SERBIAN POLITICAL THOUGHT

СРПСКА ПОЛИТИЧКА МИСАО

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Media and Democratic Control Over the Armed Forces In the Republic Of Serbia

Abstract

State institutions (all three branches of government) have an important role in democratic control of the armed forces, together with civil society institutions among which the media, referred to as "the fourth branch of government" or "the watchdogs of democracy", play the most important role. The armed forces need the media in order for them to inform the public about their role in society, educate the public on the issues of defense and security, as well as enable easier access to current events. For the majority of people in Serbia the media are the main source of information about what happens in society, and they influence public opinion to a great extent. However, previous research of the relations between the media and the armed forces in Serbia referred exclusively to the analysis of media content, while the media's attitudes and knowledge of democratic control were not included. In this paper, based on the results of a pilot project carried out in 2013, we will present the extent of knowledge Serbian media have about democratic control of the armed forces, how the media evaluate their relations with the Ministry of Defense, and the basic obstacles the media encounter while exercising democratic control in practice.

Key words: media, democratic control, Serbian Armed Forces

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Introduction

A study of security sector reforms in 12 post-communist countries, which included Serbia (then Serbia and Montenegro), has shown that the countries which have so far completed the process of democratic security building have gone through two stages of reforms, each stage encompassing an agenda of democratic civil-military reforms. The first-generation agenda is focused on structural reform and establishing institutions and relations "which provide democratic framework for civil-military relations" (Cottey, Edmunds, Forster 2002: 41). On the other hand, the second-generation agenda includes democratic governance of the defense and security sector. Cottey, Edmunds and Forster state that democratic control over the military in the second generation "depends on the development of state capacity" whose crucial elements include: the building of effective defense policy-making and implementation structures, effective parliamentary control over civil-military relations, and defense that engages civil society capable of "oversight and accountability in security matters" (Cottey, Edmunds, Forster 2002: 41).

Numerous research studies of civil-military relations and democratic control of the Serbian Armed Forces (SAF) have shown that Serbia has successfully completed the first-generation reforms (Hadžic et al 2009; Klopfer et al 2012) but that it is facing problems during the second generation, especially when it comes to control implementation in practice (Rokvić, Ivaniš 2013). Recent research has been closely focused on the role of the state (all three branches of government, but mostly the parliament) in exercising democratic control, while the role of "the fourth" branch (the role of the media) has been largely neglected. According to the Council of Europe (CoE) Recommendation 1407 - Media and Democratic Culture "the media are vital for the creation and the development of a democratic culture in any country. They provide people with information which influences the process of shaping opinions and attitudes and of making political choices" (Council of Europe 1999).

Access to information is considered to be "essential to the health of democracy" (Center for Democracy and Governance Bureau for Global Programs et al. 1999) and Anderson and Ward argues that "high-quality, independent news journalism is crucial to the creation of an enlightened citizenry that is able to participate meaningfully in society and politics" (Anderson, Ward 2007: 65). However, the question arises as to

the nature of the relationship between the media and the armed forces, and to the role the media play in exercising democratic control. In order to answer this question, we first analyzed the relationship between the media and the armed forces in general, and then the relationship between the media and the Serbian Armed Forces. We then presented the results of research on the relationship and attitudes of the media to their role in democratic control, their knowledge of democratic control of the armed forces, their relationship with the Ministry of Defense, and the basic obstacles to exercising democratic control over the armed forces in practice.

Media and the Armed Forces

The role of the media "has become one of the most contentious areas of civil-military relations" and in advanced democratic countries "media play a major role in setting the military policy agenda and in helping to frame public evaluations of military operations" (Homan 2013: 92). Mallick argues that "the media provides the military with a global stage to send its message and execute its mission" (Mallick 2009: 125). Some authors state that "daily relationship with media is one of the most important tasks of the defence and military leadership" because it is very important "to ensure public support for defence expenditures" (Rikveilis 2012). According to the NATO Strategic Communications Policy, NATO "must use various channels, including the traditional media, internet-based media and public engagement, to build awareness, understanding, and support for its decisions and operations" (NATO Strategic Communications Policy, 2009). However, most research on the relationship between the media and the armed forces concerns the role of the media in warfare. According to Susan Ross, the media play an important and vital role in international affairs and conflicts because "citizens are dependent on media to provide timely, credible information of distant events" (Ross 2006: 2). In his paper, Hiebert states that the media are today "an essential part of modern warfare" and that public relations are a "primary weapon of war–increasingly for all sides" (Hiebert 1991: 108). Smith underlines the importance of media in the military conflict admitting that "wars have become media events far away from any ongoing social reality" (Smith 2006: 12) and indicates to the military planners that "the media is not part of the operation, but since it is everywhere in the theatre its presence must be calculated" (Smith 2006:

287). According to Moskos, the relationship between the media and the military, which changed through history from the media being incorporated into the military to the media being manipulated to the military courting the media, represents one of the 11 variables for determining the postmodern character of the military (Moskos et al 2000: 15). "The ultimate in Postmodernism", states Moskos, "may well be the state of affairs in which commanders watch CNN commercial television to see what is happening in their areas of operation" (Moskos et al 2000: 21). Alvin and Heidi Toffler maintain that the people "thinking hardest about warfare in the future know that some of the most important combat of tomorrow will take place on the media battlefield" (Toffler 1993: 216).

More recent research also focuses on the role of new or social media (Facebook, Twitter, YouTube…) and the military and the relationship between them, as well as on strategic communication. Cunningham argues that social media in the military could be used as a tool for engagement. He differentiates social media from traditional media, and argues that traditional media is based on monologic communication (think monologue) while social media relies on dialogic (think dialogue) communication (Cunningham 2010: 111-4). Mayfield offers strategic advice for commanders using social media. The author asserts commanders are better able to assess their environments through social media with the added benefit of identifying potential threats and emerging issues in the area of responsibility. "The commander should view social media as an asset rather than a threat", states Mayfield. He also suggests commanders use social media as a tool in the information war to get their messages out first: "The commander should state his intent for information effects, explicitly noting the role social media should play" (Mayfield 2011: 79-83). Although much has been written about the role of the media in warfare and the relationship between social media and the military, papers on the role of the media in controlling the military are rather scarce. As Marina states, "conceptual understanding of the media role in good governance has so far not been very well developed" (Caparini 2004a: 27). And it is precisely the role of the media in good governance, that is, their role in the process of exercising democratic control over the Serbian Armed Forces that we will focus on in this paper.

Media and the Serbian Armed Forces

For most people in Serbia it is the media that are the basic source of information about current events in society, as well as in the defense sector. According to data obtained by surveys conducted in 2008, a full 60.7% of people were informed about the defense and security sector through the media (Atlantic Council of Serbia, 2008). The media, naturally, pay great attention to the Serbian Armed Forces (SAF) and the Ministry of Defense as a whole. Military newspapers in Serbia have a 133-year-long tradition, the first newspaper of the Serbian Armed Forces called "Ratnik" (The Warrior) having been published in 1879. The need for such a publication was thus expressed by the then Minister of Defense Jovan Mišković: "an army without a newspaper is like a man without speech" (Ministarstvo odbrane Republike Srbije). Although there are no research studies on the relations between the daily media and the army from this period, from the existing data we can conclude that the media in the said period raised certain questions regarding army scandals. For example, in 1921, "Politika" raised a question of soldiers who were treated for tuberculosis in Switzerland, and who were denied financial support by the Ministry of Defense (Bjelajac 1988: 127). In the period after the Second World War the media, just like the armed forces, were part of the state apparatus, and as such they were controlled. According to Bojović, the media were "closely controlled and managed by the state and corresponding state authorities" (Bojović 1999: 167), and in 1967 a document called "Instructions on informing the public about Yugoslav People's Army" was issued.

The first significant research on military-media relations was conducted at the end of the 1980s, in 1989 to be more precise, when the attitude of the media towards the military (the Yugoslav People's Army) was generally neutral. In 1990, the media broadcast an average of 190 media reports on the military on a daily basis, whereas in 1991 there was a dramatic increase to 2,481 reports per day, 85% of which had a negative tone (Bojović 1999: 196). According to a research study conducted by the Institute of Social Sciences during the same period, the military did not enjoy public confidence (Slavujević, Mihajlović 1999: 55-9). This changed after the NATO intervention in 1999, when the results of research conducted by the Centre for Policy Studies indicated that public confidence in the military increased, that is, only 5% of the

respondents said they had "no confidence at all" in the Yugoslav Army (Milošević, 2000). Namely, during the 78 days of the NATO campaign, about 2100 various informative articles were presented to the public. 243 public reports were published, about 1150 pieces of internal information were given, and 150 internal bulletins were issued. 11 briefings and press conferences were held, and more than 230 public statements and messages were issued (Radišić, 2012).

In November 2010, the Ministry of Defense unveiled the results of a poll conducted by the European Fund for the Balkans and the Gallup Agency. It found that 73% of people in Serbia have the most faith in the army, out of all institutions (Balkan Monitor, 2010). In a poll conducted by the Belgrade Center for Security Policy in 2012, citizens chose the SAF as the state institution in which they have the most confidence (Beogradski centar za bezbednosnu politiku, 2012).

The analysis of media reports showed that in recent years the media had been dealing primarily with the statements made by current defense ministers, military reforms and professionalization, the security situation in Kosovo and Metohija, the accidents and scandals that shook the armed forces and the Ministry of Defense, as well as with issues of international military cooperation and the possibility of Serbia joining the NATO. Therefore, the most discussed topic in the media in 2006 concerned statements made by the defense minister, followed by the topics of Hague indictees (first and foremost Ratko Mladić), Serbia's cooperation with the Hague Tribunal, and the accidents in the military. In the course of 2007, the media focus shifted to the question of the Serbian province of Kosovo and Metohija, that is, to the role of the military in this issue. To illustrate how important this issue was not only to the media but to society in general, let us cite the fact that while in 2006 this was the 23rd most discussed topic in the media, in 2007 it shot to first place with 3,182 media reports discussing the Ministry of Defense and the SAF in the context of this subject matter. In 2007 a great deal of attention was also given to the repercussions of the 1999 bombing of FRY, unexploded ordnance disposal, international military cooperation, peacekeeping missions, as well as to the possibility of Serbia joining the NATO.

In 2008 the media continued to write and speak predominantly about the issue of Kosovo and Metohija. Out of a total of 20,706 media reports on the defense system, 21% concerned this topic. There was speculation in the media about whether there would be any military intervention by

Serbia if Kosovo and Metohija were to be declared independent, and a unilateral declaration of independence was subsequently discussed. On the heels of this came reactions to state policy and the decision that no military action was to be taken by Serbian Armed Forces in the southern Serbian province, followed by the Mitrovica riots of March 17th and the stance the SAF took on the matter. The topic of NATO's Partnership for Peace Programme was given mostly negative connotations in this period because of US support to the unilateral declaration of independence of Kosmet and, in connection to this, controversy arose in the media over whether Serbia would benefit from joining the alliance. In 2009 Kosovo and Metohija, that is, the security implications for the defense system, was the fourth most discussed topic, while the media focus shifted to issues of military reform and professionalization, the announcement to abolish conscription, and the granting of amnesty for all those who had left the country in order to avoid conscription (Ebart, 2009). A great deal of media attention was also given to the subject of international military cooperation, especially with the US, more specifically the Ohio National Guard, while the "Satellite" scandal[2] and the "Topčider" case[3] became topical issues in 2009. During 2010 media attention remained focused on the "Satellite" scandal and the millions of dollars in damages that Serbia had to pay Israel, military reform and professionalization, the abolition of conscription, and international military cooperation (Ebart, 2010). In 2011 there was a great deal of media coverage of the introduction of religious service into Serbian Armed Forces (religious service had been reintroduced after 66 years) and the right of the military to unionize (Ebart, 2011). In 2012 the media continued to cover

2 In 2005 the then Defense Minister Prvoslav Davinić abused his position and, without the knowledge or authorization of the Council of Ministers of Serbia and Montengro, signed contract with an Israeli company for the rental of a satellite which was to monitor the territory of South Serbia and the border with Kosovo and Metohija. The contract never took effect and Serbia went on to lose the case before the International Court of Arbitration in Paris in 2008. In 2010 Serbia agreed to pay Israel 27 million dollars for a satellite that had never been used.

3 The Topčider case is the name used in the media to refer to the investigation into the deaths of two guardsmen of the Serbian and Montenegrin Armed Forces who were killed on October 5th, 2004 while on guard duty. The initial investigation conducted by a military committee concluded that one of the guardsmen had killed the other and then committed suicide, in the course of which 20 bullets were fired. However, an independent committee, formed on the initiative of the Supreme Defense Council of Serbia and Montenegro, concluded that the guardsmen had been killed by a third person. Families of the killed guardsmen continue to appeal to the authorities to get to the bottom of this case.

similar issues, while the second half of the year was marked by accidents in the military, particularly the death of cadets during a final drill (Ebart, 2012).

However, apart from the analysis of the number of media reports and their contents, there are no other research studies that would indicate the role of the media in democratic control or offer an insight into the knowledge of the media about this issue and how they evaluate their relationship with the Ministry of Defense. Therefore, we started a pilot project in 2013 in order to find answers to these questions.

The research

The research was conducted between January and June 2013. Closed questionnaires were sent to addresses of 20 media companies with a request that the questionnaire should be filled out by editors and journalists, especially those who deal with the subject of the military and defense. Out of 20 news media agencies, 7 relevant media responded to our request: Politika, Kurir, Beta, Tanjug, B92, Večernje novosti and Radio Beograd 2.

The research was conducted by means of closed-ended questions and three sets of questions which consisted of the following segments: the first part referred to basic information about the media type (electronic, print, agencies, media organizations), as well as basic socio-demographic information about respondents (position in the media, sex, age). The second part referred to questions regarding the role of the media in democratic control, as well as their knowledge and understanding of democratic control processes. The third part of the questionnaire contained questions about the relations between the media and the Ministry of Defense. The questionnaires were completed voluntarily. The questionnaires were filled out by 37.8% of the electronic media (radio, television), 51.1% of the print media and 11.1% of the agencies. The questionnaires were filled out by a total of 45 respondents: 37.8% of editors and 51.1% of journalists (see table 1).

Table 1. Respondents' General Data
(media type, position in the media, sex, age)

Characteristic	No.	%	Valid %
Media type			
Electronic	17	37.8	37.8
Print	23	51.1	51.1
Agencies	5	11.1	11.1
Total	45	100.0	100.0
Position in the media			
Editor	17	37.8	37.8
Journalist	23	51.1	51.1
Total	5	11.1	11.1
Sex			
Female	29	64.4	64.4
Male	16	35.6	35.6
Total	45	100.0	100.0
Age			
20 - 30	5	11.1	11.1
30 - 40	22	48.9	48.9
40 - 50	12	26.7	26.7
50 or more	6	13.3	13.3
Total	45	100.0	100.0

This paper will present part of the research results regarding the evaluation and attitudes of the media toward their role in democratic control of the armed forces, their knowledge about democratic control, their relationship with the Ministry of Defense and other state institutions, as well as regarding some basic obstacles to exercising control in practice. However, there are some limitations of the study that need to be pointed out in order to set the boundaries and limits of this research. One limitation relates to the sampling procedure. Although this paper provides insight into the research questions, generalization is not possible because of the low response rate. The results will be interpreted in compliance with the size of the sample, which in our case was small.

The role and importance of the media in democratic control of the Serbian Armed Forces

According to Caparini, the media supports democratic governance by performing three functions: "informing the public about issues and events that are important to them and to the life of the polity and pro-

viding a venue for public debate; holding government and other pow-
erful actors accountable; and facilitating political engagement by mem-
bers of the public" (Caparini 2010: 11).

However, the results of a research study on the extent to which
parliamentary control was exercised over the security sector in Serbia
during 2012 showed that out of 71 MPs who participated in the re-
search, 43.66% thought that the role of the media in the process of se-
curity sector control was completely insignificant. These extremely neg-
ative qualifications run counter to the thesis that the media, together
with other civil society actors, play a significant role in controlling the
security sector, thus ensuring the efficiency and responsibility of this
sector (Rokvić 2012). On the other hand, the media representatives who
participated in our study, largely agreed with the opinion that the media
play a significant role in democratic control of the military (68.9%), as
well as with the view that one of the basic roles and missions of the me-
dia is to inform and educate the public about the issues of defense and
the military (88.9%) and to maintain the transparency of state institu-
tions and their operation (100%).

Table 2. Opinions on the role of the media in democratic control

Importance	No.	%	Valid %
The media play an important role in democratic control of the military			
Strongly disagree	4	8.9	8.9
Disagree	5	11.1	11.1
Neutral	5	11.1	11.1
Agree	14	31.1	31.1
Strongly agree	17	37.8	37.8
Total	45	100.0	100.0
One of the roles of the media is to inform and educate the public about the issues of defense and the military			
Strongly disagree	-	-	-
Disagree	4	8.9	8.9
Neutral	1	2.2	2.2
Agree	19	42.2	42.2
Strongly agree	21	46.7	46.7
Total	45	100.0	100.0
One of the missions of the media is to maintain transparency of state insti-tutions and their operation			
Strongly disagree	-	-	-
Disagree	-	-	-
Neutral	-	-	-
Agree	7	15.6	15.6
Strongly agree	38	84.4	84.4
Total	45	100.0	100.0

As Jovanka Matić states, in order for reforms to succeed it is necessary that the public, whose support is essential in the process, be well informed (Matić 2007: 33-7). However, as it was stressed in the CoE Recommendation 1407, "sheer quantity of information, especially in a situation of strong media concentration, does not by itself provide variety and quality. Neither does intensification of communication necessarily make people more able and better qualified to take decisions or to influence decision-making process" (Council of Europe 1999). The media should realize what their role in the process of controlling the security sector is, and they should get acquainted with reform processes in the country. While a full 71.1% of the respondents thought that there was some interest in the issue of democratic control of the military in their editorial offices, only a few respondents evaluated their knowledge about democratic control as excellent. Although a full 75.6% of the respondents had dealt with the subject of the military in their reports, when asked to rank their own knowledge on a scale of 1 (the worst) to 5 (the best), the majority of them chose the middle value (46.7%), while 24.4% of the respondents estimated their own knowledge as poor or very poor. Also, a full 86.7% of the respondents thought that topics of control of the military were not sufficiently represented in the media.

