

UNIVERSITY OF TWENTE
AUGUST 2011

The Public Administration Reform in Bosnia and Herzegovina

A Case of a sovereignty Paradox?

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School of Management and Governance
Public Administration-European Studies
Bachelor Thesis
Study Year: 2010/2011

Abstract

As Bosnia and Herzegovina has toned its interest towards a European Union membership it has entered a long accession process guided by the European Union. In the process, in which it has been faced with various requirements and conditions as for moving closer to its European future, it has been required to reform its public administration system standing central to this thesis. The involvement of the European Union within the public administration reform in Bosnia and Herzegovina has been placed under great criticism as it has been claimed to place Bosnia and Herzegovina's own sovereignty at risk - presenting a case of a sovereignty paradox. It is in the aim of this thesis to examine the role of the European Union in Bosnia and Herzegovina and to see how the sovereignty paradox manifests itself in the process of the public administration reform in Bosnia and Herzegovina. In order to do that a qualitative literature study has been performed in which scientific articles and European Union policy documents have been used as for creating a sufficient background and information on the central concepts to this thesis. The definitions created and the information received have been then taken further to the analysis part in which the relations, actions and future plans in the relationship between the European Union and Bosnia and Herzegovina with regards to the public administration reform in Bosnia and Herzegovina have been analyzed and discussed. This thesis arrives to the conclusion that the process of the Public Administration Reform in Bosnia and Herzegovina indeed does present a case of a sovereignty paradox. The European Union on the one hand engages in Bosnia and Herzegovina's state building activities as it offers its assistance and advice so that it could reconstruct and re-establish it self, but on the other hand it presents a very clear blue- printed behavior as it places its own agenda on the table and expects the public administration reform to meet its own European standards while taking a part in a political game and assuring its place as a great regional power.

Keywords:

Bosnia and Herzegovina, Dayton, European Union, European Union conditionality, Public Administration Reform, Sovereignty, Sovereignty Paradox, Stabilization and Accession Process

Table of Contents

Chapter 1: Introduction	4
Chapter 2: The Theoretical Framework.....	7
2.1 Background- BiH after Dayton.....	7
2.2 Sovereignty.....	8
2.3 Challenging State Sovereignty?	10
2.4 BiH's Public Administration Reform- A Paradox of Sovereignty	10
Chapter 3: Methodology	15
3.1 Overview	15
3.2 Research Strategy.....	15
3.3 Research Sample, Design and Data Collection Methods.....	16
3.4 Method of Data Analysis	17
3.5 Limitation of the Study.....	17
Chapter 4: Analysis	19
4.1 The Role of the EU in BiH	19
4.2 EU-BiH relationship: The Public Administration Reform (PAR)	21
4.3 BiH- Aspiring to Become an EU Member state	23
Potential Candidates	24
Candidate Countries.....	24
4.4 EU-BiH Sovereignty Paradox Manifestations.....	26
Conclusions.....	31
Appendix 1.....	33
Appendix 2.....	34
Appendix 3.....	35
Literature References	36

Chapter 1: Introduction

After being left shattered and broken, in the shadow of one of the most horrific wars to have taken place in Europe since World War II, Bosnia and Herzegovina (BiH) has been faced with a new reality. In a country that has been divided politically, ethnically and territorially, the after Dayton Bosnia and Herzegovina¹ has become the playground of competing and inconsistent visions and activities of various local, national, international and super-national powers (Deacon and Stubbs, 1998), resulting in what some may identify as a regional normative battle for power and a sovereignty paradox (Juncos, 2005 and Zaum, 2007). These have mainly demonstrated themselves through the diverse agendas and the attempts to place various norms and values on a society, that at that point in time has been looking for new hope and assistance, resulting eventually in the commitment of BiH to the process of European integration and an its entrance to a long lasting process of accession in order to come closer to its possible future as a European Union (EU) member state.

Both processes of European integration and membership accession have been placed under a series of EU conditions and requirements on which BiH would have to fulfill (Celador, 2008). These have been mainly concentrated on the political, economic and legal domains, allowing the EU to place itself in a powerful position within BiH. A lot of criticism has been placed on these processes as many have been wondering if this commitment on behalf of BiH, under the involvement and supervision of the EU, has been a wise step to take and if it has been ready for this very significant and large step at such an early stage. The European Union motives have also been questioned as it had so much influence. It has been said that its own actions were disturbing BiH's sovereignty. One therefore must wonder if the EU has decided to get itself involved in this complicated and long lasting conflict so that it could assist BiH by providing it own knowledge and expertise in its re-integration process, or has it shown its interest in this situation in order to establishment itself in BiH as a regional power (Juncos, 2005) on which BiH would become dependent and would have to give up a large part of its sovereignty?

In this thesis a focus will be placed on two central concepts: BiH's public administration reform (PAR) and the sovereignty paradox. The first concept, BiH's PAR, has been placed as one of the EU key conditions for it to move closer to a European future. The PAR has been officially started in 2004 and has been divided in its plan to three different stages. The EU has been involved in the PAR process from the very beginning and many have claimed that its involvement and behavior in this very sensitive and domestic affair was challenging BiH's sovereignty. The second component, the sovereignty paradox, refers per definition to the activities of intentional actors in the state-building process mainly in postwar areas. The concept mainly touches upon three aspects of state-building involving international actors: Institutional building, the relation of international actors towards the local actors, and the timing and nature of the transition from international to local authority. In the book of Zaum (2007) the author criticizes those international actors who use normative orientations and try to apply those at the local level. According to Zaum (2007) these norms and orientations, are not always being examined to their fullest, and therefore the search for influence and the delivery of best practices to a postwar area are representing the sovereignty paradox to its fullest extent. Based on these important components and the background provided the following research question is posed and shall be investigated throughout this thesis:

How does the sovereignty paradox manifest itself in the Public Administration Reform in Bosnia and Herzegovina?

¹ The Dayton Accords have been reached and signed in November 1995 in Dayton, Ohio putting an end to the three years long war in Bosnia and Herzegovina and the former Republic of Yugoslavia.

In order to answer the research question and get a complete view of the EU's involvement within BiH's PAR and elements related to the sovereignty paradox, a series of sub-questions will be posed. The sub-questions are each related directly to the main research question and lay their focus on the different issues at stake; they serve as a framework as for eventually answering the main research question posed. The first sub-question asked is: *What are the features of the sovereignty paradox?* This sub-question shall be used to highlight the characteristics of the sovereignty paradox as a part of the theoretical framework. When the characteristics are identified the next step shall be taken in order to see if the concept can be also recognized in the context of the BiH public administration reform and its EU relations- connecting it directly to our main research question. The second sub-question posed: *What are the effects of the sovereignty paradox on the public administration reform in BiH?* is a question that will serve us with the identification of the possible effects of the sovereignty paradox on the public administration reform in BiH. This question is of great importance, due to the fact that only when one knows the possible effects of the sovereignty paradox on the PAR, that one can examine and evaluate its manifestations, which in this specific case will bring us one step closer to answering our main research question. This question shall assist us with getting a more specific view on the PAR at its policy level and the direct involvement of the EU in the process. Further it shall provide us more information on any sovereignty issues that might have been reflected in the EU's assistance provided to BiH. The third sub-question (*How can the sovereignty paradox manifestations in Bosnia and Herzegovina be explained?*) is a question that shall be addressed as we go through the theoretical and analytical part of the paper. It is the manifestations of the sovereignty paradox that can help us eventually to form concrete conclusions in this case and therefore relate as well to our main research question and the research topic in general.

This thesis argues that the intensive involvement of the EU in BiH has created a dependency relationship between the two; a dependency relationship based on requirements and conditions related to highly domestic issues, such as the PAR, that have been placed as a part of the EU membership carrot before BiH and today can be said to have presented a clear case of a sovereignty paradox. The research topic of this thesis has been chosen as it appears in that the existing scientific literature on the topic tends to focus on the current situation as a given fact. Many of the existing articles on the topic highlight the involvement of the EU in BiH, while laying their focus on the possible future EU membership and the assistance provided to BiH by the EU. Due to this specific focus in many cases the role of the EU in BiH is not being assessed and examined in a critical manner. In many cases the social aspect and its influence on the Bosnian citizens is being simply ignored, and it is as if nobody is bothered by the blue-printed behavior and European standards presented by the EU, which at times seem to be almost forced on BiH and its own citizens. Furthermore, not much literature exists on the concept of the sovereignty paradox, which could be due to the constant criticism on the EU's actions in post-war areas be even more extended, especially in the case of BiH. By writing this thesis it is the intention to focus on these crucial aspects mentioned and examine the role of the EU in BiH and its influence of BiH's public administration reform in terms of the sovereignty paradox, having both a direct influence on the BiH as a sovereign and its own citizens (ECMI, Bieber, Working paper no. 19, 2004) as individuals and as part of the collective.

This research will be conducted as a scientific qualitative literature study in which various scientific articles, books, media resources and both EU and BiH governmental documents will be analyzed. In order to assess the involvement and role of the EU in the public administration reform in BiH and examine the sovereignty's paradox manifestation herein, a closer look should be taken at the changes and their influence on BiH as a country and its citizens. This shall be examined by performing a narrative analysis throughout the research, while highlighting the core issue of this thesis- The manifestation of the sovereignty paradox and the role of the EU in the Public Administration Reform in BiH. Furthermore, Given the fact that not much literature is available at the moment with regards to the concept of sovereignty Paradox it would be of a great essence of applying narrative epistemology with the literature that is available to us on the concept of sovereignty and the EU involvement in BiH and its public administration policy. Further, one should not ignore the social involvement and public influence within BiH and its public administration

reform. It is the social acceptance and network that would have one of the greatest influences on the future perspectives and success of the public administration reform in BiH and that would allow further elaboration on the manifestations of the sovereignty paradox.

The thesis has been divided into different sections. In the second chapter the theoretical framework for this thesis shall be established. This chapter is of a great relevance to the main research question, as it should provide us more information on the Bosnian identity, sovereignty and the PAR. These aspects are crucial of the this thesis due to the fact that one cannot judge a case of a sovereignty paradox without understanding the current situation BiH but at the same time reflecting it back on the Bosnia citizen and its own affiliation to sovereignty and the unique form of public administration reform that has been taking place in BiH since 2004. In the third chapter more will be said about the conceptualization and operationalization applied in this research thesis. The research methods, research sample, data collection, analysis and the limitations to this study shall be all elaborate upon. The forth chapter of this thesis shall present an extensive analysis based mainly on official EU documents. The analysis will include aspects related to the existing EU-BiH relations, BiH's own EU membership aspirations and the manifestations of the sovereignty paradox as they appear to exist in BiH's current PAR. Last but not least, in the fifth chapter, the *discussion and conclusions* chapter, a reference will be made to the central concepts presented throughout this research and will review those. Further a reflection will find place on the practical implications of this research and both the main research question and the sub questions, based on the knowledge gained so far, and will allow me to draw conclusions.

Chapter 2: The Theoretical Framework

The theoretical framework chapter is of a great essence to this thesis. In this chapter the theoretical background as for answering the research questions will be constructed. The main research question posed at the beginning of this research asks how the sovereignty paradox manifests itself in the Public Administration Reform in Bosnia and Herzegovina, leading us to few very important concepts that would need further elaboration and theoretical background so that this important question could be addressed and eventually answered. It is therefore that the theoretical framework shall include an extensive elaboration on the main concepts of this thesis: The role of the EU in BiH, sovereignty, the PAR and the sovereignty paradox. In order to provide a sufficient and complete theoretical background, this chapter shall begin with the theoretical information related to BiH after Dayton. This section will set a base to the concepts to follow. This has been chosen due to the importance to understand the situation that BiH has been faced with before and after the signing of the Dayton, eventually allowing us to approach the questions related to its current situation and its sovereignty. Further, theories related to the concept of sovereignty will be introduced and discussed. It has been chosen to elaborate first on the general concept of sovereignty, since it is of a great importance to see what the concept of sovereignty withholds and how BiH and its citizens perceive sovereignty in the first place. It is only after one has elaborated on this general concept that they could then go on further with the knowledge gained to the reflection needed in this thesis on the concept of the sovereignty paradox. Both of the concepts are essential as for answering the main and sub research questions posed. As these concepts have been theorized, we shall go further to the theoretical background on the public administration system in BiH prior to the war and the current unique reform that has been taking place in BiH and its manifestations. Both forms are very much related to each other and therefore should be mentioned. It is necessary to find among the theories that will be presented throughout this chapter a linkage that will lead us to a clear theoretical framework which can then be used later on in the methodological and analysis part of the thesis. Based on the theory presented in this chapter a hypothesis shall be formed which will guide this thesis further to the analysis chapter.

