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Slobodan Durmanović

BOSNIA AND HERZEGOVINA BETWEEN BRUSSELS INTERVENTIONISM AND INTERNAL COMPROMISE

Summary: The author focuses on the worst political crisis in Bosnia and Herzegovina since Dayton Peace Accords were signed, points to the origins of this crisis and how it developed, and makes a reference to EU demands to restructure the police force in Bosnia and Herzegovina and to introduce constitutional changes. These are the key requirements for the accession of Bosnia and Herzegovina to the European Union that Bosnian politicians have to fulfill. The author also points to the EU's policy of interventionism implemented through OHR (The Office of the High Representative), which is aimed toward reducing political influence of the Republic of Srpska and thus create "functional" institutions of Bosnia and Herzegovina, i.e.

minimizing political autonomy of the Republic of Srpska within Bosnia and Herzegovina by way of transfer of power from entity institutions to the federal level. The author points to the key differences in concepts of the constitutional framework of Bosnia and Herzegovina offered by the political elites of the country's three constituent peoples (Serbs, Bosnians and Croats) and predicts that the constitutional re-arrangement of Bosnia and Herzegovina will be a test of its viability.

Key words: Bosnia and Herzegovina , Dayton Agreement, constitution, the Republic of Srpska , police.

Milorad Ekmečić

HISTORICAL AND STRATEGIC FOUNDATIONS OF REPUBLIC OF SRPSKA

Summary: In this essay the author attempts to juxtapose the historical rights of the Serbs in the regions west of the Drina River and strategic interests of western countries within the boundaries of the Republic of Srpska, as well as the ethnic cleansing of the Serb population in Croatia. The Serbs have never been newcomers or intruders on other nations' territories west of the Drina River. According to eminent scientists, first inhabitants of Bosnia and Herzegovina were Orthodox Serbs. This conclusion is adopted not only among Serb ethnologists and historians, but among mainstream European scientists as well. More recent works, like *Bosnia. A Short History* by Noel Malcolm (London, 1994) should be taken as a contemporary Western ideological assessment of the historical improvisation of the Serbs. Eugene Pittard, a leading French anthropologist, was examining the anthropological features of the Balkan peoples in the period between 1903 and 1915. In his books published after 1910 Pittard concludes that the Orthodox Serb population is the oldest one. Pittard compared skeletons from Neolithic graves in Bosnia with those of living men, claiming that the population of Bosnia and Herzegovina is, ethnologically and in terms of national identity, the same, but divided into "nations by religion". In this way, the common Serb identity disappeared. In Croatia (including Vojna Krajina [Military Frontier]), Serbs made up 26% of the population, 17% in Dalmatia, including 25,000 "Catholic Serbs". Taking into account their native language, the whole population of Dalmatia, excluding urban Italian communities, were officially described as Serbs. In this way, the present "Republic of Srpska" is but "a remnant of remnants" of much larger territories and population west of the Drina River. Strategic interests of the United States and their European allies were crucial in drawing up the borders of "Srpska". The author quotes the assessments made by presidents Tuđman and Izetbegović of what American strategy in the contemporary Balkans was. They were made at a joint conference on 3/27/1993, just one day after Izetbegović's return from Washington D.C. What America wants in the Balkans – said Tuđman – is an alliance of Croats

and Bosnian Muslims in order to neutralize possible Serb guerrillas in case of American conflict with Russia. Izetbegović summarized American projects in a single sentence: "America will burn all Serb bridges to the future".

Key words: historic rights, strategic interests, ethnic cleansing, settlement.

Rajko Kuzmanović

CREATION OF THE REPUBLIC OF SRPSKA AND BOSNIA AND HERZEGOVINA

Summary: The process of creating the state of Bosnia and Herzegovina lasted quite long. In the period between the fall of Bosnia under the Turkish rule in 1463 and Dayton Peace Agreement in 1995 Bosnia and Herzegovina never existed as a state in its full capacity. All attempts towards statehood could yield no more than a high degree of autonomy or the status of a federal unit. By the will of its three constitutive peoples, Bosnia and Herzegovina became a complex state with two entities – the Republic of Srpska and the Federation of Bosnia and Herzegovina. However, some retrograde political forces from the Federation wish to create a unitary Bosnia and Herzegovina with the domination of the largest ethnic group. In any case, that will not and must not happen because Bosnia and Herzegovina can exist only as a complex state founded on compromise.

The Republic of Srpska was created by the will of the Serb people in Bosnia and Herzegovina and by the international community. Local and international law defines it as a permanent category. The Republic of Srpska is devoted to Dayton Peace Agreement and the Constitution of Bosnia and Herzegovina. Today it is the more stable and prosperous part of Bosnia and Herzegovina, with all three constitutive nations equal and free. It will not allow any undermining of the Dayton Peace Agreement, but will instead enthusiastically enter the process of the completion of constituting and constitutional organizing of Bosnia and Herzegovina in order to create a functional Bosnia and Herzegovina, but solely within the boundaries of the Dayton Agreement and a federal framework.

If retrograde forces keep on insisting on an illusory political solution for the organization of the state, they will simply harm all nations of Bosnia and Herzegovina, further dividing its society.

Key words: constituting Bosnia and Herzegovina, Dayton agreement, the Republic of Srpska,

redefining relations.

