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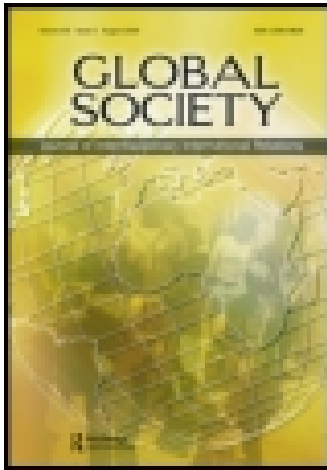
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# Changing the Rules of the Game: Comparing FIFA/UEFA and EU Attempts to Promote Reform of Power-Sharing Institutions in Bosnia-Herzegovina

LAURENCE COOLEY and JASMIN MUJANOVIĆ

*This article compares two international attempts to promote reform of power-sharing institutions in Bosnia-Herzegovina: failed European Union-led efforts to promote reform of the country's constitution, which was established by the 1995 Dayton Agreement; and the recent successful reform of Bosnia-Herzegovina's institutions of football governance, promoted by the game's international and European governing bodies, FIFA and UEFA. The article outlines the history of these two reform processes and seeks to explain why FIFA and UEFA have been more successful in promoting reform in this post-conflict setting than the EU. It argues that, in contrast to the EU, which has been vague about the precise reforms expected of Bosnia-Herzegovina's politicians, leaving the details to be negotiated by domestic political elites, FIFA and UEFA were more precise in their demands and were also willing to capitalise on popular frustration with the governance of the sport and to bypass nationalist elites who stood in the way of reform.*

## Introduction

October 2013 and February 2014 witnessed the convergence of unprecedented crowds in the streets of cities and towns across Bosnia-Herzegovina (BiH). The motivations behind these gatherings, however, were starkly different and they tell the story of two existing and possible fates for this polity as a whole. In February 2014, thousands of protestors took to the streets to express their anger with the country's politicians' failure to tackle a stubbornly high unemployment rate, corruption and economic mismanagement. In what was described as "[t]he most extensive social and political unrest in Bosnia since the country's civil war of 1992–95",<sup>1</sup> protests that began in the northern city of Tuzla spread and culminated with government buildings in the capital, Sarajevo, as well as Tuzla and Mostar, being set alight, and the resignation of several cantonal governments. These protests followed smaller-scale demonstrations in June 2013, when thousands

1. Andrew Gardner, "Bosnia Unrest 'a Wake-up Call'", *European Voice* (13 February 2014), available: <<http://www.europeanvoice.com/article/imported/bosnia-unrest-a-wake-up-call-/79648.aspx>> (accessed 17 February 2014).

blockaded the parliament to protest the government's inability to adopt a new law on personal identification numbers, required for newborns to receive all relevant state documentation. On this occasion, as stories of desperately ill children, unable to travel abroad for treatment without passports, began to spread, outraged parents organised gatherings—soon joined by masses of students, workers and pensioners—foreshadowing the events of early 2014. These protests have demonstrated the growing dissatisfaction of BiH's citizens with the inefficiency of the political institutions established by the Dayton Agreement that ended the war of 1992–1995, and which established a complex system of power sharing between representatives of the country's three main ethnic groups, Bosniaks, Bosnian Serbs and Bosnian Croats.<sup>2</sup>

In October 2013, by contrast, euphoria rather than rage swelled the main strip of the capital. BiH had qualified for its first major football tournament as an independent state; a 1-0 victory over Lithuania saw the national team through to the 2014 World Cup. As the players returned to Sarajevo from Kaunas in the early hours of 16 October, the number of jubilant fans in the streets only grew. Greeted by these crowds, Zvezdan Misimović, the most capped player in the team's history, who was born in Germany to Bosnian Serb parents and who played as a junior for BiH's neighbours and rivals, the Federal Republic of Yugoslavia (FRY),<sup>3</sup> declared from a balcony above the "Eternal Flame", a prominent World War II memorial and local landmark: "Ko ne skače mrzi Bosnu, hej, hej, hej!" ["If you're not jumping, you hate Bosnia, hey, hey, hey!"]. The chant was taken up with a roar as burning flares lit up the night sky.

Two and a half years previously, such an outcome seemed highly unlikely, as BiH's very participation in international football was threatened by the same institutional paralysis that lies behind the more recent protests, when the country's national football federation (the Nogometni/Fudbalski Savez Bosne i Hercegovine; N/FSBiH) was suspended by both the Fédération Internationale de Football Association (FIFA) and the Union of European Football Associations (UEFA), the sport's international and European governing bodies respectively, for failing to reform its presidency. This presidency had, since the establishment of the organisation following the Bosnian War (1992–1995), been shared by three officials—one Bosniak, one Bosnian Serb and one Bosnian Croat—in a similar manner to the country's political institutions. In October 2010, FIFA and UEFA called for this arrangement to be replaced by a single president by the end of March 2011, and the N/FSBiH's failure to comply with this demand resulted in its suspension from both organisations on 1 April of that year. This left the national football team unable to participate in international competition and prevented BiH domestic sides from competing in European club competitions.<sup>4</sup>

2. Milada Vachudova, "The Thieves of Bosnia: The Complicated Legacy of the Dayton Peace Accords", *Foreign Affairs* (24 February 2014), available: <<http://www.foreignaffairs.com/articles/140966/milada-vachudova/the-thieves-of-bosnia>> (accessed 21 March 2014).

3. The FRY was a state created in 1992, comprising Serbia and Montenegro, which were the only two republics that remained following the break-up of the Socialist Federal Republic of Yugoslavia.

4. "Football Federation of Bosnia-Herzegovina Suspended", FIFA (1 April 2011), available: <<http://www.fifa.com/aboutfifa/organisation/news/newsid=1410136/index.html>> (accessed 5 November 2013); "Football Association of Bosnia-Herzegovina Suspended", UEFA (1 April 2011) available: <<http://www.uefa.org/mediaservices/mediareleases/newsid=1614178.html>> (accessed 18 June 2014).

Seen against this backdrop, the governance of BiH football does not seem so detached from the political paralysis that has afflicted BiH in recent years, and which culminated in the February 2014 protests. The international community has been attempting to promote reform of the BiH constitution for the best part of a decade, with little to show for its efforts. Since the first set of major reform negotiations held in 2005, several high-profile packages of reform have had to be abandoned in the face of disagreement between the political representatives of BiH's three main ethnic groups. By contrast, the BiH football crisis of 2011 was resolved within two months, following the N/FSBiH's adoption of new statutes in accordance with FIFA and UEFA's demands, despite significant initial political resistance. The central aim of this article, then, is to provide an explanation of why FIFA and UEFA were able to succeed in promoting reform of football governance in BiH, where years of pressure from the international community, led in recent years by the European Union (EU), have failed to result in substantial political reform.

At this point, it is worth acknowledging that the study of sport in political science and international relations remains a marginal activity and, as Holden notes, can meet with dismissive responses:

Within IR, attempts to analyse sport ... can provoke knee-jerk reactions. It is sometimes suggested that academic work on sport is at best an indulgence, and at worst a distraction from the need for greater justice and equality in world politics.<sup>5</sup>

Such reactions, however, underestimate the important role that sport plays in the daily lives of billions of people, and in shaping their political and—perhaps most importantly—national identities.<sup>6</sup> Moreover, Grix makes a strong defence of the study of sport by political scientists, arguing that it “can be used as a window through which to understand developments in ... politics” and differentiating this aim from the more traditional study of sport and politics, which involves employing the tools and theories of political science to analyse sport politics and policy.<sup>7</sup> Here, we aim to employ the case study of FIFA and UEFA's successful engagement with the reform of BiH's national football federation to shed light on the wider process of political reform and stagnation in the country. We argue that FIFA and UEFA have succeeded in promoting reform where the broader international community, led by the EU, has failed, for a number of reasons. Whereas the EU has failed to set out the precise reforms that it expects to be made in BiH, leaving the details to be negotiated by domestic political elites, whose nationalism is seen by European policy-makers as representative of wider divisions amongst the population of BiH, FIFA and UEFA were much more precise in their demands and were willing to effectively bypass nationalists who stood in the way of reform. While incumbent members of the political and football elite attempted to portray these reforms as foreign

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5. Gerard Holden, “World Cricket as a Postcolonial International Society: IR Meets the History of Sport”, *Global Society*, Vol. 22, No. 3 (2008), p. 338.

6. See, for instance, Simon Kuper, *Football against the Enemy* (London: Orion, 1994).

7. Jonathan Grix, “From Hobbyhorse to Mainstream: Using Sport to Understand British Politics”, *British Politics*, Vol. 5, No. 1 (2010), pp. 116, 118–122.

impositions and as insensitive to the domestic political context, widespread public dissatisfaction with the state of the game enabled FIFA and UEFA to act decisively.