2.1 Background- BiH after Dayton

After a horrific war, that has dominated global headlines for four years almost; a conventional peace agreement has been signed in 1995, known today as the Dayton peace accords. For many Bosnians the Dayton peace accords represents a new beginning; a new start for a country that has lived in the shadow of war for far too long and had to start recovering and rebuilding itself. During that period many international and regional organizations have been trying to position themselves and place their mark on after Dayton BiH. They had done so by claiming their actions to be ones made in the sake of 'international order' and 'humanitarian intervention'. One of those international entities is the EU on which this research paper will be focusing. After the war the EU has been providing BiH with an economical and military assistance; assisting it with the endorsement of its institutional-building process. The Intervention of the EU in BiH has been proved essential at the time and has allowed the EU to establish itself in the area as an international identity with a regional normative power (Juncos, 2005, p.88). This sort of intervention by various international and local entities, such as the EU in BiH, has been seen by many scholars as an intervention in the domestic affairs of juridical sovereign state. Zaum (2003) elaborates on this sensitive issue and says in his article that "The international administration in BiH tries to establish legitimate state authority by pushing for certain reforms". In his article Zaum arrives to the conclusion that "international involvement can be characterized as a 'paradox of sovereignty': the international administration compromises aspects of Bosnia's sovereignty to enable BiH to fulfill its obligations as a sovereign" (Zaum, 2003, p.102). The EU's role as an international administration in BiH therefore challenges the concept of state sovereignty, and it would be the goals of this research paper to unveil this challenge of sovereignty by

having a closer look at BiH's public administration reform.

As it has been demonstrated after Dayton BiH has been struggling with various international and regional organizations trying to claim a powerful position within it, and while during so have been placing its sovereignty under question. It is therefore that a connection can be found between the actions of the international community and regional organization in BiH and the influence on its own sovereignty. Therefore one must wonder how can the concept of sovereignty be defined, and if this definition can be found as an applicable in one BiH and under its own citizens as we know it today. More shall be therefore elaborated in the next section on the concept of sovereignty.

2.2 Sovereignty

In order to discuss BiH's sovereignty and address the sovereignty paradox deriving from the EU's involvement as an international administration in it, the general concept of sovereignty shall be defined first. The concept of *Sovereignty* is perhaps one of the most debated concepts of our time, to which many definitions exist, in various contexts. The concept and definition of sovereignty has changed over the years. As our society and the world that we live in are developing, so is the unique concept of sovereignty (Krasner, 1999, p.4). It is therefore of a great importance for the purpose of this thesis to define the concept of sovereignty, and assure that this specific definition shall be applied throughout the thesis. When one looks for the basic definition of 'sovereignty' in the context of national sovereignty it can be defined as "the authority of a state to govern itself or another state" (Oxford University Press (2011), but it is according to a more wider definition of sovereignty, as it appears in the work of Krasner, that this thesis shall reflect on. According to Krasner (2004), a very well known scholar in the field international relation, it is the international system that draws upon the rules of sovereignty; rules which according to him do not work anymore as the tools and structures that state governments use in order to strengthen their own sovereignty are getting weak and inadequate to solve the problems they face with it.

An important distinction exists between different types of sovereignty that are worth mentioning. The first important distinction to be mentioned is the one between '*Westphalian Sovereignty*' and '*International Legal Sovereignty*' as made by Krasner in his book 'Sovereignty: Organized Hypocrisy' (1999). In his book Krasner refers to *Westphalian Sovereignty* as a concept according to which each state is entitled and has the exclusive authority to determine its own domestic structures in which others may not intervene. On the other hand Krasner further refers to the concept of '*International Legal Sovereignty*' to which, according to him, a certain extent of a state's Westphalian sovereignty needs to be compromised for, to which new norms and principles will apply. Krasner sees the European Union is the perfect example of an International legal sovereignty (Krasner, 1999, p. 19). It is in the case of this research thesis that both concepts could be applied, though at this moment when BiH is still not a member of the EU the concept of Westphalian sovereignty is more applicable and therefore will be touched upon in the context of the sovereignty paradox. The second important distinction to be made is the one between internal and external sovereignty. '*Internal sovereignty*' can be seen as the ability to apply self-governance (of a domestic nature) that is independent of any external actors; internal sovereignty refers to the relations between a sovereign power and its own subjects. '*External sovereignty*' on the other hand is a recognized capacity to engage with other actors in the international system on equal terms. It refers to the acknowledgment or delegation of a state's authority by others or to others in the international system (Krasner, 1999). One of the best examples for external sovereignty is the European Union, in which its member states transfer in various areas a part of their internal and external legal authority to the EU (Keohane, 2002).

To conclude, along the various definitions and distinctions existing on the concept of sovereignty, one thing remains very obvious: in today's society the concept of sovereignty is changing. Due to globalization some of the main principles imbedded in the concept of sovereignty (Sassen 1996), such as national territory and state sovereignty, have changed and with them our own understanding of it as a part of society. The definition of a national territory has changed, and in some cases due to the globalizing world we live in

boarders and territories can hardly now days be defined and specified. Furthermore, the principle of state sovereignty has been changing due to the choice of nation states to join supranational entities and global markets, and by doing so deciding to give away a part of their own sovereignty and decision power on domestic matters to another body. It would therefore of a great importance to see how these changes have affected BiH, and to what an extent has its own sovereignty been challenged. This will be reflected upon in the sub- section bellow.

The Bosnian identity and sovereignty

The reflection on BiH's own sovereignty is of a great importance to the core of this research thesis. This is due to the fact that one cannot discuss the paradoxality related to its own sovereignty without understanding how BiH views its own sovereignty in the first place. Furthermore, the definition of BiH as a sovereign state or one that is still struggling to acquire that title is of a high importance as for the discussion at a later stage with regards to its own relations with the EU and the concept of the sovereignty paradox. As it has been mentioned before, the concept of sovereignty has various interpretations, and the discussion with regards to the innovative side of the concept due to supranational organizations such as the EU, and the globalizing world that we live in still remains an open one to this very day. As in the article of Noutcheva (2006) the discussion with regards to BiH's own sovereignty can be seen as one that is influenced by internal and external implications. It is the distinction among those two that shall shade a different light on BiH as it can be seen today, in the process and attempts of EU accession.

Internal sovereignty can be defined as the power of one to govern self, without the interference of any external actors, in an independent and superior manner. The concept of internal sovereignty also refers to the relation that a sovereign power has with its own subjects as for issues such as legitimacy and authority play a very important role in it (Noutcheva, 2006; Krasner, 1999). External sovereignty on the other hand refers to the recognitions of capacities between a sovereign power and other external actors, in which supremacy doesn't play a role but the interdependence among the various actors (Krasner, 1999). So how can one define BiH's status of sovereignty in this case? It appears that BiH's internal sovereignty at this point is still a non existing one. The country is still suffering from high crime and corruption rates , a lack of institutional power and accountability in various situations has been demonstrated, and its own citizens do not have sufficient amount of mechanisms to speak its voice and in many cases it doesn't fully stand behind the actions and choices made by its own government. Last but not least, in this case BiH's empirical statehood and legitimacy are still being compromised (Zaum, 2007), and therefore one cannot claim BiH as having internal sovereignty in this case.

The question with regards to BiH's external sovereignty is a more complicated one. BiH is officially being recognized by other states as a sovereign (accepted as an official United Nations Member State by General Assembly resolution A/RES/60/264)², but due to the involvement of various international parties in BiH, and the fact that the EU representatives are involved with its own domestic affair on a daily basis, while making sure that their own agenda it the one placed on the table first, brings BiH's own external sovereignty to risk. BiH is still seen by many as a country that is struggling for its own existence and position on both internal and external levels such as presented in the article of Noutcheva (2006) who defines BiH as an semi-sovereign state by saying that "there is a third category which can be described as semi-sovereign countries. They have either their external sovereignty undermined (Serbia and Montenegro until their "velvet divorce" in May 2006) or their internal sovereignty compromised (Bosnia and Herzegovina, Macedonia)" (Noutcheva, 2006, p.3).

Now that definition of sovereignty has been discussed, and the state of BiH's own sovereignty as a state has also been touched upon, we shall go on and explore BiH's sovereignty challenges as they have been presented to it by its existing relationship with the EU. As it has been mentioned before the role of the EU

² Based on information retrieved from the website of the United Nations on UN member states

in BiH is of an essence to this thesis as it would assist us with getting one step closer to answering the research questions posed. These are to be covered in the following two sections.

2.3 Challenging State Sovereignty?

As the concept of sovereignty has been defined in the section above, it is now time to examine the role of the EU in BiH and the influence it has on BiH's own sovereignty. The EU's involvement, presence and role in BiH has been and still remains a very a controversial topic. The topic has been addressed by various scholars which have presented both their negative and positive views on the EU's role in BiH, as well as other Balkan countries, of which five are currently EU member states (Greece, Slovenia, Cyprus, Bulgaria and Romania), and three others were accepted as official candidate member countries (Croatia, Turkey and Macedonia). After the war, the EU has been claimed by scholars to have been trying to place its own mark on the Balkans and intervene in territory and domestic affairs issues that by many do not comply and compromise important elements of BiH's juridical sovereignty (Zaum, 2003, p.112). The EU therefore has been accused of intervention and disruption of territorial control, and by doing so accused of withholding from BiH its own statehood recognition and the capability of fulfilling its obligations as a sovereign (Ayooba, 2002). On the other hand, various other scholars emphasize the assisting role of the EU in BiH by highlighting the significant help it has been providing in BiH's state-building process and the economically assistance through different missions and reforms, that might eventually lead to an EU membership in the future (Demetropoulou, 2002). One might therefore ask if this sort of intervention can be defined as a sovereignty breach and if a fine line can be drawn between humanitarian intervention and state sovereignty? (Ayooba, 2002) has the EU been through its involvement in BiH challenging BiH state sovereignty?

The various activities that the EU has been responsible for and participating in BiH, such as BiH's public administration reform, manifest for their greatest part this ambiguous relationship; An ambiguous relationship between EU's own interests and benefits from the assistance it is providing BiH with, and those of a sovereign country as BiH that is trying to re-establish itself and develop further. This relationship can be seen as a relationship demonstrating a clear case of a sovereignty paradox, in which a so defined "EU technical assistance" to the process of formation and implementation of BiH public policy reform could be viewed as one to be challenging BiH's own sovereignty. I shall elaborate on this concept below.

