



**EU-sponsored Cross-border Cooperation in Bosnia and Herzegovina:  
Multi-level Governance or Ethnicisation?**

*Slaven Bosnjak*



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**CEFIR Working Paper No 9  
December 2020**

## **EU-SPONSORED CROSS-BORDER COOPERATION IN BOSNIA AND HERZEGOVINA: MULTI-LEVEL GOVERNANCE OR ETHNICISATION?**

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The transnational programme actors' will provide insights from the impact of the EU in the deeply divided Bosnian context.

**Key Words:** Bosnia and Herzegovina; Multi-level Governance; Ethnic politics; EU Cohesion policy; Enlargement; Cross-border Cooperation

### **Abstract:**

While the European Union (EU) is longing for stability in its Western Balkans backyard, democracy and rule of law are often left behind. In Bosnia and Herzegovina, ethnically divided leaders declare their commitment for EU reforms but agree on blocking them at the same time. In this deadlock on the level of politics, this paper seeks to explore the impact of the EU on the policy level through administrative actors. Against this backdrop, EU Cohesion policy in the Western Balkans – conveyed by the Instrument for Pre-accession Assistance (IPA) – which is aimed at erasing socio-economic differences between regions can also generate strong EU leverage. The requirements of the Cohesion policy are known for changing institutional setups in previous enlargements and promoting Multi-level Governance. Through Cohesion, the EU Commission acts with informality and flexibility. Therefore, in Bosnia and Herzegovina, to what extent does the EU empower administrative actors to bypass the political division? Does the policy promote Multi-level Governance and cross-ethnic relations or is it captured by ethnicisation? To answer these questions, as part of the Cohesion policy, the cross-border programme Interreg IPA CBC Croatia – Bosnia and Herzegovina – Montenegro 2014-2020 will be analysed.

## Introduction

In the midst of the coronavirus pandemic in Bosnia and Herzegovina (BiH) a landmark European Union (EU)-sponsored settlement was struck in Mostar. Officials from the 2 main ethnic Croatian and Bosniak parties paved the way for the electoral process to resume in the war-torn city left without newly elected local government since 2008<sup>1</sup>. Nevertheless, the deal soon sparked controversy for it cements ethnic gerrymandering benefiting to entrenched ethnic parties<sup>2</sup>.

The example above shows the ongoing logic of ethnic politics since the end of the war secured in 1995 with the Dayton Peace Agreement. In the meantime, in a bid to encourage BiH on the path of reforms, the carrot of EU Membership was given as an incentive to local ethnic leaders. Unfortunately for the EU, reforms were scarce due to the deeply rooted divisions perpetuated by the country's Constitution.

While the top-down dialogue between the EU and local politicians fostered europeanisation in Central and Eastern European Countries (CEECs), this process is more of an impasse in BiH. Hence, due to the deadlock at the level of politics, this paper seeks to explore whether europeanisation is possible at the policy level. Indeed, research has shown that EU Cohesion policy – whose goal is to reduce disparities between regions – had a strong transformative power in the enlargement process when it comes to changing State structures<sup>3</sup>. In fact, the EU Commission expects the Candidate countries to adapt

their administrations in order to process EU funds properly. In the Western Balkans, the Instrument for Pre-accession Assistance (IPA) mimics the European Regional Development Fund (ERDF). As a potential Candidate, BiH has access to 2 of its 5 components: institution-building and cross-border cooperation (CBC). Therefore, our goal is to assess the impact of administrative actors and sub-national actors in BiH on 1) centralizing the deeply fragmented institutional arrangements and on 2) escaping the ethnic rationale. To do so, we ask the following research question: to what extent does the EU Cohesion policy foster Trans-ethnic Multi-level Governance in BiH? To test this question empirically, the Cross-border Cooperation Programme “Interreg IPA Croatia – Bosnia-Herzegovina – Montenegro 2014-2020” will be analysed.

The paper is structured as follows. First, the limits of the EU Enlargement Policy in BiH will be drawn. Second, the EU Cohesion policy in BiH together with Cross-Border Cooperation will be introduced. Third, the concepts of multi-level governance, trans-ethnic collaboration and ethnicisation will be used to explain the case-study. Fourth, the results of the case-study will be presented in light of the concepts.

## 1. EU Enlargement Policy in Bosnia and Herzegovina: a Top-down Deadlock

While the EU recognised BiH as a “potential Candidate” for membership since

<sup>1</sup> DERVISBEGOVIĆ, Nedim, « Bosnia Parties Strike Landmark Deal on Governing Mostar », *Balkan Insight*, 17th June 2020, available at : <https://balkaninsight.com/2020/06/17/bosnia-parties-strike-landmark-deal-on-governing-mostar/> (accessed 18 June 2020).

<sup>2</sup> MALICBEGOVIĆ, Nadina, « Kritike izbornog modela: Mostar zacementiran kao podijeljeni grad », *Al Jazeera Balkans*, on July 8th, 2020,

available at : <https://www.youtube.com/watch?v=8B3HkXw1Sj0> (accessed 15 July 2020).

<sup>3</sup> HUGHES, James et al., « Conditionality and Compliance in the EU's Eastward Enlargement: Regional Policy and the Reform of Sub-national Government », *Journal of Common Market Studies*, vol. 42, n° 3, 2004, pp. 540-541.

2003, the country is still lagging behind its neighbours. Therefore, in BiH more than elsewhere, the membership perspective seems so far that there is no political interest in change<sup>4</sup>. Moreover, Brussels' demands are often outplayed by sensitivity stirred by national identity<sup>5</sup>. Indeed, reforms to be made in BiH would mean political suicide for the ruling elites whose tight grip on power rests on ethnic belonging<sup>6</sup>.

