

Winning Hearts and Minds in Bosnia and Herzegovina**

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We are now in a dangerous dynamic... and if we fail to operate in a cohesive fashion we could end up with the de facto disintegration of Bosnia-Herzegovina.¹

RÉSUMÉ

La Bosnie-Herzégovine est le pays qui, malgré sa très onéreuse reconstruction internationale de quinze ans, éprouve encore des difficultés à identifier son avenir en tant qu'Etat unitaire fonctionnel. La nécessité de réformes institutionnelles qui allaient changer les principales dispositions constitutionnelles impliquées dans l'Accord de paix de Dayton, a provoqué une débâcle diplomatique sérieuse entre les trois groupes ethniques qui semblent promouvoir des visions différentes de l'avenir du pays. Cet article soutient que l'avenir européen de la Bosnie-Herzégovine est incontestable et c'est pour cette raison que la cohérence internationale est essentielle pour empêcher qu'un radicalisme ethnique ne déstabilise un processus déjà laborieux d'européanisation. Par conséquent, les préoccupations existentielles de tous les groupes ethniques doivent être prises en compte et être intégrées dans une dernière phase fonctionnelle du processus de l'intégration européenne de la Bosnie-Herzégovine.

ABSTRACT

Bosnia and Herzegovina is the country that despite its terribly expensive fifteen-year international reconstruction, it still struggles to identify its future as a functional unitary state. The need for institutional reforms that would change major constitutional provisions entailed in the Dayton Peace Agreement, have provoked a serious diplomatic debacle amongst the three constituent ethnic groups which seem to be promoting different visions for the country's future. This article advocates that Bosnia and Herzegovina's European future is indisputable and for this reason international consistency is crucial as to prevent ethnic radicalism from destabilising an already painstaking Europeanisation process.

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Accordingly, the existential concerns of all ethnic groups shall be taken into account and be incorporated into a functional last phase of Bosnia and Herzegovina's European integration process.

After fifteen years of constant international efforts to attain a sustainable peace through major state reconstruction policies in Bosnia and Herzegovina (BiH), the country still cannot be considered as able to work on its own future. The international efforts to end the war in 1995 and to establish the conditions for sustainable peace through the creation of a marginally unitary state, which at the same time could meet the demands for self-governance by its constituent major ethnic groups, had been an extraordinary and unprecedented endeavour. Perhaps for this reason and given the hesitancy and suspicion with which the three major ethnic groups have been approaching peace implementation since December 1995, BiH today cannot demonstrate its ability for self-governance. Against this background, the country presents (again) one of the most interesting paradigms in post-Cold War international crisis management.² It is the country that has received immense international assistance, coming to be regarded the 'laboratory for what was arguably the most extensive and innovative democratization experiment in history.'³ Indeed, in contrast to the inconsistency with which the international community approached conflict resolution between 1992 and 1995, when the war was ravaging BiH between the three ethnic groups, the period that followed the signing of the General Framework Agreement for Peace in Bosnia and Herzegovina in 1995,⁴ was characterized by a strong international impulse to orchestrate effective reconstruction. In the form of grants and loans for this reconstruction and for BiH's ability to function as a state, a state of no more than 4.4 million people, it has received at least \$14 billion between 1996 and 2008.⁵ It is the first country in post-Cold War international relations which has received such multifaceted international support. Yet the existence of BiH in its current form is strongly debated, for a number of reasons that will be explained below. This is not necessarily a negative development, provided that major institutional changes and reforms are needed, and some have been already implemented, to enable the country to meet its requirements for European integration. However, what is crucial is that these reforms shall be promoted in a carefully coordinated fashion, so as to avoid giving excuses to the three constituent groups to seek destabilisation. The main argument of this

analysis is that BiH was the first experiment during the 1990s in the implementation of innovative mechanisms of crisis management, sometimes effective but more often inconsistent. In four major crisis management experiments later (Bosnia, Kosovo, Afghanistan and Iraq), the international community seems to have rather improved the mechanisms and tools with which it can effectively address the nature of different conflicts. Precisely for this reason, it would have been a serious mistake to ignore the reality that effective crisis management in complex situations such as BiH seemingly suggests mechanisms and tools aiming at addressing the needs of the constituent peoples of the conflict area, rather than of the aspirations of major international players. In the remainder of the article, the evolution of peace implementation in BiH will be examined, with an emphasis on the major institutional obstacles that prevent BiH from experiencing effective state governance. An analysis of the positions of the three constituent ethnic groups will be presented in light of the country's European perspective. Finally, the way in which major powers view the future of BiH will be briefly discussed. It will be shown that despite the fact that the mechanisms for BiH's European integration are present and accelerating, a coherent international voice as to the implementation of a comprehensive approach in this direction is still pending. This analysis advocates that despite all international support for reconstruction and development in BiH, consistency seems to be missing (once again) as regards the vision of BiH as a unitary state and a prospective member of Euro-Atlantic structures. For this reason, a failure to orchestrate an effective process of Bosnia and Herzegovina's integration into the European Union in the coming years will be detrimental to regional stability and for this reason to the image that the EU is trying to establish as a credible international actor.

