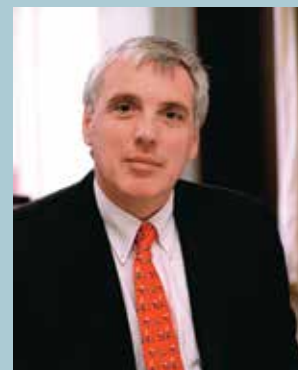




# IFIMES

International Institute for Middle East and Balkan Studies

## 2006



It gives me great pleasure to be associated with the IFIMES Yearbook 2006. I have long been both an admirer and a frequent user of this publication which is a valuable source of up to date information and sound political

insights into some of the world's most important strategic areas. The IFIMES approach, which is both straightforward and innovative, is a model in its field. The various sections of this Yearbook once again reflect this concern for quality, accuracy and fairness. They are well researched, their messages to policy makers are direct, and they do not hesitate to give frank verdicts, even where these might on occasion offend politicians, diplomats and policy makers. For these reasons alone, the IFIMES Yearbook 2006 deserves to be read by all those who either study crises and conflicts, or who are professionally involved in conflict resolution and peace building.

The IFIMES Yearbook 2006 concentrates on the Middle East and the Balkans, which have certainly been two of the most important strategic regions for European security in the past few years. Although I welcome very much the improvements achieved in the Balkans in recent years, there is no doubt that the international community is still far from achieving reconciliation among the countries concerned and the integration of the western Balkans into Euro-Atlantic structures. There is still much work to do. Equally, many of our hopes for a lasting settlement between Arabs and Israelis in the Middle East have been dashed, despite the efforts of both the United States and the EU in the Quartet and the Anapolis Peace initiative to push

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## **2006**

**Publisher:** IFIMES - International Institute for Middle  
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P. O.BOX 2795, SI-1001 Ljubljana, Slovenia, EU  
tel.: ++386 1 430 15 33,  
fax: ++386 1 430 15 34  
e-mail: [ifimes@ifimes.org](mailto:ifimes@ifimes.org)  
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**For the Publisher:** Bakhtyar Aljaf

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As policy makers take up the challenge of finding lasting solutions to overcome the divisive historical legacy of conflicts in the Balkans and the Middle East, they need to have a sophisticated understanding of the background to these conflicts, they need to base their analysis and the policy options on in-depth knowledge, rather than episodic newspaper reports or emotional TV pictures. They need to understand better what has succeeded or failed in past peace making endeavours. In all of these crucial areas the experts contributing to the IFIMES Yearbook 2006 have once more provide indispensable insights and guidance. This is yet another reason why I commend this Yearbook to anyone who is seriously concerned with the state of the world today.

**Jamie Shea**

Director, Policy Planning  
Private Office of the Secretary General  
NATO

## INFO ABOUT THE IFIMES INSTITUTE

**IFIMES** – International Institute for Middle-East and Balkan studies, based in Ljubljana - Slovenia, gathers and selects various information and sources on key conflict areas in the world. Based on the selected information, the Institute analyses mutual relations among parties with an aim to promote the importance of global conflict resolution of the existing conflicts and the role of preventive actions against new global disputes.

Idea to establish IFIMES Institute is a reflection of our common reality and the needs of the world to reach for common solutions – now more than ever in the past. Common interests and bonds among different policies, nations, religions, world regions and diverse interest parties in the unipolar world are essential. Constant search for differences and rejections is like searching for a needle in a pack of hay, while insisting on cooperation and respect for diversity provides a chance to create a better world.

The area of research and work of IFIMES Institute is the Middle East (Gulf states) and the Balkans (South-Eastern Europe), where relations among different entities are based on religious, ethnic, national and racial grounds. Associates of the Institute are respected experts, scientists, managers, journalists and researchers, who are introducing younger colleagues from all over the world to work, with a purpose of additional education, promotion of knowledge and scientific achievements with an emphasis on the political and economic connections within the region, among the regions and on the global level.

The IFIMES Institute is through organizing seminars, symposiums, conferences, round tables, (with participants from various interest groups: scientists, politicians, managers, representatives of religious institutions, journalists, artists and others), performing analyses, studies and projects, as well as through its own publications presenting the results of its work and achievements, also targeting leading international media.



The IFIMES Institute regularly issues its Miscellany for the previous year in the English language and distributes it mainly abroad (foreign diplomatic missions, presidents of states and prime ministers, governments, EU, USA, international organizations, media, and companies).

IFIMES Institute cooperates with relevant institutions from the USA, EU, Gulf states and countries from South-Eastern Europe on projects, studies and analyses prepared individually or based on specific demands from a known party. The activities of IFIMES are especially directed towards the areas of international (foreign) politics and economy, international relations, counselling the state institutions, companies and individuals and more.

IFIMES Institute is searching for and recommending political solutions to the governments of the world, especially and foremost for the regions of the Balkans and the Middle East.

The International Institute IFIMES is a partner of:

- World Security Network, New York  
([www.worldsecuritynetwork.com](http://www.worldsecuritynetwork.com))
- Globalvision News Network, New York ([www.gvnews.net](http://www.gvnews.net))
- Mejdunarodniyi obchestveniyi fond »Eksperimentalniyi tvorcheskiyi centr«, Kurginyana Center«, Moscow  
([www.kurginyan.ru](http://www.kurginyan.ru))

IFIMES Institute is co-founder of The International Counter-Terrorism Academic Community (ICTAC), Herzliya, Israel. ([www.ict.org.il](http://www.ict.org.il))

The Global Development Network from Washington has marked the relevancy of the researches performed by IFIMES with the relevancy rate of 93,00%. ([www.gdnet.org](http://www.gdnet.org))

Members of Council of IFIMES are: president prof. dr. Robert J. Donia (University of Michigan and adviser of ICC in Hague), Victor Jackovich (US Ambassador, president of Jackovich Interna-

tional Ltd), prof. dr. Munther Al Fadhal, (University of Stockholm and London, adviser of PM of KRG), dr. Mohammed Sulivany (Supreme Court Judge of Iraq's Kurdistan federal region), dr. Sandra Bašić Hrvatinić (University of Primorska), dr. Jernej Pikalo (University of Ljubljana), prof. dr. Mirko Pejanović, (Dean of the Faculty of Political Sciences of the Sarajevo University and member of the War Presidency of the Republic Bosnia and Herzegovina (1992 – 1995), Breda Razdevšek (Attorney from Ljubljana), Janez Škrabec (founder and director of the Riko Group) etc.

Directors of IFIMES are Bakhtyar Aljaf and Zijad Bećirović.

Ljubljana, December, 2006

## **FOUNDERS OF ICTAC - INTERNATIONAL COUNTER-TERRORISM ACADEMIC COMMUNITY**

The International Counter-Terrorism Academic Community (ICTAC), was established at ICT's third international conference in September 2003. The ICTAC's members include leading counter-terrorism researchers and research institutes from countries around the globe. Among ICTAC's goals: developing and expanding academic cooperation in counter-terrorism; conducting research that will lead to more efficient decision-making in counter-terrorism; promoting new policies and initiatives to fight terrorism:

International Policy Institute for Counter-Terrorism (ICT), Israel  
**International Institute for Middle-East and Balkan Studies (IFIMES), Slovenia**

Unconventional Concepts, Inc., USA

Georgia International Law Enforcement, Exchange-Dept of Criminal Justice, Georgia State University, USA

Center for Tactical Counter-Terrorism for the NYPD Institute of Defence and Strategic Studies (IDSS), Singapore

International Foundation Experimental Creativity Center, Russia  
Center for High Studies on Counter-Terrorism and Political Violence (Ce.A.S.), Italy

Oklahoma Regional Community Policing Institute, USA

National Center for Emergency Preparedness at Vanderbilt University Medical Center, USA

Environmental Planning Specialists, Inc-and-Georgia State University, USA

Counter-Terrorism Research Center of Georgia, Georgia

Center of Security & Terrorism Research, Institute of Political Studies, SCG

Center for Globalization Studies, SCG

## **Bosnia and Herzegovina:**

### **CONSTITUTIONAL CHANGES WITHOUT CITIZENS' SUPPORT!**

*The International Institute for Middle-East and Balkan Studies (IFIMES) in Ljubljana, Slovenia, regularly analyses events in the Middle East and the Balkans. On the occasion of the conclusion of the interparty agreement on constitutional amendments, which was signed by the leaders of seven political parties (SDS, SDA, HDZ, SDP, SNSD, PDP and HNZ) on 18 March 2006, IFIMES has carried out a research into the public opinion in Bosnia and Herzegovina (BiH). The citizens of Bosnia and Herzegovina were also asked whether they supported the accession to the EU and NATO. The most interesting sections from the comprehensive survey are given below.*

Following the signing of the interparty agreement on constitutional amendments by the leaders of seven political parties (SDS-Serbian Democratic Party, SDA-Party of Democratic Action, HDZ-Croatian Democratic Union, SDP-Social Democratic Party, SNSD-Alliance of Independent Socialdemocrats, PDP-Party of Democratic Progress and HNZ-Croatian People's Union) on 18 March 2006, the IFIMES International Institute carried out a research into the public opinion in Bosnia and Herzegovina (BiH) in terms of the citizens' support to the proposed constitutional amendments and their attitude towards the accession of BiH to the EU and NATO.

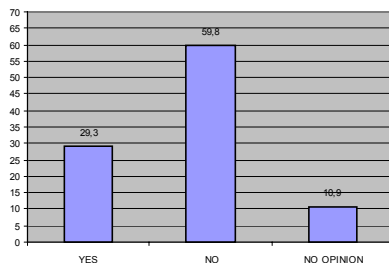
#### **Data on the sample:**

- The sample: random, three-stage
- Size of the sample: 1.544 respondents (male and female citizens of lawful age)
- Methodology: telephone survey
- Period: March 23 to 24, 2006
- Degree of reliability: 95%

- Control: per 10% specimens
- Standard deviation: +/- 3
- Territory: Bosnia and Herzegovina (Republic of Srpska, Federation of BiH, Brcko District)

## 1. DO YOU SUPPORT THE AGREED CONSTITUTIONAL AMENDMENTS IN BIH WHICH WERE SIGNED BY THE LEADERS OF SDS, SDA, HDZ, SDP, SNSD, PDP AND HNZ ON 18TH MARCH 2008?

- YES 29,30 %
- NO 59,80 %
- NO OPINION 10,90 %

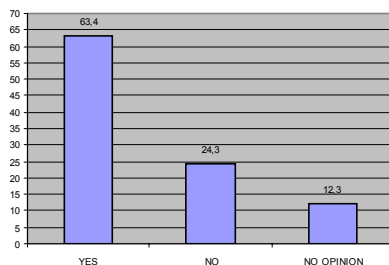


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- Standard deviation: +/- 3
- Territory: Bosnia and Herzegovina (Republic of Srpska, Federation of BiH, Brcko District)

## 2. DO YOU SUPPORT THE ACCESSION OF BOSNIA AND HERZEGOVINA TO THE EU?

- YES 63,40 %
- NO 24,30 %
- NO OPINION 12,30 %

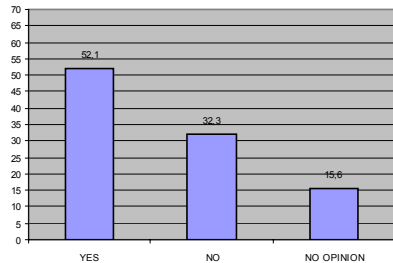


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- Control: per 10% specimens
- Standard deviation: +/- 3
- Territory: Bosnia and Herzegovina (Republic of Srpska, Federation of BiH, Brcko District)

### 3. DO YOU SUPPORT THE ACCESSION OF BOSNIA AND HERZEGOVINA TO NATO?

- YES 52,10 %
- NO 32,30 %
- NO OPINION 15,60 %



At the beginning, eight political parties participated in the talks and negotiations on the constitutional amendments in BiH. Eventually, the Party for BiH withdrew from the negotiations. Most of the negotiations/talks on the constitutional amendments were held in secrecy, far from the eyes of the public. No public discussions nor debates on constitutional amendments, which are common practice in democratic societies, were organised.

The IFIMES International Institute believes that the basic aim of constitutional amendments should be the creation of a functional state of BiH and its accession to the Euroatlantic integrations. The existing administrative regime in BiH with two entities – the Republic of Srpska and the Federation of BiH as well as the Brcko District – hinders the development of the state. Although the Dayton Peace Agreement ended the war in BiH (1992-1995), the fact

is that it lost its function the moment it was signed and the war was stopped.

The IFIMES International Institute is of the opinion that the key issue of constitutional amendments is the regionalisation of BiH, taking into account the geographic, historical, communication-al, demographic and other criteria. The proposed constitutional amendments are, on the contrary, oriented towards the consolidation of the existing situation and the affirmation of the ethnic principle in BiH. The constitutional amendments should enable the state of BiH to focus on the citizens regardless of their ethnic, religious, political or other identity.

Ljubljana, March 26, 2006

## Serbia 2006:

### THE YEAR OF FINAL DENOUEMENT?

*The International Institute for Middle-East and Balkan Studies (IFIMES) in Ljubljana, Slovenia, regularly analyses events in the Middle East and the Balkans. Former Prime Minister of the Republic of Serbia (2003-2004) Zoran Živković, who took over the leading position in the Government of Serbia after the assassination of Prime Minister Zoran Đinđić, presented his positions on Kosovo, the survival of the State Union of Serbia-Montenegro and the co-operation of Serbia with the International Criminal Tribunal for the former Yugoslavia (ICTY) in his article "SERBIA 2006 – THE YEAR OF DENOUEMENT?". Mr. Živković is one of the leading initiators of democratic changes in Serbia who actively participated in the overthrowing of Milošević's regime on October 5, 2000. His article is published in full.*

#### **Zoran Živković**

Former Prime Minister of the Republic of Serbia (2003-2004)

Two centuries of modern Serbian state are the period of rise and fall caused by internal and external factors. The external factors played the dominant role in the development of modern Serbian society. Such is the destiny of all small nations, especially if their country is situated in strategically important region which mighty forces are interested in. The period of two hundred years after First Serbian Uprising is marked by struggle for freedom from Ottoman Empire, the labour pains of a young and poor state, fights between dynasties, wars both on the Balkans and in the world, changes of the borders, changes of the state organisation and changes of the state name. The consequence of all mentioned above is illustrated by the story told by a hundred-year-old man, living in some village in the centre of Serbia, who claimed that



he lived in nine different countries without ever setting his foot outside his village. The name of my country has changed for 9 times in less than hundred years. Since I was born, my country has changed its name for four times and there are some serious indications that it will happen for the fifth time this year. Of course, the changes of the name are the consequences of much deeper, essential changes which have, too often, changed the body of Serbian society. Living in Serbia has never been boring and it is not even today.

Two-century-long period was characterised by the fact that Serbia, through the decisions of its authorities and opinions of the citizen majority, made correct, just and progressive decisions in all extraordinary situations in the region and world. During both First and Second World War Serbia was a part of alliance which fought against conquerors, fought on the side which conquered evil. Serbia was loyal and valuable ally to those who fought for freedom and peace. It was active participant in all processes, both wars and peace, which made our planet better place for living. Unfortunately, the last decade of the previous century, the reign of Slobodan Milošević, cast a dark shadow on the history of my country. Ten years of horrors, state disintegration, family disintegration, 10 years of wars, 10 years of crimes and hopelessness threw Serbia into isolation and enmity with former allies. Serbs, as people, were demonised, mostly by their own fault. Milošević was not the only one to be blamed for state disintegration and war crimes, ethnic cleansing and organised crime did not bear just one national mark, but the amount of blame which should be put on Milošević and on all those who assisted and supported him is the biggest one.

The opposition appeared with Milošević coming into power. First of all political parties but NGOs and independent media as well were the gathering place for the people who recognised the coming horrors and wished to prevent them. Savage repression from the regime, inexperience and lack of parliamentary democratic tradition, lack of understanding from the natural al-

lies in the immediate surroundings and from the world, as well as internal misunderstandings, made the victory of the opposition over the autocrat and the prevention of further state ruin possible only after ten-year-long efforts which culminated in success in October, 2000. The first democratic government was formed led by Mr Zoran Đinđić and this government initiated the process of healing Serbia.

The government expected to face the fact indicating the catastrophic conditions of the state and society segments. But the real situation was even worse. Some of the characteristics of economic situation were technologically ruined industry additionally devastated by sanctions and NATO alliance bombing, huge external debt, shortage of heating fuel, medicines, food and production raw materials as well as experts, high unemployment rate, state debts towards citizens for salaries, pensions, social allowances. The main fists of Milošević's regime, police and military forces, politicised up to maximum, together with organised crime could hardly wait without hiding their hatred for new democratic authorities. Corruption polluted completely all public services and made them criminal and inefficient. Several hundred thousands of refugees from former Yugoslav republics and Kosovo, several tens of thousands of people whose homes had been destroyed during NATO bombing, wished for a chance to continue normal life. Non-democratic Constitution and obsolete legislation, as well as a number of corrupted and non-professional judges resisted the reforms. And there were so many other things... The "old" problems were particularly difficult - Kosovo status, relations with Montenegro and cooperation with ICTY. "New" difficult problems - divided ruling coalition and the division itself on non-compromising reformers and grumpy "legalists" who flirted with ex regime.

Zoran Đinđić, who was educated, determined, brave and, the most important of all, ready to tell the citizens of Serbia the truth knowing that it would not bring him popularity and that it would expose him to danger, started the comprehensive reforms. In two

years the economic situation improved significantly: inflation was 10 times smaller, the salaries were 4 times higher, the external debt was halved, the privatisation was at full swing. There were no problems with food, medicines and heating fuel. Milošević was arrested and sent to Hague. Serbia returned to international institutions. The foreign investors came. The image of Serbia was altered and Serbia became the leader in the Balkans. Serbia was on the good road. That road was neither short nor safe but it led to final destination – Europe.

At the beginning of the military and security sector reforms Zoran Đinđić was assassinated by the hand of the organised crime. The retrograde forces did not forgive him the efficiency of the reforms he carried out and the speed of the changes. His assassination activated long-time prepared action whose goal was to finally deal with organised crimes. For a month or so, the police resolved a few thousand criminal offence cases, among them several tens of murder cases and the assassination of the prime minister. Top criminals were in prison. The cooperation with ICTY continued. The privatisation process was at its peak. The reforms continued. Those who were happy to see Zoran Đinđić dead, those different by their political affiliation but united by the idea to stop reforms started the campaign against the government. The opponents to the cooperation with Hague, the defeated forces of the former regime, conservative part of the fifth October winners and all those who would loose their positions by having Serbia healed brought the government down by buying off the Parliament members. After the election, the new coalition was formed where each one of them got the piece of the cake. The reforms were multiply slowed down and the old problems became more complex.

The year of 2006 has been set as the deadline for finding the final solutions to the problems with which Serbia has been faced for a long time. The issues of Kosovo, Montenegro and Hague will probably be resolved this year. United Nations, European Union and United States of America started to mingle a long time ago into finding the solutions to the problems which Serbian political

elite missed to do in the past. Undoubtedly, the final solutions are necessary but it is also important for these solutions to be good, i.e. not to cause further problems. I will repeat once again my position which is “my offer of the least bad solutions”.

## KOSOVO

It is the problem which has existed for over a hundred years. Many generations of the politicians from Serbia, Albania and from the world either marginalised it or overemphasised it. In early 1990' of the previous century, Milošević and his Albanian colleagues from Communist League of Serbia had the last chance to find the good solution. The essence of problem lies in the fact that Serbs and Albanians cannot live together on the territory of Kosovo and Metohija. There are many reasons to support this fact but I will not analyse them here. Simply, Serbs and Albanians have never lived together. They have always had this division into “our” and “their” part of the city, of the village, restaurant, promenade and etc. Peaceful life of these two nations side by side but never together is the highest degree of cohabitation from which we are separated by decades. What has happened since 1998 and what is happening now have left deep tragic traces which cannot be overcome. Any solution that presupposes multi-ethnicity is actually the generator of the problems. Also, we can observe the severe opposition of two principles in Kosovo. The principle of preserving borders is irreconcilable with the principle of the right to self-determination. Further more, the one excludes the other. Simply speaking, Albanians want independence which means new borders, i.e. change of borders. The silent formula of Serbian politicians, “more than autonomy, less than independence” assumes the preservation of borders and symbolic sovereignty of Serbia over Kosovo and Metohija, which in turn suspends the right to self-determination.

Finally, as it has always been in the history of the Balkans, the final decision is made by those who do not live here. That is why I am

particularly appealing to them to reconsider the solution which I deem to be the least bad one – the division of Kosovo into Serbian part, sufficient for normal life of 300 000 Serbs, as it had been in June 1999 in Kosovo and Metohija before international forces, empowered by UN Security Council Resolution 1244 and Kumanovo Treaty, took over the control of that territory and into another, larger part where Kosovo Albanians lived. The first part would remain the constituent part of Serbia while the other part would gain independence. This solution would not be universal and it would not cause the domino effect. I accept all objections to this solution. However, it is the only option which finally resolves the issue of Kosovo status. Giving conditional or unconditional independence to Kosovo would mean permanent vital endangerment of the Serbs on that territory or their collective migration from that territory. Returning to the situation before 1999 is impossible and no one is suggesting it. That is why those who are making decisions should divide Kosovo and thus create permanent conditions for peaceful future of the large number of ordinary people. Separate agreements would be needed to regulate the Serbian property in Kosovo and to protect religious, historic and cultural monuments on that territory.

## **STATE UNION OF SERBIA AND MONTENEGRO SURVIVAL**

Before the end of First World War in 1918, Serbia and Montenegro were two independent states whose relations were defined to be of brotherly nature. By creation of new state, Kingdom of Serbs, Croats and Slovenians, both states entered the new alliance. After Second World War, both Serbia and Montenegro became the constituent elements of new state FNRJ (Federal Republic of Yugoslav Peoples) and they partly regained their independence. By changing Constitution in 1974, all republics of SFRJ (Socialist Federal Republic of Yugoslavia) gained complete characteristics of independent states. Federal state survived thanks to ideological unity of Communist League of Yugoslavia, the carrier of single-

party political system and thanks to the charisma of Tito, the leader of communists. The disintegration of Communist League of Yugoslavia initiated the speeded disintegration of SFRJ. In 1992, a new state, Federal Republic of Yugoslavia, had only two member states, Serbia and Montenegro, which maintained high level of independence. According to the Constitution from 1974, these member states had only joint army, diplomacy and monetary policy. However, at the beginning of 1997, the authorities of two member states collided and the collision lasted until the defeat of Milošević in 2000. During this collision, Montenegro introduced its own currency. The common foreign policy was abandoned. Yugoslav army was foreign institutional body in Montenegro. After the democratic changes in Serbia, both member states, being pressured by EU, were forced to create new provisory situation – State Union of Serbia and Montenegro which did not have any of the original functions, not even the financial aspect. All functions and all decisions are the consequence of agreement reached by both sides. The Constitution Charter for Serbia and Montenegro envisages the right to referendum and May 21 this year will be the date when the citizens of Montenegro will use their rights.

So, Serbia and Montenegro were independent until 1918 and since 1974 they have been practically independent.

Montenegro is deeply divided by many issues, especially by the issue of joint state. On one side there is Đukanović and his DPS for whom the independence is the crown of long lasting politics. Đukanović is supported by not much bigger majority of citizens. His opposition is united by single issue – prevention of independence.

Current Serbian political elite could hardly wait for referendum in Montenegro. It gives them opportunity to produce statements about this issue without any responsibility and to use it to hide the big problems in their own state. And, all of a sudden, all political parties, both in power and opposition, agree that joint state have no alternative. The main and practically the only reason for

such a position is the claim that Serbs and Montenegrins are two brotherly nations, actually it is one and same nation. Great support to unionists gives the position of EU which claims that State Union of Serbia and Montenegro will more easily meet the standards necessary for continuation and finalization of European integration for Serbia and Montenegro. Nobody from Brussels has ever tried to explain this position. Simply, it is stated as official EU position and being such it has gained the status of axiom. Wrong and irresponsible.

The citizens of Montenegro have inalienable right to make decision in democratically held referendum about the future of their country. It is the obligation of political subjects in Podgorica, Belgrade and Brussels to present the indisputable facts to public in Montenegro. State Union of Serbia and Montenegro is untenable according to the Constitutional framework by which it is defined. It is the provisory situation without single relevant state characteristics. There is not a single original joint function. The process of reaching agreements actually blocks and robs every decision of any sense. If there is a will of majority to live in joint country, then it is necessary to redefine the state union, i.e., necessary to give her true state characteristics. No political party in both states shows a political will to do so. The votes gained at referendum for common state, regardless of the reasons for voting so, will be the votes given to preservation of unsuccessful constitutional and legal experiment. It is impossible to prove that State Union of Serbia and Montenegro is the easier way for fulfilling standards necessary for continuation and finalisation of European integration. Two years ago, late as always, Brussels chose to lead two track policy regarding integration, separate for each member state. The third track was reserved for Kosovo. This kind of position is the consequence of the knowledge about the huge differences between Serbia and Montenegro regarding the size of states, the number of inhabitants, the industrial structure, fiscal and monetary policies, achieved democratic standards, priorities and goals. All those differences are big and insurmountable.

State Union of Serbia and Montenegro is untenable regardless of the referendum outcome. There is no political will to create constitutionally and legally based union of states. Serbs and Montenegrins are brothers. However, brothers rarely live in the same room. Brothers can respect each other and help one another even if they are living in separate houses built according to their own needs.

## **INTERNATIONAL CRIMINAL TRIBUNAL FOR FORMER YUGOSLAVIA**

Regardless of all controversy, old and new, around the foundation and functioning of the International Criminal Tribunal for Former Yugoslavia, Serbia has to fulfil adequately its obligations, both legal and ethnic. Current Serbian authorities are obliged not only by international documents but also by national laws. The government of Serbia must do everything to arrest Ratko Mladic, if he is in Serbia.

The authorities in Serbia have to stop glorifying the accused of war crimes.

Although nobody is guilty until proven so and sentenced by the respective court, it is also true that none of them is a hero.

\*\*\*\*

The year which is passing could be the year of final denouement of many issues which keep restraining the reforms in Serbia. Whether it will really happen or not depends on two important factors. The first one refers to authorities in Serbia and their determination and ability to solve adequately stated problems. The other factor refers to international community and to those living in this community, which took the right and obligation as well to influence the events in Serbia. Since I am aware of their power, my appeal goes particularly to them to use their authority, experience and knowledge to help the citizens of Serbia, who



are also the victims of the crimes committed at the end of last century. The citizens of Serbia have right to another chance as anyone else in the world. Give them that chance, especially to the young. Make them feel the right to having future. Enable them to see and feel the pleasures of living in Europe. Make visa regime more liberal by cancelling visa requirement for Serbian graduate and post graduate students. Help them obtain the knowledge and experience needed so much for the process of healing their own country.

Ljubljana, April 03, 2006

## Remaking Iraq

### SUCCESS, FAILURE, AND THE FOUNDATION OF A NEW IRAQ

*The International Institute for Middle-East and Balkan Studies (IFIMES) in Ljubljana, Slovenia, regularly analyses events in the Middle East and the Balkans. Dr. Munther Al Fadhal, Member of Council of International Institute IFIMES, in his article "Success, Failure and the Foundation of a New Iraq - Definition of Federalism in the New Constitution" points to the success and failures as the basis of the new Iraq and the definition of Federalism in the new Iraqi constitution. His article is published in full*

#### **Dr. Munther Al-Fadhal**

- Member of Council of International Institute for Middle East and Balkan Studies (IFIMES)
- Iraqi National Assembly member
- Constitutional Commission member

In October 2002, I had the honor to participate in the Conference held by AEI and called: "The Day After: Planning for a Post Saddam Iraq." I started my speech, as I recall, with a statement by John Lock, "When the tyranny ends, the rule of the law begins."

After liberating Iraq, the reconstruction phase of the new Iraq started by establishing the institutions of the State of Law in an interim phase headed by Ambassador Paul Bremer, the Governing Council. Another interim period started and will end in December 2005 to mark a new phase with a new constitution representing the main reflection of the Power of Law. The new Law has transformed the State from a simple state into a federal (complex) one. Federalism is based on the idea of dialogue and

continuous cooperation among governments in the Federal State in order to serve people.

Federalism means involvement in the political power and responsibilities, distribution of wealth and a just manner that correlates with the needs of people and the extent of damage incurred by the least advantaged areas and groups. All this takes place in line with a constitution that organizes the relations between the Federal Government and the original government(s) with an eye on achieving political and economic development. This cannot be done under a central presidential rule or a one-party rule.

Federalism doesn't mean a division of land, people and the State sovereignty. It is a voluntary federal rule based on common interests to expand involvement in decision making according to constitutional institutions built up under the permanent constitution. This constitution guarantees separation of powers, the rules of democracy, and the respect for human rights. Federalism comprises two or more regions optionally uniting. Mandates of federalism, powers of the Region or regions are provided for in the Federal Constitution. In this sense, Federalism is the best means towards the end of involving all especially in a country with multiple and varied ethnicities with several religions and several thought trends and parties such as Iraq.

The reasons for the revival of federalism idea include the importance of democratic values and respect of the ethnic groups' rights, human rights, failure of individual tyrant regimes; new political and economic variables and the relative concept of sovereignty that are no longer the same for all countries.

The Iraqi State was founded in 1921 after the termination of the British occupation of Iraq. It used to be a simple state with a royal parliamentary regime. In 1925, the first constitution was issued in the history of the Iraqi State; it was the Basic Law. It was issued under constitutional institutions built with the contribution of all ethnic groups, religion followers, and other Iraqis with a great

transparency. This Law was the first permanent constitution in Iraq which has witnessed no other constitution afterwards. Since the topple down of the royal regime on July 14, 1958, several constitutions were issued with several amendments introduced thereto, which connotes a state of political chaos and instability, the absence of the rule of the law in Iraq. The rule of power and force has replaced the rule of the Law.

This Statute or basic law has been the subject of long discussions before issuing it. Those discussions organized the relations among the three powers (legislative, judicial and executive). Mr. Abdul Mohsen Sa'doun was the first Iraqi Premier and he aspired the build up of the State of Law. His ideas were clear and included respect to the Kurds and other ethnic groups' rights.

The Iraqi State was unified; its rule was centralized in hand of the power in the Capital-Baghdad. The Royal rule extended from 1921 till July 1958. That era witnessed several disturbances and political problems including the Kurdish revolution led by Barzan Chiefs. It was the revolution by Sheikh AbduSalam Barzani and Sheikh Ahmed Barzani in the early thirties. After that, a revolution by Chief Mustafa Barzani started on 11 September 1961. It was continuity for the Kurdish revolution that was started with the leadership of Sheikh Mahmoud Hafid after waging World War I. Several attempts were made to build up democracy by means of reaching a fair and peaceful solution for the Kurdish cause. However, all those attempts failed. This affected the status of Iraq in all aspects.

The political status has not settled in Iraq since 14 July 1958; the date of the martial rule and the toppling of the Royal regime. Several provisional constitutions have been issued. Neither the stipulations of the Constitution nor the valid laws were respected. The independence of the judicial power was not respected. The Ruler acted beyond the rule of the law. Of course, this deterioration and the absence of the law as well as the obvious violation of human rights and the phenomenon of the one-man rule which has dragged

all Iraqis into several disasters started with the Ba'ath party assuming power in the Country for the first time in 1963; and the second time in 1968. When Saddam acceded to the presidential position in 1979, he abandoned the national sovereignty and involved Iraq into a civil war against the Kurdish people. Saddam also deceitfully attacked the neighbors to the East and to the South. He destroyed the country through malicious practices and did not comply with the Constitution or the Law. The impacts of the internal and external wars are still causing suffering for the Iraqis inside and those living abroad. These impacts will exist for a long time despite the liberation of Iraq from the tyrant rule of Saddam.

**Liberation of Iraq from Tyranny and Changing the State into a Complex State:**

After the liberation of Iraq on April 9, 2003 from the worst fascist apartheid regime since the collapse of the Nazism in 1945, the Law of the State Administration for the interim period TAL on March 8, 2004 was issued by the Governing Council which was formed after the liberation for the purpose of managing the Iraqi State for the interim period, which usually precedes the build up of constitutional institutions. This law was deemed as the provisional constitution of the country. It included the basic rules of the permanent Constitution of the new Iraq alongside the road map of the political and constitutional process for the temporary and interim period as well as the permanent status which will start with the elections in January 2006.

The Transient Administration Law was issued after a laborious process. Its issuance concurred with an international day; namely, March 8, 2004- the International Woman Day. Indeed! An occasion that brings back to our minds the agreement between Saddam and the Shah of Iran on March 6, 1975 when wavering half of the Arabian Gulf for having the Shah cease his logistics' support of Kurdish Liberation Movement in Kurdistan-Iraq. This occasion also reminds us of the eruption of the courageous revolution of the Kurds and the people in the Southern Iraq against the tyrant and his regime in 1991. That revolution cost the lives of thousands

of victims among the Iraqis. The “buried” regime bombarded the revolting cities with missiles and buried hundreds of thousands of innocent people and the revolting ones in group tombs or graveyards. The same occasion reminds us of other main events whether in the world or specifically in Iraq.

**The New Constitution Drafted by a Constitutional Committee Elected by a National Elected Assembly:**

In the first half of May, 2005, the Constitutional Committee was established at the General Assembly in order to start the drafting for the permanent Constitution of the Democratic Federal Pluralistic Iraq. This duty is shouldered by the National Assembly in compliance with the Article (60) of the Transient Administration Law of the State which stipulates: (The National Assembly must draft the permanent constitution of Iraq....)

The first paragraph of Article (61) stipulates: “The National Assembly must draft the permanent Constitution by August 15, 2005.” The National Assembly considered the Constitutional Committee as an ad hoc committee; the reason why it was not declared within the by-law of the Assembly which mentions the formation of 27 committees. There have been three trends in the Assembly in relation with the drafting of the Constitution. First: it is supported by the Consolidated Coalition Group which requires 20% of the committee member to be from the assembly members who seek to head the constitutional committee. The Second: it is supported by the Kurdistan Coalition who requires the number to be 10% only of the total number of the Assembly members; i.e. about 27 people.

However, we suggested that a specific number must be assigned for the purpose of drafting, and this number cannot exceed 7 or 9 Iraqi specialized consultants. These can draft the constitution while soliciting experiences of other peoples in this field. They can be assisted by a group of international consultants from the American Bar Association, the United Nations, and the European Union.

However, the first proposal won over upon the voting process at the National Assembly. The Constitutional Committee was formed from 55 people distributed at several groups- 6 groups who drafted 8 chapters of the Constitution. The number was expanded after adding other groups from the Arab Sunnis- 15 members in addition to 10 consultants. Those are not elected and they do not represent all the Arab Sunnis. They reject the Transient Administration Law of the State. They also reject the federal shape of the state in favor of the presidential rule and the Ba'aths restoring the power. They support resistance against the occupation.

On Monday, 16 March 2005, the US Secretary of State Mrs. Condoliza Rice paid a visit to Mr. Mas'oud Barzani and then the government of Dr. Ja'fari. She held discussion of several files including the involvement of the Sunnis in the Constitutional Committee in order to control the Shiite majority and the over-dominance of the Shiite parties. She urged on holding a "Constitutional Conference" to get all the Iraqis to gather including the Arab Sunni as well as seeking the assistance of the UN, ABA and the EU consultants in order to draft the permanent constitution of the new Iraq.

In fact, on May 30, 2005, a UN consultant and a constitutional expert in Southern Africa attended a meeting with the Constitutional Committee. At the meeting, he offered the help of the UN in drafting and formulating the Constitution. However, he mentioned it explicitly that the constitution in the new Iraq which is based on an optional federalism ought to be written by all the Iraqis with a desire by them and without any outside party. The role of other parties will be only an assisting element. It will never go beyond the consultative role. In addition, there is the role assumed by the American Ambassador- Mr. Zalmay Khalil Zadah, the British Ambassador, the Representative of the US Secretary General Mr. Ashraf Qadi.

At the end of the day, the draft constitution was written after extending the period set for it. It was set to be written on August

15, 2005. With the extension, it was written on August 22. The draft constitution was delivered on the 22nd with the condition to enter some amendments to it. However, the final draft was delivered only on the 29th. Till the date of writing this paper (September 13, 2005) amendments are still being introduced to the draft only to satisfy all the parties. The draft was criticized by the Arab League, and it was objected by the Sunni Arabs and others, but it was sent to UN on Sept 14 by Iraqi National Assembly to publish 5 Million copies for Iraqis.

