibid., p. 435.
[251] Çakan, Mesut. "Sömürge Sonrası Dönemde Afrika'da Bütünleşme Hareketleri." Master Thesis. Selçuk University, Konya, 2012, p. 51.

and solitary market, and also harmonize their political and economic policies.[252] This may also be accepted as an effort of extending economic cooperation to the furthest possible level. In this sense, there may be varying types of economic integration, depending on the needs and aims of the constituting states. It may possibly result in political partnerships if it creates a partnership also in the decision-making process.[253] Meanwhile, social integration depends on the mutual interactions between the cultures of the integrated societies and the integrated institution.[254]

Political integration is accepted as the integration of political actors or political units.[255] It is based on the idea of common identity, awareness, and a common aim that provides benefits to all constituting parties.[256] The main three elements of political integration are economic integration, constituting a new common political authority, and determining common policies.[257] In this kind of integration, different actors come together in order to produce common policies, probably with common new institutions in order to achieve a certain aim or aims.[258] In that sense, political integration brings along a certain dimension of institutionalization.[259] In order to provide this kind of integration, the constituting states should be sharing consideration of common political and judicial values, cultural similarity, political cooperation, common future goals, a developed economic integration, equal benefits from political integration, and some international common problems that will cause integration.[260]

Looking at all these possibilities of different types of integration, it will not be incorrect to say that integrated states of any kind will inevitably be in closer cooperation in other areas as well. For instance, it is a common result that economically integrated states become more dependent on each other also in political terms, or vice versa. As the importance of international organizations rises in this

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[252] Dağ, Ahmet Emin. *Uluslararası İlişkiler ve Diplomasi Sözlüğü.* İstanbul: Ağaç Kitabevi Yayınları, 2009, 3rd ed., p. 56.
[253] Çakan. Ibid. p. 44.
[254] Şahin, Birsen. "Almanya'daki Türk Göçmenlerin Sosyal Entegrasyonunun Kuşaklararası Karşılaştırılması: Kültürleşme." *Hacettepe University-Faculty of Literature*, Ankara, 2010, No. 55. p. 107.
[255] Doğan. Ibid., p. 12.
[256] Yapıcı. Ibid., p. 135.
[257] Çakan. Ibid., p. 46.
[258] Doğan. Ibid., p. 12.
[259] Özdemir. Ibid., p. 33.
[260] Çakan. Ibid., p. 47.

area, the theory of integration is also gaining more importance. The relationship between the units subjected to integration includes more cooperation, dependency, and common benefits rather than competition and violence.[261]

The first example that comes to mind for integration theory is the European Union, with its unique specifications. The necessary elements for integration may be stipulated as geographical closeness, similarities, interaction, common benefits, and previous experiences of cooperation.[262] Even though the goals of the units subjected to integration may be different than each other, the existence of the elements necessary for integration may result in this way.[263]

The basic theories for integration are functionality and neo-functionality. According to the functionality theory, the integrated states, which cannot waive their own sovereignty, seek economic and technical cooperation.[264] This theory underlines the fact that the states are integrated not in the political arena but in economic and technical matters.[265] This theory essentially aims to prevent conflicts between states.[266]

According to the theory of neo-functionality, states abandon some of their sovereign rights and integrate with other states in order to solve some problems or reach some goals.[267] In this theory, integrated states determine new methods and criteria and address their expectations to the newly established supra-national institutions.[268] Both the theories of functionality and neo-functionality arose after the second of the world wars, designed with the goal of eliminating the effect of nationalism, which may prevent cooperation among the states.[269]

The international system of states is often known as the Westphalia System, although this name comes from the Peace of Westphalia of 1648, in fact, states began to appear long after this date. Westphalia provided a dull impulse to the emergence of this system. Today, the concepts of management and authority are being

[261] Ibid. p. 42.
[262] Ibid. p. 43.
[263] Ibid. p. 44.
[264] Ibid. p. 48.
[265] Ibid. p. 49.
[266] Ibid. p. 49.
[267] Ibid. p. 50.
[268] Ibid. p. 50.
[269] Ibid. p. 51.

redefined, which points to the European Union and other examples of regional integration.[270]

Globalization is an inevitable and unstoppable process. Industrialized countries promote globalization as a way to open up new markets for their products and solve some problems that can only be addressed at the global level. On the other hand, participation in globalization trends is one of the most important preconditions of stable and sustainable development for transitioning and developing countries. [271]

In parallel with the development of the global system, a number of regional organizations, integrations, and associations are being developed. European transition countries are trying to enter the European Union, which is seen as a way to become involved in globalization trends. From an economic, legal, and political point of view, this is justified. At the top of the economic reasons is that the EU has become the world's largest and best integrated market. In this way, candidate countries can have better negotiating positions and better access to other markets. The reason for integration into the EU is its institutional framework, which effectively protects human rights, democracy, and the rule of law. [272]

If the word globalization represents the interdependence of all issues and jobs around the world, then the European Union itself is an excellent example of globalization in a limited space. [273] The emergence of the European Union should be seen not only as a reaction to the historical tensions created by states and nations, but also as an opposition to traditional ideas about political organization. If one of the defining characteristics of world politics after the Second World War has been the increase in the total number of states, another is the expansion of interstate cooperation.[274]

In the Schumann declaration, it was stated that "World peace cannot be maintained without creative efforts commensurate with the dangers that threaten it.

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[270] Mc Cormick, John. Çev: Doğancan Özsel. *Avrupa Birliği Siyaseti.* Ankara: Adres Yayınları, Jul.2015, 1st ed., p. 8

[271] Boromisa, Ana-Maria, and Irena Anđelković. Ed. Lada Pařízková and Kristína Takácsová. *European Integration-Impact of Globalization.* Economic and legal adjustment to the European Union: The way towards globalisation of the most- advanced candidates for membership. Institute for International Relations, Prague: The Jan Masaryk Centre of International Studies, 2000, p. 13

[272] Ibid. p.14

[273] Pařízková, Lada. Ed. Lada Pařízková and Kristína Takácsová. *European Integration-Impact of Globalization.* European Integration-external and internal points of view. University of Economics, Prague: The Jan Masaryk Centre of International Studies, 2000, p. 158

[274] Mc. Cormick. Ibid., p. 11

The contribution that an organized and living Europe can bring to civilization is indispensable in maintaining peace relations". His sentences are meaningful. It is really vital that the European Union plays the role it has increasingly called for in the international arena.[275] The question of how far European integration should go, and when and where it should stand, is becoming increasingly important, because the developments of central and eastern European countries have moved away from the sphere of influence of the Soviet Union. [276]

Haas defined political integration as the "process whereby political actors in several distinct national settings are persuaded to shift their loyalties, expectations, and political activities toward a new center, whose institutions possess or demand jurisdiction over the preexisting national states". Haas envisioned European integration as a 'loyalty shift' in his original analysis.[277]

The literature on Europeanization was inspired by the concept of 'loading' indigenous social preferences at the EU level. At the same time, Europeanization is inspired by the focus of the European decision-making process on internal state resources and their impact on the nature of EU institutions and policies.[278]

It is important to understand the 'turn of Europeanization' in EU studies. Towards the end of the 90s, the main focus was the description and explanation of the European integration process. Europeanization has emerged as a new stage in European integration studies or a 'third step' in the theory of European-based regional integration. Europeanization is based on classical integration perspectives. This reorientation was clearly linked to the enlargement of EU powers that followed the adoption of the Maastricht Treaty. The Europeanization approach goes beyond this European-centric orientation of 'classical' integration theories, focusing

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[275] Kratochvil, Petr. Ed. Lada Pařízková and Kristína Takácsová. *European Integration-Impact of Globalization.* What does the European Common Foreign and Security Policy Say About the Future of Europe in a Globalized World? University of Economics, Prague: The Jan Masaryk Centre of International Studies, 2000, p. 109.

[276] Rühmkorf, Christian. Ed. Lada Pařízková and Kristína Takácsová. *European Integration-Impact of Globalization.* Central Europe between nation-state and integration in the 20th century –motives and concepts, West Bohemian University, Pilsen, Czech Republic, Prague: the Jan Masaryk Centre of International Studies, 2000, p. 181

[277] Graziano, Paolo R., and Maarten P. Vink. Ed. Simon Bulmer and Christian Lequesne, "Europeanization: Concept, Theory, and Methods, The Member States of the European Union." *Politics Trove.* The Member States of the European Union, Publisher: Oxford University Press, Jan. 2013, 2nd ed., pp.31-54, p. 32

[278] Ibid. p. 33

primarily on a different goal. [279] As a result of the next stage of EU integration work, the need to move to a new stage marked the contribution (path breaking contribution on Europeanization Transforming Europe: Europeanization and Domestic Change) that led to Europeanization. [280]

The first definition of Europeanization by Ladrech as an "incremental process reorienting the direction and shape of politics to the degree that EC political and economic dynamics become part of the organizational logic of national politics and policymaking". The author referred to the "adaptive processes of organizations to a changed or changing environment". Risse defined Europeanization as "the emergence and development at the European level of distinct structures of governance, that is, of political, legal, and social institutions associated with political problem solving that formalize interactions among the actors, and of policy networks specializing in the creation of authoritative European rules". In the final version, Radaelli defined it as "a set of processes of (a) construction (b) diffusion and (c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, "ways of doing things" and shared beliefs and norms which are first defined and consolidated in the making of EU decisions and then incorporated in the logic of domestic discourse, identities, political structures and public policies." Finally, Vink and Graziano provided a broad definition of Europeanization as "a process of domestic adaptation to European regional integration". [281]

Europeanization should not be confused with European integration, because it is obvious that there will be no need to invent new concepts with old meanings. Europeanization should not be confused with convergence of neither harmonization nor political integration. Convergence may be the result of European integration, but it should not be used as a synonym for Europeanization, as there is a difference between a process and its consequences. Harmonization of national policies is often seen as an important goal of European integration. Europeanization often shows the 'divergent' influence of European requirements on domestic policies. [282]

[279] Ibid. p. 33
[280] Ibid. p. 36
[281] Ibid. p.37
[282] Ibid. p.38

Most scholars have preferred a definition of Europeanization either as 'the domestic impact of the EU, and/or the domestic impact on the EU' in recent years. Europeanization may represent a new step in the European integration theory. Surprisingly, conventional studies of European integration and Europeanization studies have not often been clearly linked. Europeanization is not a theory, but a phenomenon that needs to be explained. In this respect, Europeanization scholars have looked into a 'new institutionalist' perspective. [283]

Europeanization is more associated with changes in the mental frameworks of domestic political actors. Europeanization has by no means gained a strong theoretical status thus far, probably because it is more concerned with domestic political change than with the political development of the EU. Therefore, Europeanization has been used more as an analytical approach to understanding internal changes.[284]

Europeanization was interpreted almost exclusively in a macro-dimension, and examined both as explanans and explanandum.[285] Integration argues that member states have limits that can be traced back to excessive restrictions on sovereignty. It must also serve member states and the claim of national interests. That is, it is the context of national policy that should be taken as a prelude to studying processes at the supranational level. [286]

The circle of actors to be studied is also wide, as the context of Europeanization can be interpreted quite widely. One starts from rational thinking, seeing individuals as rational actors who aim to maximize their profits and minimize their losses. Europeanization is related to the rational thought and actions of actors based on it, because effective cooperation between supranational and national institutions is a prerequisite for claims of interest.[287]

Lawton very simply described Europeanization as national sovereignty 'becoming European'. Börzel described Europeanization as "a process in which domestic policy areas become increasingly subject to European policy". According

[283] Ibid. p. 39
[284] Ibid. P. 40
[285] Grünhut, Zoltán. "Concepts, Approaches and Methods on Europeanisation –A Meta-Analysis." *Eastern Journal of European Studies.* Vol. 8, Issue 1, Jun. 2017, pp. 157-176, p.160
[286] Ibid. p. 162
[287] Ibid. p. 164

to Bulmer and Burch, Europeanization can be seen in the fact that expectations defined at the supranational level must be reflected at the level of nation-states, not only in relation to decisions, but also in relation to governance practices and administrative mechanisms. [288] Europeanization, in content, is an empty indicator, as it does not fully reflect anything, and therefore the interpretation is based on individual perceptions, not consent [289]

Europeanization as an integration stage channels the domestic situation (i.e. a constraint) into intergovernmental negotiations on 'deeper' integration. Then, if we accept that the integration process depends to some extent on the internal 'public' political reaction of the proposed integration initiatives, then we can also consider that the 'politics of European integration' is now an internal dimension of the integration process itself. [290]

European integration comprises the environment in which Europeanization impacts or from which it emanates. In its clearest form, Europeanization has been conceptualized as the process of reducing the directives, regulations, and institutional structures of the European Union to the internal level. Other issues related to the conceptualization of Europeanization concern direct and indirect effects, diversity and uniformity, and harmony and dissonance. As the great theories of European integration came under scrutiny and their problems became clear, social scientists developed meta-theories to deal with their limitations. Europeanization can be perceived as a meta-theory, especially in relation to neo-functionalism and intergovernmental relations. [291]

Described as a gradual process, the focus of Europeanization is the impact of the EU on the UK system. The relationship between European integration and Europeanization is interactive, and the distinction between dependent and independent variables is hidden. Haas made a statement on the process and progress of European integration through supranationalism, sub-national interests, and

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[288] Ibid. p. 165
[289] Ibid. P. 171
[290] Ladrech, E. Robert. "Rethinking the Relationship between Europeanization and European Integration." *Europeanization and European Integration*, 2014, pp. 15-28
[291] Howell, Kerry. "Developing Conceptualizations of Europeanization and European Integration: Mixing Methodologies." *Ashcroft International Business School*, APU-Chelmsford Seminar Series, UACES Study Group on the Europeanization of British Politics ESRC Seminar 1, 29 Nov. 2002, pp. 1-27

spillover analysis. One can expect a shift in integration towards a new political center or a supranational institution, and a shift in the loyalty of non-national actors to that institution. There is an interaction between propagation and supranationality. The establishment of supranational institutions will mobilize economic, social, and political processes that create pressure for greater integration. There is no end state, because as the EU develops, the diversity of member states will be in a constant state of flux. [292]

3.2. European Union (EU)

3.2.1. History of European Union's formation

When WWII had come to an end, its impact, unfortunately, still remained and continued to pose a problem for both the victors and defeated countries. France and Germany in particular faced difficult tasks in the struggle to regenerate their economies since these two countries had taken the most damage during WWII. However, the hardships of the postwar era could not be escaped by any states, as nearly all of the countries on the European continent were facing a crumbling infrastructure and loss of lives, while the European economy in general had essentially collapsed.[293]

Moreover, considering the overall position of countries' economic statues in the postwar era, they adopted a comparatively protectionist system. This system was a commonly adopted system in Europe. In 1951, important policy-makers in West Europe together with Italy and the US were all deeply concerned about this matter. The protectionist systems adopted by those countries were affecting the economy, which was already weakened. Therefore, it was considered a dangerous situation by the policy-makers for it could lead to resurrection of fascism or a leaning towards communism, which would ultimately disturb the stability of continental Europe.[294]

The countries of continental Europe were insufficient in stabilizing their own economies. Especially for France and Germany, among others, the top goal needed to

[292] Ibid.
[293] Hudson, Nicholas. "The European Coal and Steel Community: The Path Towards European Integration." *University Honors Theses*, 2016, p. 276.
[294] Ibid. p. 276

consist of regenerating the economy in order to prevent any kind of renewed conflict. As seen in the Treaty of Versailles and WWI, punishing the party who has lost the war (in that case, Germans and Austrians) proved itself to be ineffective due to the collapse in the economy and rise of Nazism. Another conflict that West Europe was facing was the spread of the Soviet Union, drastically expanding its territory. The fear of communism growing to a point where it affected crucial politics of West Europe was inevitable. As a result, it was agreed upon to seek a new solution that would serve as a regenerating and repairing element for Europe and also restrain the frightening new ideas in the east that could lead to another continental war.[295]

The United States, after analyzing this aftermath and Europe's postwar economic and political circumstances, had come to the conclusion to offer a reconstruction plan in 1948: the Marshall Plan. The benefits of this plan were to be extended to all nations of Europe that desired to participate, even the Soviet Union. However, due to differences in ideological structure within the two hegemonic nations, the Soviet Union declined the aid. To further emphasize the situation, the Soviet Union also prevented its satellite states from receiving the aid as well. Ultimately, 16 states within Europe benefited from the plan, such as Germany, France, and the United Kingdom. [296]

As the Marshall Plan became successful, it led to the first significant administration actions for European integration in 1948, namely an entity that would be known as the Organization for European Economic Cooperation (OEEC), to be renamed Organization of Economic Cooperation and Development (OECD) in 1961. These events were fervently encouraged on the part of the US, and largely driven by US organizational efforts, as well, to entrench the assistance of the Marshall Plan's successfully and better guarantee its even distribution across the continent.[297]

For the majority of the European officials, the Organization for European Economic Cooperation (OEEC) provided a valuable basis for states to witness their first interactions and effects of economic cooperation through a common institution.[298]

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[295] Ibid. p. 7.
[296] Ibid. p. 8
[297] Ibid. p. 8.
[298] Ibid. pp. 276-279.

As the intra-European trade developed further, European exports grew together with the expansion and reconstruction of nation's economies. Unfortunately, these positive outcomes were not sufficient to remove the obstacles that were remaining to be solved. The main and one of the most important obstacles was the German problem. It was considered to be the priority subject for the European nations. The reason behind prioritizing Germany was the concern about Germany returning to the levels of its pre-war powers. As a result, the idea of suppressing Western Germany's economy in order to prevent such a return to pre-war power status was discarded as a primary suggestion. Another factor that was considered to be critical was Germany having the advantage of the Ruhr region. It is considered to be the heartland for industrial growth of Western Europe. The Ruhr region provides large quantities of coal and essential steel.[299]

Another country that had a very severe economic situation and a strict foreign policy for self-protection was France. Their foreign policy consisted of and was based on the plan proposed by French diplomat Jean Monnet. The so-called Monnet plan mainly focused on restricting West Germany, keeping them carefully controlled as France simultaneously worked at the constant expansion and enrichment of its own economy.[300] Although one may consider the Monet plan to be a positive outcome for France's national interest, the policy to control and restrict the usage of coal and steel by Germans lasted a very short time. The Cold War was another crucial matter of circumstance whereby it led to a change in the international system and caused an uprising of tension to exist in all interactions of the East and the West. Eventually, the US was obliged to pressure France to relax its policies towards Germany.[301]

3.2.2. European Coal and Steel Community (ECSC)

Considering all the possible threats mentioned above and the pressure from the United States, France attempted a conference in London in 1950 with all the other Western powers joining to discuss the feasibility of a possible community that would bring together the coal and steel industries from 5 countries with geographical

[299] Ibid. p. 10.
[300] Ibid. p. 11.
[301] Ibid. p. 11.

proximity to each other, namely France, Belgium, Germany, the Netherlands, Luxembourg, and Italy.[302]

Robert Schuman, France's Foreign Minister, put forward plans to create a single body between West Germany and France that would oversee steel and coal production. In doing so, Schumann became the first to actively propagate the idea of a "coal and steel community" to foster cooperation and economic development among the states of continental Europe.[303]

On May 9, 1950, Schumann issued a declaration to the European and the world public at the famous Quai d'Orsay, in which he vividly established foundations for the quickly blossoming ECSC, to be later formally established by the Treaty of Paris of June 18, 1951.[304]

With this "Schumann Declaration," France, Belgium, Germany, the Netherlands, Luxembourg, and Italy committed to a future of cooperation and contributed to the organization of three political integration acts: the Treaty of Paris (April 18, 1951) would establish the ECSC, and agreements were also solidified for the European Atomic Energy Community and European Economic Community. All these 3 basic treaties, containing the whole of the rules adopted and enacted by the community and the relevant decisions of the Court of Justice, the judicial body of the community, constitute the legal order of the community, which is a *sui generis* legal system. This legal system, with no similar examples ever having been seen previously at the international level, constitutes an output of the "transfer of a part of the sovereign powers to the community," which the member states had in their domestic laws.[305] This was the first official and utterly inductive step of the European integration built upon the notion of "supranationality."[306] The objectives were:

I. Common Market

II. Competitive Market

II. Transitory Period

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[302] Ibid. p. 12.
[303] Bebri, Gerhard. "The European Coal and Steel Community: A Political and Legal Innovation." *The Yale Law Journal*, Vol. 63, Number 1, Nov. 1953, pp. 3-21.
[304] Günuğur, Haluk. *Avrupa Ekonomik Topluluğunu Kuran Antlaşma - Roma Antlaşması.* Ankara: Barışcan Yayıncılık, 1988, 2nd ed., p. IX.
[305] Günuğur, Haluk. *Avrupa Toplululuğu Hukuku*Ankara: Tarhan Yayınevi, 1993, 2nd ed., pp. 1-2
[306] Hudson. Ibid., p. 12.

