

Making It Queer in Post-Socialist BiH

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Submitted to

Central European University

Department of Gender Studies

In partial fulfillment of the requirements for the degree of Master of

Gender Studies

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Budapest, Hungary

2010

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Abstract

The focus of this thesis are ethnocratic practices within BH context that are enforcing homophobia as a nationalist embedded frameworks to preserve the Bosniak tradition and nation building, especially in relation to stereotypical gender roles of both men and women from the war period of 1990's which cause further marginalization of BH population as well as LGBTQI community from the European Union. In the examples of Bosniak nation building where nation itself is marked with bodies of *šehidi* and bodies of women as reproducers of nation, victimization has become a way of Bosniak self-definition hailing heteronormative masculinities to sustain the myth of nation building. BH Bosniak politicians legitimize their struggle for conservative and selective traditions of Bosnian Muslims and in this way recontextualize Islam and war legacy as stumbling blocks for shifting to new alternative politics of equality that might lead BiH to the European Union. Through the homophobic rhetorics of BH ethnocrats and Islamic Community leaders, the example of 2008 Sarajevo Queer Festival violence and closing for the public shows normative views of exclusion and alteration of public spaces. Platforms and actions of queer politics in relation to Sarajevo Queer Festival in BiH are deliberately misused by Bosniak ethnocrats and marked as deviant, though they offer a systematic questioning of BH post-Dayton condition through cultural production.

Keywords: *BH ethnocracy, heteronormative masculinities, šehidi, Bosniak nation building, queer, homophobia, politics of exclusion, Sarajevo Queer Festival 2008*

Introduction

The aim of this thesis is the analysis of ethnocratic practices within post Dayton BiH in relation to the Sarajevo Queer Festival. Namely, the interest of this thesis are the discourses related to Sarajevo Queer Festival (24.9.2008.-28.9.2008.) that was open on 24th of September 2008 and had to be closed for the public the following day, on September 25th 2008, in Sarajevo, Bosnia and Herzegovina, due to the strong hate speech by ethnonationalist leaders represented in the media as part of the systematic and homophobic campaigns. The Festival was organized by Q association for promotion and protection of culture, identity and human rights of LGBTQI persons. The Festival itself was supposed to host photography exhibitions of BH LGBTQI portraits, which would be the first time ever for BH LGBTQI persons to publically step out in front of the cameras¹, sculpture exhibitions, movie screenings and live performances.² The Festival was condemned by BH politicians and Islamic Community members as “filthy”, “shameful”, “disrespectful” and homosexuality as a “disease”. This resulted in the Festival being closed for the public after violent attacks conducted over Queer Fest participants by a number of vehabi, as well as a number of hooligans, who physically attacked, abused and molested the participants and journalists at the very opening of the Festival. In the example of Sarajevo Queer Fest attacks and closure, through homophobic rhetoric of official persons from both ethnonational elites and Islamic Community members, visibility of LGBTQI population of BiH was reduced from a public to a closed space, while the struggle of LGBTQI communities based on politics of equality has been ignored. Namely, the ethnocratic practices are enforced through inconsistencies of legal sanctioning of hate crimes

¹ Exhibition by Irfan Redžović

² <http://www.queer.ba/v1/qs.html>, last accessed on 30.10.2010.

and LGBTQI related discriminations. Furthermore, the legislations protecting the sexual minorities are enforced by the European Union, as part of the reforms BiH has to conduct in order to be accepted within the EU. The role of history in terms of the war in Bosnia and Herzegovina (1992-1995) shaped the conceptions and the framework of stereotypical gender roles projected in B&H political and religious public sphere. Starting from the 1990's and the nationalist rhetoric that was booming on the territory of Yugoslavia, with the outbreak of war the bodies were regulated through the mass media representing the images of men as either warriors, heroes or women protectors and women's bodies were associated with the roles of mothers, nation reproducers and entities that were nation-boundaries and that needed male protection. This erotization of the nations³ by the political and religious leaders have enabled a masculine heterosexual framework that served as a strong politically and religiously embedded practice that defines the domain of potential space occupied by BH LGBTQI community, whose interests as a political group were invisible, left with a reduced space in which they could be articulated. The return of nationalist values and the promotion of heterosexuality that was gaining even more strength and power with the beginning and ending of the war found its support in the discourses of mass media and communication. The consequences of this are reduction of LGBTQI political space which is discriminatory and in direct opposition to EU values that BiH should conform with in order to join the EU. In this thesis I want to claim that ethnocratic practices within BH context are enforcing homophobia as a nationalist embedded frameworks to preserve the Bosniak tradition and nation building, especially in relation to stereotypical gender roles of both men and women from the war period of 1990's which might cause further marginalization of BH population as

³ I use the term nations in plural referring to all three nations involved in the war: Bosniak, Serbian and Croatian

well as LGBTQI community from the European Union.

Therefore, in the first chapter, an overview of BH consociative pluralistic democratic political system will be presented to portray complexities of ethnocratic domain of power that selectively approaches a particular ethnic group through mobilization that is conducted by specific traditions/symbols ascribed to male warriors of šehidi. This resulted in creation of idealized masculine spaces that served the Bosniak ethnocrats for defining borderlines of Bosniak nation. In the second chapter, women's precarious role will be discussed in relation to nation building and a potential threat to nation contamination. Due to the stigmatization women have acquired from the war period, victimization is imposed by BH elite as part of the defining Bosniak nation and its purity. Also, homophobia will be analyzed in terms of the failed masculinities of soldiers from the previous war of the 1990s, presenting queer bodies as a threat to Bosniak nation building and preserving Bosniak vision of Islam as non-secular. The interest of the third chapter will be the media discourse related to Sarajevo Queer Festival as a systematic, mobilizing and homophobic campaign of Bosniak nation building as endangered and threatened by the Other. The context of potential acceptance of BiH within the European Union in relation to LGBTQI rights will be analyzed. In conclusion the focus will be put on ethnocracy examined as a specifically male, heteronormative power that selects and categorizes target groups into marginalized positions for exploitation and appropriation. I will try to examine whether this type of politics and practice is directly triggering ignorance, neglect, and/or discrimination towards BH LGBTQI community by taking into consideration the optional spaces for affirmative politics of equality towards LGBTQI issues that will be analyzed in terms of BiH entering the European Union.

Ethnocracy in BiH: Gendering the boundaries

The aim of this chapter is to examine the ways in which gendered bodies of male soldiers are used by ethnocratic leaders and religious community members through ethnocratic structures and practices, using representations of masculinity for setting the boundaries of Bosniak nation in the post 1990's war period. Nation boundaries are built by ethnocratic elites of politicians and Islamic Community members through the boundaries of gendered bodies, i.e. male hero gender roles that are used in the contexts of particular leaders who under the parole of 'the vital interest to a specific nation' build purity and respectability traits of Bosniak nation. In such way the ethnonational leaders of BiH not only sustain their position in power, but selectively approach different sexualities, i.e. they enforce heterosexual masculinity as a way to build an imagined community as a nation⁴. First, a general overview of political structure of Bosnia and Herzegovina will be presented through the analysis of BH political system which is (dis)functioning in Bosnia and Herzegovina in order to portray an introduction to the spaces through which the male political representatives and leaders are using the ethnical territorial divisions of Bosnia and Herzegovina for rebuilding nationalisms. Second, framework, origin and the domain of ethnocratic practices enforced by the political leaders within Bosnia and Herzegovina will be discussed in relation to the mobilizations of nations as a means of reproduction of power within the (post)war Bosnia and Herzegovina where the images of male heroes and their bodies represented as *šehidi* (Muslim martyrs) are used as a tool for marking geographical and political spaces as Muslim by both Bosniak ethnocrats and Islamic community leaders, especially in the territories which today belong to the Republic Srpska. Thirdly, through selective representations of

⁴ Anderson, Benedict, *Imagined Communities, Reflections on the Origins and Spread of Nationalism*, Verso, 1983

male gender roles as heroes of the war, ethnocracy can be thus seen as a tool of national parties' leaders and as a specifically male power that uses representations of masculinity to selectively determine ethnic boundaries of Bosniak nation through normative representations of masculine sexualities and victimized images of Bosniak nation.

1.1. Marking the Spaces Ours

Through signing the Dayton Agreement in December 1995 with strong intervention of the International community, Bosnia and Herzegovina came to exist officially as a state composed of two entities: Federation of Bosnia and Herzegovina⁵ (multiethnically inhabited by the majority of Croats and Bosniaks) and the Republic of Srpska (mostly inhabited by Serbs) and internationally supervised Brčko District. Three major ethnic groups have been re-defined in the context of the Dayton Agreement: Serbs, Croats and Bosniaks, latter introduced to replace the category of Bosnian Muslims. These ethnic groups, under the leaderships of male politicians such as Slobodan Milosevic, Franjo Tuđman and Alija Izetbegovic, had to be tied to specific territories within Bosnia in order for the above mentioned ethnocrats to successfully implement their systematic projects of their *respectable nation* building conducted in Bosnia and Herzegovina. Nevertheless, those who are the leaders of ethnonationalist parties in BiH today, such as SDA (Party of Democratic Action, marked as Muslim), HDZ (Croatian Democrat Party, marked as Croat) or SNSD (Alliance of Independent Social Democrats, marked as Serbian) use the "hegemonic ethnicities"⁶, i.e. key ethnic differences, for production of a specific context where the

⁵ Washington Agreement, March 1994, available at: http://www.usip.org/library/pa/bosnia/washagree_03011994)

⁶ Mujkic, Asim, *Pravda i etnocentrizam*, Centar za ljudska prava Univerziteta u Sarajevu, Fondacije Heinrich Boll, Sarajevo, pg. 35

need for a national leader is imposed in order to present, safeguard and protect the vital needs of any of the three constitutional peoples living in BiH, and such was the case during the 1990s as well. This type of political system is an ethnocratic one and *ethnocracy* can be defined from various political, sociological, philosophical and ethical viewpoints, but what should be questioned is the articulation, position, and ways of channelling the dominant discourse of ethnocracy. Mostov defines ethnocracy as “a particular type of rule in which power is concentrated in the hands of leaders successful in promoting themselves as uniquely qualified to define and defend the (ethno)nationalist interests, and in which the ruled are collective bodies defined by common culture, history, religion, myths and presumed descent”⁷. Namely, Slobodan Milosevic, Franjo Tuđman, along with Alija Izetbegovic, all represented the ‘protectors’ of their nations, the charismatic male politicians whose persuasiveness as male leaders has affected the creation of nationalist tensions and has led to ethnic separation of the three peoples into different ethnic groups stripped off of their political agency within ethnocratic context of nation building related to specific territories. For example, in the context of the 1980s which have brought on even higher tensions as the economic crisis was growing in Yugoslavia, open nationalist rhetoric culminated through Slobodan Milosevic after the death of Josip Broz Tito, and Milosevic, described by Malcom Noel as “an ambitious politician in Belgrade who had learnt the methods of Communist power-politics as he worked his way up the system; there was general economic malaise and discontent, which made people yearn for decisive leadership; and the ideology of Serb nationalism, so long frustrated, was now ‘finding’ an expression in a policy which ‘restored’ Vojvodina and

⁷ Mostov, Julie. "Sexing the nation/desexing the body: the politics of national identity in the former Yugoslavia", in *Gender Ironies of Nationalism*, Tamar Meyer, ed. London: Routledge, 2000, pg 89

Kosovo to Serbian control.”⁸ This ‘decisive leadership’ was embodied in Milosevic, where the importance of territorial recovery of Vojvodina and Kosovo during the rise of Serbian nationalism became vital, just as BH ethnically clean territories were regarded as extremely important in order to be appropriated into Great Serbia, project of Serbian etnonationalists, led by Milosevic himself. On the other hand, the initiation of Croatia to declare independence (though under the leadership of nationalist Franjo Tuđman), was seen as Ustaša practice because it meant complete separation from Belgrade and Serbia, and decentralization of Yugoslavia⁹. All of these leaders are presented as heroes in the media, while the territorial marking with symbols and myths of ethnic groups became a tool of instrumentalized actions of the current ethnocrats in BiH for their desired representations of nation building. They become protectors of the nation through safeguarding or appropriating the territorial Other and, as Mostov claims: “This romantic image of the national guardian revives the masculine roles of traditional patriarchal society.”¹⁰ Similarly, the fall of Srebrenica was marked by Serbian General Ratko Mladic, hailed by the local Serbian population of Srebrenica as a hero¹¹ proclaiming: “We present this city to the Serbian people as a gift. Finally, after the rebellion against the *dahije* [local janissary leaders], the time has come to take revenge on the Turks in this region”¹². Through revival of myths of Turks oppressing the Serbian population and romanticized image of appropriating the territory through revenge, Srebrenica ended with genocide and more than 8, 000

⁸ Malcom, Noel, *Bosnia, A Short History*, Pan Books, Pan Macmillan 2002, pg. 212

⁹ This was seen as Ustaša practice from Serbian perspective because it meant complete decay and further decentralization of Yugoslavia.

¹⁰ Mostov, Julie. "Sexing the nation/desexing the body: the politics of national identity in the former Yugoslavia", in *Gender Ironies of Nationalism*, Tamar Meyer, ed, London: Routledge, 2000, pg. 93

¹¹ Duijzings, Ger, "Commemorating Srebrenica: Histories of Violence and the Politics of Memory in Eastern Bosnia", pg. 161. In *The New Bosnian Mosaic Identities, Memories and Moral Claims in a Post-War Society*, Edt. Xavier Bougarel, Elissa Helms and Ger Duijzings, Ashgate Publishing Limited, 1997

¹² Ibid.

men killed that has left implications on the further creation of Bosniak nation as victimized and especially in need for re-affirmation of masculine roles that would revive the ego of the nation itself, which was de-moralized and shattered with a systematic attack on its male members as in the case of Srebrenica Genocide, as it will be discussed in the following section.

The political performance, as well as the political dialogues BH ethnocrats enforce publically, function based on the constant eruption of chaotic accusations among themselves targeting each group as an enemy group that has territorial i.e. geographical boundaries, marking themselves as the primary group, while at the same time constantly re-producing conflicts and insecurities on the overall level of the state and presenting the Other as the enemy group. The need for male national guardians to protect one's nation is implied through the discourses produced by ethnonational elites even in the context of post-war BiH. This is a romanticized image of one nation whose territory must be marked by specific ethnic and masculine gender representations. Since the territorial divisions of Federation of BiH, Republic Srpska and Brcko District mark the spaces for the political leaders to manipulate the accumulation of the capital more efficiently through the existence of separate budgets, economies, universities, healthcare systems etc, then the power exercised is extremely dispersed through the practices of all three ethnonational elites. Today in Bosnia and Herzegovina, each of the three major ethnic groups, consider their questions of the utmost importance: the (un)questionable existence of Republic of Srpska is addressed by the BH political elite¹³; Serbian part of the elite triggers threats to separate from the rest of the state by calling a referendum¹⁴, while Croats

¹³ I am referring here to the statement released by Rajko Kuzmanovic, President of Republic of Srpska. <http://www.24sata.info/vijesti/politika/40793-Nije-genocidna-nastala-kao-izraz-volje-njenih-gradjana-turbulentnim-vremenima.html>

¹⁴ RS Government's Position of 14 December 2009 and the RS National Assembly Conclusions of 28

claim to be under-represented in all state levels and call for the creation of a third entity¹⁵, a Croatian one. This leads to imposing fear and instability within the boundaries of both entities. Nevertheless, the significance of this constant threatening is not to be neglected nor omitted, because this is one of the ways how the ethnic group is constantly in motion, and mobilized. Ethnic mobilization, according to Mujkic, means "mobilization of ethnic masses through the means of media by the elites that criticize one another openly, accusing one another, while describing themselves as the defenders of the people, and calling the Other group the traitor one"¹⁶. In direct relation to power, the groups have to be mobilized on the new bases and their reception and susceptibility towards the practices of the political elites has to be renewed and re-invented, in order to build the matrix of ethnocratic politics based on constant reproduction of instability. As Sulejman Tihic, Bosniak president at the time, stated: "If it continues to go on like this, there is no question there will be conflict. It's just a question of what kind of conflict there will be, and is it going to be in three months, six months or one year?"¹⁷ As Mujkic argues: 'political elites, the leaders of our segments, cannot produce stability because they survive due to the conflicts'¹⁸ while on the other hand the society of BiH is marked as constantly on the brink of collapse, disrupted by the inflammable pre-election rhetoric among the

December
2009.