2.4 BiH's Public Administration Reform- A Paradox of Sovereignty

A unique form of Public Administration Reform

In order to fully understand the public administration reform in BiH it is of a great importance to shortly reflect on the public administration in Central and Eastern Europe (CEE) before and after the war in BiH. It is according to Hesse (1993) that the public administration reform process in CEE is a specific and unique process of reform. The process can be identified as a unique and specific one mainly due to the role of various historical events that have taken places in CEE, events that have shaped the Communist or Socialist identities that these countries have been holding in the past (ex. Hungary, Poland, Czech and Slovak Republic and the countries of the former Socialist Federal Republic of Yugoslavia). These influences meant that the process of reform as far as regarding the public administration sphere had to be approached in a different way. Hesse (1993) indicates in the process of renewal and rebuilding of the public administration sector in CEE two important points, which in his view make the process a unique one. It is in his view that CEE Countries had at first to leave behind their past form of public administration systems (ones that were based on their own socialist nature) in order to foster the transformation and include within it the functional considerations necessary in order to make this reform a successful one. Secondly, in the process of reform Hesse (1993) has recognized the need to leave the so called 'grand reform designs' and to focus more on a reform process that would be recognized by policy makes; A policy reform process that would require continuous development and attention (Hesse, 1993, p. 219) in order to reach the necessary results.

It is important to see BiH's public administration reform process as one that is constructed out of two separated parts. It can be divided into the first part, in which the public administration systems of CEE can be examined in their old form (before the EU conditionality criteria has been introduced) and into the second part, the one that is currently being constructed and is still being worked on (one based on the EU conditionality). In the fourth chapter of the book of Schimmelfenning & Sedelmeier (2005) Dimitrova (2004) discusses and reflects on the various difficulties that many of the past communist countries in CEE have had to deal with in the process of reform, including those difficulties related to EU conditionality. It is according to Dimitrova that the public administration system in the CEE countries has been linked to their political system, influenced greatly by the communist or socialist party which has made the system very bureaucratic and hierarchal. Furthermore it is in her view that through the great influence at that time of the communist party on the public administrative system that the legitimacy of the public institutions has been placed under challenge due to the over-politicized form of civil services and the perception of corruption and accountability that has differed in the CEE countries (Dimitrova, A.L, 2004). This has been the situation in the CEE countries as before the EU conditionality has been introduced, a situation which has existed in BiH since its days as a part of the Socialist Federal Republic of Yugoslavia and has still remained in its days after the war in the 90's without a change.

In the second part referred to within the public administration reform in the CEE countries the EU's terms of conditionality have also played a significant role as it has been mentioned before. EU conditionality can be seen as a multi- purpose instrument that is meant to serve as criteria on a regional, sub regional, bilateral and project specific levels (Anastakis & Bechev ,2003); an instrument which has been used in the Balkans among other purposes as for making sure that the western terms of reconciliation and reconstruction would be eventually implemented. The EU has been trying to achieve this by presenting CEE countries with the possibilities related to a future EU membership, and by doing so giving the EU more influence and power in the area then ever before. In general EU membership candidate must fulfill on the so-called 'Madrid criterion', requiring the existence of appropriate administrative structures in the candidate country. The administrative structures must enable the country's public administration be adapted to the rules and practices of the EU. The public administration system must be therefore strengthened to assure that the candidate country will effectively adopt and implement EU legislation. In addition to the 'Madrid criterion' each candidate country has to fulfill the European Administrative Space (EAS) conditions that are assuring that the candidate country's administrative system would answer to a certain level of standards.

In 2006, after the establishment of the Public Administration Reform Coordinator's Office (in 2004) and receiving the European Commission's assistance and requirements, BiH's public administration reform strategy has been adopted. The public administration reform strategy has been divided into two different Action Plans that were both at that time to be completed in two consequent stages. The first Action Plan was to focus on "the development of capacities for efficient and coherent adoption of policies and coordination for fulfilment of public goals; building, strengthening/consolidation and harmonisation of general systems" (PARCO, Action Plan I of the Public Administration Reform, 2007). It has been mainly based on an annex of agreed actions that were to be taken in six different administration reform areas: Policy Making and Coordination Capacities, Public Finances, Human Resources Management, Administrative Procedure, Institutional Communication and Information Technologies. The second Action Plan aim was at reforming various sectors of Public Administration, and has been constructed through programs and plans focused specifically on improving sector capacities in key policy sectors. The sectoral reform was meant to serve BiH with its EU accession process and provide it with the opportunity to create an institutional basis that will later on allow the adoption of the *acquis communautaire*. The reform process in general was and still is to undergo three different stages. In order to address the topic appropriately it would be of a great importance to see what has been the role of the EU in each of those three stages, and to what an extent has it been involved in the three different stages. This should be done as much critic has been given on the EU conditionality and the process of the PAR, and it would be of a great value for this thesis to address it. This shall be addressed further in the analysis chapter.

A country's public administration system is, as it has been demonstrated, a very sensitive and domestic affair. In the case of BiH it can be considered as a unique one due to its own past as a socialist country and the current reform taking place. The PAR that have been constructed out of two different but yet simultaneous action plans is to undergo three different stages as for the reform process itself. These stages are to be guided and supervised by the EU, which to many may represent a risk to BiH's own sovereignty. This brings us to the inevitable link between BiH's public administration reform and the effect that it has on BiH's own sovereignty. Therefore, the next step required in this thesis in order for us to build a solid theoretical framework is to address the concept of the sovereignty in more details, leading us to the next section.

The Sovereignty paradox and its manifestations

The ambiguous relationship between the EU and BiH can be seen as a two sided relationship, through which various questions raise with regards to the sovereignty of BiH. The European Union has been active in Bosnia since the beginning of the 90's and has been playing an active role in the region ever since. Nowadays with the inspirations of BiH to become an EU member state the EU has been also taking a role in the some of BiH's policy reforms and various operations, such as the police operations as a part of the European Security Strategy (Osland, K.M., 2004). This relationship has therefore placed the EU in a very powerful position as an international actor and as an regional normative power (Juncos, 2005), in which on the one hand the EU has been assisting BiH with its state building processes and guiding it through its aspirations of becoming an EU member state, but at the same time making sure that its own European norms and values will be rooted in these processes that could be defined as ones related to domestic affairs. To some the later has been presenting a clear case of EU conditionality. This dual relationship places BiH's sovereignty in danger and presents itself as a case of a sovereignty paradox.

About a decade ago Dominik Zaum has introduce through his work the sovereignty paradox, a concept referring to the problematic aspects of sovereignty, mainly present in post war areas, in which international actors are involved. The concept touches upon the idea of state-building and refers to three aspects related to it in which the paradox of sovereignty plays a central role. Under this concept Zaum mainly refers to post war areas that are not able as states to have their sovereignty fulfilled to its fullest extent, mainly due to the involvement of an international authority or actor at the local level (involvement at the domestic affairs level mainly). The concept highlights the problematic situation of sovereignty in post war areas and how these various attempts of international actors to bring sovereignty and strengthen state-building in certain post war areas eventually reveals itself to be assistance that is based among other things on selfish own. The three important aspects of the sovereignty paradox as mentioned by Zaum (2007) are: Institutional building, the relation of international actors towards the local actors, and the timing and nature of the transition from international to local authority.

Institutional building

The aspect of institutional building refers to the re-establishment, strengthening and re-organization of BiH's institutions, so that as a state it could provide for its citizens and make sure that the rule of law and democracy are being maintained. The manifestations of the sovereignty paradox under this specific aspect could be seen in the various processes and strategies the EU has been using in order to assure that this important aspect of state building would indeed be conducted and supervised in BiH. One of the strategies that could perhaps demonstrate this aspect of institutional building to its fullest is the Stabilization and Association Process (SAP) strategy as for enhancing and assuring that institutional building, among others things such as economic reconstruction and regional cooperation. This SAP could be seen as a strict and specific road map that has been set by the EU, as for placing BiH preparation of a feasibility study and process for a possible EU membership under various conditions. Critic has been delivered on this specific EU strategy by many scholars and politicians. Many have been claiming that the SAP road map is one aiming at placing the EU's own initiatives and intentions at the first place while ignoring the Dayton agreements made and by so placing BiH's institutions building under various conditions that are meant to serve the EU's own interests and views (Chandler, 2005). For many this represent a clear case of an international authority

placing its own norms and values on a state, something that in this specific case doesn't have to do at all with aspects related to an institutional building process.

Relation of International actors towards the local actors

International actors have been ever since the war present in BiH and taking a very active role in it. The influence of these international actors on BiH's own reforms and policy processes has been tremendous. As an international actor the European Union has been slowly establishing its own power position and influence in BiH through the involvement and advice it has been providing BiH on various processes and reforms. This relation has been strengthened even more now that BiH has shown its interests in an EU membership. The EU has been launching different programs in the region aimed at preparing countries such as BiH for a future EU membership. By doing just that the EU has managed to "adopt a more purposive strategy and a position of leadership in the region" (Juncos, 2005, p.98). In her article Juncos, as many other authors, argues that the so called "membership carrot" has been a sort of a tool for the EU to root itself even more in the BiH and by doing so creating a sort of a dependency relationship between the EU, as an international actor, and BiH's government and local agencies. It is that this sort of a relationship places BiH sovereignty under question and represents itself as a part of the sovereignty paradox when a state and its own local actors are highly dependent to on the guidance and services received by the EU as an international actor. This sort of a relationship can be seen as yet another manifestation of the sovereignty paradox to its fullest extent.

Timing and nature of the transition from international to local authority

This aspect of state-building as presented to us through Zaum's work is an aspect that indicates perhaps to the largest extent the existence of a sovereignty paradox in the specific situation of BiH nowadays. International actors, as it has been mentioned already, have been present in BiH since the early 90's and have made sure that their impact and influence on this fragile state at the time would be very large. The level of dependency created between the international authorities, as the experts, and the local actors, as those receiving the advice and assistance on behalf of the international authorities has been a significant one. This dependency can be seen in the various projects and reforms on which the EU, as an international actor, is responsible for or serves as an assistance or an advisor, such as the public administration reform "to which it provides "technical assistance". It is therefore that much critic has been placed on the long presence of international authorities and actors in BiH. To many it seems as if the transition period in many areas and aspects is still not insight, and therefore one must wonder to which extent is BiH responsible for its own future and can make its own decisions with regards to its own domestic affairs.

"...international organisations in Bosnia need to think strategically about how to move from an international protectorate to an effective state...Rather, it should be a process of transition, whereby the functions of the international mission are gradually passed over to competent local institutions."
(Cox, 2001)

As Cox (2001) indicates in his article, the process of transition, including its exact time and nature, still have to be defined. It is at this point of time, after so many years in which the EU has been present in BiH, that it needs to focus on a gradual transition process in which BiH would eventually become fully responsible for its own domestic affairs. This phase has not been fully applied yet when one looks at the various strategies, mission and processes (ex. the public administration reform procedures) on which the EU has most of its influence on. This aspect for itself represents BiH sovereignty paradox due to the limitations it places on BiH's own domestic affairs and its procedures. As the theoretical background of this thesis has been established and the three aspects to Zaum's sovereignty paradox concept have been covered, it has been demonstrated where these specific aspects manifest themselves in the existing relation between the EU and BiH. Through these manifestations it can be concluded that role that the EU has been taking in BiH, is one that is placing BiH's own sovereignty at risk. Next, the empirical part of this research is to follow (the methodological part) in which further elaboration will be done on the methods of data collection and

analysis. Both the theoretical and methodological parts will assist later with answering the sub-questions that were introduced at the beginning of this research paper.

Through this chapter a theoretical framework has been established allowing us to continue further to the methodological and analytical chapters of this thesis. A linkage has been established and demonstrated between the key concepts of the thesis, as it has been shown that BiH's own sovereignty after the war has been facing a great risk. The EU, among many other international organizations, has been trying to establish itself in the region. This has mainly been done by the attempts to gain a greater power and control over the BiH by offering it on the one hand its assistance, but on the other hand by placing its norms and values on a country that perhaps has not been ready yet for such a significant change. This has resulted in a dependency relation between the EU and BiH that demonstrated itself even to a larger extent through the interests of BiH in an EU membership. It is therefore that this thesis argues that the involvement of the EU in the BiH's PAR presents a clear case of a sovereignty paradox. Further elaboration shall be made on this hypothesis, as we continue to the methodological chapter.