In terms of the rights of the Kurds and Kurdistan, the rules in the draft are OK for Kurdistan as they mark the first time for the Kurds to have such rights; which they couldn't have at all along all the history of the Iraqi State with its several constitutions.

Federalism and the Kurds Cause in the New Constitution Draft  
The principles and basic achievements for Kurdistan can be set as follows:

### **First: Self-Determination:**

The Kurds have the right to self-determination and to define the type of their relation with the Headquarters (federal or con-federal shape of rule) or to announce their independent state on their territories according to the International Law rules and the International Pact annexed to the Universal Declaration of Human Rights as well as the relevant resolutions. However, the draft constitution has not included a text to express this right due to the objections from other parties in the Constitutional Committee and other political leaderships.

The Constitution, however, includes in its preamble a text that can be interpreted as a reference to the self-determination right for the Kurds and a basic guaranteed for the rights of the Kurds. The text reads as: "The commitment to this Constitution will maintain the free unity of Iraq- people, land and sovereignty. This means that the violation of such a constitution by any party such as rejecting federalism or democracy or even violating the rights



of the Kurds will cause prejudice to the unity of Iraq. Then, the Kurdistan Region can declare their separation from Iraq and exercise their right to self-determination in line with the Parliament Resolution in Kurdistan.”

### **Second: Basic Principles of the Constitution:**

The Republic of Iraq is a federal, plural, democratic state, governed by a republican regime.

The Kurdish and Arabic languages are official languages; this includes printing the official gazette in both languages and the dealings in the State and its institutions will be in both languages as well. All the official documents and correspondence will be in both languages. Schools will be opened to teach both. In addition, the bank notes, stamps and passports will all hold both languages.

### **Third: Federal Powers:**

The new Constitution draft stipulates the federal powers in its third chapters as follows:

**The Federal Legislative Power:** It includes two councils- The Deputies’ and the Federation Council. If the Federation Council is to be organized upon a law, the draft constitution has put in details for the organization of the deputies’. It consists of a number of members, for each member to represent 100,000 people. The representation must include the different sects of the Iraqi people. The session of the council is four calendar years with two legislative terms of 8 months each. This term is to enact the federal laws, proposed laws, and monitoring the executive power as well as ratifying the treaties and agreements and appointment of the Senior grade employees; and holding the President of the Republic accountable....etc.

The executive power includes the President of the Republic and the Cabinet:

The Legislative power includes the Higher Judicial Council and the Supreme Federal Court.

#### **Fourth: the Independent Committees including:**

The Higher Commission of Human Rights  
 The Higher Commission of Elections  
 The Commission of Integrity  
 Commission for the Property Dispute Settlement  
 The Central Bank of Iraq  
 The Financial Control Bureau  
 The Information and Communication Commission  
 The Awqaf (religious properties) Bureaus  
 The Martyrs' Institution

The Commission to secure the rights of regions and governorates that are not incorporated in one region. The Commission's role is to put a just contribution in the administration of the several institutions of the Federal State, scholarships and fellowships, delegations and conferences. It comprises representatives from the Federal Government, regions and governorates that are not organized in one region.

A Public Commission for controlling and appropriation of the federal revenues in order to assure just distribution of international grants, assistance, and loans. It also verifies the optimal use of the federal financial resources and their distribution in a transparent and just manner when allocating money for the governments of the Regions or the Governorates.

Other independent commissions that can be established on an ad hoc basis.

#### **Fifth: The Exclusive Powers of the Federal Authority:**

The new Federal Authority in the Federal Iraq is specialized in the following according to the Constitution:

Draw the foreign policy and diplomatic representation as well as negotiation on the international treaties and agreements, policies of borrowing, their signature and conclusion as well as drawing the economic and external sovereignty commercial policy.

Set the national security policy and implement it including the establishment of armed forces and managing them to secure the

Iraqi borders and defend them.

Set the financial and customs policy; issuance of currency, organization of trade policies across the regions and governorates in Iraq; produce the balance sheet of the State as well as drawing the cash policy and establish and manage a central bank.

Organize the issues related to standards, measurements and weights.

Organize issues related to nationality, nationalization, residence and political asylum.

Organize the transmission frequencies (bands) and the post.

Set the general and investment budget.

Plan policies in relation with water resources from outside Iraq and assure the levels of water flow into Iraq according to the international laws and norms.

The census of population.

Accordingly, Article 112 stipulates that all things not stipulated in the exclusive specializations of the federal authorities will be within the authority of regions, and governorates not organized in one region. Other authorities that are common to the Federal Government and the Regions will give priority to the Law of the Region in case of dispute over them.

It is worth mentioning that Article 111 of the Draft Constitution stipulates the common specializations between the Federal Authority and the authorities of regions such as the Customs Service, the organization of power (electricity) sources, drawing the environment, public health, educational, and water resources policies.

The allocation of the natural resources among the Federal Government, regions and governorates (producing and non-producing)

The division of wealth must be clear and explicit among the governments. Otherwise, it will cause the eruption of disputes and instability. Article 110 of the draft constitution stipulates the division of wealth as follows:

The current government will manage (oil and gas) extracted from the current fields in cooperation with the producing regions and governorates. This means that the new fields will not be involved in this management which will be limited to the producing regions and governorates. The other natural resources such as water, animal, fish, uranium and others will be for the producing region or governorate only.

The revenues of oil and gas will be distributed and shared 50:50 according to the population distribution all over the country. A share will be defined for the damaged regions before and after the ex-regime and in a way to achieve the balanced development in the Country. This means Kurdistan and the southern regions in Iraq (Shiite Arabs).

Paragraph two of Article (110) of the draft constitution stipulates that the federal government and the governments of the producing regions and governorates together will be setting the required strategic policies to develop the oil and gas resources. This means that the non-producing regions and governorates will not be involved in setting this policy being non-producing. However, they will have a share of the revenues of oil and gas and will be distributed through the Federal Government.

### **Sixth: Powers of the Regions**

The draft constitution organized these powers in the fifth chapter in two sections: Regions and Governorates that are not organized in one region; then the capital and the local administrations. However, what we care for here is the content of the first section of the Regions' Power; specifically what is related with Kurdistan as follows:

Article 114 of the Constitution draft stipulates: "First: When passed, this Constitution recognizes Kurdistan Region and its powers as a federal region. Second: this Constitution recognizes the new regions that are established according to its provisions." Accordingly, Kurdistan is a region in itself and it is united with Arabstan region on an optional choice according to this Constitu-

tion. If this federation is violated by violating the Constitution, this Federation will be dissolved according to the preamble text. The Legislative institution of Kurdistan can take the position which is relevant to the Kurds to self determination on its territories including their right to establish their independent state.

The Region will set its constitution and organize its state of affairs, within the frame of the Federal Constitution.

**Peshmerga Forces and Representations of Kurdistan Region and the Power of Amending the Federal Law**

Article (118) of the Constitution Draft stipulates the following rights that reveal a part of the sovereign powers that enhance the role of the Kurdistan region in the Federal Republic of Iraq as follows:

The right to exercise legislative, executive and judicial powers and the internal sovereignty on Kurdistan Region except for the exclusive specialties of the Federal Power.

The right of the regional authority to apply the federal law in the region when there is a contradiction except for the exclusive federal power.

The right to get a just share from the revenues collected on the federal level.

The right to establish representation units and offices for the regions at the embassies and diplomatic missions.

The right of the regional government to have their armed and security forces and the police force as their specialty per se. That means the Peshmerga and the other armed forces are subject to the regional government management. No other military force can enter into the region unless upon a permit by the legislative power in the region.

The articles of the Constitution cannot be amended in relation with the regions' affairs

No amendment can be introduced to the articles of the Constitu-

tion in a manner to cause prejudice to the authorities of the regions that are not included in the exclusive specializations of the Federal Powers unless upon an approval by the Legislative Power in the concerned region and the approval of the majority of its population upon a referendum.

#### Kirkuk Issue and the areas of dispute (Article 58 of TAL)

The case of Kirkuk and the areas of dispute which were subjected to the arabicization policy and ethnic cleansing by the Ba'ath are main issues for the Kurds. Kirkuk is known as the heart of Kurdistan or like Jerusalem for the Arabs. It has not been possible to solve these problems according to TAL. Thus a new commission has been established and chaired by Mr. Hamid Majid Mousa- Secretary of the Iraqi Communist Party to solve the case of Kirkuk and apply the text of Article 58 of TAL.

The aforementioned Law which is a provisional constitution for the Country did not set a deadline for settling these problems. Thus, the new constitution draft in Article 136 stipulates:

The Executive Power will take the required steps to complete the implementation of the requirements of Article 58 with all its paragraphs in TAL.

The Executive power will continue to exercise its responsibilities in the transitional government as stipulated in Article 58 and such power will extend to the elected executive power according to this Constitution. However, they must complete the following:

- Normalization the state in Kirkuk

- Census

- Referendum in Kirkuk and the areas that are being disputed on to establish the opinions of people in a deadline of 31 December 2007.

#### Laws of the Region in Kurdistan

The Draft Constitution stipulates that the laws enacted in Kurdistan Region since 1992 will remain to be in practice. The resolutions made by the Government of Kurdistan Region including the courts' decisions and the valid contracts unless amended or cancelled according to the laws in Kurdistan Region and by the

competent party therein unless they should be in contradiction with the Constitution.

We think federalism is the choice of the Kurds in terms of political participation and in distributing wealth justly and according to the needs of people and the population density taking into consideration the harm caused to Kurdistan Region. In this sense, the federalism lays the ground for a State of Law, based on democracy, respect of human rights in the new Iraq. It cannot be the ultimate aspiration to achieve the rights of Kurds because we believe in the right of the Kurds to self-determination. They have the right to opt for con-federalism or to establish an independent Kurdish state as the conditions of the State of Law are available including the existence of people and land, and the political framework including the legislative, executive and judicial powers in addition to the natural wealth.

The Kurdish State is a legitimate goal that the Kurds want to achieve after a long struggle against dictatorship. In order to achieve freedom, the Kurds have offered many victims. One day the Kurds will enjoy total freedom as they are the only nation on earth that does not have an independent state on its own territory. Peoples who sacrifice for peace and democracy must reach their goals one day and build up their state of Law and have a government to serve people.

Eventually, Abraham Lincoln said: "A government from the people and to serve people ought not disappear from earth".

Ljubljana, April 07, 2006

## **Bosnia and Herzegovina and the constitutional amendments:**

### **POLITICAL MARGINALISATION OF BOSNIAN CROATS!**

*The International Institute for Middle-East and Balkan Studies (IFIMES) in Ljubljana, Slovenia, regularly analyses events in the Middle East and the Balkans. On the occasion of the proposal of constitutional amendments which were, on the basis of the agreement concluded by seven political parties (SDS, SDA, HDZ, SDP, SNSD, PDP and HNZ), presented to the Parliamentary Assembly of Bosnia and Herzegovina for discussion and adoption, IFIMES has carried out a research into the public opinion in Bosnia and Herzegovina (BiH). The citizens of Bosnia and Herzegovina were also asked whether they would take part in the general elections if they were held that day and whether the procedure of constitutional amendments had been led so far in a transparent way and with public participation. The most interesting sections from the comprehensive survey are given below.*

On the occasion of the proposal of constitutional amendments which were, on the basis of the agreement concluded by seven political parties (SDS-Serbian Democratic Party, SDA-Party of Democratic Action, HDZ-Croatian Democratic Union, SDP-Social Democratic Party, SNSD- Alliance of Independent Socialdemocrats, PDP-Party of Democratic Progress and HNZ-Croatian People's Union), presented by the Presidency of Bosnia and Herzegovina to the Parliamentary Assembly of Bosnia and Herzegovina for discussion and adoption, IFIMES has carried out a research into the public opinion in Bosnia and Herzegovina asking the citizens of BiH whether they would take part in the general elections if they were held that day and whether the procedure of constitutional amendments had been led so far in a transparent way and with public participation.

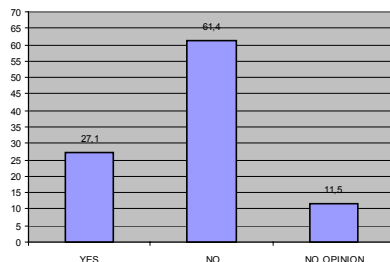


### Data on the sample:

- The sample: random, three-stage
- Size of the sample: 1.233 respondents (male and female citizens of lawful age)
- Methodology: telephone survey
- Period: April 13 to 14, 2006
- Degree of reliability: 95%
- Control: per 10% specimens
- Standard deviation: +/- 3
- Territory: Bosnia and Herzegovina (Republic of Srpska, Federation of BiH, Brcko District)

### 1. DO YOU SUPPORT THE PROPOSED CONSTITUTIONAL AMENDMENTS SUBMITTED INTO THE PARLIAMENTARY PROCEDURE BY THE PRESIDENCY OF BIH ON THE BASIS OF THE POLITICAL AGREEMENT CONCLUDED BY SEVEN POLITICAL PARTIES (SDS, SDA, HDZ, SDP, SNSD, PDP and HNZ)?

- YES 27,10 %
- NO 61,40 %
- NO OPINION 11,50 %

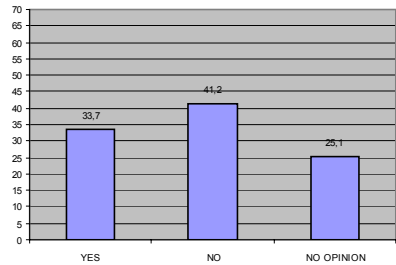


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## 2. WOULD YOU TAKE PART IN THE GENERAL ELECTIONS IF THEY WERE HELD TODAY?

- YES 33,70 %
- NO 41,20 %
- NO OPINION 25,10 %

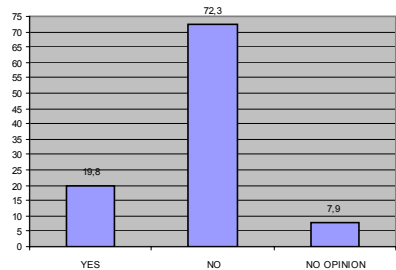


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## 3. DO YOU THINK THAT THE PROCEDURE OF CONSTITUTIONAL AMENDMENTS HAS BEEN LED SO FAR IN A TRANSPARENT WAY AND WITH PUBLIC PARTICIPATION?

- YES 19,80 %
- NO 72,30 %
- NO OPINION 7,90 %



The constitutional amendments are the top political issue in BiH. The talks/negotiations on the constitutional amendments in BiH

were initially led by eight political parties (SDS, SDA, HDZ, SDP, SNSD, SzBiH, PDP and HNZ). Eventually, the Party for BiH (SzBiH) withdrew from the negotiations as it disagreed with the manner of leading the negotiations and with the offered constitutional solutions. Most of the negotiations on the constitutional amendments were held in secrecy. Even after the seven political parties signed the political agreement on the constitutional amendments on 18 March 2006, no public discussions on the constitutional amendments, which are common practice in democratic societies, were organised. Especially in the Republic of Srpska there was no public debate on the proposed constitutional amendments which raised further doubts and justified concern among the citizens who started to wonder what was hiding behind the announced amendments. The holders of public discussions on the constitutional amendments in the Federation of Bosnia and Herzegovina were not the political parties who signed the agreement on the constitutional amendments but the Party for BiH and other parties which do not support the adoption of the constitutional amendments with the proposed contents and the procedure.

The constitutional amendments propose entity voting, which leads to complete control by the entities over the state of BiH since entity voting is carried out in the House of Representatives. Entity voting has an important influence – a law which is blocked in the House of Representatives can not be adopted. The blockade can only be repeated since there is no solution to the situation which can be described as the absolute veto. According to the Venice Commission the entity voting is unnecessary due to the existence of the House of Nations. Any decision made by the Parliament can be blocked through the national clubs (by one or, in extreme cases, two thirds). The entities practically lend their powers which is also evident from the agreement. All the transferred powers can be returned to the entities with the consent of the state and the entities. The constitutional amendments include the proposal to form ethnic clubs in the House of Representatives in order to elect the delegates to the House of Nations (Article

2(e) of Amendment II). Everywhere in the world - and according to some existing solutions also in BiH - it is the parties and not the ethnic clubs that act in the House of Representatives.

Unlike the text of the agreement, the amendments contain the formal procedure which should unblock the voting in the House of Representatives in cases when one third of the entities (or several members of the House from one entity) refuse to submit to the majority in voting. The presidents and vice-presidents of the House of Representative would then try to find the solution by means of negotiations within three days. If they fail to achieve a compromise proposal, the amendments envisage another voting round which does not necessitate the full composition of the House of Representatives.

In such a system the Croatian ethnic block could eventually form one third within the entity block of the Federation of BiH and temporarily put a veto on the voting of a proposal. In view of the total number of the Croatian ethnic component in BiH it is practically impossible for the Croatian ethnic block to achieve two thirds within the entity block of the Federation of BiH and to permanently block on its own the adoption of a proposal in the House of Representatives.

The possibility of a lasting veto in the House of Representatives would be thus guaranteed to the Serbian and Bosniak ethnic blocks while the Croatian ethnic block and the ethnic block of other nations would actually be deprived of that possibility. The eventual adoption of the proposed constitutional amendments would therefore lead to the political marginalisation of the Croats.

In order to avoid the possibility of a permanent blockade of the Parliament of BiH it would suffice to eliminate Article 9(e) of Amendment II. This would ensure the minimum conditions for effective decision-making in the Parliament. A firm opposition, which was especially put up by some of the proposers of the amendments, shows that their main goal was to create a lasting

mechanism which would ensure a system of ethnic consensus and the possibility to block the Parliament.

According to the proposed constitutional amendments the international community should “withdraw” from BiH while the two neighbouring states (Serbia and Croatia) would retain special relations with the entities. That means that BiH would be practically controlled in some way by the neighbouring states. The Serbs and the Croats in Bosnia and Herzegovina are not the national minority so there is no legal basis for such control. It is absurd that the entities should continue to have some unusual relations with the neighbouring states while the citizens of both entities are the constitutive nations in Bosnia and Herzegovina.

The IFIMES International Institute believes that the basic aim of constitutional amendments should be the creation of a functional state and its accession to the Euroatlantic integrations. The present administrative regime in BiH with two entities – the Republic of Srpska and the Federation of BiH as well as the Brčko District – hinders the development of the state. The key issue of constitutional amendments in BiH is regionalisation which should take into account the geographic, historical, communicational, demographic and other criteria. The proposed constitutional amendments are, on the contrary, oriented towards the consolidation of the existing situation and the affirmation of the ethnic principle in BiH. The constitutional amendments should enable the state of BiH to focus on the citizens regardless of their ethnic, religious, political or other identity.

Ljubljana, April 21, 2006

## Bosnia and Herzegovina:

### BOSNIA AND HERZEGOVINA AT THE CROSSROADS?

*The International Institute for Middle-East and Balkan Studies (IFIMES) in Ljubljana, Slovenia, regularly analyses events in the Middle East and the Balkans. Dr. Miro Cerar, professor at the Faculty of Law of the University of Ljubljana and adviser on constitutional issues at the National Assembly of the Republic of Slovenia, presents his views of the proposed constitutional amendments which were submitted to the Parliamentary Assembly of BiH for discussion and adoption by the Presidency of Bosnia and Herzegovina on the basis of an agreement concluded by seven political parties (SDS, SDA, HDZ, SDP, SNSD, PDP and HNZ).*

#### **Dr. Miro CERAR**

- professor at the Faculty of Law, University of Ljubljana
- adviser on constitutional issues at the National Assembly of the Republic of Slovenia

An obligation and at the same time an opportunity for a general revision of the Constitution of Bosnia and Herzegovina represent a significant political as well as legal (constitutional) challenge for this state. The politicians, legal and other experts as well as the citizens are standing at an important crossroads. One road follows the direction of ensuring the institutions typical of the western-type democracy and, thus, of the constitutionalism and the rule of law, while the other road leads to the institutional preservation of the pre-modern society, i.e. the state where the law and politics are a means of constant – concealed or open – fight for the predominance of one ethnic community over another. In more simple terms, the first road leads into (further) implementation

of the values and practices which are gaining ground for example in the framework of the European Union, while the second road leads into relative isolation of Bosnia and Herzegovina and, in the long run, even into its gradual legal (constitutional) and political decay. In the long-run there is in reality no middle road (or it is merely a fictive one) since the civilisational directions of the European and global development as well as the cultural, religious, political, ethnic, geographical and other factors place Bosnia and Herzegovina at a geostrategic turning point where it has to decide in which direction it would go. Looking for the middle road or postponing the decision would actually imply taking the second road. The fact that this time Bosnia and Herzegovina can take a major part of its destiny into its own hands is on one hand an important emancipatory moment in the development of the state and its citizens, but on the other hand it represents a great historical responsibility and puts its political and intellectual elites at a test.

Under such circumstances a fast constitutional discussion which lacks the transparency can be very harmful in the long run. The issues that are concealed in the constitutional debate and resolved "in haste" within a narrow political circle or even by misleading the public have negative repercussions in the future. A (democratic) constitution of a relatively good quality should provide for the values as well as political and legal institutions which comply with the prevailing political and legal consciousness and the desires of the great majority of the citizens. An increasingly heated, critical and polemic debate on the constitutional amendments which is taking place in Bosnia and Herzegovina should therefore be understood as a natural and expected (democratic) process in the current situation. What is more, the process can not be stopped by force, or else various political and other players may perceive the constitutional amendments as something that has been imposed on them which is the worst possible farewell to the first independent constitutional project of this young state. Although one can not draw parallels between the EU (and its member states) and Bosnia and Herzegovina (and its "entities"),

the failed (or at least “postponed”) project of adopting the “European Constitutional Treaty” (Treaty Establishing a Constitution for Europe) can, at least on principle, serve as a good example and an indicator of the inefficiency of hastiness in adopting an important constitutional document. Of course, this does not mean that a fruitful constitutional discussion always has to be a long one. What it means is that all the basic contents of the proposed amendments should be examined in the light of the responses of the professional and general public in order to ensure the necessary political and social legitimacy. However, it is of key importance not to deviate from the fundamental (democratic) goals of such constitutional revision.

If the basic aim of constitutional amendments in Bosnia and Herzegovina is (and should be) to increase the democratic standards and, as a result, to access and subsequently join the European Union, the constitutional revision must on one hand ensure a more efficient and democratic functioning of the basic institutions and on the other hand preserve and upgrade the mechanisms for efficient protection of the fundamental human rights and freedoms. If we focus primarily on the first and most topical aspect which includes the constitutional reform of the structure and the functioning of the supreme authority in Bosnia and Herzegovina, the key question is obviously whether it is possible to ensure further democratisation of the system and at the same time preserve or even strengthen the power of constitutional entities. The answer to that question can only be negative. The entities namely have an excessively disabling effect on the democratic processes which already require a relatively long period to be introduced and established. That does not mean that the entities should be abolished (which would also be completely unrealistic). What is important is that in some key aspects of the functioning of democratic institutions the entities give way to the principle of general representativeness.

Moreover, in case of Bosnia and Herzegovina we are talking about a specific situation in which the principles of democracy (ma-



jority decision-making on the basis of the general representativeness principle and the protection of fundamental human rights and the rights of minorities) and efficiency (timely adoption of appropriate decisions with majority support) do not contradict each other, which is, at least to a certain degree and in the short run, a feature of the steady democratic (parliamentary) systems. In the latter system a higher level of democratisation in the form of public and parliamentary discussions etc. at least partly disables the timely adoption of important political and legal decisions (the predominance of the democratic principle is of course more socially accepted in the long run). In case of Bosnia and Herzegovina, a higher level of democratisation in the above sense of the word which implies a reduced role of the entities and an increased role of the principle of democratic representativeness in the decision-making at the state level (whereby, of course, human rights and the rights of minorities should be constitutionally and judicially protected) would lead to a much better efficiency of the political and legal (constitutional) system. The entity decision-making is usually incompatible with the modern democratic parliamentarism, except when it is specifically aimed at correcting the general representativeness principle, e.g. in the form of parity or proportional composition of the lower chamber of the parliament. The constitutional question of the entity structure and entity principle of decision-making within the highest national bodies (especially the Parliamentary Assembly) is of key importance for Bosnia and Herzegovina and for its existence as a uniform and sovereign state.

Although the proposed amendments to the Constitution of Bosnia and Herzegovina bring some democratic and productive solutions for the development, their value is only relative and to a great extent completely diminished when taking into account the fact that under those amendments the adoption of the decisions by the House of Representatives which usually decides on the most important national issues (Amendment II, Article IV, paragraph 7) would be completely blocked with a veto imposed by the entities. This possibility is especially enabled by the provision

according to which the House of Representatives can not adopt a decision if at least two thirds of the members selected from each entity vote against it. (Amendment II, Article IV, paragraph 9/e). That and some other provisions (e.g. on the presidency elections – Amendment III, Article V, paragraph 2) only further confirm the fact that the amendments lay down the entity decision-making in the Parliamentary Assembly which means that the ethnic and national principle may prevail over the principle of democratic representativeness. Moreover, with the parity entity composition of the House of Nations (which would be an acceptable solution in itself, but in combination with the entity principle in the Parliamentary Assembly it means a model which is incompatible with the modern democracy), and especially with the right of the constitutive nations of Bosnia and Herzegovina to veto in order to protect the vital national interests (in which case the Constitutional Court is appropriately envisaged to decide on the justifiability of the veto used to assert such interests) it becomes clear that such constitutional amendments contain several impediments and limitations and as such do not enable the achievement of the goals they are supposed to achieve (i.e. higher level of democratisation, tolerance, stability and efficiency of the system etc.).

Without dealing with other aspects of the proposed constitutional amendments which also include some constructive solutions, it can be concluded that it would be reasonable to continue the constitutional debate in Bosnia and Herzegovina and to reconsider the proposed solutions. Such reflection should be conditional on a more clear position on what is the real goal of the constitutional amendments. Is it a modern, emancipated, democratic and legal state with the relatively efficiently functioning institutional system, or further weakening and division of Bosnia and Herzegovina in which the ethnic and other specific players and factors dominate at the detriment of the efficiency of the whole? Hopefully that question is merely rhetoric, since in our opinion there is no middle or “third” possibility.

Ljubljana, 25 April 2006



## Montenegro and the referendum on independence:

### **KOŠTUNICA-ĐUKANOVIĆ SECRET AGREEMENT!**

*The International Institute for Middle-East and Balkan Studies (IFIMES) in Ljubljana, Slovenia, regularly analyses events in the Middle East and the Balkans. IFIMES has carried out a public opinion survey in Montenegro on the occasion of the announced referendum where the citizens of Montenegro will decide on the status of their state, i.e. whether they want to live in an independent state of Montenegro or in a state union with Serbia, which will take place on 21 May 2006. For the purposes of the survey the citizens were also asked if they would participate at the announced referendum. The most interesting sections from the comprehensive survey are given below.*

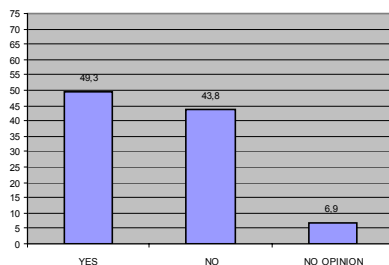
The IFIMES International Institute has carried out a public opinion survey in Montenegro on the occasion of the announced referendum on independence which will take place on 21 May 2006.

#### **Data on the sample:**

- The sample: random, three-stage
- Size of the sample: 1.010 respondents (male and female citizens of lawful age)
- Methodology: telephone survey
- Period: April 25 to 27, 2006
- Degree of reliability: 95%
- Control: per 10% specimens
- Standard deviation: +/- 3
- Territory: Montenegro

## 1. WILL YOU VOTE FOR THE INDEPENDENT MONTENEGRO AT THE REFERENDUM ON 21 MAY 2006?

- YES 49,30 %
- NO 43,80 %
- UNDECIDED 6,90 %

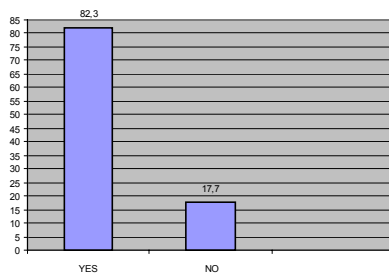


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- Degree of reliability: 95%
- Control: per 10% specimens
- Standard deviation: +/- 3
- Territory: Montenegro

## 2. WILL YOU PARTICIPATE AT THE ANNOUNCED REFERENDUM ON INDEPENDENCE OF MONTENEGRO WHICH WILL TAKE PLACE ON 21 MAY 2006?

- YES 82,30 %
- NO 17,70 %



The announced referendum on the independence of the Republic of Montenegro which will be held on 21 May 2006 is characterised by the polarisation and severe referendum campaign.

The polarisation of the political scene in Montenegro has led to the political phenomenon of the so called “Ukrainisation” of Montenegro in which two antagonistic political blocks have been formed: 1. The block favouring the state union with Serbia comprises: SNP (Socialist People’s Party), NS (People’s Party), DSS (Democratic Serbian Party), SNS (Serbian People’s Party) etc. 2. The block striving for the independent Montenegro includes: DPS (Democratic Party of Socialists), SDP (Social Democratic Party), LP (Liberal Party) etc. Regardless of the result of the referendum, the political polarisation of Montenegro will continue in the post-referendum period, which raises the question as to whether such a state is able to function at all. The analysts believe that under such circumstances there will be no real political winner of the referendum in Montenegro but rather a kind of “collective defeat”. A similar situation can be observed in Ukraine which is trying to find a way out of the political crisis caused by the polarisation into two totally opposing political blocks.

The recent secret agreement concluded in Rome by the Prime Ministers of Serbia and Montenegro, Vojislav Kostunica and Milo Đukanović respectively, where Kostunica “blessed” the independence of Montenegro, leads to the question as to whether the block for the state union with Serbia is the object of manipulation of the official Belgrade just like the Serbs were during the formation of the new states in the region of the former Yugoslavia starting with Slovenia and Croatia and followed by Bosnia and Herzegovina and Kosovo.

The minorities in Montenegro will influence the referendum result in several aspects. The notion of “minority” has a very specific meaning in Montenegro since the latest census in Montenegro showed that there is no majority nation in this state. The presence of the minorities at the referendum will not be conditioned by the will of their political leaders but by the maturity and responsibility of the minorities themselves regarding the future status of Montenegro. The political leaders of minorities who are directly influenced by the Đukanović regime do not have the ab-

solute support of the voting body. An example of such leaders in Montenegro is the Albanian minority leader Ferhat Dinosha who represents “Đukanović’s Trabant” and who has a minor influence over the Albanian voting body. Consequently, an Albanian NGO in Montenegro called the “Citizens Initiative”, which strives for the establishment of partnership relations with the official Podgorica, enjoys better reputation and support in the voting body than the DUA (Democratic Union of Albanians) led by Dinosha. Research has shown that the Montenegrin regime should involve also the Albanian leaders outside Montenegro in the resolving of open issues related to the Albanians in Montenegro in order to eliminate or minimise the manipulation of the minorities by the regime. Similarly, other NGOs also represent an important factor in the political life of Montenegro. For example, the “Group for Changes” has a specific political importance and significant support of the citizens which is greater than the support given to certain political parties.

A similar situation can be observed in case of the Bosniaks in Montenegro whom the present regime has divided into two nations: the Bosniaks and the Muslims, although they obviously form one nation. The division is based on the definition made by the leading regime according to which the citizens who identify themselves as the Bosniaks belong to Bosnia and Herzegovina as the country of their origin and therefore automatically have the minority status in Montenegro, while the citizens who identify themselves as the Muslims represent the autochthon inhabitants of Montenegro of the Islam religion. This represents the well-known ideology of the totalitarian communist regime of former Yugoslavia which has very few followers in the ex-Yugoslavian region, Đukanović being one of them. Although well aware of this fact the international officials avoid mentioning it.

The IFIMES International Institute is of the opinion that Montenegro will most probably become an independent state. However, this will not eliminate the problems present in the Montenegrin society which were caused by the political polarisation of the

state, but rather open the question of the general functioning of the state and its long-term viability. The European Union approached the Montenegro issue very superficially without taking into account the complexity of the political and social scene which is still very much influenced by the traditional tribal structure of the Montenegrins as one of the very few nations in the Balkans still functioning on that basis.

Ljubljana, 03 May 2006





## **Montenegro and the referendum on independence:**

### **IS A REFERENDUM FRAUD BEING PREPARED?**

*The International Institute for Middle-East and Balkan Studies (IFIMES) in Ljubljana, Slovenia, regularly analyses events in the Middle East and the Balkans. IFIMES has carried out a public opinion survey in Montenegro on the occasion of the announced referendum where the citizens of Montenegro will decide on the status of their state, i.e. whether they want to live in an independent state of Montenegro or in a state union with Serbia, which will take place on 21 May 2006. For the purposes of the survey the citizens were also asked if they would participate at the announced referendum. The most interesting sections from the comprehensive survey are given below.*

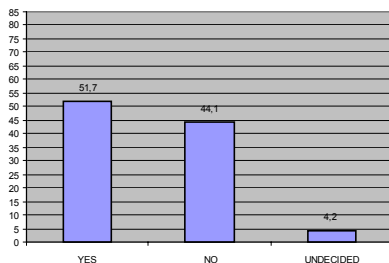
The IFIMES International Institute has carried out a public opinion survey in Montenegro on the occasion of the announced referendum on independence which will take place on 21 May 2006 and at which 484,716 citizens have the right to vote.

#### **Data on the sample:**

- The sample: random, three-stage
- Size of the sample: 1.001 respondents (male and female citizens of lawful age)
- Methodology: telephone survey
- Period: May 10 to 12, 2006
- Degree of reliability: 95%
- Control: per 10% specimens
- Standard deviation: +/- 3
- Territory: Montenegro

## 1. WILL YOU VOTE FOR THE INDEPENDENT MONTENEGRO AT THE REFERENDUM ON 21 MAY 2006?

- YES 51,70 %
- NO 44,10 %
- UNDECIDED 4,20 %

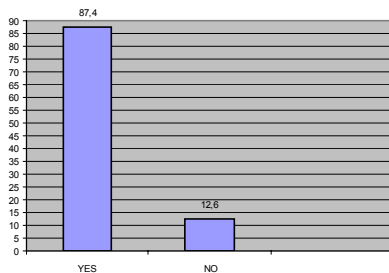


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- Methodology: telephone survey
- Period: May 10 to 12, 2006
- Degree of reliability: 95%
- Control: per 10% specimens
- Standard deviation: +/- 3
- Territory: Montenegro

## 2. WILL YOU PARTICIPATE AT THE ANNOUNCED REFERENDUM ON INDEPENDENCE OF MONTENEGRO WHICH WILL TAKE PLACE ON 21 MAY 2006?

- YES 87,40 %
- NO 12,60 %



The European union managed to impose the rules upon the present authorities in Montenegro on how to carry out the independence referendum if Montenegro wishes the result of the referendum to be recognised by the EU. Thus, on EU's demand,

the Assembly of Montenegro adopted the Referendum Act which among others lays down that for a successful referendum at least 55.00% votes of participating voters are required which represents legal nonsense resulting from the compromise made due to strong pressures exerted by the present opposition in Montenegro which supports the preservation of the State Union of Serbia and Montenegro and which has threatened to boycott the referendum. The political polarisation in Montenegro and the non-existence of general consensus has led to the political phenomenon of the so called "Ukrainisation" of Montenegro in which two antagonistic political blocks have been formed: 1. The block favouring the state union with Serbia comprises: SNP (Socialist People's Party), NS (People's Party), DSS (Democratic Serbian Party), SNS (Serbian People's Party) etc. 2. The block striving for the independent Montenegro includes: DPS (Democratic Party of Socialists), SDP (Social Democratic Party), LP (Liberal Party) etc.

The referendum campaign is taking place in an extremely tense atmosphere marked by fierce fight between the antagonistic political blocks striving to realise their goals with motto "the end justifies the means".

According to the information gained by the IFIMES International Institute, a referendum fraud is being prepared in Montenegro. Both political blocks have namely printed a certain amount of referendum ballots apparently identical to the original so there will probably be attempts to (mis)use the ballots at the voting places. There are several ways to (mis)use the "falsified" referendum ballots: (1) individual specially trained voters can drop into the ballot box their official ballot paper together with the falsified ballot paper with their political option marked; (2) before the beginning of or during the voting certain amount of falsified ballot papers in favour of certain political option can be dropped into the ballot boxes. Moreover, the referendum fraud may also occur during the counting of votes when some members of the voting committee may unnoticeably mark the

ballot paper favouring the opposite option so that the ballot paper would be invalid during the second counting of votes. Both political blocks are training their members for the above frauds in the “training centres”.