Post-Dayton Bosnia and Herzegovina

The General Framework Agreement for Peace in Bosnia and Herzegovina (GFAP),⁶ is the peace treaty that was signed amongst the warring factions of the war in BiH (Bosnian Croats, Bosnian Serbs, and Bosnian Muslims) and the members of the International Contact Group, creating the state of Bosnia and Herzegovina and authorising a specific role for different international actors to implement its provisions aiming at reconstructing a consociational confederation.⁷ The Dayton Agreement created a decentralised state comprising two entities, Republica Srpska (RS) and the Federation of BiH (FBiH), comprising in turn ten cantons representing Croat and Muslim majorities.⁸ The agreement provided for a centralised government under its

internationally recognised borders, while the representation of Bosniaks,⁹ Serbs and Croats was safeguarded by their participation in the state's Parliamentary Assembly (the House of Representatives and the House of Peoples) as well as in the Presidency and the Council of Ministers. The tripartite Presidency is composed of a president from one of the three ethnic groups and the two vice-presidents from the other two. Together with the members of the House of Peoples, the members of the Presidency retain a veto right if an issue of 'vital interest' arises to the detriment of the interests of one or more of the constituent peoples.¹⁰ State powers were confined to foreign policy, foreign trade, monetary policy and customs, emigration and state-wide traffic and communication. The two entities acquired a wide range of autonomy including the responsibility for their own defence policy.

The Dayton Agreement also provided the authorisation basis for the development of a number of international missions to implement important segments of the agreement, including both military and civilian aspects. It also authorised the two entities to establish special relationships with neighbouring states, thus encouraging Bosnian citizens to hold an additional second citizenship if they wished. Another important element was the establishment of the Office of the High Representative (OHR), which assumed the responsibility of coordinating all practices aiming at implementing the civilian aspects of the agreement. Importantly, full responsibility for the situation in Bosnia is assumed by the Peace Implementation Council, an *ad hoc* structure comprising states and international organisations, with fifty five members today, and which 'supports peace implementation' in BiH, while its Steering Board members provide political guidance to the OHR.¹¹ The High Representative's main task was initially to encourage the leaders of the three ethnic groups to work together in the implementation of the BiH constitution, which is embedded in Annex IV of the Dayton Agreement.¹² In 1997, in the light of serious inertia as regards decision-making in BiH, it was decided by the PIC in a conference in Bonn, to increase the competences of the HR in order to enforce rather than facilitate peace implementation. More specifically, the HR was given the authority to be able 'to remove elected politicians and other officials as well as to impose legislation' when it was deemed appropriate. As Thorsten Gromes argues, from December 1997 to June 2008, the High Representative dismissed almost two hundred politicians and other officials; in total, he made 860 decisions using these so called 'Bonn powers' for the benefit of peace implementation and, since 2000, for implementing reforms for the country's European perspective.¹³ There are

some elements in the structural construction of BiH's political system that have to be highlighted. The first important element is that the type of consociational democracy it provides reflects the result of a war which ended with a peace that was brokered mainly by the United States, aiming at addressing the three groups' concerns, yet sustaining a marginally functional state structure on its existing territory. It was not an easy endeavour. The second element is that Dayton was negotiated by the leaders of Croatia and Serbia, as regards the non-Muslim population in BiH, and by representatives of the local populace. This by definition creates difficulties in peace implementation.

The third element, as Sumantra Bose rightly advocates, is that these type of confederal political systems do not function smoothly in deeply divided societies.¹⁴ However, precisely because the Constitution of BiH provides the ability for the three constituent ethnic groups to give the state further prerogatives, if they so decide, it does not prevent the entities from transferring some powers from the entities to the state structures.¹⁵ In other words, coexistence of the three ethnic groups can be worked out, assuming that the political will of the constituent entities to establish a common future exists. No doubt, this process has been taking place in the last several years and quite a number of reforms have been promoted. For example, ministries in the state structure have been increased from three in 1995 to sixteen in early 2010, including a number of agencies. This means that when political will by the leaders of the entities has manifested itself, major reforms have been fostered. Reforms have taken place in BiH, especially after the European Union committed itself to start working on the country's European integration. However, as Bieber has rightly argued, Dayton deficiency 'was not so much what it set up, but what it recognized.'¹⁶ For this reason, it is rather difficult to advocate, or even impose, reforms that threaten to utterly abolish the existential prerogatives of any of the three entities. This is undoubtedly a reality inherited by the Dayton Agreement and has to be seriously taken into account when proposals for the rationalisation of BiH's governance structures are made. Yet a key remedy to this difficulty is perhaps a strong policy package, so as to make the citizens of BiH win the trust of the state institutions.¹⁷ Thus mechanisms and policies that reinforce the protection of community rights and at the same time promote strong anti-corruption strategies have to function as the dual lenses through which key decision-making on reforms shall be taking place. Indeed, good governance and transparency are key ingredients of a State that wins the hearts of its citizens. It also contributes to