¹⁵ One of the proposals pushed forward by HDZ in 2001, when W. Petritsch dismissed Ante Jelavic, stating: "Of course, there won't be any economic or other sanctions against the Croat people in Bosnia and Herzegovina. I removed Mr Jelavic and three other officials exactly because I did not want the Croats to end up in a ghetto called third Entity, which would result in economic isolation and impoverishment." See http://www.ohr.int/ohr-dept/preso/pressi/default.asp?content_id=3384

¹⁶ Mujkic, Asim, *Pravda i etnocentrizam*, Centar za ljudska prava Univerziteta u Sarajevu, Fondacije Heinrich Boll, Sarajevo, pg. 16

¹⁷ <http://www.telegraph.co.uk/news/worldnews/europe/bosnia/6364680/Bosnia-on-brink-of-new-civil-war.html>, last accessed on 11.10.2010.

¹⁸ Mujkic, Asim, *Pravda i etnocentrizam*, Centar za ljudska prava Univerziteta u Sarajevu, Fondacije Heinrich Boll, Sarajevo, 2009, pg. 69

cartels of the elites¹⁹.

Such conflicts are invoked by various statements, especially the question of whether genocide even happened in Srebrenica, which is often addressed by the prime minister of the Republic Srpska, Milorad Dodik. The issue of genocide is extremely important for all the people living in BiH because the political representatives condemning the political projects behind such systematic crimes would mean the beginning of emancipatory politics of equal political subjects, regardless of their ethnicity. Nevertheless, the issue of genocide taking place in Srebrenica where 8,100 men and boys²⁰ were killed by the Serb paramilitary forces, and the fact that genocide was systematically conducted over one ethnic group of people is ignored by the prime minister of the Republic of Srpska, Milorad Dodik who claims that: "Bosnian Serbs will never accept that the 1995 Srebrenica massacre of some 8,000 Muslims was genocide. (...) We cannot and will never accept qualifying that event as a genocide."²¹ The acts of killing more than 8,000 males in Srebrenica can be seen as a systematic way of appropriating territory to present it as "a gift to Serbian people"²² by slaughtering male members of one specific ethnic group and stripping off Bosniak nation of its male members: fathers, sons and brothers, and further de-masculinising of the Bosniak nation, through both the appropriated territory and slaughtered men. Seen in this way, the genocide happening in Srebrenica is a direct

¹⁹ Mujkic, Asim, *Pravda i etnocentrizam*, Centar za ljudska prava Univerziteta u Sarajevu, Fondacije Heinrich Boll, Sarajevo, 2009, pg. 69

²⁰ The overall high matching rate between DNA extracted from these bone and blood samples leads ICMP to support an estimate of close to 8,100 individuals missing from the fall of Srebrenica, <http://www.ic-mp.org/press-releases/dna-results-of-the-international-commission-on-missing-persons-reveal-the-identity-of-6186-srebrenica-victims-dnk-izvjestaji-medunarodne-komisije-za-nestale-osobe-icmp-otkrili-identitete-6186-sreb/>, last accessed on 28.10.2010.

²¹ Bosnian Serb Prime Minister Milorad Dodik for Belgrade daily '*Vecernje Novosti*', <http://srebrenica-genocide.blogspot.com/2010/04/milorad-dodik-denies-srebrenica.html>, last accessed on 29.10.2010.

²² Woodhead, L. (1999). *A Cry from the Grave*, documentary film, London: Antelope. In *The New Bosnian Mosaic Identities, Memories and Moral Claims in a Post-War Society*, Edt. Xavier Bougarel, Elissa Helms and Ger Duijzings, Ashgate Publishing Limited, 1997, pg. 142

mutilation of Bosniak nation which means that the men killed represent the Bosniak nation as a victimized nation, but only after series of allegations that SDA party officials have acted irresponsibly in the prevention of the genocide to happen, along with the International Community: "It is clear that 'Srebrenica' only became a symbol of Muslim victimhood after the massacre, but not before allegations and debates about the contested role of the Bosnian Army (ARBiH) and Government had been silenced."²³ Bosniak political elite, being aware of the possible mistakes made in the fall of Srebrenica systematically started changing the discourse of the men killed in genocide being referred as *šehidi* (marking male bodies as Muslim) and employed rhetorics such as turning the 11th of July into the Day of Remembrance of Civilian Victims of Fascist Aggression. "The reluctance to use the term '*šehidi*' also has much to do with the high level of internationalization of the Srebrenica commemorations. Muslim leaders may want to downplay the military aspects of Srebrenica when talking to an international audience but praise its resistance when addressing a local one".²⁴ At first, SDA Muslim party opposed the very building of the Memorial for Srebrenica Genocide, until under the pressure of the International Community²⁵ the affirmative decision has been reached, and in the pre-election period: "After its initial opposition, the SDA decided to support the proposals for Potočari, taking a U-turn in its policy

²³ Duijzings, Ger, *Commemorating Srebrenica: Histories of Violence and the Politics of Memory in Eastern Bosnia*. In *The New Bosnian Mosaic Identities, Memories and Moral Claims in a Post-War Society*, Edt. Xavier Bougarel, Elissa Helms and Ger Duijzings, Ashgate Publishing Limited, 1997, pg. 155

²⁴ Duijzings, Ger, *Commemorating Srebrenica: Histories of Violence and the Politics of Memory in Eastern Bosnia*. In *The New Bosnian Mosaic Identities, Memories and Moral Claims in a Post-War Society*, Edt. Xavier Bougarel, Elissa Helms and Ger Duijzings, Ashgate Publishing Limited, 1997, pg. 164

²⁵ "High Representative Wolfgang Petritsch issued a directive setting aside land for a cemetery and memorial complex in Potočari, pointing to the need for an appropriate place of mourning for the families and explicitly linking the burial of the victims in Potočari to the issues of return and reconciliation." OHR, *Decision on the Location of a Cemetery and a Monument for the Victims of Srebrenica* (25 October 2000), available at <http://www.ohr.int/decisions/plipdec/default.asp?content_id=219>. In Duijzings, Ger, *Commemorating Srebrenica: Histories of Violence and the Politics of Memory in Eastern Bosnia*. In *The New Bosnian Mosaic Identities, Memories and Moral Claims in a Post-War Society*, Edt. Xavier Bougarel, Elissa Helms and Ger Duijzings, Ashgate Publishing Limited, 1997, pg. 158

with regard to eastern Bosnia out of fear that the party would suffer electoral losses if it did not support the return process."²⁶ Potocari Memorial has been built in Srebrenica in 2001, and it represents more than a Memorial; i.e. it was one of the ways of marking the spaces as Muslim in Serbian territory and for women who insisted on the memorial it "is not just a way of coming to terms with the massacre, but also a powerful way of reclaiming space: it brings back the bodies that were meant to be removed and reestablishes a Muslim presence on land that is now occupied by the Serbs."²⁷ The negation of genocide is even today imposed upon the survivors of Srebrenica genocide, who were at the beginning deprived of the territorial space for burying their male relatives and friends. Namely, since most of the survivors are women, those women demanded from the official government that a proper Memorial be built to bury their loved ones, as well as that the Bosniak government officials take responsibility for the genocide taking place in Srebrenica. The Bosniak party of SDA opposed the Memorial being built, yet conditioned by the OHR and then coming elections they had to support the idea. Furthermore, Bosniak ethnocratic elite have "passed a resolution acknowledging only minor 'weaknesses' in the ARBiH's performance, identifying the international community (the UN and Dutchbat) as the main culprit in the tragedy."²⁸ The legacy of war has been instrumentalized by the Bosniak ethnocratic elite and Islamic Community members and images of Bosniak nation invaded by the Serbian Other in ethnocratic contexts

²⁶ Dani, 17 July 2000, in Duijzings, Ger, *Commemorating Srebrenica: Histories of Violence and the Politics of Memory in Eastern Bosnia*. In *The New Bosnian Mosaic Identities, Memories and Moral Claims in a Post-War Society*, Edt. Xavier Bougarel, Elissa Helms and Ger Duijzings, Ashgate Publishing Limited, 1997, pg. 158

²⁷ Duijzings, Ger, *Commemorating Srebrenica: Histories of Violence and the Politics of Memory in Eastern Bosnia*. In *The New Bosnian Mosaic Identities, Memories and Moral Claims in a Post-War Society*, Edt. Xavier Bougarel, Elissa Helms and Ger Duijzings, Ashgate Publishing Limited, 1997, pg. 163

²⁸ *Oslobođenje*, 3-4 August 1996 and 7 August 1996. In Duijzings, Ger, *Commemorating Srebrenica: Histories of Violence and the Politics of Memory in Eastern Bosnia*. In *The New Bosnian Mosaic Identities, Memories and Moral Claims in a Post-War Society*, Edt. Xavier Bougarel, Elissa Helms and Ger Duijzings, Ashgate Publishing Limited, 1997, pg. , 156

have been reduced to Bosniak men killed in genocide and massacres. Mass killing of men in Srebrenica was referred as an attack on Islam “the genocide against our nation is conducted *precisely with the purpose of eliminating our religious traditions*”²⁹, and these representations are providing Bosniak ethnocrats with tools to govern the boundaries of Bosniak ethnic group as Muslim and victimized i.e. endangered by the Serbian Other and in need to re-affirm the presence of male Bosniak population within and outside of Federation of BiH. This is being done through both Bosniak politicians and Islamic Community members and leaders marking the bodies of male population killed in the war as *šehidi*, or Muslim martyrs, symbolizing the purity, religious marking and victimization as representations of Bosniak nation, as I will discuss in the following section.

1.2. Struggle for Pure Nation through Dead Heroes

Ethnic groups in BiH are being put by the ethnocrats within the frameworks that share specific ‘common’ matrix through imposing pre-chosen (re)interpretations of their past with elements of religion, intentionally distorted versions of internationally acclaimed facts (as in the example of genocide in Srebrenica that is negated by the Republic of Srpska officials)³⁰, and are offered with their own war criminals equated as “national heroes”³¹, while using some of the historical background to support the

²⁹ Muslimović 1994: 93-4,

Bougarel, Xavier, Death and the Nationalist: Martyrdom, War Memory and Veteran Identity among Bosnian Muslims. In *The New Bosnian Mosaic Identities, Memories and Moral Claims in a Post-War Society*, Edt. Xavier Bougarel, Elissa Helms and Ger Duijzings, Ashgate Publishing Limited, 1997, pg. 171

³⁰ I am referring here to the statements over questioning the number of 8,000 killed men in Srebrenica genocide as a reaction over the resolution of Srebrenica (the Srebrenica Declaration condemning the crimes and slaughter of 8,000 Bosnians) accepted by Serbia on 31st of March 2010. Counter-statements were made by Milorad Dodik, PM of Republic of Srpska. See <http://www.seebiz.eu/sr/politika/milorad-dodik-u-srebrenici-nije-ubijeno-8.000-bosnjaka,74822.html>

³¹ Radovan Karadzic, Ratko Mladic, Slobodan Milosevic are not as rarely referred as war heroes. Specifically, I am referring here to mixed reactions of BH and international politicians, over the arrest

authenticity of those representations produced. These representations serve as authentic when presented in specific contexts (such will be the term of *šehidi* in the context of Bosniak nation building) where chosen parameters of purity, heterosexual masculinities and honor mark key triggers to create an illusion of imagined community of Bosniak nation. In this way those parameters have to be pure and sacred, historically constructed and of importance to the nation, so there would be basis for respectability in the symbiosis of "patriotism and morality"³². Anything other than that represents a threat and demands a joint struggle against it, so the forced authentic (yet illusionary) representations would be preserved as unique. Of course that it should be noted that there are no such things as authentic nations, or as Mujkic argues: "There is no unique, substantial Serbianhood, Bosniakhood, or Croatianhood, but only a representation, projection of the ideal collective type"³³ The rhetoric of threat not necessarily manifests in direct proclamation of being threatened by the Other, but furthermore, the manipulation of collective memory is used for the purpose of threatening, that dates back to Yugoslav era and in case of Bosniak nation building, it is related to the Muslim question. Namely, one of the examples that might illustrate this collectivization based on ethnicity/religion based divisions is the islamization of the people who died fighting in the war, and the politics, monopoly, institutionalization, victimization and Muslim labeling of the bones of those people, started by the Bosniak political elite (elite of SDA at the time (Party of Democratic

of Radovan Karadzic. emphasizing one statement by Aleksandar Vucic, former Serbian Radical Party secretary, current Serbian Advanced Party vice president. See: <http://news.bbc.co.uk/2/hi/europe/7518607.stm>

Also, a statement made by Borislav Pelevic, the president of the nationalist Party of Serbian Unity, before it merged into the Serbian Radical Party and a presidential candidate of Serbia, with similar beliefs over Karadzic arrest. See: http://www.blic.rs/stara_arhiva/politika/21024/Borislav-Pelevic-Karadzic-heroj-Milosevic-nije

³² Mosse, L. George, *Nationalism and Sexuality, Middle Class Morality and Sexual Norms in Modern Europe*, The University of Wisconsin Press, 1985, pg. 6

³³ Mujkic, Asim, *Pravda i etnocentrizam*, Centar za ljudska prava Univerziteta u Sarajevu, Fondacije Heinrich Boll, Sarajevo, pg. 35

Action)) and the Islamic Community of BiH. The very word *šehidi* dates back to the collective memory on the legacy of WWII and the mass slaughtering, but used for the first time in the 1990's on a specific place commemorating those victims, collectively marked as Muslim. As Bougarel notices: " Its rapid spread during the war thus does not constitute a mere 'awakening' of tradition, but rather one aspect of the nation-building and reislamicization processes initiated by the SDA and the Islamic Community. The reintroduction of the word 'šehid' into Bosnian political discourse can in fact be dated to the ceremony organized by the SDA in Foča on 25 August 1990, which commemorated the massacres perpetrated by četnici against the local Muslim population in August 1942."³⁴ The position of Muslims in Titoist Yugoslavia is often related to the collectively nationalist movements: Četnik movement and Ustaše movement where it was claimed that the rights of Serbian and/or Croatian, respectively, were of most importance, but also that the defense against the further oppression of Turks³⁵ and Islam religion should be abolished and fought against. Nevertheless, not only was Muslim population under threat, but, parallel to this, the policies of the communist Yugoslavia were mostly made on the model by Stalin in Soviet Union where "the Catholic Church was treated with special harshness, in view of the collaboration of some of its clergy with the Ustaša in Croatia and Bosnia"³⁶. But, on the other hand, Islam, as Malcom argues, has been put under double regulation because it was seen as Oriental and not as advanced, and also because it mobilized both private and public participation of Muslims within Yugoslavia³⁷. Furthermore, many of the mosques had already been torn down during the war, (756