Dubious referendum activities include also the purchase of personal identity documents from the members of the opposite block in order to prevent them from participating at the elections as well as an exceptionally large number of charter flights during the referendum period for transporting the diaspora voters. Moreover there are also free busses for the transport of all voters living in Serbia to the referendum places in Montenegro which represents a direct interference of Serbia in the course and results of the referendum. Due to the very small number of the total voting body all the above activities may substantially affect the final result of the referendum.

If the referendum result ends in the so called “grey zone” of between 50 and 55%, the present regime of Milo Đukanović has prepared the reserve scenario according to which special commissions for the recounting of votes would confirm the “appropriate” number of votes. This scenario envisages also the co-operation of the Constitutional Court of Montenegro.

The complicated situation in Montenegro is additionally burdened by war crimes committed in Croatia and Bosnia and Herzegovina which still have not been dealt with. Furthermore, the state still has not closed the war dossiers of Momir Bulatovic and Milo Đukanović who held the positions of President of the Republic of Montenegro and Prime Minister of Montenegro respectively during the aggression against Croatia and Bosnia and Herzegovina. Under the pressure of the Hague Tribunal a judicial process may be initiated against them for the war crimes committed in Croatia and Bosnia and Herzegovina. Thus for example in Bosnia and Herzegovina the former minister of foreign affairs Jadranko Prlic who used to be the international community’s “favourite” during the post-war period eventually ended in the

Hague Tribunal on the grounds of confirmed charges for war crimes committed against the non-Croats while carrying out his function as the Prime Minister of the “Herceg-Bosna” para-state. The fact is that during the regime of Milo Đukanović Montenegro functioned conditionally as a democratic state through the so called “folklore democracy”, i.e. it was perceived as a democratic society merely through its external forms of appearance.

The IFIMES International Institute is also pointing to the unresolved status of the Montenegrin Orthodox Church which has not been recognised by the central Serbian Orthodox Church nor by the ecumenical council according to the valid canon law. The Montenegrin Orthodox Church will probably still not be recognised for some time, just as the Macedonian Orthodox Church has not been recognised due to a powerful opposition and influence exerted by the Greek Orthodox Church on the Serbian Orthodox Church not to recognise it. Eventual recognition of the autocephaly of the Macedonian Orthodox Church would open the way to the recognition of the autocephaly of the Montenegrin Orthodox Church.

The IFIMES International Institute believes that the majority of the citizens will vote in favour of independence of Montenegro at the referendum which will be a confirmation of its constitutional independent federal status within the former Socialist Federal Republic of Yugoslavia (1974) and subsequently in 1997 when Milo Đukanović with his establishment withdrew from the politics of Slobodan Milošević and started to form and re-establish the constitutiveness of Montenegro thus setting out on a one-way journey. In fact, Montenegro has been functioning as an independent state for the past few decades, therefore the forthcoming referendum will represent only a formal announcement of its actual position and a confirmation of its status. However, this will not eliminate the problems present in the Montenegrin society which were caused by the political polarisation of the state and the non-existence of general consensus between the leading political parties, but rather open the question regarding

the general future functioning of the state. Unfortunately, the European Union approached the Montenegro issue very superficially without taking into account the complexity of the political and social scene in Montenegro.

Ljubljana, 15 May 2006

## **The role of OSCE in the Western Balkans:**

### **THE OSCE AND INTEREST MANAGEMENT IN THE WESTERN BALKANS**

*The International Institute for Middle East and Balkan Studies (IFIMES) from Ljubljana, Slovenia has been regularly analyzing the events in the Middle East and the Balkans. Dr. Milan Jazbec, member of the IFIMES International Institute, has analysed the role of OSCE in the Western Balkans in view of the tenth anniversary of the Dayton Peace Agreement, the separation of Serbia and Montenegro, the status of Kosovo and the accelerated co-operation between the EU, NATO and the Council of Europe. His article entitled "THE OSCE AND INTEREST MANAGEMENT IN THE WESTERN BALKANS" is published in full.*

#### **Dr. Milan Jazbec**

- member of the IFIMES International Institute

One decade after the adoption of Dayton Peace Accords and two years after the dual EU and NATO enlargement the region of the Western Balkans faces some crucial challenges, which decisively affect its further development. The issue of the increasingly loose federation of Serbia and Montenegro (S-M), the issue of Kosovo, as well as that of Bosnia and Herzegovina (B-H) are three cases, all on the top of the agenda. The MAP countries are closer to membership than they have ever been, Bulgaria and Romania are practically EU members, and Croatia and Macedonia are proceeding along the road to membership, while both S-M and B-H still remain outside the PfP.

With both the EU and NATO firmly present in the region, how could we see the current role of the OSCE and its soft security



mechanisms and advantages in the region?

Being the biggest of all its missions, the Kosovo one has been successfully managing the complicated and complex interest heterogeneity in the international framework provided by the UN SC 1244 resolution. The transformation of UNMIK offers an additional challenge to be mastered by the OSCE experts, while struggling to enhance the institution building, confidence and security building measures and the crucial role of the civil society. The latter is perhaps also one of the key arguments for enhancement of the organization's role in B-H. This goes along the demanding, deep and tough process of the security sector reform, with special emphasis on both defense and police areas. However, it is the discussion about the future B-H constitution, which overshadows all other topics. Last but not least, one possible outcome of the May referendum in Montenegro could be the newest OSCE field mission in Podgorica. Again, we face three issues where expertise and advice of the OSCE will remain not only indispensable, but also highly preferable and welcome.

We argue this above all with huge, useful and proven field experience, which is one of the biggest advantages the organization has. It is primarily up to the organization itself how to benefit even more from it and how to include its empirical expertise in its relations with other international fora in the very theatre. We could additionally argue that the OSCE is in the position to step ahead in the field and complement the activities of NATO and the EU. While the former is managing hard security challenges, heading with the demanding process of defense reforms, the latter is achieving this with overall restructuring of the societies in the region. This provides clear maneuvering space for not only successful establishment but also the development of civil society mechanisms and related value systems, with one top message in particular: in spite of the historically dominant value of conflict as a means of solving open issues, consensus is the one which should stand out. It is our firm belief that this shift could be achieved primarily as a result of the OSCE activities.

Increasing cooperation with the EU and NATO as well as with the Council of Europe (CoE) shows how to cement the way forward. One could say that the complementarity of the security processes in the Northern hemisphere has been finally laid down. This is even more true having in mind the successful and efficient field synergy of all three OSCE dimensions, which is one of the outstanding achievements of the previous year's Slovene Chairmanship. Bringing together economic and migration issues as well as launching the Education for Rights of Children Pilot Project proves the necessity and the expectation for a combined matrix approach. In an ever demanding and complex world only such an approach could bring added value and renewed interest to our activities. Perhaps one could also argue that it would be our interest and care for children, elderly and disabled, expressed through well thought projects, which could attract the necessary attention of political elites.

If the mentioned pilot project has achieved to bring together representatives of various ethnic groups in different places around the Western Balkans and if the experience of the International Trust Fund for Demining and Mine Victims are applicable through the OSCE area, this could be a lesson learned from the successful work of the OSCE in the region discussed.

This conclusion would have at least three important consequences.

First, it praises hard and usually widely unseen, but highly efficient, work of the OSCE experts and other field activists. This is for sure the organization's advantage.

Second, it has already been transferable to other regions and this should be done even more, with new topics and a combined, re-freshed approach. This has proven the organization's vitality and flexibility.

And third, complementarity of the security processes in the mentioned area has gained momentum after last year's Memorandum between the OSCE and the CoE. This presents an example of how

to tackle soft security issues in an ever changing environment, where threats and challenges merge and cannot be tackled otherwise but with the joint effort of security players.

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Milan Jazbec was State Secretary for Defence Policy and International Relations at the Slovene Ministry of Defence from December 2000 till November 2004 and member of the OSCE Task Force during Slovene Chairmanship. He is employed at the Slovene Ministry of Foreign Affairs and is also Assistant Professor at the Faculty for Social Sciences, University of Ljubljana. Views expressed in this article are of his own and do not represent the opinion of his employer.

Ljubljana, May 30, 2006

## **Bosnia and Herzegovina:**

### **POST-DAYTON BOSNIA AND HERZEGOVINA: ITS PAST, PRESENT AND FUTURE**

*The International Institute for Middle-East and Balkan Studies (IFIMES) in Ljubljana, Slovenia, regularly analyses events in the Middle East and the Balkans. In his article entitled "Post-Dayton Bosnia and Herzegovina: its past, present and future", Professor **Dr. Anton Bebler**, full professor at the Faculty of Social Sciences of the University of Ljubljana and member of the IFIMES International Institute, presented his views of the role of the former Socialist Republic of Bosnia and Herzegovina within the Socialist Federative Republic of Yugoslavia (SFRY), the process of gaining independence, the war and the signing of the Dayton Peace Agreement in 1995.*

#### **Dr. Anton Bebler**

- full professor at the Faculty of Social Sciences of the University of Ljubljana
- member of the IFIMES International Institute

#### **ABSTRACT:**

*Bosnia and Herzegovina (B & H) under her present full name, with her own state symbols, constitution, internal composition and institutions is one of the youngest states in Europe. When in 1991 the Yugoslav communist system collapsed at the federal level multinational and yet centralist unitary Bosnia & Herzegovina was among the six "Socialist Republics" the least prepared for the introduction of competitive multi-party politics. The breakdown of Bosnia & Herzegovina occurred broadly for the same reasons and by only several months followed the de facto demise of SFRY. Both systems basically failed the same test and imploded*

*in the wave of democratization which suddenly flooded Eastern Europe. After about four years of disintegration and armed violence (1992-1995) her warring parts were stitched and bandaged together by Western powers.*

*In December 1995 Bosnia & Herzegovina was reestablished as single, formally sovereign state. In fact the Bosnians have lived since then under international protectorate. For the first time in her history the country was transformed into a quasi-federation consisting of three parts - two so-called "entities" as well as a small corpus separatum - the Brčko District. The Dayton-Paris agreements created an asymmetric and clumsy compound structure containing three or four tiers of governance, 13 parliaments, 13 executive branches and about 180 ministries and ministers. Acting in a hurry the Dayton "godfathers" set up a political system essentially based on collective rights of three ethnic-cum-religious communities. Contrary to declared goals they have in fact cemented the political, administrative, economic and cultural walls segregating the three "constituent peoples". The Dayton system has largely outlived its original purpose and needs to be replaced with a simpler, more transparent, rational and homogeneous political system. The existence of vibrant and prosperous Bosnia & Herzegovina will be best assured if she develops a viable federal system of governance which will be better adjusted to her needs than the present one. In spite of numerous difficulties and failures in the past the future of federalism in South Eastern Europe does not look bleak.*

*Key words: South-Eastern Europe, Balkans, Bosnia & Herzegovina, federalism, Political system, Dayton-Paris agreements.*

Bosnia and Herzegovina under her present full name, with her own state symbols (notably the flag), language, constitution, internal composition and institutions is one of the youngest states in Europe. After about four years of disintegration and armed violence (1992-1995) her warring parts were stitched and bandaged together by Western powers. In November-December 1995 the

single statehood of Bosnia & Herzegovina was reestablished under international patronage by the Dayton-Paris agreements. The new state inherited the legal personality and UN membership of the previously existing "Republic of Bosnia & Herzegovina". The latter entered UN on May 22, 1992 and was recognized as one of the Yugoslav successor states.

The geographic configuration of today's Bosnia & Herzegovina only imperfectly corresponds with that of the early medieval land called Bosnia (Bosna). Bosnia's territory had been conquered many times, carved out, linked and reassembled again in various configurations with parts of today's Croatia, Serbia, Montenegro, Kosova and other countries further afield, including Hungary, Greece and Turkey. Bosnia had been ruled by known native Slavic rulers with titles "Ban" or "King" between 1160 and 1463. These three centuries of independent Bosnian statehood were several times interrupted by several periods of foreign rule or vassalage. The Slavic Kingdom of Bosnia reached the acme of its power and of territorial expansion under Tvrtko I (1353-1391) who titled himself the "King of the Serbs and of all Bosnia". During his reign Bosnia encompassed the territory of today's B & H, Slavonia, most of Dalmatia and of today's Montenegro as well as part of today's Serbia. It was considered then the strongest Slavic Kingdom in South Eastern Europe. In May 1463 after the surrender (on a written promise of clemency) and beheading of her last King Stjepan Tomašević (according to one source by Sultan Mehmed II personally) Bosnia's sovereignty was extinguished for more than five centuries. It was Ottoman rule that had, in about four centuries of its duration finally molded Bosnia into a single country. It left behind a strong and lasting Oriental imprint. By mass conversion of the Bosnian Christians into Islam the Ottoman rule implanted in the country a confessional-cultural community which has gradually become domesticated and in five centuries evolved into an ethnic group, a distinct people and finally a Bosniak (Boshniak) nation with its own culture and, since recently officially also a separate Bosnian language (very similar to the Serbian and Croatian). Although hundreds of mosques and other memorabilia from the Ottoman period disappeared through

neglect or were outright destroyed many monuments, buildings, quarters, bridges etc. still stand today and serve as principal tourist attractions. More than a third of B & H's population bear today Oriental names – among the Bosniaks usually a first name and a Slavicized family name, while among the Serbs a first Slavic name is frequently combined with a Slavicized Oriental family name. Thus the most notorious Bosnian Serbian nationalist indicted by the Hague tribunal, himself an Orthodox Montenegrin by origin Radovan Karadžić exemplifies this lasting Ottoman imprint even among the Moslem-haters. The Oriental cultural influence has been felt in the Bosnian way of life, customs of hospitality, food and drink consumption, home interiors etc. On the religious side the trend of visible but still only superficial reislamization in Central Bosnia has been expressed in building numerous new mosques and Islamic centers, rebuilding old, the partial return of Oriental dress and appearance of men and women etc. This time (re)islamization in B & H does not originate in Istanbul but is fuelled primarily by Arab oil money. The last war in the Balkans showed, i.e., that even after many centuries of cohabilitation the Oriental island in B & H is still being perceived by its Christian neighbours as a culturally alien implant. Many Bosnian Serbs still often derogatorily call their Bosniak fellow citizens *Turci* (Turks), *Poturice* (Turcized ones) or *Balije*. B & H's internationally recognized Northern, Western and Southern borders used to be not only the oldest in ex-SFR of Yugoslavia but are also one of the oldest in Europe, dating from the Peace Treaty of Sremski Karlovci (1699). During the last two centuries several of her Eastern and Southern territories were amputated from Bosnia. The "Sandzhak of Novi Pazar" was administratively separated from her by the Ottomans shortly prior to the Austrian occupation and merged with Kosovo. In 1877 Montenegro attacked the neighboring Ottoman possessions and occupied considerable part of Eastern Herzegovina. This conquest was facilitated by the Ottomans' military engagement and difficulties in Bulgaria during their last war with Russia. The Montenegrin conquests included, i.e., Podgorica, today's capital of Montenegro. After the first Balkan War (1912) Serbia occupied and annexed as her war booty also the "Sandzhak of Novi Pazar". In 1945

Sandzhak was finally divided between Serbia and Montenegro, again without the consent of its predominantly Moslem population (about a half of them still, in 2005 identify themselves as Bosniaks). In addition, the remaining heartland of Bosnia was dismembered several times – in 1921, 1929, 1939, 1941 and for last time in 1991-92.

## **BOSNIA & HERZEGOVINA UNDER LAST THREE MONARCHIES**

For most of her history since the Middle Age B & H had been governed from outside the country by various foreign rulers. Consequently the land could not maintain from the earlier period the tradition of her own statehood. The previously existing Slavic and Vlach fabrics of governance were destroyed and her ruling stratum of nobility was eliminated or forced to flee. These structures were replaced by an entirely different, transplanted system of military theocracy. In this system the Ottoman tribal military organization had been combined with Byzantine (Greek) administrative practice, an Islamic religious order and strong Near Eastern cultural imprint. Bosnia's specific cultural identity had been superimposed over and partly concealed deep internal ethnic and religious fissures. Once firmly established Ottoman rule had showed outstanding religious tolerance and thus contributed to, by and large, peaceful coexistence among the Moslems (Slavic Bosniaks, transplanted Turks and others), Greek Orthodox (Serbs and members of non-Slavic ethnical groups who became gradually absorbed into the Greek Orthodox community – the Vlachs, Greeks, Gypsies et al.), Roman Catholics (mostly but not exclusively Slavic Croats), Sephardic Jews, et al. This coexistence under foreign rule and authoritarian governance proved however to be rather fragile. Several times since the Ottomans' withdrawal this coexistence degenerated into intercommunal violence and massive bloodshed when radical geopolitical shifts occurred in the region.



Under the Ottomans Bosnia was made at first a “sandzhak” (banner) with its capital in Vrhbosna (renamed into Sarai). For several decades it was part of the Rumelia “eyalet” (European part of the Empire) but was later elevated to the same status. For more than a century the Bosnian eyalet included also considerable parts of today’s Croatia (Slavonia and also parts of Dalmatia) and of today’s Serbia and Montenegro, making it one of the largest provinces of the “Sublime Porte”. Administratively the Bosnian eyalet had been subdivided into eight and later into six “sandzhaks” (regions). The regional heads had been subordinated to a governor (“vizier”) who enjoyed the highest honorific rank of a “three-tail” Ottoman “pasha”. In 1865 Bosnia became a “vilayet” while the six sandzhaks were renamed into “livas” with their centers in Sarajevo, Mostar, Tuzla, Travnik, Banja Luka and Bihać. Herzegovina was then made a separate “vilayet”. In Ottoman centralist governance a degree of regional and local autonomy could express itself chiefly in evading, sabotaging or abusing the edicts and orders received from distant Istanbul. By the late XIX century, after about 400 years of Ottoman rule and exposure to strong Oriental cultural influence, Bosnia had accumulated a long experience of submission to unitarian, authoritarian, often arbitrary and towards its and increasingly corrupt governance. According to the first written Ottoman constitution of 1876 provincial consultative assemblies were established in early 1877 also in the vilayets of Bosnia and of Herzegovina to be abolished by Sultan’s decree already in February 1878. Under these circumstances Bosnian society could only with a great difficulty and very slowly develop its own political culture of democratic civility.

From 1908 on, for roughly eight decades Bosnia & Herzegovina had been legally part of four larger multinational states. Three among them featured elements of federalism, while one of them during its last two years of existence started moving towards decentralization and asymmetric federalism. In all four systems however Bosnia herself had had unitary systems of governance.

Bosnia was brought into her first association with federalism in

July 1878 when Austro-Hungarian troops invaded the country and were met with considerable but poorly organized resistance by the Bosnian Moslems and the Bosnian Serbs. The occupation and imposition of Austro-Hungarian administration were carried out with a mandate given at the Berlin congress of 1878 by other European great powers. Once, after three months of hostilities, the occupation was complete B & H was made a non-self-governing entity outside the two constituent parts of the Austro-Hungarian Empire (KuK). The two vilayets were united and the land was officially renamed by the new rulers into Bosnia & Herzegovina. For about three decades the country had been governed jointly by two bureaucracies of the dual monarchy - by an Austrian military governor with his chain of command and by civilian administration directed by the Common Minister of Finance (a Hungarian politician). On the civilian side alone more than 9.000 Austro-Hungarian officials and other personnel had been involved in this colonial undertaking and "civilizing" mission. The Austro-Hungarian rule made the ethnic-national composition of population in B & H even more heterogeneous than had been under the Ottomans.

The authorities of the Austrian Empire-Hungarian Kingdom (KuK) retained the Ottoman administrative division of the country and only renamed the "sandzhaks" into "Kreise" (regions) and the lower units "kazas" into "Bezirke" (districts). In 1908 Bosnia & Herzegovina was also formally annexed by KuK and in February 1910 her constitutional statute was solemnly inaugurated. The charter gave the country limited internal autonomy but no voice in imperial affairs. Emperor Franz Joseph von Habsburg appointed then a Bosnian civilian governor and his cabinet which were however directly subordinated to the imperial government. For about three years B & H had her consultative Assembly ("Sabor") consisting of representatives elected on the basis of a limited franchise by the Orthodox Serb (37), Moslem Bosniak (29), Catholic Croat (23) and Jewish (1) communities. In addition 20 ex-officio members were appointed by the Crown. The Assembly gave the country very brief and limited experience of a mod-

ern quasi-parliamentarian institution. The control over Bosnia & Herzegovina and her ties with other Slavs inside and outside the Empire have been for several decades a bone of contention in internal Austro-Hungarian politics. Finally in October 1915 the Budapest government adopted a plan to annex B & H into Hungary and to dismantle all forms of her limited autonomy. The plan was however never executed.

The assassination of Archduc Franz Ferdinand von Habsburg on June 28, 1914 in Sarajevo ignited the First World War. This continental conflagration proved to be fatal to the dual monarchy as it created, in combination with the earlier Bosnian adventure, a critical overload. The Empire's delicate internal political balance collapsed under its pressure. KuK's breakdown however was not due to the fact that the Empire's structure had contained some elements of federalism. The real cause of her demise was KuK's lacking internal cohesion and adaptability to social and political pressures of national emancipation among the underprivileged minority groups, primarily the Slavs. The desperate offer by the last Emperor Karl I von Habsburg to thoroughly federalize the Empire by granting autonomy to all national groups came too late to save the multinational conglomerate in one piece. Moreover his Manifesto of October 17, 1918 was repudiated by the Hungarian government and was thus valid for the Austrian Crown lands alone. The defeat of Germany and Austro-Hungary ushered a period of fundamental geopolitical realignment in Europe which strongly affected also Bosnia & Herzegovina.

A radical change in B & H's status occurred when Austro-Hungarian Empire broke down and disintegrated. At this historic turning point the country became part of another multinational state, again under abnormal, near war-time circumstances. During several tumultuous months in the second half of 1918 a Council representing Bosnian political parties and prominent citizens took two crucial decisions: to terminate Bosnia & Herzegovina's ties with the dual monarchy and to join the newly formed republican "State of the Slovenians, Croats and Serbs", with its center in Zagreb. In this loose and short-lived confederation B & H had brief-

ly had her own country government although being occupied by troops of the Kingdom of Serbia.

The more or less voluntary association of Bosnia & Herzegovina with several other Slavic nations living in South-Eastern and Central Europe was already in December 1918 transformed into a centralist unitary monarchy dominated by Serbian civil-military bureaucracy. Its new official name - the "Kingdom of the Serbs, Croats and Slovenians" clearly denied the Bosnian Moslems the status of a constituent nation and thus also their equality with the Serbs and Croats living in B & H. Still worse, the Bosnian Moslems, particularly landowners and peasants, became victims of revenge and persecution tolerated by the Serbian Army. Several thousands Moslems were killed and over ten thousands emigrated to Turkey. The Bosnian Moslem politicians however skillfully used their critical balancing position during long debates and intense bargaining in the constitutional assembly. They finally succeeded in assuring, under the "Vidovdan" charter of 1921, the maintenance of the outer geographic outline of the country. For about ten years Bosnia & Herzegovina had been subdivided into five or six "oblast" (regions). Her limited internal autonomy as "pokrajina" (province) with a provincial head and his government was fully abolished by a decree in 1924.

Following the royal coup in January 1929 and the new renaming of the state into the "Kingdom of Yugoslavia" a further step in the same direction was taken when Bosnia & Herzegovina was unceremoniously partitioned and her historic external borders erased. The country's regions were distributed among four newly formed "banovinas" (large provinces) and administratively joined with the neighboring districts in Croatia, Serbia and Montenegro. Only one of these "banovinas" had its center in Bosnia (Banja Luka). Although ostensibly non-national in character and named after main rivers the "banovinas" were gerrymandered with the clear purpose of giving the ethnical Serbs, at least, a plurality in as many among the nine Yugoslav "banovinas" as possible. In each of the four "banovinas" the Bosnian Moslems found themselves in a

distinctly minority position. The centralist policy of suppressing national identities under the guise of integral Yugoslavism did not bring however the desired internal stability to the Kingdom. Yugoslavia's deep malaise continued and only deepened after the coup executor King Alexander was assassinated by a Macedonian terrorist during his official visit in France in 1934.

In order to quell the boiling dissatisfaction among the Croats (the second largest national group) an attempt was made to decentralize the Kingdom and to transform it into an asymmetric federation. The Cvetković-Maček agreement of August 26, 1939 accorded to the Croats only the privilege of largely controlling their own affairs. The sole "banovina" allowed to bear a national name and to have her own civilian administration was the newly formed "Banovina Croatia". Bosnia & Herzegovina was partitioned again between the Serbs and the Croats and her good part allotted to "Banovina Croatia". However the attempt to save the Kingdom by partly federalizing it proved to be too timid and came far too late. Torn by internal conflicts and subjected to the Axes' military onslaught royal Yugoslavia miserably fell apart in less than ten days. In April 1941 entire Bosnia & Herzegovina found herself under German and Italian military occupation, while the satellite "Independent State of Croatia" (NDH) was entrusted by the Axes with running the civilian administration in the entire country. On April 10, 1941 the Ustaše government in Zagreb formally annexed entire Bosnia & Herzegovina and subdivided her into six "zhupas". Some of the "zhupas" included territories of and had their centers in Croatia proper. The Croatian annexation of Bosnia & Herzegovina ended with the country's liberation by the Yugoslav partisans in spring 1945.

## **BOSNIA & HERZEGOVINA IN THE SECOND YUGOSLAVIA**

During the Second World War Bosnia & Herzegovina served as the main base of the Yugoslav resistance movement led by the

Communists. The movement had been structured and for about three and a half years in fact functioned as confederation of several national resistance movements. At a historic session of their representatives held in Central Bosnia in late November 1943 a provisional, Communist-dominated government was proclaimed with Marshal Josip Broz-Tito as its head. The Assembly decided to reestablish Yugoslavia, this time as federation of her nations. When the war ended, with the Partisans as winners on the side of the Allies, Bosnia & Herzegovina consequently became part of Communist-ruled Yugoslavia.

In 1946 B & H for the first time in her history obtained a constitution, all representative institutions, symbols and other distinct features of statehood. The constitution of the Federal People's Republic of Yugoslavia (FPRY) accorded B & H the highest status of a full-fledged "People's Republic", inspite of some opposition and alternative proposals to give her a second-tier status of autonomy. Bosnia & Herzegovina's position, formally equal with that of Serbia and Croatia, was thus legally assured. In fact however B & H had for more than two decades played the role of a political satellite of Serbia. This clearly subordinated position was due to the strong domination in the country's politics by the Bosnian Serb cadres with a pre-war Communist and Partisan background. These Bosnian rulers depended heavily on the Communist leadership in Serbia proper which was controlled then by the feared Yugoslav security boss Aleksandar Ranković. The domination in Bosnian politics by ethnical Bosnian Serbs came to an end around 1965-1966 with the retirement of the long-time Bosnian party leader Djuro Pucar and the dismissal of A. Ranković from all positions in the ruling party (League of Communists of Yugoslavia), the federal government and the security apparatus.

Like the 1936 Soviet original the Yugoslav federal constitution of 1946 was designed i.a. to conceal the reality of a centralized police state under harsh Communist dictatorship. The Yugoslav regime's highly repressive and discriminatory policy towards all political opposition and religious groups had however mellowed

and since 1954 was replaced by a more tolerant line. This was particularly true of the official attitude towards all Yugoslav Moslems. Federal Yugoslavia, expelled earlier from the Soviet bloc, turned then “non-aligned” and started actively courting Islamic countries. This shift in Yugoslavia’s foreign policy greatly helped the Bosnians Muslims to get rid of their previously distinctly discriminated position. Since 1961 they were again allowed to officially call themselves a “Moslem” in the ethnic sense. The federal constitution of 1963 renamed Bosnia & Herzegovina into a “Socialist Republic” confirming thus her status of equality with Serbia and Croatia. Furthermore the new Bosnian constitution of 1963 accorded the Bosnian Moslems the position of one of the three “constituent peoples” of B & H.

In the late 1960s an internal system was instituted through which all important positions within B & H and in the Bosnian federal “slots” were distributed among the political, economic and cultural elites of the three largest national groups—the Moslems, Bosnian Serbs and Bosnian Croats, occasionally including also prominent Jews. The latter instrument of sharing power (and its spoils) on a non-territorial basis had functioned rather well in B & H until SFRY’s demise and the outbreak of war in the country. From the beginning it had had however several important drawbacks. The system did not take sufficiently into account the quite unequal numerical strength of the three communities at the time of its introduction and still more their very different demographic dynamics. It also left out smaller national and ethnic groups as well as the growing number of ethnically mixed Bosnians and of ethnically undecided “Yugoslavs”.

The demise of Bosnian Serbian dominance in the country’s politics roughly coincided with the period when the Bosnian Serbs lost their former position as the numerically largest national group in B & H. This shift in mid-1960 was largely due to the Bosnian Serbs’ lower birth rate and a higher rate of outward migration (to Serbia proper and to Western Europe). By then the Serbs were replaced in the position of plurality by the Bosnian Moslems

(Bosniaks). The loss of political dominance in B & H had been taken as a severe psychological blow by the Serbian nationalists in the country itself and in Serbia proper. Moreover the Serbs' new position as Number 2 group was at variance with their privileges and habits of social and political superiority acquired since 1918, with the heavy political weight of Serbia, of the Serbs (and Montenegrins) in SFRY and with the degree of Serbian control over the federal army (JNA), Territorial Defence of B & H, Yugoslav secret police and the extensive Yugoslav military – industrial complex. Roughly a half of the latter had been concentrated in Bosnia & Herzegovina – a consequence of the official doctrine of “all-around total defence” and the country's central geographic position within SFRY.

Although Bosnia & Herzegovina had enjoyed formally the highest status among the republics in Tito's Yugoslavia it took the Bosnian political elite additional 25-30 years to achieve for the republic a *de facto* status of a fully politically autonomous federal unit. However during this process of political emancipation at the federal level B & H had internally continued to function as an authoritarian police state which repressed all signs of opposition even more severely and pervasively than was the case in the neighboring “big sister” republics of Serbia and Croatia. The decades of police intimidation, arrests and imprisonment of dissidents greatly weakened the Bosnian civil society and its potential for the development of a viable democratic political opposition among Bosnian intellectuals and students. Furthermore among known repressed dissidents one found more often nationalists with strong authoritarian inclinations (like V. Šešelj, later indicted at the Hague Tribunal) and Islamists (like A. Izetbegović, later President of B & H) than liberal democrats.

## **BOSNIA & HERZEGOVINA' DISINTEGRATION IN 1991-1992**

Great obstacles to the country's democratic development had



continued to persist for more than a century since the Ottomans withdrew their military forces and administration from the country. To a large extent it had been due to Bosnia's status as an occupied territory (still formally under Ottoman sovereignty) until 1908 and as a non-self-governing crown land of dual monarchy Austro-Hungary until 1918. The obstacles to democratization had continued under Yugoslav monarchy, triple occupation regime during the Second World War and under totalitarian single-party system established by the Yugoslav Communists after 1945. When the Yugoslav communist system collapsed at the federal level in 1991 Bosnia & Herzegovina, among the six "Socialist Republics" was the least prepared for the introduction of competitive multi-party politics.

The difficulties of democratic transition had been magnified by the institutional structure of Bosnia & Herzegovina. This most nationally, religiously and culturally heterogeneous republic, a miniature of Yugoslavia, had until 1990 operated as a unitarian political system combining an authoritarian single-party monopoly of power, a non-competitive majoritarian electoral system, a unicameral parliament, weak and fragmented civil society and a strong underbrush of authoritarianism in popular political culture. The Bosnian constitutional system did not recognize political and cultural autonomy of national groups and lacked effective instruments for regular consensual intercommunal decision-making at the regional and state levels. Several proposals to internally federalize or confederalize B & H came by far too late and failed to gain simultaneous support within the three major political blocks. A combination of the above-enumerated characteristics of the political system and the very shallow tradition of Bosnian statehood turned up to be fatal for the country. The moment of reckoning came rather unexpectedly in 1991-1992 when the Yugoslav federation foundered, a war flared up in Croatia and the Serbian-Croatian armed conflict spilled over into Bosnia & Herzegovina. This temporal coincidence was not accidental.

The breakdown of B & H occurred abruptly and broadly for the

same reasons and by only several months followed the *de facto* demise of SFRY. Both systems basically failed the test of competitive political democracy and imploded in the wave of democratization which suddenly flooded Eastern Europe. Similarly as in the case of Austro-Hungary SFR of Yugoslavia did not collapse because it was a federal state. The resistance of the ruling political bloc in the federal center to adapting Yugoslavia's political system to national emancipatory and democratic demands sealed her fate. This time another "Oriental" question (Kosova) provided the critical overload to the Yugoslav multinational conglomerate.

When competitive multi-party politics were introduced in Bosnia & Herzegovina the political system had in several months degenerated into three politically segregated but territorially considerably overlapping systems. The result was a far cry from tolerant political pluralism across national-cum-confessional lines. In each of the three separate systems a single nationalist party gained through ballot a position of domination if not a monopoly. The three parastates had very soon developed their own separate sets of institutions as well as separate security and military forces. Still more ominously, only one of the three ruling parties (the Bosniak Moslem SDA) acted fully autonomously while the other two were mere extensions of and/or were closely linked with the nationalist parties bearing the same official names as in the neighboring Croatia and Serbia. One of these parties (HDZ) soon became directly subordinated to the state leadership in a foreign capital (Zagreb) while the other (SDS) had been throughout highly dependent on rump Yugoslavia (FRY) and on the S. Milošević regime in Serbia. This situation made Bosnia & Herzegovina highly vulnerable to possible attempts of partition and annexation by two neighboring states.

The disintegration of Bosnia & Herzegovina started already on December 1991 when the intention to create the so-called "Serbian Republic" was made public, almost simultaneously with a very similar pronouncement in Croatia. On the other hand the Moslem and Bosnian-Croatian leadership acceded to a demand by the European Economic Community (EEC) to democratical-

ly ascertain the popular support for independence, if Bosnia & Herzegovina wished to be recognized by the EEC members. The Eurocrats overlooked however a cardinal fact - the multinational composition of B & H's population. Subsequently the Assembly of B & H, in the absence of its most Bosnian-Serbian deputies enacted speedily a law on a referendum. For this purpose B & H was treated as a single unit and no provision was made for ascertaining necessary majorities within each of the three "constituent peoples". The adopted procedure was contrary to one of the basic principles enshrined in B & H's constitution and thus substantively unconstitutional. At the referendum held on February 29 - March 1, 1992 about 62 percent of registered Bosnian voters supported the independence proposal, among them probably also a considerable number of Bosnian Serbs living in ethnically mixed areas. A majority of Bosnian Serbian voters however abstained or was prevented from voting, particularly those residing in the areas under control of Bosnian Serbian nationalists. Only two days later, on March 4, 1992 the Assembly in Sarajevo solemnly proclaimed Bosnia & Herzegovina an independent state. The predominantly Moslem and Bosnian Croatian majority of deputies easily carried the vote, again in the absence of most Bosnian Serbian colleagues. The latter rejected the country's secession from the already rump Yugoslav federation.

All nations in Bosnia & Herzegovina paid a horrible price in lives, sufferings and country's destruction for these seminal and unwise decisions and for their tragic consequences. Among all conflicts between and within the successor states of SFRY the war in Bosnia & Herzegovina turned out to be the nastiest, bloodiest and costliest, much worse in these respects than the war in Croatia. The ferocity of the armed conflicts in Bosnia & Herzegovina was to a large extent due to a combination of armed aggression against a UN member state and civil war (B & H's suit against Serbia as aggressor is being currently considered by the International Court of Justice in the Hague). The approximate number of dead has been estimated at 100.000 (of which about 70.000 Moslems), while the number of refugees and displaced persons at well over one million.

Already in March-April 1992, the Territorial Defence units and police of the Bosnian Serbs attacked the Moslem population in villages and towns of Eastern, Northern and Central Bosnia. Having exploited the advantages of thorough preparation, combat and logistical support by regular units of the Yugoslav federal army (JNA), military preponderance particularly in heavy weapons, armor and aviation, as well as surprise and deceit the Bosnian Serbs easily overran occasional resistance of the unprepared Moslem and Croat civilians and their poorly organized defenders. Since a UN arms embargo was imposed on the entire territory of ex-SFRY the Serbian side had enjoyed even greater military advantage over their opponents and targets. Numerous crimes and the accompanying acts of ethnic cleansing were perpetrated on the Bosnian territory also by auxiliary units of the police, paramilitary units of political parties and by ordinary criminals from Serbia proper. These military operations, violence and terror provoked a flood of dispossessed and frightened Moslem and Croatian refugees to other parts of Bosnia, to neighbouring Croatia, Slovenia, Western Europe and Turkey. The Bosnian Serbian nationalists carved out by naked force a secessionist entity on more than two-thirds of B & H's territory. At a gathering on March 27, 1992 the secessionists adopted the "Constitution of the Serbian people in B & H" and soon established all separate institutions of the parastate. It was officially called the "Republika Srpska" (Serbian Republic).