Table 3. Media attitudes towards the topics of democratic control

Agreement	No.	%	Valid %
Have you ever dealt with the subject of the military in your work?			
Yes	34	75.6	75.6
No	11	24.4	24.4
I don't know	-	-	-
Total	45	100.0	100.0
In your opinion, is there any interest in the subject of democratic and civil control of the military in your office?			
Yes	32	71.1	71.1
No	8	17.8	17.8
I don't know	5	11.1	11.1
Total	45	100.0	100.0
In your opinion, is there enough media coverage of the subject of democratic and civil control of the military?			
Yes	3	6.7	6.7
No	39	86.6	86.6
I don't know	3	6.7	6.7
Total	45	100.0	100.0

The media play an important role in educating the wider public on military and defense issues, and they provide easier insight into events in these sectors. However, while reporting and educating, the media have to strike a balance. Elaborate media reports will not adequately prepare the public, while highly technical reporting and use of expert terminology carry with them the risk of many readers giving up. Caparini states that when it comes to specialized topics such as the military and defense, security services, national security or the enforcement of related laws, journalists should undergo specialized training in these areas. Otherwise, media reports on these issues tend to be sensationalist and the terminology inappropriate (Caparini 2004b: 22-3).

That is precisely why we set out to find out whether in the media participating in our research issues of the military and defense were being handled by people narrowly specialized in them. Only 28.9% of the respondents answered positively, while 53.3% of the respondents thought that there were no such people in their media. Moreover, when asked if they had received training in the field of the security sector (at seminars, workshops or conferences), a full 71.1% of the respondents answered negatively.

Table 4 Media education about democratic control and issues of defense

Agreement	No.	%	Valid %
Are military and defense issues in your office covered by people who are narrowly specialized in those areas?			
Yes	13	28.9	28.9
No	24	53.3	53.3
I don't know	8	17.8	17.8
Total	45	100.0	100.0
Have you received any education in the field of the security sector and its control?			
Yes	13	28.9	28.9
No	32	71.1	71.1
I don't know	-	-	-
Total	45	100.0	100.0

The relations between the media and the Ministry of Defense

In order to broadcast timely and correct information, the media have to establish a good cooperation with the military, i.e. the Ministry of Defense. According to Caparini's research, the media are on the one hand essential to the military in that they should inform the public about its role in society and thus influence public support, but are on the oth-

er hand dependent on the military for information (Caparini 2004a). 48.9% of the respondents agreed with this statement, while a full 33.3% thought that the media were not dependent on the military for information. Moreover, 71.1% of the respondents thought that it was the availability of information provided by the Ministry of Defense that presented the basic obstacle to establishing democratic control of the military. 35.6% of the respondents were not satisfied with the information they received from the Ministry of Defense, while a full 62.2% of the respondents did not think they were given answers to all their questions or that those questions were answered in a timely manner. 42.3% of the respondents thought that the Ministry of Defense did not at all understand or appreciate the role of the media in the process of democratic control.

Table 5. The relations between the media and the Ministry of Defense

Importance	No.	%	Valid %
The media depend on the military for information			
Strongly disagree	1	2.2	2.2
Disagree	14	31.1	31.1
Neutral	8	17.8	17.8
Agree	14	31.1	31.1
Strongly agree	8	17.8	17.8
Total	45	100.0	100.0
The basic obstacle to establishing control of the military is the availability of information from the Ministry of Defense			
Strongly disagree	-	-	-
Disagree	7	15.6	15.6
Neutral	6	13.3	13.3
Agree	15	33.3	33.3
Strongly agree	17	37.8	37.8
Total	45	100.0	100.0
Do you get all the answers to your questions in a timely and appropriate manner?			
Strongly disagree	10	22.2	22.2
Disagree	18	40.0	40.0
Neutral	8	17.8	17.8
Agree	8	17.8	17.8
Strongly agree	1	2.2	2.2
Total	45	100.0	100.0
The Ministry of Defense and the military understand and appreciate the role of the media in the process of democratic civil control			
Strongly disagree	3	6.7	6.7
Disagree	16	35.6	35.6
Neutral	13	28.9	28.9
Agree	13	28.9	28.9
Strongly agree	-	-	-
Total	45	100.0	100.0

The Public Relations Department within the Ministry of Defense directly communicates with the media, and its responsibility is to promote the defense system in the country and abroad; achieve informative, promotional and educational goals through publishing, the internet, video, film and TV production; provide domestic and foreign public media with service information concerning the field of defense. The media evaluated their cooperation with the Public Relations Department positively, but they nonetheless had some complaints regarding certain aspects of its operation. The media representatives complained mostly about not receiving a timely response (38.1%), and not being able to reach the adequate person at the MoD (33.3%). A large percentage of the respondents were not satisfied with the information they received from the Ministry of Defense (35.6%), and an even larger percentage thought that the Ministry of Defense did not respond adequately in crisis situations or provide correct facts and messages (44.5%) and that press conferences were not called on a regular basis (42.2%).

Table 6. The relations between the media and the Ministry of Defense

Importance	No.	%	Valid %
The Ministry of Defense adequately responds in crisis situations and provides correct facts and messages			
Strongly disagree	-	-	-
Disagree	8	17.8	17.8
Neutral	12	26.7	26.7
Agree	20	44.4	44.4
Strongly agree	5	11.1	11.1
Total	45	100.0	100.0
Press conferences are called on a regular basis when there is important information to be delivered			
Strongly disagree	2	4.4	4.4
Disagree	17	37.8	37.8
Neutral	10	22.3	22.3
Agree	15	33.3	33.3
Strongly agree	1	2.2	2.2
Total	45	100.0	100.0

The respondents were also offered to evaluate the communication they had with relevant institutions from the security system (the Ministry of Interior, security services) other than the Ministry of Defense, where the respondents described as the worst the communication they had with the security services (73.3%). But on the other hand, what should be taken into consideration, states Caparini, is that "media oversight of intelligence agencies is particularly challenging as a conse-

quence of the very few journalists who actually specialise in this area, and who more generally lack specialised education in national security affairs" (Caparini 2004a: 39).

Conclusion

Besides relevant state institutions, it is civil society organizations, especially the media, also known as the watchdogs of democracy that play an important role in the process of democratic control of the military. The media are necessary to the military in that they should not only inform the public about its role in society and thus influence public support, but also maintain the operation of government institutions transparent.

By examining the role of the media in democratic control of the military in Serbia, we have come to the conclusion that the media representatives who participated in the research largely agree with the opinion that the media play an important role in democratic control of the military, as well as with the opinion that one of the basic roles and missions of the media is to inform and educate the public about the issues of the military and defense, as well as to maintain the operation of government institutions transparent (a full 100% of the respondents share this opinion). Although the respondents think that there is some interest in democratic control of the military in their offices, only a few respondents evaluated their own knowledge about democratic control as excellent. The media have identified issues concerning availability of the information obtained from the Ministry of Defense and the quality of the information provided as basic obstacles to exercising control in practice. What indicates that there is a significant obstacle to exercising control is the fact that while many of the respondents had prepared reports about the military, a large number of the media do not have people specialized in issues of the military and defense on staff and many of the respondents had never undergone additional training in this field. Also, there is the belief that the subjects concerning democratic control of the military are not sufficiently represented in the media.

We can conclude that the media are aware of not only their role in the process of democratic control of the military, but also their insufficient knowledge in this field. Although the media are necessary for the military, they are at the same time dependent on the military, that is, the Ministry of Defense, for information. The media and the defense sector

are mutually dependent and must cooperate to educate the public and hold government to account over defense and security policy. And it is precisely the media's relationship with the Ministry of Defense and the information they are provided with that are considered the greatest obstacles to exercising control in practice. However, in order for the media to estimate the quality of information, ask for relevant information and present it to the public, it is important that they possess knowledge in this field and that only people who are specialized in it deal with the issues of the military.

On the other hand, we can conclude that the media were not interested in completing the questionnaire and cooperating with the academic community, as shown by the low participation rate of the media in the research. All this contributes to the fact that civil society still fails to recognize its role in good governance and reform processes in Serbia, and is unaware that it needs to get more involved. We have to bear in mind that, as Caparini states, "in democratic systems then, the quality of journalism is closely tied to the quality of democracy" (Caparini 2004a: 13), and when it comes to the second phase of security sector reforms, civil society involvement and democratic control implementation in practice, Serbia still does not rank among countries with a consolidated democracy (Rokvic et al 2013).

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Building Nations Instead of Peace(s): the Bosnian Metaconflict

Abstract

The author argues that a significant problem with the ongoing international administration in Bosnia is an epistemic hegemony of the West, which has further deformed Bosnian conflicted society through the establishment of approaches that resemble Western colonialism/imperialism. Although illiberal and lacking local legitimacy and accountability, this informal trusteeship has adopted discourses of liberalism and Europeanness to justify itself in front of the local and global public. Nevertheless, that caused local resistance — mostly in the form of ethnopolitics. Political elites, both internal and external, have framed post-war society of Bosnia and Herzegovina as a 'continuation of war by other means', which resulted in the construction of mutually contested national identities and ethnicized peaces. Therefore, the author uses critical approach to peacebuilding, interpretative methodology and discourse analysis to argument his general hypothesis.

Key words: Bosnia and Herzegovina, metaconflict, ethnopolitics, liberal peace, statebuilding, political discourse.

Introduction

The *Fragile State Index*, more than two decades after the signing of the Dayton agreement, describes Bosnia and Herzegovina (BiH) as neither sustainable nor stable, but classified under a "warning" category. The two most alarming indicators of Bosnian fragility are factionalization of elites (8.7/10) and external inter-

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vention (8.2/10). *Nations in Transit* asses BiH as a "transitional government or hybrid regime" with a score of 4.54/7 (1 – most democratic, 7 – least democratic). Out of seven indicators, the worst score BiH got for "national democratic governance" (6/7) and "corruption" (5/7) categories. Combined with the highest unemployment rate in Europe, high levels of poverty, social exclusion and ethnic discrimination is what makes BiH highly fragile, if not completely failed state (Tepšić, Džuverović 2017). Hence, the main question this article discusses is why have BiH become so entrenched in the ethnopolitical struggles and resistant to any meaningful political change? It tries to identify the patterns and commonalities of the post-war transition, and explain construction of mutually contested identities and the "continuation of war by other means" context. In order to grasp these complexities first part of the article deals with epistemic issues of peacebuilding, the second section analyzes discourse and practice of international community in BiH, while the third segment discusses ethnonational discourses and structural selectivity they construct.

An epistemic challenge to liberal peacebuilding

Although thesis about external intervention as a primary cause of Yugoslav wars (Gibbs 2009) may be an exaggeration, there is a lot more to it than the mainstream interpretations are willing to recognize. Doctrinal basis of the international community activities in these conflicts was the humanitarian interventionism based on the precedence of human rights over the rights of states — sovereignty and territorial integrity. Two main interventions, in BiH and Kosovo/Serbia, have resulted, respectively, in a creation of fragile state and a quasi-state. What started as a political and military intervention has continued as a liberal peace/statebuilding (continuation of intervention by other means).

As Richmond argues, these two cases, among others, are the real examples of liberal peace (peace-as-governance) crisis, lasting for over two decades now. From East Timor and Cambodia to the Balkans, these peacebuilding missions have had unintended consequences or failed to achieve their ambitious objectives, mainly because of the lack of grounded legitimacy, contextual knowledge and ability to construct meaningful relations with the locals (Richmond 2009; 2012; 2014). Peacebuilding in BiH has been transformed into a political stalemate,

making this case protracted social conflict. Politics in this country have developed specific internal logic, a form of resistance (mixed with a particular 'dose' of acceptance and cooptation) to the concept of liberal peacebuilding, based on elite levels and identity politics, prioritizing community, self-determination, and ethnonationalities. Furthermore, collective endeavors of citizens and local organizations (civil society) have been mainly derogated as illegitimate, being perceived as agents of the international community or 'donor-sponsored artifice' (Franks & Richmond 2008; Belloni 2001).

The problem is that concept of liberal peace was developed in a particular epistemic community, which claims universal applicability of its ideas and values (Newman 2009). This epistemic superiority and a consequential Orientalist/Balkanist perspective is a systematic factor that alienates these activities from the target population, which often perceives them as imperial or colonial (Newman 2009; Paris 2009). All of that construes a phenomenon Lemay-Hebert (2009) calls a 'statebuilding paradox', meaning that direct governance of international administration, in general, creates some form of local reaction to foreign rule, and more the internationals strengthen their control, their governance becomes politically weaker and more illegitimate ('legitimacy dilemma'), at least from a local perspective. If the locals perceive an international administration as a completely exogenous, they will most likely develop some kind of resistance agenda.

Furthermore, from a perspective of local (epistemic) communities, these efforts of the international community usually seem as highly unethical political and economic experiments, processes that do not engage with deep-rooted problems and casual factors of conflict — such as needs, culture, customs, identity, religion, etc. Also, liberal peacebuilding perpetuates tension between 'universal' liberal values and particular culture/identity, between individual and collective rights, between the (neo)liberal state model and local autonomies, which leads to further deformation (as an opposite of transformation) of existing conflict, making it more inflexible, ethnically exclusive and structurally and culturally violent. Partial or complete aberration of liberal norms and institutions in practice ('democratic paradox') is also a common result. Democratization, development, and free trade reforms, although processes normatively inclined to peace, have their dark side: authoritarianism, majoritarianism, corruption, market deviations, cronyism, deprivation of human needs, rights, and freedoms, etc. (Richmond 2014). All this

can make liberal peacebuilding a *simulacrum*, a simulation of reality since behavioral practice does not follow a discursive one.

To grasp these epistemic differences, the top-down (international) vs. bottom-up (local) perspective, we should, as Gilbert (2012) rightfully claims, take into account communicative and performative dimensions, i.e. political rhetoric of peace and state building processes. Rhetoric is performative in a sense that represents "political action, an intervention in the political process that seeks to promote certain claims and de-legitimize others" (Toal 2013: 170), and it needs to be understood as part of multifaceted context, with the goal of constructing legitimacy and attracting support. In other words, performativity is "the acting that is needed to accumulate and retain power… to mobilize and lead, to connect and affirm in ways that serve their ends" (Ibid.). Actors of this "discursive entrepreneurship" involve various communication strategies, such as self-positioning, adversarial framing and symbolic issues development (Ibid.).

The main problem here is that — as Gilbert (2012) has shown in the case of BiH —common research methodology of this and similar problems has some significant omissions, which make it blind to phenomena such as legitimacy, publicity (public persuasion) and understanding of peacebuilding practices: "Thus, most state-building is shaped by academic disciplinary cultures with a strong undercurrent of positivism, including a drive to generalization, the use of individual cases to verify or build theoretical models with transhistorical and transcultural validity, and the privileging of prediction and parsimony. All of these elements dovetail with the interests of policy-makers, practitioners and influential elites looking for research with applicable results — for universal, portable 'Best Practices' and a uniform approach that promise to make current and future state-building more effective. As a consequence, most scholarship on state-building shares the conceptual coordinates and categories of practice of state-building practitioners." (Ibid: 4)

It is what Newman (2009: 28-29) calls *the narrow approach* to peacebuilding, which includes "tangible, sometimes quantifiable, targets and benchmarks, such as number of refugees resettled or repatriated, demobilization and disarmament targets, employment indicators, nutrition and health figures, and economic development", as an opposite to *the broader approach*, which resists quantitative benchmarking methods and measuring of peacebuilding, formulaic thinking and universal blueprints, and insists on conflict resolution, reconciliation, and subjective and contextual issues such as identity and sub-state actors.

A common oversight in the "narrow" conceptualization of research is an adoption of the inside/outside distinction logic, which is again a consequence of the manner its practitioners conceive international intervention. The idea of a clear division between the state realm and international relations is based on the norm of sovereignty, which consequently leads to the perception of political legitimacy and accountability as only a matter of domestic political elites and citizens. That is a glaring omission because societies are not bounded totalities, they are not closed systems, but "constituted of multiple overlapping and intersecting sociospatial networks of power" (Mann 1986: 1). Moreover, as historical sociologists, in particular, have shown, international and domestic realms are mutually dependent and constitutive (MacMillan 2013; Hobden, Hobson 2002). What we should take into account in the case of international peacebuilding is also an agency of international community in "domestic" political relations, including relations of legitimacy and accountability with the target population. Most of the international intervention analyses lack exactly these dimensions, operating within a problem-solving paradigm, where peacebuilding projects and results are evaluated against "the self-defined intentions and goals of the intervention agencies themselves" (Gilbert 2012: 5).

In practice of peacebuilding, international staff worldwide is responsible for maintaining the liberal *status quo*, and that is why they are rarely chosen for their knowledge of local culture, tradition or history. On the contrary, they are selected because of their universal knowledge, which places like BiH are reportedly deficient of, such as democracy, human rights, the rule of law, security reforms, etc. Moreover, as the local is usually blamed for peacebuilding failures, ignorance of such local knowledge is often seen as a virtue (Gilbert 2012). Consequently, individuals and communities organize and mobilize themselves in parallel processes of peacebuilding, as a resistance to the liberal model, constructing critical agency of political elites, NGO's, identity groups, etc.

In BiH, agents of resistance are mostly political elites as the representatives of different national identities (ethnopolitical entrepreneurs), claiming either secession (Serbs), higher autonomy (Croats and Serbs) or reintegration (centralization) of the state (Bosniaks). In this and similar contexts of chaotic or poorly organized "informal trusteeships" and "shared sovereignties" (Chandler 2006), political elites pursue their particularistic interests in the mutual authoritarian struggle for power and dominance, which turns their post-war societies into hybrid agonistic

states and peaces (Richmond 2009; 2012). Although these resistant peace projects may not seem too constructive, being often ethnically exclusive, that depends on an answer to the central question of peacebuilding: *peace for whom*? Moreover, I would argue here that there is no such a thing as universal, completely inclusive peace (except in normative theory), because logic of political practice is the one of inclusion and exclusion. Therefore, the key goal of peacebuilding should not be to create a utopian, completely inclusive community, but to make the postwar community less exclusive, and to make that exclusion less violent.