The new Community's institutional structure was based on representing and protecting the necessary policies even though it may affect the Community in its operations. The institutional structure consisted of a High Authority, which is the main organ of the community; the Consultative Committee, the Common Assembly, the Council of Ministers and the Court of Justice.[307]

Lastly, although the objectives and institutional bodies of the Community were established to create a stable and safe base for integration of the member states, distribution of powers is also a vital tool that must be broadly studied for understanding the term "supranationality." The community organized its institutions within itself to prevent an overconcentration of powers in one organ. The power of the Community, however, is partially supranational and partially a co-joined power of both supranational and state power in terms of decision-making.[308] Nevertheless, the distribution of power over the decision-making process between the supranational structure of the Community and the member state is chosen preferably by the people in the Community.[309]

3.2.3. European Economic Community and European Atomic Energy Community

Steps taken towards structuring West Europe would not stop there. The extraordinary achievements of the ECSC model instituted by the Treaty of Paris, covering two major sectors of the economy, would go on to encourage the members of these communities to form an organization that would encompass the economy in its entirety. This document, formalized in Rome on March 25, 1957, is a symbol of the lasting legacy of the courage of the initial countries that first set out to achieve European integration.[310]

The new phase for revolution for the European nations, with extensive attempts for military as well as political integration, had begun in the French Parliament in 1954. However, the ECSC was a relatively isolated body and was relatively limited in its scope in comparison to the overall flow of possible

[307] Bebri. Ibid., pp. 3-21
[308] Ibid.
[309] Ibid.
[310] Günuğur. Avrupa Ekonomik Topluluğunu Kuran. Ibid., p. IX.

integration attempts. Due to the détente nature of the postwar era, the ideas of integration for military and political aspects were found to be ill prepared and unsatisfactory in terms of their structural bases, and attempts to solidify the European Defense Community proved to be ineffective. [311]

The failure of the attempt to institute a Europe-wide defense community contributed to complicating the relations between European nations, but another offshoot towards European integration was begun in the economic field to put an end to the misunderstanding. In 1955 at the Messina Meeting, the foreign ministers from the states comprising the ECSC membership decided together to issue a resolution in the name of "the relaunching of Europe."[312]

The Messina decision indicated that the time had come for a new integration and construction of Europe. It also signified the importance of necessary efforts to build a unified Europe by developing shared institutions together with the unification of the economies of the member states, creating a common Sunday and harmonizing social policies across the continent.[313]

The treaty that instituted both the European Economic Community, which would organize a general common market among 6 countries, and the European Atomic Energy Community occurred in Rome and came into force in 1958.[314] Upon commencing of the European Economic Community, a revolutionary new stage was launched, wherein, as described above, the foreign ministers of the ECSC states called for the "relaunching of Europe." Members of the ECSC formed a zone that would abide by common economic policies. This zone was not discriminative; in fact, it was a dual-purpose zone where the other countries of the European continent were invited to be a part of the revolutionary integrational system as well.[315]

For a vastly advanced integration system to be operating successfully, the member states must align with a common policy. For that reason, the treaty provided a healthy environment for the member states by providing a common policy about the management of commercial relations among participating states. Moreover, the treaty promoted common policy by outlining the common objectives or mutually

[311] Gaudet. Ibid., pp. 144-172.
[312] Ibid.
[313] Ibid.
[314] Ibid.
[315] Ibid.

shared tools and lastly providing the collaborating groups of member states with policy guidance pertinent to aspects of monetary policy making. Hence, the European Investment Bank was constructed with the purpose of providing the necessary assistance to encourage investments for the members of the community that enjoyed lower levels of economic advancement.[316]

In November of 1955, M. Armand presented the Commission's conclusion, for which he had served as chairman. After the general report of the committee, the necessary conclusions were stated for it to be improved and completed in 1956 in Venice by the foreign ministers of the relevant 6 states. The report was a creation that would serve as the base for the forthcoming treaties.[317]

Joint efforts between all relevant enterprises, be they private, public, or mixed, were clearly necessary in order to address and manage the potentially world-changing impacts of the growing use of nuclear energy. Therefore, the report stated that it was a necessity to create the fundament conditions for all enterprises that may be involved in such fields within the community and to help direct and stimulate the rapid growth of nuclear energy and all relevant industries in general.[318]

Ongoing debate waged and many unresolved concerns lingered for many of the points that needed to be addressed to achieve Euratom integration. However, the committee successfully achieved Euratom negotiations by using its influential power over parliaments and public opinion.[319] In 1957, the leaders of the relevant 6 governments gathered together in Paris to resolve the remaining matters of disagreement about the respective treaties being finalized for the Common Market and Euratom. These politicians concluded that the committee "should have all the ownership rights to all the special fissile materials."[320] Eventually, the treaty was signed in 1957 in Rome. It entered force in 1958 together with the European Economic Community.[321]

To understand how Euratom's functions and its means of action, one must study Euratom's institutions first. Unlike the ECSC, Euratom institutions were not

[316] Ibid.
[317] Ibid.
[318] Ibid.
[319] Ibid.
[320] Ibid.
[321] Ibid.

constructed for uniting Europe politically. They were constructed to protect common essential objectives in the field of nuclear energy.[322]

Euratom is a community whose main mission is to help member states reach their common objectives. Each of the member states pledges to the community control of the necessary means of action. In particular, the legal aspect of actions was a necessity for the establishment of public authority; it was necessary to build a framework for the capability of directing the national parties present in this community as its members. The main point differentiating Euratom and the other European organizations was the agreement of member states to transfer powers from the national level to the organization to be collectively applied for common objectives.[323]

The Constitution of Euratom establishes two executive institutions, which are relatively close in their cores, namely the Council and the Commission. With the aim of properly controlling the Community, the Assembly and the Court of Justice were also designed and implemented by the same constitution.[324]

As a result, the reason for Euratom to be created and developed in the first place was to establish an institute serving for social progress of its member states and to strengthen world solidarity by integrating the people, member states, and industries. Euratom's main purpose is promotion of research advancement in areas and industries with close links to the development and utilization of nuclear power.[325]

On 1 July, 1987, another very important document, the "Single European Act", came into force in the European Community. This document was signed in Luxembourg on February 17, 1986 and in the Hague on February 28, 1986. The document awaited particularly awaiting its ratification in the Irish Parliament for an extended period. The Treaty of Rome, first seen as a "taboo" and especially during the founding years of the community, was significantly altered by the said Single European Act, and in addition to those changes, new provisions were added to the Treaty of Rome itself. The need for these changes and additions arose from three

[322] Ibid.
[323] Ibid.
[324] Ibid.
[325] Ibid.

basic facts: first, a "unanimous" decision was difficult to make within the community, which had gained new geographical dimensions as a result of its "horizontal" enlargement and had grown in terms of its number of members, creating a new need of satisfying the 12 member states equally. Therefore, in some cases, the principle of "plurality of votes" had to be adopted. Second, the powers of the European Parliament were extended towards the structuring of a "democratic Europe." Finally, third, the new policies determined by the community, and especially the "internal market," were now mandated by the need for "vertical" expansion.[326]

On April 8, 1965, the EC, Euratom, and ECSC were established as one organization by a treaty signed in Brussels. The treaty, which began being actively implemented as of July 1, 1967, was called the "Fusion" (Unification) Treaty. By this treaty, the common name of the constituent communities became the European Community – EC.[327]

Thus, the EC was formed by the merger of the three bodies mentioned above together with the European Economic Community (EEC). The countries forming the community came into union with a treaty signed between them in 1991. At a gathering of the council of EC held in Maastricht, the Netherlands, on December 9-10, 1991, it was decided to make an agreement to reform the EC, and so the "Treaty of European Union" was resultingly signed on December 10. This treaty is in the form of a tripartite constitution for establishment and maintenance of the European Union after the Treaty of Rome and the Single European Act.[328]

3.2.4. The Institutions of the European Union

An effective integrated institution would not be functioning without stimulating its institutions. There are different branches of institutions within the European Union, each having their own rules and procedures for conducting their work. The European Union has six primary structural institutions. First is the European Parliament, a body that approves the European law. Secondly, the

[326] Günuğur. Avrupa Ekonomik Topluluğunu Kuran. Ibid. p. XI.
[327] Arıboğan, Ülke, Gülden Ayman and Beril Dedeoğlu. Ed. Faruk Sönmezoğlu. *Uluslararası İlişkiler Sözlüğü*. İstanbul: DER Yayınları, 1996, 2nd ed., p. 61.
[328] Ibid. pp. 41-42.

Commission is the executive body of the EU. Thirdly, the Council of the European Union has a share in the powers of decision-making together with the aforementioned parliament. Fourthly, the European Council defines the EU's general priorities and policies. Fifthly, the Court of Justice is the judiciary body of the EU. Sixthly and finally, the Court of Auditors oversees implementation of the budgets of the European Union's institutions.[329] These bodies will be explored below in more detail.

3.2.4.1. The European Parliament

This is the sole body that is appointed by a process of direct election among the other institutions in the European Union. Every five years, elections take place to elect the members of the Parliament. The elected individuals will join the parliamentary group that aligns with their interests the most and will ensure their views to be looked upon favorably. For a parliamentary group to be recognized by other members, it must have 27 members of Parliament who provide representation for 25% of member nations at minimum. The Parliament then will elect its president itself together with 14 vice presidents, all of whom will be serving terms of two and a half years. Overall, the parliamentary groups are known as the Bureau of the Parliament. With the Parliament's President, leaders of this medley of parliamentary groups come to conclusions regarding the agenda and goals of the Parliament and they determine timeframes for the relevant work that needs to be carried out.[330]

The Parliament is based in Strasbourg, while some specific gatherings are held in Brussels. The power of the Parliament has increased in parallel with the new additions of treaties in the European Union. Overall, almost every European law has to receive its approval from both the European Parliament and the Council of the EU. In other words, the body in question here lacks abilities for initiating legislation, which most national parliaments are able to do. However, the Parliament has the ability to vote and amend the legislations that are approved by the Commission. The European Parliament takes on a crucial position in terms of its duty of approving the

[329] Citizens Information Board. "The European Union and Its Institutions." Vol. 47, Nr: 5-6, May/Jun. 2019, pp. 2-6. H
[330] Ibid.

yearly European Union budget. Furthermore, it is responsible to supervise other institutions within the EU framework.[331]

3.2.4.2. The European Commission

The EU's executive body is the Commission and the personnel belonging to it work as a part of the European Union civil service. It is headquartered in Brussels with 27 commissioners and one president. For each member state there is one commissioner; every member state names one individual for performing the necessary duties of commissioner. Although that individual is elected as commissioner, they are not allowed to represent the member nation's interests.[332]

The fields of policy addressed by this body have intimate connections to the EU's civil service. The Commission has a variety of crucial functions, which range from commencing legislative acts to proposing schemes for European laws, the latter of which are forwarded to the European Council and the Parliament with the hope of successfully receiving amendments and approvals. In addition, this body is tasked with developing the general legislative planning each year; the Commission has the ability to act as the guardian for European Union treaties. It guarantees the approved legislations be applied by all the member states. It oversees approved policies and it is in charge of implementing/distributing the annual budget to members. The Commission provides representation for the European Union on international platforms, and it negotiates economic affairs and cooperation agreements with non-member nations.[333]

3.2.4.3. The Council of the European Union

Decision-making procedures occur in cooperation with the European Parliament, especially regarding any approval that needs to be granted in the fields of law-making or budgetary allocations. Unlike other institutions in the Union, it has a rotating presidency, where a different representative member state is the chair and leads the majority of the Council's gatherings for a term that lasts for 6 months. The Council boasts as its members a governmental minister sent by each individual

[331] Ibid.
[332] Ibid.
[333] Ibid.

member state. Like other institutions, the Council possesses important powers and obligations. For example, the power of legislating is a shared power between the Council and the Parliament. The legislations that arrive from the European Commission are adopted co-jointly between the Council and the Parliament. Another task undertaken by this body is the coordination of member states' policies with implications for economic areas.[334]

The Council annually issues economic guidelines that are intended to shape the policies of member states. After drafting them, the guidelines are converted to formal recommendations; the Council is then further tasked with monitoring the implementations of said guidelines in all of the member states. Developing and coordinating shared policies in the realms of foreign affairs and security for the EU as a whole is another important duty of the Council. It also enjoys some power for approving EU budgets, a function that it shares with Parliament.[335]

3.2.4.4. The European Council

Council members are state leaders from among the European Union member states together with the president of the European Council and the president of the Commission. This council generally designates overall political guidelines, which consist of directions and priorities. However, one important point about the Council is that it is not actually a legislating institution of the EU. Rather, it bears responsibility for the definition of strategic essentials for ensuring justice, security, and freedom. This council possesses an important amount of power; for instance, it is empowered to choose its own president, who will then serve for a term of two and a half years and can be reappointed one additional time.[336]

The Council also nominates a candidate for the presidency of the Commission. The nominated candidate first receives formal approval from the European Parliament. The Council is able to make decisions about the identity of the president and vice president, as well as being able to assert opinions regarding the executive members of the European Central Bank. Gatherings of the European Council are summoned by EU leadership, namely people who make decisions or take

[334] Ibid.
[335] Ibid.
[336] Ibid.

initiative about major issues that concern the European Union. Lastly, the European Council makes its decisions with a consensus.[337]

3.2.4.5. The Court of Justice of the European Union

This is the EU's judiciary body, comprising sub-courts such as the General Court, the European Court of Justice, and various specialized courts that make up the Court of Justice of the European Union. The sub-institutions mentioned here are established to maintain balance and resolve disputes between parties involving European Union law. They put EU law into effect in order to ensure that the law is applied equally to every EU country, as well as settling disagreements about legal matters that may arise between state governments and institutions of the EU. However, for some situations, individual people, businesses, or organizations that are not members of the European Union may take various legal actions against EU institutions with the assistance of these sub-courts if a violation of some relevant right has allegedly occurred. The headquarters is based in Luxembourg.[338]

3.2.4.5.1 The European Court of Justice

This is the top-ranking and most powerful court of the European Union, comprising 28 judges, each of whom represents his or her member state of origin. Depending on the seriousness of the case in question and which aspect of EU law it concerns, a case is generally heard by panels that contain 3, 5, or 15 judges. This entity may also be described as a collegiate body, as only a single ruling is permitted for all independent cases. Moreover, separate judges are not allowed to occur on the case. There are eleven advocate generals who are responsible for being a bridge between the judges and the asserting parties and deliver the necessary reasoned opinions to the judges to assist the Court of Justice in reaching and proclaiming the final relevant decision. For each case, only one advocate general can be assigned.[339]

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[337] Ibid.

[338] Ibid.

[339] Ibid.

3.2.4.5.2. The General Gourt

As in the European Court of Justice, the General Court also includes one judge from each of the member states as per the dictates of its constitution. Forty-six judges are present, but permanent advocate generals are not. Hence, in some exceptional cases, the judge may carry out the responsibilities of the advocate general. The cases are mostly heard by 5 or 3 judges and occasionally by just one. Depending on the importance of the case, the General Court can decide to participate with the functions of a Grand Chamber, which comprises 15 judges.[340]

3.2.4.5.3. The Court of Auditors

It examines the accounts and administers the budgets that are being implemented by European Union institutions. The general goal for the Court of Auditors is to improve the financial managing of EU monetary resources, as well as reporting to citizens of the EU regarding the financial transactions of money being made. It is responsible to prepare annual reports as the financial years each come to an end. The annual report will later be passed on to the various other institutions; it is also guaranteed publication in the Official Journal of the European Union for review by any interested parties, be they personal or public in terms of affiliations, regarding the budgets and spending of any specific EU body or institution. The Court of Auditors comprises members who are all independent in terms of their own affiliations. The headquarters is located in Luxembourg and there are 28 members, each of them representing their member state of origin. Each of those states is bound to suggest a candidate; the suggested individual will later receive the formal appointment as per consultation between the Council of the European Union and the European Parliament. These individuals serve for terms of 6 years and their tenure of service may be renewed.[341]

[340] Ibid.
[341] Ibid.

3.3. The North Atlantic Treaty Organization (NATO)

3.3.1. Establishment and purpose

Joseph Luns, NATO's 5th General Secretary from 1971 to 1984, who held this post for the longest time, a period of 13 years, summarized the founding purpose of NATO as follows: "NATO has two main functions. Firstly, by maintaining adequate military strength to deter aggression and to defend members if aggression should occur. Secondly, in the climate of stability, security and confidence created by a balance of forces, to work constructively for detente and solution of political issues." [342]

NATO is an international military organization of 30 countries. It was established to protect the peace and security of the member states. Its headquarters are in Brussels, the capital of Belgium, one of the member states. Fair shares against the risks and burdens of allied countries are among the factors that make the Alliance successful and indispensable. The political purpose of NATO is to promote democratic values, to consult on the defense and security issues of member states, to cooperate, to build trust, and to provide opportunities to avoid long-term conflicts. Its military purpose is primarily to help resolve disputes between countries by peaceful means. It is to table possible military operations by creating a crisis-response method in case of failure. As for military forces of the Alliance, some countries undertake various tasks such as training their troops, sea piracy operations, maintaining security in no-fly zones, and enforcing embargoes.[343]

3.3.2. Origin of the North Atlantic Treaty

A total of 50 states sent parties empowered to sign the United Nations Treaty in San Francisco on June 26, 1945, immediately following the fall of Nazi Germany, a small number of weeks before the surrender of Japan would be realized. All nations in the world hoped that with the end of this terrible war, a truly peaceful period would finally begin. It was obvious that the League of Nations was trying to establish a joint security system and it was not successful. This time, though, the situation was

[342] *NATO Facts and Figures.* NATO Information Service. Brussels, Oct. 1971, p. 7.
[343] Eskier, Uğur. "NATO Nedir? Kuruluşu, Amacı, Operasyonları." 2 Oct. 2017, <https://www.makaleler.com/nato-nedir-kurulusu-amaci-operasyonlari>. 16 Jun.2020.

different. All the great states that could end the war were among the founding powers of this brand new international organization, and a considerable portion of the world's power and wealth accordingly would be in the service of this organization.[344]

The treaty was based on two main hypotheses. Firstly, the 5 permanent members of the Security Council, namely the US, Britain, France, China, and Russia, would be reaching permanent agreements on the main issues. The second hypothesis was that none of these states would try to gain land, except for the previous claims made by Russia about Japan. Unfortunately, neither of these hypotheses proved to be valid.[345]

The United States and other Western countries, while reducing their defense costs and reducing the amount of their armed forces in accordance with the commitments they had undertaken during the war, observed with increasing concern that the Soviet Union was determined to maintain its military strength in the same way. In addition, considering the ideological aims of the Soviet Communist Party, it became clear that the UN Convention and the treaties signed at the end of the war were far from guaranteeing the sovereignty and independence of democratic countries that could be subject to an external attack or internal turmoil. The rise to power of undemocratic regimes in most Central and Eastern European countries (CEECs), suppression of real opposition forces, and violations of fundamental freedoms together with human and basic civil rights raised concern in the West against the Soviet Union.[346]

After the fall of Germany, some Western countries still recovering from enemy occupation now faced a new threat from Soviet Russia. Germany and Japan had been defeated, and in terms of both industrial and military strengths, the absence of these former powers on the world stage created a wide vacuum between the west and east of Russia. This logically bolstered the Kremlin's policy of expansion, exploiting this very favorable situation.[347]

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[344] Ibid.
[345] Ismay, Lord – NATO General Secretary. Translator: Dr. Suat Bilge. *NATO İlk Beş Sene, 1949-1954.* Ankara: Türk Tarih Kurumu Yayını, 1956, p. 3.
[346] *NATO'nun Genişlemesi ve Türkiye*. SİSAV - Siyasi ve Sosyal Araştırmalar Vakfı. İstanbul: Tunç Ofset Yayınları, May 1997, p. 1.
[347] Ismay. Ibid., p. 3.

Annexing the entire territories of the Baltic states together with some areas of Finland, Romania, Poland, Northeast Germany, and East Czechoslovakia (nearly 25 million km^2 of land holding a population of about 530,000) was the beginning of the Russian expansion, a sort of continued warfare after the defeat of Germany. The triumphant Red Army advanced to the center of Europe and Russian political maneuvers forced Albania, Hungary, Bulgaria, Poland, Romania, East Germany, and Czechoslovakia to accept Russian control. This represented an acquisition of about 1,400,000 km^2 of land and about 87 million inhabitants, with total summed national income equivalent to half of Russia's own national income, absorbed within the new Russian Soviet Empire via a procedure called "conquest without war." These countries were then firmly connected to Moscow as well as to each other through series of political, security, and economic agreements. Twenty-three agreements of this kind would be finalized in East Europe between 1943 and 1949.[348]

The Belgian Prime Minister and Acting Foreign Minister Paul Henri Spaak said at the UN General Assembly (UNGA) in 1948: "Only one great country came out of the war with the conquest of land. This great country is Soviet Russia."[349] In 1946, we see Soviet Russia embarking on efforts to spread in three main directions: the Middle East for oil via Iran and the Persian Gulf and the Indian Ocean; the Straits, the Aegean Sea, and the Eastern Mediterranean via Turkey; and the Eastern Mediterranean via Greece as well. These three geographic realms were vital areas of interest and relevance for the UK, as well. However, on the heels of the devastation experienced during the Second World War, the UK had no power to confront Russia and saw that the United States was the only force that could stand up to Russian imperialism.[350] Therefore, Britain issued two memoranda to the US government in February 1947, one about Turkey and the other about Greece. In the former memorandum, the importance of Turkey for the defense of the West was stated with emphasis that both economic and military aid should be provided to Turkey. As the UK could not provide such aid alone after all that it had suffered in the war, the responsibility, it was argued, now fell to the United States.[351]

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[348] Ibid. p. 5.
[349] Ibid. p. 6.
[350] Armaoğlu, Fahir. *20. Yüzyıl Siyasi Tarihi, 1914-1980.* Ankara: Türkiye İş Bankası Yayınları, 1983, p. 441.
[351] Ibid. p. 442.

