



Policy analysis



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***Germany in Bosnia and Herzegovina –
from intention to initiative***

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GERMANY IN BOSNIA AND HERZEGOVINA –FROM INTENTION TO INITIATIVE

Western Balkans – where is Bosnia and Herzegovina in all this?

Even though historically German foreign policy has tried to move away from the Balkans, the fact is that the Balkans still imposed itself as an unavoidable station on the way to the Orient. Even today the words of Bismarck, the famous German Chancellor from the 1860s, who said when addressing the Royal Reichstag: «...the whole of the Balkans is not worth a healthy bone of a single Pomeranian grenadier...» echo throughout Berlin¹. Just a few years later, Bismarck was forced to revise his thesis. Not only did he initiate the Berlin Congress, but he also played an active role in setting the borders of today's Balkans.

The German foreign policy advocated by Angela Merkel sends a clear message that there is a need to mitigate the danger of reshaping the borders of the Balkans again. The Balkans, with its open problems, is a time-bomb affecting Europe's and therefore Germany's security concept. Deactivation of this bomb is a process that has been ongoing for 20 years but while Germany has invested significant financial means into the "demining" of the region, it has not paid it sufficient political attention. In order to avoid misunderstanding, we need to elucidate the reasons why we feel that the financial and humanitarian engagement of Berlin has not been supported by more appropriate political attention.

Irrespective of who has held the position of the Chancellor, German foreign policy has always considered Serbia and Croatia to be the pillars of security in the Balkans. Financial and diplomatic efforts have been invested proportionately to this thesis, so Berlin has worked its Balkan route through Zagreb and Belgrade. At the time of dissolution of the former Yugoslavia, the Coalition Government of Kohl-Genscher considered Croatia and Slovenia to be their strategic partners, while, on the other hand, during the two mandates of the Schroeder-Fischer Government, and in particular after the arrival of Zoran Đinđić, Belgrade was seen as the key Balkans address. In the former case, Christian Democrats believed that only Croatia had the potential to create a Balkan model of pro-European society that reflected their own values. In the latter case, Social Democrats thought that Serbia, after the fall of Milošević's regime, had the potential to preserve stability in the Balkans. Both of these approaches were fully legitimate attempts from Berlin to keep the Balkans, its closest and a rather turbulent neighbour, under control. The Stability Pact for South Eastern Europe and «Standards before status» are two of the most important German political initiatives aimed at stabilisation, democratisation and standardisation of the region. Time has shown, however, that the Balkans is too infested with problems to rely solely on these two pillars, especially if one bears in mind that a great number of these problems are loosely connected to one or both of them. Macedonia has faced the issue of denied sovereignty, language, name and the 'autocefality' of the Orthodox Church. Not wanting to address the issue of the independence of Kosovo, Serbia has tried to internationalise it through assuming control of the crisis in Bosnia and Herzegovina. The crisis of the Dayton system in Bosnia and Herzegovina, however, has shown that Zagreb and Belgrade too often use Dayton guarantees to interpret or create desired political dynamics in the country. Croatia still tolerates the ninth electoral unit in the territory of its neighboring country, thus influencing the political trends of the Croats in BiH², while Serbia's implementation of Dayton boils down to support for certain political groups of representing Bosnian Serbs. In addition, there is also a border conflict between Slovenia and Croatia. All these mutually connected problems are good enough reason to seriously review the intensity of political attention paid by Berlin, especially in BiH, which is still seen as a secondary consideration compared to relations with Zagreb and Belgrade.

¹ "Bismarck – Die Biographie", Franz Herre, Albatros, str.391

² Recent discovery that HDZ Croatia financially supported establishment of HDZ1990 is only a belated confirmation of this conclusion.