Political elites of BiH have responded to the aforementioned question with the more or less same answer: *peace for our ethnic group, i.e. nation* (peace-as-self-determination), which has brought us to the situation with multiple parallel peace, state and nation building processes, agencies, discourses and practices — and frame "almost every political issue in the country as primarily an issue of identity rather than practical politics, economy or something else" (Sarajlić 2011: 11). Therefore, to properly evaluate a case of peacebuilding, beside the discourses of international community, internationally supported political elites and externally financed NGOs, we should also study discourses of antagonized political elites and citizens. Usually, these discourses include narratives about main political topics — identity, recognition, participation, security, etc. In addition, they inevitably deal with the interpretative framing of the violent past, constituting a distinct form of conflict: "metaconflict" or "conflict over the nature of conflict". These "social struggles to label, interpret and explain" past conflicts are not external to them; they are consequential but internal parts of conflicts (Brubaker, 2002).

Liberal peacebuilding and illiberal practice

The Dayton Agreement did stop the war in BiH, and that was an admirable achievement, but it also created a framework for institutionalization of the war gains and ethnic cleansings, and what is more important — provided the "continuation of war by other means" (as Paddy Ashdown described it; see Chandler 2006). The flexibility of Dayton framework had enabled international actors (primarily the Office of the High Representative [OHR], Peace Implementation Council [PIC], and EU/NATO) to reshape the Bosnian post-war transition to fit their interpretative perspectives and decisions, and, consequently, created internationally recognized independent state without sovereignty (re-

sponsible to the international community, not its citizens), and without need to "politically engage Bosnian citizens in the post-conflict process of transition" (Chandler 2006: 18; Pehar 2012). Just as Richmond (2009: 62) argues: "…the post-conflict individual, who is relatively powerless, is required to perform 'liberal peace acts', such as voting, paying taxes, engaging in the free market and expecting rights, in order to keep the international gaze satisfied, but is not to expect that this performance carries any weight."

The main problem OHR confronted was how to legitimize its presence among the local population and how to manage an emerging "democratic paradox" — the promotion of democracy through undemocratic means (Majstorović 2007; Gilbert 2012). OHR's 'Bonn powers' have created an unprecedented case out of the Bosnian post-war reconstruction, introducing an international body with unlimited power, and without internal legitimacy and accountability, violating the rule of law and human rights, and undermining the very essence of the Dayton Agreement (Chandler 2006; Martinović 2012). "By this practice the High Representative has made the most sustained attack on the Rule of Law in the modern history so to speak." (Baros 2012: 6) His mandate was based on four political figments: self-constitution, non-opposability, direct executability of his decisions, and interpretative superiority (Pehar 2014). Therefore, Pehar (2012) described him as a pre-modern sovereign with unlimited rights, and no responsibility, who practices tyranny in a subtle and sophisticated form. Moreover, both the Constitutional Court of BiH and the European Court of Human Rights have rejected jurisdiction over the OHR's decisions, making it also *de jure* unaccountable (Pehar 2012). Even Paddy Ashdown, the fourth HR, admitted that "[w]hat we have now is near imperialism" (Glover 2002). Thus, it is understandable that most of the OHR's public discourse has been devoted to the justification of its authority, and defense against criticism.

Firstly, OHR adopted an evaluative, pedagogic and paternalistic approach based on the discourses of liberalism and "European standards and values". Grounded in the epistemic hegemony of the West, this method was intrinsically violent (culturally and structurally), because it presupposed expertise of the foreigners and immaturity of the locals. Secondly, this approach distributed responsibility and accountability of political actors in a particular manner: OHR was presented as a mediator and neutral supervisor of the Bosnian politics, while the internal actors were shown as the most or only responsible. Therefore, OHR con-

structed itself as a passive and limited body that only intervenes when it is highly necessary, once internal actors endanger the whole peace process. The purpose of this kind of interpretation was to distance foreign actors from responsibility for the Bosnian state and politics and to give OHR and its "Bonn powers" *raison d'être* (Gilbert 2012).

In fact, two discursive positions can be designated in the analysis of the OHR's agency, first dealing with inevitable "European future" of BiH, and second with the model of liberal democracy. The "European future/dream" metaphor is quite common for the European integration discourse in the Western Balkans, along with the "European home", "European family" and "Europe(anization) as a path" metaphors. It implies that the Western Balkan countries live in the nationalist past burdened by war, and that European integration is their only chance — EUropean future, or no future at all. All these metaphors designated the Western Balkan nations as not mature or not European enough and invoked authoritarian paternalism of the EU and the West (Petrović 2012; Majstorović 2007).

In the case of BiH, OHR envisioned itself as a supreme arbiter of "Europeanness" and "democratiness" — in Paddy Ashdown's words: 'Will you join Europe or will you be left behind as the stagnant pool of the Balkans?' (Glover 2002), or "a black hole in the Balkans", as he stated on another occasion (Majstorović 2007: 645). Both European values and liberal democracy were presented as undisputed ideals, which OHR used for justification of its interventionism — such as the imposition of unconstitutional decisions and laws or removal of elected officials. For instance, two years after the beginning of Bosnia's European integration process, OHR decided to reform Council of Ministers through the strengthening of the Council's Chairman position — transforming it into *de facto* prime minister of BiH — and to found Directorate for European Integration empowered with "special responsibilities", all for the purpose of easier coordination with EU and the harmonization of domestic laws with the *acquis communautaire*. Along with the "double-hatting" of Paddy Ashdown as the first EU Special Representative in BiH (EUSR) and the High Representative (in 2002), this marked the beginning of EU's "ownership" of BiH (Chandler 2006; Peter 2011). Therefore, although OHR was illiberal and authoritarian body, lacking any democratic relation to the people of BiH, it has partially succeeded to legitimize itself by invoking European and liberal discourse. By insisting on the inability of local actors to create "normality" in the post-war

society, OHR took a role of the defender of Bosnian people against the "predatory elites".

Apart from being illegitimate, decisions of the OHR were also mostly ineffective. The "Europeanness" and "democratiness" of Bosnian society never really outgrew their ritual dimensions, being reduced only to elections and similar formal procedures. Furthermore, Bosnian elites, even when they had accepted OHR's decisions, always found a way to adjust them to their causes or to avoid them completely. Nonetheless, Wolfgang Petritsch (1999-2002), together with his predecessor Carlos Westendorp (1997-99) and successor Paddy Ashdown (2002-2006) enacted 757 decisions, removed 119 officials from their positions (Ashdown removed 59 of them in just two days) and imposed 286 laws and amendments. Consequently, this trio belongs to the group of *aggressive HRs*, while the last three HRs, Christian Schwarz-Schilling (2006-2007), Miroslav Lajčak (2007-2009), and Valentin Inzko (2009-) belong to the group of *defensive HRs* (Martinović 2012; Peter 2011). So, what has changed after the Ashdown's mandate (named "King Paddy" by the Guardian) and during the reign of the three last HRs? Why did HRs almost give up their "Bonn powers", especially Schwarz-Schilling and Lajčak? Well, in the process of Bosnian "ownership" transfer to EU, Europeans started to advocate the closing of OHR and transition of its authorities to the representative of EU in BiH. In 2011, the EU elected Peter Sorensen as EUSR and as the head of the EU delegation, which officially marked the discontinuation with the double position of EUSR and HR. Olli Rehn, the former Commissioner for Enlargement, probably best described the change of EU attitude toward OHR, in his 2009 speech: "The OHR cannot take this country to where you want to go next… there is no way a quasi-protectorate can join the EU. Nor will an EU membership application be considered so long as the OHR is around… to avoid any misunderstandings: a country with a High Representative cannot become a candidate country with the EU." (Baros 2010: 8)

The analysis of peacebuilding performative dimensions showed that discourse of liberal democracy, in the case of OHR and BiH, had two functions: the function of discipline and authorization, and of the inequality structuring between local and international actors. By adopting the inside/outside distinction, international interveners have managed to self-authorize themselves as external supervisors of democratic and European reforms implementation and not as equal actors of the Bosnian post-war process. In other words, they have transferred categories

of difference into categories of the rule. However, this inside/outside division has also produced some unintended consequences. Bosnian political elites have used the image of the outsider as a self-sufficient reason to resist OHR's decisions and also for the legitimization of their politics. Furthermore, they often opposed self-representations of the OHR, contending it and reframing as "neocolonial", "anti-Croat" or "anti-Serb" agency (Gilbert 2012). So, as I argued before, the whole OHR behavior and a struggle to make certain frameworks and categories relevant can only be properly understood if we contextualize it, together with the locally relevant categories and interpretative frameworks, as ongoing interactions of the Bosnian peace and statebuilding process.

Peace as continuation of war by other means

A local politician that marked the last ten years of a twenty-year long political history of the post-Dayton BiH was Milorad Dodik, who rather successfully transformed himself from pro-USA and pro-EU social democrat in the 1990s, to the pan-Serbian national leader (a hegemonic interpreter of the Serbian national interests in BiH). His political discourse from 2006, when he became the Prime Minister of RS for the second time (after that he was elected President of RS in 2010 and again in 2014), has been mostly based on the negation of the Bosnian state (and in general of Bosnia as a concept) and affirmation of RS' statehood (a "permanent category", compared to BiH as a "contingent" one), including the idea that RS has the right to referendum and a separation from BiH. As Gilbert argues, advocates of exclusive state projects always deploy narratives to the population whose legitimacy and support they seek, and by doing that they reproduce the sense of belonging and particular social identity — in this case, the Serbian ethnonational identity — while they deconstruct alternative ones: "In sum, historical narratives deployed to legitimize a state idea or state project play an important role in shaping the identity of groups or communities and thus the kinds of actions that can be undertaken by such groups or communities. They are exercises in the making and unmaking of political possibility." (Gilbert 2013: 11)

In Dodik's discourse counterparts are not the entities — FBiH and RS — but RS and BiH (including OHR) as something external, BiH as the Other. Dodik's discourse brought him popularity in RS and fostered delegitimization of BiH among Serbs, designating it as: "unsustainable

state", "state without future", "big mistake of the West", "forced state", "banana republic", "devil-state", "monstrous", "artificial", "unnatural", "impossible", "rotten", and "virtual" (Toal 2013). He summed up his position in a few sentences: "I am positive that Bosnia has no future... We Serbs do not live in Bosnia, we live in the Serb Republic. Bosnia is a burden for us, something we want to shake off our back. Foreigners who have met here every Friday for years to make decisions on BiH know that. The clan of ambassadors knows that a multiethnic society can be implemented somewhere else, but in Bosnia it is impossible. Bosnia is a divided country in people's minds." (Toal 2013: 166) At the same time, this discourse has insisted on the RS' statehood as the only guarantee of the Serbian existence in Bosnia, both physical and in terms of identity, and as a defense against further disrespect and humiliation of the Serbian people. Dodik declared that RS and Serbia are both Serbian states and that RS, just as Serbia, has all the attributes of a state: government, territory, and people (Oslobođenje 2013).

As opposed to the Serbian one, dominant Bosniak political discourse, from the beginning of the post-Dayton BiH, has emphasized an importance of the Bosnian sovereignty and integrity for the Bosniak identity, and has challenged the legitimacy and morality of RS existence, occasionally designating it as a "genocidal creation" that has no future, as an anti-Bosniak apartheid-style entity, an occupation of the Bosnian land, etc. (Toal 2013; Gilbert 2013; B92 2012). Since these interethnic discourses were mutually constitutive, accusations of genocidal creation have continually been deconstructed by the Serbian discourse entrepreneurs — Dodik even warned them if those accusations of genocidal creation do not stop, they would get an answer called "the people" and "the referendum", and urged them to stop the "Srebrenization of Bosnia" (Toal 2013).

Furthermore, both Serbian and Bosniak dominant political discourses affirm the victimhood of their nations. Their proponents have been engaged in a "mirror-imaging acts of competing victimology" (Gilbert 2013: 27), and while the Bosniak victimhood was generally based on Srebrenica, Serbian was mostly built on the Second World War and Jasenovac (additionally, Serbian victims of the last "Fatherland War" also have an important role). As Dodik explained in 2008, the 1990s war was a continuation of the WWII: "The world never accepted or understood the truth about Jasenovac... If the world understood Jasenovac, it would understand the most recent war and would not be oriented harshly against one side... In the 1990s the Serb people fought so that Jasenovac

would not happen again, and the result of that fight is the Republika Srpska." (Gilbert 2013: 2)

While Bosniaks and Serbs, as mutual "ideational enemies", had, respectively, Serbian national entity (or the whole ethnic group) and the Bosnia as a concept (mostly equated with Bosniaks and international community) as their Others, Croatian political elites led dual discursive policy. They supported Bosnian independence and the creation of a Bosniak-Croatian entity, but they had also fought Bosniaks in the war and later confronted their "politics of domination" in the FBiH. Their identity struggle has been mainly directed toward Bosniaks as the Other since they feared their supremacy. As their undisputed leader and a close ally of Dodik, Dragan Čović (HDZ BiH) has often repeated that territorial autonomy would be a rational solution for the Croats and a precondition for the proper functioning of BiH. He argued, as well, that "what we have now absolutely does not offer any possibility but to perceive Federation of BiH as an entity of the Bosniak nation" (Nezavisne 2012).

A good example and a culmination of Bosnian metaconflict were another referendum crisis in RS. It all started in November 2015 with the Constitutional Court's decision, based on the Bakir Izetbegović's (leader of the Party of Democratic Action [SDA] and Bosniak member of the Presidency of BiH from 2010) appellation, to ban the RS' Republic Day as unconstitutional and discriminative toward Bosniaks and Croats, constitutive peoples of RS since 2000. The problem with the Republic Day was the fact that it honored January 9, 1992, a day when the self-proclaimed Assembly of the Serb People in BiH (without Croatian or Muslim/Bosniak representatives) founded the Republic of Serb People of BiH. Following their main political discourse, all Serbian parties in the National Assembly of the RS reacted with an adoption of a formal decision to hold a referendum in RS, with the idea to ask the citizens of RS whether they support the celebration of January 9 as the Republic Day. Their explanation was that "Bosnian authorities have neither effective, nor formal legitimacy", describing them as a consequence of OHR's violent imposition, and not a result of a dialogue between entities or constituent peoples. Furthermore, they again invoked metaconflict framework, alluding to the outvoting in the 1992 referendum, which has continued through the work of OHR and Constitutional Court, and insisted that the Court's decision was just a first step towards the abolition of the RS' name, or even the entity itself (Nezavisne 2016). On the

other side, Bosniak and international elites (with the exception of the Russian Ambassador in BiH) countered this argumentation, declaring referendum a violation of Bosnian constitutional order and statehood, and a "trial balloon" for an independence referendum in RS (Oslobođenje 2016). Croatian leader Dragan Čović stated he had no any problems with the RS' Republic Day or the referendum, but also emphasized that all decisions of Constitutional Court must be respected, which perfectly reflected the Croatian political discourse in BiH (Nezavisne 2016). Nevertheless, even after the Constitutional Court had temporarily banned the referendum, Serbian politicians remained committed to the RS' Assembly decision.

Conclusion

To summarize, Bosniak elites support international community's fiction of independent and unified Bosnian state, Serbian elites mostly oppose it, while Croatian elites do not challenge Bosnian statehood explicitly, but they resist any centralization of the state and struggle for further political subjectivization of the Croatian constitutiveness. That fiction of sovereignty itself is a generator of conflict, factor that deepens and protracts ethnic polarization. For all sides in BiH, that becomes a political weapon that encourages the continuation of war by other means. Political elites do not have to face the causes of the post-war conflict; they do not have to take care of a reconciliation process, because they know that international community will decide instead of them, so they can keep having their maximalist demands and opposing the idea of compromise (Pehar 2014). As a result, there are three ethnonational concepts of state (and peace) in BiH: the Serbian concept that envisions BiH as a confederation of two or three states, where RS will gain its sovereignty as a nation-state (with the possibility to leave the Confederation); the Bosniak concept that insist on the Bosnian sovereignty and statehood as their exclusive homeland, with a possible abolition of the entities; and the Croatian concept that is similar to the Serbian one of confederated BiH (third entity or a reconstruction of cantonal structure in FBiH), including a sense of belonging to a broader national body of Croats (Sarajlić 2011).

When it comes to the international political elite in BiH, especially the HR, situation is ambivalent. The democratization of the HR is impossible because his mandate is based on the premise of the undemocratic

rule. The position of the HR could be only abolished, which would imply international community's recognition that its interpretation of the Dayton Agreement and invention of "Bonn powers" were extreme, unreasonable and incorrect. That makes OHR both desirable and undesirable for the members of international community, and leaves BiH with only two solutions: to continue its existence as an empty state under the authoritarian trusteeship of OHR (or some other "high representative"), or to transfer its "ownership" to local actors, ethnopolitical elites that would probably lead Bosnia to further disintegration (possibly violent), as there is no basic consensus about the post-Dayton state and other important issues (Pehar 2012).

Therefore, this Bosnian metaconflict and its competing discourses (both national and international) have even more polarized Bosnian post-war society along the wartime lines, not just of the 1990s Bosnian war, but also of the WWII, turning Bosnia into mutually exclusive, antagonistic, political and moral communities. By doing that, political elites have achieved something — whether intentionally or not — they have maintained war framework as a form of discursive selectivity that rejects and devaluates other alternative discourses and narratives in their respective domains (Gilbert 2013). "Bosnia's political geography keeps wartime divisions alive and rewards exclusivist appeals more than others." (Toal, 2013, p. 199)

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The Republic of Srpska - Quo Vadis?