³⁴ Bougarel, Xavier, *Death and the Nationalist: Martyrdom, War Memory and Veteran Identity among Bosnian Muslims*. In *The New Bosnian Mosaic Identities, Memories and Moral Claims in a Post-War Society*, Edt. Xavier Bougarel, Elissa Helms and Ger Duijzings, Ashgate Publishing Limited, 1997, pg. 169-170

³⁵ Muslim population in Bosnia and Herzegovina was referred to as Turks, due to the Ottoman empire rule over Bosnia and Herzegovina from 1463 (Bosnia) and 1482 (Herzegovina)

³⁶ Malcom, Noel, *Bosnia, A Short History*, Pan Books, Pan Macmillian 2002, pg. 194

³⁷ Malcom, Noel, *Bosnia, A Short History*, Pan Books, Pan Macmillian 2002, pg. 195

of them), Islamic textbooks were banned, and Muslim cultural and educational societies were abolished, while a law that forbade women from wearing veils was issued in 1950³⁸. This perpetual state of no possibility to self-identify as Bosnian Muslims in Bosnia and Herzegovina was enforced through censuses that were conducted where Muslims had options either to declare as 'Muslims-nationally undeclared' in 1948³⁹ or as 'Yugoslav- nationally undeclared' in 1953⁴⁰ and finally as 'Muslim, in the sense of a nation' in 1971⁴¹. Only in the 1990 war rhetoric did the symbols of Muslim struggle stand as evoking the past "oppression" against Četniks and Ustaše who were then in the context of the 1990s represented by the officials as the same enemy, even tens of years after. In one of the speeches, the president of BiH at the time, Alija Izetbegovic, and the head of SDA party referred to the soldiers of the 7th Brigade in October 1994: "We had to endure this inferno to return to the right path, to remember who we are and what we are, to remember that we carry the legacy of faith, the legacy of Islam, and that we have the duty to protect it in these regions."⁴² Islam is perceived as threatened by the non-Islamic neighbouring countries and therefore this created a fertile ground for mobilization of the Muslim ethnic group and for creation of unity through the constant emphasis on Islam as threat. Hence, the selective usage of the term *šehidi* that was used only for fallen soldiers, a collective noun, where bodies are exclusively marked as Muslim and are publically proclaimed as such by the leaders of the political parties and Islam community, and are officially referred as such in legal documents of healthcare,

³⁸ Cf. Malcom, Noel, *Bosnia, A Short History*, Pan Books, Pan Macmillian 2002, pg. 195-196

³⁹ Malcom, Noel, *Bosnia, A Short History*, Pan Books, Pan Macmillian 2002, pg. 198

⁴⁰ Malcom, Noel, *Bosnia, A Short History*, Pan Books, Pan Macmillian 2002, pg. 198

⁴¹ Malcom, Noel, *Bosnia, A Short History*, Pan Books, Pan Macmillian 2002, pg. 199

⁴² Izetbegović, Alija (1994). 'Ovo je posljedni genocid nad Muslimanima', *el-Liva*, 16 (November 1994): 4., Duijzings, Ger, *Commemorating Srebrenica: Histories of Violence and the Politics of Memory in Eastern Bosnia*. In *The New Bosnian Mosaic Identities, Memories and Moral Claims in a Post-War Society*, Edt. Xavier Bougarel, Elissa Helms and Ger Duijzings, Ashgate Publishing Limited, 1997, pg. 170

legislations and public speech. Furthermore, the second day of Bajram has been transformed into Dan šehida (The Day of Šehidi). Through this selective actions enforced by the government Bosniak officials, regardless of the fact that "visiting cemeteries during the festivities at the end of Ramadan (Ramazanski Bajram) is a tradition predating the war"⁴³. As a result, "these visits have been transformed from a private ceremony into a patriotic gathering attended by politicians, army officers and delegations of veteran associations. Moreover, the institution of the Day of Šehidi is also aimed at commemorating the beginning of the war on 6 April 1992, which was the second day of ramazanski bajram in 1992."⁴⁴ In this way, it is apparent how the political elites are appropriating the human life, as if commodifying it for the sake of the Bosniak nation awareness exclusively. Not only is the religious freedom imposed as central, but also the historical customs that are transformed and reappropriated for emphasizing the loss of one specific ethnic group, implying that collective memory should be preserved, memory of loss and religion, memory of one nation. Mostov claims that: "Ethnocrats rely upon the historically grounded fears of their populations and, therefore, work to identify and nurture threats to the nation. Threats about the decreasing numbers of the nation, the loss of distinct culture, language and religious freedom provide the core of mobilizing discourse".⁴⁵ Not only does the *šehidi example* exclude all non-males from this 'holy day' but marks all those included as fallen heroes, that have died for the nation, for 'the good of the nation' and, God. The marking of those dead bodies can be observed as a means of the ethnocrats to

⁴³ Bougarel, Xavier, Death and the Nationalist: Martyrdom, War Memory and Veteran Identity among Bosnian Muslims. In *The New Bosnian Mosaic Identities, Memories and Moral Claims in a Post-War Society*, Edt. Xavier Bougarel, Elissa Helms and Ger Duijzings, Ashgate Publishing Limited, 1997, pg. 172

⁴⁴ Bougarel, Xavier, Death and the Nationalist: Martyrdom, War Memory and Veteran Identity among Bosnian Muslims. In *The New Bosnian Mosaic Identities, Memories and Moral Claims in a Post-War Society*, Edt. Xavier Bougarel, Elissa Helms and Ger Duijzings, Ashgate Publishing Limited, 1997., pg. 172

⁴⁵ Mostov, Julie, "Sexing the nation/desexing the body: the politics of national identity in the former Yugoslavia", in *Gender Ironies of Nationalism*, Tamar Meyer, ed. London: Routledge, 2000, pg. 98

mobilize the nation as a whole, to borne out some collective feeling of Bosniak-ness⁴⁶ by using not somewhat particular representation of the cost of building a nation, but representing the high price and sacrifice those male heroes have made for the Bosniak nation: those dead male bodies stripped off of any of their identity markers, but the religious/ethnic/gender ones that are forced upon their very bones. The images imposed are desexualized, yet gender focused, with specific accent on the male heroes, as Mostov argues: "The heroic, chaste warrior images appeal broadly on the level of idealized nationalist rhetoric and values and provide a larger framework for authoritarian rule and aggressive nationalism."⁴⁷ During the war, male images were imposed through the media and rhetoric of nationalist leaders which needed visual representation of their warriors embedded within patriarchal culture. The images of men with riffles and guns, in their army clothes served for mobilization and call for joining the army: "The various images of attractive young men and women are linked to particular moments and to local, popular culture and appeal directly to recruits who may be untouched by the lofty rhetoric of the nation."⁴⁸ On the other hand, dead heroes are more sacred to the state, to the Fatherland, where "The slain, sexually innocent, or sexually restrained warrior becomes the property of the nation, his sacrifice a celebration of the national spirit, his death a page in the national history, and his grave a boundary of the nation-state."⁴⁹ These images of *šehidi* serves as a call for national revenge, the materiality of the graves marking the numbers killed, and furthermore, marked as Muslim, retrieving memory of the people, heroes, lost, while women are in a way alienated from the overall experience.

⁴⁶ Bošnjaštvo, n.

⁴⁷ Mostov, Julie, "Sexing the nation/desexing the body: the politics of national identity in the former Yugoslavia", in Gender Ironies of Nationalism, Tamar Meyer, ed. London: Routledge, 2000, pg. 96

⁴⁸ Mostov, Julie, "Sexing the nation/desexing the body: the politics of national identity in the former Yugoslavia", in Gender Ironies of Nationalism, Tamar Meyer, ed. London: Routledge, 2000, pg. , 96

⁴⁹ Mostov, Julie, "Sexing the nation/desexing the body: the politics of national identity in the former Yugoslavia", in Gender Ironies of Nationalism, Tamar Meyer, ed. London: Routledge, 2000, pg. 94

Furthermore, their alienation is marked with different spaces they occupy in parallel to these images, and their positions are precarious in many dimensions, which will be the focus of the next chapter. What should be argued is not only did the Islamic community and Bosniak etnonational leaders participate in the male hero image representation, but that the term *šehidi* is taken as a representation of that mythical national hero construction.

In conclusion, marking a specific territory as Bosniak has found its way through BH political system that has been constructed through Dayton Agreement by Alija Izetbegovic, Franjo Tuđman and Slobodan Milosevic, Bosniak, Croat and Serb representatives, respectively, who have advocated for territorial separation of ethnic groups within BiH. I have tried to portray today's BH specific context of ethnocratic practices, i.e. practices of the leaders of political parties that are initiating conflicts and confrontations constantly. They are illusionary based on their nation's interest, at the expense of questioning and re-defining the particularity, representations and implications of such sharp ethnic-based divisions, which are supported even territorially from the very division of the state to Federation of BiH and Republic Srpska. Furthermore, the ethnocratic practices are masked under 'the good for one nation' which is defined solely in relation to that specific nation, representing the other as an enemy nation, while creating, mobilizing and exploiting groups for the purpose of creating unity among particular ethnic groups. In such way the political elites operating in Bosnia and Herzegovina contribute to the general instability, providing, at least, platform for discriminatory practices that are exclusive, as it has been shown in the example of *šehidi*. *Šehidi* example shows the masculine face of powers, where bones of fallen soldiers are selectively used by the Bosniak leaders

and Islamic Community members for appropriation and selection of histories and collective memories, the only purpose being the illusory representation of the Bosniak nation, that has, in their views been suppressed in the Yugoslav era, under the name of Muslims. In such process and practices that favor one particular group, nationalisms tend to hide, mask and cover in order to besiege the target participant groups, and then the strongest weapons of words, measures and actions are conducted in order to reinforce the illusion of Us primarily, and provoke, demoralize the Other, secondarily. BH political system and territorial divisions to two entities and Brcko District provide ethnocrat leaders with need to assert the presence and visibility of one nation. Furthermore, what is of the utmost importance to the Bosniak ethnonational leaders is the boundary of the state-nation, that was shown to be marked with bones of people killed that are marked as Muslim through ritual burials and reference to *šehidi*. In case of Srebrenica (which is part of the Republic Srpska) the building of the memorial center Potocari for the genocide victims was supported by the Bosniak elite only as a strategic way of accumulating and dispersing its power within the Republic Srpska entity. The gender roles of men killed in genocide of Srebrenica and other parts of BiH are used for re-establishing ethnocratic power of Bosniak elite and are used for construction of Bosniak nation as endangered, victimized and threatened by the territorial, Serbian Other. The imaginary heroic masculine role is thus idealized and mourned, as well as supported through rituals of memorial services that have become a brand of Bosnia, brand of loss. Bodies, gendered bodies are extremely important for the overall image of the nation that is forced by Bosniak party officials and they mark the boundaries, the physicality of belonging to a collective ethnic group and they build the nation's loss, mourning, grief and as such the entire ceremonies that are led each year serve as collective

mobilizing process for the groups mourning, where it is repeated *Nikad više!* or Never again!. In this way groups serve as creations and products of political elites that reproduce the scope of nation representations through the differences of those very groups, differences that are imposed and reaffirmed through constant memorial services, officially supported once a year. They serve as markers of purity for one nation, especially when used in the context of male heroes in post war period, heroes who gave their lives for the nation. Women's position is somewhat alienated from this specific experience, but nevertheless, it is considered as important but in another dimension, as it will be shown in the following chapter.

2. In Transit: Women, War and Bosniak Heteronormative Ideal

The aim of this chapter is to portrait the impact of stereotypical gender and sexuality categorizations of women as a means of mobilization of ethnic groups, creating homophobia as a product of hetero-patriarchal image of ethnocracy. As it was shown in the previous chapter, ethnocracy in BiH is enforced by male 'leaders' promoting selective sexualites of men that favor the nation building as respectable. The male images represented by Bosniak elite (both Bosniak politicians and Islamic community leaders) are desexualized through the images of *šehidi* where the masculinity is marked with ethnicity and religious markers. This creates specific representations of female gender roles in the context of women represented as mourning after their male relatives and friends, signifying that the killing of male members is an attack on heterosexual family as the main reproductive unit of the nation. Seen this way, ethnocratic practices in BiH can be defined in relation to the gender and sexuality based divisions among the groups ruled over by the political

elites whose rise of power is overtly marked with sustaining to those divisions. In the first part of this chapter I will analyze gender representations embedded within the wartime period of Bosnia from 1990's through examples of today's reflection upon women's constructed roles as political sub-jects defined by their identities as either victims or mothers or raped women. Namely, the representations of gender roles of women from the war period affect women's political agency through victimization of the female body. I will analyze the precarious position of women in relation to the stigmatization acquired from war time as nation bearers and mothers, especially in relation to their bodies marking the borders of the Bosniak nation as violated through rape. In the second part of this chapter homophobia will be viewed as a masculine construct in relation to the Bosniak nation, using the example of Sarajevo Queer Festival discourse and public political responses to the festival. Women taking over any form of political role comply with ethnonationalist demands of nation building due to their victimization acquired from the war, yet, are no exception in practicing and publically enforcing homophobia. Homophobic attitude and practices, made in the media and publically announced through some of BH institutions, are one of the ways of Bosniak nation building and preservation, from the territorial Serbian Other. In conclusion, I will try to connect these representations of both stereotypical Bosniak gender roles and homophobic practices within the framework of ethnocratic politics in relation to Islamic Community, which is marked as male and hetero-patriarchal in today's context of Bosnia and Herzegovina. In this way those practicing and enforcing homophobia only reaffirm their stereotypically constructed Bosniak gender roles as a form of protecting the victimized image of Bosniak nation.