economic development. David Chandler has advocated that corruption and bad governance are allegedly even more serious impediments in the build-up of a competent Bosnian state than ethnic nationalism.¹⁸ However, one of the most important incentives that seems to have moderated ethnic polemics and has functioned as a catalyst against deep ethnic divisions is the country's prospective membership of the European Union. For there is a strong consensus by all political leaders and their constituents regarding the prospect of BiH as a member of the EU.¹⁹ The European Union has played a crucial role in the reconstruction of BiH in the last decade. It has evolved into being its most important factor of stability and development. Yet the exact constitutional form under which this integration will be realised is still not clear amongst the three ethnic groups, as is explained below.

Indeed, in the aftermath of the war in Kosovo in 1999, the European Union started to advocate the prospective European integration of Western Balkan countries. Despite the considerable financial support it provided to BiH reconstruction after Dayton, the European Union started to acknowledge the importance of accelerating the European perspective of the Western Balkans only after the war in Kosovo. In 2000, the European Commission presented the Road Map for BiH's preparations for participating in the Stabilisation and Association Process (SAP). The adoption of the eighteen steps that BiH had to undertake in order to prepare itself for the 'feasibility study', the completion of which would have initiated its SAP, took a year and a half longer than originally expected, due to decision-making stagnation.

However, it is widely acknowledged that in general, in the period between 2001-2008, important reforms took place in BiH, facilitating the process of European integration on a cautious step by step basis.²⁰ For example, the former three opposing armies (Bosniak, Serb and Croatian) have merged into a single, multinational and professional force. The police has been formed and trained in an exemplary fashion and is considered to be the most trusted institution in the entire country. Some improvements have taken place in the justice system, but more reforms are needed.²¹ A Stabilisation and Association Agreement, the final phase of the SAP, was signed on 16 June 2008, putting into formally establishing BiH's obligations towards European integration. However, no major reforms have been pursued since then. Perhaps the single most important drawback to BiH's commitment to reforms has been Kosovo's Declaration of Independence on 17 February 2008. It appears to have had a detrimental impact on the already difficult working relationship that had been developed amongst the three ethnic groups in the preceding years. In the eyes

of the Bosnian Serbs, it challenged European Union credibility as well as the rationale for maintaining BiH's territorial integrity. Another difficult issue to be tackled regards the role of the High Representative, who also happens to be the EU Special representative to BiH. His authoritarian powers, which had been used some nine hundred times in the past and underpinned the removal of some 180 politicians from their posts in BiH, 'including three State Presidents',²² are regarded as an impediment to the democratisation of BiH, and for this reason the post is conditioned to further reforms adopted by the BiH authorities.

Serious handicaps regarding effective decision-making exist, demonstrating the inability of the state institutions to promote reforms. The hesitancy with which ethnic groups approach decision-making on political reforms is also demonstrated by the fact that, as the EU 2009 Progress Report mentions, 'Due to its limited powers the Council of Ministers has occasionally been left out of negotiations on reforms, which have been conducted by political party leaders.'²³ Further progress on reforms in BiH will depend to a large extent on the willingness of the parties to function without hesitation as regards the protection of their existential concerns.

The European integration process shall perhaps consider the need for a comprehensive and cohesive approach with which to orchestrate its efforts towards addressing the concerns of the constituent peoples, that would in turn facilitate the adoption of certain reforms. As it has been admitted by the European Commission officials, 'A shared vision by the political leaders on the direction of the country and on key EU-related reforms remains essential for further progress towards the European Union.'²⁴ Yet it seems that the international community, or the PIC for that matter, appears uncertain of its ability to work constructively over the consensus of the three communities over BiH's European integration and thus to accelerate institutional reforms. Before looking at the international setting, it is useful to examine the positions and concerns of the three communities in order to establish whether there is room for coordinated action if a common vision is to be realised.

Positions and Concerns of BiH's constituent ethnic groups

At this stage, Bosnia and Herzegovina is at a difficult crossroads, with the leaders of two of its three constituent ethnic groups holding radical views.²⁵ More specifically, the Bosniaks fervently support the evolution of BiH into an effective centralised state with no entities but peoples. Yet this approach

is divided amongst the moderates and hardliners. The former approach is promoted by Sulejman Tihić, head of the Party of Democratic Action (SDA), the largest and oldest Muslim party. He is accepting the fact that Republica Srpska (RS) is a permanent structure of BiH and presents a more cooperative profile.