Abstract

The Republic of Srpska (RS BiH) achieved independence within Bosnia and Herzegovina in 1995. Since, numerous questions have arisen regarding the quality of Bosnia and Herzegovina's sovereignty. In order to offer a transparent analysis of the situation in the Republic of Srpska, this paper is divided into four parts. The first section contains an analysis of the political situation. The author presents the constitutional basis upon which the RS BiH operates, followed by information from the recent parliamentary and presidential elections. The second part contains a brief analysis of the economic situation in Republic of Srpska, including a series of data with an impact on the status of the Republic of Srpska's economy. In the third part, the author focuses on the social situation in the Republic of Srpska, by providing the facts and figures on various social aspects such as population census, migration, unemployment, mines, etc. In the fourth section, the author suggests a few possible scenarios of the future developments in and surrounding the Republic of Srpska.

Key words: The Republic of Srpska,Bosnia and Herzegovina, Serbs

Introduction

The analysis of the current political events in the Post-Yugoslav states naturally brings to mind the problem of the international status of Kosovo. However, it should be noted that, in the region, there is also increasing uncertainty as to the future of Bosnia and Herzegovina, and in particular as to the policies of the Republic of Srpska. On the strength

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of its constitution, Bosnia and Herzegovina is a federal republic comprised of two administrative units[2]: the Federation of Bosnia and Herzegovina (the Muslim-Croat Federation[3]) and the Serb Republic (the Republic of Srpska, Republika Srpska) (Bujwid-Kurek 2008: 143). This special political entity was created in 1995 pursuant to the Dayton Accords, which put an end to the Bosnian civil war (Ibrahimagić 2006: 85-101). That bloody conflict led to an ethnic division of the independent Bosnian state into the Muslim-Croat Federation inhabited mostly by Bosniaks (Muslims) and Croats, and the Serb Republic with a predominantly Serb population (Catic 2011: 8-9). Bosnia and Herzegovina is undoubtedly an artificial political entity which is bound to undergo deep transformations over time (Waldenberg 2000: 453-461). With a view to future scenarios, the author gives a brief account of three solutions for the Serb Republic. First, Bosnian Serbs may want to establish tighter relations with Bosniaks and Bosnian Croats to build a centralized Bosnia and Herzegovina. Second, the Serb Republic may veer towards Serbia to create an "enlarged" Serbian state in the future. Third, the Serb Republic may proclaim independence, similarly to Kosovo. The question which political direction will be chosen by Bosnian Serbs is extremely important not only for Bosnia and Herzegovina, but also for the Balkans and Europe as a whole.

Political situation

The constitution of the Republic of Srpska established a unique political system, under which the Republic is one of the constituent entities of Bosnia and Herzegovina, thus being a *quasi* state with its own legislative, executive, and judiciary bodies (Osóbka 2011: 18). The legislative powers are vested in an 83-member unicameral National Assembly (Narodna skupština) with a term of 4 years (*Ustav Republike Srpske* 1992: art. 70-79). The winning party or coalition is obliged to nominate a candidate for prime minister and form a stable government. Importantly, the government should include some ministers who are members

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2 District of Brčko, officially the third separate unit (condominium) since March 1999 has the same competences as the two other entities, however, only in coordination with them.

3 Muslim-Croat Federation is informally named Federation of Bosnia and Herzegovina. For the sake of clarity, the author will consistently use the informal name in this paper.

of national minorities (Ibid: art. 92). Along with the government and prime minister, the executive powers are vested in the president of the Serb Republic, elected from among Serb nationals by popular vote for a term of 4 years. Additionally, the Constitution of the Serb Republic demands that two vice-presidents, a Bosniak and a Croat, be elected, thus ensuring that the ethnic minorities participate in the central state administration (Ibid: art. 80-89).

Being part of Bosnia and Herzegovina, the Serb Republic is subjected to the central government in Sarajevo; however, it also has its own capital in Banja Luka. The current boundaries of the Republic of Srpska were demarcated by the Dayton Accords, under which the state of Bosnian Serbs occupies the north-western part of Bosnia, covering an area of 24,619 km^2, bordering in the north with Croatia (310 km), in the east with the Republic of Serbia (355 km), Montenegro (247 km) and in the south with the Muslim-Croat Federation (1113 km) (Chandler, 2000: 45). The heterogeneous and extensive border line is certainly a disadvantage in terms of the administrative consolidation of the state. The Serb Republic takes up about 49% of the area of Bosnia and Herzegovina.

In October 2014, the Serb Republic held combined elections[4]. The office of the President of the Republic was filled by Milorad Dodik again, who had been nominated by the social democratic coalition (SNSD-DNS-SP) and received as much as 45,4% of the vote. A Bosniak, Ramiz Salkić (Domovina), and a Croat, Josip Jerković (HDZ BiH, HSS, HKDU BiH, HSP Herceg Bosne), became vice-presidents (*Statistički godišnjak Republike Srpske* 2016: 52). It should be noted that the vice-presidents received very little support, as did other Bosniak and Croat candidates (See table 1. Results of the presidential elections of October 12, 2014).

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4   Citizens of the Republic of Srpska elected representatives to the central authority on October 12, 2014: 1 member of the Presidency of BiH, 14 members of the House of Representatives of BiH. Also elected were representatives of Republic authority: president of RS and 2 vice-presidents, 83 members of the National Assembly of RS.

Tab. 1. Results of the presidential elections of October 12, 2014.

Candidate	Political party / coalition	Number of votes	% of votes
Milorad Dodik	SNSD-DNS-SP	303 496	45,4
Ognjen Tadić	Savez za promjene	296 021	44,3
Ramiz Salkić	Domovina	24 294	3,6
Sejfudin Tokić	A-SDA - Stranka Demokratske Aktivnosti	11 312	1,7
Dragomir Jovićić	Stranka pravedne politike	7 569	1,1
Enes Suljkanović	SDP - Socijaldemokratska Partija BiH	6 809	1,0
Josip Jerković	HDZ BiH, HSS, HKDU BiH, HSP Herceg Bosne	6 562	1,0
Emil Vlajki	Partija ekonomske i socijalne pravde	3 202	0,5
Amir Horić	BPS - Sefer Halilović	2 216	0,3
Sanda Stojaković	Komunistička Partija	959	0,1
Vladan Marković	non-party	948	0,1
Miko Stojanović	non-party	873	0,1
Ivo Blažanović	Demokratska stranka invalida BiH	812	0,1
Mladen Nešković	non-party	783	0,1
Senad Bešić	Narodna Stranka Radom Za Boljitak	754	0,1
Senad Palić	SDU BiH - Socijaldemokratska Unija Bosne i Hercegovine	605	0,1
Toma Sedlo	Stranka pravde i povjerenja	582	0,1
Indira Muharemović	Prva stranka	565	0,1
Patrit Čenaj	non-party	166	0,0

Source: Self-reported data from: *Statistički godišnjak Republike Srpske 2016*, p. 52-53.

Elections for the National Assembly of the Serb Republic were held at the same time. The winning party was Milorad Dodik's Alliance of Independent Social Democrats (SNDS)with 32,3% of the vote. The runner-up was the coalition of the Serbian Democratic Party (SDS), Party of United Pensioners (Penzioneri, PUP) and Serbian Radical Party (Radikali, SRS RS) with almost 26,3% (Ibid: 56). Other political parties had much weaker results, not exceeding 10%. Thus, out of a total of 83 seats, 29 were awarded to Dodik's party, 24 to SDS-PUP-SRS, with the remaining parties receiving from 5 to 8seats (See table 2. Results of the parliamentary elections of October 12, 2014). It should be mentioned here that the Parliament of the Serb Republic is characterized by substantial party fragmentation. Apart from two dominant political forces, it comprises5 other political groups with small representation. Relative to the 2010 election, the situation in the National Assembly did not

change much[5]. It goes without saying that most political groups in the Serb Republic are ethnicity-based (Serbian, Bosniak, or Croat parties) and espouse extreme ideology (nationalism, national conservatism). Following the election, Milorad Dodik - the President of RS proposed Željka Cvijanović for Prime Minister (she formed the government in March 2013, before the 2014 elections). This candidacy was accepted by the National Assembly, and Cvijanović was able to retain her position. The priorities of governmental policy presented by the Prime Minister mostly include measures focused on the improvement of the socioeconomic situation of the state. Characteristically, both the government and president of the Serb Republic do not touch on the issue of consolidation or centralization of Bosnia and Herzegovina.

Tab. 2. Results of the parliamentary elections
of October 12, 2014.

Political party / coalition	Number of votes	% of votes	Number of mandates
SNSD - Savez nezavisnih socijaldemokrata - Milorad Dodik	213 665	32,3	29
SDS - Srpska demokratska stranka, PUP - Penzioneri, SRS - Radikali	173 824	26,3	24
DNS - Demokratski narodni savez NS - SRS	61 061	9,2	8
PDP - Partija demokratskog progresa	48 845	7,4	7
Domovina	34 583	5,2	5
Narodni demokratski pokret	33 977	5,1	5
Socijalistička partija	33 695	5,1	5

Source: Self-reported data from: *Statistički godišnjak Republike Srpske 2016*, p. 56.

For more than a decade now, Milorad Dodik has enjoyed considerable support in the Serb Republic. A graduate in political science from the University of Belgrade, he built a political base in the early 1990s. During the Bosnian civil war he served as a member of the National Assembly of the Serbian Republic and took a conciliatory position toward the conflict. He did not support the radical stance embraced by the then ruling Serbian Democratic Party. After the war, he became the leader of the newly created Alliance of Independent Social Democrats. In the years 1998–2001 and 2006–2010 he was Prime Minister, and since 2010 he has served as President of the Republic of Srpska. Dodik holds social democratic views, although he has also subscribed to some nationalist ideas. Undoubtedly, he developed his political potential by combining

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5   SNSD with 29 mandates dominated in the parliamentary term 2006-2014, but the number of seats systematically decreases from 41 in 2006, 37 in 2010.

a social agenda (i.e. combating poverty and unemployment, promoting social benefits, etc.) with a nationalist one (i.e. safeguarding the interests of Serbs, maintaining the independence of the Serb Republic, prioritizing relations with Belgrade, etc.). His political views clearly became more radical in 2006. In that year, during the election campaign, he identified with the slogan "The Serb Republic – the better part of Bosnia and Herzegovina". This was a response to initiatives aimed at the abolishment of the Serbian autonomy in favor of a centralized, unified Bosnia and Herzegovina. Dodik went even further and appealed for a referendum on independence of the Serb Republic. He then restated his demand in the context of the secessionist tendencies of Kosovo and threatened that if the Kosovar Albanians broke away from Serbia's control, Bosnia would follow suit. Despite the failed attempt to create an independent state, Dodik and his party still support an independent Republic of Srpska (Oklopcic 2012: 96).

In the Serb Republic and across the remaining part of Bosnia and Herzegovina, there still remain some international institutions aimed at protecting the political stability of the state. An important function is fulfilled by the High Representative for Bosnia and Herzegovina, responsible for oversight of the civilian implementation of the Dayton Accords (Banović, Gavrić 2010: 166). Since 2009, this position has been held by Valentin Inzko. Furthermore, about 600 EUFOR Althea troops (a peace mission) continue to be stationed in Bosnia. These international forces are tasked with, e.g., protecting civilians, guarding the borders of Bosnia and Herzegovina, and tracking down war criminals.

Economic situation

The economic situation of Bosnia and Herzegovina is rather grim and particular sectors of the economy require immediate reform (Tomaš 2010: 27). Agriculture, which is mostly concentrated in the northern part of the country, is at a low level of mechanization and not very competitive as compared to the neighboring regions (Croatian Slavonia and Serbian Vojvodina). This is mainly due to unfavorable relief and poor agricultural methods. The main crops in 2015 included maize (561,000 tons), wheat (127,000 tons), and fruits (especially plums – 67,000 tons and apples - 48,000 tons). The prevalent types of livestock are sheep (486,000) and pigs (452,000); cattle farming is conducted at a much smaller scale (229,000 head) (*Statistički godišnjak Republike Srpske* 2016: 245). Also, industrial manufacturing is insufficient relative to the

country's needs. The Serb Republic is rich in natural resources, especially in iron ore and ores of non-ferrous metals, but companies are in dire need of modernization. The few existing heavy industry enterprises are located in mining regions and the largest cities. Besides, there are some light industry facilities in the main urban areas. The service sector is still at a low level, but has developed dynamically over the past several years.

In 2015, the Serb Republic's GDP was only KM 9,1 billion (EUR 4,7 billion), which meant that GDP *per capita* of KM 6,465 (EUR 3,306). However, it should be noted that the situation has significantly improved over the past sixteen years. In 1999, GDP *per capita* was only 869 euro! (Ibid: 132).Economic growth is estimated at 2,6%, which should be deemed a success as compared to a fall of over 1% in 2012. In 2015, the average monthly wages amounted to as little as KM831 (EUR 425) (Ibid: 137 and 119). Bosnia and Herzegovina (including the Serb Republic) is one of the poorest states in Europe, with GDP *per capita* higher only than Republic of Moldova and Ukraine.

The Serb Republic's international trade trends show an excess of imports over exports. In 2015, the Republic imported goods in the total value of KM 4,4 billion (about EUR 2,2billion). The main imported products included oil and gas, food products, medicines, machinery, and cars. In the same year, exports amounted to KM 2,6 billion (about EUR 1,3 billion) (Ibid: 340). Bosnian Serbs sell primarily leather products, wood, metal ores, and other mineral raw materials. The major export partners are: Italy (18,3%), Serbia (13,1%), Germany (10,6%), Slovenia (9,7%) and Croatia (8,7%), while import partners include: Serbia (17,5%),Russia (15,7%), Italy (12,2%), Germany (7,7%), and China (6,3%) (Ibid: 352-353).

In their economic strategies, the policy-makers of the Serb Republic prioritize, e.g. construction of a network of motorways, modernization of railroads, development of the energy sector, legal measures facilitating foreign investment and entrepreneurship development, establishment of national airlines. These objectives are rather general and perhaps somewhat overblown, and they are not likely to be met during the current economic crisis[6]. A project that has enjoyed substantial support concerns the energy potential of the border river Drina. The two neighboring Serbian states have undertaken to construct small water power plants and equally share the energy obtained (Hebda 2012: 552). Also the development of overland, air, and telecommunication connections

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6   More: *Republika Srpska's Eighth Report to the UN Security Council*, November 2012, p. 9-12.

is of interest to both. However, the Serb Republic is dependent on Serbia as far as these issues are concerned, as well as in terms of most industrial sectors.

Social situation

For the past few years, the population of the Republic of Srpska has been on the decline. In 2001, the Republic was inhabited by almost 1,5 million people, while now the figure is down to 1,415,776 residents (Bosnia and Herzegovina has a population of 3,5 million) (*Statistički godišnjak Republike Srpske* 2016: 74). The Serb Republic is practically monoethnic. According to various sources, Orthodox Christian Serbs account for over 90% of the population, while some claim that figure may be even 97% (Eberhardt 2005: 96). Bosniaks constitute about 3–7%, and Croats only 1–2% of the total population of the Serb Republic (Rudolf 2011: 231). However according to the Census of Population, Households and Dwellings in Bosnia and Herzegovina 2013 there were 81,5% Serbs, 14% Bosniaks and 2,5% Croats (*Popis stanovništva, domaćinstava i stanova u Bosni i Hercegovini, 2013, Rezultati popisa* 2016: 54). Thus, the above data may be inaccurate and may not reflect the actual ethnic composition of the Serb Republic. Here it should also be noted that a study conducted by Oxford Research International clearly shows that Bosnia's society is deeply divided and tensions and hostility predominate between various ethnic groups. Research has shown that Bosnians do not trust each other, only 7,2% of the respondents trust other people. In addition, only 2 out of 10 people expected to have equal treatment with others (*The Silent Majority Speaks: Snapshots of Today and Visions of the Future in BiH* 2007: 14).

For a decade, population growth in the Serb Republic has been negative or zero, and in 2015 it was minus 5.7%. Over the past five years, there have been about 9,000 births and 15,000 deaths annually (*Statistički godišnjak Republike Srpske* 2016: 74). The lack of a comprehensive pro-family policy may lead to further deterioration of the population growth rate. It should be noted here that a major problem for the Bosnian population is emigration. According to estimates of the Bosnian Ministry of Human Rights and Refugees, as many as 1,350,000 people from Bosnia and Herzegovina live abroad, the main host countries being the United States (390,000 refugees), Germany (157,000), Serbia (137,000), Austria (132,000), Slovenia (100,000), Sweden (75,000), Croatia (60,000), Canada (60,000), and Australia (50,000)(Halilovich, 2012:

163). Interestingly, in the years 2006–2015, only slightly over 900BiH nationals returned to their country with the International Organization for Migration assistance (*Bosnia and Herzegovina migration profile for the year 2015*: 38).

This is certainly attributable to the harsh living conditions both in the Serb Republic and in the whole of Bosnia and Herzegovina. Over a period of fiveyears (2010–2015), the prices of most food products increased from several to a dozen percent. Also prices of water, electricity, natural gas and fuel showed an upward trend. During this period of time, the average monthly wages in the Serb Republic increased from EUR 400 to EUR 425, but in most economic sectors employees earned less (*Statistički godišnjak Republike Srpske* 2016: 119-120). One should also mention the problem of poverty. The process of social impoverishment was reversed only in the Muslim-Croatian Federation: the poverty rate decreased there from 18,8% in 2004 to 17% in 2007, while in the Serb Republic it increased from 17,8% to 20,1%. The greatest rise was recorded in the Brčko District (9,5% to 25,8%) (*Bosnia i Hercegovina Study for Poverty Profile in the European Region* 2010: 3). The problem of poverty affects to the greatest extent residents of rural areas, elderly citizens, young uneducated individuals, the disabled, and Roma people.