In the Western Balkans and in BiH, there is no unified political elite at the national level that is able to answer to EU demands in a single voice<sup>7</sup>. Indeed, the asymmetrical federal State is divided into a unitary Republic of Srpska (RS) and a Federation of Bosnia and Herzegovina (FBiH) subdivided into 10 very decentralised cantons. The competences are extensively given to the entities with a very restricted list of competences for the central level. The political system lies on 3 "constituent peoples": the Bosniaks, the Serbs and the Croats<sup>8</sup>. Labelled "imposed consociationalism", the system lacks

cooperation and consensus amongst elites as well as any trans-group cleavage<sup>9</sup>.

In BiH, the EU urged for centralisation of the State to improve functionality. Indeed, failing institutions prevent European rules from being implemented. Therefore, reducing the gap between European and national institutions by improving administrative capacities would end fake compliance phenomena<sup>10</sup>. However, both constitutional and police reforms were vetoed by domestic politicians in part because of the EU's lack of credibility, legitimacy and consistence in those fields<sup>11</sup>. Having put centralisation aside, the EU now asks for a mere coordination between entities<sup>12</sup>.

The rather limited success of europeanisation in BiH embodies the idea of "stabilitocracy" promoted by the EU which would turn a blind eye on democracy and rule of law to secure relative stability and peace<sup>13</sup>. The trade-off rewards the ruling elites for their commitment to

<sup>4</sup> ZHELYAZKOVA, Asya et al., « European Union Conditionality in the Western Balkans: External Incentives and Europeanisation », in J., Dzankic, S., Keil and M., Kmezc (eds.), *The Europeanisation of the Western Balkans: A Failure of EU Conditionality?*, Palgrave Macmillan, Londres, 2018, p. 27.

<sup>5</sup> FREYBURG, Tina and RICHTER, Solveig, « National identity matters: the limited impact of EU political conditionality in the Western Balkans », *Journal of European Public Policy*, vol. 17, n° 2, 2010, pp. 266-267.

<sup>6</sup> DZIHIC, Vedran and WIESER, Angela, « Incentives for Democratisation? Effects of EU Conditionality on Democracy in Bosnia & Hercegovina », in F. Bieber (ed.), *EU conditionality in the Western Balkans*, London, Routledge, 2013, p. 32.

<sup>7</sup> AYBET, Gülnur et BIEBER, Florian, « From Dayton to Brussels: The Impact of EU and NATO Conditionality on State Building in Bosnia & Hercegovina », in F. Bieber (ed.), *EU conditionality in the Western Balkans*, London, Routledge, 2013, pp. 142-143.

<sup>8</sup> MERDZANOVIC, Adis, *Democracy by decree: Prospects and Limits of Imposed Consociational*

*Democracy in Bosnia and Herzegovina*, Hanovre, Ibidem Verlag, 2015, p. 173.

<sup>9</sup> *Ibid.*, pp. 152-154.

<sup>10</sup> BÖRZEL, Tanja, « When Europeanization hits limited statehood: The Western Balkans as a test case for the transformative power of Europe », in A., Elbasani (ed.), *European Integration and Transformations in the Western Balkans*, London, Routledge/UACES, 2013, pp. 177-180.

<sup>11</sup> BIEBER, Florian, « Building Impossible States? State-Building Strategies and EU Membership in the Western Balkans », in F. Bieber (ed.), *EU conditionality in the Western Balkans*, London, Routledge, 2013, p. 19.

<sup>12</sup> PERRY, Valentin, « Not-so-great expectations: The EU and constitutional politics in Bosnia and Herzegovina », in S., Keil and Z., Arkan (eds.), *The EU and Member State Building: European Foreign Policy in the Western Balkans*, London, Routledge, 2015, pp. 176-179.

<sup>13</sup> BIEBER, Florian and KMEZIC, Marko (eds.), « Policy Study – The Crisis of Democracy in the Western Balkans: An Anatomy of Stabilitocracy and the Limits of EU Democracy Promotion », *Balkan in Europe Policy Advisory Group*, March 2017, pp. 95-97.

security, not democracy<sup>14</sup>. Wunsch and Richter argue that this exclusive top-down relationship between the EU and Bosnian ethnic rulers strengthens the latter. Indeed, by negotiating with ethnic elites, the EU gives them legitimacy and therefore tolerates State capture. In addition to power and glory, the money coming from the EU-level helps maintaining nepotism and clientelism<sup>15</sup>. Likewise, by centralising the integration process via the executive power, the EU, showing its own democratic deficit, undermines the legislative power and civil society<sup>16</sup>.

In turn, Koneska argues, europeanisation is not a one-way road where the EU uses its carrot and stick to put forward its rules and values. On the contrary, like in BiH, the Union can be fooled by domestic actors and itself enter in an ethnic logic<sup>17</sup>.

Behind the lack of goodwill of the ruling elites towards reforms lies an enduring enabler of *status quo*: the Dayton system. According to Jansen, the Constitution allows nationalists to atomise and depoliticise individuals by attaching

them to their ethnicity, stopping any movement forward<sup>18</sup>. Any individual who would attempt to escape from the ethnic point of view would thus be seen as “betraying” the “vital interests” of its own people<sup>19</sup>. Since the ethnic leaders did not achieve their own homogenous State at the end of the war, they are nationalising every parcel of public life through the Dayton institutions in an endless transition to democracy<sup>20</sup>. In spite of the apparent lack of consensus among ruling elites, there is a negative consensus to coopt each other in order to stay in power<sup>21</sup>.

