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EU's normative power: Exploring the limits of Good Governance in Bosnia and Herzegovina

Working Paper

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Abstract

In the aftermath of conflict, the EU emerged as the most significant normative power in the Western Balkans. Alongside economic assistance the EU promoted principles of good governance as a way to facilitate the process of effective state-building and regional cooperation. Good governance is commonly defined in terms of democracy, protection of human rights and rule of law but the meaning considerably varies among different countries and international organizations. This article will seek to analyze the concept of good governance in the context of post-conflict development in Bosnia and Herzegovina. It will look at how good governance is perceived through local public debates and explore the possibilities of 'state socialization' of the EU norms. For the sake of analysis the article will primarily focus on protection of minority rights and the rule of law as the most crucial aspects of Bosnia's efforts to internalize norms of good governance. The public reflection on meaning of these norms will reveal the extent to which their interpretation is compatible with the EU's definition.

Key words: Good governance, EU norms, Bosnia and Herzegovina, minority rights, rule of law

Introduction

Following its initial failure to put an end to conflicts in the Western Balkans, the EU emerged as the most significant normative power in the region. Alongside generous economic assistance, the EU promoted principles of good governance as a way to facilitate the process of effective state-building and regional cooperation.

It goes without saying that the EU's efforts to foster norms of good governance do not necessarily generate a political culture that genuinely embraces them. The degree of acceptance and internalization of the EU norms depends on each country's individual ability and willingness to match the local realities with the externally driven integration process. The local perceptions and understanding of the EU norms therefore play a key role in achieving profound changes in terms of identity and political culture. Without genuine local response, externally promoted norms and institutions will remain thinly-rooted and have minimal impact on domestic governance practices.

This article will seek to analyze the concept of good governance in the context of post-conflict development in Bosnia and Herzegovina by focusing on local understanding of norms of good governance and the way they are perceived and represented by local actors (primarily the local media and political party leaders). The public reflection on meaning of these norms will reveal the extent to which their interpretation is compatible with the EU's perspective as well as the existing potential for 'state socialization' of norms of good governance.

Bearing in mind that there are multiple definitions of good governance and that the concept acquires different meanings in different settings, I will employ a narrow definition of good governance that puts emphasis on protection of minority rights and the rule of law. This approach is justified by the fact that these two aspects of good governance represent the most controversial and widely discussed aspects of Bosnia's efforts to internalize the EU norms and draw closer to the EU membership.

To start with, it's important to underline that in Bosnia and Herzegovina, every aspect of public discourse is dominated by ethno-nationalist narrative. The political framework which is rooted in the Constitution established the dominance of the constituent nations (Bosniaks, Serbs and Croats) while openly discriminating against minority groups, leading to their institutional marginalization. The most illustrating example of this is the Sejdić-Finci case which brought international attention to this issue and jeopardized Bosnia's EU integration process. Sejdić-Finci case will serve as a lens through which we will examine local reflections

and debates on minority rights and rule of law and the way they translate to understanding of good governance in Bosnia and Herzegovina. The analysis will look into the ways the case was represented by the local media and political parties in three distinct time periods (the time after the court ruling (2009) , the suspension of the SAA (2012), general elections and restart of the EU talks (2014)).

The article intends to contribute to the debate about the EU norms diffusion beyond its geographical borders and scrutinize the understanding of good governance in BiH as a society that has been closely interacting with the EU for the past two decades and was subjected to ‚normative power Europe‘.

Good Governance in Divided Societies

With the end of the Cold War the concept of good governance gained prominence and became a leading topic on the international political and economic agendas. The debate was predominantly led by international organizations and financial institutions (the World Bank, UNDP and OECD) that saw a close link between good governance and issues of security, poverty reduction and conflict prevention. The concept quickly gained popularity and grew into sort of a mantra repeated by all major organizations regardless of the obvious lack of consensus on its definition and meaning. The disparity in understanding of what constitutes good governance was compensated by the adoption of fundamental principles that included participation, rule of law, transparency, accountability and effectiveness.