2.1. The Romantics of 1990's War in BiH

When referring to the means of mobilization of ethnic groups in Bosnia and Herzegovina, one of the ethnocratic parameters for mobilization of all three major ethnic groups are involving gender categories as a sustainable way of regulating power. One of the ways of ethnocratic practices is defining the nation's borders through heterosexual male bodies presented as victimized Muslim male heroes or *šehidi*, as it has been shown in the previous chapter. Ethnic groups are mobilized through constant revival of these representations through ceremonies and commemorations that are highly institutionalized by the Bosniak ethnocrats and Islamic community leaders (Islamic Community are the only ones who can lead the religious funerals). Such ceremonies are the Day of Šehidi, which take place every year on the second day of Bajram, or on the 11th of July, the Day of Remembrance of Civilian Victims of Fascist Aggression. Precisely, the marking spaces were not only the official documents and the graves, but also the term itself has an important role in the rhetoric of the Bosniak politicians where the term *šehidi* marks male Muslim soldiers in the contexts used by government officials and Islamic Community ulemas (representatives) excluding all Others: non-male, non-Muslim victims. Mayer argues: "Through repetition of accepted norms and behaviors—control over reproduction, militarism and heroism, and heterosexuality—members help to construct the privileged nation; equally, the repetitive performance of these acts in the name of the nation helps to construct gender and sexuality."⁵⁰ The specific ethnocratic practice in this case is appropriating the bones of the people killed, Islamizing and victimizing them was a way to homogenize and brand the Muslim community within the capital of

⁵⁰ Gender Ironies of Nationalism, Tamar Meyer, ed. London: Routledge, pg. 5

Bosnia and Herzegovina⁵¹ and across the Federation of BiH and BiH as a whole. By repetitive acts of remembering genocide on 11th of July, and images of mothers, sisters, wives and female relatives mourning after the male bodies killed, the images of Bosniak victimized nation are re-enforced as endangered by the Serbian Other. These discourses are used for re-establishing patriarchal roles, as well as creation of Our spaces that mark Us different than Them, and imposing fear from the Other. Today's gender roles of both women and men are heavily embedded within the wartime period of Bosnia in 1990's, one of those representations are either through references to *šehidi* or Mothers of Srebrenica association. *Srebrenica mothers* is "the association of citizens gathering the surviving mothers who after the fall of the protected area of Srebrenica in 1995 lost their sons, husbands, brothers and other male members of their families. This association is searching for missing persons and helping the survivors who, in spite of the terrible tragedy, returned to their destroyed homes"⁵². Images related to women as war survivors that are prevalent in the media are of the mothers mourning, female children covered in hijjabs, or Islamic Community members talking in their behalf. One of the examples of female children covered visiting Potocari in Srebrenica for the first time is reported stating: "God, has our faith been so pure and strong that all refuse of this world have turned liters of our father's blood into tar? (They have turned)...our mothers into sufferers, and have put prices on them. My Lord, I speak to you, protect our mothers from that refuse, let

⁵¹ By the early 2000s, there were 154 *šehid* cemeteries in the Sarajevo Canton (Fond kantona Sarajeva 2001: 6) and, in the municipality of Sarajevo Centar alone, 779 plaques have been put in place to celebrate the memory of soldiers killed during the siege of the city (Općina Centar 2003). See: Bougarel, Xavier, *Death and the Nationalist: Martyrdom, War Memory and Veteran Identity among Bosnian Muslims*, in *The New Bosnian Mosaic Identities, Memories and Moral Claims in a Post-War Society*, Edt. Xavier Bougarel, Elissa Helms and Ger Duijzings, Ashgate Publishing Limited, 1997, pg. 172

⁵² http://srebrenickemajke.org/index.php/Srebrenica_Mothers_in_Srebrenica.html, last accessed on 20.10.2010.

their (our mothers') tears be the prayers for all brutally killed Bosniak (men)."⁵³ The specific representations of women as solely mothers, daughters, wives and relatives of killed men have left deeply consequential expectations for both women and men living in any of the entities in Bosnia and Herzegovina that re-construct their gender identities within the ethnonational BH context. In Bosnia and Herzegovina the mythological representations of the dead male martyrs and collective of women left behind them pressures the women to further sacrifice their agency for the well being of the nation, through identification with the victim role thus allowing men to take over the leading active role. The role that is assigned to men through politics is the defender role, the one who sustains in the post-war period to feed the family and provide economic stability for the family's survival and are the ones who run the politics and call the shots. As Goldstein claims that "socially constructed gender identities have enabled the war"⁵⁴, it could be further argued that precisely these identities that have been modified for the outbreak of war, and throughout the war, also serve as a platform for the post war construction of nation's image through the continuing repetition of those very roles attributed and produced. Repetitions and modifications of those roles and categories result in approximately ideal representation of nation's gender, portraying it as generally accepted and in essence defining the nation's authenticity. The heroism, through this romanticized imposition of men as the ones who decide, act and perform the role of saviors of women, children and the elderly is thus re-defined as new spaces men occupy today, as opposed to the spaces of warriors and fallen soldiers in the war time. The

⁵³ Bilten Srebrenica, godina 12, number 45, june 2009, pg. 10

⁵⁴ War and Gender: How Gender Shapes the War System and Vice Versa. By Joshua S. Goldstein. Cambridge, U.K.: CambridgeUniversity Press, 2001. In Prugl, Elisabeth, Gender and War: Causes, Constructions, and Critique. Perspectives on Politics, Vol. 1, No. 2 (Jun., 2003), pg. 335 American Political Science Association , <http://www.jstor.org/stable/3688905> Last accessed on 14.9.2010.

mythological is thus reversed onto the socio-economic demands in today's depiction of majority of men in Bosnia and Herzegovina. Not only were women seen as reproducers and bearers of the nation, but also their bodies through rape were used for war purposes, as a means of war, their bodies, clothes, sexualities are calculated to be at the service of the image of 'pure nation' and once that is violated, the interest shifts to the violence against our women . It is not uncommon to hear that 'our women are better, purer and more humble than theirs', our women are more respectable, while the violence against 'our women' performed by them is at the core of the ethnocratic leaders' interest: " Their men are the perpetrators of violence against "our" women. It is this violence against "our" women as members of the collective nation that elicits the ethnocrats' concern"⁵⁵. Due to such restriction, or reduction, of women as political sub-jects⁵⁶, women have acquired labels of characterizations, such as 'powerless, weak, who need to be protected' even within the context of the rhetoric of the leading politicians, thus needing the protection of men in the eyes of those very men that went to the battlefields in the period of 1990-1995. Today women bear the stigmatizing roles of mothers/daughters/sisters of the heroes, while a very much disregarded and unspoken are the bestial mass rapes that have happened to all women in the Balkans, regardless of their ethnicity. Even today, the number of the women raped is not known, but is estimated, as Bosse claims: "Conservative estimates of the number of women raped during the Bosnian war run between twenty thousand and fifty thousand; what happened in the rape camps of Bosnia includes a list of atrocities as endless as the sadistic imagination might

⁵⁵ Mostov, Julie. "Sexing the nation/desexing the body: the politics of national identity in the former Yugoslavia", in *Gender Ironies of Nationalism*, Tamar Meyer, ed. London: Routledge, 2000, pg. 96

⁵⁶ I use sub-ject, as women being subjected to male domainance in ethnocratic practice of representation of women as collective that is interpollated as subject only for the purpose of serving such hegemony

devise.”⁵⁷ This is of course due to the stigmatization of the women that would have happened, had most of these women spoke about their traumas and violent experiences of rape, or the loss of their beloved ones. And that often exclude the other, Serb women and Croatian women. Furthermore, women are not the ones who label themselves as victims, on the contrary, the victim rhetoric is used by the ethnonational leaders in order to mobilize the groups within the state and, more importantly, it is used by male political elite that is in many cases marked with religious connotations. Precisely by using this type of discourse, discourse of appropriated stories told by the ones who exert some forms of power, is what enables the expulsion, or rather said, marginalization of women in the political arena of Bosnia and Herzegovina, imposing the victim identity upon women, but victim identity in relation to the Other that throughout repetition and practice results in generalized view of women as victims in relation to men.

2.2. Victimizing the Political Subject

Hybrid or socially constructed images of women's duties toward the nation has been taken from the stereotypical gender perceptions and practices that women of Bosnia and Herzegovina, need to accept, internalize, process, reproduce, re-appropriate their natural role in order to keep the nation pure and these imperatives are sometimes publically acclaimed. As Helms argues: “They [women engaged in politics] want to retain the moral purity ascribed to women who conform to their roles as passive victims and keepers of the home and family, yet they also seek to be

⁵⁷ Bosse, E. Linda, Crossing the River Drina: Bosnian Rape Camps, Turkish Impalement, and Serb CulturalMemory. *Signs*, Vol. 28, No. 1, Gender and Cultural Memory (Autumn, 2002), pg. 71, The University of Chicago Press, <http://www.jstor.org/stable/3175701>, last accessed on 14.9.2010.

taken seriously as political actors."⁵⁸ One of the statements given by Amila Alikadić-Husović, member of Stranka za BiH (Party for BiH) and former head of Clinic in KCUS Koševo follows: "I have been appointed to be in the Commission for gender equality on the last Parliament meeting. I went to the stage and said that I did not want to be there, that we are not biologically, physically equal, nor in the eyes of Allah s.a.w.s. Our obligations are different. A husband is obliged to take care of the wife, and the wife to take care of the home and more frequently child-bearing. We just need to get back to the roots of Islam. That is the basis, that is fundamental. No one can forbid me to go back to my fundamental values. Besides, thank Allah, I have always stuck to that. Nevertheless, I call for women to go back to those grounds. And that is to marry a Muslim man, to live Islamic marriage, to raise their children. That is it. Bosniak women do not need emancipation, the Westerners need emancipation."⁵⁹

The body of a woman is to serve only specific purposes, as the one who should nurture the home and attend the children and safeguard the national spaces with those bodies. As keepers of the home and family women mark the signified of the maturity of the nation, supporting nationalist illusions of healthy heterosexuality i.e. they are used for the main parameter of acclaiming the nation as a success, acclaiming its existence outside of its borders, and more importantly, marking it as healthy within the borders. Not only is here the imperative not to become emancipated because that is how the West is perceived, but also for women to acknowledge their subordination in every level, whether it be public or private, as well

⁵⁸ Helms, Elissa, 'Politics is a Whore': Women, Morality and Victimhood in Post-War Bosnia-Herzegovina, *The New Bosnian Mosaic Identities, Memories and Moral Claims in a Post-War Society*, Edt. Xavier Bougarel, Elissa Helms and Ger Duijzings, Ashgate Publishing Limited, 1997, pg. 240

⁵⁹ Free translation by the author, Case of a citizen Amila Alikadić-Husović, article available at http://www.bih-rss.net/article_slu%E8aj_gra%F0anke_amile_alikadi%E6-husovi%E6__2084715.htm, last accessed on 12.10.2010. Also, note Bajramović, Jasmina, Yes We Can? Search for a Woman Lost in BH Election Process, 2010 article available at <http://www.sic.ba/rubrike/stav-esej/jasmina-bajramovic-yes-we-can-traganje-za-zenom-izgubljenom-u-bh-izbornim-procesima/>, last accessed on 12.10.2010.

as to enforce submission to the goals of the nation: "Ethnonational strategies, however, encourage women to see submission to collective goals, not only as a solution to their economic situation, but also as something positive: acceptance of their natural role, an important contribution to the recovery of traditional values, and the purest form of emotional (spiritual) satisfaction. The politics of national identity bolsters this rhetoric with restrictive demographic and reproductive policies and social and religious codes of conduct."⁶⁰ Only through the return to the natural roles, i.e. in the context of gendered ethnocracy of Bosnia and Herzegovina, through reduction of women as nurturers, the sensitive, warm, unconditionally loving wombs raising their offspring and guarding the home they provide the hope for the nation's survival. This is especially evident in the post-war period when so many victims have fallen prey to the enemy and where all three ethnicities have lost numerous male heroes, as is often portrayed, either as *šehidi* and/or *pali borci na putu ka nebeskom kraljevstvu* (the fallen soldiers on the way to the Heavenly Kingdom)⁶¹. This is apparent through the means of romantization of both male and female roles, contributing to the nation through appraisal of women as saints who wait for their beloved warriors to come back from the war, or remain faithful to them even after their deaths, or they marry men from their respectable ethnic groups and bear the children in accordance to their religions. According to Kesic's portrayal of women characteristic of ex Yugoslavia: "Women are mothers, daughters and wives – symbols of purity, nurturers and transmitters of national values and reproducers of the nation's warriors and rulers, but also victims – vulnerable to seduction, open to physical invasion and

⁶⁰ Mostov, Julie, "Sexing the nation/desexing the body: the politics of national identity in the former Yugoslavia", in *Gender Ironies of Nationalism*, Tamar Meyer, ed. London: Routledge, 2000, pg. 102

⁶¹ For the usage of term *šehidi* and *pali borci*, see Chapter one

contamination, and symbols of territorial vulnerability and national defilement.”⁶² It is apparent that the position of women varies in relation to the demands of ‘the nation’, i.e. the leaders who weave the essentializing gendered images upon women as victims and dependent on male power, reduce them “as a symbolic collective”⁶³ only, and exclusively as a collective is their experience of the war addressed.

What must be addressed here is that the representations of women as victims has become legitimized through addressing rapes that have happened during the wartime and that in this way of legitimizing women as such has become part of the ethnonationalist rhetoric that is being used as a means of mobilization of different ethnic groups, albeit, in different contexts. The position of women even in post-war Bosnia and Herzegovina remains unstable, regardless of their treatment within the nation in the past, the treatment of their bodies as soil, land, space to breed the nation, but at the same time body is being treated as a sexual reality with potential of contamination. Using gendered image of women, their sexualities and bodies, their position is reinforced only as a precarious one, or as Mostov would suggest:

“[They...] In the discourse of ethnocracy, women serve as symbols of national virtue and purity, even as they remain vulnerable to contamination. Women embody the homeland, but remain potential strangers in it. The precariousness of a woman’s place in the very home/nation that constitutes at the same time her designated space underlines both the danger to women of exclusion and the pressures on them to conform. Their marginality is always with them—national culture and values give

⁶² Kesic, Vesna, in Mostov, Julie, *Sexing the Nation/desexing the body: the politics of national identity in the former Yugoslavia*, Gender Ironies of Nationalism, Tamar Meyer, ed. London: Routledge, pg. 98

⁶³ Mostov, Julie, “Sexing the nation/desexing the body: the politics of national identity in the former Yugoslavia”, in *Gender Ironies of Nationalism*, Tamar Meyer, ed. London: Routledge, 2000, pg. 91

them a place in society, but always remind them of the potential risk of their falling from the margins within."⁶⁴ Women's bodies, often compared to the soil and the land therefore serve as a physical and psychological reminder of the invasion of the Other as well as a constant mobilizing threat of the potentiality towards the repetition of the invasion itself. Precisely because of this fear of 'da se više ne ponovi'⁶⁵ women's sexualities have to be controlled and modified as for the violence never to happen again, as well as for the sake of the purity of the nation. In accordance with these demands, women are religiously marked, just as et(n)ically, and are re-victimized through the ethno-nationalist strategies, either as mothers and/or wives/sisters/daughters of the dead heroes, or as the raped ones, the violated one, the fragile ones; with their sexuality as markers for precondition of contamination of the nation. An objective position seems to be very demanding to undertake when it comes to women as victims in the war, so for example in the cases of mass rapes of women, Susan Brownmiller would argue that women are victims of men leading the war, regardless of any other parameters one could consider, such as ethnicity and/or religion⁶⁶, while others, such as Catharine MacKinnon was one of the most vocal proponents of the position that the rape in the Balkans by Serbs was "genocidal."⁶⁷ It is an array of discourses using the narratives of those Bosnian women, discourses that have been produced claiming otherwise: that the position of women is nevertheless strict, firmly stated and as black-and-white and that these women have

⁶⁴ Mostov, Julie, "Sexing the nation/desexing the body: the politics of national identity in the former Yugoslavia", in *Gender Ironies of Nationalism*, Tamar Meyer, ed. London: Routledge, 2000, pg. 98

⁶⁵ "Never again!" parole used for Srebrenica genocide

⁶⁶ Susan Brownmiller, *Making Female Bodies the Battlefield*, in Engle, Karen, *Feminism and Its (Dis)contents: Criminalizing Wartime Rape in Bosnia and Herzegovina*, *The American Journal of International Law*, Vol. 99, No. 4 (Oct., 2005), pp. 778-816, American Society of International Law, <http://www.jstor.org/stable/3396669> Accessed: 20/05/2010 12:35, pg. 785