The Bosnian-Herzegovian Croatian nationalists acted less brutally but they also took by force control over 30 "opshtinas" (counties), among them also some where the ethnic Croatians constituted only a minority. Using violence, threats and coercion they created an ethnically cleansed Croatian parastate. Initially it was called the "Croatian Community of Herzeg-Bosna" to be renamed in August 1993 into the "Croatian Republic of Herzeg-Bosna". The parastate had had its own state symbols (almost identical with the symbols of the Republic of Croatia), President, House of Representatives, Government, courts, separate legal system, armed forces (wearing uniforms almost identical with the uniforms of the Croatian Army), police etc. By an agreement concluded under

US pressure in early 1994 in Washington this parastate entered the “Federation of Croatian and Moslem Peoples”, together with the areas controlled by the Bosnian Moslems. A Constitution of this Federation was proclaimed on March 30, 1994. According to the charter ten cantons with equal rights, a two-chamber Assembly and a government consisting of a Moslem and Croatian ministers were created. Furthermore for the foreseeable future a confederation between this Federation and Croatia was publicly contemplated.

For more than three years Bosnia & Herzegovina had remained broken into a mosaic of warring fiefs controlled by at least four Bosnian authorities and by local thugs. In the so-called “UN protected areas” international “peace-keepers” of UNPROFOR were present, but did not control them and mostly idly observed continuing violence. The country’s bleeding, the sufferings of her population trapped in blockaded enclaves and the military stalemate along the new partition lines were finally broken by NATO’s decisive military intervention. The NATO air campaign followed the bombing of the Markala marketplace in Sarajevo and the Srebrenica massacre – probably the worst case of this kind in Europe since 1945.

## **BOSNIA & HERZEGOVINA’S FORMAL REUNIFICATION AND THE POST-DAYTON SYSTEM**

By 1995 the Western policy of “letting the Balkan tribes boil in their own stew” failed miserably. Moreover the Bosnian crisis became an important source of regional instability, causing social problems in the neighboring states and also in Western Europe. It had also provoked mounting frictions and recriminations directed towards and among the NATO allies. Having realized these facts and become fed up with the Balkan turmoil the Western powers abandoned their policy of non-intervention and containment. They started unceremoniously pressing the warring parties (particularly the Bosnian Serbs) to terminate the continuing

bloodshed and genocide. By strong political and military pressure, including the bombing of the Bosnian Serb's positions, the NATO powers, led by USA forced them to a negotiating table at a US military base near Dayton, Ohio. The Dayton-Paris agreements legally glued together the warring bits and pieces of the country. In mid-December 1995 their sum total was officially proclaimed a reconstituted independent state called simply Bosnia & Herzegovina. Similarly as many times before the country's fate was once again decided by foreign powers. In autumn 1995 the NATO intervention was supported by the Bosnian Moslems and the Bosnian Croats while resisted by the Bosnian Serbs.

In order to obtain as soon as possible the consent of the militarily strongest party in the conflict the Western powers accorded the Bosnian Serbs sizeable chunks of territory on which prior to the war they constituted only a minority. The West thus, contrary to its previous pronouncements awarded the aggressors. The Dayton "godfathers" also acceded to the principal demand by the Bosnian Serb nationalists - the legalization of the "Serbian Republic". This separatist entity was allowed to retain its constitution and institutions as well as to use the trappings of a quasi-independent state, to have her own army and police and to maintain special relations with Serbia. The Western powers thus seriously compromised the territorial integrity and unity of Bosnia & Herzegovina.

One of its founding documents, called a B & H "Constitution", was elaborated by foreign (mostly American) experts and inserted into an omnibus international treaty under the title Annex 4. The text of the new B & H constitution was signed under duress by the leaders of three nationalist parties, each representing a major national group. Subsequently the document has been never submitted to a referendum and approved by the B & H population. For the first time in her history the country was legally transformed into a quasi-federation consisting of three parts - two so-called "entities" (one illogically called "Federation of B & H", the other being the "Serbian Republic") as well as a small corpus separatum - the Brčko District. The Dayton-Paris agreements incorporated

some features taken from the ill-fated Vance-Owen plan (1993), including the division of the “Federation of B & H” into ten “cantons”. Thus an asymmetric and clumsy compound structure was created containing three or four tiers of governance, 13 parliaments, 13 executive branches and about 180 ministries and ministers. The delimitation between the two entities largely followed the lines of military cease-fire. As they cut mountain ranges, valleys, rivers, rail lines, roads etc. this delimitation is fully artificial and harmful to the country from the social, economic, ecological and other points of view.

Apart from the country’s Constitution the Dayton-Paris package contained ten other important documents signed by various groups of signatories. Although formally outside the constitutional framework these documents have had very considerable bearing on the implementation of the constitution and on the functioning of Bosnia & Herzegovina. The most important extra-constitutional arrangement is contained in Annex 10 called “Civilian implementation”. Through its provisions a structure of international protectorate was superimposed over democratically constituted organs and institutions of B & H. This structure of appointed foreign officials consists of a High Representative of the International Community (HR), his Office (OHR), and the steering “Peace Implementation Committee” (PIC) at the ambassadorial level. According to the Annex the High Representative chairs a “Joint Civilian Commission” (JCC) in which high Bosnian officials also sit. The Commission could establish its affiliates at a local level. According to Annex 11 the High Representative has the power to “guide” the International Police Task Force. Other additional annexes regulate such important matters as the inter-entity boundary, human rights, military aspects of the peace settlement (including the long-term presence of foreign troops), regional stabilization, arbitration between two entities, elections etc.

Acting in a hurry the Dayton “godfathers” set up a political system in Bosnia & Herzegovina essentially based on collective rights of three ethnic-cum-religious communities. Its structure has been

from the beginning clearly at odds with the proclaimed lofty goal of restoring a multiethnic and multicultural society in that country. Instead the Western powers imposed a system which has in fact cemented the political, administrative, economic and cultural walls segregating the three national communities. Probably majorities in two of them do not accept Bosnia & Herzegovina as their own state. The country has today two to three economic systems, two separate energy generation and distribution systems, two transportation and water supply systems etc. The Dayton arrangements resolved neither the tremendous problem of refugees and displaced persons nor assured equal rights to minority groups. Additional problems have been caused by the very selective applications of the elaborate provisions contained in the Dayton-Paris accords. All this has added up to a dysfunctional, top-heavy and wasteful bureaucratic structure which from the start has been deficient in legitimacy, coherence and rationality, but not in corruption. Concerning the latter the entire region of South Eastern Europe has been consistently evaluated by international observers and experts as much more corrupt than Northern and Western Europe. In the Corruption Perception Index 2005<sup>1</sup> based on six different surveys Bosnia & Herzegovina was ranked the 90th among 159 states. She was evaluated less favourably than Slovenia, Cyprus, Greece, Bulgaria, Turkey, Croatia and Romania but as less prone to corruption than Moldova, Serbia & Montenegro, Macedonia and Albania. Bosnia & Herzegovina's insufficient self-sustaining capability has been so far artificially compensated by the international protectorate, foreign military and police presence and by the quasi-dictatorial powers which are selectively exercised by the High Representative.

## **POST-DAYTON BOSNIA & HERZEGOVINA AT A CROSS-ROADS**

During the last ten years the West's immediate objective in the Balkans has been achieved-the termination of armed hostilities,

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1 <http://www.infoplease.com/ipa/A0781359.html>



violence and the spill-over of social pathology from the Western Balkans to other parts of Europe. The political and security environment in the region and in Bosnia & Herzegovina herself has been since greatly improved. However, according to a group of Bosnian legal experts acting on behalf of a non-governmental "Movement for change in B & H" "the system created on the basis of the Dayton-Paris agreements has become a constraint to any sort of progress and democratic development of Bosnia & Herzegovina". The experts added that the Dayton system could not be fixed "with some constitutional annexes or amendments" only. In its most recent report the International Commission on the Balkans came to a similar conclusion: "The need for constitutional change is high on the political agenda. All agree that there are serious problems with the present system of federalism in Bosnia & Herzegovina. This is partly due to the absence of a coherent structure of regional government. It is also because of a tendency to see the federal system as a problem to be overcome, rather than as a promising model which allows ethnic communities to flourish side by side and facilitates healthy policy competition. The present constitutional architecture is dysfunctional. What is important is a constitutional debate that accepts the need to facilitate and indeed drives forward a reform of the Bosnian constitutional system."

There is considerable consensus in the international community that the Dayton system has largely outlived its original purpose. The present institutional arrangements in B & H need therefore to be replaced with a simpler, more transparent and institutionally homogeneous political system. However there is no consensus in B & H itself on what went wrong with the country in the past, what is precisely wrong with the present system and how it should be fixed. The main parties in the Serbian entity adamantly oppose any radical change of the Dayton system. On the other hand most parties in the "Federation B & H" favor instead a partly decentralized and regionalized unitary state structure for entire B & H. It would be based on the rule of law and on other general liberal democratic principles but not on collective ethnical rights.

Influential Bosniak (and some Bosnian Serbian) intellectuals see the root cause of B & H's troubles in collective rights accorded to ethnic communities and accuse the godfathers of the Dayton system of this capital sin. The strongest party representing the Bosnian Croats (HDZ) also argues for an institutional reform but in the direction opposite to that favored by Bosniak politicians.

The above-mentioned group of Bosnian legal experts advanced last year a constitutional proposal which would have certainly been useful and feasible about 25 years ago. If introduced then the proposed regionalized unitarian system would have reduced the chances of a civil war erupting in B & H (but might not have prevented it). During long centuries, under many rulers and in various state formations and geographic configurations Bosnia & Herzegovina had been administratively subdivided into several (most often six) regions. However the basis for these divisions have always been historically constituted and geographically-environmentally shaped parts of the country and not homogenous ethnic or confessional composition of population. For the first time in her history an ethnically almost pure Serbian parastate was created in Bosnia by violence and genocide in 1992-1993. The Serbian nationalists only materialized then the political ideas contained in the notorious "Memorandum of the Serbian Academy of Science and Arts". The Herzegovian Croatian nationalists followed the suit. The partition of B & H by force could not have succeeded in 1992-1993 without active interference by two neighboring states. Thus it is inappropriate to put the entire blame on the Dayton godfathers for the present division of B&H along national-confessional lines, as some Bosnian critics contend today. Actually the partition of the country was carried out by "sword and fire" three years earlier.

Due to a massive but unequal loss and displacement of population the three major national groups in B & H became to a high degree spatially segregated one from another. Thus the percentage of the Bosnian Serbs in the "Serbian Republic" rose at the war's end from 54 to about 95, while the percentage of the Croats on the terri-

tory of former “Herzeg-Bosna” went up from about 50 to about 96. The rather meager return of refugees across ethnical lines and other movements of population since the war have not significantly changed the radically altered geographic distribution of the national groups in the country. The legal experts’ proposal to divide the country into five or six regions on a non-ethnic basis does not therefore take sufficiently into account this cardinal consequence of the last war and, in addition, does not provide for institutionalized transregional representation of collective national-cum-cultural-cum-confessional interests (as, e.g., does the Belgian federal system). A unitarian state structure, even if regionalized, would only imperfectly cater for the present needs and would not take sufficiently into account the hypersensitives of the nationally and culturally deeply divided B & H society.

The legal experts’ proposal contains however several positive features. Unlike the present administrative division the proposed geography of the regions largely correspond to the historically developed patterns of habitation which allowed in the past for cohabitation and coexistence among numerous ethnic, religious and national groups. Secondly, the proposed regions are sufficiently large to function as self-sustaining social and economic entities. Thirdly, the proposed size of the regions corresponds to the EU criteria for regionalization. The legal experts’ platform could therefore serve as a starting-point for discussions and, in addition, be made more politically palatable to its present opponents among the Bosnian Serbs and Herzegovian Croats if modified in the direction of a nationally-colored federalist structure. The historical experience of two Yugoslavias has shown convincingly that the threat of malignant and aggressive nationalism in multiethnic societies cannot be avoided or eliminated by prohibiting and suppressing the visible manifestations and symbols of nationhood and by disregarding collective ethnic or national rights. The legal experts’ draft has had little impact on the key decision-makers and also on the public in B & H.

The most recent attempt to reform the Dayton system started in

spring 2005 as ostensibly a non-governmental initiative led by Ambassador Donald Hays, with the backing of the Washington-based US Institute for Peace and its Public International Law and Policy Group. This former Deputy High Representative in B & H conducted confidential separate consultations with the leaders of main political parties represented in Parliamentary Assembly. In November 2005, on the tenth anniversary of Dayton the leaders of eight parties were invited to Washington where they signed a joint statement announcing an agreement on constitutional amendments, to be enacted by March 2006. The substance of the amendments was not however made public and apparently continued to be a subject of further bargaining. Upon the leaders' return home the mediating role has been taken over by the US Embassy in Sarajevo. The resulting draft amendments, endorsed eventually by six party leaders, were finally published on March 25, 2006 and sent expeditiously to Parliamentary Assembly by Presidency of B & H.

The published document contained four rather lengthy amendments. Amendment I increased the constitutional powers of the B & H central institutions at the expense of the two entities. Most notably the central authorities would control defense, security, foreign policy, foreign trade, customs, monetary matters etc. However the entities would still enjoy shared powers in taxation, electoral system, justice, agriculture, science, technology, local government etc. Amendment II modified the B & H parliamentary system consisting of the House of Representatives and the House of the Peoples. The deputies of the former house were to be elected on general election according the democratic principle "one elector one vote". The deputies of latter house would not be elected directly by citizenry but by deputies of the House of Representatives. The House of the Peoples would have a fixed ethnic composition – seven Bosniaks, seven Croats and seven Serbs (N.B. There was no provision for national minorities). The positions of leadership in the Parliamentary Assembly were to be shared among the three constituent national groups. While the House of Representatives would pass all laws, the other house

would participate only in enacting constitutional amendments, electing President and two Vice-Presidents of B & H. The federal house could veto any bill when a “vital national interest” of a constituent people is deemed to be at stake. Amendment III defined anew the institution of B & H Presidency. Instead of a rotating three-member body it would contain one President and two Vice-Presidents, elected for a fixed four year term. The House of Representatives would elect (or rather confirm) the Presidency’s composition on the basis of a list of three nominees drawn by the three national clubs of deputies from both chambers. The powers of new Presidency would be reduced in comparison with the present system, in favour of the central Council of Ministers. All decisions by the Presidency regarding defense, appointment of Justices of the Constitutional Court and Governors of the Central Bank should be agreed upon by consensus. Amendment IV would increase the powers of the Council of Ministers and the number of ministries.

The amendments contained some positive and some negative features. On the positive side one noticed a substantively higher input in their elaboration by the Bosnian themselves than was the case with the Dayton constitution. Yet an active prodding and mediating role by unofficial and later official US actors proved to be indispensable. This fact indicated a great deficiency in B & H polity. The amendments would have strengthened the central B & H executive making it more effective. On the other hand an opportunity was missed to tackle the main sources of B & H invalidity – the ethnically defined political empowerment, unnatural and dysfunctional structure of the state with its “entities” and “cantons” and their over-size and wasteful bureaucracy. The amendments confirmed the political monopoly of ethnically defined political blocs and corresponding elites. Moreover they would have entrenched the Serbian parastate and legitimized its existence, this time by presumably freely and democratically expressed will of the other two communities (and not by foreign imposition). The amendments would have given the Bosnian Serbian elite the power to block and paralyze at will the central B & H institutions

and to prevent any constitutional change that would endanger the perpetuation of the “Serbian Republic”.

The proposed constitutional amendments (“Dayton-2”) had been met with numerous sharp criticisms, often from different directions and politically divided all three national communities. Among their opponents one found prominent figures from the “Party for B & H”, Social Democratic Union, the newly established Croatian party “HDZ 1990”, the Conference of Roman Catholic Bishops, from among the Bosnians abroad represented in the “Patriotic Front of B & H” and also Serbian Radicals and several foreign experts. Some opponents denounced the constitutional deal even as treason and a mortal threat to Bosnia & Herzegovina’s existence as a single state. Due to wide-spread opposition, fierce campaign against the amendments and critical public opinion<sup>2</sup> their adoption in Parliamentary Assembly remained uncertain, till the vote on April 26, 2006. The “Dayton-2” package was defeated as its proponents failed to obtain the required two-third majority. The final result was 26 for and 16 against the proposal.

Anyway, as it stood the “Dayton-2” package did not seem sufficient to make Bosnia & Herzegovina a well-functioning state. The method chosen to carry out the constitutional reform had been also disappointing – without informing the public, without debating openly vital and clearly contentious issues prior to its submission to Parliament, without involving civil society in searching for optimal solutions and in forging wide political consensus etc.

The failure to address the most glaring negative features of the Dayton constitution was softened however by the US commitment to pursue further constitutional reforms. This commitment was expressed by US Secretary of the State C. Rice in her letter to the B & H authorities and the party leaders shortly prior to the vote in B & H Parliamentary Assembly. The present situation in Bosnia & Herzegovina differs greatly from that eleven years

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2 <http://www.infoplease.com/ipa/A0781359.html>

ago. This time the same instruments could not be used by the West to help the Bosnians to make B & H a viable state and flourishing country. The High Representatives with their dictatorial powers have so far played a crucial role in post-Dayton Bosnia & Herzegovina. Without them numerous badly needed reforms would not have been adopted although some were subsequently sabotaged by the Bosnians. The "Dayton-2" package however was not imposed on the country by the present High Representative. There is a wide-spread expectation that the time has finally come to phase out his Office also because of the pending negotiations with the European Union. The present High Representative Christian Schwarz Schilling is expected to be the last in the line, to be made in autumn 2006 a more normal EU representative. Instead of OHR and PIC a new body will be possibly created with the task of helping to bring the country closer to EU and NATO. The mode of its operation would be made more consistent with B & H's sovereignty and rely chiefly on inducements and not on coercion.

Being a unique country Bosnia & Herzegovina needs admittedly a unique institutional structure. But it also has a number of similarities with other nationally, culturally and/or confessionally fragmented societies. The closest parallels on the European continent are to be found in Belgium and Switzerland, in Mediterranean on Cyprus and in Lebanon. The similarity with the Kingdom of Belgium and the Helvetic Confederation has resulted from coexistence of several major national or linguistic-cultural groups using the languages close to those in the larger neighboring nations. It took many centuries to develop the Swiss federal system containing 26 similarly but not uniformly structured and culturally-linguistically coloured cantons. In Belgium a very complicated and asymmetric federalism replaced relatively recently a centralized unitary system which was on the verge of collapsing. Bosnia & Herzegovina's similarity with Cyprus and Lebanon rests on the coexistence of several major national or religious-cultural groups speaking more or less the same language (in Lebanon); on the deep Moslem-Christian divide (both on Cyprus and in Lebanon); on several centuries of Ottoman rule and on the recent war expe-

rience (much longer and bloodier in Lebanon than on Cyprus). While Cyprus broke down, underwent partition and still remains divided into two states Lebanon was reunited and its parliamentary democracy reestablished. The latter's functioning rests, i.a., on an agreed upon formula for regular distribution of key governmental posts and spoils among four major confessional groups and on their considerable internal autonomy. In Bosnia & Herzegovina a unitary system of governance might well produce another political explosion and collapse as a single state. This likely outcome would be due to very weak parliamentary traditions, wide-spread authoritarian habits and practically no tradition of politically independent judiciary. It would not be wise therefore to give up a federalist solution for B & H because of the present malfunctioning institutions. In rebuilding the B & H polity it would be advisable to take into account and adopt selectively some institutional solutions similar to those which proved to be useful in the Swiss and Belgian systems.

Logically there are several ways to make B & H's state structure more rational and homogenous. In the opinion of many, including this author, the best approach would be to abolish the two existing entities and to establish instead five or six institutionally similar but culturally individualized federal units corresponding to historic regions. Such a solution might be acceptable to the Bosniak community and would also satisfy the Herzegovian Croatian demand for an equal status with the Bosnian Serbs. Such a system would bring Bosnia & Herzegovina closer to the Swiss federal model. The Croatian demand could be alternatively met if the present "Federation of B & H" be divided into two republics (Herzegovian Croatian and Bosniak) and the intermediary level of quasi-cantons abolished in them, as it is the case today in the Serbian entity. In the latter scenario the Brčko District would remain a separate federal unit enjoying a status equal to or lower than that of the three republics. Both above-stated solutions would lead to a more homogenous, simpler and rational administrative structure throughout the country. Whatever system is adopted greater attention should be paid to individual human



rights, without however neglecting the collective ones. It seems however that neither of the above-stated solutions is at present politically achievable due to the resistance among the Bosnian Serbian (to the first) and among the Bosniak ethnic elite (to the second solution).

It would be desirable that new institutional arrangements for B & H be based on a wide political consensus reached on a non-partisan and non-ethnic basis and enjoying sufficient popular support in all parts of the country. This however is not the case with "Dayton-2". Only when this democratic consensus is attained one will expect with greater optimism internal consolidation of the country, her economic progress and increasingly active participation in the processes of European economic and political integration as well as in Euro-Atlantic security cooperation. Yet securing Bosnia & Herzegovina's existence and self-sustaining progress is a necessary prerequisite for stabilizing the Western Balkans and for crowning with lasting success the peace process initiated at Dayton.

## **REGIONAL PROSPECTS FOR FEDERALIST DEVELOPMENTS IN SOUTH-EASTERN EUROPE**

In spite of numerous difficulties, conflicts and failures in the past federalism has its place in South Eastern Europe. The still uncertain future of viable Bosnia & Herzegovina will be best assured if she develops her own, appropriate and rational model of federal governance. Having invested so much effort and funds the international community certainly would not allow any attempt to break up again her territorial integrity and to provoke a relapse into sharp intercommunal conflicts and violence. I am referring here to veiled threats by some Serbian politicians to demand again self-determination for the Bosnian Serbs if Kosova/Kosovo is granted independence.

To the East of Bosnia & Herzegovina a loose association of two

sovereign states might replace the malfunctioning and already defunct “State Community of Serbia and Montenegro”, imposed in 2003 by EU. The first step on this direction was the proclamation of Montenegro’s independence following a successful referendum on May 21, 2006. Moreover, there have been demands to strengthen regionalism in now centralist and unitarian Serbia herself by granting an autonomy status (again) to Vojvodina and perhaps also to Sandzhak.

Last year President of Serbia B. Tadić proposed a federalist solution for Kosovo, however somewhat different from that in Bosnia & Herzegovina. According to his proposal Kosovo would reacquire far-reaching autonomy within Serbia which was abolished in 1989 by the Serbian regime. The non-contiguous districts inhabited by the ethnic Serbs would be administratively linked together and constitute an autonomous entity within the predominantly Albanian province. (This proposal is however utterly unacceptable to the Kosovar Albanians). The idea of cantonizing Kosovo had also been previously floated. Furthermore decentralization and regionalization are being discussed within the framework of talks on the future of Kosova/Kosovo. Decentralization might be part of the package solution for the present international protectorate. The very probable international recognition of Kosova’s also legal separation from Serbia and independence would be limited by international tutelage as well as by EU’s and NATO’s police and military presence.

Possible solutions for the so-called “frozen conflicts” in Moldova and on Cyprus have also been proposed in the form of two confederal structures consisting of (a) the Republic of Moldova and the Transdnestrian Republic, and (b) the Republic of Cyprus and Turkish Republic of Northern Cyprus.

On a wider scale the expansion of the European Union brings into South Eastern Europe a new and specific form of loose confederalism. Greece and two states bordering on the Balkans (Hungary and Slovenia) already belong to this unique association

of states. Two additional South Eastern European states (Romania and Bulgaria) are on the way to join the European Union in about two years, Croatia and Turkey have been negotiating their respective accession, while several other states in the region are among further prospective or conceivable candidates for EU membership. This growing interstate net, its "Stability Pact for South-Eastern Europe", NATO, its "Partnership for Peace" and several other multilateral instruments of interstate cooperation offer the best framework for managing numerous problems and political conflicts in the still unstable Balkans.

## BIBLIOGRAPHY:

1. Mustafa IMAMOVIĆ, *Historija države i prava Bosne i Hercegovine* (A History of Bosnia & Herzegovina's State and Law). Magistrat, Sarajevo, 2003.
2. Mehmedalija BOJIĆ, *Historija Bosne i Bošnjaka* (A History of Bosnia and the Bosniaks). TKD Šahinpašić, Sarajevo, 2001.
3. József GALÁNTAI, *Der österreichisch-ungarische Dualismus 1867-1918* (The Austro-Hungarian Dualism 1867-1918). Corvina/ Österreichischer Bundesverlag, Budapest, 1985.
4. Vera KRŽIŠNIK-BUKIĆ, *Bosanska identiteta med preteklostjo in prihodnostjo* (The Bosnian Identity between the Past and the Future). Inštitut za narodnostna vprašanja, Ljubljana, 1996.
5. Noel MALCOLM, *Bosnia: A Short History*. Macmillan, London, 1994.
6. Sead HADŽOVIĆ, *Sastavni dio ciljeva rata protiv BiH – genocid i etničko čišćenje* (The Integral Components of the War Aims against Bosnia & Herzegovina-Genocide and Ethnic Cleansing) in *Ratovi u Jugoslaviji 1991-1999* (The Wars in Yugoslavia 1991-1999). Društvo za istinu o antifašističkoj narodnooslobodilačkoj borbi u Jugoslaviji 1941-1945, Beograd, 2002, pp. 267-268.
7. Xavier BOUGAREL, *Bosnian Muslims and the Yugoslav idea* in Dejan DJOKIĆ (ed.), *Yugoslavism. Histories of a Failed Idea 1918-1992*, Hurst, London, 2003, pp. 100-114.
8. Jože PIRJEVEC, *Jugoslovanske vojne 1991-2001* (The Yugoslav Wars 1991-1992). Cankarjeva Založba, Ljubljana, 2005.
9. Muhamed FILIPOVIĆ, *Bosna i Hercegovina u okovima nacionalizma* (Bosnia & Herzegovina in Chains of Nationalism). Svjetlost, Sarajevo, 2003.

10. Ciril RIBIČIĆ, *Geneza jedne zablude. Ustavno-pravna analiza nastanka i djelovanja Hrvatske zajednice Herceg-Bosne* (The Origin of a Blunder: Constitutional-legal Analysis of the Origin and Activity of the Croatian Community of Herzeg-Bosna). Založba Bogataj, Idrija, 2001.
11. Anton BEBLER, *Yugoslavia's Variety of Communist Federalism and Her Demise. Communist and Post-Communist Studies*, March 1993, pp. 72-86.
12. Rachel KERR, *The Road from Dayton to Brussels? The International Criminal Tribunal for the former Yugoslavia and the Politics of War Crimes in Bosnia*. *European Security*, September 2005, vol. 14, no. 3, pp. 319-337.
13. Sahbaz DŽIHANOVIC, Dr. Slavo KUKIĆ, Stasa KOSARAC, Dr. Mirko PEJANOVIĆ, Vehid ŠEHIĆ, Dr. Miodrag ŽIVANOVIĆ, *The Constituion of Republic of Bosnia and Herzegovina*. Sarajevo, 20 June, 2005.
14. Mirko PEJANOVIĆ, *Politički razvitak Bosne I Hercegovine u postdejtonskom periodu* (The Post-Dayton Political Development of Bosnia & Herzegovina). TKD Šahinpašić, Sarajevo, November 2005.
15. *Unfinished Peace. Report of the International Commission on the Balkans*. Aspen Institute Berlin. Carnegie Endowment for International Peace, Washington, 1996.
16. *The Balkans in Europe's Future, The Report of the International Commission on the Balkans*, Washington, April 12, 2005, p.24.
17. [http://www.worldsecuritynetwork.com/showArticle3.cfm?article\\_id=12746&topicID=55](http://www.worldsecuritynetwork.com/showArticle3.cfm?article_id=12746&topicID=55).

**Iran:****IRAN – THE INTERNATIONAL COMMUNITY  
AT THE CROSSROADS**

*The International Institute for Middle-East and Balkan Studies (IFIMES) in Ljubljana, Slovenia, regularly analyses events in the Middle East and the Balkans. Dr. Jožef Kunič, former Slovenian ambassador to Iran, President of the Slovenian Association for International Relations (SDMO) and member of the IFIMES International Institute, in his article “Iran – the International Community at the Crossroads” analyses the current situation in Iran, laying stress on the pressing “nuclear crisis”. His article is published in full.*

**Dr. Jožef Kunič**

- former Slovenian ambassador to Iran
- President of the Slovenian Association for International Relations (SDMO)
- member of the IFIMES International Institute

It hasn't been long since the President of the Islamic Republic of Iran solemnly declared that their experts managed to produce the first volumes of enriched uranium which is pure enough to fuel nuclear power plants although far from the purity required for nuclear weapons. Despite the warnings of the international community, Iran does not show any intentions to give up the uranium enrichment programme arguing that it is a civil programme not intended for the weapon development. However, the western politicians do not believe those statements and perceive Iran's nuclear programme as a threat for the region and the Western world with global implications.

Does Iran really want nuclear weapons? There is no unanimous answer to that question. The experts on Iran's political scene know that this is not a state where the events and the decision-making in certain fields would be harmonised between all those who are active in those fields. Traditionally, the groups operating in one field are mostly independent from each other, not co-ordinated with other groups and often have completely opposing goals. Perhaps it is true that Iran's regular army does not want nuclear weapons, but that does not mean that the Revolutionary Guards (Pasdaran) do not want it either. Whether the above institutions want it or not, this does not have much influence on the religious leadership whose wish is often not harmonised with that of the government elected or chosen in the Iranian way. There is a strong likelihood that one of the above groups (or perhaps some other group) is determined to get the nuclear weapons. It is quite possible (although not very probable) that Iran's President Ahmadinejad seriously and sincerely believes that Iran should not use the nuclear programme for military purposes, but that does not mean at all that there is no such programme nor a firm intent to realise it in Iran. Iran's nuclear programme is not organised within any ministry (neither defence ministry nor energy or science ministries). It is an independent, autonomous institution which is only formally dependant on the president of the state in terms of its organisation, although it is clear that other institutions have strong informal influence on it. Undoubtedly, it will be susceptible to the ideas of those who are ready to give it most funds and power, and they are the ones who want the nuclear weapons.

The question is how dangerous Iran would be in military terms if it had nuclear weapons. It is very likely that it would not use nuclear weapons in a military action. Although some are convinced that Iran has chemical and biological weapons, which are also very dangerous, that fact is by far not as worrying as eventual development of nuclear weapons. If Iran uses the nuclear weapons it will most probably suffer a retaliatory nuclear attack which will be disastrous for the ruling elite. Some people wonder whether

Iran would use nuclear weapons against Israel. The probability of this kind of attack is very small. Israel is much more powerful and presumably also much more efficient than Iran in military terms. Moreover, we should not forget that Iran's regime, like any totalitarian regime, needs an enemy, and Israel is a very appropriate enemy for the rhetorical usage in Iran's domestic politics. It is hard to believe that the leading Iran's elite would really want to lose that argument for achieving "unity", "obedience" and "readiness" of the nation.

Although the military use of nuclear weapons by Iran is not to be expected, the mere fact that Iran has those weapons and that it is able to produce them represents a great danger. Perhaps this danger would be smaller if Iran's nuclear programme had not stirred up so much opposition in the Western world. Nevertheless, if the nuclear programme is successfully concluded, although perhaps mainly for civil purposes, this will be a glorious victory for Iran which will be perceived by the extremists and fundamentalists outside Iran as the general victory against the West. This would be a great impetus for further anti-western activities and an encouragement to all those who would like to replace the non-democratic pro-western regimes in the Arab world, especially in oil-rich regions. The stability of the western economy would be jeopardised since it largely depends on oil which would, due to the unstable situation in this part of the world, become a scarce and much more expensive raw material. In that case the probability of economic instability would be very strong.

The present situation in the region of Iran is very worrying. The stability and democracy is far from being established in Afghanistan, the situation in Iraq is anything but normal, and Iran has been confronting - successfully so far - the international community. Many - especially the sympathisers with the Islamic extremists - believe that the international community is powerless, scared and lost in this part of the world. This is a great encouragement for all those extremists who are ready to use radical means to oppose the globalisation process. Iran is in a diplomatic war against



the West. Iran's "victory" (i.e. the unpunished continuation of the uranium enrichment programme) would encourage the extremists as well as the Islamic fundamentalist movements in Europe and elsewhere in the prevailing Christian Western world. This situation would obviously aggravate Israel's security, although not directly by Iran but through encouraging the extremists and the fundamentalists.

The economic instability which would most probably be directly supported or even caused by Iran's gaining of nuclear weapons, would not be limited only to the USA. The USA would not be the first state to suffer instability. The first in the row would probably be Japan and Europe. This would lead to wider instability which would be subsequently strongly felt by the USA. Even Russia and China would not be excluded from this process. It is therefore understandable that the EU and the USA are both so eager to stop Iran's nuclear programme. Obviously Russia and China are eager to do that too, but have too many interests in Iran to express any serious warning and will most probably not react very strongly if the USA and the EU take a more serious approach to this problem.

The USA still have serious problems in Iraq, so they initially left the diplomatic initiative to resolve the Iranian issue to the European Union. However, the EU offered some solutions which lead to only two possible conclusions: either that the EU is not able to offer Iran any acceptable solution and to assess how Iran feels about the offered solutions, or that it intentionally offers Iran unacceptable solutions and thus de facto leaves the problem to be resolved by the USA, which clearly has the competence and determination to resolve it in a diplomatic way, or, if diplomacy fails, to use other means in order to resolve the problem.

The European troika (France, Great Britain, Germany) first offered some trade concessions which were, with the rocketing oil prices, of no significant importance to Iran, and their economic effect would according to some estimations not even nearly compensate for the funds which Iran has invested in the nuclear pro-

gramme during the past fifteen years. Iran of course rejected the offer, as any average analyst could have predicted with a great deal of certainty. It was even more bizarre when the EU offered a new nuclear power plant to Iran. It was clear to any average connoisseur of Iran that this offer was unacceptable for Iran. The construction of the Buser nuclear power plant was started by the German KWU (i.e. by the EU). Due to the revolution and the Iraq-Iran War the works were suspended and according to Iran's claims the paid equipment was not delivered nor was the money repaid. Iran is convinced that the subsequent bombing of the Buser plant was performed by the EU aircraft and pilots (although they carried Iraq's marks). After the war ended, according to Iran's statements, KWU was not ready to continue the construction, due to which Iran incurred immense costs in order to make adjustments for the installation of the Russian equipment. And after all this Iran should accept another reactor from the EU?

The interest of the developed Western states is clear although a different picture is presented to the general public. There should be no global economic crisis since that would have negative implications practically for the whole world. Perhaps only some non-democratic dictatorship regimes would profit from such crisis as they are anyway in a poor economic situation and would only celebrate the fact that others are doing bad, too. Iran's nuclear programme should therefore be stopped. It was easy to come to this conclusion, but the problem is "How?". President Ahmadinejad has already gone very far in his rhetoric and it will be difficult for him to withdraw to a more sensible attitude. The US President has also gone relatively far in his rhetoric and for him, too, will be difficult to retreat to the border of compromise. The USA determinedly insist (with somewhat less determined support from others) that Iran should stop uranium enrichment. Iran has stated several times very decisively and loudly that it is under no conditions ready to stop uranium enrichment. Both sides hope that time will do its work and that they can benefit from negotiations, presentations of ideas, programmes etc. The USA believe that if together with the EU, Russia and China they use the carrot and

stick strategy Iran will eventually, after long talks, agree to stop uranium enrichment. But Iran demands a huge carrot, since with the present crude oil prices and increased gas demands it is not facing economic difficulties, but the failure to fulfil the national pride and the promises would wash away Ahmadinejad together with his followers. Although by constantly accepting negotiations Iran is seemingly gaining time, the fact is that the compromise can only be achieved if one side makes sweeping concessions - but those concessions would have to be so profound that the political survival of those making them would be endangered. This leaves no space for a compromise solution: Iran either continues uranium enrichment or not. There is no middle road. The USA and others either accept that Iran continues those activities or not. There is no middle road here either. The status quo remains: The USA (and the large part of the international community) uncompromisingly insist that Iran stop the nuclear programme (in its territory) while Iran uncompromisingly insists on continuing the nuclear programme. Both sides have gone so far in their political acts and rhetorics that it is impossible for them to return without suffering devastating political damage.