The article proceeds in three stages. First, it outlines the power-sharing institutions that were established by the Dayton Agreement that ended the Bosnian War in 1995, and considers some of the key criticisms that have resulted in the perceived need for constitutional reform in the country. Second, it outlines the main attempts that have been made at reforming these institutions, and identifies explanations made in the literature of why constitutional reform efforts have so far been unsuccessful. Thirdly, it considers the case of the successful reform of football governance in BiH and attempts to explain why FIFA and UEFA were able to successfully promote reform where the international community has thus far failed, thus sketching out two starkly opposite routes for BiH as a whole.

### **Bosnia-Herzegovina: An Ideal-Typical Consociational Democracy**

BiH's current constitution dates back to the Dayton Agreement, which was agreed at Wright-Patterson Air Force Base in Ohio in November 1995 and signed in Paris the following month. The Dayton Agreement was signed by the Bosnian, Serbian and Croatian presidents and had been negotiated by the American diplomat Richard Holbrooke and the EU Special Representative Carl Bildt. The agreement contained many provisions intended to bring a negotiated end to the conflict that had started in BiH in 1992, and one of its annexes established a new constitution for the country.

This constitution has been described by scholars of ethnic conflict management as establishing "a classic example of consociational settlement",<sup>8</sup> in which "institutions correspond to an ideal-typical consociational democracy".<sup>9</sup> Consociationalism describes a form of democracy in which groups share power, with the result that there is "government by elite cartel designed to turn a democracy with a fragmented political culture into a stable democracy".<sup>10</sup> In Arend Lijphart's classic study of European democracies, he argues that consociational democracies are characterised by four key features: elite-level power sharing by means of a grand coalition; segmental cultural autonomy; proportionality between groups in public positions; and group veto rights over vital interests.<sup>11</sup> Recent scholarship has attempted to refine Lijphart's definition of consociationalism and proponents of its use as a mode of conflict management suggest that there is a need to differentiate between corporate and liberal forms of consociation. In the former, groups are accommodated "according to ascriptive criteria, such as ethnicity or religion or mother tongue", whereas a liberal consociation allows "groups to self-determine their organization and representation" and "rewards whatever salient political identities emerge in democratic elections,

8. Sumantra Bose, *Bosnia after Dayton: Nationalist Partition and International Intervention* (London: Hurst, 2002), p. 216.

9. Roberto Belloni, "Peacebuilding and Consociational Electoral Engineering in Bosnia and Herzegovina", *International Peacekeeping*, Vol. 11, No. 2 (2004), p. 336.

10. Arend Lijphart, "Consociational Democracy", *World Politics*, Vol. 21, No. 2 (1969), p. 216.

11. Arend Lijphart, *Democracy in Plural Societies: A Comparative Exploration* (New Haven, CT: Yale University Press, 1977), pp. 25–52.

whether these are ethnic, religious, linguistic, or other criteria based on programmatic appeals".<sup>12</sup>

The Dayton constitution can be characterised as an example of a corporate consociation.<sup>13</sup> It established a confederal state composed of two entities: the Republika Srpska (RS) and the Federation of Bosnia and Herzegovina (FBiH). At the state level, a rotating three-member presidency and a bicameral parliament were established. Each of the two entities also has its own president, as well as an entity government and parliament. The Federation is further divided into 10 cantons, each with its own parliament. Dayton guarantees ethnic representation by quotas at all levels of government and in the civil service. In addition, veto rules were established whereby decisions of the House of Representatives (the lower house of the Parliamentary Assembly) require the votes of at least one-third of the representatives of each entity, and decisions of the House of People (the upper house) can be vetoed by a majority of any of the Bosniak, Serb or Croat delegates. These three ethnic groups are identified by the constitution as Bosnia's 'constituent peoples'.

The Dayton constitution has been the subject of considerable criticism. Academic critics have argued that Dayton was the product of an essentialist understanding of ethnicity, and the view that the conflict of 1992–1995 was driven by so-called "ancient hatreds" between Bosniaks, Serbs and Croats. According to these critics, Dayton institutionalised a view of identities as fixed and inherently conflictual.<sup>14</sup> Belloni, for instance, states that:

Ethnic quotas reinforced the salience of ethnic identity and cleavages, entrenched many of the ethnic divisions that international intervention was supposed to soften and eventually overcome, and risked perpetuating instability.<sup>15</sup>

Belloni argues that the political institutions established at Dayton in 1995 do little to encourage politicians to appeal to voters beyond their own ethnic groups, and that elections in BiH have effectively become ethnic censuses. He argues that "the entire institutional system is based on ethnicity, which is precisely what divides the Bosnian peoples" and that "[i]nstead of creating conditions for softening ethnic identities, the agreement entrenches them by making ethnicity integral to constitutional design".<sup>16</sup>

As well as entrenching ethnic politics, from the very start of the Dayton era in 1995, the consociational provisions of the new constitution impeded effective

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12. John McGarry, Brendan O'Leary and Richard Simeon, "Integration or Accommodation? The Enduring Debate in Conflict Regulation", in Sujit Choudhry (ed.), *Constitutional Design for Divided Societies: Integration or Accommodation?* (Oxford: Oxford University Press, 2008), pp. 61–62.

13. See, for example, Andrew Finlay, *Governing Ethnic Conflict: Consociation, Identity and the Price of Peace* (London: Routledge, 2011); Giuditta Fontana, "War by Other Means: Cultural Policy and the Politics of Corporate Consociation in Bosnia and Herzegovina", *Nationalism and Ethnic Politics*, Vol. 19, No. 4 (2013), pp. 447–466.

14. See, for example, David Campbell, *National Deconstruction: Violence, Identity, and Justice in Bosnia* (Minneapolis, MN: University of Minneapolis Press, 1998), pp. 161–162.

15. Belloni, "Peacebuilding and Consociational Electoral Engineering", *op. cit.*, pp. 336–337.

16. Roberto Belloni, "Bosnia: Dayton is Dead! Long Live Dayton!", *Nationalism and Ethnic Politics*, Vol. 15, No. 3 (2009), p. 360; see also Florian Bieber and Sören Keil, "Power-Sharing Revisited: Lessons Learned in the Balkans?", *Review of Central and East European Law*, Vol. 34, No. 4 (2009), p. 348.



domestic governance. As a former international judge on BiH's constitutional court notes, "[i]nstead of a positive elite consensus for cooperation, a negative consensus under the principle of *divide et impera* (divide and rule) prevailed".<sup>17</sup> Because representation based on ethnicity had resulted in gridlock in Bosnian political institutions, in 1997 the international community's High Representative—appointed in 1995 to oversee the implementation of Dayton—was granted increased powers, including the ability to remove obstructionist politicians from office and to impose legislation. These powers were used to impose reforms that took BiH in a more integrationist direction, such as a citizenship law and laws establishing common national symbols such as the flag, currency, national anthem and ethnically neutral licence plates.<sup>18</sup>

Despite the imposition of such reforms, critics have continued to highlight the inefficiency of BiH's political system. As Arvanitopoulos and Tzifakis point out, Bosnia is a country with a population of 3.9 million and yet has 14 legislatures and associated governments.<sup>19</sup> As a result of this complexity, some 56% of the Bosnian state budget is spent on financing public administration rather than providing public services.<sup>20</sup>

Partly due to its corporate nature, the consociationalism employed in BiH has also been criticised for discriminating against citizens who belong to smaller ethnic groups, who choose not to identify as Bosniak, Serb or Croat, or who are members of one of the three constituent peoples but who live in the "wrong" entity.<sup>21</sup> So, for example, the only citizens who can be elected to the rotating three-member presidency are Bosniaks and Croats from the Federation and Serbs from the RS. Citizens who are Jewish or Roma, for example, and Serbs from the Federation and Bosniaks and Croats from the RS are not able to run for this office.

### The International Community and Constitutional Reform

Partly in response to these concerns, external actors—particularly the United States and the EU—have attempted to promote constitutional reform in BiH. With the attentions of US policy-makers increasingly drawn away from the Balkans in the decade following the 11 September attacks on New York and with the development of the EU's foreign policy mechanisms, it is the EU that has assumed the role of lead international actor in BiH. Moreover, the experience of the eastern enlargement of the Union, and the declaration of the 2003 Thessaloniki EU–Western Balkans Summit that "[t]he future of the Balkans is within the European Union",<sup>22</sup> has

17. Joseph Marko, "'United in Diversity'? Problems of State-and-Nation-Building in Post-conflict Situations: The Case of Bosnia-Herzegovina", *Vermont Law Review*, Vol. 30, No. 1 (2005), p. 523.

18. *Ibid.*, p. 523; Christian J. Ebner "The Bonn Powers—Still Necessary?", in P. Jureković and F. Labarre (eds.), *From Peace Making to Self Sustaining Peace: International Presence in South East Europe at a Crossroads* (Vienna: National Defence Academy, 2004), pp. 123–125.

19. Constantine Arvanitopoulos and Nikolaos Tzifakis, "Implementing Reforms in Bosnia and Herzegovina: The Challenge of the Constitutional Process", *European View*, Vol. 7, No. 1 (2008), p. 17.

