

Kurt Bassuener *: Bosnia-Herzegovina, the EU and the International Community

The situation in Bosnia and Herzegovina has now reached a critical point.

The assumptions that were widely held in 2005, when the current approach was adopted, have been proven wrong. At that time, the prevalent view in the international community was that Bosnia was moving irreversibly toward becoming a functioning state, and toward EU and NATO membership. It might move slower than we'd like to see, but it was only a matter of time until it got there. The international community could afford to continue dismantling the safety net that it had created for Bosnia.

2006 should have made clear this was not the case, but the international – especially EU – approach has remained on bureaucratic autopilot ever since, despite the deteriorating political situation. This has generated increasing uncertainty in Bosnia, as all the rules that previously applied after Dayton have been violated without consequences. The return of organised violence was unthinkable in early 2006. Four years later, it is no longer. There is a sense that the international community has no strategy for Bosnia, and is fixated on reducing its own responsibility. This projection of weakness has emboldened all those political leaders who espouse unfulfilled agendas to cross previously sacrosanct red lines.

The EU has become wedded to its own enlargement theology. The enlargement approach relies on certain assumptions. It assumes that the EU has a legitimate and representative set of political interlocutors with which to work, that these interlocutors genuinely want to join the EU, and are willing to do the political lifting to join the club. This is not the case in Bosnia. But the EU has forgotten that it began the enlargement process without a script – it was an experiment. In this way, the EU is a victim of its own success with the previous waves of enlargement – it now believes it has the magic formula, and it need only plug and play. The end of Bosnia meeting the conditions to join the Union is appropriate and worthy, but the means by which the EU pursues that end need to be adapted.

We need to ask why the international community is still engaged in Bosnia? It's because Dayton Bosnia is dysfunctional. Why is it so? Because it empowers a narrow parasitic stratum and makes communal division politically profitable. There has been much discussion and effort devoted to constitutional reform in Bosnia, but very rarely is it walked back to why it is required. It is not because this clause or that article needs to change. It is because the

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current system is not truly democratic but oligarchic in nature, and lacks popular legitimacy. If constitutional reform does not address that problem, it misses the point.

What we see now is competing imperatives at play. An incremental approach to reform could make sense if there were an open-ended timeline, and the rules were clear to all and firmly enforced until Bosnia is proven capable of self-reform, in which case, it would pursue Euro-Atlantic integration without additional needed pressure or inducement. The clarity that the international community is not in a hurry would change the calculus of all the domestic political actors, and citizens as well. But if there is insufficient will to commit for the long haul, then there needs to be far great effort devoted to achieving the changes that will allow Bosnia to function on its own. The international community is attempting to apply an incremental approach in a fixed timeframe, which cannot possibly succeed.

The fiasco of the “Butmir process” is the latest iteration of this doomed approach. Despite its failure, neither the EU nor the US has admitted Butmir is dead – they won’t let it go. Because of the incessant discussion of transition as a goal in itself in many quarters, especially from the EU institutions and a wide array of member states, RS Prime Minister Milorad Dodik believes he can keep the Dayton structures, but get rid of the Dayton enforcement mechanisms. He has been abetted by many internationals in his quest. Many are so desperate for a “deliverable,” a signifier of success, that they’ll take anything.

What is surreal is one gets the sense that the EU believes that Bosnia’s problems are far away, that if Bosnia were to fester or collapse, it could escape the consequences. This is utterly myopic. Dayton Bosnia has a “made in America” label on it. If it fails, the US would get a big foreign policy black eye, which would have global repercussions. But it could conceivably check out. But the EU is well within the event horizon of a failing Bosnia. There is no escape. So it had better get this right, if for nothing else the sake of its (yet unestablished) credibility as an international political actor.

Luckily, there is good news. The Swedish Presidency of the EU shows that a small to middleweight EU member – really just one determined foreign minister, Carl Bildt – can steer the whole EU’s foreign policy if effectively unopposed. This was very damaging with Butmir, but shows that minor shifts within the EU among its members could yield a substantially better policy. My own view is that the US can be a catalyst for this, working to build a coalition within the EU for a more strategic policy. Britain is a natural partner, but Germany is the centre of gravity – with Germany on-side, there can be critical mass.

The centrality of the US position was shown most recently in the decision not to extend the mandates of international judges and prosecutors in the organized crime and corruption chamber of the Court of Bosnia and Herzegovina. Had the US maintained its earlier position that these personnel should have their contracts renewed, there would have been a strong coalition in the Peace Implementation Council (the *ad hoc* international body that oversees the Dayton Accords and the international High Representative) – The US, Britain, Turkey, Canada, Japan, the Netherlands, Spain, and (with some effort) Germany. France and Italy

would have gone along, and Russia would have disagreed with a footnote. With the US too vested in the already failed “Butmir process,” it flip-flopped in the hope of appeasing Dodik, and only Turkey and Canada maintained their positions.

There is still time to make 2010 the year that the backsliding in Bosnia was brought to a halt, and the country began on the road to real democracy, accountable governance, and self-propelled reform and Euro-Atlantic integration. To do this, some clarity is needed that there still are rules. If the US, EU, Turkey, and other Western powers made clear that while constitutional reform will not be imposed, the Dayton enforcement mechanisms – the Office of the High Representative and a EUFOR with a Chapter 7 mandate – will remain so long as the Dayton structures do, and they will be used accordingly. The credibility deficit that has opened up as a result of four years of drift would have to be confronted and overcome. But once the general population was reassured that the state would not be allowed to fall apart (which could only be violent) and that any solutions would have to have their (not just their politicians’) approval, fear would lose its potency as a political mobilization tool, and the 2010 elections could provide an avenue for constructive change.

In the election campaign, the EU in particular should spell-out with great specificity the benefits in the immediate and near term of adopting EU-required reforms and structures, and the costs of having failed to do so to date, sector by sector, issue by issue. This would allow voters to make informed choices in their own self-interest.

I am convinced that if they are allowed do so, and if the international community rises to the occasion, 2011 can be the beginning of Bosnia’s development as a functioning democracy for all its citizens.

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