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BOSNIA HERZEGOVINA, FOREVER AT CROSS ROADS? CONSTRUCTING “THE OTHER” IN BRČKO DISTRICT

Miruna TRONCOTĂ*

Abstract. *The evolution of Bosnia Herzegovina (BiH) as a functioning state after the Dayton Agreement is still questionable. Both international policymakers and local statesman are searching for a viable solution for the future of BiH as a unitary state, a self-sustainable political community. In the field of social sciences there is a need for a more specific type of explanation to tackle this complex reality of the relations between the Self and the Other (as the symbolic basis of ethnic/political cooperation) inside the process of Europeanization of BiH. The scope of the paper is two folded: first, it aims at describing in the constructivist theoretical framework the ethnic situation in Brčko District as an illustrative case study; second it wishes to complete the perspective with an institutional analysis that reflects the way socially constructed norms shape administrative performance. The time frame of the analysis is the last decade (since the final Award of the Brčko Arbitration in 1999 to the present day) and the conclusions will focus on the importance of the Brčko institutional evolution to the Europeanization of the entire BiH.*

Keywords: *Bosnia Herzegovina, Brčko District, Europeanization, Self and Other, constructivism, cooperation, fragmentation*

Liberty provokes diversity and diversity preserves liberty

Lord Acton

Serbs, Croats and Muslims cannot live together any more.

One cannot hold cat and dog locked in the same room

Radovan Karadzic

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There are more than 15 years after the establishment of the Dayton Agreement, and the evolution of Bosnia Herzegovina (BiH) as a functioning state is still questionable. Both international policymakers and local statesman are searching for a viable solution for the future of BiH as a unitary state, a self-sustainable political community. In the field of social sciences there is a need for a more specific type of explanation to tackle this complex reality of the relations between the *Self* and the *Other* (as the symbolic basis of ethnic/political cooperation) inside the process of Europeanization of BiH. To further highlight the importance of the Self - Other relations in International Relations theory, this article proposes to analyze Brcko District's institutional performance of relating to BiH and the West. The analysis proceeds as follows: I begin by examining the main theoretical contributions in the constructivist strand of thinking regarding the role of Self and Other relations in International Relations theory, focusing on the impact of identity to institution-building. I will first show that the constructivist approach in neo institutionalism is applicable on the case of BiH (and Brčko in particular) because the area is still in a phase of adaptation, rebuilding or even of nation-building and it has been experiencing over the last decade a complex transitory process. This comprehensive process of institution building will be analyzed in the framework defined by the so called "Europeanization" pattern of state-building in the Western Balkans. I will explain that symbolical "*fissures*" cracking through society slowly break apart into a violent competition among ethnicities (and competing claims of identity between Self and the Other with the purpose of obtaining legitimacy) and this creates a circular situation of perpetual tensions, which manifest politically and visibly hinder democratization. In this perspective, I will argue that the comparison between Brčko and BiH shows both the limits of ethnic homogenization and territorialization that occurred in the institutional design of post-Yugoslav states and the successes of institutionalized cooperation.

Next, I briefly describe the main features of institutional design in Brcko District after the Final Award issued in March 2000 focusing on the principles that guided the relations between the Self and the Other. I then apply the constructivist theoretical framework to analyze the main dysfunctional aspects that hinder BiH's reintegration into the European mainstream, taking some lessons from this so-called "Brčko experiment" as an illustrative case study. I conclude by summarizing the main challenges ahead for BiH and discussing what are the prospects for Europeanization. I finally argue that the confusion between principles of *homogeneity* and *acceptance of difference* creates a major difficulty in handling multiple identities in the Balkan context. So by evaluating state performance through the Self and Other relation, one can find the reason why the state is so weak in BiH.

The limits of this research reside in its purely theoretical outcomes, which must be acknowledged from the beginning. After framing the topic by using constructivist methods of understanding this social reality, the next step will be finding measurable indicators to validate the hypotheses built inside this article, using empirical data. This shall be the next phase of the research.