Unless there is a complete turnabout, which is very unlikely, the Western states will have to take some action. If they fail to succeed that the Iranians themselves overthrow Iran's regime, which is very unlikely with the Iranians and especially the Persians feeling endangered and with Israel as the official enemy, there is a real possibility for a military intervention. There are some arguments against and in favour of such intervention.

In comparison with Iraq the intervention in Iran would be much more difficult: the state is much bigger with a more complicated geographical configuration, has three times more inhabitants who are traditionally much more zealous warriors, especially when defending their fatherland. Military strategists would have to examine carefully those facts. Another threat is the blockade of transportation of crude oil through the Strait of Hormuz where all the crude oil not transported through pipelines passes from

Iraq, Kuwait, Bahrain, Qatar, Arab Emirates, Saudi Arabia and Iran. This would lead the world into a devastating economic crisis with unimagined consequences. Iran's supreme religious leader Khamenei threatened not only to stop supplying Iran's oil, which the world might be able to deal with somehow, but even to block oil supplies from the whole region.

If the military action managed to prevent Iran's blockade of Hormuz the major crisis could be avoided, but the prices of crude oil would still increase. In that case the economies of Europe (except Great Britain and Norway), Japan and China would suffer most, while the price increase would not directly affect the United States, which have plenty of capital in world oil companies (and American dollar is the means of payment for oil), nor the crude oil exporting states. It should be kept in mind that it would be very difficult to prevent the blockade and that it would be very risky to forecast a successful operation.

Another problem would be the situation in Iran after the eventual attack. It may soon turn into chaos and internal conflicts as was the case in Iraq. While ethnic conflicts would be less probable, there is a greater possibility for the ideological conflicts between the advocates of the present regime and their opposers. However, it is the cruel reality that although there is a chaotic situation in Iraq the state has no influence over the rest of the world. The same would hold true of Iran: it would be chaotic but without any broader international influence. Nevertheless, the chaotic situation could affect the region (Iraq, Afghanistan) and the terrorism, which would definitely jeopardise safe transportation of oil through the Strait of Hormuz. Insecure oil transportation through the chaotic region would lead to aggravation of the global economic situation, which the Western world surely does not want.

There is another factor that should be stressed: namely the international reputation of those taking part in the eventual military action, especially of the USA, would be compromised due to in-

nocent victims and questionable legitimacy of such action. Not to mention the long-term negative consequences this would have for them.

The international community is therefore at the crossroads. To react or not to react militarily? Iran and the Western states are merely gaining time by prolonging the talks and offering new ideas and proposals which essentially only change the power of threats and the size of offered benefits without any elementary new ideas.

But the West is still at the crossroads where both roads offer very bad options:

- If the West intervenes militarily in Iran, this will be a very bad option. There would be a major oil crisis the size of which would depend on the success of the military intervention. If the intervention is successful it will be clear to the Islamic fundamentalists that the West will not tolerate their activities, which is the positive element of this alternative.

- If Iran wins in this dispute, this will be very bad for the West. It would encourage the Islamic terrorists and fundamentalists, which would represent a long-term threat to the stability of the world economy.

In the short-term it seems that the loss suffered by the West would be smaller if military means are used to prevent Iran from producing nuclear weapons.

Unfortunately, there is no good way out of this crisis and whatever solution to the problem is chosen it will be bad for the whole world. It seems that the world is entering a crisis of global dimensions and we can only hope that this is only seemingly so.

Ljubljana, June 16, 2006

## Macedonia:

### CAN MACEDONIA SURVIVE AS A STATE?

*The International Institute for Middle-East and Balkan Studies (IFIMES) in Ljubljana, Slovenia, regularly analyses events in the Middle East and the Balkans. IFIMES has prepared an analysis of the current political situation in Macedonia where the pre-election campaign has started for the general elections which are to be held on 5 July 2006. The most relevant and interesting sections from the comprehensive analysis are given below.*

The pre-election campaign for the general parliamentary elections in Macedonia was officially launched on 15 June 2006, while the date set for the elections is 5 July 2006.

About 1,600,000 citizens have the right to vote at the forthcoming elections at which 31 political parties/coalitions and 2 independent lists will take part. The 2,620 candidates organised in 131 lists will compete for entering the Macedonian Parliament (Sobran) which has 120 seats. The leading parties at the forthcoming elections are: VMRO-DPMNE (the opposition and conservative party), SDSM (the ruling social-democratic party), DPA (the opposition Albanian party), DUI (the ruling Albanian party), NSDP (new social-democrats), VMRO-NP (nationalistic right party), DOM (new central political party) etc. There are also political parties of minorities (Turks, Bosniaks, Serbs, Romanies) who will have their representatives in the Macedonian Parliament.

Before the beginning of the pre-election campaign the Council of Europe called upon the political parties which will take part in the elections to undertake to respect the pre-election rules and to run the campaign in a fair and correct manner. The elections to be held on 5 July are of great importance since they will confirm whether Macedonia is a mature and democratic state or it will eventually suffer internal disintegration.

Internal disintegration of the state is the most complex and enigmatic phenomenon. Despite great internal and external antagonism, economic problems and various collapses in the functioning of state administration, many states still manage to survive. On the other hand, despite the positive signs of development some states experience implosion and eventually disintegrate and disappear as if they never existed. The IFIMES International Institute believes that Macedonia is facing those challenges.

According to the IFIMES International Institute, the main competing parties at the forthcoming elections will be VMRO-DPMNE against SDSM (within the so called Macedonian political parties block ) and DPA against DUI (within the so called Albanian political parties block). There will be a fierce fight between the parties with similar programmes, i.e. parties which sprang from the mother party: VMPRO-DPMNE against VMRO-NP and SDSM against NSDP, which will have to fight for the votes of the same voting body.

During the past four years the largest opposition parties (VMPRO-DPMNE and DPA) have been successfully “hunting” the mistakes, failures and deviations from the programme of the ruling SDSM and DUI, which, according to estimations, did not fulfil even 50 % of their pre-election programme.

The present Prime Minister and President of SDSM Vlado Buckovski has found himself in an unenviable position since Tito Petkovski has unexpectedly withdrawn from the leadership of SDSM and as a strong moral authority together with a group of followers formed a new NSDP party (New Socialdemocratic Party) which has managed to endanger the position of SDSM just before the elections and to decrease its public rating. Other opposition parties from the Macedonian block VMPRO-DPMNE, VMRO-NP, DP and others are also strong opponents of the present government.

Two VMRO representatives, Nikola Gruevski (VMRO-DPMNE) and Ljupco Georgievski (VMRO-NP), have announced the victory

and the spectacular come back to the political scene of, as well as potential coalition partnership with, Arben Xhaferi (DPA) who is held to be one of the most experienced and popular politicians among the Albanians in Macedonia as well as in the wider region. Thus, following the elections, the coalition between VMRO-DP-MNE and DPA may be expected as announced by the political leaders of these parties as well as by the activists in the field.

The fact is that during the past four years DUI has not striven for the concrete implementation of the Ohrid Agreement and that it is still a military political party (armed incidents) resulting from the war (2001). The predicted loss of power has stimulated DUI to behave irrationally by causing over 10 armed incidents so far. By provoking incidents DUI is trying to attract attention and thus eventually regain the trust of the voting body. DUI leader Ali Ahmeti is trying to make some "cosmetic" corrections to his party by moving the members from PDP to DUI (such as cases in Kumanovo, Struga, Debar and Gostivar) and provoking armed incidents in which he is assisted by some criminal structures (Enver, Sefo, Ševalj etc.) targeted at the DPA members and activists. Moreover, Ali Ahmeti (DUI) hopes to enter into partnership with Abduladi Vejseli from PDP, an exploited and useless Albanian party which is like a recidivism of the past.

Bardhyl Mahmuti's participation at the pre-election campaign has strengthened the position of DPA, since Mahmuti is a young intellectual and political activist who used to live in Switzerland and who is held in high esteem by the Albanians in Macedonia where he comes from and in Kosovo. Mahmuti was also the promoter of the idea of union with Kosovo. The analysts believe that his presence in the election campaign in Macedonia will be of great importance and could cause a political turnabout. The decision of the DPA leadership to place some of the prominent intellectuals on its list has strengthened its position and increased its chances for victory at the forthcoming elections.

The loss of power has been indirectly announced also by the



present Prime Minister and President of SDSM Vlado Buckovski who does not exclude the possibility for a large post-election coalition thus indirectly implying the defeat of his party at the forthcoming elections.

The IFIMES International Institute believes that by its structure Macedonia is not a national state but a multiethnic society and as such has to establish the national balance. The fact is that the Macedonians keep a greater ethnic distance towards the Albanians than towards the Serbs, Greeks, Bulgarians, Turks and Romanies. The Macedonian Albanians are an autochthon nation which has created the cultural values and acted in synchrony with other Albanian regions in the Balkans. Unlike the Serbian strategy which dictated Serbian parties in Croatia and Bosnia and Herzegovina from Belgrade as the centre, the Albanian political centres and their legitimate representatives did not support the Albanian uprising despite the will of the citizens who joined the UÇK and although Albanians had a real possibility to win the fight. Both Prishtina and Tirana distanced themselves from the uprising and demanded the legitimate Albanian representatives in Macedonia to actively strive to stop the clashes. The Albanian side thus opted for the democratisation of the crisis instead of its additional militarisation which was the aim of Macedonian political centres.

During the uprising in 2001 the Albanians made three completely appropriate demands:

- official use of the Albanian language,
- adequate representation in the administration and state institutions, and
- application of the model of consensual democracy which would prevent ethnic majorisation.

The IFIMES International Institute draws attention to the difference between the concepts of multiethnic society and multiethnic state. The problems arise when the mechanisms for reflecting the multiethnic character of the society in the state authorities

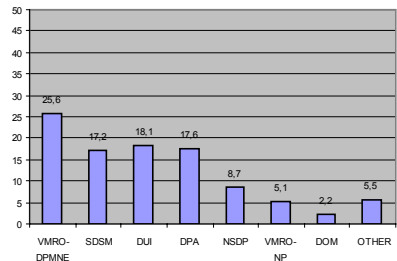
are being established, which means that the problem lies in the functioning of the multiethnic society. Macedonia as a state is not ready to function according to the multiethnic society principle. Instead of striving to resolve those problems, the state of Macedonia is not changing the reality - the concept of ethnocentrism - but only the rhetoric.

### Data on the sample:

- The sample: random, three-stage
- Size of the sample: 1.366 respondents (male and female citizens of lawful age)
- Methodology: telephone survey
- Period: June 12 to 16, 2006
- Degree of reliability: 95%
- Control: per 10% specimens
- Standard deviation:  $\pm 3$
- Territory: Macedonia

### WHO WOULD YOU VOTE FOR IF THE ELECTIONS WERE HELD TODAY IN MACEDONIA?

- VMRO-DPMNE 25,60 %
- SDSM 17,20 %
- DUI 18,10 %
- DPA 17,60 %
- NSDP 8,70 %
- VMRO-NP 5,10 %
- DOM 2,20 %
- OTHER 5,50 %



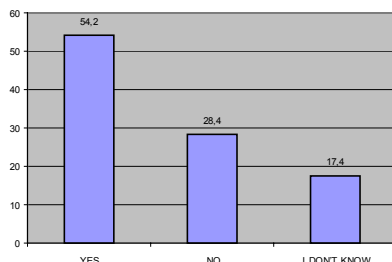
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- Period: June 12 to 16, 2006
- Degree of reliability: 95%

- Control: per 10% specimens
- Standard deviation: +/- 3
- Territory: Macedonia

### **WILL YOU TAKE PART AT THE FORTHCOMING GENERAL ELECTIONS ON 5 JULY 2006?**

- YES 54,20 %
- NO 28,40 %
- I DON'T KNOW 17,40 %



The IFIMES International Institute believes that with the present principles of functioning Macedonia will not be able to survive as a state unless a radical transformation of the multiethnic society into an appropriate concept of multiethnic state is achieved thus creating a national balance in the governing structures. IFIMES has established that all the leading positions in the state of Macedonia such as: president of the republic, president of the parliament, prime minister, president of the constitutional court, minister of the interior, minister of the exterior, defence minister, chief of the general staff etc. are occupied exclusively by the Macedonians. Only this year Macedonian Academy of Sciences and Arts accepted one Albanian member for the first time.

Will Macedonia share the destiny of Yugoslavia? It depends on Macedonia itself. Neither accession to EU nor to NATO can artificially alleviate ethnic conflicts, just as it was not possible in other European states. If multiethnic societies and states wish to survive, they have to establish a national balance between the ethnic communities in the governing structures. The responsibility for achieving such a solution practically always lies with the majority nation, and in case of Macedonia also with the EU.

Ljubljana, June 21, 2006

## **Macedonia:**

### **IS ASSASSINATION OF ARBËN XHAFERI BEING PREPARED?**

*The International Institute for Middle-East and Balkan Studies (IFIMES) in Ljubljana, Slovenia, regularly analyses events in the Middle East and the Balkans. IFIMES has prepared an analysis of the current political situation in Macedonia where the pre-election campaign has started for the general elections which are to be held on 5 July 2006. The most relevant and interesting sections from the comprehensive analysis are given below.*

The parliamentary elections in Macedonia are to be held on 5 July 2006. A total of 1,741,449 citizens are going to be eligible to vote. Taking part are 33 political parties or coalitions and 2 independent lists. 2,700 candidates organised in 135 lists spread across 6 constituencies are to compete according to the proportional system for the entrance into the Macedonian Parliament (Sobranie) with 120 seats. The leading parties at the forthcoming elections are: VMRO-DPMNE (the opposition and conservative party), SDSM (the ruling social-democratic party), DPA (the opposition Albanian party), DUI (the ruling Albanian party), NSDP (new social-democrats), VMRO-NP (nationalist right-wing party), DOM (new party of the political centre), etc. In addition to the main parties, there is a good chance for the National Party of Macedonia (ZNPM) to enter the parliament. The political parties of minorities: Turks, the Roma, Bosnians, Serbs and others will probably have their representatives in the Macedonian Parliament. The elections will be monitored by approximately 6,000 domestic and foreign observers.

### **FORMER YUGOSLAV COMMUNISTS STILL IN POWER**

The national structure of the population in Macedonia is a po-

litical factor which is impossible to ignore (unofficially 1/3 of the population are ethnic Albanians). This fact gives rise to two groups of parties: Macedonian people's group of parties and the Albanian people's group of parties. Problems in the Macedonian society and state have not been created through the proclamation of independence on 8 September 1991. Namely, since 1945, the communist regime in Macedonia has never tackled the resolution of (inter)ethnic issues, rather solving these issues was usually "prolonged" or "swept under the carpet". The continuity of such policy was also maintained in 1991 when the when Macedonian Government unanimously proclaimed new state symbols regarding the state and the minorities without the participation or consent of the second largest ethnic community – the Albanians.

According to analysts of the IFMES International Institute, the ruling structure in Macedonia is a mere recurrence of the former Yugoslav communists (Macedonian and Albanian) personalised in parties of the ruling coalition of the SDSM and DUI. The parties in power, SDSM & DUI, are naively hoping that the citizens will simply forget the issue of the resolution of the national question if a certain degree of economic stability, growth and prosperity is attained. The communists have not managed to resolve this beginning with 1945 so the probability that the current ruling political coalition (SDSM and DUI) would resolve that open national question in Macedonia is rather bleak and improbable since according to opinions of IFIMES analysts, they do not represent the "authentic" political parties of Macedonian and Albanian people.

The IFIMES International Institute considers that such an approach by SDSM and DUI ("turning a blind eye" to the national question) is a wrong one and one that leads Macedonia into a constant political crisis. The approach, which maintains that the achievement of a certain degree of economic stability, growth and prosperity automatically solves the national question, is a return of Macedonia into the times of the rigid communist regime, and not a preparation of the state for the entry into EU and NATO.

## **IS DUI A PARTY OF CRIMINALS AND WAR PROFITEERS?**

The frequent incidents caused mainly by DUI have led the IFIMES experts to analyse whether the current Albanian ruling party (DUI) is a party of criminals and war profiteers? Has DUI, through its participation in the Government, implemented the Ohrid Agreement signed on 13 August 2001 and which brought a whole line of improvements for ethnic Albanians?

Through analysing the current DUI participation in the ruling coalition, we can assess that the legalisation of the Tetovo University is the only DUI success, although this particular University already presented a reality, which had to be accepted and made legal.

The employment of Albanians in public services to a level of 25 % is nothing more than ink on paper. The usage of the Albanian language in areas where, according to the last population census, the population is made up of 20 % of Albanians opened the question of double standards. It is paradoxical that Albanians have to know the Macedonian language while at the same time the Macedonians are bound by nothing to know Albanian.

The law on amnesty concerning former insurgents was adopted under the pressure of the international community, and not DUI.

The IFIMES International Institute believes that the ruling DUI party has not done enough on the issue of pressing for constitutional reforms, which would enable the affirmation of Albanians and the improvement of their position. To this we can add the unresolved issue of over 150,000 Albanians, whom the Macedonian Government refuses to enter into the register of its citizens. This is why we had cases in which individuals, while waiting to become Macedonian citizens, in the meantime became citizens of Germany and other EU countries.

## **THE LIQUIDATION OF XHAFERI AND CRIMINALISATION OF THAÇI**

The interconnectedness of political elites and secret services in Macedonia is a publicly known fact. In this light, we have an example where the Director of the Macedonian intelligence service, Mr. Lazar Kitanovski, submitted his resignation during the election campaign (16 June 2006) and announces his candidacy on the list of the ruling SDSM. The ruling parties (SDSM and DUI) often do not choose the means in order to remain in power. The numerous incidents are not mere coincidences but seem more like well-organised and planned in the ruling structures, whose aim is to show the current opposition as a factor of instability and thus warn the domestic and international public that the arrival of the current opposition into power would lead to further destabilisation of the country.

DUI represents the recurrence of the militarised political option that arose from the previous war (2001) in Macedonia along with former Yugoslav communists (Albanians), who have been outlived by the Macedonian political reality. This is why the DUI party engaged the former high-ranking Albanian Yugoslav National Army (JNA) officer, Gëzim Ostreni, to run as candidate in the previous presidential elections in Macedonia. Macedonia needs new people, not worn out politicians.... The DUI obviously did not know how to run a country in peacetime conditions. The proof of this comes from the Ohrid Agreement provisions, the implementation of which has generally been of a cosmetic nature. According to the Transparency International assessment, Macedonia is at the very top in terms of corruption – a high 103rd place out of 159 countries (October 2005) and the responsibility for that must also be born by the current Government. The loss of power would probably entail the commencement of criminal and corruption procedures, of which the current coalition is being accused.

The IFIMES International Institute expresses its grave concern re-

garding the support that the EU is affording to the DUI party in the upcoming elections marking it as another wrong move of the EU in Macedonia, one which could contribute to further destabilisation of that state.

The IFIMES International Institute considers that the greatest responsibility for the pre-election incidents and armed conflicts should be assumed by the Ministry of Interior Affairs, the police and the public prosecution office, all of which are under complete control of the ruling coalition, due to their utter inefficiency.

The IFIMES International Institute has reliable knowledge that an assassination is being prepared on DPA leader, Arbën Xhaferi, in the greatest of secrecy? At the same time, an extremely tough campaign is being led by criminal circles aimed at criminalising and discrediting Menduh Thaçi, the Vice President of DPA. The aim of Xhaferi's liquidation and Thaçi's criminalisation is to create a space enabling a prolonged domination in the Albanian electoral body while simultaneously presenting the current opposition as criminal in the eyes of the public. If physical liquidation of Xhaferi materialises, the greatest responsibility will fall upon the current administration (SDSM and DUI), who have not provided any security for political leaders and participants of the election process.

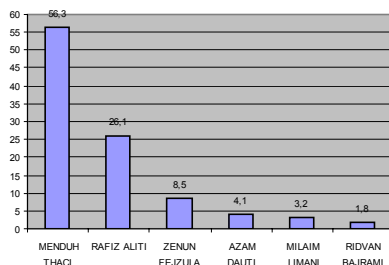
**Data on the sample:**

- The sample: random, three-stage
- Size of the sample: 317 respondents (male and female citizens of lawful age-Albanian's)
- Methodology: telephone survey
- Period: June 26 to 28, 2006
- Degree of reliability: 95%
- Control: per 10% specimens
- Standard deviation: +/- 3
- Territory:1. Election constituency – Macedonia



## FOR WHICH OF THE ALBANIAN CANDIDATES IN CONSTITUENCY 1 WOULD YOU VOTE AT THE PARLIAMENTARY ELECTIONS TO BE HELD ON 5 JULY 2006?

- MENDUH THAÇI	56,30 %
- RAFIZ ALITI	26,10 %
- ZENUN FEJZULA	8,50 %
- AZAM DAUTI	4,10 %
- MILAIM LIMANI	3,20 %
- RIDVAN BAJRAMI	1,80 %

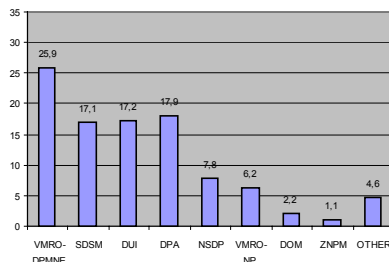


### Data on the sample:

- The sample: random, three-stage
- Size of the sample: 1.411 respondents (male and female citizens of lawful age)
- Methodology: telephone survey
- Period: June 26 to 28, 2006
- Degree of reliability: 95%
- Control: per 10% specimens
- Standard deviation: +/- 3
- Territory: Macedonia

## WHO WOULD YOU VOTE FOR IF THE ELECTIONS WERE HELD TODAY IN MACEDONIA?

- VMRO-DPMNE	25,90 %
- SDSM	17,10 %
- DUI	17,20 %
- DPA	17,90 %
- NSDP	7,80 %
- VMRO-NP	6,20 %
- DOM	2,20 %
- ZNPM	1,10 %
- OTHER	4,60 %

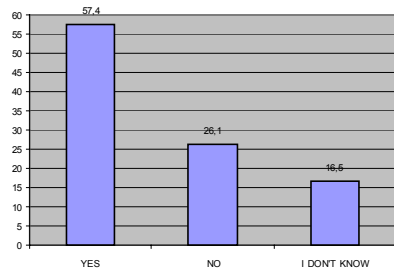


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- Standard deviation: +/- 3
- Territory: Macedonia

### WILL YOU TAKE PART AT THE FORTHCOMING GENERAL ELECTIONS ON 5 JULY 2006?

- YES	57,40 %
- NO	26,10 %
- I DON'T KNOW	16,50 %



Analysing the previous pre-election programmes of SDSM and DUI, the IFIMES International Institute assesses that the current Government, in the course of its four year mandate, did not fulfil even a half of its pre-election programmes.

It is essential that election victors, VMRO-DPMNE and DPA, along with EU assistance, find the most suitable solution for Macedonia through an appropriate constitutional model, i.e. the constitutional key which would guarantee that the distribution of all key positions in the country gets adjusted to the proportional structure of the population. We expect that after the election, VMRO-DPMNE will offer Albanians and other non-Macedonians a greater number of responsible functions in the Macedonian state as a sign of good will, and through that initialises the process of finding the most appropriate constitutional model, which would

preclude segregation of its citizens on ethnic or other grounds.

The IFIMES International Institute believes that the stability of Macedonia requires a prompt resolution of the outstanding issue presented by the autocephaly of the Macedonian Orthodox Church (MPC), which is nowhere to be seen due to the strong pressure by the Greek Orthodox Church (GPC) exerted on the present parent Serbian Orthodox Church (SPC) not to allow the recognition of autocephaly to MCP.

Ljubljana, June 30, 2006

## Bosnia and Herzegovina

### COUNCIL OF EUROPE `WARNS` BiH!

*The International Institute for Middle-East and Balkan Studies (IFIMES) in Ljubljana, Slovenia, regularly analyses events in the Middle East and the Balkans. On the occasion of the adoption of the Council of Europe Resolution of 29 June 2006 on Bosnia and Herzegovina and its constitutional amendments IFIMES has prepared an analysis of the present political situation in BiH. The most relevant and interesting sections from the comprehensive analysis are given below.*

The IFIMES International Institute believes that the non-adoption of the constitutional amendments on 26 April 2006 in the Parliamentary Assembly of Bosnia and Herzegovina showed that the national/nationalist parties are not and can no longer be the international community's main partner in BiH, since they are no longer the "absolute masters" and do not control the whole political situation in BiH as they used to.

On 29 June 2006 the Parliamentary Assembly of the Council of Europe adopted the Resolution in which it called Bosnia and Herzegovina to implement the constitutional reforms in order to build a more efficient state system focusing on the needs of the citizens rather than on the national (ethnic) needs.

The Parliamentary Assembly of the Council of Europe supported the report and adopted the Resolution of the Monitoring Team on BiH which, among other, demands the continuation of the constitutional reforms immediately after the autumn elections, however, without the provisions on entity voting (elimination of the ethnic principle) in the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina and with a more detailed definition of the vital national interest in the House of Nations.

The rapporteurs of the Council of Europe Kimmo Sasi (Finland) and Mevlut Cavasoglu (Turkey) believe that the reform process in BiH has been stopped due to the non-adoption of the constitutional changes. They assessed that due to the forthcoming general elections the campaign is not creating a good atmosphere for building the state. BiH should not discuss its past but its future, Sasi pointed out, adding that although the constitutional reform was neither comprehensive nor far-reaching it represented the first attempt of the citizens to take their future in their own hands. Bosnia and Herzegovina clearly has a place in Europe but now I am not sure it can get there easily. The Serbs are boycotting the reform process. The only direction which the country must take is to move from a system based on ethnic representation to the one based on the representation of every citizen, said Sasi. Sasi also pointed out that report was very much based on the recommendations of the Venice Commission.

Dr. Miro Cerar, professor at the Faculty of Law of the University of Ljubljana and adviser on constitutional issues at the National Assembly of the Republic of Slovenia, believes that it would be reasonable to continue the constitutional debate in Bosnia and Herzegovina and to reconsider the proposed solutions. Such reflection should be conditional on a more clear position on what is the real goal of the constitutional amendments. Is it a modern, emancipated, democratic and legal state with the relatively efficiently functioning institutional system, or further weakening and division of Bosnia and Herzegovina in which the ethnic and other specific players and factors dominate at the detriment of the efficiency of the whole?

The IFIMES International Institute believes that the Resolution of the Council of Europe which is the oldest and most distinguished European institution should not be ignored but rather understood as a kind of a “warning” to BiH which would encourage the political actors in BiH to strive to build a normal state structure and thus contribute to accelerated accession of BiH to the EU and

NATO. Following the October elections it will be of immense importance to make some significant steps in the field of adopting the new constitution, since BiH will be the topic of the Council of Europe's meeting in January 2007. As member of the Council of Europe BiH is obliged to respect its decisions.

The IFIMES International Institute believes that increased co-operation with the OSCE, EU, NATO and the Council of Europe is the key to the successful future functioning which means that the adopted decisions and documents which result in certain commitments should be correctly and uniformly interpreted to the public by diplomats and representatives of those organisations or states instead of intentionally creating a confusion. The recent case of such confusing interpretation has been the Resolution of the Council of Europe on BiH which certain ambassadors in BiH are interpreting in "their own" way.

## **CONSTITUTIONAL AMENDMENTS AND GENERAL ELECTIONS**

The general elections which will be held on 1 October 2006 are in direct connection with the non-adoption of the constitutional amendments in April this year which has led to the radicalisation of the political scene in BiH, especially in the Federation of BiH where two main blocks have been formed: (1) the SDA (Party of Democratic Action) and SDP (Social Democratic Party) block in favour of the adoption of the proposed constitutional amendments and (2) the block against the proposed constitutional amendments led by the Party for BiH supported by SDU (Social Democratic Union), BOSS (Bosnian Party) and other minor parties. The non-adoption of the proposed constitutional amendments meant the victory for the Party for BiH. The former prime minister and foreign minister Haris Silajdzic's return to the Party for BiH brought some fresh air in the political scene before the general elections, especially since he announced his candidacy for the member of the Presidency of BiH.

Two main political blocks have also been formed in the Republic of Srpska (RS): (1) the block comprising SNSD (Alliance of Independent Social-Democrats), SP (Socialist Party), DNS (Democratic People's Union) and other minor political parties and (2) the block of SDS (Serbian Democratic Party) and other radical elements.

Recent co-operation between SDA and SDP could have detrimental consequences for SDP at the forthcoming elections since the coalition between the national-oriented SDA and the former communist SDP can not bring political progress to BiH nor to either of the parties. The practice in BiH has shown that the parties adhering to the national/nationalistic parties later become marginalised (minor) political parties – an example was Mladen Ivanić's PDP (Party of Democratic Progress).

HDZ (Croatian Democratic Union) is losing the leading position among the parties of Bosnian Croats. The decision of the HDZ president Dragan Covic not to file his candidacy at the forthcoming elections represents a step towards the "decriminalisation" of the Croats, since some of HDZ's high officials are involved in court proceedings for organised crime and corruption.

Most party leaders decided to head the parliamentary lists at the forthcoming elections (Zlatko Lagumdžija, Milorad Dodik, Petar Đokić, Mladen Ivanić etc.) since this increases the possibilities of being elected on those lists more than if they file candidacies for individual functions such as member of the Presidency of BiH, President and Vice President of RS where they have much less chances of winning.

The IFIMES International Institute is of the opinion that the national parties do not form a part of the reform structure in BiH and should therefore not be offered partnership and support by the representatives of the international community.

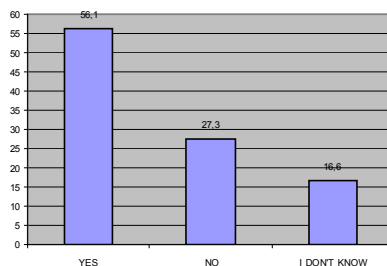
In view of the forthcoming general elections which are to be held on 1 October 2006 the IFIMES International Institute has carried out a survey on the specimen population in BiH (Republic of Srpska and the Federation of BiH).

**Data on the sample:**

- The sample: random, three-stage
- Size of the sample: 1.350 respondents (male and female citizens of lawful age)
- Methodology: telephone survey
- Period: July 03 to 05, 2006
- Degree of reliability: 95%
- Control: per 10% specimens
- Standard deviation:  $\pm 3$
- Territory: Bosnia and Herzegovina (Republic of Srpska, Federation of BiH, Brcko District)

**WOULD YOU TAKE PART IN THE ELECTIONS IF THEY WERE HELD TODAY?**

- |                |         |
|----------------|---------|
| - YES          | 56,10 % |
| - NO           | 27,30 % |
| - I DON'T KNOW | 16,60 % |



The IFIMES International Institute believes the increased participation at the elections to be the result of the passive registration of the voters which simplifies participation for the citizens.

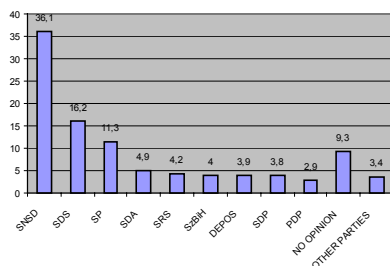
**Data on the sample:**

- The sample: random, three-stage
- Size of the sample: 644 respondents (male and female citizens of lawful age)
- Methodology: telephone survey
- Period: July 03 to 05, 2006
- Degree of reliability: 95%
- Control: per 10% specimens
- Standard deviation:  $\pm 3$
- Territory: Republic of Srpska (BiH)



## WHO WOULD YOU VOTE FOR IN THE REPUBLIC OF SRP-SKA IF THE ELECTIONS WERE HELD TODAY?

- SNSD	36,10 %
- SDS	16,20 %
- SP	11,30 %
- SDA	4,90 %
- SRS	4,20 %
- SzBiH	4,00 %
- DEPOS	3,90 %
- SDP	3,80 %
- PDP	2,90 %
- NO OPINION	9,30 %
- OTHER PARTIES	3,40 %

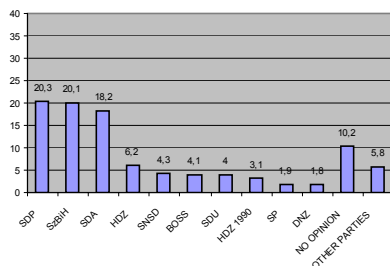


### Data on the sample:

- The sample: random, three-stage
- Size of the sample: 706 respondents (male and female citizens of lawful age)
- Methodology: telephone survey
- Period: July 03 to 05, 2006
- Degree of reliability: 95%
- Control: per 10% specimens
- Standard deviation: +/- 3
- Territory: Federation of BiH (BiH)

## WHO WOULD YOU VOTE FOR IN THE FEDERATION OF BiH IF THE ELECTIONS WERE HELD TODAY?

- SDP	20,30 %
- SzBiH	20,10 %
- SDA	18,20 %
- HDZ	6,20 %
- SNSD	4,30 %
- BOSS	4,10 %
- SDU	4,00 %
- HDZ 1990	3,10 %
- SP	1,90 %
- DML	1,80 %
- NO OPINION	10,20 %
- OTHER PARTIES	5,80 %



- SP 1,90 %
- DNZ 1,80 %
- NO OPINION 10,20 %
- OTHER PARTIES 5,80 %

The IFIMES International Institute is of the opinion that the main reason for dissatisfaction in BiH is an extremely difficult economic and social situation characterised by a high unemployment rate and poor prospects of increasing the rate of employment in the near future. Due to their unpreparedness and incapability the national parties avoid resolving the essential and vital issues for the people such as: employment, standard of living, just social structure, fighting organised crime and corruption. The nationalists have developed an interesting topic in which all the three national parties are developing theses of being endangered in order to generate fear among the citizens and prolong their political existence. This represents a formidable barrier to true transformation of the political awareness of the citizens which has remained at the level of the dominant consciousness in BiH in the early 1990s.

On the basis of the survey carried out the IFIMES International Institute believes that the only hope for BiH would be to neutralise all forms of political organising on the national basis. Europe and the international community should therefore finally decide whether they want the BiH of the future to be an integrated union modelled on the European and global standards or an explicitly nationally divided state whose vicinity represents a constant threat and source of instability for the EU and moreover attracts various forms of crime including the transit of international crime through BiH which directly affects and burdens the EU.

Ljubljana, 14 July 2006



## Montenegro:

### IS MONTENEGRO'S GOVERNMENT RESPONSIBLE FOR NOT ARRESTING RADOVAN KARADZIC?

*The International Institute for Middle-East and Balkan Studies (IFIMES) in Ljubljana, Slovenia, regularly analyses events in the Middle East and the Balkans. IFIMES has carried out a public opinion survey in Montenegro on the occasion of the announced general and local elections which are to take place on 10 September 2006. The most interesting sections from the comprehensive survey are given below:*

Montenegro and the elections:

International Institute has carried out a public opinion survey in Montenegro on the occasion of the announced general and local elections which will take place on 10 September 2006.

The forthcoming elections will be attended by seven coalitions, four parties and a group of citizens:

Coalition for a European Montenegro - Milo Đukanović DPS-SDP  
Movement for Changes - Nebojša Medojević

SNP - NS - DSS - Socialist National Party Coalition of Montenegro  
Serbian List - Andrija Mandić

Albanian Alternative

Communist Union of Yugoslavia - Communists of Montenegro

Democratic Union Coalition of Montenegro - Party for Democratic Prosperity - Mehmet Bardhi

Democratic Party of Montenegro

Forca

Liberals and the Bosniak Party - Miodrag Miko Živković

DUA - Ferhat Dinosh

Citizen's List.