Chapter 3: Methodology

3.1 Overview

The aim of this chapter is to address the research methodology that has been used in this thesis as for answering the research question posed and addressing the research hypothesis made. After the necessary theoretical background and information needed for the main concepts has been gathered, we shall construct the analytical framework of this thesis. In order to address the research methodology in an appropriate way, the chapter shall be divided in different sections, demonstrating the different methodological steps that were taken as for constructing the analytical framework. The chapter shall reflect on the research hypothesis, made at the end of the theoretical framework chapter. In this section more shall be said about the importance of the hypothesis and the research strategy to this research, and how it has been used carefully during the methodological search. In the section to follow more shall be mentioned with regards to the research sample used in this research, its design and the data collection methods. They shall all be further elaborated on due to their importance with regards to the results and answers received to our research questions. Based on the information received, we shall address the methods of data analysis. These shall shed more light on the reasoning used during this research and create a certain degree of transparency.

3.2 Research Strategy

The research thesis revolves around the topic of the EU's role in BiH. It aims to examine the role of the EU in BiH with regards to the PAR; the PAR in which the EU's involvement seems to be a very important component. The role of the EU in the process of the PAR has raised various questions with regards to BiH's own sovereignty, which in the view of this thesis are to be examined carefully. The research has been formed around the following main research question:

How does the sovereignty paradox manifest itself in the public administration reform in Bosnia and Herzegovina?

And the following sub-questions:

- *What are the features of the sovereignty paradox?*
- *What are the effects of the sovereignty paradox on the public administration reform in Bosnia and Herzegovina?*
- *How can the sovereignty paradox manifestations in Bosnia and Herzegovina be explained?*

These research questions shall serve us as guidelines and direction in the process of analysis. Under section 3.4 more shall be said about the methods of data analysis that shall be used in order to approach these questions and try to answer them. Further, as a part of the theoretical framework the central hypothesis to this thesis has been formed: *the involvement of the EU in BiH's PAR presents a clear case of a sovereignty paradox*. An argumentation that will guide us through this thesis, and shall be taken into account in the operationalization of this study and its analysis phase.

The research will focus on three crucial factors which shall help to reflect on the sovereignty paradox and the role of the EU in BiH. These crucial factors are: BiH after the war (BiH after the Dayton accords have been signed and the involvement and the presence of the EU in the region has been a visible one), the EU as an international authority in the region, and the PAR that has been started more than a decade ago. The PAR, as an important focus point, shall serve as a measurement tool for the involvement of the EU in BiH and the sovereignty paradox in general. The PAR has been chosen as a focus point due to the vast extent of

missions and processes in which both the EU and BiH have been and are still involved.

3.3 Research Sample, Design and Data Collection Methods

The research has been conducted as a qualitative secondary literature study, in which scientific articles, books, and policy and strategy documents have been used. Therefore it can be said that the information that has been gathered and used for this study is of a contextual nature. As the topic of this thesis has been chosen, and the main and sub questions have been formed, the search for the different concepts and parameters that could play a central role in it has begun. The keywords that have been used in the first place have derived from the research questions posed, and have then been processed in different search engines in the search for more theoretical and scientific information on the topic. The keywords used were: Bosnia and Herzegovina (BiH), Dayton, sovereignty, sovereignty paradox, Public Administration Reform (PAR). These have been used in the following search engines: Google scholar, JSTOR, PiCarta, SFX and the Web of Science. The articles and books chosen have all been selected carefully. The criteria as for choosing those has been based on the journal impact factors (JIF) of the articles journals, the number of times the articles were used and cited in the work of others, the rating of relevance as some search engines may indicate (such as JSTOR), the year of publication (in order to make sure that recent data is being used), and the number of 'hits' for each keyword used in a specific book or article. The data found has generated new keywords as more information was made available and generated on the research topic. The new keywords generated were: EU conditionality, European Administrative Space (EAS), Institutional building and the Stabilization and Accession Process (SAP). Furthermore, some data sources have been gathered through official websites of the EU³ and the BiH's public administration reform coordinator's office (PARCO). The data gathered on these websites were mainly official documents published on the BiH's PAR and the EU strategy and progress reports for BiH. Last, the data has been collected from various resources to assure that the variety of views and opinions presented and analyzed, both of official policy documentations from EU representative bodies and local BiH representatives, and of those presented in the scientific literature written by scholars with various views and argumentations, would be taken into account.

In general the data that has been collected was found to be mainly generated in the field of international relations, with publication dates ranging between the years 1993-2010. This time period suits the purpose of this thesis, since it covers the full period of time since the war in BiH has started in 1992 to its end in 1995, and continues to 2010. As some of the concepts addressed in this study were largely influenced by the period of war in BiH, and had much effect on BiH as a country and its citizens; that's why it is of a great importance to include scientific articles from that time frame as well in the thesis. Moreover, the articles chosen range in their length between 20- 35 pages (this exclude the various policy documents used as data sources). Throughout the thesis various articles and books that were found to be suitable for the purpose of this thesis have been used. Even though an attempt has been made to use a wide range of data, there are some authors whose work has been referred to more than others. These are worth a short mentioning. As this thesis refers, among many other concepts, to the question regarding BiH's sovereignty and the sovereignty paradox, the work of Stephan D. Krasner and Dominik Zaum has been used as a main reference and data source. Both authors have been chosen due to their valued and qualitative work in the field of international relations. Through his work, Zaum has developed further the concept of the sovereignty paradox that stands central to this thesis; a concept on which the literature on at this stage is still quite limited and which he has dared to challenge. Krasner on the other hand has wrote quite extensively on both the concepts of statehood and sovereignty over the years, and through his work, just as Zaum did, has referred to the question of sovereignty in BiH and the position and involvement of the EU in it.

³EUROPA (www.europa.eu) is the official website of the European Union. The website is divided according to various sections. The ones that were used for this thesis were the ones related to member states, the European Commission and European legislation (EuroLex).

3.4 Method of Data Analysis

In terms of analysis and operationalization as for proceeding further with the thesis, we are ought to have our established theoretical framework translated into means and strategies that shall be used in the analysis phase. We have to find the right manner for addressing our research questions and see how the main concepts of this thesis can be made a part of a strategy and a workable analysis plan. The following steps shall be taken in order to answer the research questions posed: As for referring to the first sub-question (*what are the features of the sovereignty paradox?*), reference will be made to the work of Dominik Zaum and Stephan Krasner. We have to analyze the relation between the EU and BiH in the case of the PAR and indicate those features of the sovereignty paradox; making them identifiable and clear. Both theoretical concepts of internal and external sovereignty with regards to BiH shall be used. The work of Krasner (1999) shall serve us here, among others, as a background to sovereignty as a concept. Furthermore, official EU Commission country and region strategy documents, such as the “Bosnia and Herzegovina Country Strategy Paper 2002-2006”, shall be used. These official documents shall present the EU’s view on BiH after the war and the necessary steps that in their view needed to be taken in order to have BiH reconstruct and re-establish itself again. For this specific sub question it would be important further to reflect on the aspirations of BiH as for joining the EU, and refer to some of the effects that it might have on its own sovereignty (just as it had already on current EU members states).

As we go further, a clear connection will be demonstrated between the first sub-question and the second sub-question to follow (*What are the effects of the sovereignty paradox on the public administration reform in Bosnia and Herzegovina?*), referring to the direct effect of the sovereignty paradox as a part the public administration reform, is a question that would have great implications on the conclusions of this research thesis. Could the PAR have looked differently if the EU was not involved? This question should shed some more light on the role of the EU in BiH and its power of influence on one of the most important domestic affairs that a state might have- its own public administration policies. As it has been mentioned before, the reform holds various implications and obligations for BiH as a state and therefore it would be interesting to see to which extent is its own sovereignty being placed under question as a result of the EU assistance provided to it. Further reference and analysis will find place by referring to Zaum’s three aspects of the sovereignty paradox (Zaum, 2007): institutional building, relationship among actors and time and nature of transition. These shall serve us as for examining the process and to see if three aspects indicated by Zaum as related to the sovereignty paradox can be found present in this case. The relation between the role of the EU and its influence to the PAR represents a measurement to the amount of sovereignty that BiH has as a state, while at the same time saying something about the sovereignty paradox and its own measurement. In order to measure these effects this thesis will relate the analytical part to official PAR strategy documents, evaluate the role of the EU in the PAR processes and afterwards will try to pinpoint these manifestations based on their visibility throughout the process.

The last sub question (*How can the sovereignty paradox manifestations in Bosnia and Herzegovina be explained?*), refers to the factors related to the sovereignty paradox in BiH. Through this question a discussion and evaluation referring to the relation between the EU and BiH should find place. It will be of a great importance for this research to define some clear manifestations under which the concept of the sovereignty paradox could be placed. It is through this question that I attempt to define the characteristic of the sovereignty paradox as they might appear in the case of the EU and the role in BiH with regards to the public administration reform.

3.5 Limitation of the Study

There are existing limitations to this study just as in many other studies. The study conducted is a literature study which would therefore mean that the sources used in this specific case are existing resources that have been written on the issue or its main concepts in the last few years. This can present a certain

limitation to this study. BiH has been changing over the last few years; especially now with its own aspirations to become an EU member, which in the case of this study could mean that the role of the EU and the position of BiH as a sovereign state might have changed in the last few years. An attempt has been made to tackle this limitation by using recent and high quality documents as for constructing the theoretical background attached to this study but it would be only fair to admit that such a limitation cannot be avoided at all times and therefore it should be still considered as a valid limitation. Furthermore, little literature exists on the sovereignty paradox as a concept, especially with a direct relation to BiH, which would mean that a personal view on the paradox would be presented as one that is mainly based on the existing literature that is to be found on the concept of sovereignty and the role of the EU in BiH. One can attempt to present an objective view on the topic but it can never be guaranteed or avoided to its fullest extent. The last limitation for this specific study are the recent aspirations of BiH to become a EU member, which could present a very interesting and a freshening view on the topic and the role of the EU in BiH, but at the same time one should not forget that through these aspirations BiH has accepted to a certain extent the involvement of the EU as an international authority within it.

To conclude, various issues need to be taken into account when one is to conduct a qualitative literature study. In order to assure that important issues have been taken into mind. First, it has been made sure that the general purpose of this study has been made clear. As it has been mentioned already, the study aims at investigating the role of the EU in BiH and the influence it has on BiH's own sovereignty. This should be reflected upon with relations to the PAR that has been taking place in BiH for the last decade. In the steps to follow, a short reflection has been made on the research questions posed at the beginning of this research paper, and a reflection has been made again shortly on the general hypothesis made. Furthermore, the research that is conducted is of a contextual nature and therefore the data that has been collected has been selected carefully in order to assure that a variety of opinions and views will all be reviewed and presented on this very sensitive and controversial issue – BiH and the sovereignty paradox. The data collected has been selected by looking for specific keywords, while at the same time making sure that the data that has been used is recent, accurate and collected from reliable resources. The data collected varies from scientific article, books, policy and working documents of the European Commission and local authorities in BiH to official webpage's such as the one from the Public Administrations Coordinator's Office. This all helps to assure that the risks and limitations of such a study are being limited.

