V   NORM BUILDING – THE THIRD PHASE
OF STATE BUILDING (2001 -)

The third phase of the international intervention in Bosnia-Herzegovina is taken to begin in 2001 and extend beyond as the intervention continues. The reader has probably noticed that the phases of the intervention, although delineated in time, overlap and their temporal borders are not firm and fixed. The intervention flowed from a focus on security onto institutions to culminate with a focus on norms, but these phases are not strictly separated. In this sense, norm building originates in the earlier phases and comes as a further step down the evolutionary path of the intervention in Bosnia-Herzegovina.

Norm building, as already explained in the theoretical chapter, has a dual meaning. On the one hand, norms reflect actual behavior among actors and give rise to expectations as to what will be done in a particular situation. On the other hand, they reflect a prescribed pattern of behavior which gives rise to normative expectations as to what ought to be done.

When applied to Bosnia-Herzegovina, norm building marks a crucial period in Bosnia's state building because it reveals the role local actors are or are not willing to play in Bosnia's future. If local actors are willing to assume responsibility for strengthening the state, Bosnia-Herzegovina has a chance to survive. If they are not willing to assume responsibility after the international community ends its engagement, Bosnia-Herzegovina has only slim chances of survival.

How Bosnian parties can overcome their antagonisms and begin to cooperate of their own free will and without constant foreign pressure to do so is the key question. Successful conflict regulation would represent a decisive step towards political cohesion. The international intervention in Bosnia-Herzegovina has evolved from a scattered and uncoordinated mission to strategic policy making in certain core areas that are recognized as basic elements of a stable and self-sustaining state structure. The interveners have undergone a transformation from not having enough power to having so much power that they have to

consciously restrict it in order to foster the development of local *know-how.* This is a demanding phase for both local and international actors, because the former have to learn how to increase their capacity to rule, while the latter have to learn how to reduce it.

The entire project of external supervision and state engineering is not based on any preconceived or tested formula, but is being upgraded on a step-by-step basis. The criteria for evaluating the role of the interveners will not be the scope and diversity of the actions carried out, but will instead be the relevance of these actions in contributing to peace and stability in Bosnia-Herzegovina. Failure to transfer the process to the local actors would represent a failure of the intervention.

V-1 PREMISES THAT DRIVE NORM BUILDING

One of the goals of the phase of norm building is to make the institutions of the state fully functional. Before power can be limited, it has to exist. One of the problems of governance in a society like Bosnia is not that there is too much power, but rather too little power vested in state institutions. The institutions have extremely limited authority and this undermines the prospect for effective rule by a functioning state. The empowerment of the newly-created institutions is actually what the third phase is all about. The task is ever more demanding in a society such as Bosnia because of its internal divisions.

Huntington pointed to the challenges of modernization and governance in his book *Political Order in Changing Societies*. He defines political community in terms of the relationship a society has achieved between its political institutions and the social forces that comprise it. A social force is an ethnic, religious, territorial, economic, or status group. Modernization involves, to a large degree, the multiplication and diversification of the social forces in society. Although Huntington writes about modernization, we could also extend his analysis to the sort of transition that a society such as Bosnia experiences as it is transformed from a state of war to a state of peace. The peace process is defined by a change of values and principles and it is only all too normal that it creates diversifications and further divisions within the society, or at least a regrouping among the previous segments. The problem of

transition from war to peace is further exacerbated in a society that is complex to start with, involving various segments, each of which has its own particular interests to tend to. If a society is rather simple, being composed of one predominant ethnic, religious or occupational group, then the changes that transition places upon it are demanding, but may not lead to severe divisions within the society because the notions of winners and losers is not so threatening. If the majority shares the same identity in a society, the consequences that a change causes within that society will be shared by the majority of its members. However, in a more complex society any change that society undergoes will cause different reactions within the different groups belonging to it and will thus bring additional stress upon an already fragile social fabric. "The more complex and heterogeneous the society, however, the more the achievement and maintenance of political community become dependent upon the workings of political institutions."[354]

Political institutions are an arrangement by means of which a society resolves disputes, selects representative leaders and thus promotes community among two or more social groups. Political institutions cannot be created or maintained in a society in which the main social groups view each other as archenemies, at least not until these perceptions are changed. There must be some compatibility of interests among the groups that compose that society. In addition, a complex society also requires some definition of the general principles or ethical obligations that define the bond which holds the groups together and which distinguishes their community from other communities.