With an end to the civil war in Greece beginning to look like a possibility in March 1948, it seemed certain that the country, which had been deprived of the aid that Britain had been extending up to that time but could no longer continue providing, would be dragged behind the Iron Curtain. This would further leave Turkey and the Middle East to the mercy of the domination of Soviet Russia. On March 12, 1947, after President Truman made a declaration in Congress, to later be called the Truman Doctrine, Congress gave approval to an allocation of $400 million to provide assistance to Turkey and Greece by June 1948, also authorizing the sending of American civil and military delegations to these two countries.[352] In his declaration to the American Congress, Truman stated that the protection of the territorial integrity of Turkey was essential for the protection of Middle Eastern order, and the relations between Turkey and Greece were stated as follows: "If Greece falls under the control of an armed minority, the consequences for Turkey will be very serious. In such a situation, confusion and disorder can spread throughout the Middle East."[353]

The Truman Doctrine aimed at countering the dangers facing Turkey and Greece. However, the situation was dangerous throughout Europe. European countries considered reconstruction and development issues as separate national issues until then. The European economic mechanism could not function despite the help of the United States for the most critical materials, and Western Europe would soon find itself on the edge of an economic abyss.[354]

The war had had drastic effects for the situation in Europe, and in an atmosphere in which all resources were depleted, Soviet Russia amplified its propaganda of communism, knowing the extent of the situation. The Soviets chose France and Italy as their centers of focus, where the communist parties were particularly strong. The subsequent strikes in these two countries paralyzed the economy of the countries. The United States spent $15 billion on Western Europe between 1945 and 1946, but the money was used in areas that were not productive. For this reason, the US sought another formula.[355]

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[352] Ismay. Ibid., p. 6.
[353] Armaoğlu. Ibid., p. 443.
[354] Ismay. Ibid., p. 7.
[355] Armaoğlu. Ibid. p. 443.

In this critical situation, US Acting Foreign Minister General George Marshall gave a lecture at Harvard on June 5, 1947. This speech was the beginning of the European Development Program.[356] This offer of economic assistance, which in the next five years contributed largely to the economic recovery of the Western countries, was also opened to the Soviet Union and other states separated from the West by the Iron Curtain. Stalin, however, declined all American offers of assistance for the USSR, forcing satellite communist states to do the same, such as Poland and Czechoslovakia, in spite of their original interest in the offer. Finally, he set up the Cominform, whose stated purpose entailed fighting to counteract the Marshall Plan, which was described as being an "instrument of American imperialism."[357] In exchange for the Marshall Plan, Soviet Russia established a system of bilateral trade called the Molotov Plan.[358]

Just as the Truman Doctrine and the Marshall Plan were received quite negatively by the USSR, the establishment of the Cominform in October 1947 was met with a critical reaction by the US. Washington considered the situation nothing less than a declaration of political war by Soviet Russia against America, and it was stated that the wars of ideology began at this point.[359]

The world thus found itself split into two blocs. The nature and extent of Soviet intentions were henceforth clearly perceived. As regards the free countries of Europe, the only way they could begin to reestablish a balance of forces was to come together.[360]

The idea that countries with common ideals should form a defensive alliance under the guiding auspices and leadership of the UN was put forward by Churchill when he spoke in Fulton, Missouri, in March 1946. This idea was extended by Louis St. Laurent, Minister of Foreign Affairs for Canada, in 1947. On January 22, 1948, Ernest Bevin, Minister of Foreign Affairs for the United Kingdom, put forward a Western European Union formula in the House of Commons. Bevin mentioned the need for agreements similar to the Dunkerque agreement, which provided a solid

[356] Ismay. Ibid., p. 7.
[357] NATO Facts and Figures. Ibid., p. 17.
[358] Armaoğlu. Ibid., p. 444.
[359] Aktaş, Melih. *1950-1960 Demokrat Parti Dönemi Türk-Sovyet İlişkilerinde Amerikan Faktörü.* Ankara: Şema Yayınevi, May 2006, 1st ed., p. 38.
[360] NATO Facts and Figures. Ibid., p. 17.

basis for cooperation between Britain and France. On March 4, 1948, individuals from France, Luxembourg, Belgium, the UK, and the Netherlands were sent to Brussels on behalf of their countries in order to negotiate the Treaty of Mutual Assistance.[361] This meeting ended on March 17, 1948, with the signature of a treaty establishing the Union of Western Europe. According to this treaty, if any of the signatory states came under armed attack in Europe, all others could be counted on to provide aid by all means. The Western European Union was the first military measure taken against the Soviet threat's spread in Europe.[362]

The Treaty of Brussels was signed on the same date by the same aforementioned countries who were represented there. These countries named by the treaty were committed to establishing a unified, shared system of defense and strengthening their connections both economically and in terms of cultural areas. Before the ink of the Treaty of Brussels dried, the Russians began the blockade of West Berlin. This blockade lasted 323 days but failed thanks to the air bridge.[363]

Immediately after World War II, both the United States and the Soviet Union realized that Germany played a central role in the control of Eastern and Western Europe. They began to fear that the concessions they would make in the country would be used to strengthen the situation of the other side. In 1947 the Western states decreed the establishment of a German government in their 3 Western occupation zones. The reaction of the Soviets to this activity was the blockade of Berlin in 1948. The Westerners fed the city from the air, transporting 400,000 tons of goods a day. By building 2 more airports, West Berlin was made viable. When the Soviets realized that the blockade was not effective, they lifted it in May 1949. Elections were held in West Germany in August 1949 and the government of Conrad Adenauer was established in September. The Soviets, meanwhile, declared the formation of the German Democratic Republic in October 1949. The importance of the Berlin blockade for international policy is that it was the Cold War dispute that Washington and Moscow faced for the first time.[364]

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[361] Ismay. Ibid., p. 8.
[362] Armaoğlu. Ibid., p. 445.
[363] Ismay. Ibid., p. 9.
[364] Sander, Oral. *Siyasi Tarih 1918-1994*. Ankara: İmge Kitapevi, 1994, 4th ed., pp. 214-215.

Those same five aforementioned countries met in London on April 30, 1948, to discuss some military issues and additional assistance from the US. Since July, the US and Canada participated in these meetings as observers. A mere 2 months later, the decision was made to establish a military organization called the Western Union Defense Organization.[365] On July 12, 1947, with the participation of Britain, France, Belgium, Italy, Portugal, Ireland, Greece, Turkey, the Netherlands, Luxembourg, Switzerland, Iceland, Austria, Norway, Denmark, and Sweden, a new conference was held and a European Economic Development Plan was prepared to be presented to the United States on the 22nd of September. These 16 European countries established the European Economic Cooperation Organization on April 16, 1948, following the enactment of the foreign aid law.[366]

While the Soviet expansion efforts in Europe, and especially the Czechoslovak coup in February 1948, triggered the establishment of the Western European Union (WEU), the alliance also tried to hold on to the United States even from the first days and worked to draw it more firmly into their camp. However, the United States had not entered into alliances with Europe since the Monroe Doctrine. After the founding of the WEU, the Soviets triggered the Berlin Blockade in turn, which was an obvious challenge to the West. Senator Arthur H. Vandenberg, a member of the American Senate, asked the Senate to authorize the United States to participate in joint agreements. This decision adopted in Congress was called the Vandenberg Decision.[367]

The first negotiations that led to the establishment of NATO began in Washington on July 6, 1948, between the United States, Canada, and the Western Union states. They ended September 9, 1948. The representatives of these seven states reached a full consensus regarding their draft for the North Atlantic Treaty on December 10, 1948.[368]

During the ongoing processes of the negotiations, Soviet Russia wanted to block the treaty from being finalized. The Soviets sent a memorandum to the 12 countries that would sign the treaty, claiming that it conflicted with the terms

[365] Ismay. Ibid., p. 9.
[366] Armaoğlu. Ibid., p. 444.
[367] Ibid.
[368] Ismay. Ibid., p. 10.

established by the UN Treaty as well as formal positions of the Council of Foreign Ministers and therefore could not be accepted. Two days thereafter, those 12 states responded with a joint reply to Moscow. The 20-line note, penned very simply, stated that the treaty was the best response to the Russian claims, because it was clear that the proposed alliance would not be organized as an alliance combatting any explicit, pre-determined country or conglomerate of countries; rather, they simply sought to cooperate among themselves with the aim of protection in the face of any theoretical armed encroachment. The North Atlantic Treaty was signed in Washington on April 4, 1949, by the foreign ministers of 12 countries: Belgium (P.H. Spaak), Canada (L.B. Pearson), Denmark (G. Rasmunen), the US (D. Acheson), France (R. Schuman), Iceland (B. Benediktsson), Italy (C. Sforza), Luxembourg (J. Bech), Norway (H.M. Lange), the Netherlands (D.U. Stikker), Portugal (J. Cearіro da Matta), and the UK (E. Bevin).[369]

The treaty was ratified by the US in August of the same year. With the participation of 18 other countries on different dates, it became an international military organization with 30 member states. Throughout the course of the Cold War era, threats posed by communist states increased, as exemplified by the 1950 start of the Korean War. Therefore, NATO had to develop military plans. The NATO Military Committee then called for the establishment of conventional (agreed) forces. In 1954, the Soviet Union suggested that it should join the alliance for European peace; however, the proposal by the Soviets was not accepted, with concerns that it would weaken the alliance.[370]

Following its inception, NATO abandoned its "Mass Response Strategy" and adopted the "Flexible Response Strategy," which remained in effect from December 1967 until 1991. In the face of rapid economic developments in the world, NATO's defense identity has also changed. The embodiment of the change was realized at the meeting held in Rome on November 6-8, 1991. The NATO North Atlantic Council has provided the basis for a "comprehensive security concept strategy" with a document entitled "The Alliance's new strategic concept," which replaces mass threat, forward defense, and flexible response strategies. According to this document, comprehensive reductions in NATO forces, greater mobility, the formation of a

[369] Ismay. Ibid., p. 11.
[370] Eskier. Ibid.

multinational Rapid Response Force with an emergency response force, and reductions in nuclear weapons have been realized. NATO's new strategy aims to improve its political character by advocating the use of diplomatic means first and the development of cooperation and dialogues in solving crises. If the crises cannot be solved by political means, military measures can be taken and nuclear weapons can only be used as a final response. Another strategy of the comprehensive security concept has been identified as crisis management. Crisis management is an understanding developed against uncertain and undefined risks. The aim is to prevent conflict. In this context, the WEU would function as the European wing of NATO.[371]

Revolutions in 1989 and the 1991 ending of the Warsaw Pact eliminated NATO's informal rival. These developments have led to strategic changes in NATO's objectives, missions, and focus on Europe. This exchange began with the so-called Treaty on Conventional Armed Forces in Europe, signed in Paris in 1990 by NATO and the USSR, aimed at reducing military forces. NATO has also begun reducing its military spending. On the heels of the Cold War, the military structure of NATO was reduced; emergency response forces were created. As the USSR collapsed, military balances of Europe were changed. Within this framework, the "Adapted Conventional Armed Forces in Europe Treaty" (CFE) was signed in Istanbul in 1999.[372]

On May 14, 1997, a NATO-Russia treaty, with its official name the "Founding Act" was realized in Moscow via the cooperative efforts of the Secretary General of NATO and Minister of Foreign Affairs of the Russian Federation (RF). It was approved on May 16, 1997, by the Permanent Council of NATO and signed on May 27, 1997, by the leaders of all of the NATO member states and the President of the RF.[373]

Following these developments, NATO began to expand to include the CEECs. At the same time, NATO began launching activities into political and social areas that the Alliance had never previously addressed before. Old NATO structures were eliminated and new ones were established. The number of 65 centers in the command structure was reduced to 20. The 2006 summit in Riga, Latvia's capital,

[371] Arıboğan. Ibid., p. 287.
[372] Eskier. Ibid.
[373] SİSAV. Ibid., p. I.

was the first to be held in a country previously under the control of the former Soviet Union, at which energy security was tabled.[374]

Understanding that the continuation of NATO and the continued US presence in Europe depended on enlargement, in a sense, we can say that it had a stake in this enlargement. Moreover, a consensus has emerged that the integration of Europe, with the guarantee of its security and the eastward expansion of democracy in Europe, could only be achieved through the establishment of very close and special relations between the Middle East and Eastern European countries and the West. In addition, the fact that Russia has become a country with a democratic market economy, integrated with Europe and not a threat to Europe, has contributed to NATO's enlargement ideas.[375]

Events including the bringing down of the Berlin Wall in 1989, German unification in October 1990, dissolution of the Warsaw Pact in April 1991 and of the Soviet Union in December of the same year, and many other crucially related events in the CEECs led to the conclusion of the Cold War that had followed on the heels of WWII. After these events that changed the political situation in Europe, it was a simple fact that the security requirements of Alliance members were changed at their very roots. At meetings in July of 1990 in the UK, in November of 1991 in Italy, and in January of 1994 in Belgium, NATO adapted its overall strategy regarding forthcoming changes in strategic and political fields. The new strategic concept adopted in Rome envisioned a broad understanding of security based on dialogue, cooperation, and the protection of the joint defense system. This concept harmonized the political and military aspects of NATO's security doctrine and guaranteed cooperation with its future partisans in the post-communist world as an integral element of the Alliance's strategy.[376]

3.3.3. NATO member states

NATO has 30 members. Member states and their dates of accession to the Alliance are as follows: United States of America (1949), Germany (1955), Albania (2009), Belgium (1949), France (1949), Bulgaria (2004), Czech Republic (1999),

[374] Eskier. Ibid.
[375] SİSAV. Ibid., p. I.
[376] SİSAV. Ibid., p. 3.

Estonia (2004), Croatia (2009), the Netherlands (1949), United Kingdom (1949), Denmark (1949), Spain (1982), Italy (1949), Iceland (1949), Canada (1949), Montenegro (2017), North Macedonia (2020), Latvia (2004), Lithuania (2004), Luxembourg (1949), Hungary (1999), Poland (1999), Norway (1949), Romania (2004), Portugal (1949), Slovenia (2004), Slovakia (2004), Turkey (1952), and Greece (1952).[377]

3.3.4. Bodies of NATO

1. North Atlantic Council: Handles high-level issues and is authorized for activities related to ensuring that the treaty is properly implemented.

2. Defense and Nuclear Planning Committee: The highest-ranking military body.

3. Military Committee: A body including Chiefs of Staff of the member states to regulate the militaristic work of the organization and govern its military organization.

4. Secretariat: NATO's top management level is the secretariat general. [378] As of 2017 its General Secretary was Norwegian politician Jens Stoltenberg.[379]

Essentially, NATO may be understood as a frame permitting wide-ranging cooperative activities among the signing parties. More than a military alliance formed to prevent aggression, or to repel it should need arise, it also provides for continuing unified actions in the realms of politics, economics, and social assistance. Members are bound, in keeping with the guidelines established within the provisions of the UN Charter, to stringently work to guarantee the preservation of security and peace at the international level on a general scale, as well as more specifically promoting a stable state of general well-being and productive cooperation in the North Atlantic. Furthermore, they are bound to strive towards the final removal of any clashes between their respective policies in the economic sphere while working to foster cooperation in terms of economics. Thus, this treaty can be described as having a twofold purpose. While proclaiming the irreplaceable value of progression both economically and socially, it simultaneously is designed to provide a

[377] Eskier. Ibid.
[378] Arıboğan. Ibid., p. 287.
[379] Eskier. Ibid.

reaffirmation of the necessity of security policies founded upon the grounds of states' inherent rights to collectively pursue self-defense. The treaty consist of a preamble and fourteen articles.[380]

The members of NATO are required to contribute a minimum of 2% of the state's gross domestic product (GDP) to the expenses of this collective self-defense. However, countries experiencing political and economic crises may not achieve this goal. NATO's decisions are made by consensus as an expression of the common will of the 30 member states. Article 5 of the treaty that established NATO provides for assistance from the other member states to any country under armed attack. This article was applied for the first and only time after the terrorist attack of September 11, 2001, on the US World Trade Center. Any armed attack against a state belonging to NATO will be understood as having been an attack against all participating countries. Within this framework, each member has to assist the attacked country and, if necessary, support it with military force.[381]

Lord Ismay, NATO's First Secretary-General, described the Alliance's goal as "keeping the Russians outside, the Americans inside, the Germans below." NATO's military spending, which was around 34% in the early 1990s, fell to 21% in 2012. NATO's first military action, the "No-Fly Operation," was implemented by NATO on August 12, 1993, to ensure security in the interior of BiH, where a strict ban on aircraft had been declared for the zone by the UN during the 1992 Bosnian War. On February 28, 1994, 4 Serbian aircraft were successfully brought down by NATO planes for being in violation of the "No-Fly" decree. This was NATO's first military action during the war.[382]

3.4. Euro-Atlantic integration

Putting it simply, Euro-Atlantic integration is the inclusion of countries as members of NATO and the EU. From another perspective, it is an ongoing procedure that involves stability, formation of strong alliances, and the maintenance of democratization processes. "Euro-Atlantic integration" is particularly used to make reference to the process of including states located geographically in the west of the

[380] NATO Facts and Figures. Ibid., p. 21.
[381] Eskier. Ibid.
[382] Ibid.

Balkans into both the EU and NATO. The chain of events that have been accordingly evolving in Southeast Europe may be understood as a continuation of integration that previously happened for the CEECs in the 1990s.[383]

Threats faced by NATO states in Europe today are closely related to the security vacuum and ethnic problems faced by these aforementioned CEECs. To keep this unstable area located so close to Western Europe under control and in light of the democratization of the CEECs and the dissolving of the USSR, Western states produced various policies in the immediate past. Significant numbers of these policies were implemented under the auspices of the relevant guidelines or projects of NATO and the EU. For example, with NATO's aforementioned PfP project, principles of cooperation in an active manner with states that do not belong to the Alliance have been adopted in order to achieve stability in Europe. Involving the crucially important CEECs, including various newly independent countries growing out of the USSR's final collapse, the PfP project has brought together a large number of partners. Economic development is now one of the key elements of national security, Therefore, enlarging the overall body of the EU and expanding it specifically with the inclusion of CEECs has represented an important step for European security. In recent years, various initiatives within both organizations have been raised to shape Europe's new security architecture.[384]

Although both the success that the European Union has reached as of today and the assorted challenges that it faces must be generally understood as a new phase of the overall integration process that has been going on since the 1950s, NATO's quest for an enlargement strategy is entirely the result of post-Cold War conditions. Faced with the Cold War's unique aftermath, NATO and the European Union, which are very different in their establishment reasons, aims, and structures, had to cooperate to ensure the security of Europe. That necessity arises from the new meaning of the concept of European security, which includes aspects embedded in the realms of economics and politics together with the military dimension.[385]

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[383] Mylonas, Harris. "The Future of Euro-Atlantic Integration in the Western Balkans." *PONARS New Approaches to Research and Security Eurasia Policy*, Memo No. 208, June 2012, p. 2.
[384] Çayhan, Esra, and Nurşin Ateşoğlu Güney. *Avrupada Yeni Güvenlik Arayışları NATO-AB-Türkiye*. TÜSES-Türkiye Sosyal Ekonomik Siyasi Araştırmalar Vakfı, İstanbul: AFA Yayıncılık-351, 1996, p. 13.
[385] Ibid. p. 14.