Chapter 4: Analysis

In the following chapter the strategy that has been presented in the methodological part of this thesis will be applied, and together with the analytical framework established, shall be used as for answering both the main and sub research questions related to this thesis. This chapter's main goal is to present a logical analysis of the main concepts presented throughout this thesis, as those shall eventually lead us to answering the question: *How does the sovereignty paradox manifest itself in the Public Administration Reform in Bosnia and Herzegovina?* The chapter is divided into four different sections addressing different aspect that will help us with answering the research questions; four different sections that are all related to each other. In the first section the role of the EU in BiH shall be analyzed, as it plays a crucial part in the existing relations among the two. This section is to analyze the influence the EU conditionality and the SAP have presented, and shall further pin point the two sided role the EU has been taking in this case. In the second section we shall continue with an analysis of the EU-BiH PAR relations. The analysis shall examine the relations from the PAR's construction stages to its current operational scale (by referring to both of the action plans and the three stages of the PAR), allowing us to see the effects of any sovereignty issues on the development and operations of the PAR. In the third section BiH's own aspirations of becoming an EU member state shall be analyzed. Important components for our analysis shall be taken here into account, namely the progress it has made with the SAP and in the last year (all according to official EU Commission reports) and the EU membership and its own implications on BiH's own sovereignty. This section shall lay a strong analytical basis as for the question related to the sovereignty paradox's features. The last section to be addressed in this chapter in the one related to the sovereignty paradox's manifestations. In this part the paradox shall be addressed from the point view of the PAR and shall show the different manifestations as they relate to BiH's own sovereignty in the EU- BiH equation.

4.1 The Role of the EU in BiH

In this section the role of the EU in BiH shall be examined. The EU has been playing a significant role in Bosnia and Herzegovina since the early 90's and is still continuing to do so today. The European Union has been playing a significant role in Bosnia and Herzegovina since the early 90's and is still continuing to do so today. However the EU's role in BiH as we know has changed over the years. It is exactly this shift that that must be analyzed, since it plays a crucial role in the own position of BiH in the region and has much influence on its own sovereignty. It is through this section that an attempt will be made to highlight those changes and see how both BiH and the EU have been adapting, if at all, to the new form of relations.

"Twelve years after Dayton, foreigners have exclusive rule over this country,
and I believe this isn't good for this country or its citizens".
Nikola Špirić, 2007⁴

The EU began its role in the early 90's as an international authority that has been providing civilian assistance to BiH. This role has changed over two decades to one that withholds the role of a normative power in the region (Juncos, 2005, p.96-97). It is exactly that shift in the EU's role in BiH that has triggered the discussed about the nature of its role and the length of its presence in Bosnia. This shift has been visible through various sorts missions and processes in BiH, such as the European Union Police Mission (EUMP) that has been launched in 2002 (EuroLex (2008). Council Joint Action 2002/210/CFSP (2002)), the EUFOR ALTHEA, the European Union military operation in BiH, that has been launched in 2004 (EuroLex (2008). Council Joint Action 2004/570/CFSP) and the Stabilization and Association Process (SAP) that has been formalized in 2000 at the Zagreb summit, which represents in the EU's view their focus on the Western

⁴ A quotation from the Balkan Investigation Reporting Network (BIRN) article on the resignation of the former Bosnia and Herzegovina's Prime Minister Nikola Špirić on the 11th of November 2007

Balkan countries (European Commission, Bosnia and Herzegovina Country Strategy Paper 2002-2006, p.4). The SAP can be seen as an appropriate example to the role of the EU in BiH, as it has its close relation to the PAR which stands central to this thesis. The SAP has been introduced to countries that have showed their aspiration with joining the EU and becoming an EU member state. The SAP includes various key issues to which a specific country, such as BiH, would have to comply to. These key issues are being evaluated by the European Commission in order to see if the potential countries are making the necessary progress according to the EC's view (see Appendix 1). Following to the SAP the EU has introduced in 2000 the CARDS regulation (EC regulation 2666/2000), a regulation through which the EU has been providing €4.65 billion for the facilitation of the SAP in the period between 2000- 2006. The CARDS regulation is concentrated through regional and country strategies on three main areas (European Commission, Bosnia and Herzegovina Country Strategy Paper 2002-2006, p.4) which are of a great value to the analysis of the EU's role in BiH, as it presents new areas of influence to it. These are the three areas:

- A recognition that one of the main motivators for the reforms relating to respect for the rule of law, democratic and stable institutions and development of a market economy is a relationship with the EU that is based on a credible prospect of membership once the relevant conditions have been met.
- The need for the countries to develop bilateral relationships between themselves as a basis for greater economic and political stability in the region.
- The need for assistance programmes and contractual relations, which although anchored to a common set of political and economic conditions, are flexible enough to allow each country to move ahead at its own pace, to accommodate a range of situations from post-conflict reconstruction and stabilisation to technical help with matters such as the approximation of legislation to the core elements of the EU acquis.

Through these three main areas of the CARDS regulation the EU has managed to position itself in various forms as a normative power in BiH. Through the SAP the EU is involved today in BiH's institutional building processes, assuring economic and political stability in the region and legal and trade reforms. These have all given the EU a significant role in BiH, which has mainly been formed due to BiH's own aspirations to become an EU member, and due to the idea behind the EU's tailored process behind such an EU membership and accession procedure. The SAP has allowed the EU to have its influence on some of BiH's most important domestic affair issues, and has placed to some extent BiH sovereignty under question. It is through the SAP that the EU attempts to have potential member countries embrace its values and norms (COM (2003)692 final, p. 39) and gain a better position and role in the country it self. This creates a relationship of dependency that becomes inevitable. This relationship of dependency and obligation to some extent are even to be found as a part of the Commission's Bosnia and Herzegovina Country Strategy Paper 2002-2006 in which the clearly states that the BiH shall determine the rate of the progress related to the SAP in this specific case, but a failure on their behalf to take ownership and find solutions to the difficulties according to the European agenda will force the EU to make its engagement in BiH a critical one: "BiH will determine its own rate of progress within the SAP. The key to success lies in the authorities taking ownership and providing a solution to their own difficulties. The EU will remain engaged and will help BiH in finding solutions. The nature of that engagement must be attenuated to reflect BiH's choices. *A failure by BiH to assume ownership of reform and take seriously the European agenda may result in EU policy becoming one of "critical engagement"*. Concretely support would be selective, holding open the door to future progress, while recognizing that BiH has been unwilling to take the necessary steps. The aim would be to create incrementally a consensus on the European choice. Assistance programmes would be redirected, refocused or reduced to reflect this reality" (EC, BiH country strategy paper 2002-2006, p.22). It is therefore that the role of the EU in BiH should be critically reviewed, in order to see on what is this relationship and role actually based upon. It seems as if the EU and EC view this relationship as one based on dependency and therefore place an ultimatum for BiH- comply with the European agenda and choice or else there will be consequences.

It can be said in general that this outside-in promotion of good governance that has been generated in the last two decades by the EU places its constraints on BiH's sovereignty. It seems as if the EU through its role in BiH has not only taken on itself the role of the assistance and educator, but instead has went even further by "having Brussels monitoring/facilitating institutional reorganization in view of integration, thus, while containing dispersions of sovereignty and bridling centripetal forces, it seeks to prepare autochthon institutions to give up sovereign prerogatives when the time to join the Union arrives" (Venneri, 2008, p.2). It seems as the role that the EU has in BiH today is a two sided role. A role that on the one hand has been accepted in BiH without too much resistance, but at the same time a role that the EU didn't hesitate with taking and doesn't seem to be willing to leave in the near future. The conclusion therefore of this section shall lead us to the next analytical inquiry with regards to BiH's public administration reform. A reform that has directly resulted from the SAP, as one of the criteria on which BiH would have to fulfill upon in order to become a candidate country for an EU membership (see appendix 1) and one that the EU is still providing its assistance for.

4.2 EU-BiH relationship: The Public Administration Reform (PAR)

As the relation between the EU and BiH has been strengthened, and BiH has indicated its interest in a possible further EU membership, the PAR has become a crucial component representing the EU's role in BiH. This section aims at examining the relationship between the two, by carefully analyzing both roles during the PAR's construction stages up to its current operational scale. The analysis shall be done by having a closer look at both of the PAR's action plans and the three different stages it is to undergo. This section is of a high importance to this thesis since it deals with a highly domestic affair which might have various implications to BiH's sovereignty and the development and operations of the PAR.

The PAR has been placed as one of the conditions for BiH to become an EU membership candidate country. It has been decided, based on the European Council's Madrid Criterion (1995), that each country aspiring to become a future member must take concrete actions to improve its own public administration sector, so that the latter could comply to those rules and practices of the EU and would assure easier and smother integration eventually and apply EU legislation (Bosnia and Herzegovina Council of Ministers, EU Integration Strategy for Bosnia and Herzegovina, p.156). Within the EU public administration matters are not being regulated as a part of the *acquis communautaire* and therefore each state is left sovereign for it self with the adjustments and regulations of its own public administration policies. It is important to mention though that each member country does have eventually to comply with the European Administrative Space (EAS) conditions; conditions that have been adopted as a standard rule by the EU member states and to which future member states would have to comply to as well (included as a part of the PAR's second action plan). The aim of the EAS is to assure efficiency, effectiveness and predictability among the EU member states when it comes to various administrative issues. The aim of the EAS is to be achieved through several means to which it aspires and guides the EU member states towards such as the rule of law, openness, transparency, impartiality and equality before the law (PARCO, Public Administration Reform Strategy in BiH, 2006)

BiH has been faced with rather a major challenge when it has been required by the European Commission, through the Stabilization and Association Agreement (SAA), to make its public administration sector more effective, independent and based on a clear legal framework. The EU has identified BiH's own public administration system as a slow, unstructured (due to its multi-layered character), unpredictable and expensive one, and therefore has included the PAR into the SAP requirements. According to the commission's view, theses required changes should have been done though the development of a comprehensive and cost estimated Action Plan for the PAR, in which competencies will be distributed. Furthermore, BiH has been required to fund and co-operate with civil service agencies at different levels in order to bring its public administration system to the desired level (COM (2003) 692 final, p.40). Its public administration system needed to be made more clear and standardized. The local authorities in BiH have

recognized the need to have its public administration systems reformed and have taken a set of actions in order to improve it. In 2004 the Public Administration Reform Coordinator's Office has been established and with the EU's technical assistance an assessment with regards to the current state of things has resulted in a PAR strategy. The PAR strategy has been formed and has been divided into two different Action Plans. The first Action Plan was to focus on the development of capacities and eventually the harmonization of the general systems (PARCO, Action Plan I of the Public Administration Reform, 2007). The first part of the Action Plan was to focus on the following reform areas:

- Policy Making and Coordination Capacities
- Public Finances
- Human Resources Management
- Administrative Procedure
- Institutional Communication and Information Technologies

The second Action Plan on the other hand has focused on sectoral reform and is connected to various programs and plans that are targeted improvement of sector capacities in key policy sectors. Further, the reform process had to undergo three different stages into which both Action Plans were integrated. In the *first stage* (2006-2007), also called the "Short term objective" stage, many of the first action plan measures were to be met. General orientations were to be done and proposals with regards to the structures and the form of central capacities were to be realized. The aim of this stage further is so make sure that horizontal structures and systems of governance are being met. The *second stage* of the reform, also known as the "Mid-term objective" is aimed at having its basic horizontal systems strengthened and harmonized, while streamlining sectoral and vertical functions so that adaptation and implementation of the *acquis* in BiH could be done uniformly, that the institutions of BiH could operate all more effectively and efficiently and that the demands of citizens could all be met. Last, the third stage also called the "Long term objective" (2011-2014) was to be started upon the assessment of the implementation of the 2nd stage while having new activities planned in order to continue the reform in the key areas.

Table 1
The public administration reform in three stages

1 st Stage	2 nd Stage	3 rd Stage
Time frame: 2006-2007 "Short term objective"	Time frame: 2007-2010 "Mid-term objective"	Time frame: 2011-2014 "Long term objective"
Aim: <ul style="list-style-type: none"> • Initiate, or consolidate and further, the reform of key horizontal systems and structures of governance. • Implementation of measures in the 1st action plan. 	Aim: <ul style="list-style-type: none"> • Basic horizontal systems in place, strengthened and harmonized. • Streamline sectoral and vertical functions (resulting in effective and efficient institutions), and to achieve the general and sectoral ability to adopt and implement the <i>acquis</i> uniformly in BiH 	Aim: <ul style="list-style-type: none"> • Assessment of the 2nd stage implementation period and the planning of new activities in key areas of the administrative reform.