The fall of communist regimes and the challenges of economic transition and democratization further highlighted the importance of good governance and called for finding a more comprehensive approach. In practice, this meant adopting a more pragmatic definition that would serve as a guideline for achieving stable and effective democratic governance. It was established that good governance rests upon *„universal protection of human rights; non-discriminatory laws; efficient, impartial and rapid judicial processes; transparent public agencies; accountability for decisions by public officials, devolution of resources and decision making to local levels from the capital; and meaningful participation by citizens in debating public policies and choices.“* (Caluser, M. – Salagean, M. 2007: 13).

These principles became particularly important in the context of rebuilding post-conflict and divided societies as they were taken as neutral and practical measures to restore peace and trust among citizens and state institutions. In the context of ethnically divided countries undergoing political and institutional transition good governance is defined as a „ *process allowing equal participation by all members of society as the key element of good governance, with everyone having a role in the process of decision-making. Secondly, good governance implies the rule of law maintained through the impartiality and effectiveness of the legal system. It includes the protection of human rights (particularly those of minorities), independent judiciary and impartial and incorruptible law enforcement agencies.*“(Caluser, M. – Salagean, M. 2007: 12)

In other words, good governance in multi-ethnic and war-torn countries, such as Bosnia, is grounded on two underlying principles: participation (equal participation of all citizens in political processes) and the rule of law (impartiality and effectiveness of the legal system). These two principles pose the starting point for further progress as they signal the potential for advancing other principles of good governance.

The EU was one of the actors that quickly recognized the importance and practical implications of norms of good governance and incorporated them into 1993 Common Foreign and Security Policy (CFSP). The main goal of CFSP was „to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms“ (Landman – Larizza 2010). The Copenhagen criteria subsequently defined these values as the primary conditions for countries seeking membership in the EU.

There is a combined interest within the EU in promoting democracy, good governance, and protection of human rights as these principles are directly linked to issues of security and stability in the neighboring areas, and particularly in countries seeking EU membership. While promoting reforms, imposing conditions and providing financial assistance, the EU makes a far-reaching external impact on the domestic discourse and the internal governance of these countries. (Grabbe, 2002)

Keeping in mind the fact that nationalist tendencies in the Western Balkans in the early 1990s escalated and finally resulted in genocides and ethnic cleansing, the EU engaged in promoting a governance model that rests upon democratic principles, inter-ethnic trust and social inclusion.

Governing BiH after Dayton

Twenty years after the Dayton peace agreement was signed, Bosnia and Herzegovina still carries a heavy legacy of socio-economic devastation and ethnic divisions. While the peace agreement put an end to years of fierce conflict, it also established the omnipresent ethnic division of the country and institutionalized it in the form of semi-independent entities (the Republika Srpska and the Bosniak-Croat Federation). Entities gained a great degree of autonomy, de facto acting as 'states within the state'. They were granted, among others, a defined territory, government, flag, anthem and a right to conclude treaties (called 'special parallel relationships'). This left the central government utterly weak and incapable of exercising any authority over political, economic or legal developments in the country.

Such fragmentation of power makes the political system entangled in overlapping and ill-defined responsibilities that result in executive and legal paralysis. Moreover, the complexity and inefficiency of the entire system are overshadowed by the influence and nearly unlimited power of the Office of the High Representative (OHR). The initial role of the High Representative was to oversee the implementation of the Dayton agreement and uphold democratic governance. With the growing need for international involvement the authority of the High Representative was advanced to the point where he could issue binding decisions, impose laws and remove democratically elected representatives from office. Such level of international intervention into state domestic politics severely undermined internal sovereignty of BiH and resulted in complete lack of accountability of the Bosnian political elite. It created a specific kind of passive political culture characterized by the lack of confidence that citizens or local political leaders exercise any real influence over political and economic development. This opened a wide space for politicians to deny personal responsibility and put blame on international actors while pushing the citizens to become increasingly disillusioned and lethargic.