### Data on the sample:

The sample: random, three-stage

Size of the sample: 1.220 respondents (male and female citizens of lawful age)

Methodology: telephone survey

Period: August 21 to 25, 2006

Degree of reliability: 95%

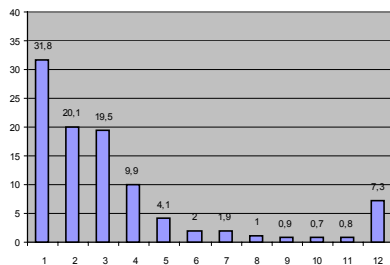
Control: per 10% specimens

Standard deviation: +/- 3

Territory: Montenegro

## 1. WHO WILL YOU VOTE FOR AT THE FORTHCOMING GENERAL ELECTIONS IN MONTENEGRO ON 10 SEPTEMBER 2006?

1. Coalition for a European Montenegro - Milo Đukanović DPS-SDP 31,80 %
2. SNP - NS - DSS - Socialist National Party Coalition of Montenegro 20,10 %
3. Movement for Changes - Nebojsa Medojevic 19,50 %
4. Serbian List - Andrija Mandic 9,90 %
5. Liberals and the Bosniak Party - Miodrag Miko Zivkovic 4,10 %
6. Citizen's List 2,00 %
7. Albanian Alternative 1,90 %
8. Democratic Union Coalition of Montenegro - Party for Democratic Prosperity - Mehmet Bardhi 1,00 %
9. Forca 0,90 %
10. DUA - Ferhat Dinosha 0,70 %
11. Others 0,80 %
12. UNDECIDED 7,30 %



### Data on the sample:

The sample: random, three-stage

Size of the sample: 1.220 respondents (male and female citizens

of lawful age)

Methodology: telephone survey

Period: August 21 to 25, 2006

Degree of reliability: 95%

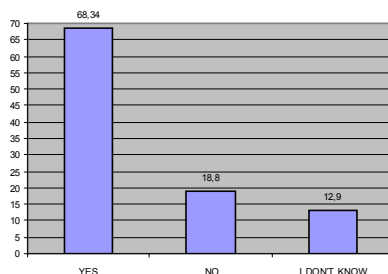
Control: per 10% specimens

Standard deviation: +/- 3

Territory: Montenegro

## 2. WILL YOU TAKE PART AT THE FORTHCOMING GENERAL ELECTIONS IN MONTENEGRO ON 10 SEPTEMBER 2006?

- YES 68,30 %
- NO 18,80 %
- I DON'T KNOW 12,90 %



At the referendum on independence which was held on 21 May 2006, a narrow victory (by only 2,096 votes) was won by the pro-independence bloc headed by Prime Minister Milo Đukanović. However, it has been forgotten that the idea of Montenegro's independence was initiated by the Liberal Union of Montenegro then led by Slavko Perović. While the Montenegrin Liberals insisted on the independence of Montenegro since the early 1990s, Milo Đukanović was all that time directly involved in the realisation of the idea of "Great Serbia" under the political guidance of his former mentor Slobodan Milošević.

The IFIMES International Institute believes that Milo Đukanović's regime, which has ruled Montenegro since 1991 and which represents the remnants of the communist party, is directly misusing the execution of power and manipulating the citizens, as Đukanović proved by simultaneously announcing the general and the local elections in order to take advantage of the favourable political moment ensuing from the referendum result and

thus to remain in power. This is a clear case of political crime which is not the characteristic of democratic societies.

The role played by Milo Đukanović as well as by Momir Bulatović, former Prime Minister and President of Montenegro, had a direct relation with the war in the region of former Yugoslavia. Serbia actually committed the aggression against Croatia and Bosnia and Herzegovina jointly with Montenegro. The agreement which was recently signed by the public prosecutor's offices of Croatia and Montenegro represents a legal basis for handing over war crime suspects to the judicial authorities of the state which has initiated the investigation of the suspects. This agreement could thus be the basis for handing over Milo Đukanović, Momir Bulatović and their associates to the judicial authorities of the Republic of Croatia, since during the aggression against Croatia they were performing the most responsible duties and could thus - according to their command position - be responsible for the crimes committed in Croatia.

The IFIMES International Institute also expects the judicial authorities of Bosnia and Herzegovina to initiate the investigations on war crimes committed during Montenegro's aggression against Bosnia and Herzegovina and, consequently, on the direct involvement of the former political pair Milo Đukanović - Momir Bulatović in those events.

The information from the international diplomatic circles have confirmed that Radovan Karadzic, who was accused of war crimes in Bosnia and Herzegovina, occasionally stays in the territory of Montenegro in the area bordering Bosnia and Herzegovina. The data in the central registry of the citizens of Montenegro have also shown that Radovan Karadzic was entered by his birth in the central registry of the citizens of Montenegro and that he is still kept in that registry. Those facts point to the commitments of the Government of Montenegro towards its citizen Radovan Karadzic and towards the International War Crimes Tribunal in Hague. Montenegro's state authorities have never raised the issue of ab-

rogating the citizenship to Radovan Karadzic nor have they made any significant effort to co-operate with the Hague Tribunal in order to arrest him.

The IFIMES International Institute believes that additional pressure should be asserted on Montenegro's authorities so as to oblige them to co-operate with the Hague Tribunal and to arrest their citizen Radovan Karadzic when he is residing in the territory of Montenegro.

A skilful misuse of minority nations has been one of the constant elements in Milo Đukanović's policy. According to the last census there is no majority nation in Montenegro. Đukanović's regime has artificially created two politically polarised blocks: the pro-Montenegrin block and the pro-Serbian one. These two blocks enable him to misuse the minority nations to the benefit of his politics. Due to historical circumstances and the recent Serbian politics the minority nations were not in favour of the pro-Serbian block, which automatically means they were in favour of the pro-Montenegrin block and its regime.

The current Montenegro's regime has artificially divided the Bosniaks in Montenegro into two nations: the Bosniaks and the Muslims, although they obviously form one nation. The division is based on the definition made by the leading regime according to which the citizens who identify themselves as the Bosniaks belong to Bosnia and Herzegovina as the country of their origin and therefore automatically have the minority status in Montenegro, while the citizens who identify themselves as the Muslims represent the autochthon inhabitants of Montenegro, i.e. the Montenegrins of the Islam religion.

The IFIMES International Institute believes that the Coalition DPS-SDP will win at the forthcoming general elections although it is not certain whether they will be able to form the government. IFIMES expects that the minority nations will not vote for the marionette representatives of Đukanović's regime but for their



own true representatives which will enable them to improve significantly their position.

The IFIMES International Institute welcomes the appearance of new political options in the Albanian voting body in Montenegro, notably the Albanian Alternative which had not taken part at previous elections and which enjoys an enviable reputation among the Albanian voting body. The Albanian Alternative is the only political option among the Albanians which can fulfil the desire and the need of the Albanians to establish a special municipality of Tuzi (presently within the municipality of Podgorica as a city municipality which does not correspond to the real situation and the needs of local inhabitants) which would meet the needs of the local inhabitants and which would not be a part of the current regime's elections scenario. By establishing the municipality of Tuzi the Albanian Alternative would contribute to the satisfaction of the needs of the Albanians living in that region as well as to the general improvement of the position of the Albanian community in Montenegro which has been marginalised in several aspects.

Ljubljana, 3 September 2006

## Montenegro and the elections:

### **MONTENEGRO NEEDS RADICAL CHANGES!**

*The International Institute for Middle-East and Balkan Studies (IFIMES) in Ljubljana, Slovenia, regularly analyses events in the Middle East and the Balkans. IFIMES has carried out the last public opinion survey in Montenegro before the forthcoming general and local elections which are to take place on 10 September 2006. The most interesting sections from the comprehensive survey are given below.*

The IFIMES International Institute has carried out the last public opinion survey in Montenegro before the announced general and local elections which are to take place on 10 September 2006. In Montenegro there are 484,430 registered voters.

The following seven coalitions, four parties and a group of citizens will contest at the forthcoming elections:

Coalition for a European Montenegro - Milo Đukanović DPS-SDP  
 Movement for changes - Nebojša Medojević  
 SNP - NS - DSS - Socialist National Party Coalition of Montenegro  
 Serbian List - Andrija Mandić  
 Albanian Alternative  
 Communist Union of Yugoslavia - Communists of Montenegro  
 Democratic Union Coalition of Montenegro - Party for Democratic Prosperity - Mehmet Bardhi  
 Democratic Party of Montenegro  
 Forca  
 Liberals and the Bosniak Party - Miodrag Miko Živković  
 DUA - Ferhat Dinosha  
 Citizen's List.

The achievements of the present Montenegro's government (DPS-SDP) are best illustrated by the data on corruption accord-

ing to which Montenegro is, by the level of corruption, the 97th of the total 158 countries included in the study, together with Serbia, Algeria, Argentina, Madagascar, Malawi and Mozambique (Source: Transparency International Corruption Perceptions Index 2005).

Moreover, it has been forgotten that the idea of Montenegro's independence was initiated by the Liberal Union of Montenegro and not by Milo Đukanović. The fact that has also been held back is that Milo Đukanović and Momir Bulatovic came to Montenegro's political scene in 1989 literally from the street in the framework of the so called anti-bureaucratic revolution organised and directed by Slobodan Milošević. A special characteristic of Milo Đukanović is that as Montenegro's representative in the former Federal Conference of the Union of Socialist Youth of Yugoslavia (SK SSOJ) at the end 1980s he was an open follower of Slobodan Milošević's politics unlike the majority of youth representatives at that time who were the holders of democratic changes.

When the war was raging in Bosnia and Herzegovina in 1992 some of its citizens tried to find refuge and temporary protection in Montenegro. But instead of protecting them Montenegro handed over the Bosniaks from Bosnia and Herzegovina to the authorities of Republic of Srpska. There is still nothing known on the destiny of those people. The families of one group of deported and probably tragically disappeared Bosniaks from Bosnia and Herzegovina have initiated the proceedings at the Court of Podgorica. The president of Montenegro's Government at that time was Milo Đukanović.

The IFIMES International Institute is of the opinion that Milo Đukanović's regime is one of the last autocratic regimes in Europe. His DPS party lacks a clear ideological matrix. Instead, it is taking advantage of the political discourse with a short-term useful value. Its main preoccupations are gaining immense benefits for DPS leaders, expressing loyalty to the party and faithfulness to the leader and stressing the party bureaucracy rather than sup-

porting and strengthening state administration. As a backdrop DPS uses typical rhetoric on the modern Montenegro and Euro-Atlantic integrations in order to remain in power and develop the so called positive uncertainty among the citizens which is not based on the reality.

Numerous privatisation processes carried out in Montenegro have stirred up suspicion about the correctness and lawfulness of the procedures, notably the recent privatisation of the Aluminium Combine in Podgorica (KAP). Milo Đukanović's regime has gained control over almost all the media and the majority of NGOs in Montenegro. Some of his family members and people close to him have become extremely wealthy overnight – not only according to the standard in Montenegro.

His regime has politically “destroyed” all of its previous coalition partners, as was the case with the Liberal Union which no longer exists. A similar destiny could await the present SDP which is Đukanović's satellite. Some individuals from SDP were appropriately “awarded” for their loyalty to Đukanović and now they are hostages to his politics and regime.

The IFIMES International Institute expects the minorities in Montenegro, notably the Albanians and the Bosniaks, to turn their back on Đukanović's regime and vote for the minority parties at the forthcoming elections. In this way they will strike a heavy blow against or even overthrow the regime which has constantly produced sophisticated fear and repression, which was also evident in the public opinion survey where the citizens showed a certain level of fear when answering the questions.

The IFIMES International Institute points to the possibility of election frauds which may this time include also manipulation with the deceased voters or electoral lists especially after the electoral places are closed. In order to enable those intentions Milo Đukanović's regime adopted the election rules which prevent the publication of any election results for three hours after the

electoral places are closed, which opens the possibility for manipulating even with the election results. After the complaint was made to the Constitutional Court of Montenegro this rule was confirmed to be contrary to the constitution.

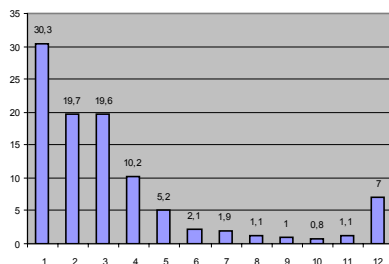
In the light of the above facts the IFIMES International Institute believes that it is of key importance for the future of Montenegro which wishes to become an EU and NATO member that DPS does not win at the forthcoming elections. This would enable the true democratisation of Montenegro's society and accelerate the accession to the Euro-Atlantic integrations – since Montenegro needs radical changes.

### Data on the sample:

- The sample: random, three-stage
- Size of the sample: 1.310 respondents (male and female citizens of lawful age)
- Methodology: telephone survey
- Period: September 01 to 05, 2006
- Degree of reliability: 95%
- Control: per 10% specimens
- Standard deviation: +/- 3
- Territory: Montenegro

### 1. WHO WILL YOU VOTE FOR AT THE FORTHCOMING GENERAL ELECTIONS IN MONTENEGRO ON 10 SEPTEMBER 2006?

1. Coalition for a European Montenegro - Milo Đukanović DPS-SDP 30,30 %
2. SNP - NS - DSS - Socialist National Party Coalition of Montenegro 19,70 %
3. Movement for Changes - Nebojsa Medojevic 19,60 %
4. Serbian List - Andrija Mandic 10,20 %
5. Liberals and the Bosniak Party



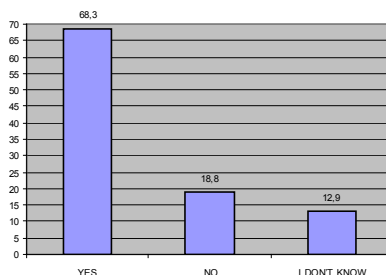
- Miodrag Miko Zivkovic 5,20 %
- 6. Citizen's List 2,10 %
- 7. Albanian Alternative 1,90 %
- 8. Democratic Union Coalition of Montenegro - Party for Democratic Prosperity - Mehmet Bardhi 1,10 %
- 9. Forca 1,00 %
- 10. DUA - Ferhat Dinosha 0,80 %
- 11. Others 1,10 %
- 12. UNDECIDED 7,00 %

### Data on the sample:

- The sample: random, three-stage
- Size of the sample: 1.310 respondents (male and female citizens of lawful age)
- Methodology: telephone survey
- Period: September 01 to 05, 2006
- Degree of reliability: 95%
- Control: per 10% specimens
- Standard deviation: +/- 3
- Territory: Montenegro

## 2. WILL YOU TAKE PART AT THE FORTHCOMING GENERAL ELECTIONS IN MONTENEGRO ON 10 SEPTEMBER 2006?

- YES 68,30 %
- NO 18,80 %
- I DON'T KNOW 12,90 %



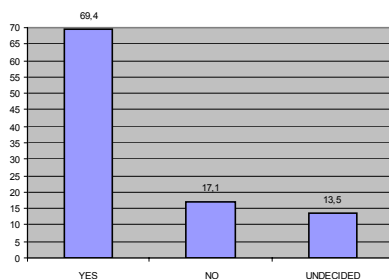
### Data on the sample:

- The sample: random, three-stage
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- Methodology: telephone survey
- Period: September 01 to 05, 2006

- Degree of reliability: 95%
- Control: per 10% specimens
- Standard deviation: +/- 3
- Territory: Montenegro

**3. IS THE PRESENT GOVERNMENT IN YOUR OPINION RESPONSIBLE FOR THE ORGANISED CRIME AND CORRUPTION WHICH ARE PRESENT IN MONTENEGRO?**

- |             |         |
|-------------|---------|
| - YES       | 69,40 % |
| - NO        | 17,10 % |
| - UNDECIDED | 13,50 % |



Ljubljana, 7 September 2006

## **Bosnia and Herzegovina and the Elections:**

### **WHO DOES THE GERMAN CDU-CSU HELP IN BiH?**

*The International Institute for Middle-East and Balkan Studies (IFIMES) in Ljubljana, Slovenia, regularly analyses events in the Middle East and the Balkans. On the occasion of the announced general elections in Bosnia and Herzegovina which are to take place on 1 October 2006 IFIMES has prepared an analysis of the current pre-election situation. The most relevant and interesting sections from the comprehensive analysis are given below.*

On the occasion of the announced general elections in Bosnia and Herzegovina which are to take place on 1 October 2006 IFIMES has prepared an analysis of the current pre-election situation. At the general elections the voters will elect the new three-member Presidency of BiH, President and two Vice-Presidents of the Republic of Srpska (RS), the House of Representatives at the state and entity levels (Federation of BiH and RS) and ten Cantonal Assemblies. In total, 7,245 candidates from 36 parties and 8 coalitions as well as 12 independent candidates have decided to contest for those positions. There are in total 2,736,886 registered voters.

### **POLITICAL CONFRONTATION BETWEEN DODIK AND SILAJDŽIĆ**

The forthcoming general elections which are to take place on 1 October are becoming the most important event affecting almost all political activities in BiH. The general political situation is characterised by the efforts of the nationalistic political elite to remain in power also in the next term of office.

Thus in the Republic of Srpska two opposing political blocks have



been formed: (1) SNSD, Socialist Party (SP), DNS etc. (2) SDS, the Radicals etc.

During the debate on the constitutional amendments and their non-adoption, two opposing political blocks have been formed also in the Federation of BiH: (1) Party for BiH, SDU, BOSS etc. (2) SDA, SDP etc.

At the state level the main political pre-election fight will be fought between the opposing political blocks led by Haris Silajdžić from the Federation of BiH (Party for BiH) and Milorad Dodik from the Republic of Srpska (SNSD).

The national parties (SDS, SDA and HDZ) are trying to keep their position feeling jeopardised by the arrival of democratic forces which are going to tackle the period of their regime marked by war, genocide, organised crime and corruption, isolation of the state and its obvious lagging behind development which is, in the long-term, the main reason for the economic decay of Bosnia and Herzegovina.

During their reign the national parties (SDS, SDA and HDZ) “ensured” Bosnia and Herzegovina a high position among the 158 states which were the subject of the research on the level of corruption. At the 88th place BiH is in the same group as Armenia, Benin, Gabon, India, Iran, Mali and Moldova (Source: Transparency International Corruption Perceptions Index 2005).

The post-Second-World-War experience showed that the European authorities managed to revive their states in record time and to transform them into the most promising states in Europe thus setting the foundations to the present European Union.

However, after the war in Bosnia and Herzegovina (1992-1995) the national parties have remained in power and continued to produce a latent energy-consuming conflict between the nations which is the only way for them to remain in power. On the other hand the economic and social issues, despite their natural priority position, have remained the secondary task due to which even 11

years after the war ended Bosnia and Herzegovina has not managed to restore the infrastructure nor to create the conditions for accelerating economic development, which has aroused the feeling of dissatisfaction among all of its nations and disappointment over the politics led in BiH during the past 15 years.

In the Republic of Srpska thus SDS has, together with PDP and supported by some radical Serbian movements, kept its citizens as the prisoners of its politics which promoted criminal privatisation flows, gradual undermining of the legal system and lagging behind the modern economic and technologic developments in Europe and the world. Merciless exploitation of national and natural resources have impoverished the Republic of Srpska and its citizens. Extreme poverty is especially felt in the eastern parts of the RS.

Having analysed the political and economic programmes of parties and their political activities during the past years the IFIMES International Institute has concluded that SNSD and SP are focused on the economic and social issues of the four social classes and aim to speed up the realisation of the macroeconomic programmes which can lead to the accelerated and increased employment of the unemployed citizens. Unemployment is namely the key indicator of social peace and stability in Bosnia and Herzegovina. The citizens righteously expect the political parties to make some radical changes which, according to the IFIMES estimations, SNSD and SP are able carry out in the Republic of Srpska. The forthcoming elections are therefore of decisive importance for the Republic of Srpska.

## **ANNIHILATING POLITICS OF SDS, PDP and SRS**

The annihilating regime of SDS, PDP and SRS has produced severe far-reaching consequences which will have a long-term negative effect on the development of the Republic of Srpska. Their politics has been reduced to sheer fight for maintaining the posi-

tion in the government, using any means to win the favour of the High Representative for BiH which often ended in a grovelling attitude towards international officials in BiH due to which their politics often lost any sense. Moreover, they used the methods characteristic of totalitarian regimes, such as pre-arranged judicial processes against opposition leaders (Milorad Dodik, Petar Đokić, Marko Pavić), unauthorised eavesdropping – notably by “Telekom Srpske” in case of President of the Socialist Party Petar Đokić where this practices may well still continue since most of the “Telekom Srpske” staff come from PDP and SDS. The paradoxicality of the regime led by SDS and PDP lies in the fact that instead of dealing with the criminal officials in SDS and PDP who have performed various functions the competent public prosecutors are involved in cases against opposition leaders in pre-arranged court proceedings some of which are still ongoing.

The IFIMES International Institute has noted a characteristic behaviour of the current RS Prime Minister Milorad Dodik. Instead of abiding by the political programme which he presented before being elected, especially its economic aspect, he unfortunately uses the typical nationalistic rhetoric which may, in the next period, commit him to the nationally oriented voters and benefit the national parties which are noted for their nationalistic rhetoric. Milorad Dodik thus unknowingly helps the national parties and is consequently losing his traditional voters to other political parties.

### **SULEJMAN TIHIĆ ASKED THE GERMAN CHRISTIAN DEMOCRATS (CDU-CSU) FOR HELP?**

A characteristic feature of BiH is the lack of transparency during all previous election campaigns. Although the Central Election Commission (CEC) is trying to control the financing of election campaigns it is not very successful at those attempts.

According to the results of the last elections in BiH the leading

party was SDA whose president Sulejman Tihić is also the current Chairman of the BiH Presidency. According to the information IFIMES has received from the Presidency, Sulejman Tihić asked the German Christian Democrats CDU-CSU for assistance in the election campaign? Allegedly, on behalf of CDU-CSU this assistance would be carried out by a known German lobbying firm which is close to the right-oriented political circles in Europe. Most probably Sulejman Tihić's goal is to improve his currently very poor position before the forthcoming elections and thus to remain in power. IFIMES's information on the activities in the Presidency are alerting since it is the German energy lobby that is hiding behind such "assistance". As a return favour, the German lobby would have wide open door for entering BiH. Tihić is to meet the above representatives in the next few days.

The IFIMES International Institute believes that such assistance provided by the German Christian Democrats (from the CDU-CSU circles) to SDA which is an Islamic party would not be disputable if it involved transparent donations and assistance not conditional on additional favours which may be regarded as falling within the scope of corruption and organised crime. However, if other interests and intentions are hiding behind such assistance from the German energy lobby, the whole case should be examined by the competent public prosecutor and the Central Election Commission.

## **PUBLIC OPINION POLLING**

Data on the sample:

The sample: random, three-stage

Size of the sample: 1.460 respondents (male and female citizens of lawful age)

Methodology: telephone survey

Period: August 21 to 25, 2006

Degree of reliability: 95%

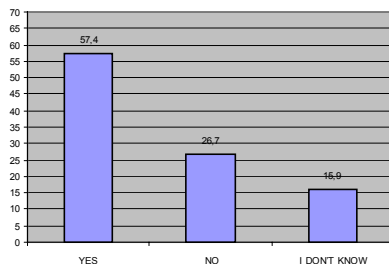
Control: per 10% specimens

Standard deviation:  $\pm 3$

Territory: Bosnia and Herzegovina (Republic of Srpska, Federation of BiH, Brčko District)

### WOULD YOU TAKE PART IN THE ELECTIONS IN BiH IF THEY WERE HELD TODAY?

- YES	57,40 %
- NO	26,70 %
- I DON'T KNOW	15,90 %



#### Data on the sample:

The sample: random, three-stage

Size of the sample: 720 respondents (male and female citizens of lawful age)

Methodology: telephone survey

Period: August 21 to 25, 2006

Degree of reliability: 95%

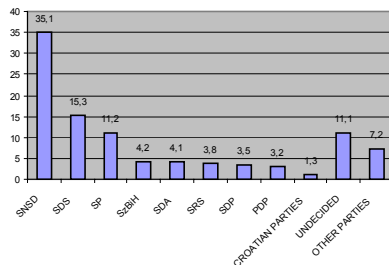
Control: per 10% specimens

Standard deviation:  $\pm 3$

Territory: Republic of Srpska (BiH)

### WHO WOULD YOU VOTE FOR IN THE REPUBLIC OF SRPSKA IF THE ELECTIONS WERE HELD TODAY?

- SNSD	35,10 %
- SDS	15,30 %
- SP	11,20 %
- SzBiH	4,20 %
- SDA	4,10 %
- SRS	3,80 %
- SDP	3,50 %
- PDP	3,20 %



- CROATIAN PARTIES 1,30 %
- UNDECIDED 11,10 %
- OTHER PARTIES 7,20 %

### Data on the sample:

The sample: random, three-stage

Size of the sample: 720 respondents (male and female citizens of lawful age)

Methodology: telephone survey

Period: August 21 to 25, 2006

Degree of reliability: 95%

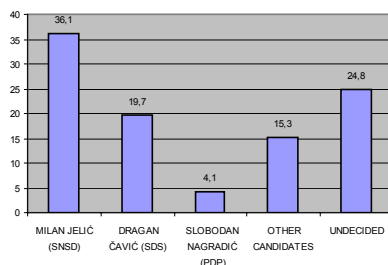
Control: per 10% specimens

Standard deviation: +/- 3

Territory: Republic of Srpska (BiH)

### WHO WILL YOU VOTE AS THE PRESIDENT OF THE REPUBLIC OF SRPSKA AT THE FORTHCOMING ELECTIONS?

- MILAN JELIĆ (SNSD) 36,10 %
- DRAGAN ČAVIĆ (SDS) 19,70 %
- SLOBODAN NAGRADIĆ (PDP) 4,10 %
- OTHER CANDIDATES 15,30 %
- UNDECIDED 24,80 %



### Data on the sample:

The sample: random, three-stage

Size of the sample: 720 respondents (male and female citizens of lawful age)

Methodology: telephone survey

Period: August 21 to 25, 2006

Degree of reliability: 95%

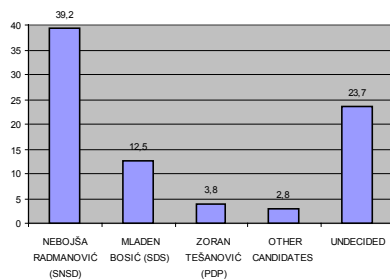
Control: per 10% specimens

Standard deviation: +/- 3

Territory: Republic of Srpska (BiH)

## WHO WILL YOU VOTE AS THE SERBIAN MEMBER TO THE BIH PRESIDENCY FROM THE REPUBLIC OF SRPSKA AT THE FORTHCOMING ELECTIONS?

- NEBOJŠA RADMANOVIĆ (SNSD) 39,20 %
- MLADEN BOSIĆ (SDS) 12,50 %
- ZORAN TEŠANOVIĆ (PDP) 3,80 %
- OTHER CANDIDATES 20,80 %
- UNDECIDED 23,70 %



### Data on the sample:

The sample: random, three-stage

Size of the sample: 740 respondents (male and female citizens of lawful age)

Methodology: telephone survey

Period: August 21 to 25, 2006

Degree of reliability: 95%

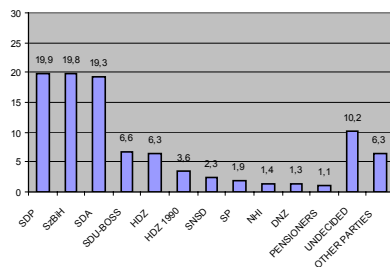
Control: per 10% specimens

Standard deviation: +/- 3

Territory: Federation of BiH (BiH)

## WHO WOULD YOU VOTE FOR IN THE FEDERATION OF BIH IF THE ELECTIONS WERE HELD TODAY?

- SDP 19,90 %
- SzBiH 19,80 %
- SDA 19,30 %
- SDU-BOSS 6,60 %
- HDZ 6,30 %
- HDZ 1990 3,60 %
- SNSD 2,30 %
- SP 1,90 %
- NHI 1,40 %
- DNZ 1,30 %
- PRISONERS 1,10 %
- UNDECIDED 10,20 %
- OTHER PARTIES 6,30 %



- DNZ 1,30 %
- PENSIONERS 1,10 %
- UNDECIDED 10,20 %
- OTHER PARTIES 6,30 %

### Data on the sample:

The sample: random, three-stage

Size of the sample: 740 respondents (male and female citizens of lawful age)

Methodology: telephone survey

Period: August 21 to 25, 2006

Degree of reliability: 95%

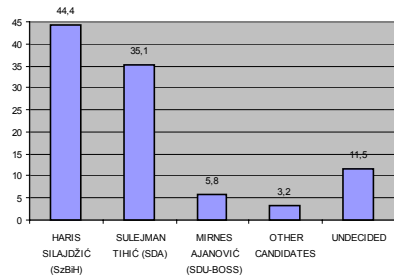
Control: per 10% specimens

Standard deviation: +/- 3

Territory: Federation of BiH (BiH)

### WHO WILL YOU VOTE AS THE BOSNIAK MEMBER TO THE BiH PRESIDENCY FROM THE FEDERATION OF BiH AT THE FORTHCOMING ELECTIONS?

- HARIS SILAJDŽIĆ (SzBiH) 44,40 %
- SULEJMAN TIHIĆ (SDA) 35,10 %
- MIRNES AJANOVIĆ (SDU-BOSS) 5,80 %
- OTHER CANDIDATES 3,20 %
- UNDECIDED 11,50 %



### Data on the sample:

The sample: random, three-stage

Size of the sample: 740 respondents (male and female citizens of lawful age)

Methodology: telephone survey

Period: August 21 to 25, 2006

Degree of reliability: 95%

Control: per 10% specimens

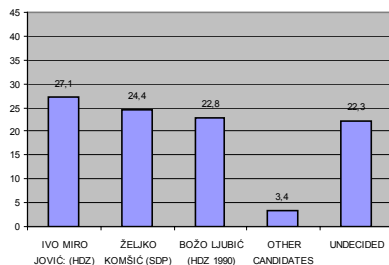


Standard deviation: +/- 3

Territory: Federation of BiH (BiH)

**WHO WILL YOU VOTE AS THE CROATIAN MEMBER TO THE  
BiH PRESIDENCY FROM THE FEDERATION OF BiH AT THE  
FORTHCOMING ELECTIONS?**

- IVO MIRO JOVIĆ:  
(HDZ) 27,10 %
- ŽELJKO KOMŠIĆ  
(SDP) 24,40 %
- BOŽO LJUBIĆ  
(HDZ 1990) 22,80 %
- OTHER CANDIDATES 3,40 %
- UNDECIDED 22,30 %



Ljubljana, 06 September 2006

## **Bosnia and Herzegovina:**

### **IS BiH WITHDRAWING THE LAWSUIT AGAINST SERBIA AND MONTENEGRO?**

*The International Institute for Middle-East and Balkan Studies (IFIMES) in Ljubljana, Slovenia, regularly analyses events in the Middle East and the Balkans. On the occasion of the announced general elections in Bosnia and Herzegovina which are to take place on 1 October 2006 IFIMES has prepared an analysis of the current pre-election situation. The most relevant and interesting sections from the comprehensive analysis are given below.*

On the occasion of the announced general elections in Bosnia and Herzegovina which are to take place on 1 October 2006 IFIMES has prepared an analysis of the current pre-election situation. At the general elections the voters will elect the new three-member Presidency of BiH, President and two Vice-Presidents of the Republic of Srpska (RS), the House of Representatives at the state and entity level (Federation of BiH and RS) and ten Cantonal Assemblies. In total, 7,245 candidates from 36 parties and 8 coalitions as well as 12 independent candidates have decided to contest for those positions. There are in total 2,736,886 registered voters.

### **EU HAS NOT IMPOSED SANCTIONS AGAINST THE INCITING PRE-ELECTION RHETORIC?**

The pre-election campaign in BiH is extremely fierce and full of inciting rhetoric. Rather than dealing with the economy and Euro-Atlantic integration processes most political parties are focused on the national issues. The political parties in the Republic of Srpska have focused their rhetoric on the preservation of the Republic of Srpska and the initiation of eventual referendum at which the citizens would vote on independence of the Repub-

lic of Srpska and its uniting with Serbia which is a clear case of acting against the constitution. A positive surprise in this nationalist atmosphere is the campaign led by the Socialist Party (SP) which is oriented towards the economic and social issues of the broader social classes and aim to speed up the realisation of the macroeconomic programmes which can lead to the accelerated and increased employment the unemployed citizens. Unemployment is namely the key indicator of social peace and stability in Bosnia and Herzegovina. The citizens righteously expect the political parties to make some radical changes which, according to the IFIMES estimations, SNSD and SP are able carry out in the Republic of Srpska. The forthcoming elections are therefore of decisive importance for the Republic of Srpska.

In their campaign the political parties in the Federation of BiH are mainly talking about the abolition of the Republic of Srpska and the constitutional changes which would enable a different territorial organisation of the state by dividing it into several regions. The geographic, historical, communicational, demographic and other factors point to the urgency of the regionalisation of BiH. The unvoted proposals of the constitutional amendments in April 2006 led to the polarisation of the political scene in the Federation of BiH into two blocks: (1) the block against the proposed constitutional amendments led by Haris Silajdžić with the Party for BiH and SDU-BOSS and (2) the block which proposed the constitutional amendments which were not voted through led by Sulejman Tihić and Zlatko Lagumdžija with their parties SDA and SDP. The non-adoption of the constitutional amendments meant that the winner was Haris Silajdžić with SzBiH and SDU-BOSS.

The IFIMES International Institute is of the opinion that the High Representative for BiH, the international community and especially the Central Election Commission (CEC) should activate their mechanisms in order to sanction the individuals and political parties acting against the constitution whose pre-election rhetoric expresses hatred and intolerance and affects the destabilisation of the political situation in BiH. As the first step they

could prohibit certain politicians who are using inappropriate political rhetoric from entering the EU and the USA.

## **THE SERBS FROM THE FEDERATION OF BIH WILL VOTE FOR TIHIĆ**

The present BiH elections act is discriminatory in several respects and does not comply with the adopted international conventions. Thus the Bosniaks and the Croats in the Republic of Srpska can not vote nor be voted for the member of the BiH Presidency, neither can the Serbs in the Federation of BiH vote or be voted for this function. Furthermore, the representatives of national minorities can not be voted for the members of the Presidency since this position is reserved exclusively for the constitutive nations (Serbs, Croats and Bosniaks). Another paradox related to the election of the Presidency members is that there is no second round of voting in which the candidate would have to get 50% + 1 votes in order to be elected as the member of the BiH Presidency. Since there are quite a lot of candidates for this function they seldom get more than 50% votes at elections which raises doubts as to the legitimacy of elected members of the BiH Presidency.

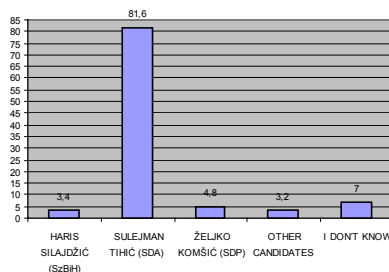
It is interesting to observe who the voters will vote for, who can vote and who does not have the right to be voted. Thus the Serbs in the Federation of BiH have the option to vote for the Bosnian or the Croatian member of the BiH Presidency or not to vote.

### **Data on the sample:**

- The sample: random, three-stage
- Size of the sample: 360 respondents (Serbs-male and female citizens of lawful age)
- Methodology: telephone survey
- Period: September 11 to 15, 2006
- Degree of reliability: 95%
- Control: per 10% specimens
- Standard deviation: +/- 3
- Territory: Federation of BiH (BiH)

**WHO WILL YOU AS A SERB FROM THE FEDERATION OF BIH VOTE FOR AT THE FORTHCOMING ELECTIONS: FOR THE BOSNIAK MEMBER OF BIH PRESIDENCY FROM THE FEDERATION OF BIH / FOR THE CROATIAN MEMBER OF BIH PRESIDENCY FROM THE FEDERATION OF BIH / WILL NOT VOTE?**

- HARIS SILAJDŽIĆ (SzBiH) 3,40 %
- SULEJMAN TIHIĆ (SDA) 81,60 %
- ŽELJKO KOMŠIĆ (SDP) 4,80 %
- OTHER CANDIDATES 3,20 %
- I DON'T KNOW 7,00 %



**CONSTITUTIONAL AMENDMENTS AND A LAWSUIT AGAINST SERBIA AND MONTENEGRO**

The leading experts on the constitutional issues in the EU have raised the following question: What is the real goal of constitutional amendments? Is the aim of implementing constitutional amendments to achieve: (1) a modern, emancipated and democratic state governed by the rule of law with a relatively efficiently functioning institutional system, or (2) further weakening and division of Bosnia and Herzegovina in which the ethnic and other specific players and factors dominate at the detriment of the efficiency of the whole? For BiH there is no middle way or third possibility.

This is the issue of the main political pre-election fight which will be fought at the national level between the opposing political blocks led by Haris Silajdžić from the Federation of BiH (Party for BiH) and Milorad Dodik from the Republic of Srpska (SNSD).

Another important theme of fierce confrontations between the two political camps is the lawsuit which BiH initiated in 1993 at

the International War Crimes Tribunal in Hague against Serbia and Montenegro.