20. Belloni, "Bosnia: Dayton is Dead!", *op. cit.*, p. 366.

21. Dejan Guzina, "Dilemmas of Nation-Building and Citizenship in Dayton Bosnia", *National Identities*, Vol. 9, No. 3 (2007), pp. 226–227; Arvanitopoulos and Tzifakis, *op. cit.*, p. 17; Belloni, "Bosnia: Dayton is Dead!", *op. cit.*, p. 360.

22. European Council, "EU–Western Balkans Summit: Declaration", European Council, Thessaloniki, PRES/03/163 (21 June 2003), available: <<http://europa.eu/rapid/pressReleasesAction.do?reference=PRES/03/163>> (accessed 9 December 2013).

led to the view that reform can be promoted in the country using a tool not available to other external actors: the carrot of membership.

The need for constitutional reform was highlighted as early as 2002 by the then High Representative and EU Special Representative, Paddy Ashdown,<sup>23</sup> but concrete efforts to promote reform did not start for several more years. The reform agenda received a boost in March 2005 when the Council of Europe's (CoE) Venice Commission (officially, the European Commission for Democracy through Law), in response to a request from the CoE's Parliamentary Assembly, issued an opinion that emphasised the need for constitutional reform in order for the country to meet the demands of the EU accession process, to ensure more efficient decision-making and to reduce the cost of public administration, and to address the issue of political representation of citizens not belonging to the "constituent peoples".<sup>24</sup> This was followed by a resolution adopted by the European Parliament characterising BiH's institutional architecture as undermining the viability of the state,<sup>25</sup> and in October 2005 the then EU Enlargement Commissioner, Olli Rehn, also highlighted the need for reform.<sup>26</sup>

As Noutcheva argues, EU policy in BiH now revolves around using conditionality to attempt to promote constitutional reform:

In essence, the reforms demanded by the EU as conditions for establishing contractual relations with BiH link its membership prospects to changes in the internal state structure of BiH.<sup>27</sup>

It should, however, be noted that BiH's EU membership is not formally conditional on constitutional reform. Rather, EU officials have argued that the country will not be able to fulfil its obligations as a member state under its current constitutional arrangements.<sup>28</sup> Olli Rehn made this very clear in July 2009, when he argued that "Bosnia and Herzegovina will not be able to join the EU with its present constitution".<sup>29</sup>

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23. Paddy Ashdown, inaugural speech, Bosnia and Herzegovina State Parliament, Sarajevo (27 May 2002), available: <[http://www.ohr.int/ohr-dept/presso/presssp/default.asp?content\\_id=8417](http://www.ohr.int/ohr-dept/presso/presssp/default.asp?content_id=8417)> (accessed 9 December 2013).

24. Council of Europe, "Opinion on the Constitutional Situation in Bosnia and Herzegovina and the Powers of the High Representative", Council of Europe Venice Commission Opinion CDL-AD (2005) 004 (11 March 2005), available: <<http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD%282005%29004-e>> (accessed 9 December 2013).

25. European Parliament, "Regional Integration in the Western Balkans", European Parliament Resolution P6\_TA-PROV(2005)0131 (14 April 2005), available: <[http://www.europarl.europa.eu/meetdocs/2004\\_2009/documents/ta/p6\\_ta-prov\(2005\)0131/\\_p6\\_ta-prov\(2005\)0131\\_en.pdf](http://www.europarl.europa.eu/meetdocs/2004_2009/documents/ta/p6_ta-prov(2005)0131/_p6_ta-prov(2005)0131_en.pdf)> (accessed 9 December 2013).

26. Olli Rehn, "From Peace-Building to State-Building", speech at the Ten Years of Dayton and Beyond conference, Geneva, 20 October 2005, available: <<http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/05/629>> (accessed 9 December 2013).

27. Gergana Noutcheva, "Fake, Partial and Imposed Compliance: The Limits of the EU's Normative Power in the Western Balkans", *Journal of European Public Policy*, Vol. 16, No. 7 (2009), pp. 1070–1071.

28. Florian Bieber, "Building Impossible States? State-Building Strategies and EU Membership in the Western Balkans", *Europe-Asia Studies*, Vol. 63, No. 10 (2011), p. 1795.

29. Olli Rehn "Towards a European Era for Bosnia and Herzegovina: The Way Ahead", speech by EU Commissioner Olli Rehn, Parliament of Bosnia and Herzegovina, Sarajevo, SPEECH/09/349, 24 July 2009, available: <<http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/09/349>> (accessed 9 December 2013).

A number of major attempts at constitutional reform have been made since 2005. The first of these consisted of a series of talks convened by former Deputy Principal High Representative Donald Hays, which were attended by representatives of BiH's main political parties. These talks resulted in the so-called "April Package" of reforms, which would have strengthened the state institutions at the expense of the confederal entities. However, the reforms fell narrowly short of the two-thirds majority required to be adopted by the parliament, by a margin of only two votes.<sup>30</sup> Further talks took place in the northern village of Prud in November 2008. These also resulted in agreement between the leaders of Bosnia's three largest parties, and would have resulted in the establishment of four territorial units between the state and municipalities. By early 2009, however, with the precise details of the reform package still to be agreed, the Alliance of Independent Social Democrats leader Milorad Dodik walked out of the talks, stating that he would only return on the condition of the Republika Srpska being granted the right of secession at a future point. Consensus broke down and the Prud Package was abandoned. Further talks were convened at the Camp Butmir base of EUFOR (the EU's military operation in BiH) in October 2009 by the Swedish EU presidency and US diplomats. The content of these talks was derived from the April Package, but agreement once again proved elusive. Shortly after the failure of the Butmir talks, the European Court of Human Rights delivered its ruling in a case brought before it by Bosnians Dervo Sejdić and Jakob Finci, who are Roma and Jewish respectively. The Strasbourg court ruled that, in effectively barring them from running for the country's highest office, the Dayton constitution violates the rights of Bosnians not belonging to one of the three constituent peoples.<sup>31</sup> Despite this judgement, little further progress has been made on the issue of constitutional reform.

A number of explanations have been advanced for why the EU and other external actors have seemingly been unable to use the prospect of eventual EU membership to promote constitutional reform in BiH. Sebastián analyses the April Package reform attempts, and concludes that the failure of these was due not only to irreconcilable differences among political elites in BiH, but also to the weak leverage and ambivalent role of the EU. She argues that constitutional reform "featured as a form of informal conditionality associated with the long-term perspective of European integration with no specific conditions or rewards attached to it", and that EU officials did little to set out requirements or guidelines for reform, despite the existence of the Venice Commission's opinion and its role in creating a domestic consensus for change.<sup>32</sup>

Other authors have argued that while conditionality may have been an effective policy tool with which the EU could promote reform in the countries of the 2004 and 2007 enlargements, the EU faces a very different task in the Balkans. While they use Croatia as a case study rather than BiH, Freyburg and Richter argue that when issues of national identity clash with the demands of the EU, the applicant state will not comply with these demands, or will do so in an inconsistent manner. They claim that where societies are characterised by histories of ethnic conflict, the eventual goal of EU membership may be agreed upon by citizens and

30. Sofia Sebastián, "The Role of the EU in the Reform of Dayton in Bosnia-Herzegovina", *Ethnopolitics*, Vol. 8, No. 3 (2009), p. 346.

31. On this, see Samo Bardutzky, "The Strasbourg Court on the Dayton Constitution: *Judgment in the Case of Sejdić and Finci v. Bosnia and Herzegovina*, 22 December 2009", *European Constitutional Law Review*, Vol. 6, No. 2 (2010), pp. 309–333.

32. Sebastián, *op. cit.*, p. 347.

politicians, but some of the criteria that the EU demands be met as part of the accession process will not.<sup>33</sup> Applied to BiH, a variant of this argument holds that the EU's use of conditionality is failing because each of the country's constituent peoples holds a different vision for the future of the country.<sup>34</sup>

The February 2014 protests, however, cast doubt on the extent to which the failure of constitutional reform efforts can be put down to disagreement between the constituent peoples, as groups, over the future of the BiH state. A poll conducted on 10–11 February found that 88% of respondents supported the protests. When broken down by entity, support in the FBiH was 93% and in the RS 78%.<sup>35</sup> While the RS president Milorad Dodik tried to portray the protests as essentially Bosniak and as demonstrating that BiH “is one unhappy country that needs to be split into three parts so that people could live peacefully”,<sup>36</sup> it is clear that the protestors enjoyed wide support from among members of each ethnic group, and the protestors themselves were “resolutely anti-nationalist”.<sup>37</sup>

An alternative explanation for the failure of constitutional reform focuses not so much on the EU's ability to successfully employ conditionality to effect reform, but rather on the scope of EU ambitions. As Belloni notes, all of the reform proposals that have been made “endorse some variation of Dayton's basic compromise”, namely recognition of, and consociational power sharing between, BiH's three constituent peoples.<sup>38</sup> One explanation for the relatively conservative nature of the reform proposals is that EU policy-makers continue to view BiH through a rather essentialist lens. Mujkić, for instance, argues that:

This essentialism is clearly visible in the Dayton Agreement as well as in the everyday practices of international institutions such as the OSCE [Organization for Security and Co-operation in Europe], the European Commission, and the Office of the High Representative. All their efforts have been focused on establishing a stable society by achieving some sort of equilibrium between three self-enclosed, homogenous particularities whose existence was presupposed from the outset.<sup>39</sup>

EU politicians holding this view of BiH has been advanced as an explanation for why they have responded to resistance to constitutional reform by nationalist

33. Tina Freyburg and Solveig Richter, “National Identity Matters: The Limited Impact of EU Political Conditionality in the Western Balkans”, *Journal of European Public Policy*, Vol. 17, No. 2 (2010), pp. 263–281.