Besides the obvious complexity and weakness of the political system, the public discourse in Bosnia is further burdened and entirely dominated by ethno-nationalist narrative, that creates an atmosphere of fear, recrimination and mistrust. Atajic (2002) draws attention to this reality: *"Everything – from the greeting you use to the dialect you speak and the newspaper in your coat pocket – is judged, commented upon and categorized in terms of an omnipresent, mysticised 'ethnicity'. Under such circumstances, defining oneself as a citizen of the BiH state is tantamount to a betrayal of one's national identity"* (Atajic 2002:118).

Controversially, the precedence of ethnicity in politics is rooted in the constitution that draws a clear distinction between 'Constituent Peoples' (Serbs, Croats and Bosniaks) and 'Others' (Jews, Roma, people from ethnically mixed families etc.).¹ While the Dayton agreement did create a 'multi-ethnic state' consisting of three major ethnic groups, at the same time it *territorialized* and politically institutionalized national cleavages and linked territories within the Bosnian state to particular national identities. (Jeffrey 2004 : 88) This type of political arrangement was to ensure equal political representation of the three constituent nations, however it overlooked the rights of 'Others' who were marginalized and denied equal rights. Citizens belonging to minority groups are systematically denied the right to compete and be elected to central state institutions such as the Presidency or House of Peoples and their political rights are limited to entity-level power sharing.

The preservation of ethno-nationalist politics was additionally secured through the introduction of structural framework that protects ethnic rights on the basis of the so-called "vital national interest". In practice this principle means that the members of the House of Peoples and of the tripartite state presidency can block any legislation that may not be in the interest of their community. Vital national interest is generally perceived as 'ethnic' interest and it is therefore discriminating towards minorities that were not given the same veto right. (Brljavac 2012: 34)

In theory, ethnic identity is not fixed and citizens are free to declare themselves Serb/Bosniac/Croat in order to stand for election. This, however, does not change the fact that the legislative framework is discriminating against minorities and limiting their institutional space to exercise political and social rights. The sense of belonging is defined along ethnic lines which threatens democratic participation and stands against the European understanding of belonging that includes all peoples regardless of their ethnic background and ensures equal political participation of all citizens.

¹ There is currently no available data on how many people belong to this category. The last available census data are from the period before the war (year 1990). In 2013 new census was made but the official results have not been released due to dispute between entity institutions. Human Rights Watch 2012 report estimates that minorities represent up to five percent of the country's 4 million population.

Sejdic- Finci case

The most notable case that brought international attention to minority rights and rule of law in Bosnia and Herzegovina was the case of Sejdić and Finci – two members of minority groups who decided to present this issue to the European Court of Human Rights. Jakob Finci, a former ambassador and a respected public figure in BiH was not allowed to stand as a candidate for the presidency. The Central Election commission informed him that, as a Jew, he was not an eligible candidate. The same happened when a Roma activist, Dervo Sejdić wanted to run for the House of Peoples.

Sejdic and Finci filed an application to ECtHR, claiming that their inability to stand for election due to their ethnic backgrounds was discriminatory and in violation of the European Convention on Human Rights. Jakob Finci, explained the reason behind such decision: *“Up until today, there was no way to talk about this issue, even the Election Commission dismissed my proposal in a writing because I do not declare myself as belonging to one of the three constituent peoples of Bosnia and Herzegovina”* (Kovačević, 2009)

There was little debate as to whether the constitution was discriminatory and the court ruling clearly stated that the system needed to undergo a constitutional reform. The ruling required Bosnia to „cease discriminating on the ground of ethnicity in elections for the state presidency and House of Peoples saying that candidates for these offices must be treated equally, regardless of their ethnicity.“² The Court did not condemn the Bosnian concept of “constituent peoples” with collective rights or call for far-reaching constitutional changes, set deadlines or impose significant fines or penalties.“ (ICG 2012: 6)

This ECtHR's decision has since become pivotal in the Bosnian political debate. All leading political parties, regardless of their ethnic background, have agreed that the revision of the constitution and implementation of the court ruling is needed. What they fail to agree on is the solution that would be acceptable for all three parties. The debate quickly transcended the minority issue and once again revealed the depth of conflict between the political parties and their self-defined vital national interests.