After the USSR's collapse, the ensuing ending of the Warsaw Pact and the renewed independence of the CEECs have been considered by Western powers to be the greatest gains of the post-Cold War period. However, a hot war took place in Yugoslavia in 1991, and the war spread to the Republic of BiH in 1992. Since 1993 the Russian Federation has sought to pursue a more assertive foreign policy in dealing with countries in and beyond its close vicinity, and talk about stable security conditions in the CEECs grew to seem less realistic. As one of the outcomes of the new situations of the post-Cold War period, with new internal and external security problems being faced by the former signatories of the Warsaw Pact, possibilities of these countries destabilizing the region began to arise. This was a development that could have a negative impact on the new European security architecture, which was attempted to be structured after the Cold War.[386]

The aforementioned possibility of instability caused by the problems of the CEECs in areas as diverse as politics, economics, and civic life was thus expected to arise in the process of transition from the economy of the communist regime to the free market economy. As a matter of fact, with the absence of the tradition of democratic regimes in the histories of these countries and the emergence of new types of capitalists working for their own interests rather than their country, economic problems multiplied rapidly while nationalist movements simultaneously gained intensity.[387]

The positive or negative outcomes of reforms that have reached a certain level in the CEECs are going to be dependent on whether the foreign security of these countries is stable. After the Cold War, of course, there was a change in the definition of foreign security.[388]

NATO and the EU can be understood as representatives of a broader frame for politics that all states in the west of the Balkans have drawn inspiration from. Ever since the year 2000, perspectives on the possibility of integrating into the Euro-Atlantic world have carried considerable influence among both leaders and citizens of these countries. Regarding such a process of desired integration, any state with such an aspiration must be ready and willing to contemplate novel policies and

[386] Ibid. p. 25.
[387] Ibid. p. 25.
[388] Ibid. p. 26.

change of their strategies to improve both their self-sustainability and their effective functional capabilities. Achieving a peaceful environment, implementing reform packages, addressing obstacles on the road to maintained regional security, and restoring credibility can be listed as top priorities while considering the possibility of their permanent integration into the Euro-Atlantic world and its leading institutions. Both NATO and the EU will have to draw up precise strategies for enlargement considering the states located in the Western Balkans. Establishing clarity in terms of both expectations and procedures to be followed will be of considerable value in the ongoing process of expanding and strengthening the ties that unite these institutions and the Western Balkans. Among the various goals in this process, the one that is clearly most critical is to identify the major challenges that are present today for Euro-Atlantic integration and then swiftly create effective and specific strategies for addressing them. Fostering conversations based on multiple diverse perspectives about the issues related to the Western Balkan region and its long-term future will be another crucial part of procuring a more permanent situation of stability in the region.[389]

For the countries of the region, it is important to establish policies that will strengthen ties between themselves considering the general guidelines and expectations of wider integration into institutions being considered here. Ways to further enhance regional cooperation should be sought, especially in the realm of economics under the Central European Free Trade Agreement (CEFTA). In addition, establishing regional forums for Euro-Atlantic integration, establishing the presence of a more unified voice in the area, and promoting the shared interests of the region in accession processes can be effective policy at this point. Providing mechanisms by which developed countries can support countries lagging in some areas in integration processes may also be offered as another option.[390]

The Euro-Atlantic integration of BiH can be seen as the key to BiH's stability in the entire context of the Western Balkans. For this reason, it remains a policy priority for Washington and Brussels. The EU is a fundamental and very special

[389] Policy Recommendations Joint Workshop of the PfP Consortium Study Group, "Regional Stability in South East Europe." and the Centre for Security Studies, Bosnia and Herzegovina, "Faster Euro-Atlantic Integration – A Precondition for Lasting Peace and Stability in the Western Balkans?" p. 1. <https://www.files.ethz.ch/isn/137861/pfpc_policy_recommendations_092010.pdf >. 15 May 2020.
[390] Policy Recommendations. Ibid. p. 7.

partner of NATO, the latter of which shares the same strategic interests with the EU and seeks to cooperate on common interests.[391]

NATO, at its core, is a military alliance, necessitating among its members that only some military criteria and standards of human rights be conformed to. On the other hand, the EU is a body with both clearly political and economic aspects; it is unabashed in its goal of transforming societies. Although there is a high correlation between NATO and the EU, there is no doubt that the EU demands more from Balkan governments and people than NATO demands. What is debatable is whether security should be understood as the fundamental precondition for all other activities or whether this is a "chicken and egg" scenario in which security comes after progress and growth in realms of social, economic, and political development, thus based on the primacy of the relationship with the EU rather than NATO. Furthermore, EU and NATO memberships are not inextricably linked. BiH could theoretically join the EU, but it does not have to join NATO.[392]

While it is clear that EU membership and the path to achieving this status could be of great benefit to BiH, it must be asked whether the benefits simply extend one path. First of all, it must be considered "instability in your neighbourhood poses threats which no state can ignore". It follows that improving the social, economic, and security conditions in BiH will be good for the state itself, better for the immediate region, and better for the EU. It is argued that the EU "has brought an era of peace, prosperity and stability to Europe such as it has never known – well at least since the Pax Romana."[393] [394] EU and NATO membership for BiH is furthermore understood to not be inextricably linked, as stated above, but since World War II, it is claimed by some that these two major institutions of Europe have in fact grown to been inextricably linked. NATO has provided the security umbrella with which Europe is advancing. In addition to the security question, it should be noted that

[391] Thorley, J.O. "Is Euro-Atlantic Integration of Bosnia-Herzegovina good for the EU, NATO and Bosnia-Herzegovina itself?" *National Defense, Canadian Forces College,* 2014-2015, p. 3, pp.1-33.
[392] Ibid. p. 4.
[393] Ibid. p.7.
[394] The Pax Romana was established under Augustus, and for that reason it is sometimes referred to as the Pax Augusta. The Pax Romana (Latin for "Roman peace") was a long period of relative peace and minimal expansion by military forces experienced by the Roman Empire in the 1st and 2nd centuries CE. Since this period was initiated during Augustus's reign, it is sometimes called Pax Augusta. Its span was approximately 206 years (27 BCE to 180 CE.) <https://courses.lumenlearning.com/suny-hccc-worldhistory/chapter/the-pax-romana/>. 23 Jul. 2020.

BiH's EU membership requires the EU to invest money; whether the EU can cope with further enlargement can be considered.[395]

NATO membership is accomplished through the Membership Action Plan (MAP). NATO offers a program designed for advising, assisting, and offering practical support carefully designed in consideration of the unique needs of individual countries that have expressed their desire to join the Alliance. The countries that participate in the MAP present individual national programs on a yearly basis and roadmaps for possible future membership, covering not only defense but also various aspects reflecting on politics, economics, resource management, and legal and security aspects. Membership in the EU entails resolution of many issues within BiH, including but not limited to defense modernization, constitutional change, political and economic criteria, and judicial system reform including the ability to uphold EU laws and standards.[396]

In its historical dimensions, the Western Balkans is a complex region in every sense. For this reason, it contains relatively small states, characterized by different nationalisms, religious intolerance, and mutual conflicts. In addition, the region is a region where the strong influence of the great powers, with their expansionist interests, is felt, determined by the Machiavellian principle of "divide and rule." For this reason, the region has been treated for centuries as a powder keg that threatens not only its own stability but also that of Europe and beyond. During the period from 1991 to 1995, it sought to protect minorities in neighboring states and establish historical borders instead of existing, internationally recognized ones. This led to a sharp deterioration of relations between the Western Balkan states. Exclusion dynamics were more effective than integration dynamics. Due to war, ethnic cleansing, and genocide, the grouping of ethno-religious communities in the country after the BiH war would aggravate the integration processes of BiH. It also negatively affected the integration of countries in the region and relations within Europe.[397]

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[395] Thorley, Ibid., p. 7.
[396] Ibid. p. 5
[397] Sadiković, Lada. "Dynamic of the Progress of Bosnia and Herzegovina toward the Membership in Euro-Atlantic Integrations." *Administration-Uprava,* 1 Jan. 2013, Issue 7, pp. 45-65, p. 46.

The Western Balkans constitute the only European region where Christian and Islamic countries meet. Due to some political, economic, and socio-cultural developments, the process, which has become economically and democratically challenging in all countries belonging to this region, is most reflected in BiH. This poses a constant threat to regional security, of course, but also to that of both Europe and the world. [398]

Until the Bosnian war, the society of BiH was characterized by the fact that it could not be grouped or dispersed due to being a multiethnic, multicultural, and multi-religious society. Therefore, neither the local authorities nor the international community in BiH have managed to revive the BiH community. As an example, Annex 7 of the DPA targeted the return of refugees and forcibly displaced persons to their original places of residence, but this goal was not met.[399]

Since BiH does not have a "normal constitution," there is no principle of political representation like that characterizing all European states that emerged after the French Revolution. The electoral system is discriminatory. The constitution essentially separates citizens by national, ethnic, religious, and racial affiliations. In addition, the state's competencies have been significantly reduced. Therefore, it does not allow the performance of the functions of the modern state as applied in other European countries. The tools designed to perform these functions are completely obsolete. Even the most modest and constitutionally provided state functions cannot be implemented.[400] In this case, instead of representing the three constituent peoples, it should be seen as essential to establish the principle of representation of citizens.[401]

If the enlargement process of NATO and the EU is analyzed, it can be distinguished that all "new democracies" first joined NATO and then subsequently joined the EU. It is obvious that Euro-Atlantic allies also maintain this principle for the Western Balkan countries. [402]

Because BiH is such a unique country, it has a weak functioning. For this reason, little has been achieved for the accession reforms initiated by the EU in the

[398] Ibid. p. 47.
[399] Ibid. pp. 49-50.
[400] Ibid. p. 50.
[401] Ibid. p. 54.
[402] Vukadinovići, Lidija Čehulić. "Strategic Problems and Integration of the Western Balkans." *International Scientific Defence, Security and Peace Journal*, Contemporary Macedonian Defence, 1 Jun. 2014, pp. 37-48, p. 39

country. The emergence of a "state within a state," the Republika Srpska, along with deep-rooted national divisions is an element that prevents this country from further participating in Euro-Atlantic integration. Therefore, progress on NATO membership has not been accepted by both entities in the same way. Local players are not ready to invest in joint efforts for NATO membership. Both the interest of Europe and the international community in BiH is steadily declining, because there is a global crisis and a lot of problems both in the world and in Europe. All this leads to a situation in which development within the country is almost completely left to a certain political inertia.[403]

The Western Balkans are no longer the "black pit" of the Old Continent. This region, as a place where "unstable stability" still prevails, sees its priority as security challenges, not military ones. These challenges include soft security issues such as ethnic, religious, national, and border issues; drugs; human trafficking; ecological problems; economic stagnation; and terrorism. The open-door policy of NATO and the EU remains the official policy of both organizations, and enlargement has been NATO's most successful policy since the disappearance of the bipolar world order. However, the EU has faced more difficulties in benefiting from this process. The Western Balkans (BiH, Kosovo) are the only part of Europe where NATO and the EU still have forces as guarantors of peace and stability. In a sense, this means that NATO and the EU represent the kind of security that exists in the region. However, from both a global and Euro-Atlanticism perspective, it would not be wrong to say that the Western Balkans have lost their position at the top of the agenda of international politics because of their unresolved problems. All other states in this region, with the exception of Serbia, aim to become members of both the EU and NATO. Accordingly, it is likely that a security area could be created in this part of Europe upon successful accession of these countries to the EU and NATO. With the existence of such a safe space, the problems on which NATO and the EU are focused can be solved faster and easier (i.e. the problem of borders, the rights of ethnic minorities, and asymmetric security problems).[404] Furthermore, the present economic constraints in BiH affect the budgeting for defense. BiH's current defense spending

[403] Ibid. pp. 40-41.
[404] Ibid. pp. 45-46.

is 1.1%, while NATO's projected rate is 2% of a given country's GDP, as explained above.[405]

One of the integration challenges is the conflict that persists between the RS and state authorities. To ensure implementation of the MAP, NATO is demanding that BiH register and take control of all immovable defense property. The RS, however, argues that all such immovable defense property on its lands belongs to them. As a result, the main challenges that BiH faces in its efforts to gain NATO membership include the controversial ownership of the defense properties physically located in the RS.[406]

All of Bosnia's immovable defense property, constituting a total of 63 barracks or other buildings designed with military purposes, must be declared as belonging to the state. The first problem with this is that a certain percentage of the buildings in question are still argued to be the property of Yugoslavia; in some cases, their existence was simply never formally declared in the Yugoslav era. Second, it is not proving to be a simple matter to reach any agreements on succession and whether these immovable defensive properties are the property of legal persons or the state.[407]

The processes of reform in BiH have been mainly pushed along by the force of international actors. It can also be said that this undermines the principle of local ownership. In BiH, local ownership is lacking in reform, while in Montenegro, for example, processes appear to be successfully fostered by mostly local forces. Civil society has been excluded, however, while the key partners of these processes are politicians of the governing party. This, in turn, causes the public to be skeptical of NATO membership.[408]

In May 2003, a new defense law came into force, thanks to the establishment of the so-called Defence Reform Commission (DRC) by the High Representative to BiH, Paddy Ashdown. The law protected both armies of both entities, but both armies come under the domain of a structure for command and control that has been designed for one single state, with the president receiving the appointment of

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[405] Busterud, Ingrid Olstad. "Defense sector reform in the Western Balkans – different approaches and different tools." *Journal European Security,* Vol. 24, 2015, Issue: 2, pp. 335-352, p. 339.
[406] Ibid. p. 340.
[407] Filipović, Nataša. "Bosnia and Herzegovina's Euro-Atlantic Integrations." *Acta Universitatis Danubiu, AUDRI,* Vol. 9, no. 1/2016, pp. 40-54.
[408] Busterud. Ibid., p. 348.

commander-in-chief. This was referred to as the Armed Forces of BiH (AFBiH). There were still, however, two different chains of command, with the first being a newly introduced state-level operational structure. The other is the administrative structure between entities.[409] At first, Republika Srpska leaders were not willing to participate in defense reform, but defense reform has made economic sense for both sides. In the end, Republika Srpska leaders agreed that the existence of only one single operational command chain would not jeopardize Republika Srpska's existence. At the same time, Republika Srpska has always stated its support for the DPA as a guarantor of the continued existence of the parties.[410]In BiH, the establishment of a regional structure within the context of accession to the European Union holds importance for promoting balanced economic development.[411] BiH has already confirmed its status with the Council of Europe (CoE). This means accepting the obligation to meet the basic conditions for progress in the European Union and NATO.[412]

BiH is plagued by high rates of unemployment, low competitiveness, and serious problems in the social realm. One of the country's priorities is the elimination of the gray or informal labor market. The country's available resources are insufficient for local development, infrastructure at the local level, and capital investment. BiH faces a regional development problem with a pronounced regional imbalance. For this reason, it needs systemic and sequential regional development policies that are compatible with European Union policies. Regionalization and decentralization, created with standards, policies, and European Union assistance tools in keeping with the specific requirements of BiH, will contribute to economically balanced development in all territorial areas in the country.[413]

The EU, NATO, and the UN should contribute to the Southeast European region in order to contribute to stability throughout Europe, and it would be appropriate for them to show their interest in the region.[414]

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[409] Ibid. p. 338
[410] Aybet, Gülnur. "NATO Conditionality in Bosnia and Herzegovina." *Defense Reform and State-Building Problems of Post-Communism*, Vol. 57, No. 5, Sep./Oct. 2010, pp. 20-34 p. 28.
[411] Tulumović, Vanes. "Regional Development Policy of the European Union Is a Solution for the Regional Development of Bosnia And Herzegovina." *Socioeconomica*, 1 Oct. 2018, pp. 19-30, p. 20.
[412] Sadikoviç. Ibid., p. 56.
[413] Tulumović. Ibid., pp. 26-27.
[414] Sadikoviç. Ibid., pp. 59-60.

The Dayton Accords created a cumbersome five-level administrative structure in BiH, comprising the OHR, the state, entities, cantons (excluding RS), and opština (counties). Due to this unique arrangement, 13 different constitutions, prime ministers, parliaments, and legal bodies exist, with 760 legislators, 180 ministers, 1,200 prosecutors and judges, and, most critically, three independent military institutions. These all exist to govern only 4 million people. The DPA established a bureaucratically "passive state," a feature historically marking the BiH administration, consisting of too many state institutions.[415]

Due to the lack of unity and reluctance among European countries, the US was at the forefront of ending the war in BiH. Since defense and security are considered taboo in the integration process, the beneficial outcome for BiH is that it contributes to reforms aimed at military and political development. Since the Copenhagen Summit of 1973, the EU has attached importance to the principles of rule of law, representative democracy, social justice, and respect for human rights. One of the reasons for the impact of EU projects in the Balkans is the regional policies followed by both Russia and the US in the region, along with other international organizations.[416]

The demonstrations in BiH in 2014 were significant in that they showed that the country is a critical country in terms of security. The EU's analysis of BiH concluded that socio-economic measures should be taken, rather than constitutional reforms. In other words, it is obvious that the EU needs to take more responsibility to put the country in a functional position.[417]

Due to deeply ingrained ethnic tensions in the Balkans, the EU continues to face a particularly challenging situation in this region. The 2014 protests led the EU to question the functionality of the Dayton Constitution, which it said needed an active policy that included strong economic policies. The "Royaumont Process" in 1995, the "regional approach" in 1997, the "Stability Pact for Southeast Europe" in 1999, and the "Stabilisation and Association Process" in 2000 have all represented

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[415] Tuathail, Gearóid Ó. "Embedding Bosnia-Herzegovina in Euro-Atlantic Structures: From Dayton to Brussels." *Journal Eurasian Geography and Economics*, Vol. 46, 15 May 2013, Issue 1, pp. 51-67, pp. 53-54.
[416] Babuna, Aydın. "European Integration, Bosnia-Herzegovina and Stability in the Western Balkans: A New Strategy." *Perceptions*, 2014, Vol. XIX, No. 2, pp. 1-32, p. 2.
[417] Ibid. p. 1.

important new shifts in the EU's approach to the Balkans. In this context, regional cooperation includes market economy reforms, rule of law, minority protection, and respect for human rights.[418]

More important than the fact that BiH is largely dependent on foreign aid is that the coexistence of multiple ethnic groups continues to pose problems. For this reason, international military forces must remain in the country.[419]

In the course of the Bosnian war, spanning between 1992 and 1995, more than two million people were forcibly evicted from their homes in BiH. Despite some difficulties, however, roughly 50% of these displaced individuals have been able to regain control of their former properties.[420] The fact that Republika Srpska should cooperate in full with the ICTY in The Hague means, in a sense, that the journey to EU accession passes through The Hague.[421] Bosnia is a post-conflict state. It is also a prospective member state with the transformative power of conditionality currently in question. In other words, state-building and member-state-building are taking place simultaneously in Bosnia.[422]

In addition, Bosnia's uniqueness is also related to the influence of its neighbors on the mentality of the relevant parties on European integration. For example, the influence of Serbia on the Bosnian Republika Srpska cannot be underestimated. Some Serbian moderates were always in favor of integration, as they saw no alternative to a gradual process of integration with the Euro-Atlantic realm to guarantee the future of the RS. As a result, a declaration that the RS wanted to join NATO was included in the new defense laws arising from the second DRC. Furthermore, the greatest achievement of this commission was the abolition of the defense ministries at the entity level and the reshaping of the military bodies in BiH within one single chain of command.[423] In reforming the defense system, however, problems still remain, such as the need to address issues of pensions or the transfer of real estate rights.[424]

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[418] Ibid. p. 3.
[419] Ibid. p. 7.
[420] Tuathail. Ibid., p. 51
[421] Ibid. pp. 56-57.
[422] Aybet. Ibid., p. 24.
[423] Ibid. p. 30.
[424] Ibid. p. 32.