34. See, for example, R. Bruce Hitchner, “From Dayton to Brussels: The Story behind the Constitutional and Governmental Reform Process in Bosnia and Herzegovina”, *The Fletcher Forum for World Affairs*, Vol. 30, No. 1 (2006), pp. 125–135.

35. “Većina građana podržava proteste, a nasilje predstavlja preveliku cijenu promjena” [“Majority of Citizens Supports Protests, Violence Too High a Price to Pay for Changes”], Klix (12 February 2014), available: <<http://www.klix.ba/vijesti/bih/vecina-gradjana-podrzava-proteste-a-nasilje-predstavlja-preveliku-cijenu-promjena/140212119>> (accessed 7 March 2014).

36. “Protests Show Bosnia Needs to Dissolve, Dodik Says”, *Balkan Insight* (14 February 2014), available: <<http://www.balkaninsight.com/en/article/dodik-blaims-international-community-for-bosnian-protests>> (accessed 7 March 2014).

37. “Protests in Bosnia: On Fire”, *The Economist* (15 February 2014), available: <<http://www.economist.com/news/europe/21596572-latest-troubles-bosnia-may-wake-up-countrys-inept-leaders-fire>> (accessed 1 April 2014).

38. Belloni, “Bosnia: Dayton is Dead!”, *op. cit.*, pp. 367–368.

39. Asim Mujkić, “We, the Citizens of Ethnopolis”, *Constellations*, Vol. 14, No. 1 (2007), pp. 117–118.

party leaders by scaling back their demands.<sup>40</sup> According to Bassuener and Weber, Milorad Dodik, for example, is seen by external actors “as a popular tribune whose nationalism rationally reflects that of his entity”, rather than someone whose power stems from the Dayton constitution’s failure to reward moderation.<sup>41</sup> Similarly, it has been argued that an essentialist view of BiH, which interprets the nationalism of political elites as reflecting wider nationalism among each of the constituent peoples, informs external actors’ approach to reform talks. These talks have involved only (ethnic) party leaders, despite an official discourse that stresses the need to involve civil society and non-ethnic forces in BiH society in the constitutional reform process.<sup>42</sup>

In relation to this argument, it has also been argued that the EU has failed to project a clear vision of what it expects out of the constitutional reform process. This forms part of Sebastián’s analysis, outlined above, and Sarajlić, meanwhile, argues that the EU and other international actors appear “to be more concerned with the *means* rather than the *ends* for securing stability and bringing the country closer to final integration”. As such, they have favoured “consensus between local ethnopolitical elites over the reforms aimed at altering the illiberal and exclusion-prone constitutional framework, debilitating the possibilities for any reform to take place whatsoever”.<sup>43</sup> Beyond the need to make the constitution compliant with the European Convention on Human Rights (ECHR) in light of the Sejdić and Finci ruling and the requirement that political institutions be made more efficient, EU officials have been wary of setting out a clear vision for a post-Dayton political settlement for BiH. Moreover, the EU appears to be reluctant to use the full force of its powers to promote reform. Current Enlargement Commissioner Štefan Füle, for example, has threatened to hold back pre-accession funds to BiH until local political leaders agree on reforms to make the constitution compliant with the ECHR,<sup>44</sup> but the Union has failed to act on this threat.<sup>45</sup> While domestic elites are committed to the goal of EU membership, they share a well-founded perception that whatever they do in the short term, this goal is a distant one and they are willing to call the EU’s bluff by continuing to rely on mobilising the population with ethnic appeals,<sup>46</sup> and this sense of impunity is heightened by the Union’s failure to act on (or to delay) previous

40. See Laurence Cooley, “The European Union’s Approach to Conflict Resolution: Insights from the Constitutional Reform Process in Bosnia and Herzegovina”, *Comparative European Politics*, Vol. 11, No. 2 (2013), pp. 172–200.

41. Kurt Bassuener and Bodo Weber, “‘Are We There Yet?’ International Impatience Vs. a Long-Term Strategy for a Viable Bosnia”, Democratization Policy Council Policy Brief (31 May 2010), available: <<http://democratizationpolicy.org/pdf/briefs/policybrief1.pdf>> (accessed 9 December 2013), pp. 11, 15.

42. Cooley, *op. cit.*

43. Eldar Sarajlić, “The Convenient Consociation: Bosnia and Herzegovina, Ethnopolitics and the EU”, *Transitions*, Vol. 51, No. 1–2 (2011), p. 72, emphasis in original.

44. Elvira M. Jukić, “EU Threatens Bosnia Sanctions over Rights Failure”, *Balkan Insight* (11 October 2013), available: <<http://www.balkaninsight.com/en/article/eu-might-sanction-bosnia-by-cutting-10-million-funds>> (accessed 1 April 2014).

45. Elvira M. Jukić, “EU Report Rules out Sanctions on Bosnia”, *Balkan Insight* (23 October 2013), available: <<http://www.balkaninsight.com/en/article/eu-will-not-impose-solutions-for-bosnia>> (accessed 23 June 2014).

46. On the balance between domestic politicians’ commitment to European integration and their reliance on ethno-nationalism, see Vedran Dzihic and Angela Wieser, “Incentives for Democratisation? Effects of EU Conditionality on Democracy in Bosnia & Herzegovina”, *Europe-Asia Studies*, Vol. 63, No. 10 (2011), pp. 1803–1825.

threats of sanctions.<sup>47</sup> Meanwhile, the EU's attentions have been drawn away from the Balkans by the ongoing repercussions of the Eurozone crisis, the fallout from the 2014 European Parliament elections and by recent developments in Ukraine, which means that the impetus to act on threats of sanctions is increasingly lacking.<sup>48</sup>

This failure to follow through on threats to sanction domestic elites for their failure to make the reforms necessary to enable the successful integration of BiH into European structures stands in contrast to the much more successful case of reform of the country's institutions of football governance, as demanded by FIFA and UEFA. In the following section, after briefly sketching the historical background of the politics of football in BiH, we examine how and why FIFA and UEFA were able to promote this reform, despite considerable domestic political opposition.

### The Politics of Football and its Governance in BiH

On 4 May 1980, the announcement of Yugoslav president Josip Broz Tito's death was made to an audience of approximately 50,000 football spectators, assembled in the city of Split to watch Belgrade's Red Star take on Split's own Hajduk. A photographer captured Hajduk striker Zlatko Vujović, seemingly weeping on all fours on the pitch, with the team's manager Tomislav Ivić standing a few paces away, hands clasped over his face, and thus immortalised the moment. The game was called off at 15:05, local time, never to be resumed.<sup>49</sup> On 13 May 1990, a match between Dinamo Zagreb and Red Star ended early—or, rather, never truly began—as Zagreb's Maksimir stadium dissolved into an orgy of violence between the rival “firms” of supporters.<sup>50</sup> The game was played just a week after the first democratic parliamentary elections in Croatia had seen Franjo Tuđman's nationalist Croatian Democratic Union (HDZ) bloc win approximately 42% of the popular vote, thus securing just under 60% of the seats in the new parliament. Leading the Red Star “Delije” was Željko Ražnatović, better known as “Arkan”—then still a relatively unknown gangster (albeit one wanted by Interpol), who would soon become one of the most infamous

47. See Anes Alic, “Europe Prolongs Threat of Bosnian Sanctions”, *Southeast European Times* (25 March 2013), available: <[http://www.setimes.com/cocoon/setimes/xhtml/en\\_GB/features/setimes/features/2013/03/25/feature-03](http://www.setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2013/03/25/feature-03)> (accessed 23 June 2014); Sebastián, *op. cit.*, p. 347.

48. We are grateful to one of the *Global Society* reviewers for pointing this out.

49. “Anniversary of Marshall Tito's Death”, *Yugoslavia Virtual Museum*, 4 May 2009, available: <<http://yugoslavian.blogspot.com/2009/05/anniversary-of-marshall-titos-death.html?q=The+Day+Tito+died>> (accessed 15 December 2013).