² Full text of the judgment is available at: hudoc.echr.coe.int/app/conversion/pdf/?library=ECHR&id=001-96491...pdf

Political parties, under the EU supervision, initiated three major attempts to amend the constitution and implement the ECfHR decision (2006 'April package', 2008 'Prud Process', 2009 'Butmir Process'). None of them produced any result and it became clear that the constitution would not be changed in time for the 2010 general elections. This prompted a weighty response of the EU that pushed the Sejdic-Finci at the top of the integration agenda, making its resolution a condition for BiH to submit a credible membership application. The situation culminated in the EU's decision to block the Stabilization and Association Agreement and cut the financial assistance to Bosnia and Herzegovina.

After almost two years of stagnation and civil unrest in BiH, in December 2014 the EU Council renewed the approach towards BiH aiming at reaching pre-accession agreement without making amendments to constitution. The new approach meant that Sejdic-Finci was pushed to the margins and that it was to be dealt with 'at a later stage'. Although the issue is still present on the agenda it no longer occupies the focal position and no significant steps are being made towards its resolution.

The importance of Sejdic-Finci case and its wide impact make it a suitable case study for analyzing the perception of norms of good governance in Bosnia and Herzegovina. We will examine the minority rights and the rule of law as crucial aspects of good governance as they were perceived before and after the court ruling and the way that the EU's approach influenced the general attitude and acceptance of these norms. This will require a close look at the context in which the Sejdic – Finci case was presented including the leading political parties' programs and speeches and the local media.

Representation of the Sejdić-Finci case on the level of political parties and media in BiH

Political parties

Bosnian political system is often described as partitocracy –the rule of political parties- as ethno-nationalist parties and their leaders acquired unprecedented power and control over the entire decision-making process. Considering their immense influence and power, the attitude of political parties towards the EU and the degree of their adoption of the EU norms is crucial for understanding the local perceptions of norms and possibilities of their genuine internalization.

Since the fall of communism and introduction of the multi-party system in Bosnia and Herzegovina, three parties have dominated the political scene - the Bosniak's Party of Democratic Action (SDA), the Croat Democratic Union (HDZ BiH) and the Serb Democratic Party (SDS), representing Bosniaks', Croats' and Serbs' interests, respectively. New parties have occasionally appeared as a result of inter-party conflicts but they failed to deliver any significant change to the political landscape. The complexity of the political system and multi-level governance provides little space for non-ethnic parties to compete and achieve any noticeable political impact. National minorities have not formed separate political parties and their opportunities for political representations are limited to independent candidates competing on the local level.

On the surface, all political parties adhere to the idea of EU integration but election campaigns repeatedly show the same pattern of returning to ethnic polarization as a sure way of receiving popular support. This situation is rather interesting and carries deeper implications as the large majority of all Bosnian citizens strongly support the EU membership but prefer ethnic-nationalist programs of the political parties. (Brljavac 2011) This might be because of the lack of political alternatives but also because ethno-nationalist identity feels close and familiar while the EU prospects remains too distant and illusive.

Other important factors are mistrust and post-war trauma that became ingrained in every sphere of life. Foreign observers note that „country's political psychology starts and ends with fear. Ruling parties give voice to this sentiment, which is also helped along by the country's religious institutions and politically affiliated media.“ (NDI 2009: 4)

Media in BiH

Bosnia's political reality also reflects on the nature and performance of the media as all media in the country are ethnically divided and often openly serve and promote particular political interests. The vast majority of population only follows the media that fits their ethnic background: „*Although people have access to a broad spectrum of information, this diversity is technical rather than real. People try to get important information primarily from those media with which they share the same ethnic background and political convictions*“ (Tešanović 2012: 8).

It is difficult to talk about media independence and impartiality in Bosnian context considering that all major newspapers are directly owned and managed by political party leaders or tied to entity government leadership. The content of the newspapers therefore, for the most part, fits the interests of a specific ethnic group in a particular region. For example, while *Dnevni avaz* is published in Sarajevo, FBiH, and is primarily read by Bosniak population, *Nezavisne novine* from the city of Banja Luka, Republika Srpska, is read primarily by the Serb population. The same applies for all daily papers that target primarily the Croat population in BiH, such as *Večernji list* and *Jutarnji list* (GfK BiH, 2006, Jusić 2010).

