

Jelena M. VUJANOVIĆ*
Institute for Political Studies, Belgrade

BOSNIA AND HERZEGOVINA AS A WEAK STATE

Abstract: Nearly thirty years after the Dayton Peace Agreement, questions continue to arise about the functionality and future of Bosnia and Herzegovina. This is due to its excessive and dysfunctional administration, growing citizen distrust in institutions, and the inability of constituent nations to reach a basic consensus.

Through an analysis based on the theoretical framework of ‘weak’ and ‘strong’ states, we aim to determine the nature of the Bosnia and Herzegovina as a state. We will evaluate its capacity to fulfill core state functions and address significant societal issues.

The initial section of the paper will introduce the theoretical framework along with its key elements and dimensions, which assist in discerning whether a state is weak or strong. Subsequently, we will delve into an analysis of Bosnia and Herzegovina, its institutions, and its capabilities across three pivotal dimensions: stability and security, the efficacy of public service provision, and the aspect of social cohesion.

Key words: Bosnia and Herzegovina, weak state, administration, stability, consensus, public administration.

INTRODUCTION

Almost thirty years after the Dayton Peace Agreement, questions about the functionality and future of Bosnia and Herzegovina are still being asked. As stated, “there is no scientific work on the processes, subjects, determinants and circumstances of its creation and statehood that was accepted by the scientific public of all three ethnic nations” (Nešković 2017: 6).

What kind of country BiH is and what does its future hold in the face of increasing citizen dissatisfaction and eroding trust in institutions? When the citizens of its three constituent nations struggle to find even minimal consensus on crucial matters, when corruption undermines society and the state seems powerless to counter it, and when resources are diverted to a bloated administration, leaving the state less capable of providing fundamental services to its citizens?

These questions have been brought to the forefront due to the ongoing political crisis in Bosnia and Herzegovina. This crisis is particularly evident in the relationship between Republic of Srpska and the Office of the High Representative in Bosnia and Herzegovina. This situation originated from attempts by politicians representing the Bosnian people and the Constitutional Court of Bosnia and Herzegovina

* Research Associate, jelevujanovic@gmail.com.

to challenge the Republic of Srpska's authority over forests and properties. Furthermore, it extends to the circumstances surrounding the election of Christian Shmit as the High Representative. Shmit's appointment lacked confirmation in the UNSC, rendering his election not universally acknowledged as legitimate. This crisis continues in Shmit's attempts to impose certain laws and in the response of the Republic of Srpska institutions to those attempts in the form of a law on non-recognition of the High Representative's decisions on its territory. The crisis culminated in mid-August of this year, 2023, when the Prosecutor's Office of Bosnia and Herzegovina filed an indictment against the President of Republic of Srpska, Milorad Dodik, for non-implementation of the High Representative's decisions.

What does all of this reveal about the nature of Bosnia and Herzegovina? Through an analysis rooted in the theoretical classification of states into "weak" and "strong" categories, we will try to answer the question of what kind of state Bosnia and Herzegovina is in the light of its ability to realize its main functions and to solve important social problems.

In the first part of the paper, the theoretical division into weak and strong states will be presented, and the key elements and dimensions that tell us whether a state is weak or strong will be shown. Following that, we will delve into an examination of Bosnia and Herzegovina, its institutions, and its capabilities across three key dimensions: stability and security, service provision efficiency, and social cohesion. This analysis will not only describe areas of institutional deficiency but will also provide numerous illustrative instances that highlight issues and deficiencies. Furthermore, we will try to map their underlying causes wherever possible.

The final segment of this work will be dedicated to drawing conclusions based on the previously presented information and data. Additionally, we will identify indicators that shed light on the prospective development of Bosnia and Herzegovina and its institutions.

WEAK AND STRONG STATES

The foundation for categorizing states into weak and strong lies in the extent of state power, which is essentially the institutional capacity of the state. "As a broad concept, a state's capacity can be defined as its ability or inability to execute functions, address issues, and formulate and realize objectives" (Stojiljković, 2013a). There are numerous, essentially very close, explanations about this division and its aspects (see Fukuyama 2007; Nakarada 2007; Stojiljković 2013b).

According to Stojiljković, weak states are typically burdened by authoritarian rule, they do not have complete control over local power centers, their bureaucracy is opportunistic, politically profiled, or burdened with corruption, society is divided along various (religious, ethnic, cultural and other) cleavages, and the institutions are insufficient strong to introduce changes and reforms" (Stojiljković 2013a). Radmila Nakarada defines a weak state as one 'whose capacity to achieve internal societal cohesion through institutional arrangements, and to ensure development, security, and international sovereignty, is significantly diminished' (Nakarada 2007: 73). In comparison to other states, a weak state is economically and militarily inferior, compromised in its sovereignty, and lacks the capability to safeguard its interests and territorial integrity in international relations.