According to popular beliefs, a lack of stability in the Balkans can spread quickly to the EU as illegal immigrants, arms and drug trafficking rings, and international terrorists can establish links between Western Europe and Balkan criminal gangs. Therefore, the possibility of such groups using the Balkans as a safe space for their own activities is one of the EU's biggest concerns. In a sense, the Balkans have been a region where the EU policies on defense and security have been stringently tested. As stated by Javier Solana, former EU High Representative: "EU foreign policy was initiated in the Balkans and the EU has invested too much to allow the countries in the region to slip away from the EU centre of gravity." In other words, he clearly recognized the importance of the Balkans for the EU. The EU represents economic prosperity, security, and political stability for the Balkans. For this reason, complete integration of the area seems to be the best option for both the EU and the Balkan countries.[425]

In 2004, the EU accepted 10 new members, eight of them from former communist states among the CEECs, and then in 2005, the French and Dutch rejected the EU constitution, causing concern about "enlargement fatigue." Because the EU is in a more reluctant mood towards applicants, it has caused the process in the Balkan countries to slow down, and reforms have slowed down accordingly. A day after the French referendum, the Bosnian Serb parliament's refusal to accept police reform, one of the most important conditions of the SAA negotiations between the EU and BiH, was notable.[426]

One of the most often debated aspects of EU policy as directed towards the Western Balkans is political conditionality. This grew to become an invaluable tool for ensuring the compliance of the values of CEECs in the 1990s, but most Western Balkan states have reacted to this.[427] Mr. Junker called the EU's failure to present a concise and consistent message to potential candidates while applying this principle of conditionality "neither carrot nor stick."[428]

In the words of Michel Parenti, "Bosnia was stripped of its economic and political sovereignty under the IMF and NATO regency and the country as it became

[425] Babuna. Ibid., p. 8.
[426] Ibid. p. 9.
[427] Ibid. p. 10.
[428] Filipović. Ibid., pp. 40-54.

artificial under international supervision." Due to its complex history, BiH is hindered in a sense. For this reason, NATO makes equal efforts for its integration.[429]

In spite of the fact that BiH officially applied for EU accession in February 2016, NATO integration has been blocked since 2010 as a result of certain complexities of the Dayton Constitution and long-standing disagreements. The Bosnian War tested NATO's "reason for existence" in a sense in the new era of international security. For the first time in history since its establishment, NATO intervened in BiH. For this reason, it took a rather long time to intervene. Finally, on the heels of more than 50 years of socialism and civil warfare ravaging the land, the most bureaucratic state in Europe was built. [430]

Weakening the criteria for EU accession may deliver the wrong signals to countries of the region, and so resistance to reforms may arise. The EU must articulate its priorities with one voice, thereby restoring credibility in its approach to the region. However, the different priorities of European institutions and the lack of criteria and clear guidance both cause confusion and create ambivalence. In addition, the veto mechanism can further complicate the situation. The fact that post-Dayton peace-building and state-building processes coincide in the same period legitimizes some negative initiatives. As with the police and constitutional amendment reforms, EU standards are difficult to clarify, and this can create space for local actors to maneuver easily. The EU should accordingly review its strategy for BiH and play a more dominant role.[431]

Both NATO and the EU have not adopted legislation in this process, but have placed greater importance on establishing a state. In a sense, the "peace-builder" and "state-builder" roles are interchangeable. Conditionality coercion has made the process more complex. However, while conditionality has been successful in the defense process, it has not been successful in police reform. In the process of integration, the EU should focus on regional problems and examine country-specific problems, rather than solving local problems. Countries such as BiH, North Macedonia, and Kosovo have deep ethnic divisions. The EU is having trouble fighting them. BiH has lagged behind its neighbors in implementing Euro-Atlantic

[429] Ibid.
[430] Ibid.
[431] Babuna. Ibid., p. 11.

integration reforms because there is ongoing ethnic tension in the country. After the 2000s, however, a middle class was formed in the Western Balkans. This is, in a sense, bolstering European hopes and democratization.[432]

BiH is still a fragile country. It seems appropriate that EUFOR's mission should not be undermined, as the stationing of international armed forces in the region is of significant value for security. The "Berlin Plus" agreement (2003) was signed due to cooperative actions between NATO and the EU. This was the first time that the EU took on a military operation.[433]

The EU and NATO have developed a number of methods to ensure overall security in the Balkans. Due to the proven existence of a direct relationship between poverty and security, individuals lacking financial security will be more easily impacted by many different forms of violence, such as ethnic conflicts, trafficking of both humans and drugs, and terrorist activities. The level of income per capita and that of economic growth can both reduce the risk of conflict. Just under one-third of the population of the Balkans survives on a daily income of $5. The low rate of employment in the Western Balkan further undermines security. The unemployment rate in Kosovo is 35% and in North Macedonia it is 28%, while in BiH, the officially recognized rate of unemployment in 2012 was 43.8%.[434]

In particular, the youth unemployment rate in BiH, namely for individuals between the ages of 15 and 24, reached 63.1%. In BiH, in spite of some stability seen within macroeconomic and financial sectors, critical problems can still be observed. According to a study undertaken by the United Nations Development Programme (UNDP) in Bosnia, Montenegro, Croatia, and North Macedonia in 2009, significant tensions between wealthy and impoverished citizens remain a major problem. Among participants, the rate of viewing such tensions in Bosnia as a problem was 88%, which was even higher than the percentage of participants (79%) who commented on the presence of ethnic divisions and related problems in that realm. The protests in BiH have shown a strong relationship between the ability to maintain stability and peace in the Western Balkans and local economic conditions. Canton leaders of Zenica-Doboj, Una-Sana, Sarajevo, and Tuzla have submitted their

[432] Ibid. p. 12.
[433] Ibid. p. 13.
[434] Ibid. p. 14.

resignations, and protests have shown that economic problems can easily turn into ethnic conflicts.[435]

Improving BiH's economy, fighting corruption, and addressing the connections that clearly exist between crime and politics should be addressed from the perspective of EU policies. All this is considered to offer important contributions to the longer-run maintenance of stability in BiH. The most pressing obstacle that exists for the relations between Balkan states and the EU is a shortage of ideas or the lack of political desire to implement ideas.[436]

The EU must direct more insistence towards local politicians for creating a functional structure of governance in BiH, and, as former BiH High Representative Paddy Ashdown has said, BiH must achieve a certain standard of internal integrity for accession to the EU to truly become feasible. Although there have been unsuccessful undertakings such as the "April Package," the "Butmir Process," and the "High-Level Dialogue," new ways of reform need to be vigorously explored to make the Bosnian state functional. Serbia and Croatia's relations between themselves and their policies towards BiH are also crucial for maintaining any potential stability in the Western Balkans. The EU clearly gives significant support to "conflict transformation" between these two countries, and the risk of war has thoroughly vanished between the two countries. For both countries, maintaining relations with the EU promises a more valuable outcome than dividing BiH. In addition, Croatia has maintained a "smooth" foreign policy in the EU accession negotiation process, also attributing special importance to BiH.[437]

On March 2, 2012, the EU approved Serbia's position as a candidate, with the accession negotiations beginning in January 2014. This was of great significance for peace in the Western Balkans as the Serbian Parliament apologized for the massacre of more than 8,000 Bosniaks in Srebrenica in March 2010. The Serbian Parliament refrained from using the term "genocide," but still, this has represented a crucial step on the road to peace. The transfer of Ratko Mladic to the ICTY on May 31, 2011,

[435] Ibid. p. 15.
[436] Ibid. p. 17.
[437] Ibid. p. 18.

occurred at the insistence of certain EU countries with the ICTY's cooperation. This was similarly a giant step towards peace in the Balkans.[438]

Despite all this, although the EU did not yet succeed at efforts to apply sufficient influence on Serbian policies regarding BiH, Serbia's potential EU integration could create an opportunity for cooperation between Croatia and Serbia on the topic of BiH. If Serbia promotes the application of pro-EU policies within the RS as well, that would likely prepare new grounds for BiH's European integration. Moreover, since Serbia follows a policy of neutrality in NATO, it can also make decisive contributions regarding BiH's membership in NATO.[439]

Due to constitutional uncertainty and lack of political will for dialogue, the Euro-Atlantic integration process is unable to proceed and remains hindered in BiH. BiH did not have enough time to recover from the conflict and move forward, unlike the Visegrad group of Poland, Hungary, the Czech Republic, and Slovakia. A so-called crisis of identity may arise in countries such as BiH, as the international community is also unable to fully perform its tasks, because not every citizen in BiH considers himself or herself a true Bosnian. This, in turn, contributes to more state-building. Paddy Ashdown, the former High Representative, said: "A state with which its citizens do not identify, and therefore for which they feel no loyalty, will always be vulnerable."[440]

The EU has supported dialogue in Kosovo and Serbia. This, in turn, has been important in reducing tensions in the region. Developments in Kosovo remain closely tracked by the Serbs in the RS. It can be said that a widely recognized independent Kosovo will have the potential to set an important precedent for Serbs living within the territory of BiH to issue a declaration of the independence of the RS.[441]

It is assumed that such a possibility will remain among the ideas of the leaders of the Bosnian Serb, at least theoretically, until Kosovo's independence is recognized by Serbia. Integration of Western Balkan countries with the EU is most likely an optimal outcome for both parties. Views on possible problems such as

[438] Ibid. p. 19.
[439] Ibid. p. 20.
[440] Filipović. Ibid., pp. 40-54.
[441] Babuna. Ibid., p. 21.

“enlargement fatigue,” “absorption capacity,” or “local ownership” should not hinder the commitment to Western Balkan countries.[442]

Both NATO and the EU will be able to revive their relevance to the country due to the geopolitical position created by BiH’s bloody past and existing Russian interests. As a result of the weak EU role in the Western Balkans, Russia is trying to strengthen its position. The rivalry between Russia and the West has become globalised to the extent that it is increasingly referred to as the “new Cold War."” With the decline of the Union's interest in the Western Balkans, it has become increasingly apparent that Russia is increasing its attempts to restore its influence over this EU environment. What is very clear from this statement is that he referred to the Western Balkans as the “EU periphery.”Two different solutions exist for the ongoing crisis that is seen in Bosnia. First, the DPA must be reconsidered and regulated. Second, the European Union must change its course in Bosnia. [443]

With the Dayton regime, a “de facto protectorate” was created in BiH, which could not function without foreign aid. The international community must now take responsibility for making the Bosnian state functional. Since 2006, political conditions have deteriorated as international allegiance has decreased in the country. The new EU policies absolutely must take into account local situations and actors while focusing more on improving the economy and fighting corruption.[444] Despite the uncertainty and injustice of NATO and the EU, Bosnia must follow the 4 Visegrad countries to integrate into Europe. For this, there is a need for reform. NATO and the EU must also renew their policies due to geopolitical interests.[445]

The EU should take more responsibility for constitutional reforms; it must not abandon the country’s future to the mercy of local politicians. Unfortunately, the internal division of the state after the war in BiH and the conclusion of the International Court in The Hague about genocide committed in BiH complicate an agreement between the parties in terms of adopting any possible new constitution. From 2009 to the present, the constitution could not be changed and different agendas arose, as the three main political groups in BiH could not compromise.[446]

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[442] Ibid. p. 23.
[443] Filipović. Ibid., pp. 40-54.
[444] Babuna. Ibid., p. 24.
[445] Filipović. Ibid., pp. 40-54.
[446] Perry, Valery. “Constitutional Reform in Bosnia and Herzegovina: Does the Road to Confederation

None of the leading political parties are discussing any reforms of the constitution that would provide a more civil order, reduced influence of ethno-national variables, or increased accountability and public involvement. However, the EU has done its best by stating that BiH would be permitted to enter the EU without first undergoing constitutional reform.[447]

In 2011, the EU put forward three criteria for BiH's membership application. These were the adoption of the census law, the state aid law, and the implementation of a Sejdić-Finci solution in relation to the ECHR decision of 2009. The SAA was frozen because the parties could not reach an agreement about this reform package, and the EU adopted a written commitment to reform in the future, allowing the process to proceed without implementation of the Sejdić-Finci solution in 2014. The Directorate for European Integration (DEI), as a part of the Council of Ministers, oversees and advises BiH's European integration activities both at the level of the state and also between state and parties.[448]

Moscow's reaction to the approach of Western Balkan states to Euro-Atlantic structures appears to be evidence of relative Russian interests. The Western Balkans are in the area of convergence of Russia and Western actors as a region that is unstable and where the spectrum of conflict remains constant. Despite all this, the progress of these actors towards democratization, the continued active presence of Euro-Atlantic institutions, and the controversial achievements to date should allay concerns about the integration process. At least the autonomy of countries in the region in foreign policy is significantly greater than that of states on the eastern border of the EU and NATO.[449]

NATO's military penetration in this region ended with the signing of peace agreements. Accordingly, NATO's role has changed over time within the context of a military and political settlement designed with the goal of protecting the environment. NATO has maintained its security regime here by encircling the region with the DPA in BiH, the Kumanovo Agreement in Kosovo, and UNSC Resolution

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go through the EU?" *International Peacekeeping*, 2 Nov. 2015, pp. 490-510, pp. 492-493.
[447] Ibid. p. 496.
[448] Ibid. p. 500.
[449] Bogzeanu, Cristina. "Political-Military Topicality Western Balkans – Conditions of (In)Stability in the Current European Security Context." *Strategic Impact*, No. 1-2/2019, 1 Jan. 2019, pp. 7-20, pp. 16-18.

1244 and the Ohrid Framework Agreement in North Macedonia. NATO's ongoing presence in the military sphere further contributed to this over the years in terms of crisis management efforts such as EUFOR-ALTHEA in BiH, Proxima and Concordia in North Macedonia, and EULEX in Kosovo.[450]

NATO remaining present in the region has provided deterrence among former enemies. In addition, the decision to maintain a NATO presence militarily in the region has essentially functioned like a security guarantee for other international interventionists, including the UN, OSCE, and EU, in terms of the non-militaristic work that they have undertaken and continue to undertake for post-conflict reconstruction and security. More importantly, all former Yugoslav republics are incorporated into a NATO-based liberal security management network through the PfP. In BiH, NATO's role is to create a security community within the country. The invitation to participate in the MAP was made in 2010. Republika Srpska, however, insists on remaining neutral in consideration of Serbia. Due to this insistence, the process has since stalled.[451]

With the flow of refugees seeking to arrive in North Europe via the Western Balkans, the earlier roles played by the EU and Balkan states were flipped, particularly due to ongoing crisis situations in Greece in the summer of 2015 and the economic and social problems awaiting immediate resolution. Individuals are finding themselves trapped in the Western Balkans as travel from Greece to Central and North Europe via other nearby EU member states is blocked. For that reason, the region has become an exporter of instability.[452]

The EU decided to dilute its conditionality in 2014. The EU has also not set out a specific constitutional model to cover the countries of the region. Although the Council of Europe warned that it would not recognize the 2012 local elections or the 2014 parliamentary elections if the Sejdić-Finci decision did not enjoy full implementation, this still did not happen. This failure to achieve advancements in BiH creates frustration in Brussels. Stefan Fuele, EU Commissioner, said in 2013

[450] Ejdus, Filip, and Marko Kovačević. "Penetration, Overlay, Governmentality: The Evolving Role of NATO in the Western Balkan Security Dynamics." *Journal of Intervention and Statebuilding*, Vol. 13, Issue: 5, 12 Sep. 2019, pp. 566-580. p. 571.
[451] Ibid. pp. 576-577.
[452] Belloni, Roberto. "The European Union Blowback? Euroscepticism and Its Consequences in the Western Balkans." *Intervention and Statebuilding*, Vol. 10, Issue:4, 12 Aug. 2016, pp. 530-547, pp. 541-543.

that a legal process would be initiated to cut pre-accession funds. In 2015, a written commitment was signed affirming the territorial integrity, sovereignty, and political independence of BiH.[453]

BiH has been steered by a complicated system of politics that includes the Dayton consociational model for power sharing.[454] Although Dayton recognized the territorial integrity and sovereignty of the country, it has largely destroyed the historical and geographical multicultural "common life" of the state. In the first decade, a successful chart was drawn and progress was made in terms of refugees returning and defense reforms. However, the issue of police reform and constitutional changes remains sticky. Although the EU has described BiH as being "the most unstable corner of Europe," it has also transferred significant resources to state-building. The public administration and the Census Act can lead BiH to candidate status. One silver lining of the present impasse is that BiH has returned to addressing the series of problems facing it from the perspective of the Euro-Atlantic structure. Because of the persistence of the roadblocks still preventing the country from evolving into a more functional and stable state, it can be said that, in a sense, the Bosnian war is still ongoing. [455]

BiH was more successful in the integration process in the first decade but failed to show the same success in the second decade. The amalgamation of the three armies, a statewide value-added tax, and a unified approach to patrolling the borders were all introduced. At the same time, however, the international community has taken a step back, allowing domestic elites to assume control of political processes. This has led to a number of problems. As external actors were constantly interfering in the political system, it affected the internal and long-term dynamics of the system. Dynamics can be durable.[456]

The problems that BiH had to face after the war are actually characteristic of its political system. In addition, it faces the existence of an external actor who is

[453] Tolksdorf, Dominik. "The European Union as a Mediator in Constitutional Reform Negotiations in Bosnia and Herzegovina: The Failure of Conditionality in the Context of Intransigent Local Politics." *Nationalism and Ethnic Politics,* Vol. 21, Issue: 4, 13 Nov. 2015, pp. 401-421.
[454] Merdzanovic, Adis. "Imposed consociationalism': external intervention and power sharing in Bosnia and Herzegovina." *Peacebuilding,* Issue: 1, Vol. 5, 8 Dec. 2016, pp. 22-35, p. 23.
[455] Tuathail, Gearóid Ó., and Adis Maksić. "Is Bosnia-Herzegovina Unsustainable? - Implications for the Balkans and European Union." *Eurasian Geography and Economics*, 2011, Vol. 52, No. 2, Mar. 2011, pp. 279-293.
[456] Merdzanovic. Ibid., p. 38.

given the task of state construction and has the right to intervene. This creates an unhealthy incentive. The incentive situation left existing structures largely in place even as international intervention waned. For this reason, reforms failed to materialize. Because management is not an option and is problematic, policy has become devoid of content. However, since social peace could not be bought forever, it led to the "baby revolution" (*Bebolucija*) in 2013 in response to the government's inaction, and then to protests in 2014, which some called the "Bosnian Spring." Historically, international pressure has been the only factor that can actually break down these destructive incentive structures. For this reason, BiH requires a more robust and active participation of international actors. However, even in the case of the Sejdić-Finci decision, it turned out that this pressure was no longer strong.[457]

Kosovo's independence could complicate the integration process, as it undermines the acceptance of the BiH partner state and the credibility of the EU. Most EU members have recognized Kosovo's independence. However, those same members did not agree to the separation of the RS and Croat territory from Bosnia. Some regional dynamics have even suggested the acceptance of BiH, Serbia, and Kosovo within the same framework. This could also block access to Serbia, BiH, and Kosovo, or BiH could block Serbia's admission due to war crimes committed with impunity and Kosovo's membership due to Serb resistance in Bosnia. Or, if Kosovo cannot control the irredentist parts of the northern region, it may oppose Serbia's acceptance. If Kosovo is forced to meet equal conditions, Bosnia is likely to wait on Kosovo. Some politicians are interpreting this as a situation similar to "waiting for Godot." Integration into the EU can be seen as an influential and effective tool to transform and repair the situation of conflict in BiH.[458]

The possibility of integration encourages conflicting parties to join the common state. The parties can thus avoid nonviolent and undemocratic actions. A basic level of democratization will be required for creating any public drive for EU membership, or for bringing relevancy to the desire for membership. The High Representative in BiH is very strong as a peacemaker. Although the DPA envisioned free markets and democratic processes, it is unclear whether institutional settings

[457] Ibid. p. 45.
[458] Gromes, Thorsten. "The Prospect of European Integration and Conflict Transformation in Bosnia and Herzegovina." *European Integration,* Vol. 31, Issue:4, 9 Jul. 2009, pp. 431-447

could continue without this structure. For this reason, EU membership is in a way a guarantee that democracy will survive. In addition, the EU should assess the positive and negative consequences of potential demands and how they will affect the conflicting parties.[459]

NATO has been involved in the crisis in Bosnia due to the desire for international action and humanitarian pressure. In fact, this has also led to the reorganization of the Alliance. If human rights norms were the only factor, however, perhaps faster action could have been taken. Instead, it was expected that no force would be used to stop the violence in Bosnia and that soldiers would not risk their lives. For this reason, NATO states have faced the dilemma of reforming conflict prevention and intervening in humanitarian crises. In 1995, when the Srebrenica massacre, called a horror without parallel for contemporary European history, took place, NATO's role went from theory to practice. Grim visual portrayals of the crisis, involving ethnic cleansing and the massacre of civilians, considered genocide by many, helped build public pressure to stop the violence. NATO members then sought conflict prevention-based security governance mechanisms. Not only in Bosnia, but all over the world, the international community must certainly act faster to prevent such tragedies.[460]

While the complexity of politics in BiH has surprised many outside observers, it still represents a major stumbling block for the state's functionality. For BiH, Euro-Atlantic integration has a transformative function in the transition from peace-building to state-building. The only common political project of the BiH elite is to end the country's quasi-protectorate status. In addition, a shift in the direction of a less intrusive style of state-building and reform will be required to promote Euro-Atlantic integration processes. The main strategy being sought by the EU and NATO as international organizations of crucial importance in BiH has so far been to reduce external state-building. The double-hatting (a term used to describe officials holding two posts) of EUSR and OHR had been discontinued in 2011 and instead the EUSR also headed the EU delegation. [461]

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[459] Ibid.

[460] Abe, Yuki. "Norm dilemmas and international organizational development: humanitarian intervention in the crisis of Bosnia and the reorganization of North Atlantic Treaty." *Contemporary Security Policy*, Vol. 37, Issue: 1, 23 Mar. 2016, pp. 62-88.