Considering the intertwining of the media and political parties in Bosnia and Herzegovina the analysis will simultaneously track party statements regarding Sejdic-Finci as well as the media discourse that followed.

Period I. Application to European Court of Human Rights

When Sejdic-Finci case was first presented to the ECfHR it provoked little or no attention of the political leaders who never assumed this issue could become a stumbling block on the country's path towards the EU membership. The time before the Court's ruling was marked by utter indifference and lack of concern on the side of all political parties. Similarly, before the verdict, the case was given scant media attention and there are very few media reports dating from this period. Political leaders did not address the issue as they saw it as something that is exceeding their competencies. They expressed a shared attitude that discrimination against minorities was not intentional but ingrained in the system that was imposed from the outside. As they had no say in drawing the Constitution they could not be held responsible for its discriminating regulations. Political leaders repeatedly stressed that when it came to this issue, their hand were tied and that solutions had to be found elsewhere. (Claridge 2012)

Period II. Political parties' perception after the ECtHR Sejdić-Finci Ruling

This approach inevitably changed following the Sejdić-Finci ruling that was issued on December 22, 2009. Immediately after the verdict, the case received vast media attention and was labeled as historic, precedent-setting and pioneering. This forced the political leaders to, at least temporary, reconsider their laid-back attitude and seriously consider the effects of the court ruling.

All political parties expressed their willingness to amend the Constitution and implement the court's decision in the given time framework. Statements of party leaders revolved around declaring their commitment to the protection of human rights and necessity of the implementation of the European Convention on Human Rights and Freedoms. Nonetheless, a deeper analysis of speeches and party statements during this period reveals a rather laid-back and relaxed attitude.

Rajko Kuzmanović, then acting as the President of Republika Srpska, stated that the judgment would not be quickly and easily carried out and noted that "*The European Court of Human Rights in Sejdić – Finci – only shows possibilities, directions and methods of execution*" (Moje Vijesti, 2010).

The casual tone and an easy-going attitude to the court decision soon changed as parties started to fear the extent of constitutional changes and their eventual impact on entity competencies. The leading Serb parties (SNSD and SDS) saw the implementation of the decision as the first step to changing the Dayton constitution and carrying out extensive centralising reforms : "*We must exclude national exclusivity... and we are prepared to do that. But Sejdic-Finci is being used here as the opportunity for massive constitutional change.*" (statement by SNSD party leader Milorad Dodik).³

Reporting about the Sejdić-Finci case in *Nezavisne novine* (most read Bosnian Serb daily newspaper) revolved around its significance for Serbs in BiH and possibility of constitutional changes that would jeopardize the position of the Republika Srpska. The vast majority of articles emphasized that the Republika Srpska and Serbs are part of the solution and not an obstacle to implementation of the court ruling⁴, and that they are actively working on finding solutions.⁵ On the other hand, Bosniacs and Croats are presented as parties unable to reach any compromise and therefore blocking the way of progress.⁶

Another group of articles was dominated by narrative that Bosniacs are taking advantage of the Sejdić-Finci case to promote their own nationalist agenda and implement far-reaching

³ Reuters (4 April, 2012): 'Two decades from war, a new fight to save Bosnia,' <http://uk.reuters.com/article/2012/04/04/uk-bosnia-war-idUKBRE8330HZ20120404>

⁴ „Republika Srpska's constructive approach to Sejdić-Finci case: Konstruktivan pristup RS o implementaciji odluke "Sejdić-Finci" ((8.11.2015)

⁵ Republika Srpska sends a proposal for solving the Sejdić-Finci case RS šalje prijedlog za "Sejdić-Finci" ((8.11.2015)