BiH Adagio in Germany

A review of engagement in BiH is justified on the basis that current international involvement in the country, along with that of Serbia and Croatia, is as much a part of the problem as it is of any solution. Unfortunately, it has never been taken into consideration that BiH simply needed assistance to reach a level from which it could adopt EU standards. On the contrary, the assumption was that it was necessary for BiH to have an EU perspective with clearly defined standards that would make local political leaders do their jobs, while the sanction for non-compliance would be a delayed accession to the EU. While your neighbours are progressing, you will lag behind them. The fact that the very same neighbours can block progress in BiH whenever they wish to do so is a reality, but since this is not anticipated or covered in the standards it is not taken into account. This seemingly reasonable stance of Berlin towards BiH is interpreted as a fundamental lack of interest in essential problems, which for certain political groups in and around BiH is all the encouragement they need to build up their respective policies on dissolution of the country. Subsequently, when, due to blockades built into the system, BiH started sliding towards a crisis, instead of re-examining its position Berlin fell into a state of fatigue. Any question about this problem was answered with a cold, bureaucratic phrase: 'BiH has a clear EU perspective but it is up to its leaders to move the country forward. Should they fail to do so, the country will lag behind on its path towards the EU and the people will sanction them for it at the ballot box'. Of course none of this happened, except that BiH retained its *status quo*. The longer this situation has continued, the louder the question posed: Why would German foreign policy advocate a more active engagement in BiH? The answer to this question is not simply a matter of economic interest although it is a factor, among other things. Germany has invested extensively in the stability of the Balkans and thereby BiH, with the country contributing over 10% of the funding for the work of the ICTY. As recently as 2005 Germany invested 117.5 million Euros into development projects in the Balkans, of which 53.7 million went directly to Serbia. Germany has sent the largest number of soldiers to the Althea operations in the KFOR mission in Kosovo. In five donor conferences for reconstruction of BiH, Germany donated 102.5 million USD. Only success in BiH can be an adequate justification for all these investments, which were not made with purely philanthropic intentions. Democratisation of the Balkans, its pacification and standardisation are key priorities of the Common EU Security Policy. It was Germany that invested so much effort and financial means into this concept of a secure environment. The more evident the fatigue, the more immersed Germany became into different multilateral initiatives, from Police Reform to Bildt's initiative. This was a period of significant "multilateralisation" of German foreign policy towards BiH. Of course, there is nothing unusual in a country who has signed an SAA being put under the EU microscope, but the problem is that this procedure does not take account of the very specific cracks of post-Dayton society in BiH. Therefore, we could argue that multilateralisation of German foreign policy towards BiH was based on the following, incorrect, premises:

- **BIH has a clear EU perspective, and like all other countries in the Western Balkans it will have to meet requirements in order to progress. Its further progress towards the EU will depend solely on the readiness of local leaders to reach an agreement.** This approach fails to acknowledge the reality, the Dayton reality, which is imposed and under which BiH still lives. It is about a Constitution exclusively based on the leverage of national veto which prevents any agreement and makes BiH a more specific case than any other country in the region. Changing this system by an internal dialogue is impossible because there is neither local social agreement nor can such an agreement be made under present circumstances. This Constitution is an Annex to an international agreement, which is a result of international engagement. Now, when it became obvious that the Constitution is dysfunctional, political elites who have built their empires on the back of its logic are asked to change it.

- **The Dayton framework should be changed by local politicians while at the same time OHR stands as an obstacle to BiH membership in the EU and as such should be closed down as soon as possible.** This position, which is not exclusively German, is built on the false assumption that BiH society is politically mature and that it no longer needs a 'supreme interpreter and guardian' of the letter and spirit of the Dayton Agreement. It has somehow been forgotten that OHR has a very clear mandate defined by the 1995 PIC London Conference and by Annex 10 of the agreement, and that for as long as the Dayton framework exists (there is no local consensus regarding its change, and the international community does not want to interfere) there has to be an international or local guarantor to protect it. The international guarantor should not be closed down until an ambience has been created for establishing a local replacement, for example, in the form of a Supreme Court of BiH. However, there is still no local consensus on this matter.
- **Insisting on the five conditions and two goals for closing down of OHR, which was strongly supported by German diplomacy, demonstrated the specific nature of BiH to the fullest.** The conditions are defined in such a manner that a chronic lack of political consensus can keep OHR in BiH for decades, which will therefore keep BiH out of the EU for the same length of time. OHR has essentially become a collateral damage of a loosely defined position: *if you want to make progress, go ahead and make an agreement. We want to withdraw, but we will not do so until you agree on the conditions for our withdrawal.* Such a position is further proof of an essential misunderstanding of the nature and dynamics of political relations within BiH.
- **Zagreb and Belgrade, as co-signatories of the Dayton Agreement, can be and are a factor for solving the crisis in BiH.** Historical connections and facts are difficult to deny, when trying to prove the thesis that Serbia and Croatia are not playing an important role. However, one fact has been constantly overlooked and Berlin has been insensitive to these Balkans rhythms. It is that Serbia and Croatia have, for a long time, been taking advantage of their Dayton role in order to shape the internal political dynamic in Bosnia and Herzegovina. The extent of this is such that now the Presidents of the neighbouring countries attend party gatherings and decide on the indigenous representatives of the peoples living on the territory of a sovereign country.