[461] Aybet, Gülnur and Florian Bieber. "From Dayton to Brussels: The Impact of EU and

The Bosnian case can be compared to no other similar situations, because here, the process of state-building was imposed top-down by foreign and international civil and military bodies. This, in turn, has turned BiH into something of an international protectorate rather than a state. The fact that BiH has made progress is actually quite a surprise given this unique structure and the struggle among international powers to establish a capable state here in spite of the continuance of social divisions. However, the most important difficulties for BiH will actually start after NATO membership, because the process of defense reform has failed to address the development of the Bosnian armed forces' ability to functionally participate in NATO missions. The inability of NATO and the EU to finally bring an end to the ethnopolitical tensions and clashes of BiH suggest that BiH's problems cannot be solved in Brussels. For this reason, it is necessary to address these problems in BiH itself. Thus, in a sense, the road from Dayton to Brussels actually runs through Banja Luka and Sarajevo.[462]

In addition to security improvements, NATO membership directly affects GDP growth and foreign direct investment, bringing about increases in employment and overall increases in citizens' living standards. With the PfP, a state is committed to respecting liberal values. The ability to transform public/foreign views of BiH as a Balkan country of war and insecurity is also a very important issue, and security and stability will make investments attractive, as they will reduce the risk of commercial activities. This, in turn, can lead to its growth, increased competitive capacities, growth of exports, and improvements in the standard of living of citizens. Considering the influence that NATO membership wields in terms of GDP ratios, GDP growth was indeed recorded in the Czech Republic, Poland, and Hungary, all of which had joined the Alliance in 1999. Political risk is an important point that foreign investors will inherently consider in the course of evaluating whether to make investments in a given country, and a clear link exists among NATO membership, shrinking levels of political risk, and the increased stability and security of a state. In addition, foreign investments have the power to contribute to BiH's general levels of competitiveness, the development of new technology, the training

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NATO Conditionality on State Building in Bosnia & Hercegovina." *Europe-Asia Studies,* Vol. 63, Issue: 10, 10 Nov. 2011, pp. 1911-1937.

[462] Ibid.

of domestic experts, and a reversal of the process popularly known as "brain drain." However, it is obvious that there is no free security. NATO membership obviously brings along with it clear financial obligations and other duties.[463]

The 9/11 attacks revealed previously unexperienced military threats and challenges related to NATO's post-Cold War reality. For this reason, the Alliance reversed its previous political approach in areas of regional security and restored the centrality of military readiness and capacity. After the Prague Summit, it was decided to create a NATO Response Force that would be deployed quickly. The Alliance's enlargement strategy was reformulated to provide a wider geostrategic security, resulting in a robust expansion to the East. Regarding contemporary concerns about the rapidly changed situation of global security, the Balkans remain a factor not only in the demand for security but also in the supply of security. For this reason, Southeast Europe represents an important geopolitical point in the Alliance's overall military strategies. In the course of the last 10 years, for example, the Balkans have grown to be the biggest source of criminal activities in Europe.[464]

It is not state territory but rather the region and geopolitical borders that have priority in identifying threats and creating security interests. NATO's conflicts in the territories of the former Yugoslavia have presented an out-of-field profile for the Alliance. The geopolitical and security goals pursued by NATO are the most obvious feature of Eastern Europe's Euro-Atlantic integration, which is a departure from the economy- and identity-related goals that the EU will typically pursue. This region differs from the generally more homogeneous atmosphere of security to be found within Europe. For this reason, unique security demands have affected the heavily layered relationships among the various partners. There are two trends that coincide in the Balkans. These are numerous historically rooted subregional sources of instability as a result of the incomplete process of nation-building and the heavy dependence on the stabilizing influence of external patrons. For this reason Southeastern Europe has become an area renowned for security competitions,

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[463] Pranjić, Goran. "Benefits of NATO Membership: Historical Experience and the Future of Bosnia and Herzegovina." *Academia-Democracy and Security in the South East Europe, No. 12-13,* Sep. 2013.

[464] Stefanova, Boyka. "NATO's Mixed-Policy Motives in the Southeast-European Enlargement: Revisiting Balkan Geopolitics." *Contemporary European Studies,* Vol. 13, Issue 1, Oct. 2011, pp. 39-58.

tensions, and violence, removed from the geographical core of Europe. In this sense, it is defined as a "powder keg" or as the "backyard" of the continent. There is even real doubt as to whether the Balkans belong to Europe, at times being considered a permanently uncomfortable zone on the edges of Europe. NATO resolved the off-field debate once and for all at the Prague Summit with the aim of "protecting the population, the ground and the forces from any armed attack, including a terrorist attack."[465]

Despite unresolved problems of nation-building in countries located in the western parts of the Balkans, with efforts to build international peace, it is recognized that criminal elites are controlling regional process of illicit trade and the trafficking of both humans and weapons, and they might even be linked with international terrorist activities. For this reason, distrust in the Balkans continues. NATO's unceasing interest in the security of this region and its expansion into the region reveals that the Balkans do possess both geostrategic value and capacity. The key characteristic of the Balkans in this regard is that it is the weakest region on Europe's security and geopolitical map, but nevertheless, it is not an area that can possibly be ignored. As Madeleine Albright stated, "the Balkans are the last part of the puzzle, which will make the ideal of a whole and free Europe come true." The Balkans have been an important first step in NATO's re-reconciliation efforts to secure Europe. Because Southeast Europe plays an important role in conducting military operations against international terrorism, the countries that largely determine the demand for security in the region are BiH, Serbia, Montenegro, and Kosovo.[466]

Several initiatives driven by the EU that sought to amend or reform the DPA, such as the "April Package," the "Butmir Package," and the "Prud Process," collapsed. Between 1996 and 2006, the international community participated extensively in the political and economic fields. There was significant decrease in international participation between 2006 and 2014, and the OHR's role was also significantly reduced. The 2014 protests showed that the population in BiH is not passive and that ethnic discourse is not so successful in the demobilization of political opposition. It also exposed social justice issues and public discourse unprecedented in BiH's post-Dayton history. The former Yugoslav state also saw the

[465] Ibid.
[466] Ibid.

weakening of the value and power of "brotherhood and unity," a policy of equality among the nations, and instead of that brotherhood, the other ethnicities became enemies to each other. This has always threatened the ethnic ego. Indeed, ethnic differences played an important part in the disintegration of Yugoslavia (and BiH). There are actually economic reasons for this. In the course of the war, anything understood to be socially owned constituted property that was owned by the state or private capital as per enacted laws (which means that what was previously called "common property" was stolen from Bosnian citizens by political elites and warlords). At the same time, BiH has one of the most significant unemployed youth populations of Europe, approximated to be 62.7% for the age group of 15-24 years.[467]

Sir Winston Churchill famously said that the Balkans produced more history than the area could actually consume. It might further be said that a significant portion of this extensive history directly pertains to BiH. Bosnia is the core of the Balkans. Even a brief spell of trouble in Bosnia could quickly become the beginning of widespread tragedy. Since the former Yugoslavia discouraged public debates about governmental policies, it is not surprising that the modern citizens of BiH are not generally interested in taking any initiatives in terms of participation in discussions on issues of national security; often they do not have views on such issues, or, at least, they do not express them.[468]

Democratic institutions are still weak throughout the Western Balkans, and in the immediate years the area has seen economic depression far greater in depth and duration than the US Great Depression of the 1930s. At the same time, BiH, Kosovo, Montenegro, North Macedonia, and Serbia are all facing critical internal legitimacy issues. For example, in BiH, surveys of the public have shown that the vast majority in the RS is in favor of the RS either being an independent state or becoming a territory of Serbia, and the same applies to Bosnian Croats' feelings about Croatia. Today, Southeast Europe faces different threats than in the 1990s. These include soft security threats, with many organized crime syndicates involved in shifting weapons,

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[467] Majstorović, Danijela, Zoran Vučkovac and Anđela Pepić. "From Dayton to Brussels via Tuzla: Post-2014 economic restructuring as Europeanization discourse/practice in Bosnia and Herzegovina." *Southeast European and Black Sea Studies,* Vol. 15, 2015 - Issue 4, 8 Jan. 2018, pp. 661-682.

[468] Maxwell, Rohan, and John Andreas Olsen. "V. Lessons from Defence Reform in BiH." *Whitehall Papers,* Vol. 80, Issue: 1, 24 Jun. 2013, pp. 89-98.

drugs, or people between states while extorting cash from legitimate corporations and keeping easily corrupted politicians under their financial control. Corruption and crime pose more significant threats to the stability and peace of the region than do militaristic activities. Connections between right-wing nationalist politicians, crime syndicates, and ex-communist security services grow tighter every passing day. These issues are the biggest obstacles to democratization, the building of the economy, and the finalizing of membership in Euro-Atlantic institutions. However, exclusion of BiH, North Macedonia, Serbia, and Montenegro from NATO means that a serious strategic gap remains present right in the center of the Alliance's body. How the Balkan states will handle the new security threats plaguing their territories remains an open question. Today, however, it is unthinkable that the countries of the region will engage again in a large-scale conflict. It is difficult to imagine Serbia, Croatia, or BiH engaging in armed conflict again against any of the neighboring states, or that major civilian clashes would be violently unleashed again in any of these lands.[469]

The DPA was feasible on account of the fact that all involved parties concurred that they would be able to accept the terms of the agreement. Furthermore, this consensus importantly happened on 3 different levels: locally, at the intra-Bosnian level; regionally, among the governments of Serbia, BiH, and Croatia; and, finally, at the level of the so-called great powers, with agreement occurring among EU states, Washington, and Moscow. At the same time, of course, some differences in the ways in which Washington and Moscow approached the problems in Bosnia gave signs that more problems would arise. The return of Russia to the Balkans may be understood as a serious strategy development that will carry major impacts for international policies in the Balkans in the future. For example, Russian investors are buying into many of the valuable sectors on the level of the local economy. They are interested in the biggest oil refinery of Bosnia, the largest industrial company in Montenegro, and Gazprom in Serbia, as well as holding the bulk of investments in the National Oil Company, while Aeroflot has had interest in purchasing what is still

[469] Bardos, Gordon N. "The new political dynamics of southeastern Europe." *Southeast European and Black Sea Studies*, Vol. 8, Issue: 3, 15 Sep. 2008, pp. 171-188.

called Yugoslav Airlines (JAT). Russia offers political, diplomatic, and economic options to the Balkan countries.[470]

Homogenization in the Balkans could have profound political consequences. As different regions become more homogeneous in terms of ethnicities, simultaneous reduction will be seen in the willingness to consent to the central government's authority—i.e. the model of the former Yugoslavia—if the capital is considered ethnically diverse. This is the case now in BiH and North Macedonia; it is further clear that it represents the popular thought in North Montenegro and perhaps also in Sanjak. For this reason, it can be considered that the assertation of independence by Kosovo does not represent the last step in the dissolution of historical Yugoslavia. The map of the Balkans may be subject to further revisions in the coming years.[471]

As stated before, it would certainly be in the interests of the global community to address the problems plaguing the Balkans, including crime syndicates transporting narcotics, weaponry, and people from the Middle East and ex-Soviet states into the US and West Europe. A moral aspect of all this is the obligation to not allow humanitarian tragedies like Srebrenica, Vukovar, or Sarajevo or the cleansing of Kosovo or Krajina to happen yet again. The ultimate success of Southeast Europe's attempts at integration into the political structure of the Euro-Atlantic world is in danger, as it seldom occurs in the course of world history that everyone wants the same things because of the forceful views of rival empires or power blocs in the region. Unlike the grander visions for the transformation of societies and states in other regions of the globe, however, this may actually be able to be achieved here.[472]

In general, the international community has failed to resolve the fundamental territorial conflict in BiH in a satisfactory manner and reach a stable solution. One of the most important underlying features of politics in BiH is that the Bosniaks/Muslims generally take pride in the state, but the same sentiment is not shared by many Croat or Serbian citizens. If the BiH government does succeed in meeting the specified criteria for European integration and adopts the same framework as the EU, the need for a strong EUSR will disappear. BiH requires the public to trust the institutions of politics more than corporate activities. It is

[470] Ibid.
[471] Ibid.
[472] Ibid.

important to prioritize constitutional reform. Since privatization here was widely taken over by informal networks or even by criminals, successfully reshaping the economic situation was not possible after the war. In addition, the perspectives of both Croatia and Serbia are going to continue being crucial elements in controlling the activities of extremist parties.[473]

3.5. BiH's EU membership process

The EU is the longest running body in political, legal, economic, and socio-cultural terms among the integrations established to date. As of the end of 2017, the EU had 28 members and incorporated 10 of these members in the process referred to as "eastern expansion" or the "Big Bang" in 2004. Looking at these countries in terms of their geographical locations, it will be seen that 2 are from the Balkans and 8 are from the former Eastern Bloc countries. BiH, however, as a Balkan country, has not yet become a formal candidate country for the EU. While its relations with the EU began in 1992, they have been limited to the delivery of assistance in areas such as humanitarian aid and communication.[474]

As a result of these developments, improved relations ensured that BiH became a potential candidate country of the EU in June 2003. As it has failed to meet the criteria required to become a candidate country for the past 15 years, its position as a potential candidate country continues. BiH remains in the preliminary stage in terms of the Copenhagen Economic Criteria, the development of a functional market economy, and the building of capacity for dealing with the competitive pressures and market forces that exist within the EU. BiH reached those other than the interest rate (inflation, public debt, budget deficit) among the Maastricht Convergence Criteria..[475]

Although in 1989 the Berlin Wall's collapse initiated the EU enlargement process for Central European countries, it was only in 1999 that this process could

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[473] Domm, Rory. "Europeanisation without Democratisation: A Critique of the International Community Peacebuilding Strategy in Bosnia and Herzegovina." *Southeast European and Black Sea Studies,* Vol. 7, Issue: 1, 18 Nov. 2007, pp. 159-176.
[474] Barış, Serap. "Bosna-Hersek Avrupa Birliği'nin Aday Ülkesi Olabilir mi? : Ekonomik Kriterler Açısından Bir Değerlendirme." *Üçüncü Sektör Sosyal Ekonomi,* 2018, pp. 1139-1158. p. 1139.
[475] Ibid.

begin for the Western Balkans.[476] Upon the outbreak of violence in Bosnia in 1992, the EU tried to implement a common foreign and security policy, which ended in failure. Additionally, the fact that EU countries abstained on BiH while supporting Croatia and Slovenia's quests for independence, and the EU's use of BiH as a testing ground for its new policies, can be cited as the main reasons for its failure in this region.[477]

In other words, the EU failed to act actively on the Yugoslav issue in the 1990s and was not a decisive actor in solving the problem. Although the EU developed many diplomatic initiatives together with the United Nations and alone, it was not effective in securing a permanent ceasefire. Beginning in 1994, the US focus on the region and the US-led airstrikes against Serbian military targets ended the war. In 1997, the EU launched a new initiative for the Balkans. According to this policy, called the Regional Approach, relationships with the EU would be improved in areas of both economics and politics in exchange for development of democracy in the countries of the region.[478]

BiH, which officially began its relations with the EU in 1992, has been involved in humanitarian aid, communications, and other areas of support by the EU. After peace was achieved by the DPA in 1995 and the situation in the region returned to normal, transformation began in BiH. Since 1996, BiH has started to regulate its roads, bridges, and electrical networks, as well as making attempts to privatize, democratize, build civil society, and revive international relations. At the same time, the IMF and several other international institutions have been closely involved in the economic transformation of BiH, so much so that thanks to international institutions, work has begun to be carried out for economic transformation, which encourages the development of the private sector. For example, the EU has begun to contribute to the country's development by taking BiH into the OBNOVA and PHARE programs.[479]

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[476] Demirtaş, Birgül. "AB'nin Dönüştürücü Gücü ve Batı Balkanlar'da Demokratikleşme Süreci: Başarılanlar ve Başarılamayanlar." *ATAUM- Avrupa Toplulukları Araştırma ve Uygulama Merkezi*, 25 Dec. 2018, pp. 179-210, p. 180.
[477] Barış. Ibid., p. 1141.
[478] Demirtaş. Ibid., p. 191.
[479] Akçay. Ibid., p. 52.

In addition, bilateral relations with the EU were established within the scope of the program when BiH was adopted into the "Regional Approach Policy" in 1997. In 1998, a declaration issued by the EU established the "Interim Advisory Board," which creates regulatory framework and policies that are tools for providing practical expert advice in management fields.[480]

Due to the waste of resources and/or the inability to effectively use them in the Regional Approach Policy process and the loss of legitimacy of the international administration, the possibility of a withdrawal from the country has been raised. The EU chose instead, though, to pursue a strategy of more comprehensive entry into the country. After that, it was decided that the policy to be followed would be aimed directly at the integration of BiH into the EU. This decision made the EU, which has been a supporting force in the region since the war years, the decisive force. The main goal of following this policy is to get closer to the countries of the region (including Bulgaria and Romania) and support reforms, as well as to end the dominance of the United States, as they have not been able to break its effectiveness in the region since the war years.[481]

Although the Union has attempted to develop strategies for countries in the region since 1999, with both the EU's own internal problems and the post-conflict challenges of the Western Balkan countries, Brussels-Western Balkans relations have been filled with problems. By 2018, only Slovenia and Croatia from the region had successfully completed the integration process.[482]

[480] Ibid. p. 52.
[481] Barış. Ibid., p. 1141.
[482] Demirtaş. Ibid., p. 180.

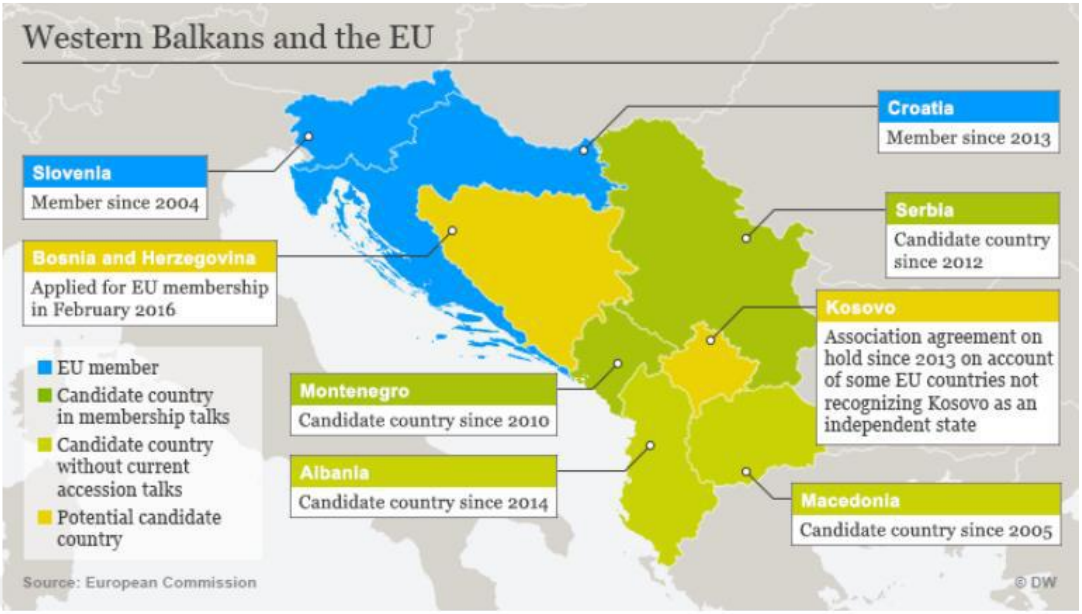

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Figure 3.1. Western Balkans and the EU

BiH, which declared independence in 1992, was granted potential candidate country status along with other Western Balkan states at the Thessaloniki Summit in June 2013. The SAA signed between BiH and the EU in 2008 came into force on June 1, 2015. A significant obstacle to BiH in applying to become a member of the EU was overcome by the agreement, and the country thus applied for its EU membership on February 15, 2016. The European Commission has not yet given a positive opinion on this application. However, the 2019 Enlargement Strategy document stated that it is too early to announce the candidacy, and the annex of the document presents an inclusive roadmap for the country's progress towards candidacy.[484]

On the other hand, following the Cold War, the EU has made promoting the spread of democracy one of the important elements of its foreign policy. It has particularly sought to include a human rights clause within its trade and cooperative agreements with non-member states since the mid-1990s. Accordingly, in order for the provisions of the agreement to be upheld, the country concerned must respect

[483] Akdemir, Erhan. "European Union Perception of Bosnia and Herzegovina's People." *Journal of Balkan Research Institute*, Vol. 7. Number: 1, July 2018. pp. 1-30, p. 7.
[484] Directorate for EU Affairs, Ministry of Foreign Affairs of the Republic of Turkey, <https://www.ab.gov.tr/bosna-hersek_45469.html>. 28 Aug. 2020.

basic human rights norms. In addition, the EU has also required countries that wish to become members in accordance with the Copenhagen criteria adopted in 1993 to have a functioning market economy, respect for democracy, human rights, and minority rights. The Union also asks them to meet the conditions for fulfilling the acquis. In its annual progress reports, it also evaluates the situation of democratization and alignment with the EU for candidate and potential candidate countries.[485]

Another turning point in the EU's democracy promotion policies was the Copenhagen Summit of 1993. A road map was presented to countries wishing to become full members according to the principles called the Copenhagen Criteria adopted at the Summit. The criteria specified for CEECs wishing to gain membership in the EU have also been applied to candidate countries in later processes.