In its analysis published on 22 September 2004 the IFIMES International Institute stated that the SDA leadership in Sarajevo was facing severe pressures from Rasim Ljajić and Sulejman Ugljanin from Sandžak and lately also from Sulejman Ugljanin who demanded the SDA leadership to use its influence in order to achieve the withdrawal of the lawsuit for genocide against Serbia and Montenegro.

In July 2006 the Chairman of the BiH Presidency Sulejman Tihić withdrew the demands for examining the constitutionality of the name of Republic of Srpska. The high authorities of the Republic of Srpska and some international representatives have confirmed that it would be realistic to expect that BiH will withdraw its lawsuit from 1993 against Serbia and Montenegro.

According to the estimations of the IFIMES International Institute there is a real possibility that after the elections which will take place on 1 October 2006 Bosnia and Herzegovina will withdraw its lawsuit against Serbia and Montenegro. This possibility increases with the possibility of Sulejman Tihić being elected as member of the BiH Presidency. Tihić's withdrawal of the demands for examining the constitutionality of the name of Republic of Srpska could represent the first step in withdrawing the lawsuit against Serbia and Montenegro.

## **ACCESSION TO NATO PRIORITY FOR BiH**

The IFIMES International Institute is of the opinion that accession to NATO should be the primary goal for Bosnia and Herzegovina, especially in view of the present situation in which some political forces in BiH aim to jeopardise the territorial integrity of the state in order to join certain parts of BiH with the neighbouring state(s). IFIMES believes that those intentions are the reason

for delaying the arresting of persons accused of war crimes and the reforms in the security sector, since this leaves open the possibility for eventual dissolution of BiH.

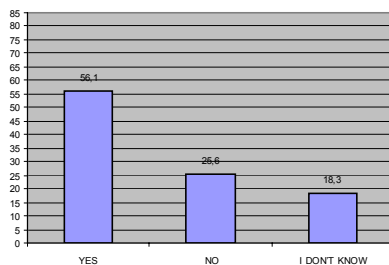
## PUBLIC OPINION POLLING

### Data on the sample:

- The sample: random, three-stage
- Size of the sample: 1.510 respondents (male and female citizens of lawful age)
- Methodology: telephone survey
- Period: September 11 to 15, 2006
- Degree of reliability: 95%
- Control: per 10% specimens
- Standard deviation: +/- 3
- Territory: Bosnia and Herzegovina (Republic of Srpska, Federation of BiH, Brcko District)

### WOULD YOU TAKE PART IN THE ELECTIONS IN BiH IF THEY WERE HELD TODAY?

- YES	56,10 %
- NO	25,60 %
- I DON'T KNOW	18,30 %

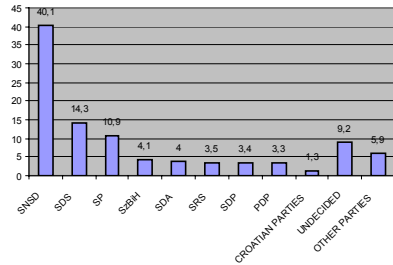


### Data on the sample:

- The sample: random, three-stage
- Size of the sample: 750 respondents (male and female citizens of lawful age)
- Methodology: telephone survey
- Period: September 11 to 15, 2006
- Degree of reliability: 95%
- Control: per 10% specimens
- Standard deviation: +/- 3
- Territory: Republic of Srpska (BiH)

## WHO WOULD YOU VOTE FOR IN THE REPUBLIC OF SRP-SKA IF THE ELECTIONS WERE HELD TODAY?

- SNSD	40,10 %
- SDS	14,30 %
- SP	10,90 %
- SzBiH	4,10 %
- SDA	4,00 %
- SRS	3,50 %
- SDP	3,40 %
- PDP	3,30 %
- CROATIAN PARTIES	1,30 %
- UNDECIDED	9,20 %
- OTHER PARTIES	5,90 %

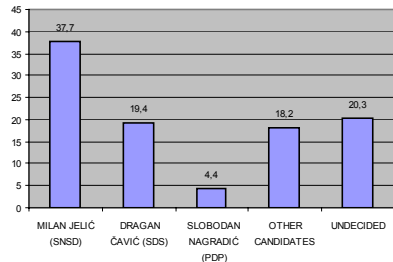


### Data on the sample:

- The sample: random, three-stage
- Size of the sample: 750 respondents (male and female citizens of lawful age)
- Methodology: telephone survey
- Period: September 11 to 15, 2006
- Degree of reliability: 95%
- Control: per 10% specimens
- Standard deviation: +/- 3
- Territory: Republic of Srpska (BiH)

## WHO WILL YOU VOTE AS THE PRESIDENT OF THE REPUBLIC OF SRPSKA AT THE FORTHCOMING ELECTIONS?

- MILAN JELIĆ (SNSD)	37,70 %
- DRAGAN ČAVIĆ (SDS)	19,40 %
- SLOBODAN NAGRADIĆ (PDP)	4,40 %
- OTHER CANDIDATES	18,20 %
- UNDECIDED	20,30 %



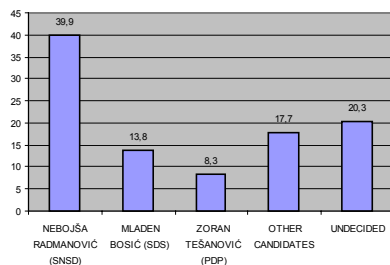


### Data on the sample:

- The sample: random, three-stage
- Size of the sample: 750 respondents (male and female citizens of lawful age)
- Methodology: telephone survey
- Period: September 11 to 15, 2006
- Degree of reliability: 95%
- Control: per 10% specimens
- Standard deviation:  $\pm 3$
- Territory: Republic of Srpska (BiH)

### WHO WILL YOU VOTE AS THE SERBIAN MEMBER TO THE BiH PRESIDENCY FROM THE REPUBLIC OF SRPSKA AT THE FORTHCOMING ELECTIONS?

- NEBOJŠA RADMANOVIĆ (SNSD) 39,90 %
- MLADEN BOSIĆ (SDS) 13,80 %
- ZORAN TEŠANOVIĆ (PDP) 8,30 %
- OTHER CANDIDATES 17,70 %
- UNDECIDED 20,30 %

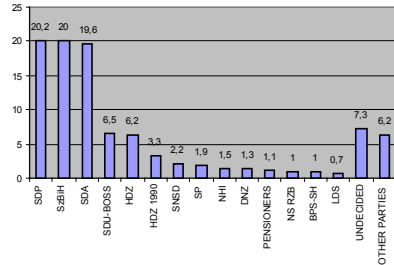


### Data on the sample:

- The sample: random, three-stage
- Size of the sample: 760 respondents (male and female citizens of lawful age)
- Methodology: telephone survey
- Period: September 11 to 15, 2006
- Degree of reliability: 95%
- Control: per 10% specimens
- Standard deviation:  $\pm 3$
- Territory: Federation of BiH (BiH)

## WHO WOULD YOU VOTE FOR IN THE FEDERATION OF BIH IF THE ELECTIONS WERE HELD TODAY?

- SDP	20,20 %
- SzBiH	20,00 %
- SDA	19,60 %
- SDU-BOSS	6,50 %
- HDZ	6,20 %
- HDZ 1990	3,30 %
- SNSD	2,20 %
- SP	1,90 %
- NHI	1,50 %
- DNZ	1,30 %
- PENSIONERS	1,10 %
- NS RZB	1,00 %
- BPS-SH	1,00 %
- LDS	0,70 %
- UNDECIDED	7,30 %
- OTHER PARTIES	6,20 %



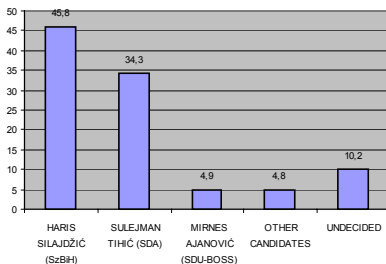
### Data on the sample:

- The sample: random, three-stage
- Size of the sample: 760 respondents (male and female citizens of lawful age)
- Methodology: telephone survey
- Period: September 11 to 15, 2006
- Degree of reliability: 95%
- Control: per 10% specimens
- Standard deviation: +/- 3
- Territory: Federation of BiH (BiH)

## WHO WILL YOU VOTE AS THE BOSNIAK MEMBER TO THE BIH PRESIDENCY FROM THE FEDERATION OF BIH AT THE FORTHCOMING ELECTIONS?

- HARIS SILAJDŽIĆ (SzBiH)	45,80 %
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- SULEJMAN TIHIĆ (SDA) 34,30 %
- MIRNES AJANOVIĆ (SDU-BOSS) 4,90 %
- OTHER CANDIDATES 4,80 %
- UNDECIDED 10,20 %

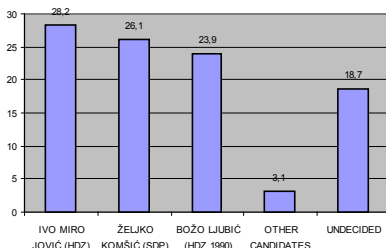


### Data on the sample:

- The sample: random, three-stage
- Size of the sample: 760 respondents (male and female citizens of lawful age)
- Methodology: telephone survey
- Period: September 11 to 15, 2006
- Degree of reliability: 95%
- Control: per 10% specimens
- Standard deviation: +/- 3
- Territory: Federation of BiH (BiH)

### WHO WILL YOU VOTE AS THE CROATIAN MEMBER TO THE BIH PRESIDENCY FROM THE FEDERATION OF BIH AT THE FORTHCOMING ELECTIONS?

- IVO MIRO JOVIĆ (HDZ) 28,20 %
- ŽELJKO KOMŠIĆ (SDP) 26,10 %
- BOŽO LJUBIĆ (HDZ 1990) 23,90 %
- OTHER CANDIDATES 3,10 %
- UNDECIDED 18,70 %



Ljubljana, 23 September 2006

## Slovene OSCE Chairmanship

# ORGANISATIONAL CHALLENGES AND EXPERIENCES OF THE SLOVENE OSCE CHAIRMANSHIP

**Dr. Milan Jazbec**

- member of the IFIMES International Institute

*The International Institute for Middle East and Balkan Studies (IFIMES) from Ljubljana, Slovenia has been regularly analyzing the events in the Middle East and the Balkans. Dr. Milan Jazbec, member of the IFIMES International Institute, has analysed organisational challenges and experiences of the Slovene OSCE Chairmanship in 2005. He has focused his attention on the management of the process and its consequences for policy making. The article was originally published in Helsinki Monitor, Quarterly on Security and Cooperation in Europe, Volume 17, 2006, No 3, pp.269 – 278. The views expressed in this article are solely of the author and do not represent those of his employer.*

Helsinki Monitor is published by the Netherlands Helsinki Committee, International Helsinki Federation for Human Rights, Martinus Nijhoff Publishers and is also available online ([www.brill.nl](http://www.brill.nl)).

The IFIMES International Institute would like to express its thanks to the publisher for granting the permission to distribute this article, entitled »Organisational challenges and experiences of the Slovene OSCE Chairmanship« in full.

## INTRODUCTION

To assume the OSCE Chairmanship would primarily mean to co-create and bear responsibility for the security and interest man-

agement in the Northern Hemisphere in the current calendar year. Furthermore, for the country concerned and its Foreign Ministry it also means a specific test of its organizational flexibility and an ability to provide substance for this co-creation and decisionmaking process. Additionally, it also includes an active participation in the global security processes, since at least major security players have developed a reasonable degree of cooperation so far.

In this contribution we will try to analyze the organizational challenges and experiences of the Slovene OSCE Chairmanship in 2005. Hence our attention is focused on the organizational management of the process and relations within the Slovene diplomatic organization as well as on those with and within the OSCE structures. This has provided the necessary substantial output for the policy and decision-making process, which has supported the Chairman in Office (CiO). Our thesis would be that only efficient diplomatic machinery, which is capable of ensuring constant, smooth and rich in substance provision of information, could enable an efficient chairmanship of the OSCE as an example of managing a demanding and complex international policy-making process.

While concentrating on the case of Slovenia, a small and still new country in the international community, we will also try to generalize this experience. From one point of view, this could present a comprehensive impression of the concrete chairmanship, and from another point of view, it could add to the institutional memory from which the future chairing countries would draw.

## **PRESENTATION OF BASIC ORGANIZATIONAL ASPECTS**

Slovenia announced its ambition to host the chairmanship at the Istanbul Summit in December 1999 and was granted it at the Porto Ministerial Meeting in 2003. Consequently, during 2004 its Mission to the OSCE in Vienna was enlarged with additional diplomats, the OSCE Task Force in the Foreign Ministry was established and other related activities were initiated (like financing of

the project etc. Also a small OSCE Project Group was established towards the end of 2003 at the Ministry of Defence, which kept contacts with the Task Force. The Task Force consisted of 15 diplomats. Two of them were detached from the Defence Ministry, one from the Ministry of the Interior and one from the Slovene Intelligence Service; four of them were detached from different other divisions of the foreign ministry (one was soon included in the Task Force for the whole year, two for only part of the year). One third of the Task Force consisted of junior diplomats and one fourth of middle-ranking diplomats, the rest were senior ones, among them one former State Secretary ; almost half the group were women with varied experience. The former Foreign Minister headed the Task Force. As it has transpired later on, this was a highly useful combination of knowledge , experience, an eagerness to work and the necessary feeling of contemplation. The Task Force existed from the summer of 2004 up to the end of January 2006. It dealt only with substantial issues; for handling the bureaucratic part of the business, the Division for OSCE was established within the foreign ministry. Its members were only those diplomats from the Task Force, who weren't detached there to (the so-called core group). The deputy head of the Task Force headed the Division.

The Head of the Task Force was subordinated and directly responsible to the Foreign Minister and the CiO, and was acting also on his behalf, where and when this was necessary and possible. He was also a member of the Board of the Ministry. The Deputy Head of the Task Force (i.e. the Head of the Division) attended all other meetings in the Ministry and accompanied the CiO during all his travelling. The Task Force met regularly twice a week (in principle on Monday and Thursday); the core group also met more frequently. Because of the preparations of the Ministerial Council Meeting, the representatives of the Protocol Division attended meetings of the Task Force from late October 2005.

Members of the Task Force were in daily contact with colleagues at the Slovene Mission to the OSCE, at the OSCE Secretariat in Vienna and at various OSCE institutions and bodies, at the OSCE field Missions, with Personal and Special representatives of the

CiO, with representatives of the OSCE Parliamentary Assembly, members of the Panel of Eminent Persons and with other diplomats (such as missions to the OSCE of other participating countries; at foreign ministries of various participating countries; with Slovene diplomats at various locations within the OSCE community and participation in the Asian Security Forum in Seoul etc.). The minister's cabinet was, naturally, heavily involved in this process. They were in contacts also with various NGOs, think-tanks and institutions in Slovenia and in the participating states, both from the academic community and from civil society, which all took part at various OSCE activities. They also kept contact with different representatives of the media. The Slovene Mission to the OSCE in Vienna consisted of 11 diplomats. More than a third of them were women ; almost half of the whole team consisted of junior to middle-ranking diplomats. Two senior diplomats were recruited from the Defence Ministry. The CiO appointed the former Slovene Prime Minister and Foreign Minister as his personal representative for Central Asia; he was supported by a senior Slovene diplomat, who was residing during the second part of 2005 in Bishkek and was frequently travelling around the region.

## **ORGANIZATIONAL ASPECTS AND CHALLENGES**

There are at least some important political and organizational aspects of chairing the OSCE, which determine and challenge the country in charge. From one point of view, they originate from the characteristics of the OSCE, and from another point of view, they have to be kept in mind while managing the chairmanship and providing the necessary as well as the expected functioning of the organization. Our first step here would be to present both these aspects, one after the other. As far as the first, conditionally speaking, political cluster of aspects is concerned, we could name the following:

The OSCE mission to provide and maintain security derives from

its firm presence on the ground. Through its 17 field missions the organization keeps contact with reality and does not only operate in the spheres of high politics;

Through its three dimensions the OSCE agenda covers a wide spectrum of topics and areas. This adds to the demands and complexity of the chairmanship;

Because of the consensus-based decision-making process, the chairing country has to seek consensus continually. It does not have to favour its own position; as a matter of fact, the position of the Chairmanship and the national position of the country, which holds the current chairmanship, are two different aspects. The position of a chairing country is shown indirectly through the well-oiled running of the organization;

It is only the current CiO who speaks on behalf of the chairmanship. There is no replacement for him/her during the 365 (366) days of a calendar year;

The CiO has to divide carefully and transparently his/her duties of the Chairman and of the country's foreign minister. As a CiO, he/she has a decisive yes vote in many issues, though limitations imposed by sometimes very inflexible procedural regulations could be frustrating;

There is no direct relation between the higher or lower level CiO activities and progress on the ground. Sometimes his/her endeavours can be highly stimulating and encouraging, sometimes they practically do not matter. Moderating between various interests and ambitions of the participating states could be very productive, although it is limited to motivating, encouraging, stimulating and similar activities. Nobody can force member states to do anything.

One should also add here a few comments regarding the agenda of a small country's chairmanship. Basically there are no differences between the small and larger countries' agenda when executing the chairmanship process. The chairing country and the Secretariat shape the agenda, taking into account issues which are in the pipeline. This also holds true for how to manage the whole process. However, each country could bring some of its own aspects to the process. With such specific aspects the coun-



try characterizes its chairmanship. Ideas and suggestions of other countries are welcome, but there is no necessity to accept them, in particular if they try to politically affect the process.

The Slovene Chairmanship was originally marked with 'a 3R approach', namely the ambition was to revitalize, reform and rebalance the organization. This was put to a concrete test when the crisis in Kirgizstan occurred. The crisis erupted during the second half of March 2005, between the second round of parliamentary elections (March 13) and the day when the provisional government was sworn in (March 28). The upheaval appeared literally overnight and the Chairmanship had to react quickly, adapting to the situation. The personal representative of the CiO was sent to monitor and follow the situation, and the CiO was in contact with the most important actors, and a senior member of the Task Force was also dispatched to the region to provide constant information from the area. This provided the framework within which the situation was managed and brought under control.

This consisted of monitoring the situation, discussing it with all the parties involved, meeting with other representatives of the international community as well as expressing expectations that the rule of law and democratic standards would be followed and respected. The role of the OSCE, which was at a certain moment the only international organization active in Bishkek, was in particular to strengthen the process of democratization. The personal representative of the CiO *inter alia* established permanent coordination between the Ambassadors of the RF, the USA and Germany (representing the EU); he met frequently with the country's highest authorities and organized a meeting between the OSCE Ambassadors in Bishkek with the representatives of the provisional government. The CiO visited Kirgizstan twice (on March 31st and on April 17/18th). With all these activities the Chairmanship showed an ability to react and to adapt, to listen and to be listened to; to be received and to get parties around the table. Generally speaking, the management of the crisis achieved so that transfer of the organizational efforts and a substantial input, along the rules of procedure, into political efficiency could

be attained. Having in mind the second, organizational cluster of aspects, we could speak of the following issues:

The OSCE Chairmanship is a highly complex and complicated organizational project. As we have seen from the Slovene experience, presented in the previous section, there are many permanent and ad hoc bodies and individuals, which are involved in the process;

The organization of the Ministerial Council meeting stands out as a particular and overall demanding project. However, it should anyway become part of advanced routine management, which represents important part of the contemporary diplomatic activities;

These bodies are placed in different vertical levels and are spread within various horizontal levels, within and outside the foreign ministry; within the chairing country and out of it; within governmental structures and outside;

Cooperation with other international organizations is gaining in importance, also having in mind complementarity as one of the most important characteristics of contemporary security processes;

These bodies have in common the provision of all possible information for the CiO, coordination of the activities, sharing of information and management of the entrusted parts/phases of the process;

These relations and connections provide a sensitive and flexible network, where the center is clearly defined (the Head and Deputy Head of the Task Force). However, the majority of the communication heads in various horizontal directions, where the communicators make decisions constantly, while preparing reports and suggestions to the centre, which then, upon agreement within the network meetings, transfers the decision vertically to CiO. Such flexibility enables and allows the smooth and well-oiled functioning of the whole machinery, which supports the CiO. There are some important relations, which directly involve the CiO (like those with the Secretary General of the OSCE, the foreign ministers of participating and other states, the highest representatives

of various international organizations etc.). The caretakers of this communicational aspect must be clearly defined to ensure the correct dispersion of the information, to everybody within the network who would need this information. If this is not the case, the CiO will receive different, even contradictory background information which will inevitably affect his/her work. With our second step we can try to imagine the picture which will result from overlapping of the already presented political and organizational clusters. This shows us what are the necessary political and organizational aspects of a complex and sophisticated process, which is called the chairmanship. The management of this process should be (and usually is) entrusted to two, perhaps three persons, who have to establish constant, smooth and highly operational communications among them. In our opinion, they are the Head of the Task Force and his/her Deputy as well as the Permanent Representative of the country chairing to the OSCE. They form the running team of the chairmanship. From one point of view, they collect decisions, suggestions and information from the previously described network and transfer these to the CiO, while from another point of view, they accept his/her reactions and transfer them the other way round. They have to watch out the inflow from the direct communication between the CiO and various players (see the organizational cluster, number six) and ensure its delivery to the network. They have to be able to react to each issue which comes on the agenda, and to sense possible unpredictable complications, and bring them into the process machinery. They have to depend and rely on each other, and have to be in constant contact; this could be described as a kind of organizational-communication dispatch centre. Only this can ensure that the CiO is constantly and well equipped with concise, substantial and proactive information support, which provides an adequate, consistent and streamlined policy of the chairmanship.

Therefore, their contribution to the chairmanship is noticeable not directly from the results of their work but through the smooth functioning of CiO, who does not need to take care of anything

except doing his/her work (focusing on the political substance only). The already presented organizational and personal chemistry has to reduce the room for improvisation to constantly oil the machinery, to upgrade the substance of the decision and policy-making process as well as to allow organizational flexibility in order to be able to react to everything that comes on the agenda. Our third and final step in this chapter would be to ask how such experiences from a highly demanding management process could be implemented in the organizational concept of the diplomatic machinery of a small state. It is a well known fact that small states have to devote a great deal of attention to human resources and organizational management, since they never have enough resources and capabilities to be able to develop extensive and complex diplomacies. This would be the reason why they have to react in a flexible way and constantly adapt their diplomatic organizations. But this reaction has to be built into the system and shall not be primarily a question of ad hoc improvisation. As we have seen, the high number of bodies, involved in the chairmanship process calls for a flexible and loose bureaucratic structure. It should be able to react more within a network principle than in a classical, rigid bureaucratic one. This would mean in particular that challenges (or information input) from the diplomatic and political environment have changed dramatically. They are constantly dynamic, constant and changeable all the time and demand rapid reaction with an increased level of coordination and information sharing. Generally speaking, this also characterizes the chairmanship process as such. Hence, it would be logical and understandable to implement most of the overlapping experience in the organizational concept of the diplomatic organization. With the high dynamics of policy making within the EU and NATO, member countries are exposed to the constant challenges presented above. From this point of view we could describe the OSCE chairmanship as a highly useful experience, which contributes a great deal both the institutional memory and the organizational vitality of national diplomacies.

Therefore, how the chairmanship is managed and organizationally approached should also be the standard way as to how to or-

ganize a foreign ministry as a whole nowadays. Without any exaggeration, this could be close to the ideal organizational approach in small foreign ministries. Hopefully, at least the small countries which have so far chaired the OSCE have either already been organized in that way or have experienced this. For the former chairmanship it was an additional test how such an organization works efficiently, and for the latter, hopefully, an additional and perhaps also decisive argument as to how to organize the ministry. This would mean that the diplomatic organization of a small state should be small, flexible as well as being clearly and functionally designed. It should be open and able to absorb experiences from its immediate environment as well as showing strong trend to flatten vertical levels and disperse authority and responsibility across the horizontal level. The players should be able to coordinate their work, sharing information and reacting quickly. They should only forward already digested issues and leave open only a few most sensitive ones. It is our strong belief and hopefully also as evidenced by the topics discussed, principles are very well exercised in the OSCE chairmanship. Its organizational challenges argue and call for their implementation also in the regular organizational chart of the diplomatic organization.

## **Lessons Learned**

Coming back to the Slovene chairmanship and its experiences, with generalizing it, we could pick up some of the most typical and useful lessons learned. They present a mixture of political, organizational and sociological aspects. An important part of this process is exercised through a purely pragmatic approach:

The chairmanship demands from a small diplomatic organization that it is adaptable and flexible. Primarily this provides useful output for a smooth decision-making process;

To achieve this easily, adaptable organizational solutions have to be implemented. While drawing from them on a daily basis during the chairmanship period, they should be included in the sub-

sequent regular organizational concept;

The organization of the Ministerial Council meeting stands out for its complexity and the scope of demands. It highly mobilizes the whole diplomatic organization and brings at least for a few days all other activities to a lower level of dynamics;

The need for outsourcing as a management method becomes not only obvious but also necessary in various areas (organization, logistics, security, personnel, research etc.)

Various expected and unexpected issues which complicate the management of the process, appear throughout the chairmanship. This could be the conversion of purely technical issues into political ones (like the question of the budget and contribution scales), the shortage of consensus, maintaining a balance between the three dimensions etc.; It is rather usual, although not at all preferred, that the discrepancy appears between the activities of the CiO and an absence of the consequent progress on the ground. The higher level of CiO activities does not necessarily result in the same level of progress on the ground, although they are decisive for the tempo of the chairmanship. This could be frustrating, because progress is sometimes achieved due to the certain events which hardly have any direct connection with the (current) chairmanship;

It is not unusual, that the high tempo of CiO activities brings results during the next or even later chairmanship period. However, this is another organizational aspect of the OSCE processes, which helps to keep the process rolling on and is perhaps most noticeable through the Troika principle. From what has been presented so far it is rather easy and obvious to notice that the organizational dynamics of the chairmanship concentrates on two, perhaps three vertical levels and is widely spread throughout the horizontal ones. This results in a specific, loose and possibly very efficient network, where individual players enjoy a high level of independence and responsibility. In the author's long experience in human resource management this is primarily a highly effective and stimulating approach. Above, we have described the running team of the chairmanship (two to three persons) as a focal point of such a network, where all the information and

coordination processes go through (apart from the CiO's direct contacts on a high level). These activities should share organizational synergy and be combined with the personal rationality of players involved and this should be stretched on a bipartisan basis. Apart from having a strong organizational character, these are also important sociological characteristics of diplomatic organization. Coordination and information exchange, which must be constant, widespread and brief, should provide the outer limits of this network, as defined by the topics of mutual concern (i.e. the current OSCE chairmanship agenda).

## CONCLUSION

The main purpose of this article has been to present, on a general level, with the ambition to generalize and with a structural approach, the organizational experiences of the Slovene OSCE Chairmanship, as well as to argue that such a process can only be efficient if it ensures a constant, smooth and rich in substance provision of information. This demands a loose and horizontally-oriented organizational network, which affects the traditional organizational concept of diplomatic organization as a classical bureaucracy. Therefore, the chairmanship process which is only manageable with a flexible approach, based on project teams and task forces, which also include outside experts. This would perhaps be the most important conclusion that has been reached in this contribution. Here, we feel the need to combine this experience with the advice that such an organizational approach could be accepted as the basis for the overall functioning of diplomacies of small state diplomacy. This is even more important bearing in mind that with EU and NATO membership they are exposed to upgraded dynamics, which sooner or later become daily routine.

However, only the successful management of organizational issues enables these diplomacies to establish substantial policy-making and decision-taking process, along with achieving the appropriate results. The experiences here presented and argued

could confirm our general starting proposition that two dimensions of the process (organizational and substantially political) have to complement each other; in the long run, policy making cannot rely on organizational improvisation, which would only react to the changing environmental output. And vice versa, also organizational consistency as the backbone of each diplomatic organization would be threatened by possible constant policy making improvisation. Therefore, implementing the OSCE chairmanship experience for the whole diplomatic organization is a way of organizing a complex bureaucratic machinery in a contemporary, highly interconnected and interdependent international community.

Ljubljana, 09 October 2006





## **Slovenia and local Elections:**

### **ESTABLISHMENT OF REGIONS AND A TEST FOR JANŠA'S GOVERNMENT**

*The International Institute for Middle-East and Balkan Studies (IFIMES) in Ljubljana, Slovenia, regularly analyses events in the Middle East and the Balkans. On the occasion of the announced local elections in Slovenia which are to take place on 22 October 2006 IFIMES has prepared an analysis of the current pre-election situation. The most relevant and interesting sections from the comprehensive analysis are given below.*

In view of the forthcoming local elections in Slovenia which are to take place on 22 October 2006 the IFIMES International Institute has prepared an analysis of the current political events. At the general elections the voters will elect 3,382 members of municipal/city councils and 210 mayor in 210 municipalities as well as members of councils of city districts in certain city municipalities, urban and rural communities. In Slovenia 11 cities have the status of city municipality (Ljubljana, Maribor, Koper, Novo Mesto, Velenje, Murska Sobota, Nova Gorica, Slovenj Gradec, Celje, Kranj and Ptuj). For the first time elections will be held in additional 17 municipalities which were established in March this year when the Slovenian parliament adopted the decision on the establishment of new municipalities.

According to the data from March 2006 Slovenia has 2,004,394 inhabitants of which 1,663,012 have the right to vote. The average gross wage in Slovenia amounts to EUR 1,194.78 (SIT 286,316.00) according to the data from May 2006.

It is characteristic of the local elections in Slovenia that one representative of the Romany community is elected in each of the 19 municipalities, although this rule should apply to 20 municipi-

palties since the municipality of Grosuplje does not respect the decision of the Constitutional Court and the Local Self-Government Act which states the names of 20 municipalities with the autochthon Romany community. The representatives of the Italian and Hungarian minority vote their mandatory members in municipal/city councils in municipalities where they are more significantly represented in the structure of the population.

## **THE ATTITUDE OF POLITICAL FORCES IN THE SLOVENIAN PARLIAMENT**

The last parliamentary elections in Slovenia were held on 3 October 2004. There are 90 deputies in the National Assembly (Parliament) of the Republic of Slovenia: SDS (Slovenian Democratic Party) 29, LDS (Liberal Democracy of Slovenia) 23, SD (Social Democrats) 10, NSi (New Slovenia) 9, SLS (Slovene People's Party) 7, SNS (Slovene National Party) 6, DeSUS (Democratic Party of Pensioners) 4, one representative of the Italian and one representative of the Hungarian national minority.

The governing coalition is composed of SDS, NSi, SLS and DeSUS.

## **REGIONALISATION – ESTABLISHMENT OF REGIONS**

Administratively, the Republic of Slovenia is organised as a state with central authorities and municipal or city/town levels of power. The issue of regionalisation has been present in the Slovenian politics for quite some time. There are several reasons calling for the formation of regions or districts. The necessity of regionalisation also arises from the European definition of the "Europe of regions" and Slovenia's problems related to drawing from the appropriate EU funds allocated for the European regions.

On 27 June the Slovenian parliament passed the constitutional act amending Articles 121, 140 and 143 of the Constitution (Of-

official Gazette of the Republic of Slovenia, No. 68/06). Those articles are the basis for adopting the laws which are presently in the government procedure and should be adopted by the end of this year. The Establishment of Regions Act is to be adopted early in 2007 and the regions are to be established in 2008. Thus the regional elections would be held together with the parliamentary elections in 2008. The regional bodies which would start to operate on 1 January 2009 would thus be: the regional council, president of the region and various regional bodies (the president of the region's committee, the conference of municipalities as the advisory committee of the council, the president and others). The professional circles propose 6 to 8 regions while the official politics presented (Mr. Janša at XIII Days of Slovenian Administration – Portorož, 21. September 2006) a proposal for 14 regions. From judging the whole situation it will be probably the political proposal which will be adopted. The 12 statistical regions or the 14 development regions will probably serve as the territorial framework for the establishment of regions as the new administrative and territorial structure in Slovenia.

This year the question of cohesion regions was finally resolved by dividing Slovenia into two cohesion regions. It took several years for the parliament to adopt the decision on such division which should significantly facilitate the drawing from the European funds. However, the cohesion regions still have not been confirmed by the European Union.

According to the new Article 143 the regions are founded by the state and not by the municipalities which participate (i.e. must be ensured participation) in this process. It is the newly elected local authorities which will participate in the establishment of regions. It is estimated that this task will be rather complex and at the same time significant for further development of the Slovenian "village".

## **INDEPENDENT CANDIDATES/ LISTS AND VARIOUS LOCAL COALITIONS**

At the local level various coalitions are being formed, differing from the coalitions at the national level. Local interests prevail over the ideological ones. This shows that when voting the mayor in Slovenia his or her personal characteristics are attributed greatest importance while the party affiliation is only of secondary importance. According to various public opinion polls the mayors who have proven to be successful during their term of office are usually re-elected without many difficulties. Practice has shown that the mayors who efficiently resolve local issues are approved of by the voters regardless of their party affiliation.

A large number of independent candidates and independent lists is a characteristic of local elections in Slovenia. This trend has been increasing since the first local elections in Slovenia and has become very distinct this year. This above all points to the fact that the voting body is becoming increasingly dissatisfied with the alternatives and programmes offered by the established political parties. If this trend continues, as seems to be the case for the time being, it will represent an important challenge for the parties who will have to focus their activities on the preparation of their programmes at the local level. Moreover, political parties enter into various coalitions at the local level which differ from those formed at the national level. Obviously it is much more easy to form coalitions at the local level which allows far more political pragmatism and guarantees the resolving of current issues. The social context of small towns and small municipalities apparently significantly determines the efficiency of local political elites. Until now this has been an unnoticed message from the local elections to the politics at the national level.

In large cities it is more difficult for those rules to function and be noticed. Thus, in the city municipality of Ljubljana 16 candidates are competing for the position of the mayor, of which only one is a woman. In Maribor there are 14 candidates of which only

two are women. In large cities there is also a much stronger concentration of professional politicians, which creates a different political, social and pragmatic picture not as favourable to simple pragmatic solutions as in small towns.

The most interesting fight for the position of the mayor will be fought in the city municipality of Ljubljana. According to some estimations the function of the mayor of the capital of Slovenia can be compared with the ministerial position. The mayor of the capital regularly hosts important political personae coming to Slovenia. In Ljubljana there is by far stronger concentration of capital in the funds, the holding and public utility services which creates a fierce fight for winning the positions in the division of power.

At the forthcoming local elections the main fight will be fought between SDS and LDS, although lately the Social Democrats have been actively striving to become the leaders of the political left in Slovenia. The political scene has thus been divided into two political blocks: SDS – the political right and SD – the political left.

The local elections will show whether the formerly leading LDS has, after the defeat at the 2004 parliamentary elections, managed to consolidate its powers led by the current LDS President Jelko Kacin who is at the same time one of Slovenia's representatives in the European Parliament.

The forthcoming local elections will be the first such elections after the political power was changed at the 2004 parliamentary elections when after more than a decade the former opposition achieved a turnabout in the government. The results will show whether the governing coalition has managed to continue this trend and what are the relations between its two major parties (SDS and NSi) on one side and between the two major opposition parties (LDS and SD) on the other side. The relative success of the Social Democrats will certainly affect the ambitions of its President Borut Pahor, one of Slovenia's representatives in the European Parliament, to enter the campaign for the president of

the state next year. As far as the interpretation of the results of local elections is concerned it should be stressed that this is a very flexible concept. Thus the SLS is, due to the large number of small municipalities, the party with the most mayors of municipalities. The results of local elections are enough non-transparent to enable each party to interpret them favourably for itself. According to the estimations of the IFIMES International Institute it is due to the above facts that this year's campaign is very media-intensive, spectacular and with so many participants.

The IFIMES International Institute is of the opinion that the forthcoming local elections will be the first serious test for Prime Minister Janša's government which has, during the first two years of its term of office, managed to create a stable economic environment culminating in the introduction of Euro in Slovenia on 1 January 2007 and favourable economic indicators according to which Slovenia is placed among the 30 most developed countries in the world.