Building on the above mentioned premises and observing BiH in a regional context only, rather than from the outside, we can say that German foreign policy in BiH was like the air: tasteless, colorless, scentless and shapeless, yet present and very important. This is evidenced by the fact that the former EU Administrator in Mostar, Hans Koschnick and former High Rep, Dr. Christian Schwarz – Schilling voluntarily and abruptly ended their mandates in BiH, having started with grand intentions but producing very modest results.³

And finally, German Allegro in BiH

In his book «Bosnien im Fokus» Dr. Schwarz Schilling, somewhat desperately raises a question: «Who will finally take the initiative»?⁴ He also offers a possible answer: Europeans! He even recommends that specific urgent steps be taken. When he wrote this, he almost certainly did not have Berlin in mind. Judging by what he had said in his book, he, too, had lost hope that Germany

³ In the book "Bosnien im Fokus - die zweite politische Herausforderung des Christian Schwarz-Schilling" (Rathfelder und Bethke; Schiler Verlag) the author explains, among other things, the discrepancy between German readiness to invest and lack of readiness to lead the processes, due to which both of prominent Germans ended their careers rather unexpectedly and under unclear circumstances.

⁴ Bosnien im Fokus , page399.

wanted to take a leading role in Bosnia and Herzegovina. This is why intensified interest from Berlin came as a big surprise even to those who had hoped, advocated and lobbied for it, among whom was certainly Dr. Schwarz-Schilling. Everyone asked the same question: Why this sudden and focused engagement of Berlin in BiH? What's behind it all?

The decision of the German Chancellor, Angela Merkel, to take an active role in BiH surprised even local politicians who are used to seeking solutions in Washington while Brussels is usually viewed with distrust. Answers to these questions are the subject of speculation in diplomatic circles, varying from those that are defeatist-oriented to those that are full of conspiracy theories and others who are very positive. The Office of the Chancellor is remaining silent, in an attempt to keep everything as far from the public as possible until a concrete initiative, demonstrating the intention of an active involvement in BiH, is taken. This silence has naturally led to intensified scepticism, allowing each of us to draw our own conclusion, whether based on what local politicians, who went to Berlin for discussions, have said about German intentions or on a subjective perception. The latter relates to an assessment of whether or not it is a good thing that the local leaders have turned to Christoph Heusgen, an advisor on foreign policy to the Federal Chancellor and a man who formerly worked for Xavier Solana, or that a former High Rep, Miroslav Lajčak, has been involved in all of this from the very beginning. Some went so far as to develop a theory that German involvement is exclusively focused on closing down the OHR, especially in light of the fact that at the last two sessions of the PIC, Germany strongly advocated this course of action; an unconditional closure, even if that would require a redefining of the conditions and goals to justify this.

An Overture for the German Allegro

For some time, and in particular since the Kosovo crisis, BiH has been the topic of diplomatic consultations and discussions, not only in Brussels but also, bilaterally, among so-called big powers. At the beginning it was mainly about the destiny of the OHR, and later, more specifically, about other aspects of BiH problems. The experiences of the «April package» and the «Butmir Initiative» have exposed not only the resistance of the local political establishment to compromise but also the misconceptions upon which the so-called 'New Approach' of the international community in BiH was based. In the meantime, thanks to the German and French efforts, the Lisbon Treaty was saved thus demonstrating the mediation skills of the German Government and in particular those of Chancellor Merkel. The EU legacy of her Chancellorship assumed an almost historical dimension with the preservation of this Treaty. The question was what would be the Balkan legacy of the German Chancellor? Sooner or later Macedonia will find a *modus vivendi* with Greece and Bulgaria. Serbia has launched a dialogue with Kosovo, which is for the time being, at least implicitly, built on an assumption that Kosovo is independent. By June, Croatia will close its negotiations on EU membership and by 2013 it could become a full member, although the European Commission does not want to talk of dates. Montenegro and Albania have no potential to develop into regional crisis points. So that just leaves Bosnia, rooted to the bottom of Euro-Atlantic processes, at a kind of 'zero point' that could easily slide below the line, causing instability in the region. Berlin is aware that being tired of BiH is not an acceptable excuse for inaction and as long as there is even a potential for crisis, the worst possible course of action would be to simply pretend that the problem does not exist and to wait. This is even more so if one bears in mind that BiH could stay at this 'zero point' for a very long time, something that would ultimately require an indefinite extension of the mandates of OHR and EUFOR, to which Germany makes the largest contribution personnel-wise. Such extensions are exactly what Germany does not want.