The obligation to some principle, tradition, myth, or purpose that the persons share is essential for the normal existence of such a society. "Among the laws that rule human societies," de Tocqueville observed, "there is one which seems to be more precise and clear than all others. If men are to remain civilized or to become so, the art of associating together must grow and improve in the same ratio in which the equality of conditions is increased."[355] De Tocqueville's advice is therefore that

[354] Samuel P. Huntington, *Political Order in Changing Societies* (New Haven: Yale University Press, 1968), p. 9.

[355] Alexis de Tocqueville, *Democracy in America* (New York: Knopf, 1955), p. 118.

if conflict is to be avoided, the development of political institutions has to promote the development of the art of associating. Having the right to participate is not enough to avoid a conflict. Very often conflict is instigated when the right to participate is granted to all, if at the same time the members of society have not yet devised ways how to peacefully associate with each other.

In the case of Bosnia-Herzegovina, the glue that kept the society together seven years after the war was being provided by the international community, which did not have a clear idea how to create a functioning state out of a dispersed institutional structure. Its general formula is that governments should be based on free and fair elections. In the post-war Bosnian context, however, this formula proved irrelevant. The problem is not to hold the elections, but to create functioning institutions. In Bosnia-Herzegovina elections enhanced the power of disruptive and reactionary social forces. The capacity of elections to actually slow down the peace process is not an exclusive Bosnian phenomenon; it was stressed by a number of scholars analyzing other post-Cold War cases.[356]

> The primary problem is not liberty but the creation of a legitimate public order. Men may, of course, have order without liberty, but they cannot have liberty without order. Authority has to exist before it can be limited, and it is authority that is in scarce supply in those [transition] countries where government is at the mercy of alienated intellectuals, rambunctious colonels, and rioting students.[357]

Hostile groups cannot form a genuine society – a society can exist only if there is some compatibility of interests among its members. A norm-building phase should be exactly about this – to emphasize interests that facilitate peaceful coexistence.

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[356] For example, see the work of Stephen Stedman, Jack Snyder, and Michael Brown.
[357] Samuel P. Huntington, *Political Order in Changing Societies*, p. 7-8.

V-1a   The function of norms

Norms express the moral code or law concerning people's behavior towards each other or the prescription of how people should behave in a certain situation. Norms become valid by custom or by an act of formal imposition and then internalized. A norm that commands a certain behavior can be observed or violated. A norm is applied when behavior in accordance with the norm is observed and behavior violating the norm is abandoned.

Constructivist scholarship has broadened our understanding of the role played by norms in defining standards of interaction among groups who are to overcome their conflict. However, constructivism exhibits two weaknesses. First, constructivists fail to specify mechanisms how the adoption of each particular norm can constitute a change in the behavioral patterns of actors.

Second, constructivism is weak in theory development because the constitutive impact of one norm in one setting may not be the same in another setting. However, constructivists' "soft" theory captures a range of phenomena that take place in a changing world, the changes that realism, for example, cannot account for. In this regard, norm building as a part of state building intervention in Bosnia-Herzegovina most readily corresponds to constructivist literature, which itself is in the process of development in the same way as the phenomena it is attempting to research.

To have a powerful constitutive effect, norms must be empowered, that is they must change the interests and preferences of actors. The top-down approach of the international community in Bosnia-Herzegovina has been based on the notion that external pressure can be applied to domestic actors in order to change their preferences and thus their behavior. Social learning, after being initiated by foreigners, should over time become internalized and begin constituting a set of shared understandings. This process is based on notions of complex learning

drawn from cognitive and social psychology, where individuals, when exposed to the prescriptions embodied in norms, adopt new values.[358]

"Introducing new order", as Machiavelli warned centuries ago, is the most difficult task for a prince. It is because both Machiavelli's prince and the modern ruler has to simultaneously perform two tasks – defeat those who benefited from the old order and attract those who have not yet benefited from the new one. When applied to the Bosnian context, introducing a new order, or norm building, has focused on eradicating nationalism. Thus, the international community has opposed ethnic intolerance and introduced norms that foster multiethnic tolerance. In doing so it has had to marginalize nationalists and attract supporters for its multiethnic cause. The peace process in Bosnia-Herzegovina in essence revolves around the conflict between these two ideologies. The one that wins will determine the future of the country.