In terms of internal capacities, a weak state exhibits limited ability to meet citizens' basic needs in domains such as health, employment, and security. Stable institutions are absent, and citizen participation in shaping political decisions is restricted.

Furthermore, Rotberg, as interpreted by Stojiljković, also characterizes weak states as those unable to provide fundamental services, ensure security, and facilitate uninhibited engagement in political life (Rotberg cited in Stojiljković 2013b: 141).

The characteristics of a weak state are, therefore, a diminished ability to independently formulate and execute decisions, eroded citizen trust in institutions, high levels of poverty and unemployment, rampant corruption, and frequent violations of international law (Fukuyama 2007: 106). Weak states are often post-conflict entities marked by 'extremely unstable internal political dynamics and institutional structure, which renders them potential sources of new conflicts' (Lazić 2018: 183). Consequently, they typically become subjects of state-building processes (Caplan 2004) conducted by the international community.

Considering these dimensions, we can define weak states as those unable to ensure stability and security, effectively deliver services, and solve important problems of their citizens. Moreover, they often lack a sufficient degree of social cohesion. Our analysis of Bosnia and Herzegovina will concentrate on precisely these aspects.

STABILITY AND SECURITY

According to a 2018 survey conducted in BiH, 21% of citizens reported feeling 'very' or 'mostly insecure' (Pointpulse, 2018). Ensuring stability and security encompasses matters such as international sovereignty, territorial control, maintaining public order and security, safeguarding basic freedoms, and the capability to formulate and implement political decisions (see Nakarada 2007; Stojiljković 2013b).

The first challenge that emerges in ensuring stability and security in BiH revolves around the ambiguity and conflicting provisions of the Constitution of BiH, presented as Annex 4 of the Dayton Peace Agreement. Article 3, paragraph 1 of the Constitution lists eight competences of BiH institutions, which encompass matters like customs, foreign policy, and air traffic control. However, defense (army) is not explicitly mentioned, as well as ensuring safe and secure conditions within the framework of their competence and institutions for implementation civil laws, which are the competences of entities. After such a comprehensive enumeration of the competences of the state and entities, paragraph 5 of the same Article makes it unclear, stating that BiH will take over competences for tasks that are necessary for the preservation of sovereignty, territorial integrity and independence (Popović, Lukić 1999). Furthermore, it's important to note that over time, the military authority transitioned to the BiH level, while police jurisdiction remained at the entity level (Republic of Srpska and the cantons within the Federation of BiH). This transition was accompanied by the establishment of a collaborative Investigation and Protection Agency (SIPA) and the Directorate for the Coordination of Police Bodies.

The ambiguity in the allocation of responsibilities and the subsequent divergence in interpretations impede and diminish the potential for timely and effective actions by institutions in the pursuit of stability and security. The conflict regarding jurisdiction

allocation stems from varying interpretations of the essence of the Bosnian and Herzegovinian state. “The dominant Serbian theoretical and political standpoint rests upon a confederal foundation. It perceives that the entities created the common state of Bosnia and Herzegovina through the Dayton Agreement as an international treaty, and that the state exists by the will of the entities. This viewpoint positions the state as a confluence of entities, granting them the prerogative to dictate the structure and operation of shared state institutions” (Nešković 2017: 66). Accordingly, political elites within the Republic of Srpska are committed to strengthening and consolidating the stability of their respective institutions.

On the other hand, the Bosnian elite starts “from the unitary basis that entities are a necessary and transitory category, created on the basis of an international agreement, and that they will eventually transform into regions, areas or a similar territorial form” (Nešković 2017: 30). Their focus centers on enhancing institutions at the level of Bosnia and Herzegovina, sometimes at the expense of the entities. Meanwhile, the Croatian stance is polarized, with their primary concern directed towards resolving the so-called ‘Croatian question’