1. Using Constructivist Theory to understand Balkan Realities

In the last 20 years constructivist approaches in International Relations (IR) have been proliferating. While many differences exist among these various approaches, all constructivists agree that social rules are fundamentally important in world politics. Some emphasize the role of cultural beliefs; others stress the importance of norms or identities. Constructivism is thus an ontological approach, which occurred in the “post positivist turn” of contemporary social sciences, arguing that social rules - shared beliefs, norms, and identities - are created from both practice and social interaction and constitute a fundamental part of the structure of world politics. This new approach in IR theory was mainly rejecting the rationalist precepts of neo realism and neo liberalism, and advanced a sociological perspective on world politics, emphasizing the importance of normative as well as material structures, the role of identity in the constitution of interests and action, and the mutual constitution of agents and structures (Frederking, 2000). Inside this debate, there was an immediate injection of attention to actors, their participation in the process of institutionalization, and to the social relations structuring that participation. Agency as well as structure was again present in the limelight of social research, opening new opportunities of investigation. Can these new theoretical developments help us in understanding the evolution of the Western Balkans and its most intricate case study - Bosnia Herzegovina (BiH)? The theoretical aim of the article is to answer this question affirmatively.

After more than 15 years of continuous struggle for state-building, BiH remains still an unresolved puzzle in Europe, being often regarded as a weak/failed state, provoking contemporary political theory to grasp its uniqueness and determine policy makers to find the best solutions for a viable post-conflict democratization. The Dayton Peace Accords, mediated by the international community, established in 1995 a federation of *de facto* three entities with strong decentralization (The Federation of Bosnia and Herzegovina and Republika Srpska). These accords put an end to the three and a half year long war in BiH, one of the most bloody armed conflicts in the former Socialist Federative Republic of Yugoslavia.

When scholars started to be interested in the evolution of this special case of “externalized” state-building, they were first focused on analyzing the

main instruments which were designed to bring peace and political stability – the institutions defined by the principles of power sharing between the three entities. They all agreed on the fact that Dayton did not succeed in making democratic institutions function in BiH because it was mainly a peace treaty, not a constitution, and it was negotiated by the international community and accepted through compromise, not created by the main political representatives as the main holders of legitimacy (Belloni, 2007). Neo-institutionalism became therefore a useful tool in assessing the intricate institutional performance of BiH, after subsequently being successful in analyzing other Southeast European democracies. This type of approach also assumed that the goal of this comprehensive process of institution-building is the essence of the so-called “Europeanization” of the Balkans (or better said “pre-Europeanization” or “the path to Europeanization”), and in this respect EU membership was used as an incentive for implementing reforms and bringing stability and ethnic cooperation in the WB (Jano, 2008). In a nutshell, Europeanization of the Balkans is commonly understood as the bold effort for anchoring this region in the EU mainstream development track, with the final goal (even though very distant in time) of EU integration. Even though numerous constructivist scholars demonstrated that the main obstacle which delayed this process more than 15 years is the mutual distrust between the actors (which makes the construction of common norms very problematic), few analyses were focused on identities and social interactions in the Western Balkans. Most of them focused exclusively on institutions and the technical processes of implementing the Western model of democracy (Batt, 2004; Grabbe, 2005). As a result, institutional configurations become the primary causal factors for explaining state-building in BiH. Only ethno-anthropology focused more on the symbolic interaction between “the dark Balkans” and “the enlightened West” but these approaches were considered too general and diffuse to be taken into consideration by policy makers or analysts (Todorova, 1997; Naumovic, 2000; Hayden, 2007). Although detailed studies of institutional design are relevant, most constructivists feel uncomfortable with the idea of treating political institutions *in abstracto*, without any sociological dimension. What they criticize in this regard is that focusing only on formal organizations, we lose out of sight the importance of actors (citizens) and it is very problematic to analyze institutions in isolation from society. This is also one of the main standpoints of the present article, too.

2. Constructing “the Self” and “the Other” as the basis of a Political Community

In the late 20 years constructivist theories have expanded to a wide range of research areas. One of the most visible was the influence in security studies, through the bold efforts of Ole Weaver, Barry Buzan and the entire Copenhagen School of Security Studies (Buzan, Waever, and de Wilde, 1998). Their theory of securitization focuses on the tensioned relations between Self and Other in the context of constructing through language a feeling of insecurity, that finally leads to war. Security is thus conceptualized by these authors as “a speech act” that takes an emergency issue beyond normal politics into an area of security thus justifying exceptional measures that wouldn’t otherwise be acceptable. As I already showed, along with this sociological and post structuralist turn in the IR theory, there was an immediate injection of attention to actors, their participation in the process of institutionalization, and to the social relations structuring that participation in broad IR theory and constructivist analyses (Risse, 2004). Agency as well as structure was again present in political thought and I believe this strand of thinking should be transferred to analyzing the Western Balkans. This area provokes scholars to focus on the conflict-ridden nature of relations among actors engaged in the construction of norms, especially after the end of the Bosnian War. Norms and identities conflicts as well as the social representations that organize their actions need to be tackled through the *Self* and *Other* theoretical lens. The main aspects of Self and Other relations are dialogue, mutual engagement, and responsiveness for actions in the political arena during state-building, following exactly *the transformative logic* that John Ruggie found missing in static neo realist thinking (Ruggie, 1983).