Undoubtedly the main underlying cause of the situation discussed above is the issue of employment. In 2015, only 246,000 citizens of RS had a job. Most of them were employed in manufacturing (20%), wholesale and retail trade (17,3%), public administration (9,8%) and education (9%). It should be noted that more over 30% were employees of state-owned companies and administration (*Statistički godišnjak Republike Srpske* 2016: 104).The failing labor market led to an excessively high unemployment rate, which was 36,2% in 2015 (official statistic). Actually, this figure may be even worse as many unemployed persons are not registered with employment offices. However, the problem in the Serb part of Bosnia is less severe than in the neighboring Muslim-Croat Federation, where as much as 46,4% of the population is jobless (*Baza podataka o ekonomskim indikatorima RS*). Statistical data show that, over the past ten years, the unemployment rate in Bosnia and Herzegovina has remained between 40 and 45% (Obradović 2010: 14). Importantly, as many as 67,6% of Bosnian citizens aged 15 to 24 remain without jobs, which is the highest unemployment level among young persons in the World (*The World Bank*)[7]. The faltering labor market is conducive to corruption, often at the administrative level.

7   https://data.worldbank.org/indicator/SL.UEM.1524.ZS?end=2016&name_desc=-false&start=1991

A rather grave problem affecting both the Serb Republic and the whole of Bosnia and Herzegovina is connected to minefields, which have not been completely cleared. Following the 1992–1995 civil war, Bosnia remains one of the most heavily mined countries in the world. According to the latest estimates (*Bosnia and Herzegovina Mine Action*)[8], approximately 2% of the country's area is riddled with this dangerous weapon (about 1,149 km^2). Under the adopted strategy, Bosnia's territory is to be completely cleared by 2019 (*Bosnia and Herzegovina Mine Action Strategy 2009-2019* 2008: 9-16). From 1996 to the end of 2010 landmine explosions killed almost 1,700 persons; however, the number of casualties has regularly decreased year to year, which is a positive symptom (91 people died due to mine blast in 2000, while 6 people died ten years later).

By analyzing the economic indicators of the Republic of Srpska, it becomes evident that the state is a political entity characterized by weak economy and a difficult social situation.(See table 3. Selected socio-economic indicators for the year 2015).

Tab. 3.Selected socio-economic indicators for the year 2015

Population	1,415,776* / 1,228,423**
Ethnic groups	Serbs 81,51%, Bosniaks 13,99%, Croats 2,41%**
Official languages	Serbian, Bosnian, Croatian
Confession	Orthodox Christianity, Islam, Catholicism
Birthrate	-5,7%
Main cities – population	Banja Luka - 199,191; Bijeljina - 114,663; Prijedor - 97,588; Doboj - 77,223; City of Istočno Sarajevo - 64,966; Zvornik - 63,686; Gradiška - 56,727; Teslić - 41,904
GDP	9,152,866,000 KM (EUR 4,679,858,000)
GDP *per capita*	6,465 KM (EUR 3,306)
Average wages	831 KM (EUR 425)
Economic growth	2,6%
Unemployment rate	36,2%
Value of export	2,613,924,000 KM (EUR 1,336,498,000)
Value of import	4,369,179,000 KM (USD 2,233,960,000)

* Data from *Statistički godišnjak Republike Srpske 2016*

** Data from *Popis stanovništva, domaćinstava i stanova u Bosni i Hercegovini, 2013, Rezultati popisa*

Source: Self-reported data from: *Statistički godišnjak Republike Srpske 2016*; *Popisstanovništva, domaćinstava i stanova u Bosni i Hercegovini, 2013, Rezultati popisa*

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8   http://www.the-monitor.org/en-gb/reports/2017/bosnia-and-herzegovina/mine-action.aspx

Towards Sarajevo? Belgrade? Or independence?

The choice of the political direction of the Republic of Srpska is difficult to predict but we should underline that it is crucial for the future of Bosnia and Herzegovina and European stability as well.

The first scenario envisions a strengthening of relations between the Serb Republic and the Muslim-Croat Federation with a view of developing a more centralized state (Daranowski 2011: 426). The preservation of a unified Bosnia and Herzegovina is a strategic goal of the Bosniaks. Undoubtedly, without the lands inhabited by the Serbs and Croats, Bosnia would either cease to exist, ora Bosniak rump state would be untenable from a practical point of view (another problem is the Muslim enclave in the Bihać area). Taking into consideration the vast diversity of the country and the possibility of a renewed conflict, EU policy-makers also opt for a unified Bosnia and Herzegovina (Stojarova 2008: 64-65). However, cherishing the idea of separateness, the Bosnian Serbs prefer their own internal policy maintaining the status quo and are vehemently opposed to a full centralization of the Bosnian state. Reforms aimed at the unification of some institutions of Bosnia and Herzegovina are met with great reluctance and Bosnian Serbs have accepted some of the administrative changes key to the country as a whole only under the pressure of European leaders. The Serbs are certainly not going to give up their constitution and separate institutions, which makes the consolidation of Bosnia very difficult (Milardović 2009: 94). Apart from the intricate political situation, relations between the political centers in Banja Luka and Sarajevo are also hampered by the social situation, as one of the underlying causes of the Bosnian conflict was ethnic and religious differentiation. The Serb Republic, as the name suggests, is inhabited by Serbs, who are Orthodox Christians, while the Muslim-Croat Federation is populated by the Muslim Bosniaks and the Catholic Croats. Thus, it is extremely difficult to attain a unified strategy for the Bosnian state. Cooperation between Islamists and Christians is already a substantial challenge to developed countries, and in the case of such a poor country as Bosnia and Herzegovina, it becomes a problem of paramount importance. Unfortunately, many of the resentments caused by the war in the 1990s are still alive in Bosnian society, and it maytake many decades to overcome them.

The second scenario predicts that the Serb Republic will veer towards Serbia. Objectively speaking, the Republic of Srpska opts for tight

relations with its neighbor from across the Drinariver, which is often re-flected in its pro-Serbian policies. From the point of view of the Serb Re-public, Serbia is a more attractive partner than the Muslim-Croat Fed-eration asboth states are inhabited by Serbs. The Bosnian Serbs look to Serbia primarily for political and economic support. Their priority is to maintain autonomy of the Serb Republic within Bosnia and Herzegovi-na, which is helped by the backing of politicians in Belgrade. Important-ly, many Serbian politicians are fiercely opposed to the centralization of Bosnia, citing the provisions of the Dayton Accords. Moreover, the best proof of close ties between the two states is their economic cooperation. From 2007 to 2015, more than 50% of foreign investments in the Serb Republic were financed with Serbian funds (*Republic of Srpska Foreign Investment Encouragement Strategy 2016-2020* 2016:17). In view of the developments of the past several years, the Serbs inhabiting the two countries appear to embrace similar foreign policy objectives. The Serb Republic has not recognized the independence of Kosovo and supports Serbia on the international stage, mostly in terms of preserving the lat-ter's territorial unity. It may also be speculated that if the Serb Republic gains independence (like Kosovo) it may decide to merge with Serbia (Krysieniel 2012: 351).

The third scenario envisions independence of the Republic of Srps-ka. This possibility was created by the emergence of Kosovo on the map of Europe. Prior to that event, independence of the Serb Republic had not been considered a viable option (Milardović 2009: 96).However, after the Kosovo precedent, other nations with similar characteristics may attempt to follow suit. The Serb Republic is a perfect example of an autonomous state which may declare independence following the model of Kosovo. The Republic meets all the criteria based on which Kosovo's sovereignty was recognized, while from the point of view of international law it has more valid claims to independence than the state of the Kosovar Albanians. Obviously, both Bosniak and Europe-an policy-makers will not allow a break-up of Bosnia and Herzegovi-na. However, the process of decomposition of Bosnia and Herzegovina has been in progress since the very beginning of the post-Dayton state, and without internal consolidation the country will lack a *raison d'être*. Both politicians and society of the Serb republic lean towards the option of independence and breaking away from central Bosnian control. Im-portantly, the political elite and the ruling Social Democratic Party opt for the broadest possible autonomy, and possibly independence (*Bos-nia: What does Republika Srpska want?* 2011: 19). The Bosnian Serbs'

aspirations to secede are perceptible and in 2010 the Parliament of the Serb Republic passed an act allowing for the staging of a referendum concerning any issue in the Republic (this is an important instrument for creating an adequate basis for sovereignty). Obviously, according to the constitution of the Serb Republic, any acts aimed at gaining independence from the central government would be illicit (*Ustav Republike Srpske* 1992: art. 1).

Conclusion

The scenarios of the future of the Serb Republic suggested above are not final. They are rather meant to be examples of possible developments that shed some light on the issue of justification for the existence of Bosnia and Herzegovina. It should be stressed that the politicians responsible for creating Bosnia and Herzegovina established an artificial political entity with the aim offending the tide of violence that was sweeping the Balkans. Unfortunately, little has changed over time, and the Serb, Bosniak, and Croat citizens of Bosnia and Herzegovina do not form one nation or state. In the past several years, the process of separation of the Bosnian Serbs from the other ethnic groups has significantly advanced. Moreover the "ethnification" process of all spheres of public life is ongoing (Bieber 2002: 206). Bosnian Serbs are increasingly vocal in their reluctance to create a unified, centralized state with the Bosniaks and Croats. This situation shows that in underdeveloped, or downright poor countries, issues such as national or religious identification are fundamental to future developments. In this context, support for an independent Kosovo from the main political figures in Europe may have far-reaching consequences. The Kosovo precedent gave a green light for the Serbs in the Serb Republic. While it is true that Kosovo and the Republic of Srpska are two different cases, the effect of both may be the same.

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Administrative Procedures and Protection of Property Rights in Serbia

Abstract

Besides the general administrative procedure stipulated in detail in the Law on General Administrative Procedure, there are numerous special administrative procedures in the Republic of Serbia, contained in sectoral laws that regulate certain areas. This is the case in the field of property-related legal affairs e.g. in connection with nationalization, expropriation, colonization, restitution, etc. The purpose of this paper is to provide an analysis of special administrative procedures and their „reflections" on the exercise of the right of citizens to peaceful enjoyment of their property, as well as procedures providing for the possibility that the state in the public interest restrict this right. Also, the analysis should determine how this special legal regime affects the efficient and effective exercise of the right to peaceful enjoyment of property on the one hand and on the other what is the real scope of administrative-procedural protection.

Key words: administrative procedures, property rights, expropriation, nationalization, restitution, Serbia

Introduction

With the emergence of constitutionality and legality after the great revolutions in the late XVII and early XIX centuries followed by significant declarations of human rights and the creation of the modern legal state in XIX century, the right to property became one of the basic human rights of the first generation - civil and political rights. Thus,

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even Napoleon's Civil Code (*Code civil*) from 1804 guaranteed the right to private property through the stipulation that no one can be forced to give up their property, unless it is in the public interest and with prior fair compensation (Milkov 2011: 46). Consistent with the concept of legal state (state viewed solely as an apparatus of power and enforcement - *Rechtsstaat*), to justify an action of authorities towards citizens it was necessary to comply with the law and other regulations. In this respect and specifically, with regard to the possible restrictions of the right to property, by reducing the competence for the authoritative execution of the law to the state administration or its rendering of „administrative acts", as acts of authority in their own right and to the execution of administrative actions as material acts of enforcement, administration became a significant factor in the recognition and limitation of property rights (Milenković 2013: 43-46).

With the creation of the new concept of legal state after the Second World War as well as the launch of the concept of universal human rights, the role of administration changed. Human rights of the first generation gained transnational forms of protection, which concerned transnational protection of the right to the peaceful enjoyment of property. All major human rights documents recognize this right. For example, the 1950European Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter: European Convention), in its Protocol no. 1 guarantees this right.[2]

„There is a longstanding and very powerful argument that the stability of property is essential to economic well-being" (Rose 2000: 2). Right to property, as one of the basic human rights, is guaranteed by the Constitution of the Republic of Serbia (hereinafter: Constitution). „Peaceful tenure of a person's own property and other property rights acquired by the law shall be guaranteed. Right of property may be revoked or restricted only in public interest established by the law and with compensation which cannot be less than market value".[3] Evidently, international law, legal traditions and the Constitution clearly demonstrate that the right to the peaceful enjoyment of property is not unlimited, or „absolute" right, and that there are certain reasons due to which it can be subject to restrictions. These restrictions, however, consistent with the concept of the European Convention, must be: determined by law; in accordance with principles of international law; in the „public interest".

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2   Council of Europe, European Convention for the Protection of Human Rights and Fundamental Freedoms, 1950, Protocol no. 1. Art. 1. Paris, 20 March 1952.

3   Constitution of the Republic of Serbia, Official Gazette of the RS,no. 98/06, Art. 58.

Starting from the legal traditions since ancient times, there are certain legal institutes which, in relation to the private property also "constitute" the specific "right" of the state to intervene, when in public interest, within the right to the peaceful enjoyment of property, and therefore, within the area of property-related legal relations. One such legal institute is certainly the institute of expropriation, whose roots can be found even in the Roman law - „vindication alicuius rei" (Herber 2015: 3).

From the standpoint of the modern legal state and democratic society, it is not only a "legal", but also „legitimate" institute. The idea of expropriation is based on the compulsory transfer of ownership (compulsory buying, buying for public benefit), when the public interest outweighs interests of private individuals to the peaceful enjoyment of property, and so this institute, because of the specific form of „compulsion" from the state toward the individual, significantly differs from an ordinary purchase relation. „Scholars support the thesis that expropriation is not only a simple limitation of the right, but also loss of the right"(Boantă,Ploeşteanu2010: 2).Legitimacy of such conduct stems from the public interest, and in this sense, even „compulsion" itself can be a way of treatment when it is legitimate from the standpoint of social justification (general interest).

Previous interpretation corresponds to an improved concept of the legal state occurring after the Second World War, in which state is no longer viewed solely as an instrument of power, but as state that takes care of its citizens, the general social and cultural progress and development of production and services. The new concept of the legal state goes beyond the insufficiencies of formal, normative model centered around power and rule of law (legality), in which the ideals of justice and fairness occupy the "center stage", which holds the state accountable, especially in the exercise of compulsion, not only in terms of the legality but also for the social justification of its actions. This is inevitably reflected in the work of a modern administration, even in the area of property-related legal affairs. The same also applies to the administrative-procedural implementation and protection of property rights, as well as the "right" of public administration to legitimately intervene in this area, so its work evolves and takes on a new dimension.

However, the original concept of legal state, which reduces state to an „apparatus with a monopoly of physical force and compulsion" became intense in the Soviet Union in the context of contemporary „class

essence of state and law". After the Second World War, especially under the Soviet hegemony, this concept was expanded and survived in other communist countries of Eastern Europe that were under the Soviet domination, as well as in the former Socialist Federal Republic of Yugoslavia. It disappeared with the fall of the Berlin Wall when these countries, in varying circumstances, were entering the process of democratic transition.

„Weak property rights were typical for socialist regimes and since 1989, private property has been a fundamental factor in the transition into the market-based democracy" (Zaleczna, Havel 2008: 177). In these non-democratic systems, the right to peaceful enjoyment of property was seriously constrained, even rendered meaningless as such, in particular through the actions involving the nationalization of property and other similar procedures (implemented agrarian reform, colonization, confiscation of property from agricultural cooperatives, etc.).

Specifically, „(...) in countries of socialist orientation, nationalization had the function of social revolution. Therefore, nationalization is a class-to-class relation, often punishment for the violation of rules of order and morality (from the standpoint of the new society). (...) More broadly, nationalization is the attitude of the new order to the ruling class of previous socio-economic formations" (Vulić 2015: 436). Apart from the Soviet Union, where it began in 1917, in the countries of socialist orientation, nationalization was carried out and implemented after the Second World War.

In this context, nationalization, as a measure in the aforementioned conceptual definition, represents a severe violation of human rights, especially of the right to the peaceful enjoyment of property as a fundamental human right. Therefore, historical injustices in all countries that have pleaded to become democratic and go through the process of transition at the end of XX century, had to be corrected after the collapse of communist and socialist regimes. In the time that followed, they have partly or mainly done that, or their correction is still in progress. Correction of these historical injustices is primarily provided through administrative-procedural implementation and protection of rights, due to which in the Republic of Serbia (hereinafter: RS), as a country that is increasingly constituted as a modern legal state and where this process is still ongoing, the role of public administration in the area of property rights is again very relevant and important.

Therefore, we will further try to analyze the range of specific procedures and their „reflection" on the implementation of citizens' rights

to peaceful enjoyment of their property, as well as procedures in which there is a possibility for the state to restrict this rights in the public interest. Also, the analysis should determine the manner in which this specific legal regime is affecting the efficient and effective implementation of the property rights on the one hand, and on the other, the real results of the administrative-procedural protection of these rights.

Expropriation

The term "expropriation"

„Expropriation is the deprivation or restriction of rights of ownership of immovable property by natural or legal persons, which occurs in the public interest by an act of a competent state authority. There is almost no country that does not recognize the institution of expropriation, because in every country there is a need to build certain structures for which the public interest takes precedence over the private interest of previous owners of some immovable property. As a rule, expropriation is undertaken due to some objective reasons, which are here generally formulated and terminologically marked as public interest, while some legal systems refer to the general interest or public benefit" (Milkov: 44). "Expropriation is carried out on the basis of an administrative act rendered by a competent authority, as a rule in the administrative procedure, on the basis of which an administrative relation characterized by the subordinate relation of the authority toward the other party is created" (Staničić: 2015: 187). Thus, from the standpoint of the European Convention, expropriation represents a legally permissible institute of restriction of the right to private property. This, however, does not mean that this restriction of the right is not subject to review by the European Court of Human Rights (Zagajski: 2008: 505). However, for many authors all over the world,"(...) acquisition and expropriation of property by the state for public purposes is a controversial issue"(Reddy, Garbharran 1990: 22).

Case-law in the RS creates a significant distinction between *expropriation,* which is determined by an individual act rendered in accordance with the law, and the term *nationalization* which we will deal with in the next chapter - which is performed by the law itself.[4] Current Law on

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4   Judgment of the Supreme Court of Serbia, Rev. 1086/96, 20.3.1996.