The context described above undermines both the concept of international sovereignty and the capacity for independent political decision-making. According to Annex 10 of the General Framework Agreement for Peace, commonly known as the Dayton Agreement, the Office of the High Representative in Bosnia and Herzegovina was established with the responsibility of overseeing the implementation of the peace agreement. In 1997, during a meeting of the Council for the Implementation of Peace in Bosnia and Herzegovina in Bonn, the original Annex 10 was expanded to grant the High Representative additional powers, including the authority to replace officials within Bosnia and Herzegovina and to enact laws to facilitate the execution of the Dayton Agreement. These powers, often called ‘Bonn powers,’ have been a subject of ongoing dispute since they were not initially foreseen in the original Dayton Agreement. “The High Representative used his powers selectively, very often to impose certain legal and other solutions, with almost constant use of methods of pressure and blackmail in working with the domestic political structure, actions that were beyond the scope of the mandate” (Karan 2015: 71). From 1997 to 2019, over 900 decisions were imposed from the Office of the High Representative (Bajrović 2019), including the dismissal of political officials and the imposition of certain laws. “According to the official records of the OHR, since 1997, the previous high representatives have dismissed 194 political and other officials. The president of Republic of Srpska, two members of the Presidency of BiH, numerous mayors, parliamentarians and police commissioners or directors of public companies were dismissed” (Zvijerac 2023), This has led to the perspective that the support for such decisions by the High Representative, primarily from the international community and notably Germany and the USA, suggests that BiH is not considered a sovereign state but rather a protectorate (Jović, 2003; Crnalić, 2023). This not only raises concerns about sovereignty but also questions the democratic nature of this approach, because “above the will of the people, an international arbiter – the High Representative – has been placed, who possesses the authority to nullify the democratically expressed will of the people” (Jović 2003: 48).

Moreover, the fact that even the legitimacy of the current High Representative Christian Schmidt is disputed, considering that he was not confirmed at the UN Security Council due to the positions of Russia and China (Politika 2021), and that the leading countries of the European Union and the USA still support his decisions such as imposing changes The electoral law of Bosnia and Herzegovina and the repeal of the law of Republic of Srpska speaks in favor of impaired capacity for making internal and external decisions. The crisis in Bosnia and Herzegovina is further deepened by the fact that the laws which state that the decisions of the Constitutional Court of Bosnia and Herzegovina will not be applied in the territory of the Republic of Srpska, and laws which state that laws published in the Official Gazette of Bosnia and Herzegovina are not valid in the Republic of Srpska, and therefore neither what “impose” the High Representative, are first contested by the High Representative and then, nevertheless declared valid in the Republic of Srpska by the decree of the President of the Republic of Srpska. And for that he is, due to the current crisis in this year, 2023, and under the sanctions of the USA. The pressures of the USA and EU countries on the legitimately elected representatives of Republic of Srpska due to legal and legitimate decisions are another indicator of how BiH, its entities and its institutions are viewed by these countries.

In addition to the crises of international sovereignty and decision-making, Bosnia and Herzegovina also face numerous challenges in fulfilling the fundamental functions of a stable and secure state. One such challenge pertains to maintaining public order, peace, and security, and it arises from the absence of cooperation and coordination among different institutions responsible for similar or related tasks. This became especially evident during the 2014 protests that swept across the Federation of Bosnia and Herzegovina, ultimately escalating into acts of violence and vandalism.

A striking illustration of this issue was the burning of Bosnian institutions in Sarajevo during the protests. Neither the Sarajevo canton police nor the SIPA (Investigation and Protection Agency) responded effectively, as the jurisdiction over the matter remained unclear. The Director of the Coordination Directorate stated that ‘none of the 16 police bodies, which he is supposed to coordinate, provided information regarding the potential events on February 7 on the streets of Bosnian and Herzegovinian cities’ (Al Jazeera, 2014), and that SIPA should have reacted, while SIPA claimed that the provision of state facilities is not within their jurisdiction.

Alongside the evident lack of capacity in maintaining public order and providing security, the institutions of Bosnia and Herzegovina have demonstrated a deficiency in controlling their own territory and the airspace above it. This includes the management of air traffic, one of the competencies vested in them by the Constitution. Remarkably, this responsibility was delegated to flight controls in Belgrade and Zagreb from 1996 to 2019. Consequently, during this period, taxpayers in Bosnia and Herzegovina incurred substantial financial losses, underscoring the state’s inability to oversee the airspace above its sovereign territory.

Another issue related to stability is the ability to make and implement political decisions and ensure respect for human rights. Bosnia and Herzegovina encounters challenges in this domain as well. Decision-making procedures, originally intended

as mechanisms for harmonizing viewpoints and achieving consensus, often deteriorate significantly in practice. They transform into instruments of political manipulation, obstructions, and consequently trigger new debates and divisions. Even when some decisions are made, problems arise in their implementation in the form of obstructions, delays, distractions etc.

An interesting example is the decision of the European Court of Human Rights in Strasbourg in the well-known case *Sejdić and Finci v. BiH*, which concerns the discrimination of those who are not members of the three constituent nations when running for membership of the BiH Presidency. Back in 2009, the European Court ruled in favor of the plaintiffs, instructing the amendment of candidacy provisions for this position. However, the political representatives within BiH still struggled to agree on the implementation of this decision (see Vujanović, 2019). However, political representatives in BiH still failed to agree on how to implement this decision (see Vujanović 2019), and to maintain the principles of the constitution of the people necessary for the maintenance of peace.