⁶⁷ Engle, Karen, *Feminism and Its (Dis)contents: Criminalizing Wartime Rape in Bosnia and Herzegovina*, *The American Journal of International Law*, Vol. 99, No. 4 (Oct., 2005), pp. 778-816, American Society of International Law, <http://www.jstor.org/stable/3396669> Accessed: 20/05/2010 12:35, pg. 784

lived through the war with set of stigmatizations glued onto their bodies, whether by the political or religious elites. In Helm's conclusion on the position of women engaged in politics in Bosnia and Herzegovina, she states that:

"We see the power of the victim identity as perhaps the only morally acceptable persona in post-war Bosnia⁶⁸. To be sure, women do not hold a monopoly over claims to victimhood. Indeed, the politicized ethno-national identities which have driven social and political processes in Bosnia for the past decade have been heavily based on claims to victimhood, at the hands of other ethno-national groups and/or Western interventions and other foreign influences. However, women are more readily associated with victimhood due to the construction of female roles as apolitical, passive objects (victims) of male action. This construction, in turn, means that victim identities are all the more acceptable for women to embrace, as they pose little challenge to common expectations for respectable womanhood."⁶⁹

By women embracing the victimized image, the political position of women is secured as respectable and thus they are qualified for citizenship. Even today, the stigmatization continues in discriminatory ways of successful marking of tens of thousands of women through representation of rape as a solely ethnicity-related violence, excluding the element of physicality of male body attacking the female body, regardless of ethnicity/religion or race. The rape itself has been reduced to enemy taking our women as a supplement for the territory lost, as a marking, stigma of contaminating our nation with their evil seed. Further than that, the women's

⁶⁸ Emphasis added by the original author (see also Delpla, Duijzings)

⁶⁹ Helms, Elissa, 'Politics is a Whore': Women, Morality and Victimhood in Post-War Bosnia-Herzegovina, *The New Bosnian Mosaic Identities, Memories and Moral Claims in a Post-War Society*, Edt. Xavier Bougarel, Elissa Helms and Ger Duijzings, Ashgate Publishing Limited, 1997, pg. 252

bodies represent physicality that can contaminate one's nation, and it is often portrayed as such, as by a Islamic Community leader Mustafa Cerić Mustafa "when he declared that the "horrible and incomprehensible" policy of systematic rape carried out by the Bosnian Serb forces was "less painful and easier to accept than all these mixed marriages and all these children born of mixed marriages."⁷⁰ These victimizations and manipulations of an array of women's identities and their experiences serve, among other ethnonationalist purposes, for reduction of women as political subjects, with very little space left for them in the actual political scene⁷¹. These discourses publically presented mark the inclusion/exclusion of women to a specific ethnic group: "The ethnonational model of belonging (or exclusion) is based on acceptance of "natural" bonds and roles (as in "natural" gender roles in sexual reproduction) defined by tradition and interpreted by national leaders."⁷² It does not only imply their reduction as political actors, but, as in the example of Mustafa Cerić, it implies the suppression of their traumas and war experiences. When put in comparison with the male heroes sacrificing their lives, women's bodies raped are politically manipulated by the leaders, yet the rape is identified with mixed marriage, shamelessly affirmed as less painful and easier to accept in the context of failing to preserve the purity of one nation. In these ways it is evident how important the purity of the nation is, especially in the context of post-war period where there is such great loss of male soldiers or civilians, and numbers of women raped, that are represented as Bosniak women, mothers, and children, religiously marked as Muslim. Heterosexual reproduction is enforced by the ethnocrats, but only within the borders

⁷⁰ Campbell, David, *National Deconstruction: Violence, Identity, and Justice in Bosnia*, University of Minnesota Press, 1998, pg. 112

⁷¹ See Hellms, Elissa, 'Politics is a Whore': Women, Morality and Victimhood in Post-War Bosnia-Herzegovina, *The New Bosnian Mosaic Identities, Memories and Moral Claims in a Post-War Society*, Edt. Xavier Bougarel, Elissa Helms and Ger Duijzings, Ashgate Publishing Limited, 1997

⁷² Mostov, Julie, "Sexing the nation/desexing the body: the politics of national identity in the former Yugoslavia", in *Gender Ironies of Nationalism*, Tamar Meyer, ed. London: Routledge, 2000, pg. 101

of one ethnic groups, as was the case of the Parliament representative Amila Alikadic Husovic, yet condemned if done otherwise, as in the example of Mustafa ef. Ceric. Nevertheless, what is taken as a norm, i.e. the heterosexual family, has been shattered through mass killings and rapes, hence now needs to be protected through ethnocentric practices that are often homophobic, as it will be analyzed in the following section.

2.3. Heteronormative Bosniak Nation-Building

Heterosexual representations of women bearing roles solely in relation to men are not even questionable, but taken as implicit, stable and solid marker of women's sexualities as a condition for the nation's revival within post war ethnocentric BiH. Those roles may be the roles of mothers, wives, sisters or daughters, or female bodies which are susceptible to the appropriation and contamination by the Other. In the latter case, their bodies are seen transgressing the borderlines and purity of Bosniak nation that has been presented as victimized and endangered by the Serbian Other, similar to the cases of 'mixed marriages' where women are seen as traitors if they 'mix' with men of *their kind*. Besides the fact that women's bodies are considered a threat to ethnonational ideologies and practices, queer bodies have also come to stand as a threat to the built images and representations of both gender roles and bodies that should defend the illusionary constructions of Bosniak nation. Furthermore, anything Other than heterosexual Muslim norm is considered as an offence to the victimized images of Bosniak nation. Marking homosexual bodies as diseased, unhealthy and impure helps to construct the purity of Bosniak nation, by defining what Bosniak nation is not. So, for example, after the first attempt of launching the Sarajevo Queer Festival in 2008, a response by the religious leaders

referred to homosexuality as 'western trash'⁷³ while the medical 'experts' named it 'a disease'⁷⁴, both regulating the deviance according to the heterosexual norm that was constructed strongly on the grounds of stereotypical gender roles within Bosnia and Herzegovina from the 1990's up to date. One of such examples is the targeted newspaper article related to Sarajevo Queer Festival, on the day of opening of the festival titled "Gays in Sarajevo Even During the Night of Lejletu-l-kadr!"⁷⁵ where Lejletul Kadr is the holiest night of Ramadan. Next to this article, on the left side is a photo of a war criminal Radovan Karadžić, and an article about the trial. Beneath that article is another article on a concern of victims over the prolongation of the Karadžić trial, while the very last article on the same page is on 16 exhumated bodies from one of the mass graves in Kamenica. On the right side, beneath the Sarajevo Queer Festival text is another section on Serbia's surprise over BiH's neutrality related to Kosovo autonomy. At the very bottom, on the right side is also an article about SIPA conducting an investigation of organized crime in Srebrenica. Even before the approach to the rest of the initial article, it can be seen that the Sarajevo Queer Festival text is surrounded by selective articles evoking memories of the past as if the Festival is to disintegrate and attack the Muslim practices and identity. To the most extreme nationalists homophobia is a threat to their subjective contribution in the past (as well as in the present) for the very existence of the nation, it is a perversion of the sacred spaces that have been created through romantization of nuclear families, chastity wives, fallen heroes and raped women. Homosexuality in ethnocratic context is a deviance that threatens the order of the family and the institution of the marriage that represents what the very nation fought for in the war, yet the outcomes of the

⁷³ <http://www.bh-hchr.org/Reports/reportHR2004.htm>, REPORT ON THE STATUS OF HUMAN RIGHTS IN BOSNIA AND HERZEGOVINA, (Analysis for the period January – December 2008)

⁷⁴ <http://www.bh-hchr.org/Reports/reportHR2004.htm>, REPORT ON THE STATUS OF HUMAN RIGHTS IN BOSNIA AND HERZEGOVINA, (Analysis for the period January – December 2008)

⁷⁵ Dnevni Avaz, 23.9.2008.

war were fallen soldiers and civilians, women raped and left without male roles in their lives. These ethnonationalists then tend to take over the role to protect and safeguard Bosniak nation from 'the evil' sexual perversions that is marked as 'Western'. Precisely because of the hetero-patriarchal fantasy is violated with men not being able to protect their women raped or marrying the Other, land conquered by the enemy Other, or divided by the Western power, and precisely due to the fact that this 'failed' role of men saving their women and children, protecting their homes and saving the nation from being wrecked by contamination of the Serbian Other, there is a constant fear or damaged fantasy of masculinity now unfulfilled or practice of failed masculinity, which preconditions the existence of homophobic space created as a form of re-affirmation of Bosniak nation. They affirm themselves through the failure of the Other, by depicting the Other as contrary to One's beliefs and practices that are discriminatory and can often lead to violence and confrontations on international level, as it will be analyzed in the following chapter.

In conclusion, I have tried to depict stereotypical gender roles of women as nation bearers that are constantly acclaimed as useful for the purpose of nation building in the (post)war period. The images of *šehidi* pose a central role to dead fallen soldiers, marked as Muslim, and these sacred spaces occupied by male heroes of the 1990's up to 1995 are today being transformed as a spectre of images first associated with Bosniak nation. Hybrids of spaces are produced, where men run the job of sorting out the complexities of issues present in today's BiH actuality and take the power into their own hands within the political domain, often relativizing crimes that have happened to women in case of mass rapes. Men are no longer seen as soldiers who hold guns and defend the nation, but as the ones occupying armchairs and dictating

the norms of respectable nation building. In this way ethnocrats perform the main leading role of dominating actors as political subjects who have the right not to comply with anything that threatens their already established hetero-patriarchal hierarchy. In such context, spaces women occupy are imposed as victim spaces: mothers, and nation bearers as well as raped women. Furthermore, their precarious positions are not only visible in those arenas, but as well within the politics where they accept the stigmatizing roles imposed upon. These attitudes and practices provide grounds for homophobic framework of nationalisms themselves, in relation to the failed masculinities of the soldiers interpolated within ethnonationalist ideologies, meaning that homophobia is in great extent embedded within the nationalisms. Homophobia is thus seen as a second chance for attaining that illusion, though the illusion can never be achieved or fulfilled, can never take the authentic outcomes as imagined, but through rejection of anything that threatens the illusion of masculinities is instantly susceptible to disciplining and punishment, in order to cover up the fear of not fulfilling, of not being enough, of not having defended enough, of not having been stronger and more of men and heroes, which they would feel otherwise. Here is apparent that emotional and psychological fears of unfulfilled masculinities that have been so strongly pushed forward by the ethnonational leaders and affirmed within the mobilized ethnic groups. What is also represented as a threat to the ethnonational ideologies along with female bodies are queer bodies in the context of the Queer Festival then to be held in 2008, where it was perceived as a direct threat to Bosniak nation and as diseased and Western, but packed in Western secularism attacking the Islamic community of BiH. By propagating such open homophobia in specific media, ethnonationalist leaders can stimulate a call for violence, as it will be shown in the following chapter three. Nevertheless, the homophobic discourses evoked and

acclaimed publically should be further analyzed as to closely examine the specific context of LGBTQI freedoms in BiH in relation to BiH's potential EU membership.

3. BiH and the EU: Norming the Other and LGBTQI Rights

The EU member states play a key role improving human rights awareness and LGBTQI rights through the existence of the international community in BiH, presence of the Office of High Representative and the European Commission. Namely, the presence of the Office of the High Representative as well as other surveilling bodies in BiH mark Bosnia and Herzegovina as an example of liberal international democracy yet in strict relation to the international institutions. In this context, the human rights are to be protected by the international community itself, defining BiH as 'an order wherein primary political decision-makers are elected by the people they govern (democratic element) and human rights (liberal element) are, as a last resort, protected by international institutions (international element)⁷⁶, with constant surveillance of the Office of the High Representative. BiH cannot be treated as equal in relation to the norm of the EU because ethnocratic means of mobilization of ethnic groups depend on the call for revival of traditional values in order to preserve their ethnic identities, as it has been shown in previous examples of stereotypical male heroes gender roles, women's victimization and the overall victimized position of Bosniak nation presented by the Bosniak ethnocrats. In the first part of this chapter, I will claim that BH position in relation to EU is complex enough due to the inefficiency of BH ethnocratic leaders, but that in addition the EU is projecting itself already as a norm through the regulations and the needed reforms and standards that BH

⁷⁶ Szewczyk, M. J., Bart, The EU in Bosnia and Herzegovina: powers, decisions and legitimacy, Occasional Paper, March 2010, nr. 83, pg. 10

institutions need to fulfil in order to join the EU. The very fact that BiH is not in the EU yet has to comply with the demands and standards of the EU, results in further exclusion of Bosnia and Herzegovina in the eyes of BH citizens. The ideological legacy of such practices leads to the reinforcement of binary relations of East-West divide⁷⁷ present today within the ethnocentric discourses, through which a critique of Western institutions is being made in relation to LGBTQI rights that are associated with the West. In the second part of this chapter, current situation regarding the LGBTQI rights in BiH will be presented, with special emphasis on the criticism and assistance provided by the EU to BiH institutions and human rights of sexual minorities. Furthermore, a parallel will be made to Serbia's example of the recent Pride held on 10.10.2010. where number of violent attackers have been arrested and extensive damage has been made in Belgrade by the hooligans who came to anti-Pride riot. The implications for Serbia's potential EU membership can be negative due to the fact that LGBTQI rights have been opposed by massive anti-Pride riot with excessive use of violence where shops were robbed, cars burnt, and up to "147 policemen injured 250 violent attackers arrested."⁷⁸ Support for Belgrade Pride has been given by the EU officials, yet the violence that erupted was most harshly condemned by EU representative in Serbia and might mean further consequences for Serbia's path towards the membership of the EU. EU, as an already established centre of powers, exerts a strong critique in relation to the overall political situation in BiH and human rights violation. In conclusion, I will examine the effect of BH LGBTQI rights in relation to EU institutions, where human rights of sexual minorities are seen as imposed by the EU to BH institutions, as one of the criteria for BiH acquiring EU

⁷⁷ Buden, Boris, The post-Yugoslavian Condition of Institutional Critique: An Introduction, On Critique as Countercultural Translation. available at <http://transform.eipcp.net/transversal/0208/buden/en>

⁷⁸ <http://www.emg.rs/vesti/srbija/135201.html>, last accessed on 12.10.2010.

membership will try to examine whether BiH's EU membership would mean acceptance of LGBTQI population within BH ethnocratic context, or it would mean official tolerance of BH institutions towards LGBTQI community, reinforcing the hegemonic practices of one group prevalent over the other, i.e. heteronormative practices dominating over the visibility and affirmation of LGBTQI rights.