Expropriation (hereinafter: LOE) was adopted in 1995 and repeatedly amended (last time in 2013).[5]

General Expropriation procedure

A proposal for expropriation may be filed by the beneficiary of expropriation only after the public interest for expropriation of immovable property is determined in accordance with the LOE, which means that this specific administrative procedure is preceded by another specific procedure for the determination of the public interest for expropriation of immovable property, and is decided by the Government.

Public interest for expropriation may be determined by law or decision of the Government. Government may determine the public interest for expropriation if expropriation of immovable property is necessary for the construction of facilities in the areas of education, health, social protection, culture, water, sports, traffic, energy and utility infrastructure facilities for needs of state bodies and bodies of territorial autonomy and local self-government, facilities for defense purposes as well as for the construction of apartments for resolving housing needs of socially vulnerable persons. The government may determine public interest also in cases where expropriation of immovable property is necessary for the exploitation of mineral resources, to ensure environmental protection and protection from natural disasters, including the construction of structures and works for this purpose, as well as for provision of undeveloped land necessary for the relocation of a settlement or part of settlement, if the area of settlement or part of settlement is determined as being in public interest for expropriation of immovable property for the purpose of exploitation of mineral resources, as well as in other cases stipulated by the law. The government may determine public interest for the expropriation of immovable property, which, according to the contract on joint investment in the company, or on the joint establishment of the company concluded by the RS, is necessary to secure non-monetary contribution of the RS in the company, and which is covered by the contract, or an appropriate planning act. Public interest for expropriation can be determined if the corresponding planning document is adopted in accordance with the law, unless the LOE provides otherwise.[6]

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5 Law on Expropriation, Official Gazette of the RS no. 53/95, Official Gazette of the FRY, no. 16/01 – decision of the FCC, no. 2009 and 55/13 – decision of the CC.

6 Law on Expropriation, Art 20, Par. 1-4.

Proposal for the determination of public interest for expropriation may be filed by a person who, under the provisions of the LOE, may be beneficiary of expropriation. The government is responsible to decide on the proposal for the determination of public interest within 90 days.[7]

 If the proposer of procedure for the determination of public interest does not provide all evidence stipulated by the LOE, or fails to provide this evidence within the additional deadline, which is why it cannot act upon the submitted proposal, the Ministry in charge of finance will reject such a proposal as incomplete by a conclusion. By the Act on determination of public interest, the Government will determine the expropriation beneficiary. In the decision of the Government by which a proposal for determination of the public interest is adopted, immovable properties where the public interest is determined are listed individually or by reference to the Act, including the Contract (title of the Act, name of the authority that issued the Act, or the name of Contracting Parties and the number and date of adoption of the Act or conclusion of the Contract), by which the exact immovable property covered by this Act can be determined with certainty. An administrative dispute can be initiated against the decision of the Government within 30 days of its submission.[8]

In this way, this first administrative-legal procedure where the Government determines the public interest ends, and it proceeds with the procedure of expropriation. When the public interest is determined, a new procedure is initiated - expropriation procedure.

On behalf of the RS, this procedure is initiated by the Public Attorney through the submission of the proposal for expropriation. On behalf of the autonomous province, the town, the City of Belgrade and the municipality, the proposal for expropriation is submitted by the competent Public Attorney, or other person representing the autonomous region, town, the City of Belgrade, or municipality. Proposal for expropriation is submitted to the municipal administration of the municipality of the immovable property proposed for expropriation within one year from date of determination of the public interest for expropriation.[9]

Procedure upon a proposal is conducted and decision is rendered by the municipal administration service competent for property-related legal affairs of the municipality of the immovable property proposed for

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7   Ibid. Art. 20, par. 6-7.

8   Ibid. Art. 2. Art. 20, Par. 8-13.

9   Ibid. Art. 25-28.

expropriation (hereinafter: municipal administration). These tasks, except deciding upon appeals in the second instance, as well as other tasks of the state administration determined by the LOE, are performed by municipalities, towns and the City of Belgrade, as delegated tasks. The decision on expropriation, as well as the decision on the administrative transfer rendered without the decision establishing public or general interest for expropriation, or administrative transfer of immovable property, is null and void. Before the rendering of the decision on expropriation, the municipal administration service shall hear the owners of the immovable property about the facts of importance for the expropriation of property.[10]

The ministry in charge of finance will act upon the appeal against the first instance decision on the proposal for expropriation. LOE does not contain detailed provisions on the right to appeal, which indirectly means that, regarding deadlines, general rules of administrative procedure shall apply to this procedure. Although it is a final or second instance decision, the LOE does not expressly stipulate the possibility of filing a complaint to the Administrative Court, but it stems from the general regulations on administrative-judicial protection, namely the Law on Administrative Disputes (hereinafter: LAD)[11]. Property-related legal affairs between the beneficiary and the owner of immovable property shall be solved by the competent court.[12]

Special expropriation procedures

Besides this procedure, the LOE stipulates another special (administrative) procedure for expropriation carried out in an area affected by earthquake, flood, fire, environmental accident or other large-scale natural disaster, when the expropriation is carried out for the purpose of construction facilities and performance of works for the removal of effects caused by the disaster. For the purposes of this special administrative procedure, land may also be temporarily seized when necessary to set and build temporary facilities (office buildings, facilities for residents and property etc). Appeal against a decision for the determination a temporary confiscation of land does not postpone its execution. Municipal Assembly may, upon the request of the expropriation beneficia-

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10 Ibid. Art. 29.

11 Law on Administrative Disputes, 'Official Gazette of the RS' no. 111/09.

12 Ibid. Art. 29. Par. 6.

ry, decide to transmit the immovable property after the first-instance decision if it is necessary due to the urgency of works. If the object of expropriation is a residential building, apartment as a separate part of a building or business premises, expropriation beneficiary is obliged to provide for the previous owner, occupancy right holder and lessee another apartment or business premise in ownership, co-ownership, lease, within the time limit not longer than six months from the date of eviction from the expropriated building, apartment or business premises. Until the provision of apartment or business premise, the expropriation beneficiary shall, before the demolition of such facility, provide temporary accommodation meeting basic criteria for residence or business use (certain number of rooms, electric lighting, water supply, etc.). The government will determine the areas where these specific provisions will be applied.[13] There are no specific provisions in the LOE with regard to the initiation of this procedure and decision-making authority, but by analogous application of regulations, it should be the same authority competent for the „general" procedure of expropriation. The same applies to the initiation of an administrative dispute.

However, as stipulated in the LOE, public interest for expropriation may also be determined by law. Special expropriation procedure is the procedure stipulated by the Law on the determination of public interest and special procedures of expropriation and issuance of a building permit for the realization of the Project „Belgrade Waterfront".[14]

Since public interest is established by the Law itself, special expropriation procedure is determined in its later provisions. Parties in the procedure of expropriation are expropriation beneficiary and the owner of the immovable property which is the subject of expropriation. Under this Law, the expropriation beneficiary is the RS, represented by the State Attorney's Office, and the City of Belgrade will be determined for the expropriation beneficiary for the construction of areas with public purpose, represented by a public company or other entity in accordance with the responsibilities set out within the general acts of the City of Belgrade. The proposal for expropriation shall be filed no later than five years from the date of entry into force of this Law, and *the local-self government body competent for property-related legal affairs* will decide upon the proposal. An appeal against the decision can be filed to the

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13 Ibid. Art. 37-40.

14 Law on the determination of the public interest and special procedures of expropriation and issuance of a building permit for the realisation of the Project "Belgrade Waterfront", Official Gazette of the RS no. 34/2015, 103/2015.

Ministry in charge of finance within 15 days from the delivery of decision.[15]

The law stipulates a very specific situation in the case of „silence of administration". In the case that the competent authority does not issue a decision on expropriation within the determined deadline, the expropriation beneficiary has the right to a special appeal due to „silence of administration". In this case, the expropriation beneficiary within the appeal submits the necessary documentation and evidence. An appeal related to the „silence of administration" shall be submitted directly to the Ministry in charge of finance, which is obliged to decide upon the proposal for expropriation within eight days from the filing of the appeal.[16]

Nationalization/Denationalization

Denationalization and Transitional Justice

Unlike the previously mentioned acquisition of property by expropriation, which occurs on the basis of an act of the competent authority, property is acquired by nationalization on the basis of the law itself. Nationalization is the deprivation of property right on certain goods (immovable, movable property, financial assets) in specific commercial sectors of general-state interest and its transfer into state property, with the possibility, but without obligation, to pay compensation to former owners (Vulić: 435).

In Serbia, according to the Glossary drafted by the Agency for Restitution (hereinafter: Agency), nationalization - is „(...) transfer of private property, immovable property, movable property and rights into social ownership, with stipulated symbolic compensation or free of charge. This is an economic-political measure which after 1945 in Serbia had the aim to establish and strengthen social ownership and socialist economy and therefore, it was primarily related to the confiscation from private individuals and nationalization of property units such as private companies, banks, shops, etc., pursuant to regulations adopted in 1946 and 1948, as well as confiscation of private residential and commercial buildings, apartments, business premises and building land (1958)."[17]

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15 Ibid. Art. 4-10.

16 Ibid. Art 11, Art. 1. Par. 2.

17 Agency for Restitution, Glossary of nationalization and denationalization, [Online]. Available at: http://www.restitucija.gov.rs/pojmovnik-restitucije.php, accessed: October 10th, 2016.

Therefore, it is the institute that led to the suspension of the right to peaceful enjoyment of property as a fundamental human right in the period of communism and after the Second World War in all countries of the former Eastern bloc, in the former Yugoslavia, but also in other countries after totalitarian regimes came to power (Guatemala, South Africa, etc.). With aim to correct historical injustice, at the beginning of the last decade of XX century, the process of denationalization in the RS began as well. This institute, including restitution, is becoming a significant element of transition and for some authors „retroactive" (Morvai 1993-1994: 32-33), and it has been applied also in other aforementioned countries after the fall of totalitarian regimes (Williams 2007: 1).

In this paper, denationalization is perceived in a broad sense because gradual and partial denationalization until now has been based on several laws which, after 1990, opened the legal possibility for former owners to partially restore confiscated property in some form. These laws are included in the analyses below. Legislative process was finally completed with the adoption of the Law on Property Restitution and Compensation (hereinafter: LPRC), which definitely stipulated the remaining issues of denationalization, anticipating restitution of property and compensation for all individuals (and endowments), so the LPRC has an impact on the financial status of several hundred thousand citizens who are considered former owners (or their legal successors).

Special administrative procedure related to the Recognition and restitution of agricultural land

"It should be noted first that confiscation without expropriation is also a way of expropriation"(Avci 2014: 149). In Serbia, one of the tasks of the Ministry of Finance is second instance procedure on appeals against the first instance decisions of the municipal committees for restitution of land confiscated on the basis of the agricultural land fund and confiscation due outstanding liabilities from compulsory purchase of agricultural products. The process of administrative-procedural implementation and protection of the rights contained in the Law on the method and terms of recognition and restitution of land that has been transformed into social property on the basis of the agricultural land fund and confiscation due outstanding liabilities from the compulsory purchase of agricultural products (1991), which initially envisaged the subject of the right, and that the claimant may submit a claim no

later than 10 years from its entry into force (deadline expired in 2001), whereby it did not stipulate what would happen in the case where the claim was not filed, or whether in this way the right shall cease to be valid.

The law applied exclusively to land that was in social ownership at the time of the claim submission, and it is unclear (although the Law is formally still in force) whether the jurisdiction of the municipal commission to adopt an administrative act (decision) on this right still exists, or the provisions of this Law no longer apply (inter alia, on the land that in the meantime changed its ownership form and after the 2006 Constitution became state or public property). According to this Law, the Commissions formed by the Minister of Agriculture, Forestry and Water Management upon the proposal of the Municipal Assembly (consisting of the President and four Members who have Deputies) shall adopt a decision on the claim (in a special procedure stipulated by the Law), in a multi-party process (where one party is the previous owner and the other one municipality and agricultural organization who confiscated the land), the Ministry of Finance acted upon the appeal on decision of a Commission.[18] Even now, the Department for Administrative Affairs of the Sector for Property-Related Legal Affairs has „live cases", i.e. cases that are still pending.

Special administrative procedure related to restitution of pastures to village use

The issue of rural pastures that have become social property on the basis of the Law on proclamation as national property of rural pastures and forests, property of land, urbarial and similar communities and border property communities,[19] have been restituted to villages to use under the conditions and in a manner stipulated under the Law on restitution of pastures to village use (1992).[20]The method of the restitution

18 Law on the method and the terms of recognition and restitution of land that has been transformed into social property on the basis of the agricultural land fund and confiscation due to outstanding liabilities from the compulsory purchase of agricultural products, Official Gazette of the RS, no. 18/91, 20/92, 42/98;Art 1. par. 3.,Art. 2., Art. 3-7, Art. 10.

19 Law on proclamation as national property of rural pastures and forests, property of land, urbarial and similar communities and border property communities, Official Gazette of the RS, no. 1/48, 98/55.

20 Law on restitution of pastures to village use, Official Gazette of the RS, no. 16/92.

of pastures to village use is established by the Municipal Assembly, while the conditions and manner of their use are left to local citizens to agree on. However, the Law does not stipulate the transfer of ownership right to villages or local communities, but only their use. In terms of procedure (administrative), the legislator only determined that the procedure is initiated by a claim of the village inhabitants, and it can be initiated *ex officio*. With regard to the decision rendered, an appeal may be lodged to the Ministry of Finance as the second instance body. The Law makes no reference to the administrative-judicial protection in the case when the procedure had a negative outcome for the party (village or its citizens).

According to some analyzes, problems in the implementation of this Law are reflected in the lack of norms providing for the sanctioning of administrative bodies' omission to act, which led to present state with pastures, where a large number of areas have not been restituted to village use (the Law has not been implemented). Some municipalities never entered into the process of restitution of pastures, and in some cases the process failed (Šajin 2010: 9).

Also, the adoption of the new Law on Agricultural Land (2006, amended in 2008 and 2009),[21] has brought new problems, because, all agricultural land owned by the state, including pastures, was transferred to the administration of the Ministry of Agriculture, until the decision on the lease of land is rendered. Legal background and competence to conduct the second instance procedure is unclear. This falls within the scope of work of the Ministry of Finance but is not stipulated by the Law. The Ministry still has pending cases of restitution of pastures to villages.

Special administrative procedure related to property restitution and compensation

This right derives from the LPRC[22] which finally, in the legalistic sense, completed the process of restitution. The subjects of restitution are nationalized immovable properties: building land, agricultural land, forests, forest land, residential and business buildings, flats and business premises and other facilities that existed at the time when the LPRC entered into force in 2011. The right to restitution refers to a number of

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21 Law on Agricultural Land, Official Gazette of the RS, no. 62/06, 65/08, 41/09. 112/15.

22 Compare: Law on Property Restitution and Compensation, Official Gazette of the RS, no. 72/11, 108/13, 88/15-dec. CC. art. 3. par. 1. point 6.

laws and other regulations adopted immediately after the Second World War from 1945 to 1958 and includes property confiscated through agrarian reform and colonization, internal colonization, confiscation of property and execution of confiscation, sequestration, redistribution, nationalization of leased buildings and construction land, etc.[23]

LPRC elaborates the process of implementation and protection of this right, thus it is an example how to elaborate in detail the provisions of procedural law or special administrative proceedings in the implementation of the administrative-legal protection of this right through the provisions of substantive law. With regard to the administrative-legal implementation of the rights to restitution and compensation, an important role is played by the Agency established by the LPRC.[24] Thus, the Agency is the first instance authority in exercising the right to restitution and compensation.

With regard to the procedure, it should be noted first that it is multi-party administrative procedure because, according to LPRC, a party in the procedure is a person at whose claim the procedure is initiated or who has a legal interest, obligee, as well as the Republic Public Attorney, and the Agency deals with the claim for restitution of property in the first instance. In accordance with the LPRC, a claim for the restitution of property is submitted by all former owners of the confiscated property, or their legal inheritors and successors. The deadline for the submission of claim expired on March 1, 2014. However, this does not necessarily mean that the future administrative-procedural implementation and protection of the right will not take even decades.

The Agency determines all facts and circumstances relevant for decision making on a claim and adopts a decision on determining the beneficiary, property for restitution or compensation, basis for the amount of compensation and advance payment, as well as the manner and deadlines for the execution of determined obligations. The Agency submits the first instance decision to the claimant, obliged person and Republic Public Attorney.[25]

The Claimant, obliged person and the Republic Public Attorney may appeal against the first instance decision to the Ministry in charge of finance, which is the second instance authority, within 15 days from date when the decision was delivered. With regard to the general ad-

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23 Ibid. Art. 2.

24 Ibid. Art. 51.

25 Ibid. Art. 47.

ministrative procedure which envisages that the second-instance body should decide upon the appeal within 60 days, the LPRC stipulated that the Ministry in charge of finance is obliged to decide on submitted appeal within 90 days from date of its receipt and administrative dispute procedure may be initiated against the second instance decision which is considered urgent.[26]

It appears that the provisions of the LPRC provide a satisfactory way of the implementation and protection of the right to restitution of property and compensation, except in the case where the completion of the claim is very difficult for the claimant, especially when it comes to documents in the possession of other state authorities, without getting into some other problems that accompanied the adoption of the LPRC, namely the envisaged form of restitution.

Conclusion

It is evident that the scope of the Ministry of Finance also covers participation in the implementation of a number of procedures and processes in the field of property-related legal affairs directly related to the implementation of the right to a peaceful enjoyment of property, especially those related to expropriation, denationalization or restitution. However, in certain analyzed processes, it remains unclear from which particular legislation certain specific tasks of the Ministry of Finance derive, unless they arise from an extremely general formulation contained in the current Law on Ministries relating to its scope of work.

Looking at two legal institutes - *expropriation* and *denationalization* (as well as *restitution* in its narrow sense*)*, a variety of special procedures is noticeable, where this Ministry plays a role in the realization and protection of the right to the peaceful enjoyment of property.