Intention?

The intention to try to do something about BiH did not come out of the blue albeit it was a surprise to see the readiness of Germany to take the lead in this process. After discussions with the EU Representative for Common Foreign Policy Catherine Ashton, the US Secretary of State Hillary Clinton, the Russian president Dmitry Medvedev and other leaders in the region, the German Chancellor tasked one of her closest associates, an advisor on foreign and security policy, Christoph Heusgen to explore and identify the best and most secure way of deepening the involvement of Germany in BiH. All this was done with the aim of preventing BiH from sliding deeper into a crisis, i.e. full paralysis of the system, which would ultimately require another, more intensive engagement of the EU and the international community. It was decided that the leaders of political parties that won the majority of votes in the 2010 elections should be called to a meeting in Berlin to inform them of the intention that would eventually be translated into an initiative and to hear their opinions on essential issues. A month after the elections in BiH, President of SDA, Sulejman Tihić and newly elected member of the BiH Presidency, Bakir Izetbegović were invited to Berlin. After that, an invitation was extended to the leader of SDP, Dr Zlatko Lagumdžija, then to leaders of HDZ BiH and HDZ 1990, Dragan Čović and Božo Ljubić, and finally to a representative of the RS President, Milorad Dodik. Why to all other leaders but not Dodik? Because Berlin wanted to know whether or not Dodik would agree to be a constructive part of the German plan, whilst at the same time testing the extent to which he was ready to continue with his radical rhetoric and undermining of BiH institutions. To underline the clear message that this effort was the personal initiative of the German Chancellor, all leaders except the representative of President Dodik had a brief meeting with Mrs. Merkel, who articulated her intentions and announced that all the activities would be coordinated by her advisor. Miroslav Lajčak, who at the time was the leading candidate for the position of head of the newly established EU External Action Service for South Eastern Europe, Russia and the Balkans, attended a part of the official meetings with political leaders from Bosnia and Herzegovina. This was meant to convey the message that the EU Agenda is an integral part of German plans.

In January 2011, a second round of consultations took place in Berlin, but this time without the involvement of the Chancellor. This time around, having sent a positive message about his readiness to take a more constructive role in the process, the President of the RS was also invited to Berlin and he met briefly with Mrs. Merkel, as he had not done so during the first round of discussions.

During the two rounds of consultations the following points were clarified:

- Berlin has no intention of interfering in the appointment of the Government; the German intention is to make the system in BiH more functional and self-sustainable in the long run through gradual changes to the Constitution;
- Germany will take no actions without consulting with key EU and non-EU partners. Serbia and Croatia will also be involved;
- The initial ideas will only be translated into a definite initiative when all political leaders have agreed on a common plan for changes in BiH;
- Germany has no intention of supporting any particular political option, despite the falsely created impression that due to the fact that CDU and CSU are currently in power the key interest of Germany would be to support the Croat parties.

Why do German intentions need assistance to be turned into an initiative?

Neither do we want to *a priori* discard any skepticism, nor do we want to endorse unfounded optimism. We only want to emphasise that baseless skepticism at this point, aimed at “defending” BiH from yet another “ill-intended initiative”, could do more harm to BiH than to the initiative itself and the country that is promoting it. The promulgation of conspiracy theories based on an intention or, worse, simply because of the involvement of certain individuals is extremely unhelpful.

Now, why should this momentum be understood as an opportunity?