3.1. Leaving the Blind Alley: BiH on European path

According to the latest report on progress by the Commission of European Union, by the EU Parliament and Council, Bosnia and Herzegovina lacks EU trust through its already demonstrated poor infrastructure and weak delivery of reforms needed for becoming a member state of EU through limitedly successful regulation of corruption in both private and public sectors⁷⁹, further marginalization of national minorities through violating European Convention on Human Rights⁸⁰, reforms of higher education that have been unsuccessfully implemented, poor security reforms etc. and overall with "lack of coordination, national tension, shortage of resources that still prolong the reforms."⁸¹ All of this has led to BiH receiving an IMF grant of €1.15 billion Stand-By Arrangement programme in May 2009⁸² and recent signing a Memorandum of understanding and macroeconomic aid (MFA) of EU for BiH in a

⁷⁹ "BiH still did not sign the additional Protocol to the Criminal Law Convention on Corruption, nor the OECD Convention on suppression of bribing foreign public officials in international business transactions." Izveštaj o napretku, SEC (2009) 1338 prilog uz SAOPŠTENJE KOMISIJE EVROPSKOM PARLAMENTU I SAVJETU/VIJEĆU. Strategija proširenja i ključni izazovi 2009.-2010. Brisel, 2009, pg. 14, document available at <http://www.europa.ba/docs/ProgressReport20091.pdf>

⁸⁰ Here I am referring to "the inability that citizens who do not belong to one of three constituent peoples be elected to House of the Peoples or Presidency which is still in violation of protocols 1 and 12 of ECHR." Izveštaj o napretku, SEC (2009) 1338 prilog uz SAOPŠTENJE KOMISIJE EVROPSKOM PARLAMENTU I SAVJETU/VIJEĆU. Strategija proširenja i ključni izazovi 2009.-2010. Brisel, 2009, pg. 7-8, document available at <http://www.europa.ba/docs/ProgressReport20091.pdf>

⁸¹ Izveštaj o napretku, SEC (2009) 1338 prilog uz SAOPŠTENJE KOMISIJE EVROPSKOM PARLAMENTU I SAVJETU/VIJEĆU. Strategija proširenja i ključni izazovi 2009.-2010. Brisel, 2009, pg. 10, document available at <http://www.europa.ba/docs/ProgressReport20091.pdf>

⁸² <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/09/1654>, last accessed on 30.10.2010.

form of 100 million EUR⁸³, in October 2010. Furthermore, the citizens of BiH are physically excluded from EU as well, due to the visa restriction for entering any of the countries of the EU. The visa facilitation agreements have been enforced⁸⁴ along with resolving migration and internal security, higher education reforms, police reforms and economic stability of the region, all enlisted as part of the Road Map, the official document of requirements for BiH and other Western Balkan countries to fulfill in order to become a member state of EU.

European Union is a norm towards which BH society should strive for through a set of institutionalized reforms related to higher education, police reform or anti-corruption laws. BiH should "Leave the Blind Alley" as High Representative and EU special representative Valentin Inzko stated⁸⁵ one week before then coming elections on October 3rd 2010: "(...)apart from those measures that were absolutely unavoidable because without them signing the SAA or securing visa-free travel would have been completely out of the question – in four years almost none of the integration agenda has been implemented."⁸⁶ After the harsh criticism of BH institutions and failure to implement any of the reforms, he continues: "Until now a common argument has been that if it is coaxed along the path to EU integration, Bosnia and Herzegovina will not become a lawless failed state on Europe's borders.

⁸³ <http://www.delbih.ec.europa.eu/?akcija=vijesti&akcija2=pregled&jezik=2&ID=772>, last accessed on 30.10.2010.

⁸⁴ Visa facilitation has been enforced by the EU, making it easier to issue short-term visas for citizens of the Western Balkan countries and introducing a reduced fee of €35 for visa applications, COMMISSION STAFF WORKING PAPER, EU regionally relevant activities in the Western Balkans 2008/09, pg. 4, Available at http://ec.europa.eu/enlargement/pdf/hp/eu_regionally_relevant_activities_in_the_wb_2008-09.pdf

⁸⁵ The latest remarks that were addressed in September 26th 2010 at a panel discussion on Political Aspects of Joining the European Union, during the conference on Bosnia and Herzegovina's path to EU membership, one week before then coming elections on October 3rd 2010, press release available at: OHR press release, 26.9.2010, available at http://www.ohr.int/ohr-dept/press/presssp/default.asp?content_id=45343

⁸⁶ OHR press release, 26.9.2010, available at http://www.ohr.int/ohr-dept/press/presssp/default.asp?content_id=45343

This may be true – but it's hardly flattering to the good people of this country. (...)To sum up, we need a recognition that the blind alley is taking us nowhere and we have to get back on the European path. (...)Emerging from the blind alley and showing a new confidence about this country's potential contribution to the continent can get us back on the European path – and that is where the vast majority of BiH citizens want to be, and ought to be."⁸⁷In December 2007, the European Council reaffirmed that "the future of the Western Balkans lies within the European Union"⁸⁸ and in this way posited once more that the exclusion of BiH and the rest of the Western Balkans countries from EU is the worst thing that can happen to these countries because otherwise these countries would be left on their own, i.e. territorially excluded from European Union. As EU Commissioner for Enlargement and European Neighbourhood Policy Štefan Füle claims: "In all neighbouring countries there is progress on the path of European integrations apart from Bosnia and Herzegovina. We have lost time and now we have to intensify efforts so BiH would not fall behind the others."⁸⁹ The EU institutions are precisely the apparatuses through which the monitoring and regulating activities are enforced, along with sanctions and interventions, that have been operating since 1995 under the UN through the Office of High Representative in BiH, in accordance with Peace Implementation Council (PIC), where OHR has the legal force to enact, oppose and regulate the ways of operating of BH institutions. As one of the implications of 'fixing' and stabilizing BH juridical, economic and human rights sectors, EU is posed as a norm in official

⁸⁷ Ibid.

⁸⁸ COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL, Western Balkans: Enhancing the European perspective, COMMISSION OF THE EUROPEAN COMMUNITIES, Brussels, 2008, pg. 2, Available at http://ec.europa.eu/enlargement/pdf/balkans_communication/western_balkans_communication_050308_en.pdf

⁸⁹ <http://www.delbih.ec.europa.eu/?akcija=vijesti&akcija2=pregled&jezik=2&ID=772>, last accessed on 30.10.2010.

speeches by the EU representatives, as well as a norm embodied in a set of practices rooted in EU institutions of OHR and European commission, through sets of reforms imposed upon BiH's institutions that need to comply with those demands in order to qualify for EU membership. Such reforms are fully implemented police reform, or a constitutional reform, both preconditions for signing of the Stabilization and Association Agreement. BiH goals for entering the EU include "preservation and strengthening of peace on the European continent, economic advancement and growth based on a free market, for the benefit of all its citizens, and strengthening and promotion of social security and wellbeing, as well as cultural cooperation."⁹⁰ Nevertheless, the EU Assembly "notes with concern that key reforms are not advancing as well as they should. (...) Members of Parliament should act as free and democratically elected representatives of all the citizens of Bosnia and Herzegovina and not as defenders of purely ethnic interests."⁹¹

In June 2008 BiH signed the Stabilization and Association Process agreement with EU, and as such its official status is a potential candidate for EU membership⁹². The Stabilisation and Association Process is an EU initiated process that "is the framework for EU negotiations with the Western Balkan countries, and is the path towards the EU membership. It has three aims: stabilizing the countries and encouraging their swift transition to market economy, promoting regional cooperation

⁹⁰ EU INTEGRATION STRATEGY OF BOSNIA AND HERZEGOVINA DIRECTORATE FOR EUROPEAN INTEGRATION, BiH Council of Ministers Report, pg. 13, report available at: www.parco.gov.ba/?id=1361

⁹¹ <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta08/ERES1626.htm>, last accessed on 30.10.2010.

⁹² For further key dates important for BiH's path towards the EU, from 1997-june 2008, visit <http://www.agrowebcee.net/agroweb-bih/eu-integration/>

and eventual membership of the EU.”⁹³ The amount of pressure exerted upon BH institutions to comply with the demands and requirements of the EU results in enforcing strong feelings of exclusion from EU, where EU holds hierarchical position in relation to BiH, as seen in the previous example of Valentin Incko. These mechanisms can be seen as a powerful way of norming, because only one path is presented as the right path with a presupposition made by the OHR that BH citizens want to be there. In this way one set of institutions of EU holds power over another set of institutions of BiH, while in BiH the institutions themselves are perceived by BH officials as not European at all, due to the territorial exclusion from the EU, and other markers of identity such as religion (in case of ethnonationalist Bosniak politics). EU’s efforts to bring BiH closer to EU standards and principles marks the EU as the non-questioned norm of strong powers and the criticized subject of BH institutions as not Western enough. The institutions criticized might be seen as supposedly not fit enough for the West, as Buden claims: “They are allegedly underdeveloped, not yet fit for the market, corrupt, passive, not self-sustainable, too traditional, patriarchal, ... in short: what is wrong with the institutions in former Yugoslavia is that they are not yet Western. The criticism thus focuses on one major deficit, the gap between the reality and the norm that is already realized in the West.”⁹⁴ From the perspective of the criticized country, the number of apparatuses through which presence and scope of activities are enforced by EU integration commission and councils leads to creation of Europe as an imposed ideal. As Buden claims: As Coles argues: “On the one hand, mechanisms of exclusion and differentiation undermine the goal of integrating

⁹³http://ec.europa.eu/enlargement/enlargement_process/accession_process/how_does_a_country_join_the_eu/sap/index_en.htm, last accessed on 12.10.2010.

⁹⁴ Buden, Boris, The post-Yugoslavian Condition of Institutional Critique: An Introduction, On Critique as Countercultural Translation. available at <http://transform.eipcp.net/transversal/0208/buden/en>

Bosnia-Herzegovina into an idealized and imagined 'Europe'. On the other hand, the tensions between integration and exclusion combined with practices reinforcing hierarchy illuminate the debates and dynamics of the categorization and creation of that 'European' ideal."⁹⁵ This imposition in one aspect enforces the differences that have been prevalent before but that have been replaced by new binaries within ex Yugoslavian context or post-Yugoslav condition. As Boris Buden puts it:

"The old ideological difference between capitalism and communism and its historical form of the "Cold-War-Divide" are best expressed in terms of the difference between West and East, which has surprisingly survived the fall of the Berlin wall. The persistence of this West/East divide is the major feature of what is today almost unanimously understood as the post-Yugoslavian condition." ⁹⁶

The types of power now exerted across the EU are gaining strength though web of networks whose biggest asset is precisely the exclusion or not-belonging to the union for the non-member states. Coles argues that "These boundaries of exclusion rely less on previous East-West distinctions of the Cold War – socialism vs. 'free' capitalism – and more on perceived differences in attitude and behaviour. They are born out of the process of bringing 'them' in, out of frustration at 'Europeanization' not happening on the prescribed timetable, if at all"⁹⁷, as if the grand narrative of EU might fail and mark BiH as "a lawless failed state on Europe's borders", and an

⁹⁵ Coles, Kimberley, *Ambivalent Builders: Europeanization, the Production of Difference, and Internationals in Bosnia-Herzegovina*, in *The New Bosnian Mosaic Identities, Memories and Moral Claims in a Post-War Society*, Edt. Xavier Bougarel, Elissa Helms and Ger Duijzings, Ashgate Publishing Limited, 1997, pg. 256

⁹⁶ Buden, Boris, *The post-Yugoslavian Condition of Institutional Critique: An Introduction, On Critique as Countercultural Translation*. available at <http://transform.eipcp.net/transversal/0208/buden/en>

⁹⁷ Coles, Kimberley, *Ambivalent Builders: Europeanization, the Production of Difference, and Internationals in Bosnia-Herzegovina* pg. 256 in *The New Bosnian Mosaic Identities, Memories and Moral Claims in a Post-War Society*, Edt. Xavier Bougarel, Elissa Helms and Ger Duijzings, Ashgate Publishing Limited, 1997, pg. 269

expensive one. What the main problem is not the East/West divide, or what kind of values are being imposed, projected, nor the demands of the European Union. The initial problem is the blocking points of the creation of spaces for emancipatory politics that would benefit all BH citizens. Through the critique of institutions of EU in relation to the *post-yugoslav condition* Bosniak ethnic group is compensating the feeling of powerlessness, by appropriating and recontextualizing discourses on war legacies. "It is obviously this culturalization of the political, ideologically condensed in the phantom of the East, that blocks the memory of these past struggles and consequently obliterates the very ground from which the new critique (of institutions that would go beyond both the liberal and the conservative one) could be launched. This critique remains groundless, that is, it seems as though it should be induced ex nihilo. But the problem is that far from not being able to catch up with the West – as the liberal critique claims – we are actually not able to catch up with our own past, as far as it concerns an experience that has been common to both sides of the West/East divide."⁹⁸ Following Buden, I would claim that precisely this overall critique of EU towards BH institutions positions and enables the right-wing or center parties in BiH for enforcing an anti-European stance through the projection of essential Bosniakhood/Serbianhood/Croatianhood, in protection of tradition and family, especially after the war. Since it is one of the ways of ethnonational powers in BiH enforcing the mobilization of the ethnic groups, the Bosniak ethnonational representatives, as well as public officials who represent BiH in EU integration process, both have used the LGBTQI related issues to present Sarajevo Queer Festival as directly linked to the values of Europe and as direct message that

⁹⁸ Buden, Boris, The post-Yugoslavian Condition of Institutional Critique: An Introduction, On Critique as Countercultural Translation, available at <http://transform.eipcp.net/transversal/0208/buden/en>

Bosniak nation shall not accept the European imposing , as it will be presented in the next part of the chapter.

3.2. *LGBTQI condition in BiH*

It is very difficult to in respect of sexual minorities and their visibility and LGBTQI related rights to state the overall impression of the EU because the pioneer organization Q⁹⁹ was registered in 2004, yet it was shut down two years ago and very little activity is being performed by the queer population today. In relation to LGBTQI rights, the current state in BiH is that homosexuality was banned in BiH by the Criminal Code of the Federation of Bosnia and Herzegovina¹⁰⁰ in 1998, in Republic Srpska¹⁰¹ in 2000, while the previous law was the Criminal Code of SFR Yugoslavia¹⁰². What followed was the Criminal Code of Bosnia and Herzegovina passing in 2000 on the overall level of the state, which included "Infringement of the Equality of Individuals and Citizens" prohibiting, among other forms of discrimination , discrimination on the ground of sexual orientation. Furthermore, the Anti-Discrimination Law though adopted in 2009, does not include prohibition of hate speech on the basis of sexual orientation. ¹⁰³ According to the Council for EU integrations of BiH, one of the requirements was "to ensure that national legislation

⁹⁹ "In February 2004, Organization Q was registered as the first LGBTIQ organization in BiH. At the same time, Bosnia and Herzegovina was the last republic in the ex-Yugoslavia to have a registered LGBTIQ organization. Organization Q works on the promotion and protection of the culture, identity, human rights and support to the LGBTIQ persons; elimination of all forms of discrimination and inequality based on sex, gender, sexual orientation, sexual identity, gender identity, gender expression and intersexual characteristics." <http://www.queer.ba/en/content/organization-q>, last accessed on 30.10.2010.