With regard to the institute of expropriation, legislation in force provides several special administrative procedures, as well as participation of this Ministry in them. For the expropriation process, it is important also who defines public interest for expropriation under the law - the National Assembly or the Government of the RS. In the latter case, the Government, in a special administrative procedure, renders a decision for the determination of public interest. This special procedure has the character of the procedure that precedes the procedure of expropriation, because without its implementation there is no expropriation. In

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26 Ibid. Art. 48.

this procedure, the possibility of administrative- judicial protection is expressly envisaged, because upon decision of the Government that regulates the public interest, the law expressly cites the possibility of an administrative dispute before the competent court. On the other hand, the legal provision stipulating that the proposal for determination of public interest has to be submitted to the Ministry in charge of finance represents a significant exception from the general rules of administrative procedure constitutes, since the law does not specify its closer role, and further, it envisages that the Ministry in charge of finance should "evaluate" the fulfillment of "formal" requirements of the application, because it can be rejected by a conclusion if it is incomplete.

With regard to the so-called „general" procedure of expropriation, which is set by the LOE, it can be concluded that it is thoroughly regulated by the LOE and the legal development of this procedure explicitly stipulates the administrative-legal protection of the individual (through the right to appeal to the Ministry in charge of finance on a decision on expropriation of the municipal administration) as well as the administrative-judicial protection, because it expressly stipulates the possibility of an administrative dispute against the second instance decision of the Ministry in charge of finance. So, from the standpoint of administrative-procedural protection, we can conclude that it, at least normatively, corresponds with the European standards.

In addition to the „general" procedure of expropriation, the LOE, also stipulates special administrative expropriation procedure carried out in areas affected by earthquake, flood, fire, etc. The latter procedure is not elaborated in such detail as the former one and does not provide direct possibility of administrative dispute, but this possibility arises from the previous „general" expropriation process and from the subsidiary application of the LGAP and the LAD.

Since public interest for expropriation may be determined by law, a special procedure of expropriation is envisaged by the Law on the determination of the public interest and special procedures of expropriation and issuance of building permit for the realization of the Project „Belgrade Waterfront". Within this special administrative procedure of expropriation, it remains unclear why the legislator left a shorter deadline for deciding upon an appeal in the case of „administrative silence" (eight days) and why the legislator felt the need, only in a situation of „administrative silence", to directly envisage the possibility of initiation of proceeding of administrative-judicial protection or administrative dispute before the Administrative Court, which has not been done in

other cases of decision making on appeal in the second instance procedure before the Ministry in charge of finance, although, of course, the possibility arises from general regulations the LGAP and the LAD.

With regard to analyzed procedures related to denationalization (in the broader sense of this term), it seems that certain legislation, particularly that adopted before the LPRC (2011) remains vague in terms of procedures and administrative-procedural protection of the right and a more detailed future analysis should include procedures related to regulations which after the Second World War led to the colonization, agrarian reform, etc., and which also had negative effects on the right to the peaceful enjoyment of property. LPRC specifies the procedure for restitution of property, as well as administrative-legal and administrative-judicial protection, and in this sense contains sound provisions, without entering into a further elaboration of the legal models of restitution (restitution of assets), extensively discussed at the time of the adoption of the LPRC and still under discussion.

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Challenges of Modern Age in the Field of Work-family Reconciliation Policies in Serbia

Abstract

The challenges faced by modern countries have influenced the change of priorities in social policies and, in this context, also in family-related policies. As we know, labor market opportunities and possibilities for working parents are not solely the reflection of a country's economic situation. Cultural aspects of a country and working parents' individual characteristics also have an impact on their position in the labor market. Support provided by the state to working parents is another determining factor in their position and viability on the labor market. Because of that, institutional arrangements in this area are very important and they present an intervention field in most European countries, including Serbia. Taking that into account, a frequent topic of public debate is the question what models should be put in place in order to assist parents to enter and remain in the labor market there continuing to fulfil their family responsibilities. The key question of this assignment is to analyze the status of working parents and challenges they face in their efforts to strike a balance between family commitments and work obligations.

Keywords: work-family reconciliation policy, gender equality, position of women in the labor market

Introduction

Work – family reconciliation is a concept that has been the theme of discussion in the frame of different empirical and theoretical studies during the last two decades. Policies which are directed at regulating

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labor market relations in general can be divided into policies aimed at encouraging employment of parents and trying to regulate relations in the labor market and those providing financial assistance to families and payments for certain services (ILO 2010:87; Eydal, Rostgaard 2011:176). Viewed in this manner, as depending on the components and level of development of the system itself, rather than the country's economy, political and social system, these policies can be deemed as stimulating, neutral, or discouraging for the position of women, if we take into account paid and unpaid work (Addati 2015:70).

The most important forms of support in Serbia that can be the focal points of examination include tax policies, child allowances, fees for children and absence from work (Law on Financial Support to Families with Children, Art. 5 and 9; Labour Law, Art. 94). Achieving this form of support for parents, especially for mothers, is more easily associated with their commitments and obligations both at work and at home. Still, at the same time it should aim at increasing their professional engagement, too (Dhembo 2007:166).

The aim of this assignment is to research the challenges and difficulties that working parents in Serbia encounter in their lifes in view of achieving a more successful balance between their responsibilities at home and at work. Especially if we acknowledge the demands and trends of the modern labor market and fewer possibilities to completely meet the needs of families with professional engagement.

Theoretical framework-Examples of policies and practices of gender equality in the European Union

Paid work and care work are fundamental to the lives of family members and it becomes increasingly difficult and onerous to manage a successful job alongside responsibility for dependants in the context of rapid and dramatic family and labor change (Lewis 2009:25). The problems of balancing responsibilities are not the same for women and men (Lewis 2009:48), because mothers have increased their participation in the labor market greatly, but fathers haven't increased their participation in unpaid household work. Public interest in the work and family balance policies has expanded in recent years. From the policymaker's perspective, it is an issue to what extent the state's intervention is justified in helping family members to make balance in those two fields. Also, work

and family policies are often seen as a solution to a range of policy problems as well as: unemployment, fertility rates, tackling child poverty, etc. That means that work and family policies together with gender equality have been an explicit goal to all EU countries (Lewis 2009: 83).

Despite the fact that considerable attention of European countries has been dedicated to the policy of adjustments between family and professional obligations, there is no homogenous trend of services development in this field. The factors which largely affect the participation of women in the official labor market are the number of children in the family, family economic status and educational level of parents (OECD 2011:36). The policy aimed at family is also an important factor in the decision-making process if and to what extent women will be engaged in work (OECD 2008:3). However, according to OECD much better results in this field could be accomplished if there was a possibility of creating working arrangements where women could be engaged in part-time work, (OECD 2008:38). Although the importance of shared parental absence is recognized, both in terms of the advancement and development of a child and from the standpoint of gender equality, labor market demands and duties in the household are not supported by all national policies towards this idea (Maskalan 2016:392).Regardless of the direction of interventions and guidelines, states are faced with challenges of how to find a system that provides alignment of the needs of parents and children which is equally efficient from the economic, demographic and social aspects (European Commission 2010: 12; OECD 2011:58).

The European Commission recognizes difficulties that exist in this area. The EU Commission has launched a public debate on the topic of creating a successful balance between the demands of both sides, as well as the reduction of barriers that exist in the process of greater involvement of women in the formal labor market. This contributes to an increase in employment, which also represents one of the goals of the Strategy "Europe 2020" (Kronja 2015:36). Strengthening gender equality and providing equalization during the distribution of work and responsibilities between women and men are the principles underlying the debate (Perišić 2010:129).

The European Union increasingly advocates the need for additional investments in family-related policies. However, innovation is reflected in the concept of social investment. "How does the concept of social investment imply that with the activating dimension one must respect the

equality dimension and guarantee certain social security, recent trends show that due to growing economic pressures, the activating component is gaining importance. Thus, the policy measures for the harmonization of family responsibilities and paid work are, as a rule, advocated and encouraged in relation to economic objectives of employment and competitiveness growth. This is primarily reflected in the very character of mechanisms developed by the European Union in this area, which are fundamentally aimed at maintaining the link between parents and the labor market, while increasingly ignoring issues of gender equality and the well-being of the family" (Dobrotić 2015: 354).

Studies conducted in Serbia at the end of XX and the beginning of XXI century indicate that the status of women at the time did not substantially change and that the concept of reconciliation of family and professional commitments was mainly based on the double burden for a woman (Blagojević Hjuson 2014: 387; Milić 2006: 63; Blagojević 1997:50).

Since the beginning of XXI century and in the years that followed, the reaffirmation of women's position, particularly in the sphere of politics and culture, has gradually occurred. However, it cannot be concluded that the status of women has been improved in a larger perspective (RZS 2014:36). This especially if one bears in mind the data on rising unemployment rates. According to the Statistical Office of the Republic of Serbia, it is evidential that women make the majority among the unemployed population, leading us to the conclusion that women are forced to return to more traditional roles and make a choice between family and employment (RZS 2007:35). In this context, demographic studies have shown that in a situation of general acceptance of low reproductive rates, the effect of education as a principal factor in reproductive behaviour is declining (Šobot 2012:102).

In terms of the double burden, data for Serbia show that in 2013, 85% of women and 77% of men felt some form of conflict between private and work commitments. If we analyze the data for the European Union covering the same period, where 59% of women and 54% of men said they felt this type of burden (Šobot 2012:35), it can be concluded that in our country not only a higher percentage of men and women experience heavier burden, but also that the disparity by sex is far more prominent. In addition, data from the same source indicates that 57% of unemployed women would accept paid work if they had the option of flexible working hours (Šobot 2012:37). This data can be linked to

the possibilities provided for by the Labour Law, granting employee and employer the right to agree on working a portion of hours from home or by working ona part-time basis (Perišić, Vidojević 2015:181).

Research – methodology and goals

The data for this study have been collected by a questionnaire consisting of 33 questions. The sample was drawn according to the principle of random selection. It consisted of 203 respondents living on the territory of the City of Belgrade. The survey was conducted between January and April 2015. Of the total respondents, 158 were part of the general population, while 45 were involved in foster care.

Female respondents engaged in foster care were singled out as a separate subgroup, given the specificity and challenges of caring for the children without parental care which consequently complicates the family organization and requires increased involvement of foster parents (Tanasijević 2016:151).

The data were analysed by a set of parametric and non-parametric statistical techniques. Frequency of analysis was performed most often and it shows the frequencies and percentages of female respondents who had opted for different answers. Differences in the frequency of different categories of responses were tested using Chi-square test. The connection between category variables was tested by calculating Cramer's V coefficient, while the connection between continuous variables was tested by calculating Pearson correlation coefficient.

Oral interviews were also conducted with female respondents, during which they were asked questions of open and closed type.

Results

In the general population group, the largest number of female respondents belonged to the age group between 36 and 40. The subsample of foster mothers consisted of slightly older respondents (Table 1).

Table 1. – The age structure

Age	Female respondents – general population (%)	Female respondents – foster care mothers (%)
20-25	3,2	0
26-30	4,4	4,4
31-35	24,7	11,1
36-40	37,3	8,9
41-45	16,5	15,6
46-50	8,9	40
Over 50	5,1	20

The majority of respondents from both subsamples were married at the time of the test. The following table presents the data on the marital status of the respondents (Table 2).

Table 2. – Marital status

Status	Female respondents – general population (%)	Female respondents – foster care mothers (%)
Married	82,9	68,9
Consensual union	6,3	11,1
Divorced	6,3	8,9
Separated	3,2%	6,7
Unmarried	1,3	4,4

The majority of respondents - members of the general population had high school education, but in the subsample of foster mothers women with lower levels of educational qualifications dominated (Table 3).

Table 3. – Educational background

Education	Female respondents – general population (%)	Female respondents – foster care mothers (%)
PhD	1,3	0
Master's degree or specialization	9,5	4,4
High school	62	13,3
Secondary school (4. degree of education)	19	22,2
Secondary school (3. degree of education)	5,1	28,9
Primary school	2,5	31,1

In the period when they took part in the survey, the majority of respondents from both subsamples were employed. The following table presents the data on the employment status of our respondents (Table 4).

Table 4. – Employment*

Status	Female respondents – general population (%)	Female respondents – foster care mothers (%)
Employed	88,6	80
Unemployed	3,2	8,9
Maternity leave	4,4	2,2

* A total of 6 respondents in this subsample did not choose any of these three categories. Those were the respondents working from home, self-employed, working under service contract or occasionally, and unregistered. One of the respondents in this group reported that she was fired after maternity leave. Four of the respondents in the foster mothers subsample chose to answer "Other" (one takes care of a sick child; two are working occasionally and unregistered).

The majority of employed respondents were employed for an indefinite period of time. In the subsample of respondents – members of the general population, 118 of them or 76.6% of the subsample were employed for an indefinite period, 24 or 15.6% of the subsample were employed for a limited period, while 11 respondents or 7.1% of the subsample worked unregistered.

The data are somewhat different in the subsample of foster mothers. Although the largest number of respondents in this subsample was also employed for an indefinite period, the percentage is lower than in the general population subsample. By the length of working experience, the structure of the sample generally follows the age structure of the sample. Among the general population participants, the most numerous were respondents who worked between 9 and 12 years (36 or 22.9% of the subsample of the general population members), respondents who worked between 12 and 15 years (30 of them or 19.1% of the subsample). In the foster mothers subsample, the most numerous were the respondents who worked more than 15 years (22 of them or 48.9% of the subsample of foster mothers).

In the group of female respondents – members of the general population, the largest number performed professional activities (89 of them or 58.6% of the subsample of the general population members). Following are respondents who performed administrative tasks (22 of them or 14.5% of the subsample), 10 respondents performed technical

duties (6.6% of the subsamples), 4 respondents performed managerial jobs (2.6% of the subsample), while 3 of them were directors (2% of the subsamples) or owners of private companies (2% of the subsamples). The remaining respondents, 21 of them, mostly worked in education or as merchants. In the group of foster mothers, 14 of them performed technical tasks (31.1% of the subsample of foster mothers), one performed administrative tasks (2.2% of the subsample), one performed managerial jobs (2.2% of the subsamples), one was director (2.2% of the subsample), and also one respondent owned a private company (2.2% of the subsample). The remaining 18 foster mothers mainly worked as maids, hygienists or merchants.

In the general population group, the most respondents worked in the public sector. Even 105 respondents or 67.7% of the subsample worked in the public sector, half as many worked in the private sector (45 respondents, or 29% of the subsamples), while the remaining 5 respondents worked in both, as well as in the NGO sector (3.2% of the subsample).

Respondents reported the proportion of their participation in the household budget (Table 5) of their families with their personal income, expressed as a percentage. Results show a significantly higher number of respondents in both subsamples whose incomes make up less than 50% of the total household budget. In the general population subsample, a total of 98 respondents, or 62% of the subsample contribute less than 50% of the total value of the household budget. Far fewer respondents, 58 of them or 37% of the subsample contribute with more than 50% of the total household budget. In the context of the research for the needs of the analysis, statistically significant positive correlation of very low intensity between the age of the respondents and participation in the household budget has been determined. The elder respondents, the greater is the participation in the total household budget (r=.144, p=.029). There is an even stronger link between the length of years of service and participation in the household budget, so women who work longer years contribute more to the family budget (r=.262, p<.001).

The largest number of respondents from both groups had two children. In the general population group, 77 respondents had two children (49% of the subsample), 61 respondents had one child (38.9% of the subsample), while the remaining 19 respondents had three children (12.1% of the subsample). In the subsample of foster mothers, 17 respondents had two children (38.6% of the subsample), while 5 foster mothers had more than three children (11.1% of the subsample).

Table 5. – Participation in the household budget

Percentage of participation in budget	Female respondents – general population (number)	Female respondents – foster care mothers (number)
91-100% of budget	16	6
81-90 of budget	7	5
71-80 of budget	6	2
61-70 of budget	15	1
51-60 of budget	14	3
41-50 of budget	30	8
31-40 of budget	25	7
21-30 of budget	25	6
10-20 of budget	13	7
Less than 10% of budget	5	0

In both groups of female respondents, the largest number had a child under the age of 15 and a majority had a child of preschool age. Preschool children of respondents from both subsamples mostly attended preschool institutions. In the general population subsample of members, the children of 67 respondents attended preschool institutions (45.9% of the general population subsample), while children of 16 respondents (11% of the subsample) did not attend preschool.

In the foster mothers subsample, the children of 14 foster mothers attended preschool institutions (33.3% of the foster mothers subsample), while children of 2 foster mothers did not attend preschool institutions (4.8% of the subsample).

The respondents with preschool children were asked if they took their children to and from preschool institutions. It turned out that the majority of respondents shared this responsibility with other family members (mostly grandmothers, grandfathers and husband). In the general population subsample, among the respondents with children of preschool age, the majority of respondents who took their children to and from kindergarten did not do so every day (30 respondents, or 21.1% of the general population subsample). They are followed by respondents who took their child to and from kindergarten every day (24 respondents or 16.9% of the subsample), while a slightly lower percentage of respondents did not take their children to and from the kindergarten (17 respondents or 12% of the subsample). In the foster mothers group, 5 respondents took their children to and from the kindergarten but not every day (11.9% of the subsample).

The largest numbers of respondents who had children of elementary school age did not use the services of extended stay. Most respondents who had children of elementary school age took them to and from school or they had help of other family members (primarily spouse and grandparents).

Respondents from both groups reported that they mostly spent more than 3 hours a day in performing household duties including child care. These respondents mostly reported they spent about 5-6 hours doing these jobs, while some respondents spent even 10 hours a day doing household errands.

In the general population group of respondents, only 10 respondents spent one to two hours doing housework and engaging in child care (6.5% of the subsample of the general population members), 55 respondents spent between 2 and 3 hours a day on these tasks (35.9% of the subsample), while the remaining respondents spent over 3 hours and on the average between 5 and 6 hours a day (57.5% of the subsample) (Table 4).

In the foster mothers group, 4 respondents spent between 1 and 2 hours in housework and child care (9.1% of the subsample of foster mothers), 19 of them spent between 2 and 3 hours a day on these tasks (43.2% of the subsample), while 21 spent more than 3 hours a day doing housework and participating in child care (47.7% of the subsample) (Table 6).