50. The Bosnian/Croatian/Serbian-language term for these fan groups is “*navijači*”. Although they were heavily implicated in the violence that accompanied the break-up of Yugoslavia, such groups are not always nationalist or far-right in orientation. While intra-firm violence in present-day BiH is certainly not uncommon, the reputation of *navijači* for violence is not as bad as that of football hooligans in the United Kingdom in the 1970s and 1980s, for instance, and they tend to be more organised and politically oriented, rather like the Italian “ultras”. See David Goldblatt, *The Ball is Round: A Global History of Football* (London: Penguin, 2007), pp. 548–549; Andrew Hodges, “The Hooligan as ‘Internal’ Other? Football Fans, Ultras Culture and Nesting Intra-orientalisms”, *International Review for the Sociology of Sport*, (2014), doi: 10.1177/1012690214526401.

war criminals of the Yugoslav dissolution.<sup>51</sup> While the unified Yugoslav league (and state) lasted another two years, the Dinamo–Red Star match was dramatic proof that the country was well and truly on its last legs. Much had changed in 10 years.

Recent scholarship has shown how football remained vital to forming the nascent state and nationalist ideologies of the 1990s.<sup>52</sup> Yet while football may have featured prominently in the symbolic undoing of Yugoslavia, the game itself survived. In BiH, the war years saw a relatively thriving football culture, albeit under tremendously difficult conditions, especially in the government-held areas, under constant threat by Serb nationalist shelling. Our analysis, however, begins in the period immediately after the war. Nevertheless, it is difficult to date exactly when reform efforts within the N/FSBiH first began, though there have been several episodes of significant structural change in its less than 20 years of official existence.

Having applied for membership in 1992, the Football Association (FA) was not admitted to the FIFA and UEFA fold until 1996. By 1997–1998, the first “inter-ethnic” football matches began in the FBiH between predominantly Bosniak and Croat clubs. In 2000–2001, the vestigial Bosnian Croat “Herceg Bosna” (the non-recognised Bosnian Croat entity that existed between 1991 and 1994) FA was folded into the FBiH FA and a new statute was adopted by the N/FSBiH to definitively establish the organisation as the governing body of BiH football. Opposition to these changes within the RS FA meant that even as a unified BiH Premier League formed that year, FIFA and UEFA banned the RS clubs from participation in any officially sanctioned international matches. Early on then, FIFA and UEFA indicated that they were willing to sanction those they deemed responsible for obstructionism. As a result, from the 2002–2003 season onwards, the Premier League was fully integrated and in addition to league play, the top tier of club football in the country included the BiH Cup, likewise featuring sides from both entities.<sup>53</sup> FIFA and UEFA, did, however, make an important concession in order to facilitate the successful merger of BiH’s separate football federations. They allowed the newly merged federation to adopt a statute creating a rotating three-member presidency, comprising one president representing each previous “ethnic” federation, which would continue to exist as “sub-federations”.<sup>54</sup>

Despite structurally important changes, football governance in BiH and the game itself remained beset by the same problems facing society at large. Corruption, match fixing and cronyism were rife. Yet while similar practices in political and social life in BiH were largely met by public apathy or acquiescence, in the

51. Jan Stradling, *More than a Game: When Sport and History Collide* (Sydney: Pier 9, 2009), pp. 204–213; Goldblatt, *op. cit.*, p. 709.

52. Richard Mills, “Fighters, Footballers and Nation Builders: Wartime Football in the Serb-Held Territories of the Former Yugoslavia, 1991–1996”, *Sport in Society*, Vol. 16, No. 8 (2013), pp. 945–972; Dario Brentin, “‘A Lofty Battle for the Nation’: The Social Roles of Sport in Tudjman’s Croatia”, *Sport in Society*, Vol. 16, No. 8 (2013), pp. 993–1008.

53. “Istorija” [“History”], Nogometni/Fudbalski Savez Bosne i Hercegovine, available: <<http://www.nfsbih.ba/bih/tekst.php?id=7>> (accessed 15 December 2013).

54. Jonathan Wilson, “Three into One Won’t Go for Bosnia as Fifa and Uefa Ban Hits Home”, *The Guardian*, 21 April 2011, available: <<http://www.theguardian.com/football/blog/2011/apr/21/bosnia-fifa-uefa-ban>> (accessed 14 March 2014); Davide Sterchele, “Fertile Land or Mined Field? Peace-Building and Ethnic Tensions in Post-war Bosnian Football”, *Sport in Society*, Vol. 16, No. 8 (2013), p. 975.

world of football a persistent campaign of popular resistance began as early as 2000.

In 2000, the so-called “BH Fanatics” (BHF) organisation formed, a firm dedicated to following the national team at all its away matches and organising spectacles, marches, parties and demonstrations at both home and away matches. This effort has since expanded beyond the football team and into basketball, handball and other popular national teams.<sup>55</sup> From the beginning, however, the BHF positioned themselves as a firm with a political stance, declaring “Rat savezu!” “[We declare] war on the FA!”<sup>56</sup> In one (in)famous incident in March 2007, fans disrupted a match against Norway in Oslo by throwing flares on to the pitch, delaying play for an hour as a protest against corruption in the football federation.<sup>57</sup>

Through numerous media appearances as well as in-game pyrotechnical and other choreographed displays, the BHF made clear their case that the whole of the FA structure was irreparably corrupt and politicised and thus had to be removed.<sup>58</sup> In 2006, after organising a series of boycotts and “humanitarian matches” to draw attention to the problems that existed within the FA, a public letter was released to the media, signed by 13 BiH players, including current captain Emir Spahić. The players agreed with the BHF’s analysis of the situation and, as a result, announced that they would refuse any future call-ups to the national team until significant changes were made to the FA, including the removal of specific individuals.<sup>59</sup> The drastic action seemed to spur the FA into action and in 2008, as Meho Kodro was appointed the new coach of the national team, players, including Rangers FC left back Saša Papac, made a tentative return. However, Kodro was himself sacked after less than six months because he refused to lead the team in a friendly match against Iran. The fixture had been made without his approval, he said, and was, in any case, arranged for political rather than sporting purposes. Kodro’s position echoed one long held by the BHF: they argued that many of the Bosniak members of the FA were cadres of the Bosniak nationalist Party of Democratic Action (SDA) and were thus more

55. Sport in BiH remains tremendously gendered. While women’s teams exist, both at the national and club level, their following is minimal. It is thus problematic to talk about “national teams” and popular agency and reform while almost entirely excluding women from this analysis. It is worth noting, though, that the BHF does have a “women’s branch” and that national team audiences seem to be relatively mixed.

56. The popular BiH rapper Frenkie, a sympathiser of the BHF, penned a popular fan anthem with the same title, declaring: “Your thieving is evident, it has left traces, you can no longer ignore the thousands of voices, brave like lions, we’re coming directly for your disgusting heads”. An accompanying music video was released and is still widely accessible on YouTube, e.g.: <[http://www.youtube.com/watch?v=qO\\_b7PgK9Ts](http://www.youtube.com/watch?v=qO_b7PgK9Ts)> (accessed 15 December 2013).

57. Gabriel Kuhn, *Soccer vs. the State: Tackling Football and Radical Politics* (Oakland, CA: PM Press, 2011), p. 167; Toby Kinder, “Bosnia, the Bridge, and the Ball”, *Soccer & Society*, Vol. 14, No. 2 (2013), p. 161; Ed Vulliamy, “How Bosnia’s Pioneering Footballers are Succeeding Where the Politicians Failed”, *The Guardian*, 5 November 2011, available: <<http://www.theguardian.com/world/2011/nov/05/bosnia-footballers-succeeding-politicians-failed>> (accessed 14 March 2014).

58. The clearest statement of this was to be found in the organisation’s constitution, the original text of which is no longer online. Nevertheless, interested readers can read through the collection of “statements” made by the group, on their website, in the “*Nas stav*” (“Our Position”) section: <<http://www.bhfanatics.com/index.php/arhiva-nas-stav-mainmenu-66>> (accessed 15 December 2013).

59. “Reprezentativci BiH neće igrati dok ne odu Jelić, Dominković, Čolaković i Pašalić” [“National Team Players Won’t Play Until Jelić, Dominković, Čolaković and Pašalić Are Gone”], Klix (31 October 2006), available: <<http://www.klix.ba/sport/reprezentativci-bih-neze-igrati-dok-ne-odu-jelic-dominkovic-colakovic-i-pasalic/061031019>> (accessed 15 December 2013).



interested in having BiH play “friendly” Islamic countries such as Iran than European opponents whom the team might actually end up facing in European Championship and World Cup qualifying campaigns. In response to the sacking, fans boycotted an official friendly match against Azerbaijan, held in Zenica, and instead attended a charity match that had been scheduled to take place in Sarajevo’s Kosevo Olympic stadium. Attendance at the charity match was estimated to be between 15,000 and 20,000, whereas only 150 fans turned out to watch the official fixture. Nineteen players joined the boycott, and the FBiH’s state television channel aired the charity match in place of the game in Zenica.<sup>60</sup> Papac, meanwhile, would not return until 2011 and retired shortly thereafter. He was hailed as a hero by fans and players alike, above all for his steadfast insistence on shaming the FA with his absence and public comments.