”Identity theory” developed in the symbolic-interactionist sociological tradition lend support to the idea that recognition of the ‘Other’ is essential to constituting the identity of the ‘Self’. This perspective supports the claim that mutual recognition of the *Self* and the *Other* leads to the formation of an overarching collective identity in Europe (Risse, 2004). This may help us have a different view on Balkan “ethnocracies”, centered on the main political bargain of both “who gets what” (majority vs. minority in resource distribution), but also on the “who we are” issue which involves nation-building (Self against the Other). So a constructivist analysis highlights the fact that these two political phenomena took place at the same time in the Balkans (redistribution and redefinition) which created the premises for even more confusion and violence. The external intervention of the International Community complicated even ore these overlapping processes. Thomas Risse explains that the fundamental insight of this agency-structure debate, which lies at the heart of many social constructivist works, is not only that structures and agents are mutually

codetermined (Risse, 2004: 161) as it was already extensively demonstrated in the case of Bosnia and its external donors (Parish, 2010). The crucial point here is that constructivists insist also on the *constitutiveness* of (social) structures and agents (Adler, 1997: 324–325; Wendt, 1999: Ch. 4). In this regard, Risse argues that the social environment in which we find ourselves “constitutes” who we are, our identities as social beings. In this case we acknowledge that by determining the pattern of ethnic cooperation in the democratic institutional framework of Brčko District (as the main environment of the Self and Other interactions) we can identify the principles which make this process function or malfunction.

Putting these ideas together with the strand of thinking defined by Iver B. Neumann, the article treats *collective identity* as being always in a state of formation, as ever-lasting negotiations about *who is who* - how that 'who' comes about, how individuals become party to it and how it is reproduced over time (Neumann, 1998). Instead of seeing the political simply as a question of how already fixed actors decide between themselves *who gets what when* (as institutionalism and rational choice presuppose), one may see it also as an ongoing negotiation of who 'we' are in building a political community. Since a 'we' is unthinkable outside relations to a set of 'theys', the political, understood as the question of who 'we' are, is a question of separating Us from Them, which derives from the separation between Self from Other. In this respect I argue along with Neumann that actor preferences are not exogenously given and fixed, as in rationalist models, but endogenous to institutions, and individuals' identities are shaped and reshaped by their social environment. The second theoretical assumption employed by this perspective is that before state-building there is a need for 'community building' which involves mainly defining the Self and the Other. The next step after community building is cooperation in order to build institutions and public goods. The general framework that pre-defined this process in BiH (where state-building was essentially externally-driven) was Europeanization, whose international identity is that of “a regional normative power” (Manners, 2006). In this context there is a need to make distinction between the so-called “liberal constructivist approach” which disregards the constitutive role of difference in identity formation and the “critical constructivist approach” of assuming a behavioral relationship between Self and Other, where difference is the basis of identification and therefore cannot account for its diversity (Rumelili, 2004). This second critical constructivist approach will be used in the following analysis – the process of relating to difference as the basis of identity building in Brcko District, which will help us understand the unique mode of “identification though differentiation” in BiH institutions.

3. Brčko District - Strengthening Local Governance

The aim of this section is to describe in the constructivist theoretical framework the ethnic situation in Brčko District as an illustrative case study for understanding BiH. When analyzing Bosnia I decided to focus on the highly-contested area of Brčko, which was the only territorial issue left unresolved in the 1995 Dayton Peace Agreement and was subject to a lengthy process of arbitration. Carl Bilt, former HR was saying in 2000 that Brčko was the "mother of all difficulties in Bosnia." Recently, the present OHR Izcko said that "now we can call Brčko the mother of all hope"¹. They both argue that institutional evolution from instability to efficient governance is one of the major assets of a successful state building strategy, proposing Brčko as a role model for BiH .