The hardline approach is represented by Haris Silajdžić, head of the Party of Bosnia and Herzegovina (SBiH), who asserts that RS has to be demolished, since it is the result of genocide and the Bosniak community the constant victim.²⁶ Silajdžić often rejects reforms, suggested even by the High Representative, if these appear not to minimise the power of the RS. As some officials have reportedly argued, Silajdžić seems to be expecting a more favourable international setting, also involving a more committed US administration, such as President Obama's, in which he could materialise his objectives.²⁷

The Bosnian Serbs are currently represented by Milorad Dodik, who is now serving as Prime Minister of Republica Srpska. The Bosnian Serb leader has adopted a hardline rhetoric, advocating either the creation of a union of federal states, or demanding the right of RS to secession.²⁸ Dodik frequently obstructs decision-making at the state level, if this means the transfer of an authority that could make RS more dependable on the state structures. The role of the High Representative is fervently rejected and decisions imposed on the entities on the basis of the Bonn Powers are often not implemented. However, it is widely acknowledged that despite hardline rhetoric about the prospect of an RS declaration of independence following a local referendum, it would be very difficult for such an initiative to win international support at this stage from other states, including Serbia.

Bosnian Croats, on the other hand, seem as members of the Federation of BiH to be promoting publicly a moderate stance. Yet at the cantonal level, they are seeking greater linkage with neighbouring Croatia. In fact, the majority of Bosnian Croats hold dual citizenship. The Croat representative to the state Presidency, Željko Komšić, is a member of the Social Democratic Party, a Bosniak-dominated party. However, other parties such as the Croatian Democratic Union of BiH, led by Dragan Čović, promote coexistence that could also serve Croatian community rights.²⁹ In general, while Bosniacs view a unitary state without entities as an EU applicant, Bosnian Serbs perceive a confederal scheme, while Bosnian Croats consider even a three-entity federation as the most appropriate final candidate.³⁰ The reason for

mentioning the perspectives of the constituent ethnic groups is to highlight that secessionist views exist, and that hardline obstructionist advocacy can easily win supporters, if space is offered by international inefficiency or by the absence of a consistent and responsible international approach.

Against the background of the afore-mentioned cacophony of perceptions as regards BiH's future, recent developments point to a different reading. More specifically it seems that the differing voices within BiH's decision-making elite reflects trends which may turn out sour, in the absence of international cohesion. The truth is that despite hardline rhetoric, which at this stage may be voiced in view of the beginning of the electoral period, the three communities have demonstrated a willingness to coordinate actions towards further reforms.³¹ One of the most important occasions was in October 2008, when the leaders of the largest parties of the three communities met in Prud (northern Bosnia) and committed themselves to start negotiating the conditions set by the PIC for further institutional reforms. They agreed on a number of key issues regarding property transfers, the control of Brčko District, the population census (scheduled for 2011), and discussed the prospects of certain constitutional reforms. Although it was not a breakthrough, it reflected the three communities' conviction that mutual self-respecting commitments shall benefit all three communities through decisions towards European reforms.³² The Prud agreement was considered as the first step of a process that would continue until BiH reforms for European integration were concluded.

In light of the Prud process, the PIC tried to grasp the momentum by announcing on 27 February 2009 'five objectives and two conditions' that BiH has to fulfil before transition could proceed towards Europeanisation. These included:

- Acceptable and Sustainable Resolution of the Issue of Apportionment of Property between State and other levels of government
- Acceptable and Sustainable Resolution of Defence Property
- Completion of the Brcko Final Award
- Fiscal Sustainability (promoted through an Agreement on a Permanent ITA Co-efficient methodology and establishment of a National Fiscal Council)
- Entrenchment of the Rule of Law (demonstrated through Adoption of National War Crimes Strategy, passage of Law on Aliens and Asylum, and adoption of National Justice Sector Reform Strategy)

‘In addition to the objectives listed above, the PIC Steering Board agrees that two conditions need to be fulfilled prior to transition: Signing of the SAA and a positive assessment of the situation in BiH by the PIC SB based on full compliance with the Dayton Peace Agreement.’³³ Following the announcement of the ‘five objectives and two conditions’ no major negotiations took place amongst the parties until autumn, when the United States and the European Union (8-9 October 2009) tried to initiate a major negotiation endeavour under their leadership with the aim of fostering an agreement on the required reform.