By 2008, it was clear that there was a battle being fought for control of football in BiH. On the one hand, there was a political establishment within the FA, closely aligned with both the domestic club structure and local political parties and criminal organisations, for whom football was an opportunity, primarily, to launder money. Once dominant sides in the Yugoslav league such as FK Sarajevo, FK Željezničar Sarajevo, FK Velež Mostar and FK Borac Banja Luka had been reduced to floundering clubs, playing in dilapidated and empty stadia. War had decimated the sports infrastructure in the country but corruption and gangsterism had ensured that more than a decade after the fighting had ended, decay still reigned. Worst of all, those entrusted with reinvigorating the sport had become those most responsible for its ongoing destruction.<sup>61</sup>

On the other hand, a growing movement of fans, players and honest brokers within the FA opposed themselves to the growing criminalisation of the game. They insisted that no convincing argument could be made for why sport ought to be segregated and politicised, when everywhere else in the world the consensus (even if purely symbolic) is that its experience is unifying, inspiring and educational. In FIFA and UEFA they found a receptive audience for this argument. As Eick notes, “[i]n marketing football publicly including its political role, FIFA emphasizes football’s social use-value and constantly highlights the capacity of football to boost ‘social cohesion’ as stated in the FIFA objectives: ‘to improve the game of football constantly and promote it globally in the light of its unifying, educational, cultural and humanitarian values’”.<sup>62</sup> When presented with proof of politicisation and criminality actively within the FA, football’s international authorities moved to stamp it out.

Important changes started to occur both behind the scenes and on the football pitch. In November 2009, the former secretary general of N/FSBiH Munib Ušanović and marketing secretary Miodrag Kureš were jailed for five years apiece for tax evasion and abuse of office over the period 2001 to 2006.<sup>63</sup> On the pitch, a dramatic

60. Jonathan Wilson, “Vogts Add the Finishing Touches to Bosnia’s Footballing Farce”, *The Guardian*, 1 July 2008, available: <<http://www.theguardian.com/football/2008/jul/01/bosniaherzogovina.worldcup2010>> (accessed 14 March 2014).

61. See Sterchele, *op. cit.*, pp. 975–977.

62. Volker Eick, “A Neoliberal Sports Event? FIFA from the *Estadio Nacional* to the Fan Mile”, *City*, Vol. 14, No. 3 (2010), p. 288. Of course, the experience of Yugoslavia in the early 1990s demonstrates that sport can also play a very different, disunifying role.

63. “Bosnia Soccer Officials Jailed for 5 Years over Tax”, Reuters (23 November 2009), available: <<http://uk.reuters.com/article/2009/11/23/bosnia-court-soccer-idUKGEE5AM1E020091123>> (accessed 15 December 2013).

shift began to occur as the popular Miroslav “Ćiro” Blažević took over management of the national team and led it to what was, at the time, its best ever qualification run (a playoff appearance in qualification for the 2010 World Cup). Seemingly buoyed by the arrival of a serious coaching staff (Blažević led Croatia to a surprising third-place finish in the 1998 World Cup) and the clean-up within the FA, the team’s on-field performance was clearly improving. The team failed to qualify for the 2010 World Cup, however, losing the playoff to Portugal, and Blažević departed shortly thereafter.

The state of football in BiH in 2010 was at a crossroads: popular domestic pressure had helped to win a handful of important battles but these gains could easily be overturned if the forces of reaction and corruption were allowed to regroup. The national team itself was becoming increasingly successful, and was in the process of becoming increasingly multi-ethnic in composition as Bosnian Serbs and Croats opted to play for BiH rather than their kin states.<sup>64</sup> Yet the national team’s success depended on the efforts of a functional FA, and it seemed unlikely that the N/FSBiH could be reformed from within or even through popular pressure by the fans from without. Nevertheless, Blažević’s success, albeit short lived, finally convinced Safet Sušić to take over the management of the national team, after years of having refused this role. Sušić was arguably the greatest player to have ever come out of the Yugoslav lands (having been voted not only BiH’s best ever player, but also Paris Saint-Germain’s) and expectations were high that the soft-spoken “Pape” would only match and exceed Ćiro’s success.

In February 2010, shortly after Sušić’s appointment, news broke that a BiH referee had been identified as a participant in one of the largest match-fixing scandals in UEFA history. The referee was banned for life but the whole of the N/FSBiH appeared to be implicated in the scandal.<sup>65</sup> More was to come. In October, FIFA and UEFA announced that they expected still further changes to the N/FSBiH: the three-member, ethnically constituted presidency, with its clear resemblance to BiH’s rotating state presidency, would have to be replaced by a single president. Indeed, according to a senior UEFA official, such reform was always envisaged and indeed promised. The statute establishing the three-member presidency was, in the view of UEFA, “an interim solution” and assurances were made at the time that the federation “would soon unite, like most national federations, under one president”.<sup>66</sup> Moreover, the operation of the presidency had proved to be problematic from the outset, as football writer Jonathan Wilson outlined in 2011:

Certain problems soon arose. The first, the one that prompted Fifa and Uefa to take action, was that the NFSBiH soon recognised that the tripartite presidency conferred certain advantages. It could take its three presidents to Uefa and Fifa congresses and seminars; it was one body, but with the effective clout of three countries. In practice, the bigger issue was the voting structure established under the terms of the

64. Kinder, *op. cit.*, p. 161; Vulliamy, *op. cit.*

65. Eric Pfanner, “Corruption Eroding Level Playing Fields of Europe”, *New York Times*, 7 January 2011, available: <[http://www.nytimes.com/2011/01/07/sports/soccer/07iht-match07.html?pagewanted=all&\\_r=0](http://www.nytimes.com/2011/01/07/sports/soccer/07iht-match07.html?pagewanted=all&_r=0)> (accessed 15 December 2013).

66. Wilson, “Three into One Won’t Go”, *op. cit.*

statute. The executive committee of the NFSBiH is formed of 15 members, five from each of the three entities. For a motion to be passed, rather than just requiring a majority of the committee to be in favour, there had to be a majority among each group—three of five Bosniaks, three of five Croats and three of five Serbs. That made it very easy to block proposals. In theory even a 12-3 majority on the committee might not be sufficient to pass a proposal if all three who objected were from the same group. Even among football federations, the NFSBiH is a slow-moving body.<sup>67</sup>

FIFA's view was that, in addition to the complexities of the power-sharing system within the N/FSBiH itself, this system had led to problems over accountability and financial management, with the consequence that the federation was at risk of bankruptcy.<sup>68</sup>

The BHF and other fans of the national team at once began hoping for FIFA and UEFA to act, in order to clean up the FA once and for all, but simultaneously feared, given the climate in the country at large, that such reforms could never pass in BiH. As though to prove how politicised the game truly was in the country but also how unlikely any changes were, Milorad Dodik announced, "I am against one president being elected for the whole of Bosnia-Herzegovina in any state structure—you name it, even a bee-keeping association".<sup>69</sup> Inside the N/FSBiH, Bosnian Serb delegates resisted reform, as, to a lesser extent, did Bosnian Croat representatives, presenting it as an insensitive foreign imposition.<sup>70</sup> True to form, in the six months allowed by FIFA and UEFA, the N/FSBiH was unable to adopt a new statute and on 1 April 2011, the governing bodies of world and European football suspended BiH from all competitions, indefinitely. This raised the spectre that BiH would effectively cease to exist as a national football team.

It was now that FIFA and UEFA made a radical break with what had by 2011 become the dominant *modus operandi* of the EU. The EU and the international community more broadly had withdrawn from active participation in the *implementation* of good governance. In place, they had established channels with a roster of local partners (the heads of the six or seven largest parties, rather than government ministries or parliamentary committees or even non-governmental organisation [NGO] or civil society groups) whom they considered the only legitimate (or seemingly possible) partners in any future reforms in the country. Despite clear evidence that these political elites were, in fact, explicitly devoted to obstructing reform, the EU refused to isolate or otherwise punish these individuals and their associates in any way. Moreover, they demonstrated on several occasions their willingness to be intimidated and/or to have their "deadlines" totally ignored. In the case of the former, EU High Representative for Foreign Affairs

67. *Ibid.*

68. "Background Information—Bosnia-Herzegovina", FIFA (12 April 2011), available: <<http://www.fifa.com/mm/document/memberassociation/general/01/41/67/86/bosniabackgroundpaper.pdf>> (accessed 1 April 2014).

69. "Soccer Bosses Show Bosnia Red Card over Ethnic Rule", *The Age* (5 April 2011), available: <<http://www.theage.com.au/sport/soccer/soccer-bosses-show-bosnia-red-card-over-ethnic-rule-20110405-1cyyg.html?skin=text-only>> (accessed 15 December 2013).