In 2014, against all odds, an unprecedented social movement arose in favour of social justice. It was the first time since independence that a debate was so overwhelmingly framed in trans-ethnic terms getting rid of the ethnic lens<sup>22</sup>. The movement questioned the whole Dayton architecture in a systemic manner. Nevertheless, the EU discarded the citizen attempt for change by negotiating solutions with the elite which were not dealing with the core problems put forward by the protesters<sup>23</sup>.

<sup>14</sup> RICHTER, Solveig, « Two at one blow? The EU and its quest for security and democracy by political conditionality in the Western Balkans », *Democratization*, vol. 19, n° 3, 2012, pp. 511-517.

<sup>15</sup> RICHTER, Solveig and WUNSCH, Natasha, « Money, power and glory: the linkages between EU conditionality and state capture in the Western Balkans », *Journal of European Public Policy*, 2019, pp. 10-13.

<sup>16</sup> ANASTASAKIS, Othon, « The EU's political conditionality in the Western Balkans: towards a more pragmatic approach », *South East European and Black Sea Studies*, vol. 8, n° 4, 2008, p. 367.

<sup>17</sup> KONESKA, Cvete, « Ethnicisation vs. Europeanisation: Promoting Good Governance in Divided States », in J., Dzankic, S., Keil and M., Kmezc (eds.), *The Europeanisation of the Western Balkans: A Failure of EU Conditionality?*, Palgrave Macmillan, London, 2018, pp. 138-141.

<sup>18</sup> JANSEN, Stef, « On Not Moving Well Enough: Temporal Reasoning in Sarajevo Yearnings for 'Normal Lives' », *Current Anthropology*, vol. 55, n°9, 2014, p. 79.

<sup>19</sup> JANSEN, Stef, « Rebooting politics? Or towards a <Ctrl-Alt-Del> for the Dayton Meantime », in D., Arsenijević (dir.), *Unbriable Bosnia and Herzegovina – The Fight for the Commons*, Baden-Baden, Nomos, 2014, p. 90.

<sup>20</sup> MUJKIC, Asim, « In search of a democratic counter-power in Bosnia and Herzegovina », *Southeast European and Black Sea Studies*, vol. 15, n° 4, 2015, p. 625.

<sup>21</sup> MUJANOVIC, Asmin, « The Baja Class and the Politics of Participation », in D., Arsenijević (dir.), *Unbriable Bosnia and Herzegovina – The Fight for the Commons*, Baden-Baden, Nomos, 2014, pp. 138-140.

<sup>22</sup> ARSENIJEVIC, Damir, « Protests and Plenums: The struggle for the Commons », in D., Arsenijević (dir.), *Unbriable Bosnia and Herzegovina – The Fight for the Commons*, Baden-Baden, Nomos, 2014, p. 47.

<sup>23</sup> MAJSTOROVIC, Danijela, VUCKOVAC, Zoran and PEPIC, Anđela, « From Dayton to Brussels via Tuzla: post-2014 economic restructuring as Europeanization discourse/practice in Bosnia and

While the top-down relation EU-ethnic leaders is still prevailing in BiH, Cohesion policy can provide a trans-ethnic framework in its implementation.

## 2. EU Cohesion Policy in Bosnia and Herzegovina: a Bottom-up Path through Cross-border Cooperation?

EU Cohesion policy is the European policy aimed at reducing disparities between European regions and thus promoting economic and social cohesion. As a shared competence, Cohesion policy is embodied by a series of European funds spent on various projects EU-wide. For the 2014-2020 financial period, the policy accounted for 325 billion euros, making it the second-largest budget line. In the 2021-2027 Multi-annual Financial Framework (MFF), Cohesion is expected to overtake the Common Agricultural Policy (CAP).

Since the advent of the policy, the Commission gained more and more autonomy and managed to impose the following principles: programming, partnership and regionalisation. First, programming entails that funds are given via pluri-annual programmes aligned on the MFF in order to facilitate the Commission's monitoring and enhance coherence. The principle also requires to plan country or programme priorities to be eligible for funds prior to implementation<sup>24</sup>. Second, partnership encompasses the signature of contracts – namely partnerships

– between all stakeholders, between the Commission (control), national and sub-national authorities (implementation) for example. The principle lies on the fact that all actors are on an equal foot, be it public or private, national or local<sup>25</sup>. Third, regionalisation encourages implementation on the sub-national or regional level. In this way, the EU bolsters regions as actors of spatial and regional development in a move to shift the centre of power from the national level<sup>26</sup>. Thus, the Commission directly impacts the administrative structures of Member States<sup>27</sup>. Moreover, the additionality principle emphasises that every EU-funding must be co-financed by Member States.

One of the components of Cohesion policy is cross-border cooperation (CBC) under the “Interreg” label. CBC implies mainly public authorities (1) aiming at stabilizing cross-border contacts (2) via practical problem-solving – pragmatic and functional mostly in the economic field – (3) through a collaboration at the sub-national level (4) in “low politics” matters (5)<sup>28</sup>. Despite having cultural, ethnic or economic ties, cross-border regions are political constructs, functional regions used as a spatial tool<sup>29</sup>. Furthermore, such cooperation initiatives are less politically problematic at the local level while regional cooperation is more “politically charged” as it is often seen by central governments as an attempt to give more autonomy to these regions<sup>30</sup>. As the majority of these

Herzegovina », *Southeast European and Black Sea Studies*, vol. 15, n° 4, 2015, pp. 669-670.