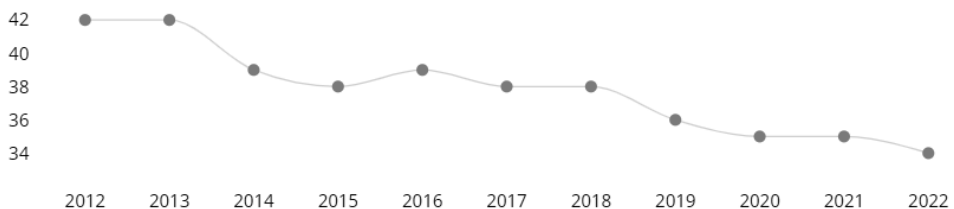
EFFICIENCY OF PROVISION OF SERVICES

This aspect is tied to the objectives and outcomes of institutional operations, citizens' level of trust in those institutions, the efficiency of budget allocation, and the ability to address issues like corruption, poverty, and unemployment. It raises questions such as whether a country's institutions possess the capability and capacity to deliver the services they are entrusted with to its citizens. Additionally, is the administration up-to-date and professional or "partocratic" (Stojiljković, 2013b), what is the degree of influence of interest groups on the media and the degree of corruption, and what is the perception of citizens about it.

First and foremost, budget funds are being spent inefficiently in Bosnia and Herzegovina. A specific issue in this regard pertains to the excessive administration and the composition of budget allocations. Each level of government (state, entities, cantons), along with the District of Brčko, has its own government, president or multi-member presidency, and respective representative body. Moreover, each of these institutions operates with its own agencies and administration. BiH, which according to the 2013 official data has about 3.5 million inhabitants (though currently less due to significant population outflow), has 95,000 employees in the category of "administrative and auxiliary service activities" and "public administration and defense, mandatory social insurance" (Agencija za statistiku BiH, 2023). Given that this number does not include public companies, supervisory and management boards, this number increases significantly, and according to some calculations from 2017, when looking at all levels of government, the number of employees in the public service is around 166,000 (Jazić, 2017). "Let's also consider that Bosnia and Herzegovina is home to approximately 820,000 pensioners, over 200,000 recipients of compensation for war invalids and the family members of deceased and missing soldiers, 487,000 unemployed individuals who have health insurance, and a fluctuating number of beneficiaries of social assistance for various reasons (unemployment, poverty), maternity benefits, large families, and marriage

benefits. When we tally these numbers, the final count comes to around 1,832,000 people reliant on the budget” (Jazić 2017).

The capacities of this complicated and expensive system are further eroded by the inability to deal with corruption. According to the 2013 report from the UNODC (United Nations Office on Drugs and Crime), corruption in Bosnia and Herzegovina has manifested as a systemic issue. Additionally, it acts as a deterrent for entrepreneurs considering investment and business initiation within the territory of BiH. The research encompassed interviews with 2,000 companies and it was found that “the rate of presence of bribery among companies that had contact with public officials in that period (previous 12 months) is 10.4%.” and that “there are variations in the presence of bribery in various business sectors in Bosnia and Herzegovina: construction sector (15%), transport and storage sector (11.1%), wholesale and retail trade (9.9%), accommodation and food services (8.8%) and manufacturing, electricity, gas and water supply (6.2%)” (UNODC, 2013). The research, known as the Global Corruption Barometer for 2013, reveals that within the 12 months preceding the survey in BiH, 32% of respondents reported giving bribes in the medical and health sector, 32% to the police, 16% to the judiciary, and an additional concern lies in the field of education where 8% admitted the same. According to the same survey, around 77% of BiH citizens believe that political parties are corrupt, 76% believe that health institutions are corrupt, 65% see corruption in the judiciary, 64% believe that the education system is corrupt, and 62% believe that corruption is also present in the police (Transparency International, 2013). Even after 10 years of these researches, the situation is not better. Despite a decade having passed since these surveys, the situation has not improved. The Corruption Perceptions Index for Bosnia and Herzegovina continues to decline, and as per the scale where 0 signifies ‘very corrupt’ and 100 denotes ‘very clean,’ BiH’s score has decreased to 34 (Transparency International, 2022).”



Corruption perception index in BiH, Source: Transparency International, 2022

The situation in Bosnia and Herzegovina is not great when it comes to the provision of basic, health and social services.

The Republic of Srpska has its own, centralized health fund, which operates through eight branches, Brčko District has its Ministry of Health and a special fund, and in the Federation of Bosnia and Herzegovina the system is decentralized and there are 10 independent cantonal funds and one federal fund, which includes the Solidarity Fund. The problem here is certainly not the decentralization of the system based on the Dayton Peace Agreement, according to which health is the responsibility of the entities, but rather the lack of coordination, poor transparency and difficult auditing of the way funds are spent in such a complex system.