70. Kenneth Morrison, "Three's a Crowd", *When Saturday Comes*, No. 292 (June), available: <<http://www.wsc.co.uk/the-archive/917-International-football/8825-three-s-a-crowd>> (accessed 1 April 2014).

and Security Policy Catherine Ashton's hurried May 2011 appearance to hold talks in Banja Luka after Dodik threatened to hold a referendum on the abolition of BiH's state court system is paradigmatic.<sup>71</sup> In the case of the latter, the continued non-implementation of the Sejdīć-Finci decision is only the most recent example.

On paper, both the EU on the one hand and FIFA and UEFA on the other have transparently clear requirements for membership, yet it is only the football authorities that have been willing to insist on the implementation of these requirements when local actors have attempted to "test" their commitments to these values. In contrast, EU officials have insisted that they cannot and will not impose solutions, while simultaneously pleading and cajoling with a local class of political oligarchs they officially lambast for obstructionism, even as they steadfastly refuse to engage with any civil society and NGO groups who offer concrete alternatives.

Within days of the suspension of the N/FSBiH by both FIFA and UEFA, FIFA's Emergency Committee, following consultation with UEFA, imposed a "normalisation committee" on the BiH FA, to be headed by Ivica Osim.<sup>72</sup> Like Sušić, Osim was a legend of Yugoslav football, having coached the Yugoslav national side between 1986 and 1992, after a 20-year career as a midfielder in BiH and France. Joining him on the committee were a handful of current club presidents from BiH and notables from the world of BiH football now coaching abroad, as well as the former captain of the national team, Sergej Barbarez.<sup>73</sup> FIFA presented the new body with a concrete plan, in two phases, reproduced in full in Table 1. In essence, FIFA replaced the elected N/FSBiH Executive Committee with the normalisation committee, on the grounds that the former was not able, in FIFA and UEFA's view, to successfully revise its statutes in compliance with their demands of October 2010. The normalisation committee was then tasked with making the necessary reforms.<sup>74</sup>

The approach was a tremendous success; after less than two months, FIFA and UEFA lifted the suspension. The normalisation committee had adopted a new statute, the membership endorsed it and the old leadership structure was purged. The committee remained formally in place until December 2012, when Elvedin Begić was elected as the first single president in the N/FSBiH's history. Several of the remaining members of the committee, including Osim, remained on as part of a so-called mediation committee.<sup>75</sup> Domestically, the FA has continued to struggle with hooliganism and the financial solvency of clubs. These, however, are problems firmly embedded in the socio-political climate in BiH rather than the

71. See Toby Vogel, "Ashton Agrees to Negotiations with Dodik", *European Voice* (13 May 2011), available: <<http://www.europeanvoice.com/article/2011/may/ashton-holds-crisis-talks-in-bosnia/71076.aspx>> (accessed 3 January 2014); "Dodik: Odlična pobjeda je dogovor sa Ashton!" ["Dodik: Agreement with Ashton is an Excellent Victory"], *Buka* (19 May 2011), available: <<http://www.6yka.com/novost/9543/dodik-odlicna-pobjeda-je-dogovor-sa-ashton>> (accessed 7 January 2014).

72. "Normalisation Committee Appointed for Football Federation of Bosnia and Herzegovina", FIFA (12 April 2011), available: <<http://www.fifa.com/associations/association=bih/media/newsid=1416797.html>> (accessed 15 December 2013).

73. "Meeting of the Bosnia-Herzegovina FF Normalisation Committee with FIFA and UEFA", FIFA (12 May 2011), available: <<http://www.fifa.com/associations/association=bih/news/newsid=1433775/>> (accessed 15 December 2013).

74. "Background Information— Bosnia-Herzegovina", *op. cit.*

75. "Begić Elected as NFSBiH President", UEFA (17 December 2012), available: <<http://www.uefa.com/memberassociations/association=bih/news/newsid=1907704.html>> (accessed 15 December 2013).

**Table 1.** Normalisation Committee Tasks, 11 April 2011.**First phase:**

a) To prepare and convoke the ordinary general assembly of 2011, at which the delegates have to adopt the [N/FSBiH] statutes and take decisions on all other statutory items, by 26 May 2011 at the latest.

b) To ensure that all connections/relationships with any members of the “former” [N/FSBiH] leadership ([N/FSBiH] Executive Committee and [N/FSBiH] Presidency) are cut immediately with regard to decision-making in financial, administrative, sporting and other matters, and to establish a road map for improvements in this respect as well.

c) To take all necessary steps to further improve the financial situation of the [N/FSBiH], and to ensure that no new disputes or new financial obligations appear and that all currently known financial debts are paid in time and in full transparency.

**Second phase:**

a) To prepare new elections of all statutory bodies in accordance with the newly adopted [N/FSBiH] statutes by 30 November 2011 at the latest.

b) To improve the quality within the [N/FSBiH] administration and foster the credibility and image of the [N/FSBiH] at national level, implementing any measures necessary as discussed with FIFA and UEFA.

As of the date of its appointment, this normalisation committee has taken over all statutory rights and duties of the [N/FSBiH] Executive Committee as well as of the [N/FSBiH] Presidency. The mandate of the normalisation committee will expire after new [N/FSBiH] Executive Committee elections have been held according to the newly adopted [N/FSBiH] statutes.

Source: “Normalisation Committee Appointed for Football Federation of Bosnia and Herzegovina”, FIFA (12 April 2011), available: <<http://www.fifa.com/associations/association=bih/media/newsid=1416797.html>> (accessed 15 December 2013).

negligence of the N/FSBiH. Indeed, it is virtually an “open secret” that most of the firms responsible for the brunt of the violence in BiH are essentially paramilitary branches of certain political parties.<sup>76</sup> To wit, while the N/FSBiH has issued fines and banned away fans at matches, the parliament has consistently failed to adopt a law on hooliganism; political oligarchs have been hesitant to criminalise some of their most loyal foot soldiers.<sup>77</sup>

Nevertheless, as a gesture of goodwill and support for the new N/FSBiH, in September 2013, UEFA President Michel Platini presided over the opening of the

76. The NK Široki Brijeg “Škripari” and the Borac Banja Luka “Lešinari” are among the most notorious of these groups. In 2009, a riot between the Škripari and the FK Sarajevo “Horde Zla” in Široki Brijeg resulted in the death of one of the Horde Zla members, Vedran Puljić. Puljić, himself a Bosnian Croat, was shot by a police officer with links to a Croat nationalist militia. Oliver Knezović, the officer, was initially detained but helped to escape to Croatia by eight other officers. The incident resulted in no significant charges and was settled through dubious political manoeuvring. Puljić’s funeral, in Sarajevo, was attended by more than 7,000 fans from FK Sarajevo, FK Željezničar and other city clubs. The riot was less of a clash between Croats and Bosniaks than an incident that revealed the false dichotomies in the nationalist narrative. See also Sterchele, *op. cit.*, for a discussion of the political instrumentalisation of football by ethnic entrepreneurs in BiH.

77. “Kako je ubijen Vedran Puljić?” [“How Was Vedran Puljić Murdered?”], *E-Novine* (5 May 2009), available: <<http://www.e-novine.com/region/region-bosna/30685-Kako-ubijen-Vedran-Pulji.html>> (accessed 15 December 2013).

national team's new training facility in Zenica, built partially with UEFA funds.<sup>78</sup> Significant changes had been made and rewards were forthcoming. Why had the normalisation committee succeeded where the international community had failed to promote substantive political reform?

The plan FIFA presented to the N/FSBiH is informative. Beginning with the suspension itself, deadlines were non-negotiable. Secondly, clear culprits and bad-faith practices were identified and their removal, likewise, made non-negotiable. Thirdly, through their insistence on financial solvency or, at least, good bookkeeping, FIFA and UEFA ensured that any changes would be lasting rather than fleeting. As a general motif, FIFA and UEFA simply began to insist at a certain point that BiH's "special status" no longer applied. Sixteen years had passed since the end of the war and the BiH national team, talent wise at least, was clearly good enough to challenge for a spot at the European and World Championships. As such, like every other national FA, the N/FSBiH would have to adopt certain universal standards that applied to all members. When they announced that BiH was to be suspended, FIFA and UEFA were criticised in some quarters for being out of touch with the realities of sectarian division in the country.<sup>79</sup> Yet the fact that domestic pressure had helped to almost completely discredit the local authorities made the eventual "international intervention" a welcome reprieve—one that could not be easily discredited as "foreign imposition(s)". While concerns were expressed that a suspension would primarily damage the players rather than N/FSBiH officials, a number of players and other prominent public figures openly called on FIFA and UEFA to punish the latter.<sup>80</sup>

In perhaps a final ironic turn, during his stint as head of the normalisation committee, Osim met with Dodik, along with numerous other political figures in the country, in order to win their blessing for the reforms. But according to Osim himself, it was Dodik who was always the key player. Asked why, he explained:

Dodik is the only one this country who decides anything. 'Our' guys have no courage to do anything at their own expense. You can't say anything to anyone because they're all afraid of someone else. With Dodik you know where you stand.<sup>81</sup>

Osim had come to Dodik with a clear mandate, empowered by FIFA and UEFA, and won his acquiescence because of it, despite the latter's bravado. Dodik may well have preferred to maintain the old N/FSBiH—fractured, corrupt and easy to manipulate—but he came under pressure not only from Bosniaks and the

78. "UEFA President Opens NFSBiH Centre", UEFA (3 September 2013), available: <<http://www.uefa.org/aboutuefa/organisation/president/news/newsid=1990109.html#uefa+president+opens+nfsbih+centre>> (accessed 15 December 2013).