In the aftermath of the Bosnian war (1992-1995), BiH appeared as a new “independent state” in the post-Yugoslav space. Because of the main legal provisions established by the Dayton Agreements, BiH is not yet a fully independent and sovereign state, as it still operates under the supervision of a High Representative/ EU Special Representative and his staff in the Office of the High Representative (OHR). BiH comprises two entities: the Federation of Bosnia and Herzegovina, which covers about 50 percent of the territory; the Republic of Srpska, which covers about 49 percent; and a self-governing district: Brčko, a long disputed, single, multiethnic administrative unit under international supervision, which sits at the crossroads of Bosnia and Herzegovina where the narrowest portion of Republika Srpska meets the Federation. The Posavina Corridor in Republika Srpska, only five kilometers wide at Brčko, connects the Eastern and Western parts of Republika Srpska and provides the easiest North-South access for the Federation across the Sava river to the rest of Europe. Traditionally the trade, industry and transport hub of the region (Craig Nation, 2003), Brčko borders Croatia on the Sava and is within three hours of Zagreb and ninety minutes from Belgrade via Croatia. As a result of the war, the municipality has been split between the Federation and the RS and the town itself, situated north of the Inter Entity Boundary Line (IEBL), is 97,5% Serb, approximately 75% of whom are displaced persons from the Federation and refugees from Croatia. The Croats and Muslims that predominated the population of Brčko before the Bosnian War were driven out by Bosnian Serb forces during the war. In the aftermath of the Dayton accords, Brčko remained under the *de facto* control of the Bosnian Serbs (Craig Nation, 2003).

Post-colonial scholarship in particular argued that, in contrast to ethnocentrism, production of a more global knowledge (in this case,

¹ http://www.ohr.int/ohr-dept/preso/pressb/default.asp?content_id=44646

Europeanization at the identity level) requires defining the Self and its moral values as something open to negotiation, rather than absolute, exclusive, and essentialist; and viewing the Other as different, but morally equal and, for that reason, as a source of potential learning (Tzygankov, Ticker 2004). In practical terms, such an approach would promote negotiations to establish mutually acceptable norms and reduce space for hegemonic actions. The international arbitration process that founded Brčko District replaced this type of negotiations that aimed at obtaining legitimacy of state institutions in relation to the society. Because of this peculiarity, since its establishment, the district was perceived to have its own political culture, different from the rest of the country and the classic ethnic politics (Petrović, 1996). The former International Supervisor in Brčko, Henry L. Clarke, states that “Brčko had succeeded as much because it had by arbitration and administration avoided the ethnic methodologies that have made the entities, particularly Republika Srpska, regressive”². In order to test this observation, there should be mentioned three basic stages, which underlie this entire theoretical framework, taken from Bahar Rumelili who identifies three constitutive dimensions along which Self-Other relationships vary to produce or not produce relationships of *Othering* in ethnically challenged contexts: nature of difference, response of the Other and social distance (Rumelili, 2004).

a. Nature of difference

The first dimension, which influences fundamentally the other two levels of *Othering*, refers to the main pattern that allowed the three ethnic entities to relate to each other and the way they “imagined communities” (as it is the expression coined by Benedict Anderson), based on a certain type of differentiation between Self and Other. The 1991 Census shows that in Brcko Municipality live: 44% Bosniacs, 25 % Croats and 21% Serbs, while in the Brcko Town live 56% Bosniacs, 20% Serbs and 7% Croats³. Consequently, in Brcko District there is no dominant ethnic group, neither politically, nor economically, or militarily. In this situation, all entities acted as ‘power maximizing structures’ as neo-institutionalists call them, competing for legitimacy and control but having as final goal a structural equilibrium that must be maintained. The institutional framework needed therefore to satisfy all parties, because none was “more legitimate” than the other. Looking at the ethnic composition of Brcko, and taking into consideration that it is the result

² Henry L. Clarke, *Brcko District: An Example of Progress in the Basic Reforms in Bosnia and Herzegovina*, 2004, www.wilsoncenter.org/topics/pubs/MR293Clarke.doc

³ http://www.ohr.int/ohrdept/preso/pressb/default.asp?content_id=44646, accessed October 2 2011

of ethnic cleansing after a long and cruel war, we can not identify the nature of the difference as a “given identity” that one can take as the starting point in defining the Self, but one can identify a permanently “contested identity”, negotiable and “fixed” at the same time, connected to a certain religion/history/territory/language. All these aspects are the sources of legitimacy when defining the Self against the Other. Depending on which is the main factor of “identification” as the Self, the hypothesis advanced here is that the institutional outcome in each case is distinct. On one hand, there are legitimizing elements which have an objective dimension (which should create a rigid, un-negotiable type of differentiation – such as territory, “mother land”), but they are in reality subject of negotiation and compromise (as it is the case of Brcko and its inter-entity mixed geographical character). This element creates a more flexible behavior in community building, more open for dialogue and inter-ethnic cooperation. But on the other hand there are still elements which have a profound subjective dimension but are perceived as objective (“given”) categories (therefore they can not be contested) according to which an individual should define the Self antagonistically with the Other (these dimensions include religion, language and their symbolic derivatives).