Friedrich Kratochwil explains that "all rules and norms are problem-solving devices for dealing with recurrent issues of social life: conflict and cooperation."[359] They are crafted through the challenges posed by everyday life and experience in meeting these challenges. The need to interact requires that people develop and share certain rules and norms acceptable to all those involved. This is so much more important for people who live close to each other than those who live further apart, because proximity necessarily creates opportunities for people to learn how to solve conflicts, advance their interests, and cooperate with others.

In the Bosnian situation the international community uses its power to keep the local sides together while, at the same, tries to instill in them the belief that staying together is the best option they have in life. Metaphorically speaking, the international community is converting Bosnian heretics to the faith of multiethnic tolerance. To do so, the

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[358] Jeffrey T. Checkel, "Norms, Institutions and National Identity in Contemporary Europe", *ARENA Working Papers* (WP 98/16), p. 7.

[359] Friedrich V. Kratochwil, *Rules, Norms, and Decisions. On th*e *Conditions of Practical and Legal Reasoning in International Relations and Domestic Affairs* (Cambridge, UK: Cambridge University Press, 1989), p. 69.

international community introduces rules and norms that foster tolerance that locals are expected to accept. What, in effect, the international community does is to demonstrate to the local population that their previous norms proved ill suited for the challenges of the current age and that in order for the local population to be part of a peaceful and prosperous world they have to adopt new norms, the same ones that govern successful societies.

What are the elements of the international norm building in Bosnia-Herzegovina? It is the introduction of normative standards that define relations among the Bosnian ethnic groups. Norm building is about replacing ethnic and religious intolerance with multiethnic tolerance. Designing and implementing multiethnic standards that fit the Bosnian situation should assuage inter-ethnic conflict and shift the attention of Bosnians from ethnicity to prosperity. Multiethnicity, of course, does not bring only benefits. Living it requires sacrifices and conscious decisions by community members to deliberately circumscribe some of their rights and ambitions in order for others within that community to also realize theirs.

An open society forces its members to get to know those different from them and to learn how to advance their interests without harming the interests of others. Harmonization of life in a divided society implies a growing compatibility of interests among divided groups over time, as no society can advance if its members need to invest huge amounts of energy into discussing every little issue regarding everyday life. Divided societies can overcome crises, but they cannot live in a permanent crisis. The solution that carries within it a promise of solving the crisis and leading to the harmonization of life is the one that has to prevail despite how difficult it may be to implement it.

It also has to be noted that there may be more than one solution to a crisis, and preferences for each solution may vary among the different groups involved. In the Bosnian case, advocates of both partition and multiethnic coexistence claim that their solution would strengthen the peace. However, since partition proved impossible to realize without bloodshed, the international community stepped in, discarded territorial partition as a legitimate solution to the Bosnian conflict and instead

replaced it with multiethnic coexistence as a way to a lasting peace. Multiethnic coexistence requires the growth of mutual trust among the groups in conflict, which is no easy task to achieve. Because progress in trust building is incremental, partition is occasionally reconsidered by those who believe that it can faster deliver results.[360]

Yet, in the course of the past seven years, the international community publicly remained committed to the multiethnic cause despite unofficial skepticism of some international officials. Some others, on the other hand, have tried to paint a rosy picture of multiethnicity and have tried to compel Bosnians to rejoice in having been granted an opportunity to live it, even though most internationals are aware of the difficulties involved in introducing it. However, the belief is that this is *the* way, no matter how hard it may be.

> Bosnia-Herzegovina's future lies in a successful unified and stable state fully integrated into European transatlantic structures. We are committed to helping Bosnia-Herzegovina reach that destination. But how fast you get there depends on your commitment to reform. That is the choice facing Bosnia-Herzegovina: reform or fall behind… The international community will work with all those genuinely committed to reform.[361]

Or, in the words of an OSCE official, "We are trying to change mentalities. But the people here have a limited view of what democracy means… Democracy is a work in progress everywhere. Here it's early on that road."[362]

Introducing normative standards in a post-war setting requires considerable investment. However, the calculation usually boils down

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[360] See Thomas L. Friedman, "Something strange is going on", *International Herald Tribune*, January 24, 2001 and William Pfaff, "Time to concede defeat in Bosnia-Herzegovina", *International Herald Tribune*, October 10, 2002.
[361] "Declaration of the Political Directors of the Peace Implementation Council Steering Board", September 24, 2002; available at www.ohr.int/pic
[362] Pascal Fieschi, OSCE Head of Mission in Kosovo quoted in an article by John Lloyd, "We came here to build a state, that's all", *Financial Times*, December 31, 2002, p.3.