Although since 2002 there has been an “Agreement on the manner and procedure of using the health care of insured persons on the territory of Bosnia and Herzegovina, outside the territory of the entity, i.e. the Brčko District to which the insured persons belong”, there is a lack of common capacities, exchange of information or a single price list of services and it makes life difficult for citizens, especially those who live near entity borders. “Health care services that are provided to insured persons according to the principle of jurisdiction and registration of insured persons in individual cantons or entities are not transferable between two entities, nor between cantons. Persons with health insurance in different entities, as well as in cantons, have different rights and different access to health care, even if they pay the same amount of contributions.” (Zukić 2007: 2). The Republic of Srpska Health Insurance Fund, through a series of agreements with healthcare institutions in the Federation of Bosnia and Herzegovina, has facilitated treatment for insured individuals from Republic of Srpska when treatment is not available locally. It has also allowed its insured individuals from peripheral municipalities to access hospital services in the Federation of Bosnia and Herzegovina. However, it’s worth noting that no cantonal institute has shown a willingness to allow its insured individuals to access healthcare services in Republic of Srpska (FZO RS, 2015).

How damaging this lack of coordination and communication can be is best exemplified by the issue of the unique identification number, which came to light in mid-2013. Specifically, the main institutions at the BiH level (including the Parliament of BiH) struggled to reach an agreement for an extended period regarding the Unique Identification Number Law. This resulted in the situation where ‘children born after February 13, 2013, do not legally exist until further notice’ (Fetahagić, 2013) because they could not be assigned a unique identity number. Since access to healthcare is linked to this number, these infants could not receive adequate healthcare services. The situation worsened significantly with the case of a newborn girl, Berina Hamidović, who was diagnosed with an illness requiring urgent treatment. Conditions for treatment were unavailable in Bosnia and Herzegovina, and since she did not have a JMBG (Unique Master Citizen Number), she could not obtain a passport to seek treatment abroad. Tragically, the girl passed away in an ambulance at the border with the Republic of Serbia while her father was trying to resolve the administrative problems stemming from the lack of a unique birth number for his daughter. It was only after protests erupted in response to this tragic case that the necessary changes to the Law on the Unique Identification Number were adopted.

In addition to the lack of coordination and communication, the healthcare system in Bosnia and Herzegovina faces several challenges. These include poor quality of health services, an outdated system, neglect in maintaining facilities, and slow progress in addressing healthcare for refugees and displaced persons. Many individuals who fled their places of residence during the last war and now live in different locations within BiH, or even in another entity, continue to encounter difficulties in transferring their health records and accessing healthcare.

The situation is similar when it comes to fulfilling social functions, particularly concerning pension payments. The first problem relates to the future of the pension fund, given the declining working-age population and the decreasing percentage of employees, while the number of pensioners is on the rise. Another issue pertains to the payment of

pensions to individuals who completed part or all of their service before the war. This is especially relevant to those who were employed in one entity's territory before the war and now reside and work in the territory of another entity. A conflict arises between the entities regarding which pension fund is responsible for paying pensions in these cases.

Republic of Srpska has agreed to provide pensions from its fund to all individuals who earned those pensions while working within its territory, regardless of whether they currently reside and work there. However, the Federation of BiH has refused to do the same. As a result, nearly 10,000 pensioners, who earned their pensions in the territory of the FBiH but fled and now reside in the territory of Republic of Srpska, receive their pensions from the Republic of Srpska Pension and Disability Insurance Fund. This fund allocates 4.16 million marks per month for these pensions, despite decisions by the House for Human Rights in Sarajevo (which were also confirmed by the Commission for Human Rights of the Constitutional Court of Bosnia and Herzegovina) and rulings from the European Court of Human Rights.

SOCIAL COHESION

The degree of social cohesion refers to the ability or inability to reach a consensus on the most critical social and political issues, as well as the presence and depth of social cleavages, which can be ideological, religious, ethnic, and so on (Stojiljković 2013b; Nešković 2017). Weak states are burdened by internal divisions and conflicts, and the functioning of institutions is hindered by ongoing processes of conflict and compromise that arise due to mistrust among the various social groups within the state.

Ethnic and religious divisions on the territory of Bosnia and Herzegovina have deep historical roots. As noted by Nešković (2017: 30), Vizier Osman Topal-pasha (1861–1869), the Turkish leader in Bosnia, recognized that the inter-religious conflicts among ethnic groups were so intense and widespread that they posed a significant threat to the functioning and survival of the Turkish state in Bosnia and Herzegovina.