These elements determine both rigidity (religion) and fluidity (territory) in identity building, being prone to frequent changes of emphasis, depending on who is the Self and who is the Other. In the rigid model there is a violent fear of the Other especially because the Other, because it is different, has a built-in negative connotation which stops any form of cooperation between the parties.

In order to find out how was *the Other* built in Brcko, we need first to see the way identity in general is understood here - as fixed or fluid, dialectical or dialogical. The way institutions follow these three stages in Brcko District and manage the construction of *the ethnic Other* is the main focus of this constructivist analysis. In Brcko ethnicities can find no legitimacy in a common memory or history (except the one of the war), and when they started to build the polity (in 2000, after the Final Award) they started from *tabula rasa*. This is the point which makes the community building in Brcko totally different from the one in BiH, where identities are constructed on the basis of more rigid distinctions between Self and the Other. In an ethnically driven political space, the goal of nationalist mobilization of the society is not defining the self but first eliminating the Other. This way, policies of homogenization appear in contexts where *the Other* is always missing and the *Self* wants to define himself in an ego-centered identity building. These types of imagining a community is possible only by making the Other “un-imaginable”, as anthropologists Robert Hayden showed. This type of negatively defined identity creates the space not only for the Self to be socially constructed against *the Other* but especially in the absence of *the Other*. The Other is totally excluded from any community

building project. The famous quote of Radovan Karadzic stands exactly for this exclusivist perception of the Self against the Other: “*Serbs, Croats and Muslims cannot live together any more. One cannot hold cat and dog locked in the same room*”. Ethno-politics becomes in this perspective an aspect that endangers the fragile polity of BiH, by creating parallel “polities” with parallel Self-Other relations and parallel institutions and sources of legitimacy. The symbolic process of putting individuals or groups into an opposition of ‘us’ *versus* ‘them’ transforms pluralistic ‘diversity’ into an exclusivist ‘difference’ and explains that ‘ethnicity’ is not a ‘substantive quality’, but a structural, irreplaceable code. They perceive *the Other* as a threat and typically limit their recommendations for the Self to those of a defensive nature. Identities are treated as fixed, externalized and hence non-negotiable. They are reified. A constructivist approach aims therefore at “de-constructing” this type of argument by arguing that social realities as the Self and the Other can not be treated in isolation from each other, so they should not be reified (neither theoretically nor empirically).

This homogenization process aimed at distorting both symbolic and material realities is impossible in a purely heterogeneous space as Brčko District. In Brčko the policies of homogenization can not be implemented (they are structurally useless for the political actors) that is why I suggest that in this autonomous district the Self and the Other exist in direct correlation with each other, in an open relation of “identification through differentiation” which gives them a more civic approach towards the state, than the ethnic one constructed in BiH. This makes the political community more stable than the rest of the country.

An important argument of this matter is that the Dayton Agreement on the Brčko District does not mention that the district owns any territory because this issue would have been creating endless nationalist outbursts on topic like “who was here first”, “who was here last”, “who has the moral right to own the territory” and so on. By avoiding the “territoriality” of the Self and the Other, these norms reflected the fluid character of identity, avoiding rigid differentiations of Self and Other. Another argument in this respect is mentioned by Radha Kumar: “Inhabitants of the city (mostly Serb) and the environs (mostly Muslim) were free to choose their entity affiliation” (Kumar, 2000). Everyone was given the freedom to define *the Other* according to its own principles. This norm created different results, because different people, depending on their social environment prior to the war used different standards to relate to the Other. Some rejected the Other completely, others were open for negotiation and compromise. Both sides regarded the issue as a vital interest and a final decision was repeatedly postponed. Transparent inter-entity boundaries and refugee return were key goals of this process, but the creation of “ethnically pure” enclaves had been a major war aim of all belligerents, and progress toward reversing the consequences of years of ethnic cleansing was

negligible. This process created a pattern of defining the Other exclusively negative and rigid, following the hobbesian principle – *either him or me*. This background can not create de premises for a democratic state-building, if the famous saying of Lord Acton is not embodied in institutions: “*Liberty provokes diversity and diversity preserves liberty*”.