to the following: the (relatively) short cost should deliver a (relatively) long benefit. A range of institutional, social and political arrangements, once in place, should generate patterns of costs and benefits that actors will not easily change if they believe that the ratio is optimal or close to it. Even in new circumstances, unless the cost-benefit ratio dramatically changes, actors are expected to retain the status quo because a change generates cost. Here I introduce the concept of path dependence as used in theory to explain the reoccurrence of certain patterns over time. One way in which theory explains path dependence is by treating actors as homogeneous: it assumes everyone makes roughly the same cost-benefit analysis favoring the status quo. This version of path dependence is common among economists. The second version treats actors as heterogeneous: costs and benefits are unequally distributed but the actors who prefer change are relatively weak while actors who favor the status quo – vested interests – are powerful enough to determine political outcomes. Both versions suggest that substantial change is likely to occur only as the result of exogenous shocks.[363]

Applying the latter version to the Bosnian situation, we see that nationalist parties wanted to protect their vested interests and thus the preferred status quo, i.e. the territorial partition of the country, while supporters of the country's reintegration were weak. The international intervention came as an exogenous shock that facilitated substantial change. The new normative standards should solidify the longer they are in place. Since they are imposed from the outside for a certain time period they require outsiders to safeguard them until a local force that has internalized them and that is capable of sustaining them becomes strong enough.

Norm building in Bosnia-Herzegovina is also about passing over the job to the locals, thus having the locals assume the responsibility for peace implementation. In a 2001 New Year message to the Bosnians, Wolfgang Petritsch, the High Representative, affirmed:

> My Office and the international organizations operating in
> Bosnia-Herzegovina will continue to insist on progress and on

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[363] Gerard Alexander, "Institutions, Path Dependence, and Democratic Consolidation", *Journal of Theoretical Politics*, 13(3): 249-70 (July 2001).

improvement in the lives of the country's citizens. Our strategy is consistent, focusing on three priority areas: economic reform, return and property law implementation, and the building of a functioning state that can participate in the European integration process and in international trade and relations… in 2001, I will keep on using my powers to initiate the necessary change and trigger further positive developments. But the outside world notices which laws I impose, and which are passed by the usual parliamentary procedures. The latter counts much more. I can only provide a legal and institutional framework, while it is up to the citizens and officials to instill it into life and create a different reality. They have to take ownership of their country and create a modern, democratic and lawful state… Let me be frank and open: the clouds on the horizon are dark, forecasting difficult times. It is the last moment for you to change your attitude and become active. I can only help those who help themselves. And accept my help. Your officials must start acting responsibly, and you, the citizens, must hold them accountable and support much-needed changes, which will lead to a better future. You are the owners of your country and its fate. It is now or never.[364]

The ownership concept foresees Bosnians assuming the responsibility for their existence. It also implies that the normative standards that are introduced become internalized. In the course of adopting new standards, the meaning of the complex set of new relations becomes intelligible to actors when they start to acquire a common 'background knowledge', i.e., "a set of conventions by means of which they can in most cases correctly predict the actions of other actors."[365] In other words, the strengthening of background knowledge means taking certain things 'for granted'.

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[364] "High Representative's New Year's Message to the Citizens of Bosnia-Herzegovina", Sarajevo, January 2, 2001.
[365] Friedrich V. Kratochwil, *International Order and Foreign Policy. A Theoretical Sketch of Post-War International Politics* (Boulder: Westview Press, 1978), p. 2.

V-2   NORM BUILDING AS NATION BUILDING

Stretching the concept of norm building, one could say that in the Bosnian context this also implies nation building. As the reader may remember, in the theoretical chapter I made the distinction between nation building and state building. Although scholars, especially from the United States, interchangeably use state building and nation building, in this section I specifically refer to nation building as a process of constructing nations that is different from constructing the institutional structure of a functioning state.