This effort became known as the ‘Butmir’ initiative after the NATO (Camp Butmir) military base in Sarajevo where negotiations took place.³⁴ The process was led by the US Deputy Secretary of State, James Steinberg, and the Swedish Foreign Minister, Carl Bildt, acting as the Chairman of the EU Presidency. Later, the EU Commissioner for Enlargement, Olli Rehn, joined the process. The proposals for reform were presented to the parties on a package ‘take or leave it basis’, and included a number of substantial changes focusing on strengthening the powers of single structures that could facilitate decision-making, even if this would have meant the transfer of important authorities to the state structure. Other provisions included full acceptance and implementation of the European Convention of Human Rights, the one voice clause for conducting accession negotiations with the EU, an increase of the members of Bosnia’s Parliamentary Assembly and issues regarding state property. The package proposal was not accepted by the participants.³⁵ It has been reportedly argued that had there been certain elements in the negotiating package upon which parties could agree, some minimal agreement could have been attained. However, it was the package format as well as the emergency climate that had been created, compounded with some inevitable Dayton reminiscences, which affected the already bad timing and helped the parties to reject the proposal.³⁶ The composed manner with which almost all party leaders in BiH rejected this initiative is indicative of their common interest in addressing their existential concerns. Thus a more inclusive and committed proposal that could realise a functional balance between entity autonomy (or communal autonomy) and BiH’s integrity does not seem to be out of reach.

Lessons do not seem to have been learned from previous international action. International cohesion, a virtue absent between 1992 and 1995 in preventing the war in BiH, has to be fully demonstrated. However, as Dušan Reljić, has correctly advocated ‘[...] years after the war’s end, internal and external actors have still not reached any understanding about how best to

strike the necessary balance between centralized government and territorial autonomy.³⁷ For one of the most serious problems facing BiH today, as has been the case for the last several years, is that there 'have been two parallel debates on reform, within the international community and policy circles and among politicians and intellectuals within Bosnia and Herzegovina' which in any case prolongs the shortcomings of the state being[sic] functioning as a protectorate.³⁸

Perhaps the reality that this time has to be taken seriously is that a strategy of combining the continuation of institutional evolution regarding BiH's governance, and thus its European and/or Euro-atlantic integration, with respect for the ethnic groups' existential concerns is more than needed. Hesitation and vagueness regarding one group's intention to extract elements of rights and prerogatives that the other groups have already enjoyed for the last fifteen years, will certainly sustain the current invisible progress towards sustainable peace. The European Union has acknowledged to some extent the importance of keeping this balance in the name of promoting further reforms. However, there are strategic antagonisms among major international powers, as is explained below, that challenge a consistent international standing for BiH's path to effective statehood.

The perspectives of the Key International Players

For the US and the EU, as major international players in the effort to end the war in Bosnia and consolidate its peace, the current vague situation threatens to jeopardise their credibility.³⁹ As three former High Representatives to BiH have urged recently, 'Bosnia and Herzegovina can only be supported by the international community if we ourselves work in a serene, inclusive, non-antagonistic and transparent manner in good faith and based on objective criteria.'⁴⁰ Indeed, the perspectives of key international players that have been constantly involved in managing the situation in BiH are important, since the current uncertainty over the ultimate BiH integrated vision cannot be promptly addressed if international coherence is absent.

For the United States, successful consolidation of democracy in BiH and the maintenance of its territorial integrity simply vindicate the wisdom of the Dayton Peace Agreement, despite its constitutional complexities, which at the time of its launch were considered as the best acceptable and peaceful outcome.⁴¹ The United States, under the Obama Administration, has already demonstrated its interest to 're-engage' in BiH. The visit by the US Vice-

President, John Biden, to the key Balkan cities (Belgrade, Pristina and Sarajevo), a few months (May 2009) after President Obama took office, is conducive to the willingness of the new US administration not to permit the destructive dynamic that is accelerating in Bosnia to jeopardise fifteen years of strategic investment in international crisis management.⁴²

However, there seems to be impatience on the part of Washington regarding the pace of reforms in BiH. Washington's re-engagement may entail an approach that could prove disruptive to the cautious step-by-step fashion in which the EU is building the reform process in BiH. For example, the way in which 'the Butmir initiative' was prepared and composed has been criticised as threatening the credibility of all those actors who have authorised responsibility for supervising BiH reforms.⁴³ Although Washington's purpose might have been to help to reinforce the pace of reforms in BiH, its message can be considered as a signal about its fading trust of EU policies. To some extent, it might be perceived as if it is promoting a different vision about BiH as a member of trans-atlantic structures.⁴⁴

Another influential factor regarding international action in BiH is Russia. Moscow is trying to make its presence visible in the region by supporting at this stage the continuation of the constitutional arrangements provided in Dayton. However, Russia's support for the autonomy of Republica Srpska and the indicated close economic relations with the Bosnian Serbs in the energy sector may be considered as a policy that may increase Bosnian Serb intransigence over the needs for reforms. Yet Russia remains in any case a crucial stabilising international factor through its membership of both the UN Security Council and the PIC.