<sup>24</sup> BACHE, Ian (ed.), *Politics in the European Union* – 4<sup>th</sup> edition, Oxford, Oxford University Press, 2015, p. 409.

<sup>25</sup> *Loc. cit.*

<sup>26</sup> HOOGHE, Liesbet, « Building a Europe with the Regions: The Changing Role of the European Commission », in L., Hooghe (ed.), *Cohesion Policy and European Integration: building multi-level, governance*, Oxford, Oxford University Press, 1996, pp. 89-122.

<sup>27</sup> NANETTI, Rafaella, « EU Cohesion and Territorial Restructuring in the Member States », in L., Hooghe (ed.), *Cohesion Policy and European Integration: building multi-level, governance*, Oxford, Oxford University Press, 1996, p. 70.

<sup>28</sup> PERKMANN, Markus, « Cross-border Regions in Europe: Significance and Drivers of Regional Cross-border Cooperation », *European Urban and Regional Studies*, vol. 10, n° 2, p. 156.

<sup>29</sup> *Ibid.*, p. 157.

<sup>30</sup> *Loc. cit.*

initiatives were created by EU Cohesion policy, they are mainly a top-down tool<sup>31</sup>.

When it comes to enlargement, Cohesion policy is replicated under a single framework: IPA. The instrument's purpose is to enhance administrative capacities of Candidate States so that the latter ensure their readiness in managing EU-funds properly before accession. While, DG REGIO (Directorate-General for Regional and Urban Policy) is usually responsible for Cohesion, IPA is managed by DG NEAR (Directorate-General for Neighbourhood and Enlargement Negotiations) except the CBC-component, still in the hands of DG REGIO<sup>32</sup>.

In the CEEC's accession process, due to the "thinness" of the *acquis* in terms of administrative capacities, the Commission enjoyed great flexibility and interpretation while Candidates lacked clear conditionality. Therefore, informal conditionality based on operational pressures and recommendations is preferred to foster administrative culture<sup>33</sup>. Championing the sub-national level in Candidate States had a strong impact on national sovereignty. Such sensitive issues were dealt with a technocratic standardisation of territory justified by Eurostat's NUTS classification (Nomenclature of Territorial Units for Statistics)<sup>34</sup>. In doing so, the Commission shifted between 2 models. On the one hand,

a "democratic" model prompted the creation of decentralised and elected sub-national bodies. On the other hand, the "administrative-statistical" model called for a mere regionalisation. Eventually, the second model was preferred as the Commission feared unpreparedness and corruption on the sub-national level<sup>35</sup>. This new territorial division is the prerequisite for regions to be empowered through CBC to eventually diminish the grip of the central governments. As CBC requires an international treaty to function, national rules can be bypassed by EU norms that can thereby contribute to europeanisation of Candidate States<sup>36</sup>.

In BiH, despite extensive powers devolved to entities, the central level is tasked with IPA – and thus CBC – coordination through the overarching Direction for European Integrations (DEI). Against this backdrop, public administration reform (PAR) is a key demand of the EU in BiH. However, the Commission points out the lack of administrative capacities, legislative framework to process EU-funds and NUTS classification<sup>37</sup>. While NUTS classification is a very contentious point, the EU has already put forward functionality as an argument. Constitutional reform recentralisation was justified by functionality as well as functional trans-ethnic police zones in the police reform<sup>38</sup>.

<sup>31</sup> PERKMANN, Markus, « Cross-border Regions in Europe: Significance and Drivers of Regional Cross-border Cooperation », *op. cit.*, p. 166.

<sup>32</sup> BACHE, Ian (ed.), *Politics in the European Union* – 4<sup>th</sup> edition, *op. cit.*, p. 421.

<sup>33</sup> HUGHES, James et al., « Conditionality and Compliance in the EU's Eastward Enlargement: Regional Policy and the Reform of Sub-national Government », *op. cit.*, pp. 526-534.

<sup>34</sup> *Ibid.*, p. 535.

<sup>35</sup> HUGHES, James et al., « Conditionality and Compliance in the EU's Eastward Enlargement: Regional Policy and the Reform of Sub-national Government », *op. cit.*, pp. 539-543.

<sup>36</sup> POPESCU, Gabriel, « The conflicting logics of cross-border reterritorialization: Geopolitics of Euroregions in Eastern Europe », *Political Geography*, vol. 27, 2008, p. 434.

<sup>37</sup> EUROPEAN COMMISSION, « Commission staff working document – Analytical report accompanying the document Communication from the Commission to the European Parliament and the Council, Commission Opinion on Bosnia-Herzegovina's application for membership of the European Union », Brussels, SWD (2019) 222 final, pp. 147-148.

<sup>38</sup> KONESKA, Cvete, « Ethnicisation vs. Europeanisation: Promoting Good Governance in Divided States », *op. cit.*, pp. 143-144.

In the same fashion, in the post-war reconstruction period, an economic development programme called EURED (EU Regional Economic Development Programme) designed 5 economic regions across ethnic lines aimed at hosting 5 Regional Development Agencies (RDA). However, EURED failed lacking funding and, first and foremost, ownership from RS politicians who saw it as an attempt to redraw the territory to bargain the constitutional reform<sup>39</sup>.

Hence, BiH's decentralisation is less the mirror of European standards than a conflict resolution tool. Therefore, while decentralisation ought to deliver more democratic decisions and provide better public services, it has entrenched ethnic boundaries and reinforces the risk of secession in BiH, primarily with cantons<sup>40</sup>. Moreover, the asymmetry between the centralised RS and decentralised FBiH prevents cooperation and creates huge variations between territories and administrative capacities in the provision of public goods<sup>41</sup>. Likewise, while central governments usually play the role of gate-keeper against change, the cantons and entities play this role in BiH to keep their power over municipalities<sup>42</sup>.