Table 6. - Number of hours that respondents spend in performing housework, including child care

Number of hours	Female respondents – general population (%)	Female respondents – foster care mothers (%)
1-2	6,5	9,1
2-3	35,9	43,2
More than 3	57,5	47,7

A slightly higher number of respondents believed that they shouldn't spend more time in performing household duties, including child care. Eighty one respondents in the general population group (52.6% of the general population subsample) stated so, while 73 believed they should spend more time in these activities (47.4% of the subsample). This difference is not statistically significant ($\chi2(1)=0.42$, p=.519).

In the foster mothers group, this difference is more prominent and statistically significant ($\chi2(1)=4.45$, p=.030). A total of 29 foster mothers

believed they shouldn't spend more time doing housework and child care (65.9% of the subsample of foster mothers), while 15 foster mothers believed that they should spend more time in performing these tasks (34.1% of the subsample).

Most respondents who participated in the research worked eight hours a day. In the general population group of respondents, 71 respondents worked eight hours a day (46.4% of the subsample of the general population members), 53 respondents worked less than eight hours a day (34.6% of the sample), and 28 respondents worked more than eight hours a day (18.3% of the subsample).

In the foster mothers subsample, 26 respondents worked eight hours a day (63.4% of the subsample of foster mothers), 9 respondents worked less than eight hours a day (22% of the subsample), and 6 respondents worked more than eight hours a day (14.6% of the subsample).

Table 7. - Length of working time

	Female respondents – general population (%)	Female respondents – foster care mothers (%)
8 hours daily	46,4	63,4
More than 8 hours daily	18,3	14,6
Less than 8 hours daily	34,6	22

All respondents reported an experience of overtime. In the group of respondents – members of the general population, 19 respondents worked overtime on a daily basis (15.3% of the general population subsample), 25 respondents stayed longer at work 2-3 times a week (20.2% of the subsample), 18 respondents did so two to three times in two weeks (14.5% of the subsample), while the largest number of respondents, 62 of them (50% of the subsample), worked overtime only two to three times per month. In the group of foster mothers, only 2 respondents worked overtime on a daily basis (8.3% of the subsample of foster mothers), 4 worked overtime several times a week (16.7% of the subsample), one of the respondents reported working longer hours several times in a period of two weeks (4.2% of the subsample), and as in the previous group, the largest number of foster mother respondents, 17 of them, rarely worked overtime, just a few times per month (70.8% of the subsample).

Both groups of respondents were asked if they were married and what were their plans related to parenting at their job interviews. Within

the general population subsample, 52 respondents had this experience (33.5% of the general population subsample), while 103 respondents haven't been faced with this question (66.5% of the subsample). Thus statistically, a significantly larger part of the sample of respondents from the general population haven't been asked for private plans at their job interviews ($\chi2(1)=16.78$, p<.001). In the sample of foster mothers, the results are somewhat different. There is no statistically significant difference in the number of respondents who have been asked this question, and those who haven't ($\chi2(1)=0.20$, p=.655): 21 foster mothers have faced these questions at a job interview (46.7% of the subsample of foster mothers), while 24 of them haven't (53.3% of the subsample).

In both groups there were respondents who knew someone whose employment contract was terminated shortly after returning from maternity leave / absence from work for child care. In the general population group, these women are in the majority ($\chi2(1)=4.33$, p=.037). As many as 91 respondents from this group knew someone whose employment contract was terminated shortly after returning from maternity leave / absence from work for child care (58.3% of the general population subsample), while 65 respondents did not know such a person (41.7% of the subsample). In the sample of foster mothers, there was no statistically significant difference in the number of respondents who knew or did not know such a person ($\chi2(1)=2.69$, p=.101): 17 respondents knew someone whose employment contract was terminated shortly after returning from maternity leave/absence from work for child care (37.8% of the subsample of foster mothers), while 28 foster mothers did not know a single person with such experience (62.2% of the subsample).

In the general population group, respondents who came back to the same position in which they had worked before maternity leave/absence from work for child care are more numerous ($\chi2(1)=27.68$, p<.001). There are 106 of them (71.6% of the general population subsample), while 42 of them did not return to the same position after this type of absence (28.4% of the subsample). In the subsample of foster mothers, there is no statistically significant difference in the number of foster mothers who returned to the position in which they worked before their leave and those who didn't ($\chi2(1)=3.27$, p=.071): 24 foster mothers returned to the same position (64.9% of the subsample of foster mothers), while 14 of them didn't (35.1% of the subsample).

The majority of respondents in both groups did not experience any problems at work due to the use of sick leave or due to the illness of the

child. Within the subsample of the general population, 122 respondents did not experience such problems (84.7% members of the general population), while 22 of them did (15.3% of the subsample; χ2(1)=69.44, p<.001). In the group of foster mothers, 35 women did not experience such problems (79.1% of the subsample of foster mothers), while 8 did (18.6% of the subsample; χ2(1)= 42.19, p<.001).

The majority of respondents were not required to return to work before the expiration of the legal deadline which stipulates an absence from work for childcare. Among the general population participants, 127 women didn't have to return to work before the expiration of the legal deadline (85.8% of the subsample), while 21 did (14.2% of the subsample; χ2(1)= 75.92, p<.001). In the group of foster mothers, only one woman had to return to work before the expiration of this deadline (2.4% of the subsample), while the remaining 41 did not have to (95.2% of the subsample; χ2(1)= 72.43, p<.001).

Most of the respondents from both sample groups did not know any woman whose husband used the legally provided possibility of sick leave for child care. In the general population group, there were 102 such women (65.4% of the subsample of members of the general population), while 54 respondents known women whose husbands used sick leave for child care (34.6%; χ2(1)= 14.78, p<.001).

Both groups of respondents generally agreed that women and men have equal opportunities for professional development in their companies. Of all respondents belonging to the general population, 119 believed this to be the case (or 78.8% of the subsample), while 32 respondents from this group stated that opportunities for professional development in their firms aren't equal for men and women (21.2% of the subsample; χ2(1)= 50.17, p<.001). In the sample of foster mothers, there were more who believed that both sexes have equal opportunities for professional development, or26 of them (66.7% of the subsample of foster mothers). The remaining 13 foster mothers didn't share their opinion (33.3% of the subsample; χ2(1)= 4.33, p=.037).

When it comes to promotion, women in the general population mostly reported that there was no gender discrimination in this regard within their companies, but the discrepancy was somewhat smaller here than when it comes to professional development (χ2(1)= 27.31, p<.001). The answers of foster mothers were similar to those relating to professional development. A larger number, or 28 of them (70% of the subsample), stated that the opportunities for promotion are equal for men

and women ($\chi2(1)= 6.40$, p=.011), while 12 foster mothers disagreed (30% of the subsample).

Conclusion

During the research, the issues which required a more detailed analysis and may indicate a need to implement further research have been also identified. One of the limiting factors is the fact that the research has been conducted on the City of Belgrade territory. It further raises a question and assumption that the answers and perception of the situation would be different if other regions in Republic of Serbia were also included, especially because of its demographic and socio-economic characteristics.

Although the number of women who enroll and complete university studies is increasing (RZS 2015:106), and according to the data from 2009, the participation of women and men among those who have completed their PhD has equalized for the first time in our country (Blagojević 2012:86). This information is important also in the symbolic sense, as the rapid feminization of scientific titles may be partially linked to the deterioration of the overall situation of science, as is the case in other post-socialist countries and not only in improving the status of women. Women are actually more present in areas abandoned by men, i.e. in areas where status and payment are declining (Blagojević, 2012:88).

The survey shows that the percentage of women participating in the total household budget in most of the sample (62%) is below 50%. Therefore, the question is whether this is a personal choice to do with lower paid jobs or with the prioritizing of their family role and child caring commitments, and thus they do not have a lot of opportunities for promotion in the professional sphere. Another question arising is that of personal satisfaction with the achieved level of earnings.

The data on the participation of respondents in the family budget is significant due to the fact that most members of the general population covered by this study were aged between 36 and 40, when the capacities for promotion and achievement of professional ambitions are highly expressed. It would be also necessary to explore specific opportunities for advancement and vertical mobility in the public sector, given that most of the respondents were employed in this sector.

Correlation analysis was performed in order to examine if the level of education is associated with the percentage of women's participation

in the total household budget. There was a statistically significant positive correlation of low intensity between the level of education and participation of women in the total household budget on a subsample of the general population members. In the subsample of foster mothers such a correlation doesn't exist.

The question of the time period that respondents spent doing housework, or in activities with their children, indicates that the majority of respondents considered that they spent enough time with the family and that there was no need for a greater engagement in this field (52.6%). Responses of the majority of women indicate that they were engaged for more than three hours a day in family activities. This data can suggest fatigue and burden on women, especially if they are simultaneously overburdened with responsibilities both at home and at work. All respondents experienced working overtime, with 15.3% who work overtime every day, while 20.2% worked overtime three times a week. This information may also account for the attitude of the majority of respondents who believed they did not have to spend more time on family responsibilities. In addition, the majority of respondents confirmed that they didn't know any women whose husbands benefited from the possibility of sick leave for child care, which again supports the fact that women are more involved in child care.

When comparing the obtained data relating to the number of hours that women spent on housework and child care, it can be concluded that the results correspond to the results of other statistics which also show that women spent more hours on these activities. Out of the total number of respondents from the general population, only 6.5% of the subsample spent one to two hours on these activities, 35.9% of the subsample spent between two and three hours a day on housework and childcare, while 57.5% of the subsamples spent between five and six hours a day. In the group of foster mothers, 47.7% of the subsample spends more than three hours a day in these activities every day. Data of the Statistical Office of the Republic of Serbia from 2014 indicates that women spent more than seven hours in total work, while men spent fewer hours. On weekends, women are on the average more involved in unpaid work than the men are engaged in total work. The more educated women are the more time they spend on paid work. According to the same source, regardless of their level of education, women spent more than four hours on unpaid work. Women who have higher and high educational level spend fewer hours. When it comes to leisure activities,

women spent less than five and a half hours, while men spent six and a half hours (RZS 2014:81).

In the context of this study, no significant relationship was determined between the type of sectors in which respondents worked and their opportunities for promotion. However, the data available for Serbia suggests that women are twice less often self-employed than men, which further indicates their disadvantage on the labor market, especially bearing in mind that women's entrepreneurship is conditioned by men's support, both private and public (Kolin 2009:20). On the other hand, differences by gender are significantly reduced among the youngest respondents, reflecting the current trend.

Now we can say that much depends on what society policymakers want to see. "The major element determining the conception and design of policies remains the set of prevailing cultural values, social ideas and historical legacies" (Lewis 2009: 202). If gender equality is not mainstreamed as a key policy goal, it is problematic to expect that reconciliation for women is assumed to constitute a policy that promotes gender equality.

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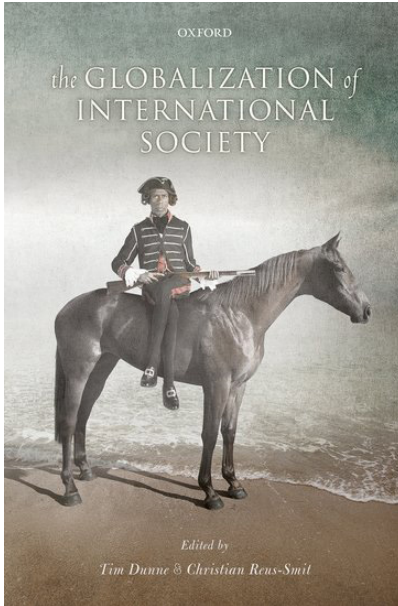The Labour Law. *Official Gazette of the Republic of Serbia*, numbers 24/05, 61/05 and 54/09.

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Tim Dunne & Cristian Reus-Smit (eds.) *The Globalization of International Society*. Oxford University Press, Oxford 2017.

A study written by Hedley Bull and Adam Watson, and published in 1984 under the title *The Expansion of International Society*, remains an intriguing read and a point of vivid discussion among contemporary International Relations scholars. Authors such as Iver B. Neumann and Filip Ejdus are among those who have significantly contributed to the ongoing reassessment of this magnum opus of the English School in IR at the beginning of the 21st century. Tim Dunne and Cristian Reus-Smit, along with a large group of collaborating contributors, now present us with the ultimate anthology of new readings of Bull's and Watson's study, called *The Globalization of International Society* and published by the Oxford University Press. Drawing a lot from Bull and Watson, the editors have aspired to create a "book that aspires to make two important contributions to the renewal of a 'global IR'. First, it is a collection of revisionist arguments about a classic book in the field that was too narrow and ethnocentric in its reading of 'the expansion' process, and that conceived of the system/society boundary in ways that limited its sociological imagination. Second, becoming 'global IR' requires critical engagements with the disrupters that now challenge the society of states: the contests over the limits of sovereignty in relation to cosmopolitan conceptions of responsibility; disputes over procedural justice in a post-Western

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world; concerns about the failure to achieve racial and gender equality; and the disruptive power of digital communications" (p. vi).

According to the editors, the Bull & Watson volume was "largely a story of Europeanization", rather than expansion. Contrary to such a notion of expansion of international society, Dunne and Reus-Smit with their collaborators largely reject the Europe-centric bias of the original authors, as well as their linear understanding of the process. The very title of the edited book – the globalization of international society – is how Dunne and Reus-Smit are aspiring to reassess the issue of widening and broadening of the state system/society. States are still seen as central actors, but, just like their contemporary environment, they are themselves a lot more flexible in this capacity.

In the introductory section, which precedes nineteen chapters on various topics, written by some of the most reputable authors working within or around the English School of IR, the editors identify four key ways their pattern differs from that of Bull & Watson (pp. 5-7):

1) By revising the conceptual apparatus of the original authors, most notably as it pertains to the core notions of 'system' and 'society';

2) By conceiving of the evolution of international society as globalization rather than expansion (which presupposes the understanding of globalization in the context of spreading of the institution of the sovereign state, and of a set of distinctive social relationships among these states);

3) By breaking with Bull's and Watson's treatment of the globalization of international society as a rational, even ordered, process; which would encompass rational responses by states to external imperatives and an additional practical problem of incorporation for European states; and

4) By viewing globalization as an ongoing process, not realized in its final form at a particular moment in time.

Dunne and Reus-Smit give the original authors credit for recognizing the unique phenomenon of international order and posing the right questions, rather than providing satisfactory explanations. In hindsight, of course, Bull's and Watson's concepts and findings could be discredited by contemporary authors with more or less success, but it is a lot more honest, academically speaking, to reassess their volume by observing it within the original context, while properly utilizing over 30 years of new-acquired knowledge.

In The Globalization of International Society largely succeeds in contesting the materialist foundations of previous scholarship on the topic, without dismissing it entirely. Regarding the issue of power, they seek to "move beyond" the structural treatment of it, thus recognizing the specificities of international contestation and all the subtlety with which the current international society tends to expand. They tend to "treat international society as a particular kind of governance assemblage, characterized by distinctive norms and practices, but embedded within, and constituted by, the broader social universe of the world political system" (p. 36). Although many of the previous concepts are seriously contested, they are also largely built upon. The editors and the contributors did exactly this, through four parts of the volume that are to be found between the introductory and concluding remarks.

The first of those (the second part overall) is entitled "Global context" and deals predominantly with the emergence of sovereign states system in the period from fourteenth to seventeenth century, by conceiving of the world as multi-ordered, and exposing its economic, cultural and political interactions and practices. This is where they try to curb Bull's and Watson's statement that non-Western societies were drawn into the European-generated international order largely on voluntary basis. The section encompasses contributions from Andrew Phillips, Heather Rae, Hendrik Spruyt and Neta C. Crawford.

Part III ("Dynamics of Globalization", with contributions by Richard Devetak & Emily Tannock, Jennifer M. Welsh, Paul Keal, Jacinta O'Hagan and Yongjin Zhang) addresses the fact that privileging the European dimension of the emergence of global sovereign order is "radically insufficient", due to lack of understanding of the critical role of exogenous forces and their boundaries. Many of Bull's and Watson's basic concepts are thoroughly contested here; particularly their understanding of linearity and rationality of international society's expansion, as well as Bull's too narrow definition of war – which has unjustly excluded many important historical episodes from the original analysis. Part IV deals with the "Institutional Contours" of today's "universal" international society. Barry Buzan, Ian Clark, Gerry Simpson, Mark Beeson & Stephen Bell, and Hun Joon Kim grasp the critical issues of sovereignty, hegemony, as well as legal and economic structures within current international society.

The editors' research pattern here rests upon Reus Smit's old differentiation between three levels of institutions which comprise the architecture of international society: constitutional, fundamental, and issue-specific – with the latter being particularly neglected by the classical English School authors.

The fifth part ("Contestation") has the purpose of trying to make up for Bull's failure to adequately grasp the full scope, nature and effects of various forms of challenging of Western-dominated international society, by moving beyond his "circumscribed" understanding. Sarah Teitt, Ian Hall, Audie Klotz, Ann E. Towns and Lene Hansen present some of the attempts to reconceptualize the notion of sovereignty and the challenges posed to it by considerations that include issues of race, gender, communications and emancipation in general. Contestations to Western-led expansion of international society are seen here as being an "engine of international societal development", which is itself a radical contestation to Bull's and Watson's classical design.

A detailed reassessment of the classical English School volume by Hedley Bull and Adam Watson was largely overdue. In that sense, *The Globalization of International Society* could prove to be an important missing link between the classical English School and some of the contemporary pillars IR theory, especially those from the reflectivist and critical fields. Indeed, the editors explicitly state that their intention has not been to ground an entirely new theory of international politics, but to widen and deepen the grasp of the English School by addressing some conceptual and historical issues that have unjustly remained unaddressed. Although the discourse occasionally abandons the realm of what is traditionally considered English School (by largely omitting most of its "realist" elements in favor of a more constructivist and/or critical approach), this volume is without any doubt to be considered one of the corner stones of the School's development in the 21st century – and thus represents an invaluable material for the entire IR community.

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