Ljubljana, 19 October 2006

## Serbia and Referendum:

### KOŠTUNICA IS WINNING WITH (OR WITHOUT) KOSOVO

*The International Institute for Middle-East and Balkan Studies (IFIMES) in Ljubljana, Slovenia, regularly analyses events in the Middle East and the Balkans. IFIMES has analysed the political situation related to recent events in Serbia with a special emphasis on the adoption of the new constitution and the announced referendum on the new constitution which is to take place on 28 and 29 October 2006. The most relevant and interesting sections from the comprehensive analysis are given below.*

The referendum on the adoption of the new Serbian constitution will be held on 28 and 29 October 2006. There are in total 6,639,385 voters who will have the right to vote at the referendum. The wording of the new constitution which was approved by the Serbian National Assembly on 30 September 2006 differs in many aspects from the Milošević's 1990 constitution which is presently still in force. The current constitution was adopted in the former Yugoslavia (SFRY) when Serbia was one of its federal units, while the draft new constitution points to the need to define formally and legally the statehood of the Republic of Serbia and to finally deal away with the remnants of Milošević's regime. For quite some time this was generally understood as the main reason for the political consensus regarding the adoption of the new constitution. However, the referendum campaign is marked by the pre-election race for winning political points in view of the parliamentary and presidential elections which are to follow soon should the new constitution be adopted. For a positive result of the referendum 50% plus one vote of the total voting body is required.

When a few months ago the State Union Serbia and Montene-



gro was “buried”, Prime Minister Vojislav Koštunica and his DSS (Democratic Party of Serbia) had to find a way out of the crisis into which they fell after they advocated the common state union with Montenegro. Koštunica’s government was facing a collapse especially after the G17 plus ministers threatened to leave the government by 1 October unless the talks with the EU continue until 1 October. Since constitution is Koštunica’s “boy’s dream” as the boss of the governing coalition he managed quite quickly to achieve a consensus which he wanted to capitalise on and present to the voters as his own political success. The opposition parties were ready to co-operate solely for own party interest in the early parliamentary elections. However, the marginal, non-parliamentary parties – LDP (Liberal Democratic Party), LSDV (League of Social Democrats of Vojvodina), GSS (Civil Alliance of Serbia) and SDU (Social Democratic Union) – are openly calling for a boycott of the referendum under the slogan “YES to citizen constitution, No to party constitution”. There are some justified reasons for opposing the new constitution, for example the absence of a public debate on the draft constitution which is the usual practice in the west European states, since the aim of the public debate is, among other, to define the problematic issues and find ideas on how to correct or amend them.

The IFIMES International Institute is of the opinion that minor political parliamentary and non-parliamentary parties in Serbia will not be able to influence the results of the referendum since the present Serbian authorities have already prepared the scenario according to which the referendum will be pronounced as successful regardless of what will the citizens are going to express or the opposition of minor political parties.

## **WHY THE OPPOSITION CO-OPERATES WITH KOŠTUNICA?**

The governing coalition as well as the SRS (Serbian Radical Party) and DS (Democratic Party) have agreed that the new con-

stitution should be adopted in order to protect Kosovo, which is exactly the same as Milošević did when he called the referendum on the 1990 constitution. Sixteen years later Serbia has lost any control over Kosovo. The new constitution states in the preamble that Kosovo is an integral part of Serbia. Since with the Agreement of Kumanovo Kosovo became the international protectorate already back in 1999 it seems that the constitution is being adopted for wrong reasons. It may be concluded that the present political scene does not differ substantially from the situation in Serbia before 5 October 2000, which means that there will be no dealing away with the past era. If the political parties truly wanted to overcome the past they would have focused more on defining better the issues of human rights, private property, market economy and the rule of law in the constitution. Instead, they are merely using the new constitution for mentioning for the thousandth times “Kosovo and Metohija” as the “sacred words” for manipulating the Serbian voters. Moreover, may it be concluded that as soon as the new constitution is adopted it will be violated since legally it does not define the state of Serbia but Serbia together with Kosovo which has been under the UN authority since 1999?

The question is what were other reasons - apart from the Kosovo issue - for the consensus on the referendum and ensuing parliamentary elections. The opposition could have well waited until December 2007 when the present assembly composition's term of office expires, thus leaving Koštunica without the constitution, without Kosovo and without the political marketing. The answer is obvious and simple - the reason is the unavoidable privatisation of large corporations such as Telekom, Elektroprivreda Srbije etc. In the past the Democratic Party (DS) was used to being in the centre of events when it comes to privatisation money, and its leaders are waiting for a chance to have the main say again over the money flow in Serbia. The Radicals would neither be happy being left without any finance by the end of 2007, so they hope that, after the early parliamentary elections, they too will get their share of cake from the billions of Euros worth

privatisation processes. Moreover, the Democratic Party and the Serbian Radical Party fear that if the new constitution was adopted all the credit for the eventual political success would go to DDS and other governing parties, which may also be regarded as a reason for expressing their support to the text of the new constitution. Even inside the governing coalition which is about to collapse anyway there is fear that DDS would win all the praise. This can be especially observed in the position taken by G17 plus and SPO who do not see DSS as their future partner in the government.

In addition to the Kosovo issue all political parties which supported the draft text of the new constitution seized this opportunity to add something in the wording which reflected their respective interests. There were two opposing proposals for the constitution, one presented by the government and the other advocated by the president ("experts"), which had no common points. These fundamental differences would divide Serbia into two diametrically opposite blocks. The Government's preamble to the constitution where the concept of the state is laid down defines Serbia as the state of the Serbian nation and all other citizens while the proposal prepared by President Boris Tadić' experts states that Serbia is the state of "the citizens". In addition to this provision related to the issue of national minorities, the Government's and the President's proposals differ also in terms of the Cyrillic and the Latin alphabet – the President's proposal, unlike the Government's one, states that Latin and Cyrillic are both the official alphabet. The issue which stirred up most controversy is the election of the president of the republic. The Government supported the idea that the president be elected by the parliament while President Tadić's team advocated direct elections and much greater competence of the president. Concerning the territorial organisation of the state Tadić's team promoted the idea that regions should have greater competence. Unlike the Government proposal, which does not include the concept of regionalisation, Tadić's proposal envisages the possibility of forming new regions in addition to the existing ones

with all the attributes of the state, which could be established on the basis of a referendum in the area of at least one million inhabitants. Regionalisation is an open issue in Serbia which still has to decide how many regions there should be and how to carry out the necessary regionalisation. The proposal for the new constitution also states that the party is the “owner” of the term of office in the Assembly. The aim of this provision was to avoid affairs related to the ousting which reduced the legitimacy of the DOS Assembly in 2003 and threatened to affect also the present Assembly.

The forthcoming referendum and the number of voters who would participate at it have opened many questions. Nobody believes any more that the Albanians who are entered in the voting list would participate at the referendum voting. Some analysts are of the opinion that there is a real possibility for the referendum to fail in case of low turn-out. On the basis of the experience from previous years on the turnout in Serbia and general national apathy regarding any kind of voting it may be concluded that only the opposite course of events would benefit the promoters of the new constitution. Therefore only high turnout can save both the governing coalition and the opposition as well as other parties who can hardly await the parliamentary and presidential elections.

According to the information the IFIMES International Institute has obtained from the international community circles, the forthcoming referendum in Serbia is the result of an agreement concluded between the current government, the opposition and the representatives of the international community, according to which Kosovo is to be formally included in the new constitution as an integral and inalienable part of Serbia. Following the referendum the elections would be held and the new government would be formed for a four-year term of office. After the new government is formed the international community would announce its decision on the future status of Kosovo. In this way the Serbian authorities would secure the next four-year term of office and have the opportunity to depreciate the situation in the

country resulting from the announcement of the decision on the future status of Kosovo.

## **NATIONAL MINORITIES IN THE NEW SERBIAN CONSTITUTION**

The position assumed by the major Bosniak parties in Sandžak on the adoption of the new constitution also differs according to their respective interests. During the referendum campaign the SDP (Sandžak Democratic Party) leader Rasim Ljajić and the SzS (Party for Sandžak) leader Fevzija Murić have criticised severely the proposal for the new constitution stating that minority rights were not defined in detail while the coalition of Sulejman Ugljanin's List for Sandžak estimated the proposal for the constitution as much better than the currently valid Milošević's Constitution. Rasim Ljajić has stated several times that he was not satisfied with the wording of the new constitution since it does not mention the nations living in Serbia and that the Serbian Government neglected the demands of Sandžak Bosniaks to participate in the preparation of the draft constitution. Although the List for Sandžak has its representatives in the parliament they did not co-operate in the preparation in the draft. Moreover, the "Coalition" called its voters and supporters to vote in favour of the new constitution estimating that it was not in ideal one and that many compromises had been made to enter into agreement with Koštunica. Unlike the "extreme democrats" led by Čedomir Jovanović, the Sandžak parties which are not in favour of the new constitution have not called for a boycott but, in line with the democratic tradition, called the voters to take part at the referendum and opt for "NO", estimating that it is a referendum on Kosovo and not on the constitution in which the rights of minority nations are clearly defined.

Most leaders of Hungarians in Vojvodina are neither satisfied with the way their position is regulated, although only a few of

them called for a referendum boycott. The leader of Alliance of Vojvodina's Hungarians Jozsef Kasa called the voters to decide at their own discretion whether they would vote in favour or against the new constitution without boycotting the referendum and he explained several times that the new constitution treats Vojvodina merely as a kind of local self-government. In the new constitution Vojvodina is mapped much more restrictively than in the present constitution without even mentioning the autonomous executive authority for this province.

While the parties in Sandžak and Vojvodina have not taken a joint position as regards the participation at the referendum on 28 and 29 October, the Albanians in the south of Serbia (Preševo, Medveđa, Bujanovac) have unanimously decided that the referendum should be boycotted. The leader of the Democratic Party of Albanians Ragmi Mustafa called the Albanians to boycott the referendum since he believes that in this way Kosovo will win its independence much faster. The Albanians are also opposing the provision in the constitution which states that Serbia is the state of only the Serbian nation. Many leaders pointed out that they might not have called for the boycott of the referendum if the Albanians were mentioned on equal terms with other nations in the constitution.

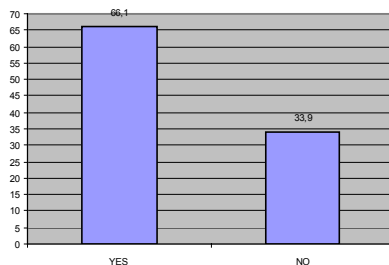
## **PUBLIC OPINION POLLING:**

### **Data on the sample:**

- The sample: random, three-stage
- Size of the sample: 1.910 respondents (male and female citizens of lawful age)
- Methodology: telephone survey
- Period: October 16 to 20, 2006
- Degree of reliability: 95%
- Control: per 10% specimens
- Standard deviation:  $\pm 3$
- Territory: Serbia (without Kosovo)

**1. WILL YOU PARTICIPATE AT THE FORTHCOMING REFERENDUM ON THE NEW SERBIAN CONSTITUTION WHICH WILL TAKE PLACE ON 28 AND 29 OCTOBER 2006?**

- YES 66,10 %
- NO 33,90 %

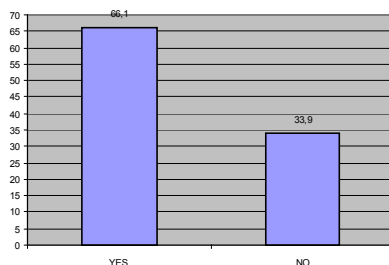


**Data on the sample:**

- The sample: random, three-stage
- Size of the sample: 1.910 respondents (male and female citizens of lawful age)
- Methodology: telephone survey
- Period: October 16 to 20, 2006
- Degree of reliability: 95%
- Control: per 10% specimens
- Standard deviation: +/- 3
- Territory: Serbia (without Kosovo)

**2. IF YOU PARTICIPATE AT THE REFERENDUM WHICH WILL TAKE PLACE ON 28 AND 29 OCTOBER 2006, WILL YOU VOTE IN FAVOUR OF THE NEW CONSTITUTION OF THE REPUBLIC OF SERBIA?**

- YES 95,20 %
- NO 4,80 %



Ljubljana, 27 October 2006

## Iran and Nuclear Dossier

### LET'S LOOK AT THE OTHER SIDE OF THE COIN: IRAN'S PERSPECTIVE ON ITS NUCLEAR DOSSIER

*The International Institute for Middle East and Balkan Studies (IFIMES) from Ljubljana, Slovenia has been regularly analyzing the events in the Middle East and the Balkans. H.E., Ambassador Extraordinary and Plenipotentiary and Permanent Representative **Dr. Ali Asghar Soltanieh** of the Islamic Republic of Iran to the United Nations and other International Organizations in Vienna, has contributed the following statement.*

#### **Dr. Ali Asghar Soltanieh**

Ambassador Extraordinary and Plenipotentiary  
and Permanent Representative of the Islamic Republic  
of Iran to the United Nations and other International  
Organizations in Vienna

### A SHORT GLANCE AT THE HISTORY

The first step in Iran's history of nuclear science and technology started in 1956 by signing an agreement between Iran and the United States of America. This agreement was ratified two years later in the then National Consultative Assembly. Further to this agreement, Tehran University established a centre called "Tehran University Atomic Centre" for training and research purposes. Later in 1959, construction of one reactor was approved. Its construction started in 1961 and in 1967 reached a critical point and was commissioned. The fuel for this 5-MW reactor was 93% enriched uranium supplied by the USA. The United States of America also provided Iran with hot cell equipment for separation of plutonium.



Throughout the 70s Iran was extremely advancing in the field of nuclear science and technology. These years witnessed a great deal of agreements and contracts with different countries. A summary of those developments is as follows:

**1972**, 7th January - Iran and Canada signed an agreement on the peaceful use of nuclear science and technology.

**1974** - The establishment of the Atomic Energy Organization of Iran (AEOI). The Atomic Centre of Tehran University, including its 5 MW Research Reactor was placed under the auspices of the AEOI. The construction of nuclear plants for generation of 23000 MW electricity was approved and the AEOI was mandated to implement.

**1974** - Iran and France signed a 15-year letter of agreement in scientific, technical and industrial cooperation for peaceful nuclear applications. All other contracts between Iran and French companies were signed with reference to this agreement.

**1975** - The letter of agreement of mutual cooperation on peaceful use of nuclear power between Iran and West Germany was signed.

**1975** - The contract of purchasing large amounts of natural uranium between Iran and English companies was signed.

**1976** - The agreement between Iran and KWU for the construction of two 1300 MW units and supply of its initial fuel and its 30-year supply was made.

**1976** - Five letters of agreement between AEOI and General Atomic Company of USA were signed.

**1977** - Agreement between AEOI and four French companies for construction of two power plants in Darkhovin was made.

**1977** - The letter of agreement between AEOI and English companies on conversion of natural uranium to UF<sub>6</sub> was signed.

**1977** - An agreement on training between AEOI and Atomic Research Centre of Karlsruhe of Germany was signed.

The main purpose of the above mentioned agreements and contracts was construction of nuclear power plants in a period of 15 years. From 1974 to 1978 contracts of constructing 8 plants were signed between AEOI and foreign contractors. They were as follows:

**1. Bushehr Nuclear Power Plants (1&2)**

The contract of two 1300 MW units was signed with the German Company of KWU. At the suspension of the project by Germany in 1979, its first unit was almost 90 percent complete. The Unit is not yet, after 3 decades, ready for operation. Russians are entrusted to make it ready by 2007.

**2. Karun Nuclear Power Plants (3&4)**

The contract of two 950 MW units at the site of Darkhovin was signed with the French company Framatome.

**3. Isfahan Nuclear Power Plants (5&6)**

The contract of two 1290 MW units was signed with Germany's KWU.

**4. Saveh Nuclear Power Plants (7&8)**

The contract of two 1290 MW units was signed with Germany's KWU.

## **IRAN'S NUCLEAR POLICY: NON-PROLIFERATION AND DISARMAMENT**

A short glance at the Iranian status with regard to international instruments dealing with weapons of mass destruction would

better help us to analyze Iran's peaceful nuclear programme. Iran's longstanding support for strengthening disarmament treaties could be summarized as the following:

Iran is a member to the NPT since 1974 and has a comprehensive Safeguards Agreement with the IAEA and was the only Member State voluntarily implementing the Additional Protocol until the nuclear dossier was conveyed to the United Nations Security Council.

In addition to the above commitments to international instruments, Iran is a member to almost all WMD instruments. Iran is a full member to the BWC, CWC and actively participates in all relevant meetings, such as 7-year intensive negotiation on BWC Protocol, with the view to promote the objectives of these instruments.

Iran's has always supported the idea of the establishment of NWFZ in all regions including in particular in the Middle East. In fact, Iran itself took the initiative in 1974 to propose the establishment of the NWFZ in the Middle East. Regretfully, Israel has put this essential peaceful initiative, unanimously supported by all other members of the UN and the IAEA, in a vicious cycle. There is no prospect for the realization of this noble idea.

Above all those undertakings, I should also add that our firm commitment to the elimination of all categories of WMD is rooted in our religious thinking to remove threats to humanity. This view has been, in a number of occasions, reiterated by our religious leaders, in particular the Supreme Leader of the Islamic Republic of Iran, as religiously forbidden.

It has to be recalled that Iran has always played as a responsible member of the international community. As an evidence to our responsibility, Iran as the last victim of WMD in the 20th century has suffered a lot by the extensive use of chemical weapons by the Saddam Regime, fully supported by the United States and

some European countries. Many victims of chemical weapons were treated and cured in Austrian hospital, thanks to eminent Austrian physicians. However, Iran never retaliated with WMD. Iran was the most active participant in the course of negotiations of the Chemical Weapons Convention (CWC) and was among the first group of countries, which ratified and let the convention to enter into force.

## **A SHORT GLANCE AT IRAN'S PEACEFUL NUCLEAR PROGRAMME - PROSPECTS AND DEVELOPMENTS**

I don't intend to review the whole developments with regard to Iran & IAEA cooperation. I limit myself to some of the important developments, which paved the ground for removing the Iranian nuclear issue from the BOG's Agenda in November 2004. I would like to elaborate a little bit on this issue and touch on the different dimensions of the issue at hand namely technical, legal and political.

### **TECHNICAL AND LEGAL DIMENSION**

During the course of the last four years Iran has increasingly intensified its cooperation with the Agency and opened its doors to one of the most expansive and intrusive IAEA inspections. As a result of full and proactive cooperation of Iran, a robust verification is now in place in Iran and the Agency's inspection activities are unhindered and working smoothly as a routine Safeguards matter.

All significant issues, particularly those related to the sources of HEU, have now been resolved. Indeed, except for few questions, mostly speculative, nothing more remains to close this chapter.

After one more year and over 2000 person-days of the most rigorous inspections, the Director-General again confirmed in his

November 2006 report that: all declared nuclear materials in Iran have been accounted for, and therefore, such materials have not been diverted to prohibited activities. He also added that the Agency is able to verify that the material and activities are not diverted to prohibited purposes.

In fact, the positive trend in resolving issues related to implementation of Safeguards in Iran clearly shows the competence of the IAEA to deal with the issue. Therefore, we strongly believe that this issue should be resolved in the framework of the IAEA, on a technical basis and as soon as possible. Iran did declare on 27 April 2006 that the few remaining outstanding issues which are beyond its legal obligations, as the Director- General has confirmed, could be dealt with if the nuclear dossier is returned back in full, from the United Nations Security Council, to the IAEA Framework where it belongs to.

It is without saying that almost in all occasions, the majority of Member States, that is countries of the Non-aligned Movement (NAM), while welcoming Iran's proactive cooperation with the Agency, has emphasized among the other important issues, on the inalienable rights to peaceful uses of nuclear energy and on the competence of the Agency to deal with the issue.

The Agency in doing its functions has never been hindered by Iran. Iran would continue its cooperation with the Agency based on its Comprehensive Safeguard Agreement (INFCIRC/214).

## **POLITICAL DIMENSION**

In addition to the extensive cooperation of Iran with the Agency and implementing relevant safeguard obligations, the I.R. of Iran has taken extra miles to promote confidence with regard to peaceful nature of its nuclear programme. In the same spirit Iran decided to implement further confidence-building measures:

Iran in the last four years voluntarily suspended its enrichment activities. We adhered to this commitment to give more chance to the positive atmosphere already created by Iran's full and proactive cooperation with the Agency.

By granting access to military sites to the Agency, Iran did also take additional measures beyond its safeguards obligations, proving its political will for maximum transparency. All the allegations by the United States were proved to be, through the Agency's investigation, on site inspections, and sampling, baseless.

Regarding the EU3-Iran negotiation it has to be declared that: 1- EU agreed in written "Temporary Suspension" but they in fact intended for "Total Cessation" of not only enrichment activities but all nuclear activities in Iran. EU3 did not take any independent initiative to recognize the right of Iran to use nuclear energy for peaceful purposes under relevant international instruments. The EU3 interlocutors were completely bound to the conditions put by a third party, the United States. This attitude derailed the whole process.

2- The EU3 misunderstanding that by granting some non-nuclear incentives, Iran will give up its inalienable right to use nuclear energy for peaceful purposes including fuel production.

Iran in exercising its right under NPT decided in August to start its UCF activities in Isfahan, which is completely under the IAEA Agency surveillance. This was in place as confidence building measure; therefore it couldn't be transformed to any kind of legally binding commitments, as confirmed even in the resolutions of the Board of Governors.

In accordance with the law passed by the parliament, the Government of Iran had to stop voluntary implementation of the Additional Protocol, after the technical nuclear dossier was referred to the United Nations Security Council, the political and security oriented body.

Ways to overcome the existing stalemate

In spite of the unjustified resolution 1696 adopted by the UN Security Council, Iran has decided to continue its proactive cooperation with the Agency.

It has declared its readiness to remove ambiguities, if any, about its nuclear activities.

It is obvious that negotiations shall take into account proposals, which could have more chance to reach consensus between both parties. In this regard, the President of the I.R of Iran at the 60th General Assembly meeting indicated that Iran is prepared as a confidence building measure to engage with in serious partnership with private and public sectors of other countries in the implementation of the fuel cycle. This process provides utmost transparency and gives a solid basis for the best solution to this unwanted impasse.

The message is simple: Total disengagement of the United Nations Security Council, return the nuclear dossier in full to the IAEA's framework, where it belongs. As announced in a number of occasions, the Islamic Republic of Iran is fully prepared to enter into negotiation with a view to avoid confrontation without any precondition. This negotiation shall be pursued in good faith with the aim to provide further assurances that Iran's nuclear programme remains exclusively peaceful.

Ljubljana, 20 December 2006

## **PRESS RELEASE SECTION**

### **ZORAN ŽIVKOVIĆ IS VISITING IFIMES**

Former Prime Minister of the Republic of Serbia (2003-2004) Mr. Zoran Živković is coming to Slovenia for a three-day visit upon the invitation of the International Institute for Middle-East and Balkan Studies (IFIMES) from Ljubljana.

The IFIMES International Institute, Government Public Relations and Media Office and Center Evropa invite you kindly to take part at the lecture entitled:

### **“THE SERBS AND EUROPE: 2006 – THE YEAR OF DENOUEMENT”**

which will be held on 8 May 2006 at 16.00 h in the auditorium of Center Evropa at Dalmatinova 4 in Ljubljana.

The lecture will be delivered by Zoran Živković, former Prime Minister of the Republic of Serbia.

Mr. Zoran Živković, former Serbian Prime Minister and Minister of the Interior Affairs of ZRJ, is one of the leading initiators of democratic changes in Serbia. During the previous decade his political life was marked by the opposition activities within Đinđić's Democratic Party (DS) and DOS. After the assassination of his predecessor he successfully continued his work and in the opinion of the public he is the true political successor to Zoran Đinđić.

The lecture will be given in the Serbian language.

The lecture will be followed by a discussion which will be moderated by dr. Milan Jazbec and Zijad Bećirović, M.A.

Ljubljana, 26 April 2006



## **PRESS RELEASE**

### **BURHAN JAF WILL VISIT IFIMES**

Head of the Kurdistan Regional Government (KRG) mission to EU Mr. Burhan Jaf is coming to Slovenia for a three-day visit upon the invitation of the International Institute for Middle-East and Balkan Studies (IFIMES) from Ljubljana.

The IFIMES International Institute, Government Public Relations and Media Office and Center Evropa invite you kindly to take part at the lecture entitled:

### **IRAQ, KURDS AND EUROPE**

which will be held on 25 May 2006 at 16.00 h in the auditorium of Center Evropa at Dalmatinova 4 in Ljubljana.

The lecture will be delivered by Mr. Burhan Jaf, head of the Kurdistan Regional Government (KRG) mission to EU.

Burhan Jaf was one of the founders of the Iraqi National Congress (INC) in 1994 and in 1998 he took over the position of the KRG-EU mission head. His political life has been marked with the opposition activities within the KDP (Kurdistan Democratic Party) and INC as well as with the efforts to establish connections between the modern Iraq and the European Union. In his lecture Mr. Burhan Jaf will also present the possibilities of economic co-operation with Slovenia and investments into the region.

The lecture will be given in the English language.

The lecture will be followed by a discussion which will be moderated by dr. Milan Jazbec and Zijad Bećirović, M.A.

Ljubljana, 19 May 2006

## **PRESS RELEASE**

### **SULEJMAN TIHIĆ ANNOUNCED A LAWSUIT AGAINST IFIMES**

Following increasingly open threats, expressed through threatening the lives and personal security, pressures and extortions of IFIMES members and contributors of the as well as the announced lawsuit by Sulejman Tihić, Chairman of the Presidency of Bosnia and Herzegovina, against the IFIMES International Institute, we are hereby appealing to the Bosnian-Herzegovinian and global public through the following press release:

The IFIMES International Institute from Ljubljana, Slovenia, has been monitoring and analysing the situation in the regions of the Balkans and the Middle East for several years. In its analyses it has been pointing to various forms of organised crime, corruption, unpunished war crimes, violation of human rights, minority position and difficult economic situation as well as an extremely destructive influence exerted by certain political parties and individuals on the development of democratic processes, especially by the nationalist parties in BiH (SDS – Serbian Democratic Party, SDA – Party of Democratic Action and HDZ – Croatian Democratic Union).

Dissatisfaction with the opinions presented by the IFIMES International Institute in its analyses and studies has been manifested through various forms of physical threats and pressures on the prominent members of the Institute, which has culminated in a recent lawsuit against the IFIMES International Institute announced by the Chairman of the BiH Presidency Sulejman Tihić.

Following the publication of the analysis entitled “WHO DOES THE GERMAN CDU-SCU HELP IN BiH?” on 6 September 2006 we received a telephone call on the same date at 15.32 hours from Tihić’s office (telephone number: ++ 387 33 664 941) and a female voice told us - in an uncivilised manner which we do not wish to describe in this press release - among other that Sulejman Tihić would bring a suit against us and that everything stated in

our analysis was untrue.

The announced lawsuit is related to the above mentioned analysis in which it was stated that Sulejman Tihić asked the German Christian democrats (CDU-CSU), i.e. a lobbying firm from Berlin which is close to the right-oriented political circles, to help him in the election campaign. It is interesting that the German CDU-CSU has not expressed its position on the announced information but remained “wisely quiet” instead. The action included two top experts on election campaigns who work for the right political parties in Europe, which is not a controversial fact in itself. However, the controversial and probably also unlawful fact was that behind the activities of the two experts, know especially for leading dirty election campaigns, was the intention to enable the German energy companies to enter freely the BiH market. Chairman of the BiH Presidency Sulejman Tihić thus made a visit to Berlin on 7 September 2006.

Sulejman Tihić has realised that he is loosing the elections and that his political career is coming to an end. However, this is not to be blamed on IFIMES but on his politics which was finally defeated on 26 April 2006 when the constitutional amendments proposed by him and his partners were not voted through. Any responsible politician in the democratic societies would, unlike Tihić, submit resignation if his/her proposed constitutional amendments were not voted through, which shows best what kind of politician Tihić is. His losing position was confirmed by the research carried out not only by IFIMES but also by both American institutes present in BiH which showed that the new members of the BiH Presidency were Nebojša Radmanović and Haris Silajdžić while it was still uncertain who would represent the Croats in this body.

A lot could be said and written about Tihić, but this time we will only mention his scandalous and undiplomatic behaviour during his last visit to Qatar on account of the taxpayers' money and to the detriment of the reputation of the state of Bosnia and Herzegovina. The public in BiH has the right to know what was going

on during an official visit of their leader in another state, how he/she was accepted, where he/she was accommodated etc.

By announcing a lawsuit against IFIMES Sulejman Tihić has confirmed all our previous analyses and estimations which pointed to a close connection between SDA and SDS according to the “system of linked vessels” and thus joined the SDS vice-president Mladen Bosić from Brčko who filed a lawsuit against IFIMES (July 2005) for an analysis which uncovered the financing of a network of the Hague defendants. The fact is that Bosić had never before publicly denied our writings. The judicial process initiated by Bosić is still ongoing at the Basic Court of the Brčko District where the judge is a friend of Bosić’s while the president of the Court of Appeal of the Brčko District is Damjan Kaurinović who was the military prosecutor of the Republic of Srpska competent for Srebrenica when the war crimes in Srebrenica were committed. From the above stated it is clear what type of persons the IFIMES International Institute has to “deal with “ in its analyses. Sulejman Tihić has thus obviously joined the camp of Mladen Bosić and SDS.

The IFIMES International Institute is condemning all attempts of preventing the freedom of speech and is expressing an open concern for the personal safety of the members of the Institute, their families, contributors and the leadership of IFIMES.

The International Institute IFIMES would not be particularly concerned about the various forms of threats and pressures including the lawsuits, but due to the recent assassination attempt on the member of the IFIMES International Institute and the Iraqi government Mithal Al-Alusi on the 8 of February 2005 in Baghdad in which both of his sons were killed and which occurred after his historical official visit to Israel in September 2004 organised by the IFIMES International Institute, we are much more concerned about the situation.

With its activities the International Institute IFIMES has tried, and will try also in the future, to influence the public opinion with its

critical approach towards the social reality with a goal to confront and eradicate the negative social phenomena, especially in the society of Bosnia and Herzegovina. Obviously, this approach has disturbed some of the politicians and political circles in BiH such as Tihić and Bosić who have never paid much attention to the position of the public in carrying out their politics. They have used various forms of pressure including physical threats and abusing the institution of power in which they have been represented for years to prevent the public from knowing the truth about the events and the leading public figures in Bosnia and Herzegovina.

Moreover, IFIMES spoke openly of the main 'stoppers' of such processes, who in BiH are primarily located within the nationalist parties which do not wish to comprehend the necessity and the advantages of the Euro-Atlantic integration processes that should enable BiH to gain a membership in EU and NATO as soon as possible.

We regard the latest threats against the IFIMES International Institute which include also the announced lawsuit as an attempt to attack IFIMES in order to prevent its further activities, especially in Bosnia and Herzegovina. In its analyses the IFIMES International Institute has dealt with and will be dealing with the social processes and public personalities who participate in those processes and will continue to warn of their damaging activities and the negative influence of their politics on the citizens of BiH and on the development of democracy in the society of BiH.

Despite the physical attacks, threats, lawsuits and extortions the IFIMES International Institute will not cease to be an objective and critical analyst of current developments and the situation in the region. We shall continue to inform the Bosnian-Herzegovinian and the international public, including the most influential states in the world. People like Tihić and Bosić will not prevent us in our goals. We will not call back our staff from Bosnia and Herzegovina but even increase their presence in that country.

Ljubljana, 17 September 2006

## **PRESS RELEASE**

### **THE WAR BETWEEN ISRAEL AND HEZBOLLAH**

The IFIMES International Institute, Government Public Relations and Media Office and Center Evropa invite you kindly to take part at the lecture

Thursday, 5 October 2006 at 17.00 h in the auditorium of Center Evropa at Dalmatinova 4 in Ljubljana.

The lecture will be delivered by **Prof. Andrej Kožar Beck**, President of the Jewish community in Slovenia who recently returned from Israel. He will present his views and impressions he gained while living in Israel during the war and the attitude of the EU and the USA towards the conflict.

The lecture will be given in the Slovene language.

The lecture will be followed by a discussion which will be moderated by Bakhtyar Aljaf and Zijad Bećirović, M.A.

Ljubljana, 29 September 2006

## PRESS RELEASE

### POLITICAL DEVELOPMENT OF BOSNIA AND HERZEGOVINA IN THE POST-DAYTON PERIOD

In the framework of the cycle of lectures on "The West Balkans and EU", the International Institute for Middle-East and Balkan Studies - IFIMES, the Government Public Relations and Media Office and the Center Evropa invite you kindly to take part at the lecture and presentation of book entitled **Political Development of Bosnia and Herzegovina in the Post-Dayton Period** which will be held on Friday, 1 December 2006 at 13.30 h in the auditorium of Center Evropa at Dalmatinova 4 in Ljubljana.

The lecture will be delivered by **Dr. Mirko Pejanović**, member of the War Presidency of Bosnia and Herzegovina (1992-1996) and president of the Serb Citizens Council/Citizen's Movement for Equality. Dr. Pejanović is full professor at the Faculty of Political Sciences of the University of Sarajevo. In his brief lecture he will present his latest book entitled "Political Development of Bosnia and Herzegovina in the Post-Dayton Period". The book will be discussed by Dr. Danica Fink Hafner and Dr. Milan Jazbec.

The lecture will be given in the Bosnian-Serbian-Croatian language while the presentation of the book and discussion with the author will be held in both languages. The discussion will be moderated by Zijad Bećirović, M.A. Attendance is free of charge.

Ljubljana, 01 December 2006

## PRESS RELEASE

### MIDDLE EAST AND EU - AN OVERVIEW

In the framework of the cycle of lectures on “Middle East and EU”, the International Institute for Middle-East and Balkan Studies - IFIMES, the Government Public Relations and Media Office and the Center Evropa invite you kindly to take part at the lecture entitled Middle East and EU - an Overview

which will be held on Tuesday, 12 December 2006 at 17.00 h in the auditorium of Center Evropa at Dalmatinova 4 in Ljubljana.

The lecture will be delivered by Israel's Ambassador to the Republic of Slovenia, His Excellency **Dan Ashbel**. Ambassador Ashbel is Israel's non-residential Ambassador to Slovenia with the head office in Vienna. Having obtained his degree in geography and English language he started his professional diplomatic career at Israel's Ministry of Foreign Affairs in 1975. For his master's degree in political science he studied the topic of the Middle East. He performed various responsible functions at the Ministry of Foreign Affairs (e.g. head of the analytical sector, head of the sector for the European multilateral organisations, Israel's co-ordinator to Evromed etc.) and served in Germany, Austria, Great Britain and the USA. Since 2005 he is Israel's Ambassador to OSCE, UNOV and UNIDO and since 2006 Israel's non-residential Ambassador to the Republic of Slovenia.

The lecture will be given in the English language. The lecture will be followed by a discussion which will be moderated by Bakhtyar Aljaf and Dr. Milan Jazbec.



## PRESS RELEASE

### AL-KHARAFI TO VISIT SLOVENIA

Mr. **Hussain Al-Kharafi** is coming to Slovenia at the invitation of the IFIMES International Institute and RIKO GROUP. According to the list of the world's richest people by the Forbes magazine, the Al-Kharafi family is ranked at the 29th place.

During his visit to Slovenia from 16 to 20 December 2006 Mr. Al-Kharafi will learn about the economic possibilities for Slovenia's co-operation with Kuwait and the Gulf states and the opportunities for joint investments in the Balkan region. He will meet the representatives of some Slovenian companies, especially in the field of logistics and steel industry, and the representatives of the Slovenian state.

The visit will culminate in the establishment of the Slovenian-Kuwaiti economic forum which will be presided on the Kuwaiti side by Mr. Hussain Al-Kharafi and on the Slovenian side by Mr. Janez Škrabec, President of RIKO GROUP. The function of the forum general secretary will be held by Mr. Bakhtyar Aljaf. The leading Slovenian companies will participate in the forum activities.

Hussain Al-Kharafi is also President of the Kuwaiti industrial association.

Ljubljana, 14 December 2006

## **SPONZORJI**



































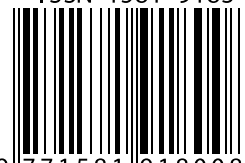
towards a two state solution for the Israelis and Palestinians. The recent conflict in Gaza demonstrates both the lack of an agreed framework for peace and the even greater urgency for the new US Administration as well as the European Union to work towards one.

As policy makers take up the challenge of finding lasting solutions to overcome the divisive historical legacy of conflicts in the Balkans and the Middle East, they need to have a sophisticated understanding of the background to these conflicts, they need to base their analysis and the policy options on in-depth knowledge, rather than episodic newspaper reports or emotional TV pictures. They need to understand better what has succeeded or failed in past peace making endeavours. In all of these crucial areas the experts contributing to the IFIMES Yearbook 2006 have once more provide indispensable insights and guidance. This is yet another reason why I commend this Yearbook to anyone who is seriously concerned with the state of the world today.

**Jamie Shea**

Director, Policy Planning  
Private Office of the Secretary General  
NATO

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