⁶ „RS ready to implement the court decision, obstructions only on the side of FBiH“ Full text available at: http://www.glassrpske.com/novosti/vijesti_dana/Srpska-spremna-za-sprovođenje-presude-Sejdic-Finci/lat/110717.html (8.11.2015)

constitutional reforms that would eventually lead to canceling entities and creating a unitary state.⁷

HDZ perceived the implementation of the verdict as an opportunity to create a third entity for Croats or at least change the law in such a manner that would prevent the Bosniak electorate to choose the Croat member of Presidency as it had happened earlier.⁸ HDZ's proposals emphasized that the solution would have to ensure the equal status of all constituent nations and that Croats themselves are a minority constituent group whose rights are being violated. The party proposal for the implementation of the court ruling states that: *'BiH needs a new constitution that would turn it into a stable and prosperous country where all three constituent nations and all citizens would be equal and that would establish a new administrative-territorial structure of more than two entities, most ideally a system comprising of four federal units.'*⁹

Articles in Croat daily newspapers (*Dnevni list*) were in line with HDZ approach to the issue, emphasizing that Croats are the smallest constitutive group in BiH and that they already have a disadvantaged position. Most articles focus on explaining what the court ruling means for Croats in BiH and the way it could potentially worsen their position. Significant criticism is directed also at Croat leadership for being unable to reach an agreement and resolve the „Croatian question in BiH“. ¹⁰ Similar to other daily newspapers, there is little reporting on issues relating to minorities and minority rights are largely marginalized. Sejdić-Finci case is only examined in terms of what it means for Croats.

Bosniak political parties (SDA and SDP) rejected the idea of third entity and welcomed the amendment to constitution as long overdue: *'It is impossible and unacceptable to use Sejdić-Finci case as an excuse to deal with equality of Croats in FBiH. The issue of equality of all citizens – Bosniaks, Serbs, Croats and Others- needs to be addressed by implementing an all-*

⁷ Bosniacs taking advantage of Sejdić-Finci case) Full text available at : [Mikeš: Bošnjaci zloupotrebljavaju Sejdić-Finci](#) (8.11.2015)

⁸ Željko Komšić served as the Croat member of the Presidency from 2006 to 2014 but was considered to be illegitimate representative of Croat interests as he was elected by Bosniaks in FBiH.

⁹ Full text of the proposal available at : http://www.hdzbih.org/upload/tbl_dokumenti/ustav_bih_amandmani_sejdic_finci_164357.pdf

¹⁰ <http://dnevni-list.ba/web1/coviceva-nesposobnost-oko-sejdic-i-finci-bit-ce-placena-u-listopadu/>

encompassing constitution reform that would include the whole territory of BiH.' (Glasnik NK BiH)¹¹

The most widely read Bosniak daily newspaper, *Dnevni avaz*, regularly reported on Sejdic-Finci reflecting primarily attitudes of Bosniac political parties. Vast majority of articles was very brief and factual, reporting on meetings of political parties, proposals for solution and statements of leading politicians. It reported regularly on activities of the Jewish community in BiH (concerts, exhibitions etc) and published interviews with Jakob Finci as the leader of the Jewish community. In this sense, Finci (and up to some degree Sejdić as a Roma rights activist) are more visible in *Dnevni avaz*, however articles are rarely concerning the actual status and rights of minorities.

The nature and the focus of the local debates and their media representation made it clear from early on that discussions would be centered around the position of the constituent groups and that the protection of minority rights and rule of law were of minor importance. This period was marked by mutual blaming and stubbornness of the political parties and above all, passive attitude towards the implementation of the court ruling. While all parties rhetorically embraced the necessity of reforms and advancing the minority rights and rule of law, they showed more concern for maintaining their own political dominance.

Period III. The 2014 Parliamentary elections

What seemed as a never-ending cycle of failed talks and infinite blame-game between the political parties resulted in profound political and economic crisis. The electoral law reform was not implemented in time for the 2014 general elections and this carried serious repercussions in terms of freezing the EU accession talks and losing the EU financial support. Citizens became increasingly frustrated and the general attitude was that the country was moving in the wrong direction and failing to address issues that were more pressing than minority rights. With high level of unemployment (around 40%) and the increasing rate of population living under the poverty line, citizens showed little understanding for pushing minority rights and rule of law on top of the priority list. In fact, Sejdic-Finci issue was perceived as blown out of proportion and hijacking the country's overall progress.