Petar Kunić

ENTITY STRUCTURE AND THE FUNCTIONALITY OF BOSNIA AND HERZEGOVINA

Summary: A functional state is desirable for all nations and citizens of Bosnia and Herzegovina. However, achieving this aim requires political will and an obstruction-free environment for the work of institutions, which is still lacking as a result of a desire to score political goals. Entities, i.e. federal units, do not pose an obstacle for the creation of a functional state. Hence, it is necessary to reform the organizational structure of the Federation of Bosnia and Herzegovina. Whether the Federation will remain as a single federal unit, or will be divided into two or more units, depends on the consensus of the peoples living in that entity.

The current political moment requires that the political elite in the Republic of Srpska should gather people around the idea of unity, muster up the dispersed energy and live up to its historic task. The culture of servility and submission ought to be rejected, because it denies resting on one's own values.

Key words: functional state, reform of institutions, consensus of nations, relations between the entities in Bosnia and Herzegovina.

iroslav Mikeš

RELATION BETWEEN COLLECTIVE AND INDIVIDUAL HUMAN RIGHTS AND FREEDOMS IN THE LIGHT OF THE CONSTITUTIVE NATURE OF NATIONS

Summary: Individual human rights and freedoms are the greatest and holiest ideal of democracy and rule of law. The primary protection of human rights and freedoms is demonstrated by the fact that they are stipulated in the Constitution as the highest political and legal act. Secondary protection of these rights is achieved by taking legal measures. In Bosnia and Herzegovina we still do not have mature political relations needed for the implementation of solely individual rights and freedoms. It is also necessary to protect the collective national rights of constitutive nations of Bosnia and Herzegovina. The proper balance between human rights

and the rights of nations is an important precondition for a long-lasting and legitimate Bosnia and Herzegovina.

Key words: protection of human rights, the Republic of Srpska, collective rights protection issue.

Dragan Đukanović

CROATIAN ISSUE IN (POST)-DAYTON BOSNIA AND HERZEGOVINA

Summary: Croats' discontent with their status within the Dayton Bosnia and Herzegovina, and particularly within the entity with Bosnian and Croat majority – the Federation of Bosnia and Herzegovina – escalated in 2001 when the self-styled Temporary Croatian Autonomy was proclaimed. But this territorial autonomy did not come into effect due to High Representative's prompt response and deposition of Croatian representatives in Bosnian governmental bodies. However, in 2005 the public learned about the proposal put forward by the Conference of Bishops of Bosnia and Herzegovina, based on the idea that regions where none of the constituent peoples (Bosnians, Serbs and Croats) would not exceed 40% of the population. On the other hand, six major political parties (HDZ, HDZ 1990, HSS BiH, HSP, HKDU and "Radom za boljitak" ["Working towards Prosperity"]) signed the Kreshevo Declaration in late September 2007. In this document all major Croatian parties propose federalization of Bosnia and Herzegovina by forming three ethnic units with a "medium" level of power and giving special status to the city of Sarajevo. In the past there were usually sharp responses, which came from representatives of the international community in Bosnia and Herzegovina, when similar attempts to make "self-contained" Croatian ethnic territories in this country were made, which is not the case now.

Key words: Croats, Bosnia and Herzegovina, constitutional changes, Federation of Bosnia and Herzegovina, the Republic of Srpska, federalization, regionalization, cantons, Conference of Bishops of Bosnia and Herzegovina, ethnic division.

Dušan Nikoliš and Miodrag Komarčević

DESTRUCTIVE STAGE OF RESTRUCTURING THE POLICE COMPLEX IN BOSNIA AND HERZEGOVINA

Summary: International and European police forces (IPTF and EUPM) act as supervisors of the reform of the local police complex. Structural integrity and capacity of the Bosnian police force was not in the focus of IPTF's interest and was not among its main priorities. The principal aim of the reform of the police complex in Bosnia and Herzegovina is transformation from the traditional into community police model and making policing compatible with EU standards. EUPM aimed its mission toward introducing a sustainable and independent police structure in Bosnia and Herzegovina in accordance with best European practices and standards. European Commission considers the reform of police structures and the huge multi-layered administration is an important step in establishing the rule of law and key requirement for Bosnia's accession to EU. The current police system is financially unsustainable within the scope of the oversized public sector.

Key words: Police complex, community police, police agencies, police management, IPTF, EUPM, OHR, EU, destruction, restructuring, reform, public administration.

Thomas Muehlmann

Police Restructuring in Bosnia-Herzegovina: Problems of Internationally-Led Security Sector Reform

Summary: The police restructuring efforts in Bosnia and Herzegovina driven by the international community, using in particular the leverage of European integration, attempted to achieve a reform that would transform a very fragmented police system into a de-politicised single structure and ended in the signing of a rather weak political agreement. The High Representative, Lord Ashdown, forcefully exercised his powers, imposing heavy sanctions on domestic actors, including the extensive use of the Bonn Powers. To increase international leverage, he attempted to link police reform with the question of EU integration, instrumentalising the membership negotiations to satisfy his reform aims, thus putting at risk the future of Bosnia's European integration. Additionally, the approach chosen by international community had serious deficiencies. The model of the Police Reform Commission contributed to these, because its key players were unfamiliar with the country and its political culture.

Key words: security sector reform; Bosnia-Herzegovina; police restructuring; European integration; effective policing.