b. Response of the Other

This second dimension of the Self-Other relationship refers to the reaction of the other part of the identity building process and it is in direct connection with the nature of difference previously discussed. There are of course two types of reactions of the Other – a rigid differentiation creates a regressive response of the Other (closed and aggressive towards the denying Self) and conversely, a flexible differentiation that admits dialogue and inter-connections creates a cooperative response, prone to compromise and open for personal reevaluations. This stage proves us that *the Self* can not be built in isolation with the Other. Moreover, in post-conflict settings such as BiH there is a need for a certain institutional design that would encourage and facilitate interaction with *the Other*. Eliminating the ethnic *Other* from public life deepens the division and makes dialogue as well as governance impossible. These are the main arguments that we can also find in the legal analyses of Joseph Marko or Florian Bieber regarding the failure of integration policies that brought segregation in BiH (Bieber, 2004; Marko, 2005). Adding to these the arguments of a social anthropologist on the matter Andrei P. Tsygankov makes a broader picture of the symbolical process of Self-Other relations in BiH:

“Taking the Other seriously, or engaging in a dialogue with it, means committing to assumptions of the Other’s equality to the Self in terms of defining parameters and boundaries of knowledge. By contrast, ethnocentric theories proclaim their commitment to exclusively defined values of their environment and are closed for possible fertilization from the external environment. Such theories assume superiority of the Self and its moral community, and inferiority of the Other, thereby justifying the legitimacy of hegemonic actions toward the Other.” (Tsygankov, 2004: 4).

Let us not forget that state disintegration comes in this perspective as a result of the exclusion from or dissatisfaction with the state of a part of its community – the ones who are portrayed as the negative Others (being an ethnic or civil group or even a state under the Federation).

c. Social distance

The last dimension that becomes observable after the response of the Other is the social distance – the integration of the Self and the Other in the overall social environment. This distance may be in the two cases either high (in

a case of segregation) or low) in a case of assimilation), depending on the type of differentiation employed by the actors (Table I).

Table I

	Equality	Inequality
Unity	Integration	Assimilation
Diversity	Autonomy	Separation

Note: Table taken from Joseph Marko, 2005: 27

Inside the Europeanization pattern of community building which encompasses the social space of BiH, identities are layered upon differences that overlap each other as opposed to the search for similarities and exclusivist homogeneity. Identity must therefore be understood in this social space as a dynamic and flexible construct, one in which multiple identities or acts of identification are allowed and expected. As Emanuel Adler demonstrated, the outside intervention can create the material conditions – a security environment – in which a special *cooperation culture* can arise and a regional security dynamics can develop, self-directed or as sheltered as a sub-community within a larger region (Adler, 1997: 34). This is the case of BiH in relation to a future EU membership.

The main explanations this article tries to put forward referring to this dimension is that institutions can not stimulate cooperation and solidarity if they do not use in this respect the cultural and social implications of multiple identities, which need to have a completely different structure and evolution than interest-driven institutions prescribed for cooperation and efficient community management by the neo liberal institutionalists. BiH's fluctuating loyalties could not “feed” symbolically “fixed” institutional arrangements proposed by the international organizations, that is why as Florian Bieber demonstrated conflicting policies of both integration and segregation were implemented in the Dayton institutional design (Bieber, 2004).

Brcko was structured according to a “condominium” basis, meaning that the territories of the Federation of Bosnia – Herzegovina and the Republika Srpska would overlap throughout the district⁴. This way, following a plan developed by the independent International Crisis Group, Brčko was declared a “neutral” city and placed under the jurisdiction of the central state institutions of Bosnia-Herzegovina. It was thus removed from the jurisdiction of the Republika Srpska, but not granted to the Federation. The institutional evolution of Brcko reveals the profound premises of democratization in BiH.

⁴ Arbitration for the Brcko Area Final Award (Fed. Bosnia and Herzegovina v. Republika Srpska), Arbitral Tribunal for Dispute over Inter-Entity Boundary in the Brcko Area, 38 ILM 536 (1999).