According to most modern scholars, the nation is a construct of the modern imagination and an historical invention on the part of particular categories or classes of modern societies. Such an approach is the ultimate reaction against an evolutionary determinism which regarded the rise of nations as an inevitable process in the development of human society. The reaction against this kind of evolutionary explanation began in the post-Second World War era and was particularly associated with the idea of 'building' the nation. But the Deutschian concept of nation building, although theoretically it should have reinvigorated political activism, was fundamentally process based. It pointed to underlying socio-demographic processes (i.e. urbanization, mobility, literacy, communications) which set in motion and fuelled the growth of nations and the activities of nationalists.[366]

For Karl Deutsch, nation building signified the mutual adjustment of the processes of social mobilization and cultural assimilation, to produce the necessary complementarity of social communication and the creation of

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[366] Deutsch and Foltz explained what it means to overcome social and political attachment to a small ethnic, cultural, or linguistic group in the process of national integration. "Open or latent resistance to political amalgamation into a common national state; minimal integration to the point of passive compliance with the orders of such an amalgamated government; deeper political integration to the point of active support for such a common state but with continuing ethnic or cultural group cohesion and diversity; and finally, the coincidence of political amalgamation and integration with the assimilation of all groups to a common culture – these could be the main stages on the way from tribes to nation. However, since a nation is not an animal or vegetable organism, its evolution need not go through any fixed sequence of these steps." Karl Deutsch and W. J. Foltz (eds.), *Nation-Building* (New York: Atherton, 1963), pp. 7-8.

linkages between centers and regions. In general, national identity is in a process of flux even among the established nations. The changes of the modern era present nations with challenges that they need to face and adapt to, which in consequence also modify their identity, that is, how they perceive themselves. Constructing a nation from scratch then becomes a much more demanding task. The primordialist school holds that one inherits national identity like one inherits a skin color.[367]

However, a growing number of scholars view identities as constructed concepts. Individuals, as they go through their youth, are exposed to family, community, and national histories; they are brought up with a particular repertoire of languages and speech styles; they may be given training in certain religious rituals. Through being exposed to all this conditioning they adopt a variety of social categories – local, national, religious, linguistic. People also identify differently according to the different groups they refer to: within their country but outside their community they usually express their local identity; when outside their country, they may identify themselves with their nation.

> All societies… have cultural entrepreneurs who offer new identity categories (racial, sexual, regional), hoping to find 'buyers'. If their product sells, these entrepreneurs become leaders of newly formed ethnic, cultural, religious, or other forms of identity groups. As individuals grow up they consequently feel pressure… to organize 'identity projects'; that is to say, to choose the category that exemplifies them as individuals and ties them to a social group. These identity projects carry with them, whether in religious texts or social practices of past members, sets of beliefs, principles and commitments.[368]

Eric Hobsbawm and Benedict Anderson analyzed nationalism from the perspective of social engineering that led to inventing traditions and

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[367] See Cliford Geertz, *Interpretation of Culture* (New York: Basic Books, 1973).
[368] David D. Laitin, *Identity in Formation. The Russian-Speaking Populations in the Near Abroad* (Ithaca and London: Cornell University Press, 1998), p. 11.

imagining communities.[369] For these authors, such invented traditions are a peculiarly modern phenomenon. The term nationalism denotes a set of practices that are normally governed by overtly or tacitly accepted rules. The practices are of a ritual or symbolic nature and seek to inculcate certain values and norms of behavior by repetition.

For example, the post-Second World War Yugoslav experience of nation building highlights the role of social engineering in identity formation. Although the percentage of citizens who declared themselves as Yugoslavs was never large, research demonstrated the influence of social conditions on changes in self-perception of national identity. Authors of these studies, however, were humbled by the collapse of the Yugoslav project, and the persistence of newly constructed identities has been questioned.[370]

Proposing an alternative to the focus on social background conditions, several scholars began to examine the role of the state in manipulating a certain range of identities while ignoring others.[371] The state, when it acts as an agent of identity construction, forms social identities (distinct from personal identities), built from available categories that both divide and unite people in a society. People have *inter alia* national identities, racial identities, ethnic identities, religious identities, and regional identities. Issues of social identity become part of public discourse only when the categories themselves become fuzzy. "Self-appointed boundary-keepers arise to redefine these categories so that rules of inclusion and exclusion, as well as the behavioral implications of belonging to this or that category, can be clarified."[372]

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[369] Eric J. Hobsbawm, *The Invention of Tradition* (Cambridge: Cambridge University Press, 1983); ____, *Nations and Nationalism Since 1780* (Cambridge: Cambridge University Press, 1990); Benedict Anderson, *Imagined Communities* (London: Verso, 1991, Revised Edition).