¹⁰⁰ Criminal Code of the Federation of Bosnia and Herzegovina, Official Gazette of the Federation of Bosnia and Herzegovina No. 43/98

¹⁰¹ Criminal Code of Republika Srpska, Official Gazette of Republika Srpska No.49/03

¹⁰² 1959 Criminal Code of the SFRY, Law on taking over the Criminal Code of SRBiH Official Gazette of the Republic of Bosnia and Herzegovina, No. 13/92

¹⁰³

http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/BA/JS_UPR_BIH_S07_2010_JointSubmission.pdf

be completely in accordance with European convention of human rights”¹⁰⁴ and the Anti-Discrimination bill was passed on 82nd session of BH Council of ministers, held in 2.4.2009. and was put to parliamentary procedure, and adopted in July 2009¹⁰⁵. Namely, in the field of human rights, BiH signed 16 international conventions on human rights¹⁰⁶ with homosexuality being decriminalized as part of the general legal reforms and due to BiH's member state of the Council of Europe from 2004.¹⁰⁷ Furthermore, European Convention has been signed and ratified: “ European Convention of human rights and liberties is above all laws of BiH, and since Protocol 12 has been signed on 1.4.2005. and ratified reaffirming antidiscrimination principles, which is basically general ban of discrimination”¹⁰⁸. And despite of all the legislations and laws, according to the report on Bosnia and Herzegovina, the 7th Round of the Universal Periodic Review published in February 2010 homophobia has been marked as ‘tolerated’:

“Homophobia, biphobia, transphobia, sexism and genderphobia are tolerated and very present in governmental institutions, political parties, police and court offices, as well as laws. All decisions on the level of legislation which promote human rights of LGBTIQ persons are made in order to satisfy minimum requirements and international obligations regarding UN, CoE and EU. For example, during the first reading of the Law Against Discrimination within the House of Peoples, Alma Colo, a member of the House of Peoples and a member of the Joint Commission for Human Rights et al and the Joint Commission for European Integration, and

¹⁰⁸ Đurković, Svetlana, Nevidljivo Q: Pitanje ljudskih prava i potreba LGBTQI osoba, MAG Plus, Sarajevo, pg. 21

also a member of working group for the Draft of the new Law on Gender Equality publicly stated that sexual orientation should be excluded from the Law because she does not like it nor want it to be visible, therefore, it should be removed and assumed under “other status”¹⁰⁹.

Not only is it the government of the state that is involved in this process of judging and assessing morality and the common good, but also the religious institutions, i.e. the spokespersons of those institutions represent viewpoints that are strongly traditional, patriarchal and discriminatory towards the representation of queer identity and BH LGBTQI community, as well as an obstacle to activist potential the community might exhibit and pursue.

The EU political conditions and views have been reflected in relation to specific events with which LGBTQI community has been involved. So, for example, after the outbreaks of violence on the first Serbia Pride in 2001, de facto ban in 2009, Belgrade Pride 2010 was welcomed by the EU Parliament’s Presidents of the Intergroup on LGBT Rights which has welcomed the long-awaited pride parade in the Serbian capital stating officially on their webpage in a form of support letter: “This important event will raise awareness about the fundamental rights of lesbian, gay, bisexual and transgender people, and give LGBT civil society groups and their friends more visibility. We sincerely hope it will welcome many participants, and turn out to be as successful as other European pride marches. It will send strong signal

¹⁰⁹ Alma Colo stated: "Under other status we can include everything that is now in the draft and which I do not like, this sex expression and sex orientation. I say it openly. I do not want it to be in the law. I do not like it being in the law. I think that is some other status and that we can include it under that some other status." Audio summary of the House of Peoples meeting dated June 15th, 2008, during first reading of the draft Law Against Discrimination, http://www.parlament.ba/files/admin/audio/dn/30_sjed_DN.mp3, in http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/BA/JS_UPR_BIH_S07_2010_JointSubmission.pdf

that the city of Belgrade and Serbia share European values, such as the rights of all people-regardless of their sexual orientation or gender identity-to freely express themselves, assemble, and be protected from discrimination.”¹¹⁰ Nevertheless, the events that have happened in relation to Belgrade Pride were extremely violent and have gathered thousands of anti Pride protestors who have committed acts of theft, destruction of private and public property, as well as conducting attacks on police officers (5 000 of them) on duty that day. After almost 1 million of EUR damage, and as Minister of Internal affairs Ivica Dačić claims after “147 policemen injured 250 violent attackers arrested”¹¹¹ on 10th of October 2010 the day Belgrade Pride was held, the EU official Jelko Kacin the European Parliament rapporteur on Serbia, stated in most of the media in Serbia and abroad that “Belgrade had sent a very bad message to the world that could negatively influence the Dutch government's stance on Serbia's further progress towards the EU”¹¹² and further reacted by condemning the violence and saying “The images of Belgrade under siege that have circulated the world have sent a very bad message about the lack of basic tolerance towards minorities in Serbia, but also the inefficiency of state institutions”¹¹³ This is in direct violation of the recommendations issued by the EU Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity stating that: “(member states) ensure that legislative and other measures are adopted and effectively implemented to combat discrimination on grounds of sexual orientation or gender identity, to ensure respect

¹¹⁰ Full letter available on <http://www.lgbt-ep.eu/wp-content/uploads/2010/10/LT-20101007-Letter-of-support-for-Serbia-Pride.pdf>, last accessed on 12.11.2010.

¹¹¹ <http://www.emg.rs/vesti/srbija/135201.html>, last accessed on 12.10.2010.

¹¹² Serbian, Foreign Officials Condemn Anti-gay Riots, Barlovac, Bojana, <http://www.balkaninsight.com/en/article/belgrade-riots-draws-vehement-opposition>, last accessed on 12.10.2010.

¹¹³ Serbian, Foreign Officials Condemn Anti-gay Riots, Barlovac, Bojana, <http://www.balkaninsight.com/en/article/belgrade-riots-draws-vehement-opposition>, last accessed on 12.10.2010.

for the human rights of lesbian, gay, bisexual and transgender persons and to promote tolerance towards them.”¹¹⁴ Furthermore, being stated that “bearing in mind the principle that neither cultural, traditional nor religious values, nor the rules of a “dominant culture” can be invoked to justify hate speech or any other form of discrimination, including on grounds of sexual orientation or gender identity”¹¹⁵, then the images of male nationalists cheering “Death to faggots!” on the streets of Belgrade during the second Belgrade Pride along with eruptions of excessive violence might imply sanctions towards Serbia’s EU membership. The Anti-Discrimination act as implemented in BiH, though the example of Serbia enforcing it in 2009¹¹⁶ shows that the enforcement of such act “made one of the main political steps which later enabled it to progress considerably in European integrations. This law was one of the conditions on the “Road Map” which needed to be fulfilled in order for the EU to grant visa-free travel for Serbian citizens in the Schengen area and to allow application of the Interim Trade Agreement with Serbia. As a consequence, Serbian President Boris Tadić applied for membership in the EU on December 21, 2009.”¹¹⁷

Similarly to Serbia, the institutions of BiH are being criticized by EU and civil society organizations have been under special attention, according to the report of 2007: “Despite some positive steps, civil society organizations remain weak and need training to adapt to present circumstances. It is, therefore, important to create conditions conducive to further growth of their activities.(...) A broad range of

¹¹⁴ <http://www.queer.ba/en/content/council-europe-recommendation-committee-ministers-member-states-measures-combat-discriminati>, last accessed on 30.10.2010.

¹¹⁵ <http://www.queer.ba/en/content/council-europe-recommendation-committee-ministers-member-states-measures-combat-discrimination>, last accessed on 30.10.2010.

¹¹⁶ <http://www.politika.rs/rubrike/vesti-dana/Usvojen-Zakon-o-zabrani-diskriminacije.lt.html>

¹¹⁷ Gay Straight Alliance Report on Human Rights of GLBT Persons in Serbia 2009, pg. 71, report available at www.gsa.org.rs

organizations have received support, in particular in the areas of inter-ethnic relations, protection of minority rights, including Roma, poverty reduction, environmental protection and social development"¹¹⁸. Support given under the European Instrument for Democracy and Human Rights (EIDHR), totalled in 2008 €6.1 million, focused on strengthening the role of civil society in promoting human rights and democratic reform, in supporting conflict prevention and in consolidating political participation and representation., Bosnia and Herzegovina: (2008) €1.2 million for social inclusion, human rights and local democracy¹¹⁹.

Obstacles for dealing with human rights, however, have been increased not only by the social and cultural context of post war BiH, but also by the inconsistencies in legislations of all three entities: Republika Srpska, Federation of B&H and Brcko District. Since BiH is a pluralistically consociative democratic state, its consociation is what marks divisions on the overall level of the state and leads to legal inconsistencies among the three major levels:

‘ [Consociation is]... Marking state communities that are deeply homogenous and divided, interest groups that are more focused on resolving their own issues and show no interest related to other interest groups, hence by inclining towards consociation, further divisions are being inclined at, rather than connections’¹²⁰. So for example the Law of public order may find different inconsistencies in different entities, related to the Criminal Code of Federation and the Criminal Code of the

¹¹⁸ COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL, Western Balkans: Enhancing the European perspective, COMMISSION OF THE EUROPEAN COMMUNITIES, Brussels, 2008, pg. 11, Available at http://ec.europa.eu/enlargement/pdf/balkans_communication/western_balkans_communication_050308_en.pdf

¹¹⁹ COMMISSION STAFF WORKING PAPER

EU regionally relevant activities in the Western Balkans 2008/09, pg. 20, Available at http://ec.europa.eu/enlargement/pdf/hp/eu_regionally_relevant_activities_in_the_wb_2008-09.pdf

¹²⁰ Sahadžić Maja, Priroda političkog sistema u Bosni i Hercegovini. Uvod u politički sistem Bosne i Hercegovine, Izabrani aspekti, edt. Gavrić, Saša, Banović, Damir, Krause, Christina, Sarajevo, 2009, pg. 36, free translation by the author

Republic Srpska on the overall level of the state: "In accordance with the aforementioned law in the Federation of Bosnia and Herzegovina, the violation of public law and order is considered to be the threatening of public morality as well as insulting the patriotic, national, religious and moral feelings of citizens in public places. In Republika Srpska, the law bans these relations between people in public places that could call into question the rights of citizens to a personal security, peace, privacy and human dignity. Such legal inconsistencies leave judges to ascertain based on their free assessment and on the basis of discretionary right what threatens public law and order and what is inadmissible from the standpoint of public morality'.¹²¹ According to the report of the Helsinki Committee for Human Rights in Bosnia and Herzegovina¹²² " initiatives for the establishment of non-governmental organization that would bring together the people belonging to sexual and gender minorities in BH date back to 2001. .¹²³ The LGBTQI population was almost invisible until the very end of the war ¹²⁴ and even then the interest of the international community and the NGOs present on the territory of Bosnia and Herzegovina was to promote human rights among the targeted groups that were refugees, women and children while the efforts of dealing with the oppression of sexual minorities was neglected by the NGOs operating in B&H or suppressed by the fear of the members of sexual minorities themselves until the first LGBTQI organization 'Q' was founded in 2004. Thus, the obstacles for dealing with human rights of LGBTQI community members were both reinforced by the social and cultural context of post war BiH, but

¹²¹ <http://www.bh-hchr.org/Reports/reportHR2004.htm>, REPORT ON THE STATUS OF HUMAN RIGHTS IN BOSNIA AND HERZEGOVINA, (Analysis for the period January – December 2004)

¹²² HCHR in Bosnia and Herzegovina, an independent, non-governmental and non-profit organization, was founded on 11 February, 1995

¹²³ <http://www.bh-hchr.org/Reports/reportHR2004.htm>, REPORT ON THE STATUS OF HUMAN RIGHTS IN BOSNIA AND HERZEGOVINA, (Analysis for the period January – December 2004)

¹²⁴ (in December 1995, the Dayton agreement was signed by three presidents of the countries at war: Bosnia Herzegovina, Serbia and Croatia, i.e. Alija Izetbegovic (Party of Democratic Action, SDA), Slobodan Milosevic (Socialist Party of Serbia, SPS) and Franjo Tudjman (Croatian Democratic Union, HDZ) respectively.

also by the inconsistencies in legislations of all three entities.

3.3. Sarajevo Queer Festival Case

Organizing LGBTQI related festivals, Prides or any other public representation that affirms the visibility of minority sexual orientation groups is extremely important for LGBTQI community in BiH. The implications of these events are greater human rights awareness as well as LGBTQI affirmation within the dominant matrix of heteronormative structures and practices present in BH context. One of such events organized by BH LGBTQI community was first Sarajevo Queer Festival through which LGBTQI individuals, artists and activists had decided to produce autonomous LGBTQI spaces through art, culture and activism in BiH. As stated on the official page of Q organization responsible for the Festival: "Queer Sarajevo Festival is a multimedia, five-day event intended to disrupt, redefine, transgress, fulfill and affirm sex, gender, sexual orientation, sexual identities, gender identities, gender expression, and all other concepts the meaning of which is assumed and accepted as absolute truth. The Festival in itself challenges and questions heteronormative and patriarchal values, particularly those centered around the issues of identity, sexuality and human rights."¹²⁵ The main concern represented in the media was that the Festival was to take place in the month of Ramadan, and in Sarajevo, capital of BiH located in the Federation of BiH with majority of Bosniaks as population. Sarajevo Queer Festival didn't even begin, yet Sarajevo was marked with posters "Death to faggots!"¹²⁶ prior to the Festival opening on 24 September 2008. The

¹²⁵ <http://www.queer.ba/v1/about.htm>, last accessed on 30.10.2010.

¹²⁶

<http://www.slobodnaevropa.org/content/article/1196726.html?page=1&s=1&x=1#relatedInfoContainer>, last accessed on 30.10.2010.

organizers were forced to close it for the public the following day due to violent escalations with eight people injured¹²⁷ on the night of the opening of the festival. The attacks were conducted by a group of Bosniak men (referred as vehabi or extremely religious Muslims) who threw stones and physically molested the participants of the Festival as well as the journalists attending¹²⁸. The attacks were evoked by media campaigns of newspapers such as Dnevni Avaz and Saff who have been publishing homophobic views of Bosniak politicians and Islamic Community leaders in the month the Festival was supposed to be held, as it will be analyzed in the following section.

Dnevni Avaz and SAFF newspapers launched a systematic, well structured, and carefully constructed media fire on LGBTQI population through condemning the Festival and depicting homosexuality in the highest form of hate speech, excessive use of offensive language and vocabulary, calling for hatred and discrimination, resulting in the outbreak of violence conducted by the vehabi and football fan groups of men against Sarajevo Queer Festival participants and organizers, as well as against newspaper reporters present at the time. Most of the statements were made by Bosniak ethnocrats and Islamic Community leaders, homophobic statements contrasting homosexuality as a threat to Bosnian tradition, yet in the larger framework of homosexuality is seen as a Western norm that will destroy Bosniak nation. These displays of open homophobia have in great extent stimulated the violent escalations endangering LGBTQI community, Festival participants and journalists attending Sarajevo Q Festival at the very opening. During the month when first Sarajevo Queer Festival was supposed to be held, in the statements related to Sarajevo Queer

¹²⁷ <http://www.amnesty.org/en/news-and-updates/news/eight-injured-sarajevo-queer-festival-attacked-20080926>, last accessed on 30.10.2010.

¹²⁸ Dani, 3.10.2008.