As regards the role of the EU, criticisms and disappointment regarding its effectiveness have started to appear mainly within BiH. This criticism is vividly captured in the words of Sead Numanovic, editor-in-Chief of the Bosnian Newspaper *Dnevni Avaz*, who reportedly argues that 'You cannot find a place in the world, [...] where the E.U. had such a bad performance, such poor results, from such a lot of money.'⁴⁵ Again the image of the EU as an effective foreign policy player is at stake. As Paddy Ashdown asked recently: 'If the E.U., which has, in Bosnia, all its instruments of foreign policy – including a police mission and a military mission – if it can't get things done there, what hope is there?' He added: 'It is simply pathetic if we have to rely on the U.S. in our own backyard.'⁴⁶ Recent stagnation in reforms in BiH do not encourage positive messages. There should be no doubt that the European Union has

proved to be the most committed international actor these days to consolidate peace in BiH. The problem with the EU policy towards BiH is that not all efforts pointing to certain policies, mechanisms and other instruments have been coordinated in a desirable fashion, and thus tarnish the image of the EU.⁴⁷

At this stage, the European Union is promoting all actions that could be considered as being embedded in a strategy that employs a comprehensive approach, namely combining military and non-military factors in order to consolidate peace and stability through development.⁴⁸ The problem is that all these actions have not been fully coordinated. It is hoped that the implementation of the Lisbon Treaty will address this deficiency.

More specifically, since December 2004 the EU has launched a military operation of about 6,300 troops as a continuation force, after NATO concluded its SFOR mission. Operation EUFOR ALTHEA is authorised under Chapter VII of the UN Charter, to ensure continued compliance with the Dayton Agreement and to contribute to a safe and secure environment in BiH.⁴⁹ Although a relapse to war seems a remote contingency, the military presence in the territory of BiH has a strong preventive impact. Its mandate has been extended until the end of 2011.

Since January 2003, the EU also has deployed a Police Mission in BiH (EUPM). It followed on from a UN police operation on the ground since early 1996. Its mission is to establish policing arrangements under BiH ownership in accordance with best European and international practice. Monitoring, mentoring and inspection activities are duties to be performed. EUPM has continued to concentrate its efforts on supporting the fight against organised crime and to monitor and assess the implementation of police reforms.⁵⁰

Bosnia and Herzegovina's Stabilization and Association Agreement has been ratified by fourteen member states so far. A ratification of BiH's SAA by all members will accelerate financial assistance from the EU to specific development and structural programmes. The EU provides guidance to the authorities of BiH on reform priorities as part of the European partnership.⁵¹ BiH is scheduled to receive €89.1 million under the 2009 Instrument for Pre-accession assistance (IPA) programme for the period 2009-2011. Main areas of assistance include public administration, constitutional reforms, rule of law, civil society, culture, SME development, labour market and *acquis* approximation. In 2009, the focus is also on reducing the impact of the financial and economic crisis in BiH (€39m.). Additional financial support is provided by the EU through the participation of BiH (January 2009) in other

Community programmes, such as the 7th Framework Programme for research, technological development and demonstration activities.

In general, the EU is treating BiH as a weak and difficult democracy in transition, which at the same time will become an EU member should the country abide by European requirements. In other words, the EU offers a concise developmental vision to BiH, and more importantly also to the wider region of the Western Balkans. Perhaps for this reason, and in light of the substantial progress that all regional countries have made towards their European bid, a favourable conjuncture seems to be developing, one that could facilitate a more concise and firm European stance towards accelerating reforms for BiH European integration under its current borders. The only challenge that the EU has to address as regards its policy towards BiH is simply to make its prerogatives visible as soon as possible, so as to mitigate extreme voices that challenge its effectiveness. Cohesion in action shall also involve all major actors who could contribute to BiH democratic consolidation and European integration. Thus Bosnia and Herzegovina fifteen years later has come back demanding the future it was denied because of an inconsistent international community of the 1990s. International inconsistency will be detrimental to BiH's future let alone its European perspective.⁵² More importantly, inconsistency among key international players in 'permissive environments' such as the Western Balkans are sending the message elsewhere that state-building can never be effective, thus rendering vulnerable societies subject to further destabilising actions.

NOTES

1. Paddy Ashdown, a former high representative of Bosnia and Herzegovina. In Stephen Castle, "For Bosnia, Future May Hinge on Irish Vote", *The New York Times*, 1 October 2009.
2. Apart from the brief military conflict in Slovenia (1991) and the war in Croatia lasting several months (1991-1992), the three-year war in BiH (April 1992- Nov. 1995) was the largest and most lethal war in Europe since World War II. It claimed about 102,000 deaths and created almost 1.2 million refugees and Internally Displaced Persons (1.3 million). See: <http://www.freerepublic.com/focus/f-news/1291965/posts> and http://www.unhcr.ba/publications/state_refugees_bih.pdf.