The foundation of success was shared government among all, but also avoiding rigid ethnic delineation. All civic organs are multiethnic, including the police. The Brcko police force was reintegrated into Bosnia’s first multiethnic police force, on the basis of the Final Award, by forming a single judiciary out of the preexisting courts and using the opportunity to completely rehire all judges and prosecutors on a competitive basis, not on ethnic delineation. Clarke declared that: “For Brcko, there could be no question of “top-down” versus “grass roots” reforms. To succeed, every major reform had to be introduced and sold at every level. The effort had to be sustained long enough for the new structure—whether multiethnic schools, a reformed judiciary or privatization”.

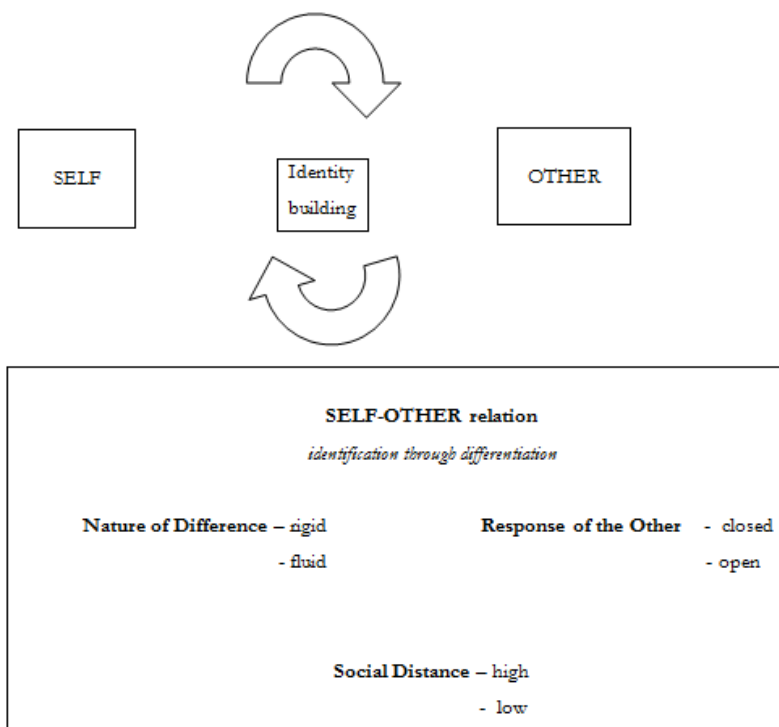


Table edited by the author

5. Going beyond Cross-roads – Europeanization as the Way Ahead for BiH?

As a consequence, in the special case of BiH, the article argues that conflicting narratives about the *Self* create conflicting strategies of state-building that bring instability and symbolical violence. What kept the ethnic conflict in a peaceful framework in some Balkans countries was not only the more

homogenous character of the inhabitants, but mainly the combination of a unitary state, proportional representation and openness to cooperation across ethnic lines from every party. These final requirements are the basic criteria which need to be fulfilled in Bosnia in order to follow EU conditionality and thus, for the Europeanization to start properly.

How then should we minimize factors that precipitate political instability? Involving more or less external influence? The answer I tried to offer is that politics in the Balkans needs to become more dynamic, more “multi-polar”, building a positively defined identity based on a symbolic dialogue between Self and Other, instead of the rigid and negative national identity, that does not reflect at the institutional level its profound diversity. These principles should outline the institutional evolution of this tumultuous region for the next phase in its eventful history. Undoubtedly, the problems faced in BiH are ones of internal security and the lack of political will and sense of responsibility needs to reconcile and unite the country back together. Having in mind the question raised during the analysis, of whether institutions could work when they do not reproduce the same meanings of the Self, but parallel ones, a possible answer is that contested institutions inside rival societal groups can never be viable. Additionally, I proved that institutions incorporate also beliefs and identities, not only formal/interest based structures. Efficiency and institutional change in the Balkans must be understood in other dimensions than the rationalist perspective.

The main task of state-building in the WB is now the rehabilitation of institutions which suffer from a severe lack of legitimacy. This may be reached with openness to cooperation across ethnic lines from every party in the process of building a solid ‘political community’ that can then be Europeanized. Failure to manage the inclusion of all parties in state-building through political negotiation may lead to the recourse to violent opposition (violent outbursts are a common feature of contested states). While state-building processes may initially be shaped by power relations between elites and well organized groups in society, the exclusion of those social groups with less access to state power risks undermining state building in the long run .