Despite promoting local and multi-level governance in its enlargement process, the EU does not want to champion current ethnic boundaries, neither does it want to see sub-national governments

manage EU funds. Therefore, due to the lack of administrative capacities, the EU encourages the central level.

### 3. Multi-level Governance and Trans-ethnic Collaboration vs. Ethnicisation

Multi-level Governance (MLG) claims the EU is a multi-level polity where decision-making is not monopolised by nation-States but shared by various levels and actors, from the local to the EU-level<sup>43</sup>. Accordingly, collective decision-making – in the Council of the EU for instance – implies a significant loss of power of national governments, political arenas are interconnected rather than nested and sub-national actors are also active on the European level<sup>44</sup>. In that logic, the Commission allies with other actors in order to bypass national executives. Following the partnership principle, the Commission builds coalitions with sub-national administrative actors to trigger change<sup>45</sup>. With its Cohesion funds, the Commission uses negotiations and informality in a consensual solutions-oriented approach capitalizing on the growing professionalisation of regional and local authorities<sup>46</sup>. However, Bache argues that the power of State executives is not to underestimate using the concept of *flexible*

<sup>39</sup> BOJICIC-DZELILOVIC, Vesna, « Decentralization and Regionalization in Bosnia-Herzegovina: Context, Model and Implementation Challenges », in W., Bartlett, S., Malekovic and V., Monastiriotis, *Decentralization and Local Development in South East Europe*, Basingstoke, Palgrave Macmillan, 2013, p. 95.

<sup>40</sup> *Ibid.*, p. 86.

<sup>41</sup> *Ibid.*, p. 89.

<sup>42</sup> DOBRE, Ana Maria, « The Dynamics of Europeanisation and Regionalisation: Regional Reform in Romania », *Perspectives on European Politics and Society*, vol. 10, n° 2, 2009, p. 190.

<sup>43</sup> HOGHE, Liesbet and MARKS, Gary (eds.), *Multi-level governance and European Integration*, London, Rowman and Littlefield, 2001, pp. 51-68.

<sup>44</sup> *Ibid.*, pp. 51-78.

<sup>45</sup> GEORGE, Stephen, « Multi-level Governance and the European Union », in I., Bache and M., Flinders, *Multi-Level Governance*, Oxford, Oxford University Press, 2004, pp. 111-112.

<sup>46</sup> PETERS, Guy and PIERRE, Jon, « Multi-level Governance and Democracy: A Faustian Bargain? », in I., Bache and M., Flinders, *Multi-Level Governance*, Oxford, Oxford University Press, 2004, pp. 80-85.



gate-keeping<sup>47</sup>. Conversely, in BiH, we argue that sub-national authorities or ethnic parties play the role of flexible gatekeepers.

Furthermore, Hooghe and Marks have distinguished 2 types of MLG. Type I MLG is defined by general-purpose jurisdictions (1), non-intersecting memberships (2), jurisdictions at a limited number of levels (3) and system-wide architecture (4). Therefore, type I MLG involves the administrative and territorial setups using the individual public authority, whereas type II MLG rather encompasses the policy sector. Type II MLG is defined by task-specific jurisdictions (1), intersecting memberships (2), unlimited number of jurisdictional levels (3) and flexible design (4). While type I MLG is enshrined in law and hard to change, type II MLG is more leaning towards the interest of participants. CBC is an example of type II MLG as it features transnational partnerships and functional zones. Conversely, cooperation can become complicated when resources and competences of actors are too different<sup>48</sup>.

In the Western Balkans, EU Cohesion policy has tended to reinforce centralisation for fund management. Still, europeanisation is present but even if type I MLG regions are being created, type II MLG is dominant as the central State remains prominent in spite of an increasing

number of actors involved<sup>49</sup>. Although centralisation is present, EU Cohesion practices and principles are integrated in a more sustainable manner and are replicated in other non-EU fields<sup>50</sup>. For instance, EU Cohesion policy spurred horizontal networks with RDAs providing services in Croatia.

When it comes to BiH, we link MLG with trans-ethnic collaboration as it is aimed at making the Bosnian State more functional across ethnic lines. The goal is therefore to assess whether CBC leans towards trans-ethnic collaboration or ethnicisation where it would be used as a tool to “nationalise by other means”<sup>51</sup>. Trans-ethnic collaboration – or trans-ethnic people – gets rid of ethnic groups or constituent people claimed by the political elites. It is a “malleable discursive space of interconnectedness between, above, and beyond the ethnically divided citizenry in BiH” characterised by a “common mentality” across ethnic lines<sup>52</sup>. On the opposite, ethnicisation refers to:

The political process which casts issues [...] as an issue of inter-ethnic relations. Ethnicised policy debates look at policy proposals through the prism of their potential impact on the ethnic groups, while alternative logics, such as that of good governance, are seen to be of lesser importance<sup>53</sup>.

<sup>47</sup> BACHE, Ian, *The Politics of European Union Regional Policy: Multi-Level Governance or Flexible Gatekeeping?*, Sheffield, UACES/Sheffield Academic Press, 1998, pp. 155-156.

<sup>48</sup> HOOGHE, Liesbet and MARKS, Gary, « Constrasting Visions of Multi-level Governance », in I. Bache and M. Flinders, *Multi-Level Governance*, Oxford, Oxford University Press, 2004, pp. 17-27.