- 3 Patrice C. McMahon and Jon Western, "The Death of Bosnia. How to Stop Bosnia from Falling Apart", *Foreign Affairs*, Sept./Oct. 2009, Vol.88, No. 5, p. 69 (pp. 69-83).
4. Better known as the Dayton/Paris Peace Agreement (DPA).
5. McMahon and Western, "The Death of Bosnia", *op.cit.*
- 6 The Peace Agreement was initialled in Dayton, Ohio in November 1995 by the Serbian President Slobodan Milošević (representing the Bosnian Serbs), the Croatian President Franjo Tuđman and the Bosnian President Alija Izetbegovic. It was officially signed in Paris on 14 December 1995, also by the French President Jacques Chirac, the U.S. President Bill Clinton, the UK Prime Minister John Major, the German Chancellor Helmut Kohl and the Russian Prime Minister Viktor Chernomyrdin, as members of the International Contact Group. See: http://www.ohr.int/dpa/default.asp?content_id=380
7. Consociational theory presumes 'power sharing at the centre, supplemented with a high degree of decentralization', Biever, "After Dayton, Dayton? The Evolution of an Unpopular Peace", *Ethnopolitics*, Vol. 5, No. 1, p. 20. For an excellent analysis of the consociational and confederal paradigm Dayton demonstrates, see Sumantra Bose, "The Bosnian State a decade after Dayton", *International Peacekeeping*, Vol. 12, No. 3, October 2005, pp. 322-335.
8. Only two of the cantons do not represent clear ethnic majorities.
9. The term 'Bosniaks' refers to Bosnian Muslims.
10. Rebecca Everly, "Complex public power regulation in Bosnia and Herzegovina after the Dayton peace agreement", *International Peacekeeping*, Vol. 5, No. 1, March 2006, pp. 33-48.
11. See http://www.ohr.int/pic/default.asp?content_id=38563 (Accessed 20/01/2010)
12. Annex 10 of the GFAP provides the tasks and responsibilities of the High Representative.
13. Thorsten Gromes, "The Prospect of European Integration and Conflict Transformation in Bosnia and Herzegovina", *Journal of European Integration*, Vol. 31, No. 4, July 2009, p. 432 (431-447).
14. Bose, "The Bosnian State a decade after Dayton", *op.cit.*, p. 327.
15. Art. III 5a, Constitution of Bosnia and Herzegovina, 1995.
16. Biever, "After Dayton, Dayton? The Evolution of an Unpopular Peace", *op.cit.*, p. 17.
17. For an important survey on this public conviction, see, Sam Whitt, "Institutions and Ethnic Trust: Evidence from Bosnia", *Europe-Asia Studies*, Vol. 62, No. 2, March 2010, pp. 271-292.

18. David Chandler, "Building Trust in public institutions? Good governance and anti-corruption in Bosnia-Herzegovina", *Ethnopolitics*, Vol. 5, No. 1, pp. 85-99.
19. Despite the current scepticism that has been created amongst BiH's political elite in light of the crisis facing the EU, there is not doubt that BiH used to present important majorities in favour of European integration. For the two positions see, "The Missing Peace. The Need for a long term Strategy in Bosnia and Herzegovina", *Nansen Dialogue Centre Sarajevo and Saferworld* and Marie-Janine Galic, "The Western Balkans on the Road Towards European Integration", Friedrich Ebert Stiftung, December 2005. Available at: <http://library.fes.de/pdf-files/id/03273.pdf>
20. Paddy Ashdown and Richard Holbrooke, "A Bosnian powder keg", *The Guardian*, 22 October 2008. For some analysts it was this careful process that contributed to the adoption of those reforms. See Thorsten Gromes, "The Prospect of European Integration and Conflict Transformation in Bosnia and Herzegovina", *op.cit.* p. 439 and Bieber, *op.cit.*, p. 21.
21. "Bosnia's Incomplete Transition: Between Dayton and Europe", *International Crisis Group*, Report No. 198, 9 March 2009, p. 2.
22. UN Press release, "Amid "Political Impasse", Bosnia and Herzegovina at crossroads in Bid for Euro-Atlantic Integration, Security Council Told," Security Council, SC/9795, 23 November 2009. <http://www.un.org/News/Press/docs/2009/sc9795.doc.htm> (Accessed on 22/01/2010).
23. Commission Staff Working Document, Bosnia and Herzegovina 2009 Progress Report, p. 10. http://ec.europa.eu/enlargement/pdf/key_documents/2009/ba_rapport_2009_en.pdf (Accessed on 20/01/2010)
24. Conclusions on Bosnia and Herzegovina, extract from the Communication from the Commission to the Council and the European Parliament, 'Enlargement Strategy and Main Challenges 2009-2010', COM (2009) 533 final.
25. "Bosnia's Incomplete Transition", *International Crisis Group*, *op.cit.*
26. *Ibid.*
27. *Ibid.*
28. This advocacy appears more frequently after Kosovo's self-declared independence.
29. "Bosnia's Incomplete Transition", *op.cit.*, p. 10.
30. Gromes, "The Prospect of European Integration and Conflict Transformation in Bosnia and Herzegovina", *op.cit.*, p. 437.
31. National elections have been scheduled for October 2010.
32. It was positively assessed by the High Representative at the time, Miroslav Lajčák. See <http://www.eusrbih.eu/media/pr/1/?cid=5400,1,1>