- BiH is now in a very sensitive position, whereby it has been without a national government for months and is in clear breach of its obligations towards the EU. In such a situation, the readiness of one of the main powers in Europe and the world to become involved in BiH and focus its actions on the removal of barriers to the functioning of BiH as a future EU candidate is something that is worth giving a chance. This is all the more so if one takes into consideration that this would be the first such engagement of Germany in the region.
- Until now, the priority of Germany has been to foster dialogue with local political leaders about solutions in BiH, while consultations with other international partners about whether or not some things should eventually be imposed on BiH have always been kept in the background.
- German interest in stabilising the situation in BiH is clearly visible and it can be used as a “win-win” situation for both BiH and the EU.
- It is evident that Germany is ready to re-consider its position concerning the closure of OHR, i.e. to undertake a review, taking into consideration legal and political elements and possible consequences of a premature or reckless withdrawal of OHR.
- We believe that the German understanding of the crisis in BiH has evolved and Germany has now finally accepted the fact that Bosnia and Herzegovina is a specific state, to a great extent due to international involvement, and as such cannot be helped exclusively by imposing the conditions for stabilisation and association.

What are the realistic threats that would prevent German intentions becoming an initiative?

- Too much maneuvering and delay in designing a comprehensive strategy to be presented to key local, EU and non-EU partners would only feed suspicion and this suspicion could easily grow into a fear, which in the Balkans is the most destructive weapon.
- German intentions can become an initiative even without a strong synergy with key partners: if consultations were made with Russia but not with Turkey this could raise suspicion that German intentions are, in fact, a compulsive reaction to increased Turkish involvement. If consultations were made with the US but not with the UK, then German intentions could be interpreted as an accusation of a lack of interest in the situation in BiH on the part of the Conservative and Liberal Democrat Government.
- The involvement of Lajčak does not necessarily mean the automatic involvement of the EU, and this is another element that should be taken into consideration.
- The «April package» failed, among other reasons, due to very poor communication with the public in BiH. For no apparent reason, the whole process was excessively wrapped in a veil of secrecy, which fed the groups prone to conspiracy theories and supplied them

with added impetus to 'burn it down'.

- The «Butmir package» failed due to a cacophony within international community and an obvious desire to reach a compromise not on what is necessary, but rather on what is possible (and even less than that) and in the end everything appeared to be a grand failure.
- The German initiative, if it ever comes to pass, must have in mind that BiH can no longer be the subject of experiments.
- If Zagreb and Belgrade are not ready to play a more constructive role, it would be better if they excluded themselves from the process and let those whose "club" they want to join run the process.
- We want to believe that this German interest in BiH is the result of a greater understanding that the country is on its irreversible road to the EU and it needs help to consolidate itself in order to be able to accept the EU standards. This implies that BiH needs assistance in preventing the occurrence of the third or fourth entity and should, instead, try to become functional in its current form. Only in this way can German foreign policy in BiH finally turn itself into the water that trails along the route of a functional state and thereby prevents the crisis that threatens to shake the stability of the whole region.

From defensive to optimism - historical development of German foreign policy

Current German foreign policy towards the Western Balkans, and thereby towards Bosnia and Herzegovina, cannot simply be detached from the larger historical context of the evolution of German political identity. In this context, German foreign policy from WWII until the present day has passed through several interesting stages, each of which determined the position of Germany not only globally but also towards the Western Balkans and BiH. In the first 30 years after WW II, German foreign policy was very defensive, mainly due to the fact that the country was run by the 'Allies' and was ideologically divided. With the appointment of *Willy Brandt* as Chancellor in the late 1960s a phase of realism in foreign policy began in Western Germany. *Willy Brandt* and his foreign policy advisor, *Egon Bahr*, designed a policy of small steps towards USSR – "Neue Ost Politik-Wandel durch Annäherung" (New Eastern policy – change thorough convergence), which was a great divergence from the anti-communist mainstream in the West. Instead of encouraging McCarthyite⁵ animosity towards the communist Warsaw block, Brandt promoted understanding, convergence, direct dialogue and agreements with neighbours behind the Iron Curtain. The concept of foreign policy realism manifested itself in the fact that an already divided Germany was torn apart between the two blocks, requiring *soft power* to create conditions for re-unification.