<sup>49</sup> TAYLOR, Andrew, GEDDES, Andrew and LEES, Charles (eds.), *The European Union and Southeast Europe: The dynamics of Europeanisation and multi-level governance*, London, Routledge, 2013, pp. 123-126.

<sup>50</sup> BACHE, Ian, ANDREOU, George, ATANASOVA, Gorica and TOMSIC, Danijel,

« Europeanization and multi-level governance in south-east Europe: the domestic impact of EU cohesion policy and pre-accession aid », *Journal of European Public Policy*, vol. 18, n° 1, 2011, p. 137.

<sup>51</sup> MUJKIC, Asim, « In search of a democratic counter-power in Bosnia and Herzegovina », *op. cit.*, p. 625.

<sup>52</sup> HROMADZIC, Azra, « Discourses of trans-ethnic narod in post-war Bosnia and Herzegovina », *Nationalities Paper: The Journal of Nationalism and Ethnicity*, vol. 41, n° 2, 2013, p. 266.

<sup>53</sup> KONESKA, Cvete, « Ethnicisation vs. Europeanisation: Promoting Good Governance in Divided States », *op. cit.*, p. 141.

Therefore, in BiH, the goal is to assess whether CBC (type II MLG) has the potential to alter the constraints of Dayton institutions (type I MLG). The empirical part will thus go back and forth between the 2 types of MLG to see to what extent CBC escapes the ethnic setup and whether europeanisation occurs through the relations between stakeholders of the CBC programme analysed in what follows.

#### **4. Interreg IPA CBC Programme Croatia – Bosnia-Herzegovina – Montenegro 2014-2020**

The Interreg programme analysed involves one EU Member (Croatia), a potential Candidate (BiH) and a Candidate country (Montenegro). Such a programme provides an opportunity to assess the implementation of EU Cohesion policy and CBC on a restricted scale. First, it clearly defines the administrative actors in play. We draw a line between the administrative actors that implement the programme – Managing Authority, Joint Secretariat, National Authorities, etc. – and the beneficiaries of the programme that implement the projects directly on the ground. Second, it enables the comparison between a simple polity, Croatia, and a complex polity, BiH, and the influence the former can have on the latter. Third, it represents a multi-level polity going from the EU Commission to the local communities. The programme subsidises cross-border projects in the field of energy and environment, tourism, competitiveness and health in a vast area including the whole border region between Croatia and BiH. Projects gather 2 to 6 partners among whom at least one – the leading partner must come

from the Member State, Croatia. Partners range from local administrations, RDAs, Non-governmental organisations (NGOs) or universities for instance.

The results that follow come from 7 semi-directed interviews with administrative actors that oversee the programme (DG REGIO, DG NEAR, Joint Secretary in BiH, DEI and Managing Authority in Zagreb) as well as data of the beneficiaries' profiles (origin, type of organisation, etc.).

##### **4.1. A Programme watering down Ethnic Lines**

When it comes to territorial cooperation, the DEI is directly responsible for this policy without any input from the entities. Therefore, the Commission has a unique contact point with DG REGIO. It is playing a central role in the public administration reform and enjoying a large degree of flexibility and informality. Rather than formal compliance, Cohesion policy is about “building ecosystems”<sup>54</sup> and fostering administrative culture. More than a top-down pressure, the system of shared management of the programme gives autonomy to national bodies in a partnership approach. The programme is therefore an “experimental exercise”<sup>55</sup>.

While DG REGIO is influential, the Member State formally has the last word in the programme through the Managing Authority. Consequently, the practices of the Member State heavily influence the other participating administrations. Thus, in terms of know-how, BiH is learning very much from Croatia that has itself learned from Slovenia or Italy in other programmes. Moreover, twinning programmes for public servants such as TAIEX<sup>56</sup> play a great deal

<sup>54</sup> Interview with a policy officer in DG REGIO, 7 July 2020.

<sup>55</sup> Interview with a project manager of the programme in BiH, 9 June 2020.

<sup>56</sup>TAIEX, « Technical Assistance and Information Exchange », available at : <https://ec.europa.eu/neighbourhood->

in the socialisation with European practices. When CBC occurs between 2 Candidate countries, it is run and controlled directly by DG NEAR. DG REGIO's "real situation" approach therefore gives BiH the opportunity to learn from a Member State and participate as if it were already one.

Furthermore, the programme requires an international treaty between parties so that European rules can apply<sup>57</sup>. Potential Candidate countries like BiH therefore apply EU norms to the exclusion of national laws. All of this is part of EU coalition-building<sup>58</sup> with administrative actors.

In the same way, direct beneficiaries of the programme are getting familiar with EU standards. Public institutions and NGOs are trained to learn EU requirements to participate to programmes and get grants. Sometimes coupled with institution-building programmes, CBC therefore increases the degree of professionalisation of participants as well as their administrative capacities. For example, dedicated EU project units are created in participating organisations. In gaining expertise, organisations are preparing for further EU integration and more EU funding as there is no other source of subsidy coming from domestic budgets.

In addition, training creates a sort of spillover effect where experienced organisations share their good practices with newcomers. In that sense, RDAs play a great deal with their more flexible project managers. Likewise, the culture of cooperation created between cross-border beneficiaries goes beyond the very programme in which they take part. Cooperation often extends to other fields

where actors further coordinate in a sustainable manner.

What's more, the programme seems to deter from politisation and clientelism. Indeed, projects are chosen following thoroughly EU standards in an impartial way. EU norms therefore require participants to show expertise, knowledge of English and accountability that stop politisation in BiH. Actors report that the financial rigour, the procedures and the low amounts of money at stake prevent politics to interfere in the programme.

