

# West's Last Chance To Get Serious on Bosnia

*By Bodo Weber*

Talk of partition as 'inevitable' is in danger of becoming an attractive excuse for the EU and US to make a speedy exit from Bosnia's current stalemate.

At the end of a year in which the political crisis in Bosnia has finally made it back to the international public, and of intense EU-US diplomatic efforts, talk of partition has become a legitimate political position in the West's policy debate.

In a recent article, Mathew Parish, former chief legal adviser of the Brcko District international supervisor, argues that the disintegration of the Bosnian state is "inevitable" and urges the international community to change its policy towards peaceful moderation of the independence of the Bosnian Serb entity, the Republika Srpska ("Republika Srpska: after independence", Balkan Insight November 19, 2009).

The problem with this argument is not that its analysis and conclusions are fundamentally wrong. It has the dangerous potential of becoming increasingly attractive among Western policy makers.

The year began with High Representative Miroslav Lajcak's flight from office and is ending with the floundering talks about the so-called Butmir package of reforms, and last week's lacklustre meeting of the Peace Implementation Council, PIC, Steering Board.

In this bleak policy environment, with growing desperation both in and on Bosnia, it is hardly surprising that talk of Bosnia's dissolution as a state has moved from the background in some European capitals to public discourse. It has the appeal to the uninitiated of simplicity, but it would be anything but simple to execute.

To understand this dangerous development, it is necessary to understand how we got to the current crisis in Bosnia, what we are dealing with, and where we stand now.

The fact that Bosnia has fallen back into serious crisis almost a decade-and-a-half after the end of the 1992-5 war is not so much the result of domestic Bosnian politics as a consequence of the insufficiencies and false assumptions of international policy.

The Western intervention that led to the Dayton post-war order left aside the question of the functionality of the Bosnian state in order to achieve a political agreement. After the war was brought to a close and public security restored, it rapidly became clear that the Annex 4 Dayton constitution and the governing structures that flow from it left much to be desired, but the Western response has been ad hoc throughout.

No comprehensive state-building and democratization strategy emerged, let alone the will to implement it. Instead, the international community entered the state-building business by empowering the Office of the High Representative, OHR, with extensive powers – the so-called Bonn powers – but without a strategy (at least not one beyond those developed by two most active High Representatives, Wolfgang Petritsch and Paddy Ashdown). The wish to exit from this resource-intensive engagement has been effectively unchallenged for four years.

The current deep crisis follows the failed application of two standard toolboxes of international politics in democratizing and state building: The first one consisted of identifying pro-democratic political forces, parties and leaders as the partners to bring into power for transforming the country from top-down. A more systemic approach would be built on the recognition that for structural reasons all major political actors are part of the problem, not of the solution, and that it is necessary to both transform the given institutional framework of political action and the actors.

The second standard toolbox that was initially added to, and then replaced, the first was EU integration, which was introduced after international responsibility for Bosnia shifted from US leadership to Europe after the September 11, 2001 attacks. The problem is not the goal itself: EU integration is, in fact, the only reasonable end for Bosnia's transformation towards a democratic and stable sovereign state. Yet it is not a sufficient means to get there, given Bosnia's specific political environment. It assumes the existence of democratic partners that are willing to do the political heavy-lifting to join the club. This is hardly evident in Bosnia.

When these standard approaches collapsed somewhere in 2006, this did not lead to change of policy instruments but a move towards increasing political irrationality on the side of the EU. Instead of changing EU policy instruments, the European Union engaged in faking the reality on the ground, trying instead to adjust it to the EU approach and not vice-versa. Success was declared, and the representativeness of Bosnian political elites was assumed. "Transition" from international authority by closing the OHR and handing over political responsibility to the Bosnians was declared a means to "ownership" and the restoration of full sovereignty. In fact, it served as a cover-up of growing Bosnia fatigue and a wish to shirk political responsibility for Bosnia. In so doing, the EU created a power vacuum and an insecurity that unnecessarily expanded the space for the politics of ethnic polarization and blocking reform, which had been reduced in the early part of the decade.

The breakdown that occurred at the beginning of this year has led to a gradual retreat of the EU and a gradual admission of the deteriorating situation on the ground, but not to a fundamental policy rethink or change. Instead, the EU has speeded up its desperate efforts to find a way to run away from the problem. But the EU got trapped in this mission impossible, with the ill-planned Butmir talks developing into a showdown that has produced no results but inflicted enormous additional damage.

Trying to obtain concessions from the Bosnian party leaders to get the OHR closed, conditional on some constitutional reform, has proven impossible. The international community has whittled the "package" down in an attempt to get the Republika Srpska premier, Milorad Dodik, to accept. But Dodik knows that if he continues to refuse, the international community may well give in altogether. The Bosniak and Bosnian Croat party leaders on the other side are well aware that by signing on to what is presented as incremental progress, they in fact would consent to the international community's effective departure from Bosnia.