The depth of ethnic and religious divisions reached its peak during the war that took place from 1992 to 1995 in the territory of Bosnia and Herzegovina. This conflict involved the three largest ethnic groups, all of which also belonged to different religions. The central issue of the conflict was political and ethnic: the future of the Federal Republic of Bosnia and Herzegovina, especially in the context of Croatia and Slovenia's secession from Yugoslavia. The referendum on the independence of Bosnia and Herzegovina on March 1, 1992, was boycotted by Serbs, but Muslims and Croats participated despite this. To this day, that date is celebrated as a national holiday in the FBiH, but not in Republic of Srpska. On that same day, March 1, 1992, a Serbian wedding party, Nikola Gardović, was killed in Sarajevo by Muslims, and it was clear that the conflict had begun. The war ended with the Dayton Peace Agreement, which, in the end, did not fulfill the wishes of the future and state organization of either of them.

My intention is not to delve into a detailed analysis of the causes of the war but to highlight the context of Bosnia and Herzegovina's formation in its current state, as well as the issue of state creation and organization as a factor in the social divisions within Bosnia and Herzegovina. This distinction is crucial in differentiating between

a 'civil' and a 'multi-ethnic' state (Nešković, 2017), and it also relates to the question of the type and method of achieving cohesion.

The compromise was reached under the pressure of the 'international community,' but the divisions that led to the war still persist. Nearly three decades after the Dayton Agreement, the three constituent nations of Bosnia and Herzegovina still lack a shared perspective on the past, present, or future of their country. Serbs, Croats, and Bosnians continue to engage in debates, both among themselves and externally, about the root causes of the war. They ponder whether the Yugoslav state disintegrated through dissolution or whether it collapsed due to secession with international support during the period from 1990 to 1992. (Nešković 2017: 7). These debates also extend to the issue of Bosnia and Herzegovina's political system, and consensus remains elusive on numerous other matters, both significant and less important.

First and foremost, citizens of Bosnia and Herzegovina belonging to different nationalities do not reach a consensus on crucial state symbols such as the coat of arms, anthem, flag, or public holidays. The majority of Serbs do not identify with the yellow-blue flag and coat of arms of Bosnia and Herzegovina; instead, they perceive the Serbian tricolor, the coat of arms of Republic of Srpska, and even the coat of arms of Serbia as their symbols. A similar situation arises concerning the attitude of Bosnian Croats toward state symbols. During sporting events featuring Croatia and Serbia, Croats and Serbs often cheer for these respective countries rather than Bosnia and Herzegovina. There have even been instances where citizens of Bosnia and Herzegovina have burned the flag of their own country during such events.

Public holidays are also a matter of dispute. Specifically, while November 25 is celebrated as Statehood Day in the Federation of Bosnia and Herzegovina (marking the day of the first session of ZAVNOBiH in 1943), the Republic of Srpska does not recognize this date as a holiday. This led to a diplomatic incident in 2014 when then-President of the USA, Barack Obama, sent official congratulations to all members of the BiH Presidency on the occasion of BiH Statehood Day. The member of the Presidency from Republic of Srpska couldn't accept the congratulation, as Republic of Srpska does not recognize November 25 as Statehood Day, resulting in diplomatic confusion (Večernje Novosti, 2014). Conversely, in Republic of Srpska, November 21, the day of the signing of the Dayton Peace Agreement, is celebrated as a holiday, which is not the case in the other entity.

The issue of state symbols is just one aspect of a broader pattern of disagreement and division among the citizens of Bosnia and Herzegovina. In this context, we may pose the following question: What is the role of institutions?

As an example, we can consider the educational system, which is where we encounter the initial problems, or one might say, the root of the problem. The Republic of Srpska is responsible for the education system within its territory, while the District of Brčko and ten cantons in FBiH have their respective Ministries of Education. This means there are 12 separate ministries responsible for education within the territory of Bosnia and Herzegovina (Popović, Lukić 1999).

Curricula for primary and secondary schools in various regions of Bosnia and Herzegovina are entirely distinct. Each group learns its own version of history, and it is well-established that 'there is not a single significant event in the history of Bosnia and

Herzegovina that all three nations experienced in the same way (...) Instead, each of them, following their national perspective, categorizes these events into winners and losers, heroes and martyrs, patriots and traitors.

CONCLUSION

If we look at the three mentioned dimensions and the institutional capacities of Bosnia and Herzegovina, we will see that the thesis that BiH is a weak state is proven to be correct. Bosnia and Herzegovina, along with its institutions, faces significant challenges and a notable lack of capacity in all of these dimensions. Citizens in Bosnia and Herzegovina do not feel secure and lack confidence in their institutions. For nearly 30 years, these very institutions have struggled to address jurisdictional conflicts and provide essential services to citizens in a professional manner.