The EU's role in the three stages of the PAR

The EU has played, and still does, an important role throughout the three different stages of the PAR. First, its financial contribution to the process is one that cannot be ignored. It is the EU who has been financing most of the reform process and has placed an EC delegation as a part of the so called 'PAR Fund'; a fund that is based on a bilateral cooperation among several bilateral donors (among them the UK, Sweden and the Netherlands) (PARCO, Public Administration Reform Strategy in BiH (2006)). Furthermore, the EU has been providing throughout the process its technical assistance and has been taking the role of the observer

while the BiH local authorities have been responsible for the reform itself. The technical role that the EU has been taking has been in the form of an EC technical team that has been assisting that has been providing support to the office of the PAR coordinator; an assistance that has been concentrated around the PAR strategy (PARCO, Public Administration Reform Strategy in BiH (2006)). Furthermore, the role of the EU as it has been related to the reform has not been sufficiently evaluated and criticized in the existing literature on this topic. It has taken upon it the financial, assistance and observer role but all at the same time it has taken the role of the evaluator and the one who will eventually to judge BiH's PAR based on its quality and its compliance to the EU standards; a role which in many cases is forgotten or is being even ignored, but yet plays a vital part in the PAR itself. It is exactly this role that places the whole process of the PAR under a certain degree of danger. Due to the fact that the EU is the main financial contributor to the reform process but at the same time and has such a strong position as an evaluator and all at the same time plays a very significant role in BiH it seems as if it would have always the last say on a very difficult process in which its exact demands and wishes need to be met in order to have BiH eventually fulfill on the requirements.

It appears by examining the PAR that BiH has been faced with a very large challenge, a challenge that has required a lot of time, effort, cooperation and financial means and hasn't been concurred yet. Today according to a new report on the progress in BiH on behalf of the commission it appears that a little progress has been made and that no significant changes have occurred (COM(2010) 660, p.11). The EU has been involved in this challenging process from the beginning and has taken various roles. It is these roles that the EU has been taking that's haven't been sufficiently examined yet which provide a new insight into this process. The EU has quite an influential position on the PAR process and BiH is highly dependent on the financial support that it has been providing it with in order to proceed with the reform. Furthermore the EC has been taking a technical assistance role in the process of the PAR which revolves around the strategy of the PAR. One must ask therefore why? A strategy just as in any other process or project is one of its most important components; A component that determines the directions, goals and means of any project, and therefore a component that in this case has much influence on the nature of the PAR. It is in this case that the PAR represents a clear example of a sovereignty paradox. A paradox in which BiH is dependent on the EU, and has to comply to the reform strategy, directions and goals as guided by the EU in order to fulfill on the requirements and become a EU membership candidate country. It is in this case that some might even claim that the EU has been using the PAR yet as another tool in order to have a stronger grip on BiH and to use it as a way in order to have it eventually join the EU.

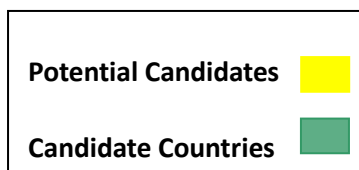
4.3 BiH- Aspiring to Become an EU Member state

BiH's own aspiration of becoming an EU member state is an important component to this thesis due to the many implications it has such as the role that the EU plays in BiH, BiH's own development, and its own sovereignty, and therefore it shall be analyzed. Two important aspects shall be addressed in this section. These two aspects are the development of BiH through 2010-2011 (an analysis shall be conducted based on official commission reports) and implications of an EU membership on BiH's own sovereignty. Through the analysis provided more insight shall be given on the various features of the sovereignty paradox in BiH.

The close and complicated relation between the EU and BiH has started in the late 90's under the 'Regional Approach' to which the EU has placed political and economic conditionality for the development of bilateral relations with BiH. This has been followed by the aspirations of BiH to become an EU member state, resulting in the negotiations in the period between 2000 and 2003 that have led eventually in the Thessaloniki Summit in June 2003 to the conformation of the SAP as the EU policy for the western Balkans. The SAP has placed various conditions as for BiH to join the EU. These conditions have been mainly political, economical, judicial and legal in nature, which in the EU's view were to promote and advance the development of the BiH as a sovereign state. BiH was to fulfill these according to the SAP in order to receive eventually the status of an EU candidate country (European Commission, Bosnia and Herzegovina- Relations

with the EU). The EU, that has seen BiH as a potential candidate for an EU membership, has invested over the years billions of euros in the various missions and processes that have directly resulted from the SAP, such as the European Union Police Mission (EUPM) and the EUFOR Althea military operation (that has replaced NATO's SFOR mission in 2004) and the PAR process that has been started in 2004. BiH, one must say, has profited from these investments greatly as well, and today after a horrific war more then two decades ago has made significant progress.

Figure 1 EU potential candidates



Source: European Commission website, Enlargement Potential Candidates, retrieved 29 May, 2011 from: http://ec.europa.eu/enlargement/potential-candidates/index_en.htm

BiH's progress in 2010-2011

The Commission's report and conclusions with regards to the progress of the western Balkan potential candidate countries over the last year period have been published at the beginning of November 2010. Both the report, the Commission's staff working document (SEC (2010) 1331), and the Commission's conclusions (COM (2010)660) reflect on the progress mainly with regards to the economic and political criteria placed before the potential candidate countries and measure the progress made based on the decision making processes, the legislation adaptation and the measures that have been implemented in order to achieve it. In the document BiH is specifically being addressed and called upon to make sure that it would form a government that commitment to a European Union future. In order to see such a future BiH needs to improve its own institutional functioning in BiH and place importance on aligning its constitution with the European Convention of Human Rights. Furthermore the Commission concludes that a slowdown has show in the reform momentum in the western Balkans, and that more and better focus needs to be placed on good governance, improvement of the rule of law, speeding the economic reform and improving the capacity to adopt and implement the acquis. The conclusions drawn by the commission have pointed some key challenges that the Western Balkan countries, and BiH among them, would have to tackle in order to move further on to the next stages of the accession process. The Key challenges identified are (COM (2010)660):

- *Overcoming the economic crisis.* The impact on each of the west Balkan potential candidates has been different due to their own economic structure. According to the Commission's report this

challenge needs to be tackled in each country in a different way due to the variety in the existing economic structures in each country. Structural reform needs to be continued according to the commission in order to create more economic resources of growth that could be exploited effectively (raising output and productivity). Further more foreign and domestic investments needs to be increased and therefore it is up to each country to make sure that the business environment here for is being created.

- *Social inclusion*: the economic crisis had a significant impact on the social welfare national systems. It is therefore necessary that the local governments will make sure that vulnerable groups' conditions will be improved (particularly those of the Roma). Issues such as employment, education and poverty reduction need to be targeted and improved.
- *Strengthening the rule of law*: still much needs to be done with regards to the Judicial and fight against crime matters. Sustainable improvements are necessary and these present a high importance in the EU requirements of related to any further developments in the EU accession process.
- *Freedom of expression and media*: The Commission see the freedom of expression and media as an "integral part of any democratic system" (COM (2010)660, p.8) and therefore insists that the freedom of expression through the work of journalist and public service media in the Balkans would be free from any political interference and threat. The commission states its intention to closely monitor the situation and provide its assistance in the organization of various workshops on the matter.
- *Reconciliation and regional cooperation*: According to the Commission's conclusions regional cooperation among the Balkan countries needs to be strengthened and improved. Further it is only through reconciliation and mutual cooperation that the region as one could finally strive towards a better future and peace.

As it has been said before BiH has made a tremendous progress over the last two decades. One cannot deny through that still a lot needs to be done and that more progress is to be made, especially if BiH wishes to work towards its possible EU future. On the EU's behalf it can be said that the EU itself had much to do with BiH's own progress after the war and that it's still continuing to do so today. One must ask though at which costs? When can it be said that enough progress has been made on behalf of BiH and who draws the line in this case? This demonstrates yet another manifestation among many of the sovereignty paradox as it will be discussed later in this thesis (section 4.4). The EU plays in this case a two folded role. On the one hand it's assisting BiH with its own progress, but on the other it is pushing some of its requirements and processes through in the process of EU accession while trying to root and assure its position as a normative regional power in a country that depends on its assistance.

EU membership and sovereignty

A great discussion has been present over the last few years with regards to the aspect of sovereignty within the EU member states as part a supranational body. The discussion has presented a variety of opinions through which it becomes clear that on the one hand many claim that member states have to give a great part of their own sovereignty when joining the union, and that the EU becomes for a great part the guiding body when it comes to many of the domestic issues of its own member states. It is exactly that guidance that the EU provides to its own member states and the uniformity that it requires from them on various domestic issues that result in a 'lose' of the unique characteristics that each member state holds, and the differentiation among its current twenty seven member states with regards to their own domestic issues. According to Kassim (2003) it is the administrative response and the institutions agreements that each member state has to comply with that place their own sovereignty as an individual member states under question. Krasner reflects the same thoughts in his work by saying that the root of the problem is not in the

various existing EU treaties, since those were mutually recognized and agreed upon a voluntary basis by its own members states, and therefore do not violate in anyway their international legal sovereignty. The problem in his is defined in the rules and the development of the European institutions, due to the fact that those are inconsistent with Westphalian sovereignty (Krasner, 2001).

On the other hand there are many scholars that do not fully agree with this view, and place a great importance on the distinction between EU membership and the influence that it has on its own individual member states sovereignties. Newman (1996) refers to this distinction by identifying two theory groups- the Federalist and Intergrationist theories group and the International Relations theories group. According to him the Federalist and Intergrationist theories group sees the EU as an entity that operates autonomously in the processes of the "dense network of institutional interaction" (Newman, M., 1996, p.22). Further says Newman that this group believes that "There is an erosion of the separateness between the 'domestic' and the 'external' in the MS's relation with the EU" (Newman, M., 1996, p.22), meaning therefore that in their view the separation between internal and external domestic aspects becomes more difficult. The International theories group on the other hand claims that the amount of dominance that the member states governments have is still significant and that the member states still manage to operate separately from each other.

These views present all valid argumentation with regards to the existing EU member states and the influence the EU, as a supranational body, has brought on their own sovereignty after joining the EU. For the sake of this study more shall be elaborated on what makes the difference in this case, and that is the influence the EU has on those countries that are currently considered as candidate member states or potential candidate member states. Much critic has been given over the years on the process that candidate and potential member countries have to go through as for meeting the expectation placed before them on behalf of the EU. It is through concepts such as the EU conditionality and the EAS that those various requirements have to be met, making various domestic policy areas conditional rather than negotiable, which present a large difficulty for the national governments of these countries (Grabbe, 1999). The requirements mentioned originate back to the Copenhagen (1993)⁵ and Madrid (1995) criteria's placed as a barrier to the 5th EU enlargement in which ten new CEE countries were to be participating in. It is in the case of the CEE countries that it becomes clear- The EU has been playing a two folder role. As Grabbe (1999) says "on the one hand, the EU is an aid donor imposing conditions on relations with third countries that are intended to benefit them by supporting post-communist transformation of economies and societies. Yet on the other hand, it is guiding these countries towards membership, which requires creating incentives and judging progress in taking on specific EU models"(Grabbe, 1999, p.5).

To conclude, the problem described above doesn't only lay with the current EU member states and their own individual sovereignty. It is a problem that has expended far beyond that of an EU membership as it influences EU candidate and potential membership candidate countries as well. The various conditional accession processes these countries have to go through seems to have allowed the EU slowly paves it way through the existing or old policies in many of these countries. The EU has found its way to influence some of the most important domestic issues in these countries which presents not only a risk to the current EU member states but also those who are considered as a candidate country. It is exactly this problem that leads us to the core argumentation behind this thesis- the one related to the sovereignty paradox.