As mentioned, the administrative culture also encompasses an "institutional memory" or a "culture of planification"<sup>59</sup> encouraged by the programming principle of the policy. The term of the programme exceeds political mandates and therefore reinforces the sustainability of projects. Nevertheless, the end of a political cycle can cut human or financial resources.

On the same page, the partnership principle also contributes to non-interference. Through the Joint Monitoring Committee, every Bosnian layer is represented on an equal foot. Actors underline the fact that representatives are chosen according to expertise and not politics plays a great role in smoothening the relationships. The representation of municipal interests through a dedicated association<sup>60</sup> also gave legitimacy to the local level.

Its relative centralisation in BiH, its principles, its low politics nature, its EU norms are part of the reasons why the programme is *per se* superseding ethnic barriers. In empowering local communities and socialising other levels to EU norms,

[enlargement/tenders/taix\\_en](https://ec.europa.eu/enlargement/tenders/taix_en) (accessed 21 May 2020).

<sup>57</sup> POPESCU, Gabriel, « The conflicting logics of cross-border reterritorialization: Geopolitics of Euroregions in Eastern Europe », *op. cit.*, p. 434.

<sup>58</sup> GEORGE, Stephen, « Multi-level Governance and the European Union », *op. cit.*, pp. 111-112.

<sup>59</sup> Interview with a project manager of the programme in BiH, 10 June 2020.

<sup>60</sup> BOJICIC-DZELILOVIC, Vesna, « Decentralization and Regionalization in Bosnia-Herzegovina: Context, Model and Implementation Challenges », *op. cit.*, pp. 87-88.

DG REGIO fosters type I MLG as well as it reinforces the central level in BiH. In this equilibrium, actors are more leaning towards EU projects and funds, thus directly interacting with the EU at the cost of ethnic frameworks.

#### 4.2. A Programme reconciling communities

As CBC goes beyond the limits of type I MLG, what brings together organisations from across the border to participate in projects? Stakeholders acknowledge the importance of building trust throughout the area of the programme in previously war-torn regions. In the Western Balkans, CBC is also a tool of post-conflict reconciliation. In BiH, while potential participants would always come from the same areas in the previous financial period, now participants come from all over the country according to the DEI. In terms of CBC, “BiH is united”<sup>61</sup>.

Participation in the programme is justified by functional links. Indeed, socio-economic or environmental problems do not stop at an administrative border. Practical problem-solving<sup>62</sup> is making the participants lean towards each other to find common ground. DG REGIO is putting forward “integrated territorial strategies” covering “functional zones” that encompass municipalities and towns across the border because administrative limits are “somewhat artificial”<sup>63</sup> in terms of living spheres. The approach is therefore based on territorial relations between hubs regardless of ethnic lines with an emphasis on universities and chambers of commerce.

These functional ties are justified by geographical reasons according to our stakeholders. In the programming phase, a situation analysis defined the area of the programme following several criteria upon which the potential for collaboration was gauged. But even if it is not justified by ethnicity, is geography at the basis of everything? Although these are functional regions, they are nonetheless social or political constructs<sup>64</sup> designed in the programming phase.

Indeed, in the Western Balkans, the programme areas are wide on purpose to maximise the clout of the programme and therefore of the EU. What’s more, while BiH has no NUTS classification, the municipalities chosen in the programme area are the replica of the EURED functional regions drawn by the EU. In that sense, 3 out of 4 EURED regions were chosen as to draw the programme area. The programming was therefore strongly influenced by pre-existing strategies.

However, the functional bonds between participants are often the revival of pre-existing links. Borders were inexistent in former Yugoslavia. A shared language and common historical and cultural backgrounds thus facilitate programme implementation. While those links were stopped because of the war, stakeholders say the extensive shared border between Croatia and BiH has the “historically highest potential”<sup>65</sup>. CBC is therefore erasing administrative and State borders in a trans-ethnic manner both for programme implementation bodies and for beneficiaries.

<sup>61</sup> Interview with a project manager in the DEI, 11 June 2020.

<sup>62</sup> PERKMANN, Markus, « Cross-border Regions in Europe: Significance and Drivers of Regional Cross-border Cooperation », *op. cit.*, p. 156.

<sup>63</sup> Interview with a policy officer in DG REGIO, 7 July 2020.

<sup>64</sup> PERKMANN, Markus, « Cross-border Regions in Europe: Significance and Drivers of Regional Cross-border Cooperation », *op. cit.*, p. 157.

<sup>65</sup> Interview with a policy officer in DG REGIO, 7 July 2020.

### 4.3. A Programme facing Ethnic Lines

Even if the implementation of CBC in BiH seems working out, the Dayton structure still impedes on the Interreg programme analysed. As a matter of fact, while skilled human resources are key for the development of CBC, administrative capacities are generally very weak. Public budgets are also very restricted and prevent the development of new projects in a country where public employment accounts for 90% of jobs and salaries 80% of the budget in some municipalities<sup>66</sup>.

Moreover, municipalities from the very centralised RS are discouraged from participating in EU programmes. The frontline from the 1990s is also very harsh to bridge and makes potential participants reluctant to meet counterparts from the former “opponent”. Notwithstanding the expertise in the programme, the lack of competence and political will of the political personnel are also lowering prospects for progress in CBC. The fragmented State therefore has an influence as a stakeholder puts it: “In Croatia, they have only one ministry, it helps. They don’t have to knock at a hundred doors to implement a policy”<sup>67</sup>.

While we have seen that administrative actors from implementing bodies do not face ethnicisation, what about the beneficiaries? Is the choice of collaborating together largely trans-ethnic? The analysis of the origin of the participants in each partnership for the first and part of the second call for proposals provides some insights.