A year has been wasted. With the breakdown of the EU's current approach, the upcoming change of the EU presidency and the personnel and organization changes ahead in Brussels following acceptance of the Lisbon Treaty, and with Bosnia's upcoming election campaign, the next year is unlikely to see significant progress.

Meanwhile, the US has discredited itself, moving from Vice President Joe Biden's visit in May, when he pressured the EU to accept Bosnia's deteriorating reality, to sending Deputy Secretary of State James Steinberg to Butmir and playing by the EU's rules.

It is time for the international community to get serious on Bosnia. There are a number of theses and arguments circulating around on what is actually going on in Bosnia that serve to legitimise the international community's, and particularly the EU's, lack of political will.

1) Closing OHR is the way to ownership, and those that argue against it want to keep a dependent "protectorate." Wrong. Dayton Bosnia has never been a real protectorate with the international community having full responsibility and calling the shots. Moving from a deteriorating situation in which international and local actors all have roles to shutting down the international institutions overnight will not bring about ownership but catastrophe. The only way to true ownership is a strategy that leads to a system that can function without international involvement.

2) Dodik's regime represents the "Bosnian Serbs" and thus has popular legitimacy and stability. Wrong. The political rise of Dodik is much more the unintended product of the direct interventions of the international institutions in Bosnia in the political system than the expression of any collective will in the RS. Almost 80 per cent of the citizens in all of Bosnia and Herzegovina in several polls over the last year have made it clear that they don't identify with any part of the political elites. The Dodik regime is not nearly as stable and eternal as is commonly perceived. There are already clear signs of erosion, both political and economic.

3) Dodik is a rational actor in full control over the consequences of his populist policy. Wrong. He has set in motion a political dynamic that has already slipped out of his control. The political agenda and management style he has pursued has resulted in his facing corruption charges by the Bosnian state court's chamber for organized crime. He has manoeuvred himself into a position where he appears to feel the need to destroy the state's post-Dayton institutions in order to escape prosecution, linking the fate of the Bosnian state to his own personal fate. His populism has led him to a point where he cannot compromise, or accept the minor concessions sought in order to have the OHR closed, even while this prevents him from succeeding in his ultimate aim, which is to have unrestricted control over the RS by eliminating the OHR, with its executive Bonn powers.

4) There is no threat of a return to ethnic war and conflict because there are no ethnic armies any longer and none of the political players is interested in it. Wrong discourse. There is real potential for new ethnic violence, but it comes from the lack of security forces that function independently from politics, and the lack of an independent judiciary capable of enforcing the rule of law. This means that a local incident that is not ethnically motivated can easily escalate into wider ethnic clashes. The recent violent clash in Siroki Brijeg, between the inhabitants of this West Herzegovinian Croat stronghold and the supporters of the Sarajevo soccer team, should stand as a warning to those denying the dangers. The victim of the shooting, a supporter of the Sarajevo soccer club, had a Croat and not a Bosniak first name. Had it been otherwise, who knows what might have happened?

In a situation where international policies have become so highly irrational that even the ordinary Bosnian citizen is able to sense it, where the confrontational dynamics of local politics have slipped out of the elites' control, and with the foreseeable further radicalization of political rhetoric in the upcoming election campaign, everything is possible.

To avert the realization of this volatile potential, the EU and the US must change their current policy and get serious on Bosnia. What has to be done does not demand the investment of any huge additional resources, just political will:

- The roles of High Representative and EUSR should be decoupled, with the "reinforced" EUSR performing its role of assisting Bosnia in the enlargement process, and the High Representative holding the line to ensure Dayton implementation and compliance, not to enforce state building. Maintain EUFOR with its current strength and Chapter VII mandate.

- PIC member states must allow the High Representative to extend the international judges' and prosecutors' mandates, thus preventing the disintegration of the state court.

- The EU and NATO both need to make clear that while constitutional reforms will not be imposed, they are conditions for Bosnia's further progress toward membership. Clear guidelines are needed. An international expert commission with a mandate to interact with civil society and citizens at large, not just politicians, should attempt to identify workable solutions for Bosnia's governance.

Without this substantial shift, arguments about the inevitability of Bosnia's disintegration will become an attractive excuse for a lack of political will and turn into a self-fulfilling prophecy.

The option to allow the RS to become independent, despite its faux simplicity, does not exist &ndash; at least not without more violence. This would not simply be the creation of another state on the Balkans, as was Montenegro. An attempt at RS independence would be attended by certain violence of unpredictable scale, and would throw the whole region back into conflict and instability. The international community shouldn't delude itself about the stakes in its frantic search for an exit.

There is absolutely no need to allow Bosnia's disintegration. After nearly a decade-and-a-half of post-war engagement, the international community risks reopening Pandora's box due its own divisions and lack of strategic patience. This lack of will, particularly from the EU, to recognize that the Bosnian governance system is the reason why its normal enlargement approach isn't working, has led to the unnecessary escalation of rhetoric and risk. A consolidation of international will to face the problem squarely is what is needed to reverse this dangerous trend.

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