4.4 EU-BiH Sovereignty Paradox Manifestations

The attention of the world and international organizations has been placed at the beginning of the 90's on BiH. As a country that has been ruined by a horrific war and now had to rebuild and reconstruct itself, international organizations were keen on placing their mark on a country that at the time needed assistance

⁵ See appendix 2

from external resources in order to try and start all over again. BiH, who has been till 1992 a part of the Socialist Federal Republic of Yugoslavia and ruled by the socialist party, had a long way of recovery ahead. The challenges faced in the country were large. BiH's political, economical and social systems were ruined and the fact that the country has been ruled by the socialist party for a period between 1943- 1992 meant that the characteristics and culture that was rooted in this country slowly had to change as it has been surrounded by western European organizations and NGO's.

Many have blamed the presence of international organizations and the EU as for not trying to understand the circumstances and the sphere in the country before starting to provide their assistance to it in the first place. They were blamed for using a blue-printed behavior and attempting to try and establish themselves as a great power in the region (Juncos, 2005). A clear example of the international community's blueprinted behavior in BiH can be seen in the signing of the Dayton accords in 1995. The signing of the accords has led to the formation of an unworkable political structure, international bodies that have been taking various decisions for the country itself, no coherent administrative structure and no accountability mechanism that would allow the local levels to engage in the process as well (Zaum, 2007). Was BiH ready for those changes at the time, and has somebody made sure that its own citizens would stand behind and support those changes so that they could be embraced and maintained? It seems as if BiH has been serving others interest instead of taking care of the interest of its own local citizens. Further it is important to mention that these so called blue-printed ideas and thoughts have been brought and worked upon in a country that has suffered at the time for a high criminality rate, didn't really have a functioning legal system or a proper functioning institutional system that could operate further and work on those new western ideas and influences.

The presence of EU authorities and representatives, among many other international actors, in BiH is one that has grown over the years. It seems as if the EU has managed to establish itself as a normative power in the region (Juncos, 2005) and today has perhaps more influence, when it comes to BiH's own domestic affairs issues, then ever before. The relation between BiH and the EU, as mentioned before, became even closer due to BiH's EU membership aspirations. The EU has placed before BiH, just as it did for the other CEE countries, series of conditions and requirements to which it would have to fulfill if it indeed wishes to proceed with its EU membership aspirations. It is through the years that these conditions and requirements have gotten stricter and that the EU has allowed itself to ask much from its own potential CEE candidate countries such as in the case of the EU conditionality requirements.

The EU conditionality has been constructed over the years from three different phases (Grabbe, 1999). The first stage of EU conditionality has started in the beginning of the 90's, and it has been based at the time mainly on trade and cooperation agreements. These trade and cooperation agreements can be seen as a symbolic stage, that at the time was not related to possible EU accession, in the relationship among the EU and the CEE countries. The first phase was mainly symbolic due to the intention to assure that trade discrimination and any trade quantitative restrictions related to the import of EU goods will be removed. The second phase (also called the first pre-accession strategy), taking place from 1994-1997, can be mainly characterized as one that has evolved around regulatory alignment while aiming at extending the freedoms of the Single Market to EU-CEE relations. This phase has brought eventually to the famous Copenhagen criteria but at this stage the requirements towards the CEE countries were still evolving around a limited number of policy areas. The third phase, which is also the last one in the phases of EU conditionality, has began in 1997 and is characterized by the so called "Accession Partnerships" (AP's). Each AP has been evaluated by the commission, followed by the conclusions that were presented in a list of requirements and policy areas that were set for each CEE country that has showed its will and interest in the process of EU accession. It is the Commission who manages the AP's and monitors the progress and implementation of each and one of them. It is the last phase presented within the EU's conditionality that has brought on BiH the requirement to work on the improvement of its administrative structures and its PAR of course the stands central to this thesis.

The PAR and the Sovereignty Paradox

The sovereignty paradox has been discussed at an earlier stage during this thesis to a greater extent in which a particular reference has been made to the work of Zaum. It is Zaum (2007) who identified in his work various difficulties in BiH that bring its own sovereignty to a risk, such as the complexity of its own political institutions and the compromises made with regards to the effectiveness and accountability of political and administrative institutions in the country. These have been caused in his view by the weak regulatory structures, institutional fragmentation and the weakness of civil society with holding its government accountable. As a part of the central components of this thesis, it is the intention to focus and reflect on the PAR with relations to the sovereignty paradox. The reflection throughout this section should be done with regards to various manifestations that demonstrate themselves in the relation between the EU and BiH. Furthermore an explanation shall be given with regards to the manifestations and their origin.

The PAR that has been initiated through the EU's SAP in BiH, has been initiated as for a part of the state building activities that were to assure that BiH and its own citizens were to get a better future as BiH was to reconstruct and rebuild itself. The PAR's main aim was to create a professional and effective civil service environment, aimed at improving and developing public policy in BiH, in which the central government actions and institutions could be enhanced and strengthened by other state actors (Zaum, 2007). Within the reform principles such as integrity, accountability and transparency were to be integrated, while making sure that the different ethnic groups in BiH would be represented in it as well. It is through the process of initiation, drafting and negotiation, as shown through the study case conducted by Zaum (2007), that various issues and actions that were set for the PAR were not always in line with the original plan. Therefore leading in many cases to doubts with regards to the intentions of the international community and the EU. Through the study case it seems as if the international community tries to place its own agenda on the table, one that is followed by a blue-printed behavior as they set their own European standards and values as a guideline to the PAR and its objectives. According to Zaum (2007, p.107) the "international community put its aim at having the law in place before its goal of local ownership of the decision, and imposed the law", presenting a risky situation in which laws and regulations are being implemented without the support and feeling of local ownership on behalf of BiH and its own citizens.

During the PAR's different stages and processes various manifestations have led to what has been identified as a breach of BiH's own sovereignty, leading to a clear case of what Zaum (2007) defines as a sovereignty paradox. This breach has been seen throughout the process by mainly having the international community pushing its own agenda and interest on the table, and placing that of BiH on the side. It seemed as if during the process a blue-printed behavior has been initiated on behalf of the international community, while attempting to influence the PAR's structure and operation eventually to match what in their view would work according to European standards and norms. The EU has been trying to speed up the process and match its own views, just as it has done in the drafting stage of the PAR. It is in the drafting stage that the EU has made sure (through the Office of the High Representative (OHR)), that definitive conclusions and consensus will be reached as according to its views in the first place- as a taskforce in which all three ethnicity groups are included would only delay the process. This has resulted in a new working group that has been eventually constructed out of international delegates alone (Zaum, 2007, p.109). Therefore one must ask how can a working group operate without any national representatives on board, and who is the one to make sure that the process of drafting the PAR is still being representative for the opinions and wishes of the Bosnian citizens?

The PAR which was supposed to be at its core a part of BiH's state building processes has appeared at times to be treated by the international community as another political game. It is Zaum (2007) who point this specific manifestation out in his work by reflecting on the various existing disagreements at the time on both the international community level and among the EU and BiH government representatives. On the international community level Zaum (2007) says that "The divisions within the international community show how its state building practices are not solely determined by conceptions of sovereignty and the standard of civilization, but by broader political concerns as well, and show that the international

community at times has been a highly political actor in BiH" (Zaum, 2007, p.111). Another manifestation of the sovereignty paradox, as with regards to the existing division in views of the EU representatives and the local government, can be seen through the imposing of the Civil Service Law in BiH. As the OHR claimed to have done this in "accordance with the international community's conception of sovereignty as responsibility" (Zaum, 2007, p.113) it has damaged and compromised the authority of the BiH's political institutions as it has took legislative matter to its own hands and by doing so has breached one of the most important concept of sovereignty.

As it has been mentioned before in section 2.3, Zaum (2007) identifies three crucial components of the sovereignty paradox, components which have been present during the process of constructing the PAR, and are still present today in the process of its implementation. The three components are: Institutional building, relation of international actors towards local actors and as last the time and nature of transition from international to local authority. Through this thesis it has been evident that the relation to all of these three aspects exists. The institutional building process in BiH as demonstrated has not been a process that has been operating towards a one clear target due to the different agendas have been presented on behalf of the international community and BiH. A political game has been one that has slowly taken over the initial goal of this process which was to make sure that state building in BiH, and the PAR as a part of it, would be done in BiH. Furthermore, the relation between the international actors and the locals seem to be one that is influenced by dependency and own interest, as the EU has been providing extensive financial means to reconstruct and rebuild BiH, but at the same time has been using the membership carrot to have it complying to the requirements and conditions that the later sets before it. The same seems to be the case with the time and nature of transition from the international authorities to the local ones. It seems as if the EU is not really keen or in a hurry to make sure that the local authorities would be ready to take over on some of the crucial domestic issues at stake. A transition does not necessary mean that the international community would loss its full grip on the situation if the transition of authority would slowly occur, but at this point of time there are no evidence really of such a transition at all (Zaum, 2007).

In order to conclude, throughout this chapter various features have indicated a clear case of a sovereignty paradox that is being manifested through BiH's PAR and is related to its own relations with the EU. As it has been demonstrated, a serious differentiation in meanings exists between the international community and BiH's own representatives when it comes to the PAR. Crucial issues such as legitimacy, state authority and political control, are issues on which a clear and unified opinion has not been reached yet, and therefore having the PAR to suffer as a result of it. It seems as if the international community has been trying through the process to place its own agenda, principles and requirements on the table before those of BiH. The EU has been trying to push through its own agenda, principles and requirements that follow European standards- which are contradictory to the basic idea of sovereignty and highly conflicts with the original aim of the PAR's process. From a process that was meant to help and assist BiH with reconstructing and rebuilding its own institutions and administrative structures, while assuring that a better future would be guaranteed for its own citizens, it has turned to be yet another political playground. It is according to Zaum that "The international community intervened and compromised aspects of BiH sovereignty in order to promote particular social purposes that would enhance the sovereign authority of BiH's political institutions. However, the way in which it pursued both the reforms of the payment bureaux and the civil service, compromised its own authority as well as the authority of the local institutions it professed to strengthen" (Zaum, 2007, p.115).

The EU's relation with the local BiH authorities still remains a problematic issue as it appears through the analysis conducted in this chapter that the relationship is mainly based on a relation of dependency and own interests from both sides. The EU still seems to keep BiH on a "short leash", showing no indication of engagement in any serious transition activities to the local BiH authorities as it continues to have many of the processes still under its own control and observance. Furthermore, the Bosnian citizen in this whole story seems to have been forgotten, even though that it support in BiH for an EU future membership doesn't seem to be a very high one. Through the process of the PAR, from its construction to its current

state, the state in which was BiH almost two decades ago seems to have forgotten and one therefore must ask how such a crucial and important reform can be established without the support of those (the Bosnian citizens) that are suppose to work on its own maintenance and proper operation? This has all resulted in a PAR that has been guided in a very specific manner, leading to a very complicated reform that has been designed and applied according to western European norms and values; a reform process which is suffering today from a lack of effectivity, efficiency, transparency, accountability that have been the result of a sovereignty paradox.

Conclusions

After the horrific war that has taken place in the early 90's, BiH has woken up to a new reality; one that required building and reconstructing what has been left of the country. As it has signed the Dayton accords in 1995 it had to do all there was in its power to assure for itself and its own citizens a better future. It was already back then that the EU and BiH had started on developing their relationship, which began at the time as a relationship mainly focused on mutual agreements in the area of trade and cooperation. BiH had already indicated at a very early stage in this relationship its own aspiration for becoming an EU member, which has led in 2002 to the famous EC country strategy paper. The conditions on behalf of the EU were soon to follow as it has been providing BiH with a large financial assistance and now that it had shown its interest in EU accession the Stabilization and Accession Process had set the tone for a long road ahead of it. Among some of the conditions and requirements to which BiH had to comply, was the Public Administration reform which was meant according to PARCO to "create a public administration that is more effective, efficient, and accountable for what it does; that will serve the citizens better for less money, and that will operate with transparent and open procedures, while meeting all conditions set by European Integration, and thereby truly become a facilitator for continuous and sustainable social and economic development" (PARCO, Public Administration Reform Strategy in BiH (2006)).