These difficulties are caused partly by the inconsistent and vague provisions of the Dayton Agreement itself, but also partly by their distorted application and the lack of political will to solve the existing problems. This deficiency in political will is not solely a matter of the state and the attitudes of the political elite in Bosnia and Herzegovina; it is also a reflection of broader social polarization and the existence of deep divisions along ethnic and religious lines. These divisions render it nearly impossible to reach even a minimal consensus. Furthermore, this situation also reflects the inadequate approach of the international community.

Paradoxically, that polarization and those deep splits develop precisely through those institutions that should socialize individuals and integrate society. "State building in Bosnia and Herzegovina experienced a complete failure in the legitimizing aspect, which significantly undermines the results achieved in the remaining two fields" (Lazić 2018: 186) - security and institutional.

If we simplify the overall picture, we will see a closed circle involving society, the elite, and institutions, in which political elites absorb and articulate social divisions and turn them into a matrix of functioning institutions, and then these institutions influence the further growth and development of animosity and divisions in society.

Is it possible to break out of this circle, or are those who believed in Huntington's idea that the splits are insurmountable and inevitably lead to conflict, as opposed to Fukuyama, correct? (Kecmanović 2007)

Is there a way to increase the institutional capacities of BiH and make it more functional, or is Dr. Kecmanović right when he says that, since Yugoslavia fell apart because there were not enough Yugoslavs, "it cannot be any different with Bosnia because there are not enough Bosnians" (Kecmanović 2007)?

"The preservation of Bosnia and Herzegovina would not make sense if that country were to turn into an exception, and if in it citizenship rights (including the right to make full decisions on state issues) were permanently suspended" (Jović 2003: 56), and if the High Representative continued to revise the Constitution of Bosnia and Herzegovina with a tendency towards centralization (Karan 2015).

Until a mechanism is found for the three constituent nations to jointly solve problems without the pressure of the "international community" and without imposing one

“picture of the world”, i.e. a vision of the construction and functioning of BiH in a certain way unacceptable to some of the three constituent (for example attempts to take away jurisdiction from the Republic of Srpska are unacceptable) - Bosnia and Herzegovina will remain an ‘unfinished state’ (Nešković 2017). In such a state, basic services are not adequately provided to its citizens, and there is a lack of cohesion among the three constituent nations, leading to citizens feeling insecure and lacking confidence in the institutions.

REFERENCES

- Agencija za statistiku Bosne i Hercegovine (2023), „Demografija i socijalne statistike: Zaposleni po djelatnostima, maj 2023“, Sarajevo;
- Caplan, Richard (2004), „International Authority and State Building: The Case of Bosnia and Herzegovina“, *Global Governance*, Vol. 10, No. 1, The Politics of International Administration, Lynne Rienner Publishers, pp. 53–65.
- Fukujama, Francis (2007), *Građenje države: upravljanje i svetski poredak u XXI veku*, Beograd: Filip Višnjić.
- Večernje Novosti (2014), Obama čestitao Dan državnosti BiH Ivaniću koji ga ne priznaje, 28.11.2014.
- Jović, Dejan (2003), „Kakva budućnost za Bosnu i Hercegovinu?“, *Reč*, (72.18), 47-59.
- Kecmanović, Nenad (2007), *Nemoguća država*, Beograd: Filip Višnjić;
- Karan, Siniša (2015), „Ustavnopravna i politička priroda Odluka Visokog predstavnika u Bosni i Hercegovini“, *Annual of the Faculty of Law/Godisnjak Fakulteta Pravnih Nauka*, 5(5).
- Lazić, Vuk (2018), „Ograničenja primene koncepta izgradnje države: slučaj Bosne i Hercegovine“, *Međunarodni problemi*, 70(2), 181-207.
- Nakarada, Radmila (2007), „Transnacionalizacija, tranzicija i slaba država“ u *Srbija 2000–2006: Država, društvo, privreda*, Beograd, Institut za evropske studije;
- Nešković, Radomir (2017), *Nedovršena država: politički sistem Bosne i Hercegovine*, Friedrich-Ebert-Stiftung, Banja Luka;
- Popović, Vitomir i Lukić, Vladimir (1999), *Dokumenti: Dejton-Pariz*, Banja Luka: Institut za međunarodno pravo i međunarodnu poslovnu saradnju;
- Pointpulse (2018), „Stavovi građana o policiji u Bosni i Hercegovini i na Zapadnom Balkanu“, Centar za sigurnosne studije BiH, Sarajevo;
- Stojiljković, Zoran (2013a), *Država i korupcija*, Beograd: FPN i Čigoja štampa;
- Stojiljković, Zoran (2013b), „Politička korupcija i slaba država“, *Filozofija i društvo*, 24(1), 135-159;
- Transparency International (2013), *Global corruption barometer*, Germany;
- Transparency International (2022), *Corruption perceptions index*, Germany;
- UNODC (2013), *Poslovanje, korupcija i kriminal u Bosni i Hercegovini: Utjecaj mita i kriminala na privatna preduzeća*, Ured Ujedinjenih naroda za droge i kriminal, Beč;
- Vujanović, Jelena (2019), „Izbori za članove Predsedništva BiH i mogućnosti primjene presude Sejdić-Finci“, u *Zbornik radova društvenih nauka sa 12. naučno stručne konferencije „Studenti u susret nauci STES 2019“*, Univerzitet u Banjaluci;