79. See, for example, Morrison, *op. cit.*; and Leander Schaerlackens, "FIFA, UEFA Never Been Ones for Sensitivity", ESPN Soccer (1 April 2011) available: <[http://espn.go.com/sports/soccer/blog/\\_name/schaerlaeckens\\_leander/id/6280268/fifa-uefa-never-ones-sensitivity](http://espn.go.com/sports/soccer/blog/_name/schaerlaeckens_leander/id/6280268/fifa-uefa-never-ones-sensitivity)> (accessed 1 April 2014).

80. See Sterchele, *op. cit.*, pp. 981–982.

81. "Ivica Osim: 'Dodik je jedini koji u ovoj državi nešto odlučuje, sa njim znaš na čemu si ...'" ["Ivica Osim: 'Dodik Is the Only One Who Decides Anything in This State, With Him You Know Where You Stand'"], *Slobodna Bosna* (5 May 2011), available: <<http://www.24sata.info/sport/fudbal/64013-Ivica-Osim-Dodik-jedini-koji-ovoj-drzavi-nesto-odlucuje-njim-znas-cemu.html>> (accessed 15 December 2013).

international football authorities, but also from other Bosnian Serbs, who wanted to see Borac Banja Luka (who had just won their first BiH Premier League title) take their place in the qualifying rounds for the UEFA Champions League.<sup>82</sup> Faced by the prospect of losing access to the European and international football market altogether, Dodik and other nationalists were prepared to yield to FIFA and UEFA's demands.

The contrast between the incentives offered for reform of BiH's constitution and its football governance structures is also instructive. Whereas the consequences of failure to make the reforms demanded by FIFA and UEFA were very clear—BiH would no longer be able to play international football—the international community proper has, as we saw above, been ambivalent about its insistence on constitutional reform. Hence, five years after the Sejdić-Finci decision, barely a single step has been taken by any of the local political actors in BiH to actually *implement* the ruling. For all of the EU's threats, nationalist elites in BiH do not believe that the Union would carry through with them, as the track record shows. On the odd occasion where some concessions have been extracted (such as Dodik's agreement with Caroline Ashton to scrap his proposed referendum on BiH's courts system), the local establishment has merely spun this as a victory for themselves. In the case of the Ashton summit, it was portrayed as a remarkable concession won by Dodik against the might of Europe, rather than any kind of climb-down,<sup>83</sup> or as is the current, episodic trend with the Sejdić-Finci summits, the "difficult but significant last-minute agreement", usually with the substantive details left for another date and thus never implemented. In short, while FIFA and UEFA have refused to be played, the EU has been embarrassed repeatedly by BiH's nationalist elite, who seek to obstruct the reform of a political system that sustains their power.

## Conclusion

The protests that broke out across BiH in February 2014 served to highlight popular frustration with a broken political system. Almost two decades after the signing of the Dayton Agreement, the constitution that it established has left BiH with an unwieldy public administration, and the country in breach of the ECHR and unable to make substantive progress towards the goal of EU membership. Despite numerous internationally sponsored attempts to forge agreement on constitutional reform, there is very little to show for years of intermittent reform talks.

Mainstream accounts of the failure of constitutional reform have portrayed BiH as a country deeply divided along ethnic lines, in which nationalist elites reflect these divisions. Reform efforts have generally started from the premise that these elites represent public opinion and their obstructionism has therefore been interpreted by the international community as a sign that there is a lack of consensus between BiH's three "constituent peoples" that makes reform extremely difficult, if not impossible. While rhetorically, external actors have emphasised the need for civil society voices to be heard in debates about constitutional reform, the

82. Edin Dedovic, "The Bosnian National Football Team: A Case Study in Post-conflict Institution Building", openDemocracy (14 October 2013), available at: <<http://www.opendemocracy.net/can-europe-make-it/edin-dedovic/bosnian-national-football-team-case-study-in-post-conflict-instituti>> (accessed 25 June 2014); Sterchele, *op. cit.*, p. 989, n. 43.

83. See "Dodik: Odlična pobjeda je dogovor sa Ashton!", *op. cit.*

talks themselves have been held in private and between members of a narrow political elite. Even though EU officials and other external actors have criticised this elite for their failure to agree reforms, the constitutional reform process has not been opened up to a broader range of participants because of the dominant view that elite divisions reflect mass divisions.

FIFA and UEFA's attempts to reform football governance in BiH, by contrast, tell a very different story about international engagement. Rather than viewing the country through the lens of ethnic division, football's international and European governing bodies were able to capitalise on popular resistance to the corruption and criminality that lay at the heart of football in BiH, and to overcome political resistance in order to achieve rapid progress with reforming inefficient and mis-managed institutions of governance. Interestingly, the case of BiH may not be unique. In November 2013, following talks at FIFA's headquarters in Zurich, the Cyprus Football Association and the Cyprus Turkish Football Association signed a provisional agreement which, if implemented, will see the latter become a member of the former, thus unifying football governance on the island.<sup>84</sup> This comes after years of failed attempts to unify Cyprus politically—latterly, in the context of its accession to the EU.

Football's governing bodies, and especially FIFA, have often been the subject of fierce criticism, not only in footballing, but also in political and academic circles. FIFA is frequently accused of corrupt practices, particularly in relation to the process by which World Cup host countries are selected, and of lacking accountability, and is described as an agent of neo-liberalisation and the increasing commodification and commercialisation of the game, to the perceived detriment of fans.<sup>85</sup> At the time of writing, FIFA is investigating allegations that corruption influenced the bidding process that resulted in Qatar being awarded the right to host the 2022 World Cup.<sup>86</sup> As Hoberman argues, the ethically compromised leadership of international sports organisations such as FIFA discredits their claims to constitute a peace movement.<sup>87</sup> Yet, in the case of Bosnia-Herzegovina at least, FIFA and UEFA have demonstrated that they have been able to exert their influence to achieve much more substantive reform, in a shorter period of time, than the EU and other external actors have been able to with regard to the country's political institutions. The international footballing authorities have done so not only through setting out clear demands, but also by seizing on popular domestic pressure for reform, demonstrating the importance of coalitions of external and domestic actors to securing political reform.<sup>88</sup> This, we suggest, highlights the

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84. See "Cyprus Football Association and Cyprus Turkish Football Association Sign Landmark Arrangement", FIFA (5 November 2013), available: <<http://www.fifa.com/aboutfifa/organisation/news/newsid=2218369/index.html>> (accessed 7 January 2014).

85. See, for instance, Eick, *op. cit.*; Andrew Jennings, *Foul! Bribes, Vote Rigging and Ticket Scandals* (London: HarperSport, 2006); Andrew Jennings, "Investigating Corruption in Corporate Sport: The IOC and FIFA", *International Review for the Sociology of Sport*, Vol. 46, No. 4 (2011), pp. 387–398; Roger Pielke Jr., "How Can FIFA Be Held Accountable?", *Sport Management Review*, Vol. 16, No. 3 (2013), pp. 255–267.

86. See "Qatar 2022: Fifa Set to Probe Officials over World Cup Claims", BBC Sport (4 June 2014), available: <<http://www.bbc.co.uk/sport/0/football/27692237>> (accessed 18 June 2014).

87. John Hoberman, "The Myth of Sport as a Peace-Promoting Political Force", *SAIS Review*, Vol. 31, No. 1 (2011), pp. 17–29.

88. On this point more broadly, see Wade Jacoby, "Inspiration, Coalition, and Substitution: External Influences on Postcommunist Transformations", *World Politics*, Vol. 58, No. 4 (2006), pp. 623–651.



potential value in further research not only into the governance of sports in post-conflict and divided societies, but also into the role that international and regional sports governing bodies can play in exerting often significant influence over the domestic affairs of their member associations.<sup>89</sup> FIFA president Sepp Blatter calls this the “political dimension” of football, and claims that “we don’t want to intervene in politics, but football can offer to political entities solutions”.<sup>90</sup> This dimension is worthy of further research and critical scrutiny.

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89. Much of the existing literature on FIFA concerns itself with the economic impact of the World Cup. A number of studies, however, have explored the political aspects of FIFA, notably John Sugden and Alan Tomlinson, *FIFA and the Contest for World Football: Who Rules the Peoples’ Game?* (Cambridge: Polity Press, 1998) and Paul Darby, *Africa, Football and FIFA: Politics, Colonialism, and Resistance* (Abingdon: Frank Cass, 2002).

90. “Cyprus Football Association and Cyprus Turkish Football Association Sign Landmark Arrangement”, *op. cit.*