Festival, Islamic community leaders and those identifying as Muslim, have marked the West (Europe) as a threat to Muslim integrity, homosexuality and Queer Festival prior marked as Western and something alien to Bosniak tradition. The contents of the Festival, movie screenings and art installations that were supposed to be presented as part of the Festival programme, were referred as obscene ideas (nakaradne ideje) and garbage (smeće), as opposed to healthy ideas and healthy living (zdrave ideje i zdrav život), implying homosexuality as a sickness and unhealthy. Furthermore, it is globalized on the level of being alien to vision of Bosniaks, and mostly with Islamic Community leaders as representatives of these views. For example, one of the muftis Seid Smajkic of Islamic Community held a speech in a mosque claiming "that Bosniaks are being presented and served with different cunning ideas, either by Bosniaks from outside, or through fellow people often with Muslim names" condemning homosexuality as "immoral, scum, unethical living, promoting ideas that are opposite to faith"¹²⁹ Also, he publically stated for Dnevni Avaz newspaper: "I absolutely condemn both the idea and that festival. Both here in Mostar and in Sarajevo. I think that freedom and democracy should not be used for the purpose and promotion of obscene ideas and that garbage imported from the West. We are certainly for a free society, but healthy ideas and healthy life must be nurtured. And that, simply, just does not fit into the vision of Bosniaks, and I believe all other people in general, and other religious communities"¹³⁰. Furthermore, as published in Dnevni Avaz¹³¹ he claimed that in organizing a Queer Festival there is a danger that 'young muslim population' is the object of the more global, political attempt do de-muslimize that population 'when the mosques are full', to expose them to "something that is foreign to human nature and something that a healthy human

¹²⁹ Dnevni Avaz, 5.9.2008.

¹³⁰ Dnevni Avaz, 2.9.2008.

¹³¹ Dnevni Avaz, 2.9.2009.

personality is rejecting, definitely, not accepting it” and that “the previous attempts have resulted without any success, but now the promotion of such obscene ideas and that garbage from the West” is done in “another, deceiving way”. Similar reaction was marked also by Abdusamed Nasuf Bušatlić, published in SAFF newspapers, in the month when Sarajevo Queer Festival was supposed to be held. He portrays the festival as a plot against Islam and ruining the high spirits of Ramadan¹³². LGBTQI related freedoms are referred as secular and precisely this notion is the threat to the established order and dominant representations of patriarchal religious ethnically marked spaces. Namely, one of Islamic Community leaders goes on saying that: “Because in our time, secularism is not only a dedicated system of values but it has got a status of religion whose excessive principles have become sacred and untouchable. (...) Freedoms (LGBTQI related freedoms) have been asked, understanding and tolerance towards the worst forms of perversions and deviance that are causing evil diseases and that produce only evil in the society because they are in accordance with secular perception of the world and life (...).”¹³³ In these types of discourses what is emphasized is an aggressive notion that organizing such a public event of queer bodies gathering is a threat to the Bosniak nation that cannot be separated from the religious marking as Muslim. Also, secularism is seen as a direct attack onto the already constructed values which are preserved as Muslim and Bosniak, but are homophobic within the contexts of these statements. Current Bosniak presidency member (SDA party) Bakir Izetbegović, son of war president Alija Izetbegovic, also was not interested in resolving LGBTQI rights issues. He was the Chair of the BiH representation at the Parliamentary Assembly of

¹³² “They have been thinking of making tricks, plotting, and in the end came to the idea that the culmination of blasphemy and spite to Allah Almighty and Islam believers, and on the other hand the best form of obedience to Iblis the devil, would be that those who have deviated from the human nature and grown in sin, organize a gay festival in Sarajevo.” Saff, 5.9.2008

¹³³ Saff, 5.9.2008.

the Council of Europe, when he publically stated that “homosexual orientation is a disorientation ... they can do whatever they want within their four walls”.¹³⁴ These attitudes mean that regardless of BH official institutions ratifying sets of laws needed for EU admission, laws prohibiting discrimination on any basis, public officials still promote homophobia openly. Examples such as Bosniak political leaders openly declaring homophobic attitudes are many, from homosexuals that “ought to be helped because it has been medically proven that they are sick”¹³⁵ to Queer Festival being referred as shameful, disgraceful, disrespectful etc. all serve to point out to the fact that homophobia is tolerated because it is being practiced publically by Bosniak ethnocrats who claim to represent themselves to be talking in the name of majority. They show no respect for LGBTQI community and their rights, yet they must comply with legal regulations or official documents needed in order for BiH to enter EU. This is in direct violation of European standards related to LGBTQI freedoms, or specifically European Union’s European Charter of Fundamental Rights, adopted in 2000. This includes sexual orientation discrimination as a prohibited ground of discrimination in its non-discrimination article 21, being the first international human rights charter to do so¹³⁶. Furthermore, The Council of Europe Parliamentary Assembly has condemned the escalations of discrimination against LGBTQI community officially: “(11.7.) (Parliamentary Assembly) condemns the discrimination and violence against lesbian, gay, bisexual and transgender people and the recent attacks against organisers and participants of the Sarajevo Queer Festival and

¹³⁴

http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/BA/JS_UPR_BIH_S07_2010_JointSubmission.pdf, last accessed on 28.4.2010.

¹³⁵ Zukić Amir, Secretary of SDA party, Dnevni Avaz, 28.8.2008.

¹³⁶ http://www.ilga-europe.org/home/guide/eu/lgbt_rights, last accessed on 30.10.2010.

journalists”¹³⁷ and has demanded that the discrimination, as well as the violence against LGBTQI people be condemned on the behalf of BH institutions and that it “ensure their protection; and promptly and thoroughly investigate any attacks against them and bring those responsible to justice”¹³⁸ which BH institutions failed to deliver¹³⁹. By unwillingly implementing Anti-Discrimination Law and legally not enforcing sanctions against hate crime and gender/sexual orientation crimes as in the EU member states, respect and affirmative approach towards LGBTQI population is difficult to initiate given the fact that Bosniak ethnocrats would be found with less resources for producing the differences if done otherwise. . Namely, “Readiness to include the Other into one’s own thinking, and especially into a process of making a political decision, would indicate presence of readiness to widen the horizons of people whom we consider as ‘our’, members of the group onto which the word ‘we’ would refer to. But spreading of ‘we’ viewpoints is opposite of the dominant intention of reducing the other ‘we’ because otherwise the parallelism of the worlds could not be produced, and then the ethnopolitical entrepreneurs would have been left without their own means/resources for power production.”¹⁴⁰ The overall situation only masks nationalisms that are strongly embedded within Bosniak population due to the war stigmatizations that have so far found important tools for the ethnonational elites,

¹³⁷ Resolution 1626 (2008),Honouring of obligations and commitments by Bosnia and Herzegovina, <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta08/ERES1626.htm>, last accessed on 30.10.2010.

¹³⁸ Resolution 1626 (2008),Honouring of obligations and commitments by Bosnia and Herzegovina, <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta08/ERES1626.htm>, last accessed on 30.10.2010

¹³⁹ According to the 2009 Progress Report COMMISSION STAFF WORKING DOCUMENT BOSNIA AND HERZEGOVINA "Social discrimination and exclusion of lesbian, gay bisexual and transgender (LGBT) people remain widespread. Physical attacks, ill-treatment and acts of intimidation against these groups have continued. There has been no official condemnation of such acts by government authorities. Effective investigation and prosecution need to be ensured." SEC(2009) 1338, <http://www.delbih.ec.europa.eu/docs/ProgressReport20092.pdf>

¹⁴⁰ Mujkic, Asim, *Pravda i etnocentrizam*, Centar za ljudska prava Univerziteta u Sarajevu, Fondacije Heinrich Boll, Sarajevo, pg.178

or those who hold, regulate and distribute power in BH institutions, both secular and religious ones. Islam, Bosniakness, healthy living and respectability are all used to mark a specific ethnic group, in order to preserve its traditional values, that are on one hand seen by those leaders as jeopardized by the constant pressure of the European Union for BiH to conform to European values. It is evident how a privileged group of Bosniak identified politicians and Islamic Community leaders act discriminatory towards LGBTQI rights through wanting to exclude them from both political decision making process as well as the public space. And this is precisely the point and the aim of ideology, to interpolate everyone within the power order, to make everyone a potential enemy, a threat to reproduction of capital and power, to mark any opposition to the dominant as an(Other), so the authentic and collective *national* We can be defined and represented.

In conclusion, I have tried to portray the human rights condition BiH is currently in as a potential candidate for EU and the issues of legal inconsistencies and complex state structure that leads to unsuccessful implementation of LGBTQI related rights in BiH, which makes BiH target of EU related commissions' criticism. Furthermore, I have tried to emphasize who is criticizing BH institutions and on what premises, the overall criticism resulting with European ideology interpolating BiH as a state that has to conform to the EU values. Nevertheless, this implies a form of ideology of Europeaness where BiH is produced as a Subject that needs to comply with the demands coming from the EU, interpolated within the ideological system and striving for the European ideal through the process of integrations imposed by EU institutions, similar to Serbia. Through organizing and holding Belgrade Pride 2010, Serbian institutions showed that regardless of homophobic violence and

discrimination, sexual minorities have to be protected and treated equally as majority, in accordance with promotion of human rights by the EU institutions. Belgrade Pride is a positive sign that should contribute to Serbia's further integration within the EU, through the violence that escalated might as well jeopardize it. On the other hand, EU reforms and practices based on integration of BiH within the EU have affected the creation of BiH's marker of both exclusion and inclusion, i.e. the image of both 'the Bosnian Other' and the potential Western Self, through the imposed symbolism of Europeaness towards which BH institutions should strive for. Also, the vision of EU regulative institutions, bodies, committees and organizations has been enforcing the binary division of East/West divide through politics of criticism towards BH institutions in relation to discrimination of LGBTQI population. The discrimination of LGBTQI community and activists in BiH is being conducted through homophobic practices enforced through the media, as was shown in Sarajevo Queer Festival related events. Homophobia expressed in relation to the first Sarajevo Queer Festival was enveloped within the discourses of right-wing or center oriented political parties and religious leaders as nurturing the traditional and natural values of Bosnia and Herzegovina and its constituent peoples where any group other than marked as "Bosniak heteronormative" is being marginalized and excluded, regardless of EU's financial support and legal initiative. When put in the further context of BiH's potential membership status as one of the countries belonging to the European Union, the ethnonationalist discourses gain another dimension which is oriented towards preservation of Bosniak Muslim tradition in opposition to the European BiH, European BiH enforcing human rights on all levels besides the legal frameworks in order to be within the EU in the first place. This type of binary imagery reinforces the power structure between the EU and BiH: the West vs. the East, i.e. the Bosnian Self vs. the

international Self. As it has been shown some examples related to Sarajevo Queer Festival a systematical campaign was conducted by the newspaper in Bosnia and Herzegovina (Dnevni Avaz, SAFF) where the attitude of Bosniak ethnonational representatives towards the Festival and LGBTQI community is very much related to equation of LGBTQI freedoms and rights to the values that are seen within BiH as European, Western values. Through the majority of Bosniak ethnocrats not affirming the visibility of different sexual identities groups and communities, their rights and ways of existence, as well as by not condemning Sarajevo Queer Festival, the BH ethnocratic leaders are enforcing and legitimizing a critique of the European Union's institutions and power practices which advocate for sexual minorities human rights and visibility of queer communities. This revival or the preservice of the Bosniak nation and its traditions that are being built in patriarchal heteronormative representations of gender roles are often opposed to "European" identity and values imposed upon the Bosniak nation by the EU, while under these conditions spaces for homophobia are re-affirmed as a way sustaining the power of the elites for the preservation of national values and Bosniak perception as a victimized nation, which is how Bosniak nation is presented by the ethnonational leaders in relation to the EU. Nevertheless, the queer visibility is only used as a means of mobilization and re-affirmation of Bosniak ethnocracy through open homophobic rhetoric by ethnonational leaders, to sustain the illusion of the nation based on purity and Islamic values, regardless of the efforts of EU in their financial, legal or surveilling presence.

Conclusion

I have tried to depict the specific conditions of BH political system and practices that effect LGBTQI rights through gender categorizations through Bosniak

nation building in post-Dayton BiH. BH ethnocratic practices are embedded within nationalism that is supported by the territorial division of the state to Federation of BiH and the Republic Srpska. Bosniak nationalism was shaped through ethnocratic means of Bosniak politicians and Islamic Community members that have altogether mobilized Bosniak ethnic group by sustaining onto the instable political climate from the 1990's that was based on the masculine politics of exclusion, inequality and discrimination. Such example is the implementation of *šehidi* discourse by Bosniak ethnocrats Alija Izetbegovic, SDA Party and Islamic Community, where through rituals, marking of the bones of the fallen soldiers killed in the war as Muslim. This was done to mark the boundaries of Bosniak nation as endangered by the territorial Serbian Other, and to enforce the illusion of Bosniak collective of heroic masculinities that have been sacrificed to mark the purity of Bosniak nation. Women, on the other hand are stigmatized as victims whose war traumas are relativized by the Bosniak ethnocrats who even in the post-war period enforce bureaucratic hetero-patriarchal hierarchy of creating ideal place for women in the context of Bosniak nation building. Precarious positions of women as mothers, nation bearers and raped women are located in the matrix of ethnonationalist discourses where their bodies mark the borders of the purity of the nation, in cases of rape and mixed marriages with other ethnic groups. Homophobia is thus an ethnocratic reaction to maintain the Bosniak tradition through rejection of failed masculinities who could not protect their women and the territory. Bosniak tradition is thus opposed to the international community of European Union, where secularism is tightly associated as a threat to Bosniak nation in the rhetoric of BH ethnocrats. LGBTQI related events have been used in this context to portray the rejection of European values, and such was the case of first Sarajevo Queer Festival. Through example of Belgrade Pride 2010 held in Serbia,

Serbian institutions now qualified as an EU candidate have shown that sexual minorities must be protected and given equal treatment in accordance with EU standards of human rights, regardless of extreme homophobia and violence present at the Pride. On the other hand, BiH still remains criticized by the EU for number of reforms that BH institutions have failed to deliver, which marks BiH's lack of shared values with EU and its LGBTQI related freedoms. Through number of criticism on the behalf of the EU (the EU Council of Ministers) the discrimination of LGBTQI community and activists in BiH is being condemned as one of the potential obstacles to BiH being accepted within the EU. Nevertheless, homophobia remains present in the public discourses, mostly enforced through the media, as was shown in Sarajevo Queer Festival related events and acts of violence that have erupted on the night of the opening of the Festival resulting in the closing the Festival for the public. By further marginalization of sexual minorities through referring to homosexuality as a "disease", "western trash" and perversion that needs to be treated medically", all enforced by the Bosniak ethnocrats and Islamic Community leaders, the ethnonationalist discourses focus on protection of Bosniak heteronormative ideal binary opposed to LGBTQI freedoms as Western and secular, and BiH as a separate endangered entity with specific traditions and values embedded within Islam. In this way BiH stands a small chance of being accepted within the EU which would result in colossal damage for the entire population of BiH, regardless of their gender, class, ethnicity or sexuality markers. Nevertheless, many questions remain open in case of BiH's future affirmative potentiality related to practices of recognizing LGBTQI community as valuable and enriching for the new horizons and prospects that already benefit EU citizens. The first issue to be solved is the way BH institutions and peoples approach and condemn the phallogocentric violence as the legacy of 1990's

war. This is again strongly embedded within peoples traumas and geographies of gendered differences as threatened by the territorial and symbolic Other, yet there is no other way of constructing affirmative politics except inclusion and legitimization of re-inventing the new political spaces, regardless how different they may be represented by the governing politicians and religious community leaders. Spaces for articulation of LGBTQI rights and visibility must be provided as a basic platform of emancipatory politics that would function non-discriminatory on the premises of equality for all.

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