INTERNET SOURCES

- Al Jazeera 2014: Al Jazeera, „Bez naznaka suspenzije direktora SIPA-e“, available at: <http://balkans.aljazeera.net/vijesti/bez-naznaka-suspenzije-direktora-sipa-e>, 18.12. 2014.
- Analitika – centar za društvena istraživanja 2013: Analitika – centar za društvena istraživanja, „Fakti: novembar 2013“, available at: http://www.analitika.ba/sites/default/files/publikacije/fakti_povjerenje_građjana_13nov2013.pdf, 19.12.2014.

- Bajrović 2019: Edib Bajrović, „Bonske ovlasti u teoriji i praksi“, available at: <https://www.slobodnaevropa.org/a/bonske-ovlasti-bih-valentin-incko/30266525.html>, 16.08.2023.
- Crnalić 2023: Asim Crnalić, „Ako Schmidt realizuje bonske ovlasti, BiH je predstavljena kao protektorat“, available at: <https://n1info.ba/vijesti/ako-schmidt-realizuje-bonske-ovlasti-bih-je-predstavljena-kao-protektorat/>, 16.08.2023.
- FZO RS 2015: FZO RS, „Zdravstvena zaštita u drugom entitetu“, available at: <https://www.zdravstvo-srpske.org/pitanja-novinara/zdravstvena-zastita-u-drugom-entitetu.html>, 17.08.2023.
- Jazić 2017: Alen Jazić, „Polovina građana BiH na državnom budžetu“, available at: <https://balkans.aljazeera.net/interactives/2017/8/13/polovina-gradana-bih-na-drzavnom-budzetu>, 10.08.2023.
- Politika 2021: Politika, „Ruski predstavnik u UN: Savet bezbednosti nije odobrio kandidaturu Kristijana Šmita za visokog predstavnika u BiH“, available at: <https://www.politika.rs/sr/clanak/484026/Ruski-predstavnik-u-UN-Savet-bezbednosti-nije-odobrio-kandidaturu-Kristijana-Smita-za-visokog-predstavnika-u-BiH>, 13.08.2023.
- Sladojević 2021: Dragan Sladojević, „Srpska mjesečno daje 4,16 miliona KM za penzije zaradene u FBiH“, available at: <https://www.nezavisne.com/novosti/drustvo/Srpska-mjesecno-daje-416-miliona-KM-za-penzije-zaradjene-u-FBiH/691403>, 11.08.2023.
- Zvijerac 2023: Predrag Zvijerac, „Schmidt može smijeniti Dodika i zabraniti mu političko djelovanje“, available at: <https://www.slobodnaevropa.org/a/schmidt-dodik-smjena-ohr-bosna-hercegovina/32450742.html>, 15.08.2023.
- Zukić 2007: Nada Zukić, „Pravna analiza zakona o zdravstvenom osiguranju u Bosni i Hercegovini“, available at: https://www.coe.int/t/dg3/sscssr/Source/Legalnal_bh_bh.pdf, 17.08.2023.

Јелена М. ВУЈАНОВИЋ

БОСНА И ХЕРЦЕГОВИНА КАО СЛАБА ДРЖАВА

РЕЗИМЕ

Скоро тридесет година након Дејтонског мировног споразума и даље се поставља питање о функционалности и будућности Босне и Херцеговине с обзиром на нефункционалну администрацију, све веће неповјерење грађана у институције и немогућност конститутивних народа да постигну консензус о основним питањима.

Анализом на темељу теоријске подјеле на слабе и јаке државе, покушаћемо да одговоримо на питање каква је то држава Босна и Херцеговина у свјетлу њене способности да реализује своје главне функције и да ријеша важне друштвене проблеме.

У првом дијелу рада биће представљена теоријска подјела на слабе и јаке државе, и приказани кључни елементи и димензије које нам говоре да ли је нека држава слаба или јака. Након тога ћемо кроз три кључне димензије – стабилност и сигурност, ефикасност у пружању услуга и друштвена кохезија, анализирати Босну и Херцеговину и њене институције и капацитете.

Кључне ријечи: Босна и Херцеговина, слаба држава, администрација, стабилност, консензус, јавна управа.