[370] Duško Sekulić, Garth Massey, and Randy Hodson, "Who Were the Yugoslavs? Failed Sources of a Common Identity in the Former Yugoslavia", *American Sociological Review* 59: 83-97 (February 1994).

[371] Ernst B. Haas, *The Uniting of Europe* (Stanford: Stanford University Press, 1958); Mark Robinson and Gordon White (eds.). *The Democratic Developmental State. Political and Institutional Design* (Oxford: Oxford University Press, 1998).

[372] David Laitin, *Identity in Formation. The Russian-Speaking Populations in the Near Abroad*, p. 16.

Nationalist politics in general involve two interrelated identity issues. First is the issue of a 'national revival' in a relatively homogenous region within a culturally heterogeneous state. A second issue in nationalist politics involves the 'assimilation' of members of minority groups, or immigrants, into the new national culture. Nation building in a heterogeneous state that does not rely on national revival or assimilation is a task that has to be limited in ambition from the start. The heterogeneousness of the state implies that there are different identity formations within it. Forging a new, integrative identity in theory should bolster internal cohesion and the overall identity of the state, but no nation builder should expect that a new identity can in the short term, or ever, replace old ones. The attachments created through regional, religious, and family backgrounds are impossible to eradicate in order to impose a new formal identity. Such an undertaking is doomed to failure from the start.

The task, therefore, of those who set out to forge modern nations is more one of reconstructing the traditions, customs and institutions of the ethnic communities which form the basis of the nation than of inventing new traditions, that is to reinforce 'inclusive' rather than 'exclusive' traditions.[373] In this way manipulation and reconstruction can coexist and reinforce the process of nation formation. If it is possible to construct an identity that generates mutual reliance and reinforces intrasocial bonds without renouncing erstwhile identities and attachments, then nation building may succeed in constructing a possibly weak, but nevertheless harmonious identity.[374]

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[373] Anthony D. Smith, "The Nation: Invented, Imagined, Reconstructed?" in Marjorie Ringrose and Adam J. Lerner (eds.), *Reimagining the Nation* (Buckingham and Philadelphia: Open University Press, 1993), p. 16.

[374] See the interview with prof. dr. Esad Ćimić, the sociologist of religions, "Bosna kao sudbina [Bosnia as destiny], *Dani*, Sarajevo, March 10, 2000. Professor Ćimić argues that that it is Bosniaks who have the duty and the right to lead the reconciliation process and to create the framework for the Bosnian inclusive identity. "I think, although it may sound utopian, that the Islamic Community and Bosniaks, precisely because they are the main victims, have the moral right and the advantage to start the reconciliation process, to make steps that nobody expects of them." (Translation mine).

Nation building in this regard has two components. Political integration refers to the extent of similarity, or dissimilarity of values and attitudes in a multiethnic community trying to create a larger political entity.[375] If opposing groups can relate to a limited number of common identity issues, then there is a window of opportunity that these groups may continue to coexist in the same community. From there, providing there are no violent upheavals, such a community may grow into a more coherent union.[376]

Thus, a possible step forward would be to collapse some particular rights into collective rights for all in Bosnia-Herzegovina; to reduce the salience of particularistic identities that shape every imaginable aspect of Bosnian social, economic and political life and instead to construct a new identity that could be acceptable to all. The creation of this new identity cannot be solely based on the alleged ideal of the multiethnic tradition of pre-war Bosnia-Herzegovina. The new identity has to incorporate the current realities of the consequences of the war, but also take account of the broader international context in which the new Bosnian state exists.

This attempt at post-war nation building in Bosnia-Herzegovina thus should not be overly ambitious by attempting to create some perfect amalgam out of rich variety of Bosnian ethnicity, but neither can it declare itself dead simply because the task is not an easy one. Both strategies are wrong. The Bosnian state can be refurbished to attain some positive characteristics to which the majority of the Bosnian citizens could relate to and identify with. The genius lies in the capacity of nation builders to define realistic goals and to develop strategies of how to realize them.