The Copenhagen Criteria consist of three basic elements. The first one comprises political criteria. Accordingly, countries aiming to become members are expected to ensure the stability of institutions by fulfilling the principles of the rule of law, democratization, and human rights while protecting their minorities. Secondly are economic criteria; accordingly, candidate countries are asked to have functional market economies and the ability to handle the market pressures and competition that exist inside the Union. Third, the candidate country must incorporate the Union acquis into its national system.[486]

Although it was claimed that the final borders of the EU were reached with a 10-country expansion wave in 2004, with the subsequent membership of Romania and Bulgaria in 2007 and of Croatia in 2013, the EU did in fact continue its expansion. After the Cold War years, the EU pursued policies to fill the power vacuum in the region and aimed to include the countries that gained independence in the Union. The priority of the Union here is to ensure its own security by preventing the spread of instability in the region, so after the admission of Romania and Bulgaria, it turned to the Western Balkans.[487]

Given the geographical proximity of these countries to EU countries, it is certainly probable that any war and instability that may occur in the region would

[485] Demirtaş. Ibid., p. 180.
[486] Ibid. p. 187.
[487] Barış. Ibid., p. 1140.

have an impact on the current member states as well. For this reason, in 1999, the EU established the framework of its policy towards the region with the SAP, which it initiated, while offering the prospective chance of future membership to the countries of the region. It aimed to give momentum to these Balkan states in realms of democratization, civil society, and the creation of state institutions with the SAA that was implemented in this process.[488]

In June 2003, BiH acquired the position of a potential candidate at the Thessaloniki Summit, but the process of negotiating on the SAA would not begin until November 25, 2005. The agreement itself was only signed on November 25, 2008. The roadmap for membership and the "High-Level Dialogue on the Access Process" (HLDAP) were officially launched on June 27, 2012. According to the roadmap, BiH's constitution needed to be amended in accordance with the Sejdić-Finci decision issued by the ECHR in 2009, which would allow ethnicities besides the three constituent peoples (i.e. Bosniaks, Serbs, and Croats) to be elected to high-level public positions.[489]

Against this background, the Commission declared that the process could not progress if BiH's constitution did not comply with the decisions of the ECHR and further declared that the general elections in 2014 would not be considered to have taken place according to international standards. Like the current constitution, the confusion in the political regime is the biggest stumbling block for BiH in the EU accession process. The fact that it was only possible to form a government after the general election in October 2010 after 16 months is the clearest indication of this. In the 2014 Progress Report, the EU Commission concluded that BiH's EU integration process had reached an impasse. They also pointed out that the country lacked the political will to implement key reforms that it must undertake for EU membership.[490]

The SAA between the EU and BiH would be ratified by the Council of the EU on April 21, 2015, and it entered into force on June 1, 2015. The European Commission noted the importance of putting its commitments to reforms into practice so that BiH can consider a possible application for membership. BiH applied for EU membership on February 15, 2016. On September 20, 2016, the Council of

[488] Ibid. p. 1141.
[489] Ibid. p. 1142.
[490] Ibid.

the EU requested that the Commission prepare an official statement on BiH's request for EU membership. According to the 2016 Progress Report, in the Commission's assessment, the failure to establish a coordination mechanism responsible for EU membership issues in the country and the failure to implement the Sejdić-Finci decision of the ECHR were the main shortcomings.[491]

If we examine BiH's membership process in terms of the Copenhagen Economic Criteria, we can address the following points. Since its foundation, while the EU has progressed through the stages of economic integration, on the other hand, it has continued the process of enlargement by recruiting new members. Along with these expansions, its economic performance triggers a continuous increasing in the number of states wanting to enter the Union. While in order to gain membership in the Union, the condition of being a European state was originally sufficient (as per Article 237 of the Treaty of Rome), new criteria were set for candidates who want to become full members at the Copenhagen Summit held in June 1993. After this date, these criteria are decisive on the new enlargement processes of the EU (European Council, 1993):

(I) Ensure the stability of institutions that guarantee the rule of law, democracy, human rights, and respect and protection for minorities (political criteria);

(ii) have the ability to stand up to market forces with competitive pressure within the EU, together with a functioning market economy (economic criteria);

(iii) have the power to assume obligations arising from full membership, including political, economic, and monetary cooperation (compliance criterion).[492]

On top of the Copenhagen Criteria required to become a member of the EU, an assessment can also be made in terms of the Maastricht Convergence Criteria that prospective EU member states must fulfill for joining the economic and monetary union. According to this, BiH failed to meet the interest rate criterion while fulfilling the inflation, public debt, and budget deficit criteria. In addition, BiH is not currently a member of the EU. Therefore, BiH's national currency does not have a central rate

[491] Ibid.
[492] Ibid.

against the Euro. In this respect, BiH was not evaluated in terms of exchange rate criteria.[493]

In order for BiH to acquire EU candidacy first and then become a full member, there are some issues that the EU Commission also emphasizes. It needs to maintain the momentum of socio-economic reform, address deep structural problems (political and administrative), and bolster the functioning of the rule of law and public administration at all governance levels. At the heart of this country's inability to fulfill the economic criteria is the fragmentation of its administrative and political structure. At this point, BiH has to abandon its understanding of politics and bureaucracy based on ethnic concerns and create a form of government that can make fast and accurate decisions. Due to the progress made as a result of these developments, BiH was recognized as a "potential candidate" at the Thessaloniki Summit held in June 2003. Because it failed to meet the criteria necessary to improve its ties with the EU, however, BiH remains the only Southeast European state unable to apply to the EU as a candidate country today.[494]

The Western Balkan region, where five of the six countries fought wars in the 1990s and early 2000s, is still trying to heal its wounds in many ways today. The main challenges facing the region are:

1- Ethnic nationalism and its reflections on political life: Ethnic identities, especially in BiH and North Macedonia, are still the main element in determining political preferences. People vote for the political party that represents whichever ethnicity they belong to. The number of political parties representing all the people is very small in these countries.

2- Boundaries discussed: There are different discussions about some boundaries and parts of the land in the region. Serbia's lack of recognition of Kosovo and the fact that the RS administration in BiH has insisted that it will hold a referendum on secession pose serious problems for the stability of the region.

3- Continuation of state-building processes: In countries like BiH and Kosovo, the process of building institutions of the state is still an ongoing process. The OHR in BiH still exists and maintains its broad legal powers.

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[493] Akçay. Ibid., p. 52.
[494] Ibid.

4- Economic problems: The economies of the region are still experiencing the transition from socialism to capitalism. The socialist economic system has disappeared, but the liberal system has not yet been fully established. Most countries are still dealing with high unemployment rates and low growth. The global economic crisis that began in 2008 has further aggravated this situation.

5- Migrants and displaced persons: Thousands in the region have still not been able to return to their homes, which they were forced to leave in wartime.

6- The unbearable weight of facing the past: There is still a long way to go for the Balkans to be able to objectively face what happened during the breakup wars of Yugoslavia. All parties still claim that only they are the victim and the other side is the aggressor, and neither side wants to face their own mistakes.[495]

The criteria that Western Balkan countries must meet include ensuring the return of refugees home, the repatriation of those who are on the run in EU countries, the healthy implementation of the DPA, development of minority and human rights, and cooperation with the ICTY. The EU has the right to stop financial aid and delay the agreement when it identifies situations incompatible with these issues. As a result, the regional approach, such as the Royaumont process that the EU applies to Western countries, has not been very effective in BiH and other countries in the region.[496]

Although BiH signed an interim agreement with the EU in 2008, it did not apply for EU candidate status then because it failed to adequately meet the necessary criteria. At the Copenhagen Summit on June 22, 1993, the Council of Europe formally declared that the enlarging of the EU would be expanded to encompass the CEECs, further specifying criteria that states seeking status as candidates would need to fulfill before acceptance for full membership. Those criteria, prepared for Eastern European countries to adapt to the EU, are criteria that all states that want to become members of the EU over time must meet. EU accession negotiations begin with states that meet the political part of the Copenhagen criteria, which consist of four sets of criteria: political, economic, EU alignment, and absorption capacity. It is

[495] Demirtaş. Ibid., pp. 194-195.
[496] Barış. Ibid., p. 1141.

envisaged that states that meet the criteria and close the chapters in the negotiation process can become full members of the EU.[497]

As mentioned above, BiH signed the SAA in 2008; as of July 1, 2008, it has the right to benefit from the interim agreement covering the commercial SAA provisions. A 2011 progress report by the EU Commission stated that BiH is lagging behind other Balkan states and key reforms are needed in the EU and BiH integration process, and that state officials have failed to achieve a political compromise.[498]

Another important aspect of BiH-EU relations from the vantage point of the integration process is visa liberalization. Visa ease and the Readmission Agreement between BiH and the EU entered force on January 1, 2008. BiH has been granted visa liberalization since December 2010. On December 15, 2010, a Schengen visa was officially introduced for biometric passports of BiH to facilitate travel to EU member states. On June 27, 2012, the EU-BiH High-Level Accession Process Dialogue was launched. On June 1, 2015, the SAA entered force between the EU and BiH, and the most important step was taken in the integration process. Finally, on February 15, 2016, the government of BiH officially submitted its application to the EU.[499]

The EU continues to effectively use important resources in BiH according to the frames established by the Common Foreign (Affairs) and Security Policy (CFSP) and the Common Security and Defense Policy (CSDP). The current European Union Special Representative (EUSR), Lars-Gunnar Wigemark, heads the relevant EU delegation. Operation European Union Stability Force/ALTHEA continues in BiH. This operation was restructured and the number of elements in the field was reduced to 600 soldiers as of September 1, 2012. The main focus here is to increase capacity and make contributions to the deterrence abilities of BiH. Furthermore, the EU has expressed its commitment to strengthen the rule of law in BiH by using other tools, including a strengthened EUSR office and the Instrument of Pre-Accession Support (IPA).[500]

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[497] Akçay. Ibid., p. 52.
[498] Doğan, Mahmut. "Bosna-Hersek'in Avrupa Birliği üyeliğinin Balkanların güvenliğine etkisi." Master Thesis. Okan University, İstanbul, 2016, pp. 56-57.
[499] Ibid.
[500] Avrupa Birliği Türkiye Delegasyonu. "Bosna Hersek." <https://www.avrupa.info.tr/tr/bosna-hersek-6976>. 28 Aug. 2020.

3.6. BiH's NATO membership process

Four of the six Eastern European countries are already NATO members. Albania and Croatia joined NATO in 2009, while Montenegro joined in 2017 and North Macedonia in 2020. BiH's quest for membership continues. Serbia currently has no membership goal. Kosovo has expressed its desire to join NATO, but it has not yet started the accession process because some NATO members do not recognize it. Support for NATO membership in BiH is high in the FBiH; however, it can be said that there is no such support in the RS. For this reason, although the country has an official ambition to join NATO, it can be considered a divisive policy. This policy was highlighted when the National Assembly of the RS promulgated a declaration of military neutrality on October 17, 2017, referring to military alliances.[501]

This division also halted progress on one of the key requirements laid down by NATO before a state can join the MAP: registration of immovable defense property (e.g. barracks). Sixty-three of them remained unregistered or are registered as Yugoslav because disputes have arisen over whether an asset should be registered as the property of the state. Deputy Foreign Minister Josip Brkić said that there was no "Plan B" to join NATO. [502]

NATO membership is achieved through the MAP. This plan can be considered a program designed to advise, assist, and provide practical support unique for the specific situations of states that desire to join NATO. States that participate in the MAP will present national programs on a yearly basis or road maps for their future membership, covering not only defense but also politics, economics, resource management, security, and legal developments. BiH was invited by NATO to join the MAP in April 2010 and has been working on this ever since with the support of a NATO team in Sarajevo.[503]

The invitation of BiH to become partner in the NATO PfP Membership Action Plan (MAP) alone represents progress at a historical dimension. For example, the state's property imposition proves that this decision was made at the time of preselection. Of course, BiH needs faster and more effective practices to eliminate a

[501] UK Parliament. "Euro–Atlantic integration." Chapter 4, 2018, <https://publications.parliament.uk/pa/ld201719/ldselect/ldintrel/53/5307.htm>. 5 Mar. 2020.
[502] UK Parliament. Ibid.
[503] Thorley. Ibid., p. 5.

number of shortcomings in order to join NATO's MAP. Moreover, this is crucial for supporting its credibility within NATO. After the general elections in October 2010, there is a wide range of possibilities between recovery or deterioration for Bosnia and Herzegovina. The Euro-Atlantic Agenda needs to be clearly included in the government programme. With the adoption of the Lisbon Treaty, all plans to close the Ohr and strengthen the EU presence in Bosnia and Herzegovina have become more complicated. So these plans need to be reconsidered. Bosnia and Herzegovina is stable in terms of security, but it has not yet been fully consolidated as a state and is facing a really complex situation. At the same time, it is obvious that Bosnia and Herzegovina has lagged behind its neighbouring countries in recent years. New policies must therefore be introduced by both the local political elite and the international community. [504]

The Alliance has stated that BiH was committed to restoring permanent stability and peace since the early 1990s to end the conflict. From December 1995 to December 2004, NATO had a critical position in the implementation of the DPA via its function of deploying peacekeeping units. In 2004, the first degree of responsibility for the militaristic points of the DPA was transferred to the EU. BiH joined the PfP program in 2006. Subsequently, BiH received an invitation to participate in the MAP in 2010.[505]

BiH has a diplomatic mission at the NATO headquarters to facilitate cooperation and a liaison office at the Supreme Headquarters Allied Powers Europe (SHAPE). NATO retains a military headquarters in Sarajevo with the primary mission of assisting the authorities of BiH with reforms and commitments related to the PfP and closer integration with NATO. Also it has the secondary mission of providing logistic and other support to the European Union Force in BiH. BiH must ensure the continuation of its democratic and defense reforms in order to meet both EU and NATO goals and reach the status of an effectively functioning and independent democratized state.[506]

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[504] Hadžović, Denis. "Faster Euro-Atlantic Integration – A Precondition for Lasting Peace and Stability in the Western Balkans?" Joint Workshop of the PfP Consortium Study Group, "Regional Stability in South East Europe." *the Centre for Security Studies*, Sarajevo, 23-25 Sep. 2010, pp.1-7.
[505] NATO. Relations with Bosnia and Herzegovina (2020), <https://www.nato.int/cps/en/natohq/topics_49127.htm>. 30 Aug. 2020.
[506] Ibid.

Crucial points in BiH's efforts to cooperate with NATO and the benefits to be achieved in mutual cooperation are as follows:

Ability to work together and build capabilities: BiH is working on the development of armed forces that are fully professional, can work together with NATO forces, and enjoy the leadership of volunteers meeting strict professional standards. For this purpose, BiH has maintained participation in the Planning and Review Process (PARP) of the PfP since May 2007. The PARP's aim is the provision of a carefully structured foundation for identification of the forces and capabilities that the Alliance can use in multinational exercises and training programs, peacekeeping, and crisis management. Furthermore, it aims to guide the progress of defense and military reforms.[507]

BiH has provided declarations of a number of available assets potentially suitable for PfP activities, such as engineering capabilities and related equipment (explosive ordnance disposal). Since 2014, as part of the Partnership Interoperability Initiative, BiH has been actively contributing to the operations of its allies in NATO. For this purpose, 24 selected partners have participated in this platform. BiH participates actively in the special Building Integrity (BI) program, focused on good governance and transparency and effectiveness in the use of defense resources. There is furthermore a NATO-accredited Peace Support Operations Training Centre (PSOTC), designed to offer expert training on how to build integrity and other related topics to NATO members and partners.[508]

Support for NATO-led operations and missions: As of 2009, BiH has been contributing together with its officers to the NATO-led International Security Assistance Force (ISAF) in Afghanistan in partnership with the Danish and German troops. Bosnia currently contributes to NATO's Resolute Support Mission (RSM) in Afghanistan, as well.[509]

Wider cooperation: BiH continues to develop capabilities for responding to and managing both national civil emergencies and disasters with the support of its allies. It further seeks to develop a legal framework for these issues together with the

[507] Ibid.
[508] Ibid.
[509] Ibid.

establishment of a civil crisis information system for the coordination of activities in emergencies.[510]

BiH asked NATO's Euro-Atlantic Disaster Response Coordination Centre (EADRCC) for help in May 2014 on the heels of disastrous flooding. At that time, NATO oversaw emergency assistance, which was contributed by both allied and partner countries. It sent support in forms such as food and water, transport vehicles, and funding. In 2017, BiH also hosted the annual EADRCC disaster preparedness and response exercise, which unites allies, partners, and international organizations.[511]

BiH and NATO are working together with the goal of improving public access to information about the advantages of cooperation and BiH's potential Alliance membership. For that purpose, a NATO communication strategy is being implemented on the national level. Special attention is paid to fields that require more sustainability and that connect key stakeholders from among governmental bodies, civil organizations, and the media. Since 2007, BIH is also participating in the Science for Peace and Security (SPS) program, where the focuses are advanced technology, detection of explosives, responses to disasters, and cyberdefense.[512] More specifically, the SPS program facilitates the security of NATO and partner countries and ensures close coordination on points of common interest. Its aim is to overcome security problems and prevent disasters and crises. International efforts to develop early warnings and forecasts are also encouraged for supporting NATO-led operations and missions. At present, the top priorities of this program are listed as counterterrorism, energy security, cyberdefense, defense against chemical / biological / radiological / nuclear agents, environmental security, security-related advanced technology, border security, and human/social aspects of security.[513]

The SPS program also supports regional security by fostering scientific cooperation between partners. Related activities generally have considerable value from the vantage point of public diplomacy. Scientists and experts from BiH are currently managing six ongoing actions through the SPS program. Leading areas of

[510] Ibid.
[511] Ibid.
[512] Ibid.
[513] Ibid.

cooperation are currently counterterrorism, unexploded ordnance detection and disposal, and advanced technologies.[514]

Since NATO is an alliance that contributes to the development of the security and stability of candidate countries, it would be appropriate for the trustee to conduct a cost-benefit analysis on the path to NATO membership in BiH. This cost is due to the fact that countries in the process of integration into NATO must make a series of reforms not only in the security sector but also in the general political, institutional, and economic environments.[515]

Despite arguments about whether membership in the EU or NATO is a priority, it is clear that BiH should become a member of the EU, NATO, or both. Although BiH is a geographically small state with relatively restricted financial resources, it is impossible to ensure the safety of its citizens by relying solely on internal resources when exposed to modern unconventional threats. It is generally known that NATO says it should spend 2% of its members' GDPs on defense and 20% on defense investment, known as the "2-20 target."[516]

Bosnia's defense budget, which has been approved since 2006, remains at 1.4% or less, significantly lower than the proposed NATO level. However, this is not a critical factor; in 2014, only 4 out of 30 NATO members spent 2% or more of their GDP on defense. The 2% spending figure can be covered by Germany, for example, where 2% is a large amount of money. This argument may not apply to BiH's much smaller economy, however. In addition to meeting the spending target of 2% of GDP, it is also worth taking into account the additional costs of being in NATO and improving the armed forces of the state. The cost of becoming a NATO member is actually assessed as much lower in comparison to costs of self-defense against the same possible threats. Perhaps surprisingly, it is reported that there is no clear sign that NATO membership significantly increases the growth of public spending on defense.[517]

It is already known that Bosnia regularly contributes to the ISAF in Afghanistan. However, it should be noted that the possibility of the death of Bosnian

[514] Ibid.
[515] Thorley. Ibid., pp. 12-18.
[516] Ibid.
[517] Ibid.

soldiers in a NATO mission represents a serious burden for society and a possible obstacle to participation in Alliance missions. In BiH, 53% of citizens do not support their participation. Moreover, it is perhaps debatable whether BiH is really needed to train fighters for the next war in such a country among a strong NATO military. However, a small but effective force capable of connecting professional forces to NATO has been established in BiH. This, in turn, can be of great benefit in defending oneself collectively.[518]

BiH's lack of co-operation with the ICTY (especially by Republika Srpska) has put obstacles in the way of BiH's PfP membership. Despite this, NATO continues to work with BiH to prepare the country for the terms of its PfP program and even future NATO membership. Although NATO transferred responsibility for the country's daily security to a 7,000-strong EU force (or EUFOR) in December 2004, the Alliance still maintains a physical presence in the country. NATO headquarters in Sarajevo (which has a staff of 150 people) is working on defense reform within the framework of a cooperation program prepared according to the relevant needs. Headquarters also conducts work on counterterrorism, the capture of war crime suspects, and intelligence gathering. Progress in defense reform will eventually help BiH cease to be a consumer society and become a productive society in terms of security.[519]

Talks on BiH's accession to NATO have been under way since 2008. According to the BiH Foreign Policy Strategy document released in 2018, BiH officially recognizes the priority of enabling and implementing the MAP process. Among many issues that stood as hurdles is also realization of the Annual National Programme (ANP), which anti-NATO opposition in RS rejects as a step towards NATO. The two sides reached a compromise in November 2019 by striking a formal agreement to send a defense reform program to the NATO headquarters in Brussels. However, Serb member of parliament Milorad Dodik said "no biased document on NATO membership has been accepted" to dispel any doubt as to whether this meant a "green light" for NATO membership. The opposition in the FBiH is convinced that the compromise was reached by major concessions to Dodik, while the Serbian

[518] Ibid.
[519] Cascone, Gabriele and Joaquin Molina. "Deepening Relations." *NATO Magazine*, 2006, <https://www.nato.int/docu/review/2006/issue1/turkish/art3.html>. 30 Aug. 2020.