¹¹ SDA o provođenju odluke 'Sejdić – Finci': Prijedlog EU diskriminira Bošnjake

<http://www.dnevno.hr/vijesti/info/sda-o-provođenju-odluke-sejdic-finci-prijedlog-eu-diskriminira-bosnjake-80246>

General elections did little to resolve the political deadlock in spite of confident election campaigns and promises of getting reforms back on track. Analysis of election speeches and updated party programs shows that all parties reflected on implementation of ECtHR and the importance of removing the discriminating regulations from the Constitution and political practice. On a very basic level, all parties welcomed equality and protection of minority rights as long as it did not require any power sacrifice on their end.

After the EU announced that the implementation of the court decision would be a condition for credible membership application and subsequently suspended the SAA, the media discourse took a different turn. A number of articles (published after 2012) directly blames the EU's approach for deepening the existing animosity between the ethnic groups, the West (including the EU) for creating this deformed system and now punishing Bosnian citizens for it, and even warning the international community that who plays with fire eventually gets burned¹². Interestingly, the EU, the West and the international community are often used as synonyms. To prove the EU's unfair treatment and double standards articles often mentioned Belgium and Cyprus as countries whose constitutions were far more discriminatory than Bosnian, and yet they provoked no reactions or sanctions from the EU.

An increasing number of articles also focused on negative portrayal of Finci („opportunistic Jew“) and Sejdić („arrogant Gipsy“)¹³ and this narrative became more popular with the growing frustrations and the deepening socio-economic crisis.

This period saw a rise in negative perceptions of the EU as well as increasing pessimism regarding the country's future. Attention given to minority rights and the rule of law was perceived as exaggerated in comparison to other issues and the punishment for non-implementation of the court ruling was considered too harsh and causing a deeper crisis.

¹² Full text available on: http://www.glassrpske.com/novosti/vijesti_dana/Sejdic-i-Finci-ponovo-drmaju-politicku-scenu-BiH/lat/130467.html (9.11.2015)

¹³ Gatalo, V. : Sejdic i Finci, Mirko i Slavko. Glas Srpske. <http://www.glassrpske.com/komentar/kolumne/Sejdic-i-Finci-Mirko-i-Slavko/lat/1741.html>

Conclusion

Adopting externally driven reforms and accepting the EU norms is a controversial and complicated struggle especially if it is taking place in a society burdened by the legacy of conflict and all-pervasive ethnic divisions. The understanding of good governance in Bosnia and Herzegovina, while seemingly compatible with the EU, is dynamic and closely linked to domestic conditions and external pressure.

The analysis showed that norms of good governance are in fact positively received but concrete policy outcomes are rejected due to constitutionally enshrined weakness of the state and diametrically opposed interests of involved parties. Everyone (including the constituent peoples) feels like a minority ("nation of minorities") and tries to protect their rights usually at the expense of other ethnic groups. Policies are advocated based on complicated cost-benefit calculations in which the ethnic identity plays a major role and serves as a lens through which norms of good governance are perceived.

The distant and unforeseeable prospect of the EU membership is limiting the EU's transformative power and has a weak impact on diffusing the norms of good governance into domestic policies. Sejdic-Finci case once again showed that the Bosnian leaders have learned 'how not to comply' with EU rules' (Tzifakis 2012) and that no amount of pressure from the EU would make them reconsider their position and adopt concrete steps towards demanded reforms. The prevailing stubbornness and detachment from the country's problems blocks any sincere and meaningful step towards abandoning discriminating practices and imposes serious constraints on adopting the EU norms.

The situation in Bosnia and Herzegovina illustrates the wide gap between lofty ambitions of the EU in terms of transferring the norms of good governance and the compromising reality of putting this vision into practice. Setting high demands is more likely to lead to long-term stagnation and increase the risk of instability and crisis than to deliver desired outcomes.

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