Helmut Kohl and Hans Dietrich Genscher were the first to take steps towards an autonomous foreign policy, and contrary to the predominant position of the Western allies at the time, they worked intensively on international recognition of the states emerging from the former SFRY, primarily Slovenia and Croatia.

Despite the serious challenges of economic and other re-integration of the poorer Eastern Germany, the Government of Chancellor Schroeder decided to make another step forward. Until 1994⁶, and after a decision of the Bundestag to send the German Army as a part of NATO military operations for rescuing civil population in Kosovo in 1998, the key determinant of German foreign policy – the common denominators of all phases, was anti-

⁵ American anti-communist hysteria of Joseph McCarthy

⁶ On July 22, 1994 the first decision of German Bundestag was made, allowing German Army to participate in the Peace Mission to BiH. This decision was preceded by a Decision of the German Constitutional Court „Bundesverfassungsgericht“ declaring that participation of German Army in peace operations is not contrary to German Constitution.

militarism (ban on sending German soldiers to peace missions). Schroeder lifted the stigma of the anti-militarism ideology in foreign policy by assessing that the time had come to state loudly that anti-militarism inspired by the Nazi past no longer served either German or global interests. German society went through a decades long process of de-Nazification, finding its resort in the concept of pacifism and *Zivilmacht doctrine* (civil force that gives advantage to multilateralism, peaceful conflict resolution, and diplomatic solutions), so that it no longer needed to prove its good intentions to anyone. The economic giant decided to no longer be a foreign policy dwarf and it was Schroeder who launched this foreign policy offensive. However, the debate on whether or not Germany should be a global player and send its soldiers to peace missions has continued up to the present day. Some believe that Germany, as an export-oriented nation and global economy, must be interested in becoming a global foreign policy player, which would automatically mean that it had to ensure the participation of German soldiers in all peace missions that protected German and EU interests. However, some think that Germany should, at all costs, remain loyal to pacifism and humanitarian engagement. Over time, the conflict of these two schools gave birth to a reconciling concept that takes the essence from both views: Germany should represent its interests through a broader EU platform and the concept of EU Common Security and Foreign Policy, through which it can more successfully defend German interests. No doubt Schroeder opened the door for Angela Merkel to become the first post WWII German Chancellor to bring a global role back to Germany. The key determinants of this new doctrine can be summarized as follows:

- Germany, as the strongest European and one of the strongest global economies and a major individual contributor to, and the financial backbone of, the EU, must take responsibility and a lead in various processes. The key process is investment into strengthening of EU construction so it can be used as a global platform for defense and promotion of German and other European interests.
- To Germany, a strong and coherent EU has no alternative. This is the strategic goal of German involvement.
- Global impact, primarily economic, imposes an obligation on Germany to take responsibility for global peace. The sending of German soldiers to peace missions is not necessarily contrary to the concept of "Zivilmacht". Rather it is complementary to the concept in the sense of being an additional investment into the defense of democratic values. Germany should not just pay and be silent, it should be consulted too for this is in its interest and is one of the goals of OUN and harmonization of its structure with a real balance of power in the world.

Taking into consideration all of the foregoing, it is not surprising that German Chancellor Angela Merkel has expended so much energy keeping the Lisbon Treaty from total collapse in order to save European Monetary Union and the fiscal stability of the EU. Germany wants a safe environment and it is aware that this can be achieved only through a broader EU platform, i.e. fine standardization and the spread of the concept of 'constitutional patriotism'.⁷ Following in the steps of her predecessors, Chancellor Merkel launched a phase of globalization of German foreign policy inspired by clearly defined German interests: a strong EU, stable environment, primarily in the Balkans and Eastern Europe, strategic cooperation with Russia and US and economic partnership with Brazil, India and China.

⁷ The concept was originally developed by a political scientist, Dolf Seterenberg, and it was worked out and promoted by a philosopher, Juergen Habermas. Outside of German political theory and practice this notion is mainly unknown. It is about the identification of citizens with the institutions of a system, not the imaginary symbols. Full consumption of constitutional rights and obligations is the essence of this kind of identification. That is why constitutional patriotism is seeking itself in the system, not outside of it. A patriot is not a person who loves their flag, but one who respects the institutions of a democratic system.



