

The EU's Responsibility Failure in Bosnia

Two decades after the Dayton Peace Agreement ended the 1992-95 war, Bosnia and Herzegovina presents risks that the European Union would rather avoid than confront

The Dayton Peace Agreement's 20th anniversary is upon us, and ensuring a safe and secure environment - the focus of Annex 1 of the agreement - is a sine qua non of progress in Bosnia and Herzegovina. Yet this gets short shrift in the European Commission's new model Report on Bosnia and Herzegovina, which was published only two weeks short of Dayton's anniversary. The report's annex - where the context of EU engagement is explained more fully - perhaps gives a clue as to why this is so.

Primacy without Responsibility

The annex dutifully repeats the boilerplate (though dubious) assertion that "EUFOR retained its deterrence capacity to support a safe and secure environment." But a more telling reflection comes in the summary explanation of the country's structure of governance and the Dayton Peace Agreement. The report refers to the international Office of the High Representative simply as "an international presence under UN auspices," and then jumps immediately to the Peace Implementation Council's objectives and conditions for the OHR's closure - with not a word about the High Representative's role as final authority for the interpretation and enforcement of the Dayton Peace Agreement. As I scrawled in anger on my hard copy, "nothing about its purpose?! It's just here in your space?" The power of the OHR to enforce Dayton obligations is not mentioned.

To my mind, this cursory description, taken together with the (long-established) weasel-worded reconfiguration of the EUFOR mandate, conveys brilliantly the mentality with which the EU has been approaching Bosnia and Herzegovina - and its international partners in Bosnia and Herzegovina - for some time. It seeks primacy. But it doesn't want the responsibility that this primacy entails. The Dayton enforcement, however, is an international responsibility,

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ty. This is an ill-fit with the EU's enlargement approach, in which the onus is on the applicant. But instead of accepting the need to accommodate the differentiation of roles in Bosnia and Herzegovina - perhaps accepting that the US should hold the reins of the hard-power instruments the EU eschews - the EU has consistently conveyed its disdain for enforcement and worked overtime to hollow-out Dayton's enforcement tools: the OHR and EUFOR.

Despite its mandate having just been renewed by the UN Security Council, at just 600 troops and with no operational helicopter lift, EUFOR is now a shadow of its former self, and far smaller than the NATO Stabilization Force it succeeded 11 years ago. Capability to even secure Sarajevo International Airport is widely questioned by the Western military professionals I interviewed; some even doubted the ability to defend its own base in Sarajevo's suburb of Butmir itself, if challenged. EUFOR's own polling from a year ago, obtained by the author, demonstrates the effect of this policy of retreat from hard security: the reduction of the sense of public security. Seventy per cent of those polled described the security situation in Bosnia and Herzegovina as "fragile, instable

(sic), or critical." There are ample reasons for this perception of insecurity, as my colleagues and I demonstrate in our security study series and numerous other writings. Bosnia and Herzegovina is in the midst of a deterrence failure.

The EC's 2015 Report on Bosnia and Herzegovina, which was finally released on November 10, is shot through with the underlying contradiction in the EU's policy. The report repeatedly points out the problems of meeting *acquis* obligations stemming from the Dayton structure of the state, but remains agnostic as to how to resolve these issues. It doesn't advocate - or even intimate an interest in - a wider functional reform of governance in Bosnia and Herzegovina to enable it to serve its citizens better. And in its policies, it frowns on enforcing the admittedly deficient and problematic Dayton rules. So effectively now there are no rules.

Progress, Stalling, Regression

In only the most recent example, the EU's effort to maintain the self-generated "momentum" of its reform agenda, the temptation will be to find a face-saving solution for the President of Republika Srpska, Milorad Dodik's challenge to the legitimacy of the state judiciary - and the international actors who fostered its development. If, as I fear, this low road is taken - giving Dodik something - it will only dig the hole deeper and further diminish international credibility in Bosnia and Herzegovina. Bosnia and Herzegovina today is far better off than it was in 1995 when the Dayton Agreement was signed. But far more telling is the arc of progress, stalling, and now regression since then - it is worse off in many ways than it was ten years ago.

Even with the EUFOR mandate extension, as Bosnia and Herzegovina enters its 21st post-war year, its security is less ensured than at any time since the war. EU spin and evasion can't change that - only a policy shift can.