opposition has accused Dodik of betraying the pan-Serbian anti-NATO compromise. The NATO headquarters in Brussels welcomed the resolution, which it claimed would unblock much-needed reforms backed by NATO.[520]

After Dayton, a total of three armies were formed in BiH: the Bosniak Republican Army, the Republika Srpska Army (VRS), and the Croatian Defense Council (HVO). Of course, it was necessary to bring these armies into a single command and control center. A balance would be achieved using the principle of ethnic identity in this army, which would be called the newly formed Army of BiH. For this reason, it has been seen that the implementation of defense reform is now mandatory.[521] The Defense Reform Commission was established by former High Representative (2002-2006) Lord Paddy Ashdown. The commission transferred powers related to the defense system from entity level to state level, with these powers transferred to BiH's Ministry of Defense. Reforms to be successfully completed in the process of joining the Alliance include the construction of a single defense system under the control of the organs of the state of BiH and the restructuring of military forces.[522]

BiH was subsequently awarded the right to participate in NATO's PfP program in Riga on December 29, 2006. As part of its PfP activities, it has sent troops in support of disaster and humanitarian operations. In addition, BiH has provided all necessary conditions for NATO jets to use the Tuzla, Mostar, and Banja Luka airports. The first experience of sending officers to NATO's peacekeeping missions occurred in Afghanistan. As a result of fulfilling the obligations in the relevant reforms, NATO countries invited BiH to an intensive dialogue program on April 3, 2008. In addition, BiH was adopted into the NATO MAP in Tallin on June 22, 2010, as a result of great efforts by Turkey.[523] The MAP is not a promise to a given country for full membership in NATO, nor a commitment to be defended by NATO when there is any military threat. However, it can be described as a necessary

[520] Bakota, Ivica. "Bosnia-Herzegovina external relations briefing: Euro-Atlantic integrations." *China-CEE Institute*, Vol. 24. No: 4, Dec. 2019, p. 2.
[521] Garip, Muhammed Mehdi. "Bosna Hersek'in Avrupa Birliği ile İlişkileri." Master Thesis. İstanbul Ticaret University, İstanbul, 2017, pp. 48-49.
[522] Ibid.
[523] Ibid.

and useful stage that will support NATO and its members on political, economic, and security issues and help carry out legal reforms.[524]

Geopolitical divisions, national qualities, and demographics, all reflecting the complex situation of the Balkans today, have revealed the character of competition and struggle. Naturally, the Balkan states did not hesitate to acquire allies from outside the region in order to ensure their own survival and realize their ambitions. The crisis situation in the post-Cold War era has been largely overcome by cooperation of major powers and regional actors, as well as by the intervention of security organizations. Therefore, since the region is a geographical zone followed with interest by great powers, the source of many problems today reflects great power policy. After the Cold War, the concept of security was redefined, and all international actors began to follow different strategies for the Balkans, regulating their enlargement policies and developments within the framework of this concept. Currently, when threat perception is at its peak, the issue of security is of primary importance for states. Now, given the vulnerability of security in one region and the impact of the conflict environment spreading to other regions, states and organizations are forming their policies accordingly. The Balkans are characterized as a zone of leading importance in strategies targeting oil fields in Eastern Europe. In addition, in the crises and wars occurring in Europe throughout history, it has been a vital point that all parties have sought to control. Therefore, the Balkans are indispensable for European integration and security, because holding the Balkans with actual power or authority will allow the European continent to be active in Mediterranean and Middle Eastern policy. In particular, it would not be wrong to say that BiH's Euro-Atlantic membership is of serious importance for the permanent establishment of peace and security in the Balkans.

[524] Ibid.

CHAPTER FOUR

CONCLUSION

Europeanization is described as a "civilization project" aimed at transferring countries from low culture to high culture through the conditionality and socialization processes established by the EU. In this context, the former Soviet countries and the Balkans have faced intense pressure to undergo Europeanization processes. EU enlargement in 2004 and 2007 encompassed many former Soviet states and Balkan countries.

Undoubtedly, the most important institutional structure working to deepen its relationship with the Western Balkans, trying to penetrate into the region in all its dimensions, and putting the most intense pressure on its transformation is the European Union. In this context, Brussels envisions regional integration that will solve bilateral and regional problems in realms such as democratization, rule of law, minority rights, media independence, and the fight against corruption.

Due to the historical, ethnic, political, and economic differences and diversity of the region, the EU has had to change its perspective and tools for the Western Balkans several times. The process, which began with the regional approach after the DPA in the 1990s, evolved into the Stability Pact for South East Europe after the Kosovo War and the "Stability and Partnership" process in the 2000s. The fatigue arising from unending, unenforceable reforms in the 2010s has raised doubts about BiH's EU membership while revealing the limits of the stabilization and association process. Despite this situation, the EU has shown that it will pursue a policy that gives all countries a common membership perspective by trying to build a new framework for the Western Balkans through the Berlin Process.

The EU characterizes the Balkan countries by their authoritarianism, constitutional violations, radical political polarization, hard nationalism, corruption, high unemployment rates, and slow transition processes. The failure to comply with the accession process for these reasons has pushed the process of Europeanization of the Balkans towards a stalemate in some cases.

Although the Western Balkans account for only 3.6% of the EU's total

population, it is clear that there are regional and global reasons for the EU's difficulty in transforming the region and, as a result, reading the region through security. European Parliament elections in 2019, the election of a new German Chancellor in 2021, the possible global economic crisis, the European army debates could lead to the Balkans becoming a chessboard of global conflict of interest. This, in turn, shows that it is not easy for Europeanization to take a strong path in the Balkans.

The most complex case for independence is BiH. Bosnia is ethnically the most heterogeneous country in the former Yugoslavia. That's towards the end of the century, armed conflict led to the rise of nationalism and strong ethnic divisions, culminating in ethnic cleansing, human rights violations and horrific human atrocities.

The Bosnian War contributed to the complete breakup of Yugoslavia and somewhat tested the capacity of the entire international community, and the world responded strongly to stop the conflict as it was not ready for new "Balkanization" in this part of Europe. Dayton has built a very complex, fragile, multi-ethnic political structure in which the distribution of powers is complex. Bosniaks make up 48% of the BiH population, Serbs make up 37 % and 14% are Croats. Croats and Bosniaks, on the other hand, are part of this multi-ethnic structure (51% in total in the Federation), while Serbs were rewarded with a separate republic as a result of controlling much more territory than their population (49% in Republika Srpska). In addition to these entities, there is an independent Brcko Autonomous Region.

BiH is said to have the most complex administrative and political structure in the world, being called the "Jerusalem of Europe" or a "miniature" of the Balkans. BiH has been the transit place of a multitude of cultures and civilizations in history. Therefore, BiH was the state with the most ethnic diversity in the Yugoslav Republic. This diversity in BiH has at times led to both conflicts and invasions. Despite great destruction, BiH is trying to stand. BiH, which gained independence after the breakup of Yugoslavia, suffered a destructive war that concluded in 1995 with the DPA. Still, in many senses, the country remains a boiling cauldron.

This young country, born after the collapse of Yugoslavia, is now aware that it is pointless to mourn and yearn for the past. This is the point that citizens and the

public should focus on.The weight of ethnicity in public life prevents the society of BiH from properly benefiting from the process of reintegration. The country is still in the transition phase after the war, because many features of the war are still felt in its social and political structures even today. The war created radical changes to the social structure of the country. As a result, new military, political, and economic elite segments came to the fore and new areas of national interest were determined. Moreover, the war impoverished the population, reduced industry, and created a new society where the ideology of conflict was the focus.

Ethnicities, solidified in conjunction with the war, are lines that break down the political structure of the country, which includes three peoples but is represented as two entities. The national fault lines that lead to war continue to exist just as they used to in society, the educational system, and culture. Ethnic division in Bosnia is legalized. Problems persist due to ethnicity. Such a complex political system causes existing problems in the country to not be overcome, and it also causes new problems to arise. However, awareness of the possibility of the coexistence of all ethnic elements, which is one of the biggest challenges for BiH, has not yet been established. One of the country's current political problems is the rising demand for independence in the RS, one of its two entities, where Serbs heavily live. In this context, Serbs, who say that a referendum may even be held, may cause the country to fall apart in the future. Besides the Serbian demands for independence, there is an idea of creating a third entity, although it is not explicitly advocated, for Croats living in the country. In this context, there are thoughts about the establishment of a Mostar-based Croatian entity that would include areas where Croats live extensively.

BiH made an official application to join the EU in February 2016. But NATO integration has been hampered by the paradoxes of the Dayton Constitution and historical disagreements. The Bosnian war, in particular, tested NATO's "reason for existence" in the new era of international security. It took longer than usual to intervene, as BiH became the first country in NATO's history to intervene since its creation. After more than fifty years of socialist regime and the civil war that ravaged the country, the Bosnian democratic transition was built by the international community: "the most bureaucratic state in Europe."

For BiH the structuring of state institutions and the integration process are

progressing in relation to each other. In other words, the state construction and member state construction take place simultaneously, and the absence of a settled structure of the state poses many challenges. The problem here is the complex administrative and political structure, the impasse in the administrative structure (veto system), the lack of a common understanding among politicians about the future of the country, the international patronage [Office of the High Representative (OHR)], the economy, the discriminatory electoral system, and the Constitution. In fact, BiH is a demographically disadvantaged country. Because the population of the country is insufficient and the population growth rate is in the cons. This is actually a factor that prevents the country from continuing to exist politically and economically.

BiH has been able to implement very few of the reforms demanded by it in the EU and NATO accession process. With regards the integration process, BiH is obliged to produce policies and strategies to improve both its institutional sustainability and functional capacities. A common vision is necessary to become a member of the EU in the next generation. In addition to all of these, socio-economic reform in maintaining the momentum of the deep structural problems to be addressed, the rule of law and Public Administration at all levels of government support, ensuring a peaceful environment, reliability, re-emphasizing the provision of more, and Bosnian identity may be listed as the most important priorities and they have to be resolved and handled.

In BiH, European Union process, europeanization mentality, etc. in order to mobilize reform expectations, especially the emphasis on political elites/bureaucracy is often made. In this context, the determinacy and strength of domestic political developments should be emphasized. In order to meet the expectations of the EU as a principle, a positive impact on the transformation of undemocratic laws can be achieved by transforming themselves through the contribution of the political elite. It aims for political, social and economic unity in accordance with EU acquis. This, in turn, leads to certain transformations and radical changes.

The starting point when addressing the issue was the perception that post-war ethno-national politics would not succeed in a fragile country struggling for statehood and democratization. The points determined were that 1) the creation of the

principle of representation of the citizens is important, and 2) the understanding of politics and bureaucracy based on ethnic concerns negatively affects the ability to make fast and accurate decisions, and this understanding brings new military, political, and economic elites to the forefront, sets new areas of national interest, impoverishes the population, and creates a new society where the ideology of conflict is the focus. The 2014 protests showed that the population in BiH was not passive and that ethnic discourse was not so successful in demobilizing the political opposition. In addition, the protests showed the fragility of peace and stability in BiH and the Western Balkans.These protests once again confirmed that the Dayton Constitution failed to meet the needs of the Bosnian state after the end of the Bosnian War. The main purpose of the Dayton Accords was to end the Bosnian War, and this was done at the expense of the rational functionality of the Bosnian state. However, a lack of consensus among Bosnia's ethnic groups and in the international community has prevented changes to the Dayton Constitution so far. The international community must increase its commitment to Bosnia in order to make the Bosnian state functional. The international community that created the Dayton regime is now responsible for making the Bosnian state functional.

Due to the lack of political will for dialogue, Bosnia is not progressing, and moreover, due to its constitutional uncertainties, the country is often blocked on the road to Euro-Atlantic integration. The root of political inefficiency as the cause of unfulfilled tasks required by the international community can be found in the so-called identity crisis in postwar countries such as BiH. Obviously, this country did not have enough time to recover and move forward, as they did after the collapse of the socialist regimes of other Eastern European countries; the Visegrad group of four countries: Poland, Slovakia, Hungary and the Czech Republic. The identity crisis is one of the main problems, because not every citizen in BiH sees himself as a true Bosnian and does not want to contribute to further state building.

The conflict between the political elites, which emerged as a result of socio-ethnical problems caused by the historical legacy, has destabilized the country in a vicious circle. In order to overcome this instability, BiH needs a political decision-making mechanism above the political elite, and what will provide this mechanism is to require BiH's integration into the Euro-Atlantic zone. The fact that the conflicting

parties after the civil war were brought together and had a mixed administrative-political and multi-ethnic structure has prevented them from reforming the EU and NATO integration process.

According to the integration theory, BiH's Euro-Atlantic membership will require a new superstructure. In this way, the decision-making mechanism of these organizations will be instrumental in the functioning of the political structure in BiH, which does not work with the veto mechanism. Instead of just the decision-making authority of a particular elite group, Euro-Atlantic institutions will become a new decision-making mechanism. Moreover, this is at the core of the integration theory. The fact that BiH is part of the EU's will to expand, will help solve the problems of BiH from a social, economic, and ethno-political point of view. Moreover, the EU is currently unable to cope with the difficulties in BiH. NATO also does not have a monolithic social structure in itself. The EU is a supranational organization and it has the capacity to change the core codes of countries (religion, race, sovereignty). It should be more of a superstructure than its own political structures, so that the new decision-making mechanism does not serve the interests of a particular group. From an economic and ethno-political point of view, it can be assessed that the new decision-making mechanism will help Bosnia and Herzegovina deal with its problems.

For BiH, it is crucial to be a member of NATO and the EU. The country must enforce all of the conditions and do its best to become a member, because BiH will not be able to overcome its conditions otherwise. As can be seen from the reform efforts, the impasse of a certain elite in decision-making (due to the veto) cannot take the country even one step further.

On the contrary, along with the resistance of the main institutions and social reflexes formed by socialism in BiH, the descriptive and classifying influence of ethnic identities has continued. In order to meet the expectations of the EU as a principle, a positive impact on the transformation of undemocratic laws can be achieved by transforming themselves with the contribution of political elites.

Most of the reforms that have been implemented were made possible by the imposition of the OHR. There have been delays in decision-making due to the Dayton Agreement system. Economic life is facing transition-era problems.

However, political problems negatively affect the revival of the economy. BiH is trying to eliminate the destruction of the war. On the other hand, the country is trying to revive economic relations with its neighbors and the EU. In the event of EU membership, it may be possible to solve the important problems within the state. Therefore, significant efforts are being made to adopt the EU criteria instead of the Dayton criteria.

There is lack of a common understanding among the politicians about the future of BiH. The prominence of ethnic structure is important from the citizenship consciousness. The country has an international patronage regime due to the OHR. There are too many economic challenges in BiH. The electoral system is based on the ethnicity and there are some compelling provisions in the constitution.

Dayton became a loose union in which the two sides maintained their competence in governing. Important government decisions have made the tripartite agreement valid and the state structure established with Dayton has divided the Bosnian state. The OHR has supported more centralization and less consensual decisions to make the state more functional. Large ethnic groups have been appointed to many posts with ethnic quotas. The identity of being a BiH citizen needs to be further underlined.

From the point of view of NATO and the EU, the creation of an effective and specific strategy to address these problems and the determination of the will in this regard, will be effective in ensuring a permanent state of stability in BiH. Instead of common approaches, NATO and the EU should create these strategies that take into account the sensitivities of BiH, and make the will for integration more clear, which will also have a positive impact on ensuring lasting stability in BiH. The EU and NATO had to develop a different strategy than they had requested in previous candidate memberships because there are different dynamics specific to the region. Therefore, there are different difficulties to deal with. After the Bosnian War, the EU took a pessimistic and timid attitude to the problem and this became material for politics in the country. Initially seen as an authority for the solution of the structural problems that exist in BiH, the EU has failed to maintain this position.

Real cultural and national democratization has not yet spread to the citizens and peoples of Bosnia; democratization is only seen at the official, institutional level.

In Bosnia, an important focus for politics and ideology is equal rights. Ensuring that everyone has equal rights under the law is in some cases achieved irregularly at certain intervals, while in some cases it cannot be applied at all. “Soft” ethnic discrimination against minorities by the majority is seen among Bosniaks and Croats, while Serbian authorities openly discriminate against both Bosniaks and Croats where they are authorized. In Bosnia, nothing is black or white anymore. The concept of “neighborhood” was thus seriously undermined, but it could not be completely destroyed. Indeed, the concept of neighborhood as a metaphor for close personal relationships between people from different nations has been replaced by the concept of people living side by side rather than people living together.

However, there is incredible potential among the people of BiH. The diversity and resilience of its citizens should be used as a catalyst to promote reconciliation and change, not as a tool of division, especially in BiH’s aspirations for Euro-Atlantic integration. Although they face significant obstacles, especially in terms of political impasse, they can cope with these obstacles and go on to construct a safe and prosperous future. It has become obvious that the optimal path for achieving this will be the integration of BiH into the wider Euro-Atlantic framework; in other words, it must join the EU and NATO.

The ' Dayton to Brussels ' metaphor highlights some of the problems in the transition from external peacebuilding and state building to internal state suilding and Euro-Atlantic integration. Despite the failure of the EU or NATO to end or resolve ethnopolitical conflicts, and the ‘carrot’ of EU and NATO membership, the growing crisis and tensions in BiH show that BiH's problems cannot be solved in Brussels, but must be addressed in BiH itself. The road from Dayton to Brussels inevitably runs through Sarajevo and Banja Luka. The Dayton phase is now complete. An atmosphere of peace has been achieved, but political stability has not been fully established and justice has not been extended to the general public. The extreme interventionist politics of the EU have come to an end here. The OHR became the Office of the European Commission, and with the legal reforms and political and economic measures implemented, local parliaments spontaneously broke their deadlock.

BiH’s Euro-Atlantic integration is moving much slower than that of

neighboring countries. This is because BiH remains one of the unresolved problems of the Western Balkans, and today it remains the only Southeast European country that cannot yet apply to the EU as a candidate country. During BiH's Euro-Atlantic membership process, it will be appropriate to address many of its problems simultaneously. BiH is facing a number of problems today, which many people think is due to BiH's special situation. Therefore, the EU may have to rightly abandon bad conditions in order to not damage its own credibility.

For Euro-Atlantic membership, it must implement the necessary reforms through its own institutional decisions and capacities, but there are deep national disagreements on this issue. The Council of Ministers, the governing body at the state level responsible body for European integration, still remains a commission, not a ministry. European integration takes different forms at the collective and individual levels. Among Bosniaks and Croats, the public generally supports the idea of Europe, but the same cannot be said for Serbs.

Although not usually in the form of unlimited hope and belief in public opinion, a general belief prevails that European standards and European ways of life will bring about moral, democratic, legal, and political norms that will end collective/ethnic and individual/human discrimination. However, in Bosnia's war-ravaged society, there are no strong social or conceptual forces to support this idea. In particular, there is no willingness to change the paths followed and adopt new standards. Most people are lukewarm about the idea of Europe if they have to give up their old habits.

BiH is working on many tasks as a partner of NATO. A major one of these is defense reform; accordingly, the Ministry of Defense and the AFBiH both express firm commitment to the complicated task of establishment of one single military force and improving the country's abilities to work cooperatively with NATO. The AFBiH's contributions to NATO operations in Afghanistan have shown that BiH can play a valuable international role together with NATO members and partners.

However, there is no avoiding the reality that NATO does expect potential members to apply sweeping reforms in politics, economics, and security and legal areas, not merely within the defense sector. Reforms of this sort allow states to become feasible candidates for NATO membership as a result of their improved

governance structures, increased security and stability, and advancements in education, economic competitiveness, and financial management, among others.

After a country successfully joins the Alliance, it benefits as a part of NATO's political and military structure, also known as the "security umbrella," which includes NATO's unique approach to issues of security and defense, with emphasis on cost-sharing and collaboration. Furthermore, NATO membership signifies clearly that a given state has succeeded in obtaining levels of governance and security commensurate with Euro-Atlantic standards, therefore revealing that this state is now fully prepared for both investments and economic growth.

In contrast to assertions about BiH's possible loss of control in the event of it joining NATO, the country will have control over its actions. The reason for this is that the basic and founding principle of the Alliance is consensus, or "one country, one vote," whether that country has 311 million citizens (the US) or 2 million citizens (Slovenia). This consensus principle ensures that each NATO member will contribute equally in decision-making processes and in necessary tasks at all levels, ranging from participation in technical committees to the making of high-level decisions. A decision taken by consensus in NATO means a decision accepted by each member state. That is, as a NATO member, BiH will have complete control over its actions.

In spite of the transformative force of the European model, BiH's participation in the Euro-Atlantic process is seen as a challenge. The country has long had instability and complexity caused by its administrative and political structure and its diverse patterns of ethnicity. For this reason, the membership process has been prolonged. Both sides need to make more effort in this process. Membership can bring political stability and prosperity to the country, as well as create a forward-looking spirit among Bosniak, Serb, and Croat citizens.

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