In a total of 30 trilateral projects analysed, there are 46 partners coming from BiH with some institutions taking part in

multiple projects. While the programme area equally covers RS and FBiH, 91% of the participants come from FBiH whereas only 4 institutions originate from RS. From RS, all partners come from urban centres among which the Red Cross of Banja Luka which is involved in 2 projects can be considered as more naturally leaning towards Catholic Croatia. The north of the RS is deserted by projects while partners from northern Croatia systematically bypass RS to find a partner from FBiH.

On the opposite, in FBiH, the most active regions are the canton of Una-Sana and the canton of Mostar. While the canton of Una-Sana is mostly Bosniak, the ties with Croatia date back from former Yugoslavia with a busy rail line and later with the war, Croatia helped liberating the region. In Mostar, where Bosniak-Croat relations have been tense during the war, projects are facilitated by the common heritage shared with Split and Zadar provinces in Croatia. However, the mostly rural and Serb canton number 10 developed nearly no project with Croatian counterparts in spite of its proximity with Croatia. In FBiH, dynamic cantonal institutions and RDAs account for much of the success in catching EU funds. Indeed, the intermediate cantonal level provides a relevant territory and fiscal power to finance its institutions and policies. The cantonal level accounts for 25% of participants in BiH. In terms of types of structure, RDAs, universities and NGOs account respectively for 24%, 9% and 15% of participants.

When it comes to trans-ethnic partnerships with participants from both FBiH and RS, the results are scarce. Only a single project regroups a partner from Mostar (FBiH) and close Trebinje (RS). Moreover, directly neighbouring

<sup>66</sup> BOJICIC-DZELILOVIC, Vesna, « Decentralization and Regionalization in Bosnia-Herzegovina: Context, Model and Implementation Challenges », *op. cit.*, p. 90.

<sup>67</sup> Interview with a project manager in the DEI, 11 June 2020.

municipalities from either side of the ethnic barrier never cooperate in the programme. Distances between partners are often significant. But lately, the second call for proposals saw the arrival of the Northeastern RDA (NERDA) – created by EURED – in 2 projects. As its territory encompasses both RS and FBiH, the implementation thus bridges ethnic boundaries.

One can therefore conclude that ethnic conflicts are still present and dilute trans-ethnic collaboration. Furthermore, the numbers underline the cultural and ethnic importance of Croatian ties when it comes to building partnerships.

#### 4.4. A Programme fostering Multi-level Governance?

The results suggest that the EU builds slow but sustainable MLG by empowering both the central and local level in BiH. Creating administrative capacities is the example *par excellence*. Although consulted in the programme, entities are bypassed. Transnational administrative relations and functional partnerships between partners are a clear example of type II MLG. Nevertheless, type II MLG remains constrained by type I MLG institutions and structures.

However, functional relations can lay the ground for further legitimation of a reformed type I MLG framework in BiH. Reinforced local and central administrative units with new expertise and awareness of EU standards could challenge the power of entities or party politics. Still, while promoting the EURED model of functional regions, the EU has indirectly strengthened the capacity of ethnically decentralised cantons as an actor in EU funds, therefore drawn on an ethnic rationale. On the whole, CBC fosters change of practices and a trans-ethnic EU rationale in BiH.

## Conclusion

This paper proposed to test the impact of EU Cohesion policy in BiH through the prism of CBC. In doing so, the aim was to challenge the top-down approach of the EU enlargement policy to investigate how administrative actors can trigger change. While the prospect of enlargement has limited effect on the Bosnian polity and ethnic parties, what is the effect of project implementation on local actors? Coming back to our research question, to what extent does the EU Cohesion Policy foster Trans-ethnic Multi-level Governance in BiH?

After explaining the principles of EU Cohesion policy, we linked the policy with the promotion of MLG and trans-ethnic collaboration while also asking the question of the possible ethnicisation of such policies. In turn, MLG could change the institutional spectrum of BiH.

In that respect, the analysis of the Interreg IPA CBC programme Croatia – Bosnia and Herzegovina – Montenegro 2014-2020 provided mixed results. First, the programme is a factor of europeanisation as it fosters EU practices and rules, thus enhancing administrative capacity and deterring politisation. In a post-conflict environment, CBC is facilitated due to its “low politics” profile. Transnational and trans-ethnic administrative relations also show europeanisation. Second, type II MLG is encouraging functional links and the creation of functional zones that is favouring trans-ethnic territorial planning and, thus, reconciliation. The role of RDAs and universities is also to emphasise. Third, the programme is nevertheless constrained by ongoing ethnic conflicts. The trans-ethnic relations within BiH are very limited in the programme while political will is not present on the RS side. Moreover, to a certain extent, the programme reinforces

ethnic Croatian cross-border relations to the detriment of trans-ethnic relations. Fourth, central and local levels in BiH directly communicate and socialise with EU actors and practices. Thus, the potential for revising type I MLG is present in BiH.

Even in a complex post-conflict environment, EU Cohesion policy can have an impact and trigger institutional change. DG REGIO's direct influence privileges an approach based on empowering sub-national levels and various actors in an autonomous manner. Therefore, the paper also shows the 2 different approaches of the EU.

Eventually, MLG can foster change in the policy field but, despite being sustainable, needs structural changes at the top of the political system in BiH.

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#### **How to reference this paper:**

Slaven Bosnjak, « EU-sponsored Cross-border Cooperation in Bosnia and Herzegovina: Multi-level Governance or Ethnicisation? », *CEFIR Working Paper*, N° 9, December 2020, pp. 1-18.