33. Declaration by the Steering Board of the Peace Implementation Council, 27 February 2009, http://www.ohr.int/pic/default.asp?content_id=41352 (Accessed on 22/01/2010)
34. http://www.se2009.eu/en/meetings_news/2009/10/21/joint_statement_by_foreign_minister_carl_bildt_and_deputy_secretary_james_steinberg_on_bosnia_and_herzegovina (Accessed on 25/01/2010)
35. Only Sulejman Tihić was in favour of the package offered. See International Crisis Group, "Bosnia Dual Crisis", Policy Briefing No. 57, pp. 4-8.
36. *Ibid.* p.12.
37. Dušan Reljić, "The West Balkans between the EU, the USA, and Russia", *SWP Comments*, No. 19, August 2009.
38. Bieber, *op.cit.*, p. 27 (pp. 15-31).
39. Ashdown and Holbrooke, "A Bosnian Power Keg", *op.cit.* The way in which effective US engagement in ending the war in Bosnia was related to the US image as an effective world leader, is discussed in Fotini Bellou, "Srebrenica-The War Crimes Legacy: International Arguments, Intervention and Memory", *Journal of Southeast European and Black Sea Studies*, Vol. 7, No. 3, September 2007, pp. 387-398.
40. Open letter by Paddy Ashdown, Wolfgang Petritsch and Christian Schwarz-Schilling, "Assuring Peace and a European future in Bosnia and Herzegovina", 18 October 2009, <http://www.balkangoeseurope.eu/>
41. Bibliography on this issue is immense. See Pauline Neville-Jones, "Dayton, IFOR and Alliance Relations in Bosnia", *Survival*, Vol. 38. No. 4, Winter 1996-97; Thomas W. Lippman and Ann Devroy, "How Clinton Decided That U.S. Had to Lead in Balkans", *International Herald Tribune*, 12 September 1995; Leonard J. Cohen, "Bosnia and Herzegovina: Fragile Peace in a Segmented State", *Current History*, Vol. 95, No. 599, March 1996; Richard Holbrooke, *To End a War*, New York: Random House, 1998; Carl Bildt, *Peace Journey. The Struggle for Peace in Bosnia*, London: Weidenfeld and Nicolson, 1998; and James Gow, *The Triumph of the Lack of Will. International Diplomacy and the Yugoslav war*, London: Hurst & Company, 1997.
42. Nicholas Kulish, "Biden Warns Bosnians About "Old Patterns", *New York Times*, 19 May 2009.
43. Ashdown, Petritsch and Schwarz-Schilling, *op.cit.*
44. This vision contradicts the suggestion made by the former US Ambassador William Montgomery about the prospect of different secessions in the region. See William Montgomery, "The Balkan Mess Redux", *The New York Times*, 4 June 2009. Available at: <http://www.nytimes.com/2009/06/05/opinion/05iht-edmontgomery.html> (Accessed 25/01/2010)

45. *Op.cit.*, quoted in Castle, “For Bosnia, Future May Hinge on Irish Vote”.
46. *Ibid.*
47. For a well-documented criticism over the “cautious” EU policy towards BiH, see Giulio Venneri, “Beyond the Sovereignty Paradox: EU ‘Hands-up’ Statebuilding in Bosnia and Herzegovina”, *Journal of Intervention and Statebuilding*, Vol. 4, No. 2, June 2010, pp. 153-178.
48. Further discussion on the comprehensive approach in international crisis management is not strictly relevant to the purpose of this analysis.
49. The operation is in close cooperation with NATO, since it functions under the ‘Berlin Plus’ clause.
50. Bosnia and Herzegovina 2009 Progress Report, COM (2009) 533, SEC (2009) 1338, Brussels, 14.10.2009, p. 6.
51. *Ibid.* p. 5.
52. See also Sven Gunnar Simonsen, “Divided Loyalty. Elections test Bosnia-Herzegovina’s unity”, *Jane’s Intelligent Review*, September 2010, pp. 30-36.