Experiencing other cultures will thus make one aware also of the relativity of one’s own values, practices and lifestyles, and thus prepare not only for ‘tolerance’, but for political and legal recognition of the ‘Other’ and the contribution of ‘diversity’ to a common public culture.

The present status of Brčko is that of multicultural cooperation and shared ownership of the institutions, the so-called procedure of “Institutionalized Cooperation”. The main differences between Brčko and BiH as a whole come from the discrepancies at the level of *inclusion and exclusion patterns* defined by the relations of Self and the Other. Some even think that the Final Award conferring Brčko an autonomous status is much more specific

regarding institutional responsibilities than the Dayton Agreement. We might therefore consider Brčko District Administration as a partially successful ‘lesson learned’ by all the parties after the Bosnian war. Formally, it succeeded in imposing compromise and cooperation, even though informally it was not enough for positively constructing *the Other* as a partner for the long run. The first factor which must be underlined in analyzing these complicated international situations is the emphasis on formal structural aspects and the neglect of informal processes and aspects. The way institutions cooperate in the Brčko District reflects in the way the ethnic relations are normatively established, but shed no light on the informal perception of the ethnic parties “forced” to cooperate. Cooperation is institutionalized and constructed in this case as an ‘ethnic compromise’, which leads to what is perceived as institutional and political compromise and permanent instability. While most federal arrangements were strong and relatively clear concerning the structure of the state and the formal multi-level decision-making, the vital processes that lubricate institutions were largely absent.

Even though the war was an effort at homogenization, Brčko District is an area in which there is no sovereign group because after the war there was no ‘overwhelming’ majority. In such mixed area like Brčko, homogenization is institutionally impossible because in order to be achieved it requires drastic measures, most of them non compliant with a democratic regime. Therefore, heterogeneity was formally constructed in this region in order to overcome ethnic tensions and strengthen inter-ethnic cooperation. The main solution that ended conflicts in the Balkan region was therefore the construction of a forum for consensus-seeking discussions and exchanges. Over the last decade, the situation in the Brčko District symbolically embodied the institutional results of the International Community’s strive for finding alternatives to accommodate diverse population groups without reinforcing ethnic tensions in a post war society such Bosnia.

I suggested that the most effective ‘coercive’ mechanism of cooperation in these cases is the functional link with the European integration project: the actors are bound by the dependence on the prospect of association and accession with the EU and they are forced to cooperate and accept each other. The ‘prospect of membership’ becomes this way at least one valuable thing shared among the Balkan nations (a common positive Other in a setting of multiple negative Others), which may determine them to focus on common non-conflicting goals.

More precisely, the paper tried to verify if the Brčko District (as a quasi-autonomous part of BiH) forms a viable “political community”. “The mere co-existence of separate communities institutionally intermingled does not allow for the internalization of shared norms of sustainable cooperation”. The analysis proved that the case of Brčko District is illustrative in this regard,

showing both the failures and the successes of *the process of institutionalizing* homogeneous entities in heterogeneous territories, placing BiH again ‘at cross roads’ between Balkanization and Europeanization. As long as it failed to create ‘citizenship’ homogeneity when ‘ethnic’ or ‘political’ heterogeneity was the case, and as long as a degree of acceptance of differences is still missing, the Balkanization paradigm (understood as severe fragmentation) could be employed in the region instead of deepening Europeanization.

Nevertheless, the challenge of the paper was to find out whether Europeanization in itself is an achievable outcome in a society where inter-ethnic cooperation was externally “institutionalized” and imposed without being socially constructed by its members. Our constructivist model shows that *fissures* cracking through society slowly break apart into ethnicities (and competing claims of identity between Self and the Other) and this creates a circular situation of perpetual tensions which manifest politically. Poor institutional performance in BiH may occur from the lack of regular interactions between the different layers of governance (the estrangement of the Self and the Other) which can not establish a self-sustainable *culture of cooperation* compatible with Europeanization. The essence of Europeanization is a comprehensive process of institution building and the creation of a democratic and stable “political community”. In this perspective, I believe that Brčko shows the limits of ethnic homogenization and territorialization and the successes that occurred in the institutional design of post-Yugoslav states. *Should the political and social evolution of the Brčko District be regarded as a model for other inter-entity conflict driven regions in the Western Balkans?* becomes a very legitimate question in this context that still waits for its answer in the next part of the investigation.

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