Many have claimed that BiH's own sovereignty has been placed here under question, and that the actions and conditions placed before it, on behalf of the EU, are demonstrating a case of a sovereignty paradox. These claims have been made since on the one hand the EU has been engaging itself in state building activities in BiH, but on the other hand, together with the rest of the international community, it has made sure that its own agenda would be placed on the table as its own priorities have been placed before that of BiH. Through this thesis more knowledge has been developed with regards to the main research question (how does the sovereignty paradox manifest itself in the public administration reform in BiH?), while it has managed also to reflect in a different manner on its main concepts: the sovereignty paradox, the PAR and the role of the EU in BiH. It has been evident that the sovereignty paradox has indeed demonstrated itself throughout the relationship between the EU and BiH, with a specific indication in this research to the paradoxality existing within the still ongoing PAR. The EU and the international community had searched already in the early stages of the PAR to have matters going according to their own plan, as a blue-printed behavior has demonstrated itself and it became clear that they have been placing their own agendas on the table first. Through the initiation, drafting and negotiation stages of the PAR, the EU had been searching to work according to its own "European standards", while ignoring the circumstances, norms and values of the country it has been doing this for- BiH. It seemed at times as if the original aim of the PAR, and the assistance it was providing to BiH in the first place, was forgotten and a harsh and dirty political game had taken over those interests in the first place.

The three different aspect of the sovereignty paradox as mentioned Zaum (2007), were found according to this research all to be present in the case of the PAR. These three aspects are Institutional building, the relation of international actors towards the local actors, and the timing and nature of the transition from international to local authority. As for the first aspect of institutional building, focusing on the re-establishment, strengthening and re-organization of BiH's institutions, it can be said that still a lot of work needs to be done. The aim of improving concepts such as the rule of law in BiH and bringing democracy to its citizens is far from being reached, as evidence to high crime and corruption rates are still present in BiH. Furthermore BiH's own citizens have not acquired yet the sense of accountability, and one must wonder if they ever will due to the forced circumstances that they have been placed under, without truly inquiring to their own opinions and wishes and ignoring the cultural differences existing between that of the EU and the Balkan states. The second aspect of the relationship between international and local actors has been

discussed as well; as it has been pointed out that the EU has been gaining a growing power position at the local level. It seems at this stage that the local actors are still very much dependent on the assistance and guidance of the EU, and to some extent are still very much bound to its own conditions and requirements. The last aspect that has been discussed is that of the time and nature of transition, which has indicated a very poor progress on the EU's behalf on any transitional activities. The EU seems to have most of the control still in its own hands on most of the processes, and by doing that it continues to undermine BiH's own sovereignty and control on one of the most important reforms a country can have. Furthermore, as the three stages of the PAR have been examined, it has been evident that various obstacles for BiH's own sovereignty have been present during the process; placing BiH's own sovereignty at risk (see appendix 3). The risk mentioned has been present already at the drafting and initiation stages of the PAR, as own agendas and interests, together with the EU's constant control and no involvement of BiH representatives on a regular basis, have resulted in a process that presents at its core a sovereignty paradox. As the PAR's development has continued, as its other operational stages were to follow, it has been shown to be lacking of transparency and accountability, with no attempt what so ever to create a switch in the roles of responsibility on behalf of the EU.

This thesis has developed and given a new insight into the role of the EU in BiH as it has been targeted at BiH's PAR and own sovereignty. The literature existing on a combination of these concepts, the sovereignty paradox and the role of the EU in BiH's PAR, has been very limited. Through this research some very controversial issues and concepts have been exposed, analyzed and discussed, leading it to a series of new conclusions. The conclusion of this thesis is that still a lot of work needs to be done with regards to the PAR, as it has been shown that much of its context and indications have been based on the best case practices, and norms and values of a western society; which in this case do not seem always to be working at their best. The EU is to guide BiH through the processes and give it a sense of independence with its own PAR. It has to understand the differences between the cultures and that the development of BiH cannot just happen overnight. Furthermore, it is of a high importance to involve the Bosnian citizen in the process of the PAR as for creating a sense of accountability from which it could profit in the future. Perhaps it will lead to a success of a reform that now seems to be struggling for its existence. The first step to a successful reform process is to have the people that it applies for supporting it and actively be involved. In order to change the current situation of a sovereignty paradox, the EU should perhaps have a closer look at the important factors to strengthen BiH's own sovereignty and take a step back so that the process can be managed by those that will have to live with its consequences.

Appendix 1

Key Issues in preparing for negotiations on a stabilization and association agreement (COM (2003) 692 final)

- 1.1 democracy and rule of law
 - 1.1.1 Presidency
 - 1.1.2 Legislature
 - 1.1.3 Executive
 - 1.1.4 Public Administration
 - 1.1.5 Relation with international community
- 1.2 Human Rights
 - 1.2.1 Civil, political and social economic rights
 - 1.2.2 Minority rights and refugees
- 1.3 General Evaluation
- 2. Economic criteria
 - 2.1 Economic situation and fiscal sustainability
 - 2.2 Price and trade liberalization
 - 2.3 Privatization process
 - 2.4 financial sector reform
 - 2.5 General evaluation
- 3. Ability to resume obligations resulting from a SAA
 - 3.1 Political dialogue
 - 3.2 Regional co-operation
 - 3.3 Free movement of goods
 - 3.3.1 Trade in industrial goods
 - 3.3.2 Trade in agricultural goods
 - 3.4 Movement of workers, establishment service and capital
 - 3.4.1 Movement workers
 - 3.4.2 Establishment
 - 3.4.3 Trade in services
 - 3.4.4 Current payments and movement capital
 - 3.5 Approximation implementation and enforcement of legislation
 - 3.5.1 Competition
 - 3.5.2 Intellectual, Industrial and commercial property
 - 3.5.3 Public procurement
 - 3.5.4 Standardization and conformity assessment
 - 3.5.5 Consumer protection
 - 3.6 Justice and home affairs
 - 3.6.1 Reinforcement of institutions and rule of law
 - 3.6.1.1 Police
 - 3.6.1.2 Judiciary
 - 3.6.1.3 Prison system
 - 3.6.2 Visa, border control, asylum and migration
 - 3.6.3 Combating money laundering
 - 3.6.4 Preventing and controlling crime, combating illegal trafficking and illicit drugs
 - 3.7 Co-operation policies
 - 3.7.1 Economic, monetary and statistical co-operation
 - 3.7.2 Investment promotion and protection, industrial co-operation, small and medium enterprises, tourism
 - 3.7.3 Agriculture and agro- industrial sector
 - 3.7.4 Customs and taxation
 - 3.7.4.1 Customs
 - 3.7.4.2 Taxation
 - 3.7.5 Employment, social policy, education and training, research and technology development (RTD)
 - 3.7.5.1 Employment and social policy
 - 3.7.5.2 Education and training, RTS
 - 3.7.6 Culture, audio-visual, telecommunications and postal services, information society
 - 3.7.6.1 Culture and audio-visual
 - 3.7.6.2 Telecommunications, information society, postal services
 - 3.7.7 Transport
 - 3.7.8 Energy
 - 3.7.9 Environment
 - 3.8 Financial co-operation
 - 3.9 General evaluation

Appendix 2

The Copenhagen Conditions

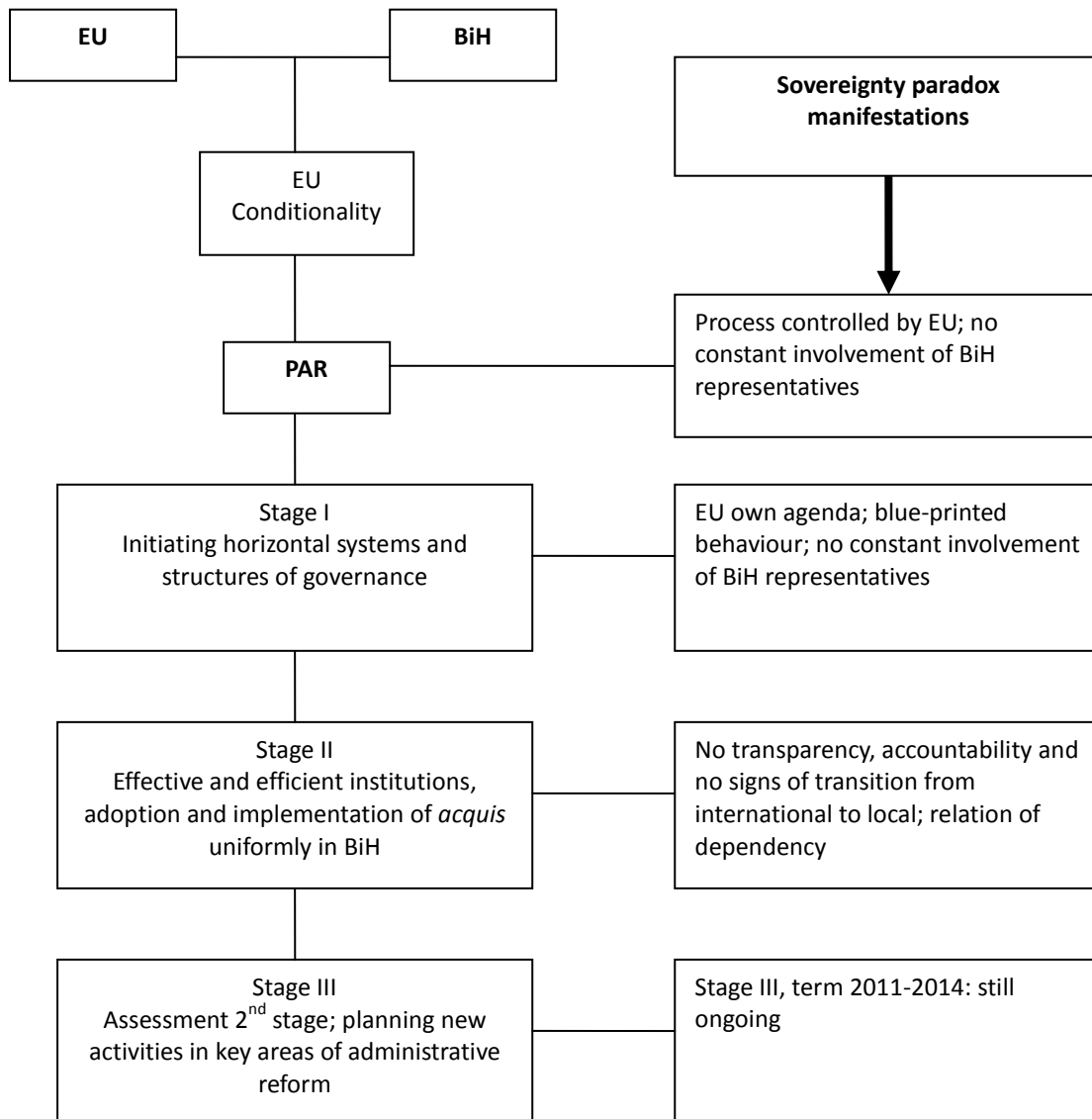
The Copenhagen Conditions

1. Membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.
2. Membership requires the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union.
3. Membership presupposes the candidate's ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union.
4. The Union's capacity to absorb new members, while maintaining the momentum of European integration, is also an important consideration in the general interest of both the Union and the candidate countries

Source: Grabbe, H., (1999). A Partnership for Accession? The Implications of EU Conditionality for the Central and East European Applicant. Robert Schuman Centre Working Paper 12/99. San Domenico di Fiesole (FI): European University Institute

Appendix 3

Visualizing the sovereignty paradox



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