An aspect of norm building that the international community can influence is the creation of strong, efficient and legitimate central institutions. The proper function of these institutions, as we observed

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[375] Gary K. Bertsch, *Nation-Building in Yugoslavia. A Study of Political Integration and Attitudinal Consensus* (Beverly Hills and London: Sage Publications, 1971).
[376] See William Shawcross, "The UN and Nation Building", *The Scotsman*, October 14, 2001.

from the example of the Central Bank of Bosnia-Herzegovina, can foster among Bosnians the feeling of belonging to a particular community. Thus, by creating an efficient democratic state, the international community is also affecting the norm building.[377]

> A multiethnic Bosnia is not an illusion designed by ambitious do-gooders. It is the answer to the war. Rebuilding a war-torn country and ending a war are about more than peace secured by troops. It means establishing functioning political institutions, it means economic reform, it means civil peace. We have come a long way down this road… So the real project for Bosnia is to integrate, not to separate. The concept of ethnic exclusiveness would lead straight to an atomizing of the Balkans, ripping away any political or economic stability.[378]

V-3   A CHANGE OF NORM – FIRST IN THE INTERNATIONAL CAMP

The main argument for the extension of the international mandate, every time the issue of exit was brought up, was that the international community could not pull out because the entire project would fall apart. The conclusion was not that the goal of reintegrating Bosnia-

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[377] The "Declaration of the Political Directors of the Peace Implementation Council Steering Board" at its meeting in Brussels on January 30, 2003 stated that the international goal remained the "full implementation of the GFAP, so that BiH would become a peaceful, viable state irreversibly on course for European integration." The following six core tasks were identified:
- Entrenching the Rule of Law,
- Ensuring that extreme nationalists, indicted war criminals and organized criminal networks cannot reverse peace implementation,
- Reforming the economy,
- Strengthening the capacity of BiH's governing institutions, especially at the state-level,
- Establishing state-level civilian command and control over the armed forces, reforming the security sector, and paving the way for integration into the Euro-Atlantic framework,
- Promoting the sustainable return of refugees and displaced persons.

[378] Wolfgang Petritsch, High Representative to Bosnia-Herzegovina, "Yes, Multiethnic Bosnia", *International Herald Tribune*, February 01, 2001.

Herzegovina was unreachable, but that it required a substantial amount of time and resources to be realized.

However, deliberately or not, the international community accommodated other ambitions in Bosnia, including those that were in opposition to the politics of the comprehensive reintegration of the country. As a result, an awkward situation was created in which the Dayton Agreement was used as a blueprint for processes that run contrary to each other forcing the international community to make an effort to develop a common and clear position.

In the first few years of the peace process, political realities forced all actors, both local and international, to accept the minimal state. Later, however, this began to change for a number of reasons. One critical factor was the evolution in the way the international community approached the problem. Initially, the international community established security and started the reconstruction program by working with the existing local power structures. However, since the Peace Implementation Council meeting in 2000, building a credible state became an explicit international objective. The PIC Declaration set out concrete institutions, including a professional civil service, a state treasury, a court of first instance, public corporations and the regulatory bodies and structures necessary for a Bosnian common market.

A second factor was the gradual weakening of the parallel power structures. With three parallel revenue, budgetary and payment systems where the three ethnic segments each had their own systems, the design of the state did not impact on the material well being of citizens or political elites. Constitutional mechanisms such as 'vital interest vetoes' were rarely used because they were not needed. However, as external subsidies dried up, the political elites on all sides began to realize that it was in their strategic interest to participate in the state. The renewed interest in constitutional matters was therefore a sign of progress.

On the occasion of the fifth anniversary of the signing of the Dayton Agreement, the Peace Implementation Council reaffirmed the international commitment "to promote enduring peace in Bosnia-

Herzegovina."[379] The year 2000 marked democratic transitions in both Croatia and Yugoslavia, a regime change that was believed would facilitate the process of normalization in Bosnia-Herzegovina.

> These changes in the wider region have created new opportunities for Bosnia-Herzegovina and opened its path to Europe. The European Union, with the support of the international community, has responded by setting forth a clear agenda to realize BiH's European orientation… The Steering Board calls for all concerned to cooperate democratically as fellow Europeans; for all refugees and displaced persons to be welcomed back; and for Bosnia-Herzegovina to function normally at state and entity levels alike. This can only be achieved in a new social and political atmosphere in which the citizens of Bosnia-Herzegovina finally look to the future in a spirit of reconciliation.[380]

The international approach evolved over the years of peace implementation. It started with a diffuse structure and solidified over time. The third phase of state building saw the most progress in this regard – the functional integration of international efforts in order to realize the functional integration of the Bosnian state. To do more was actually to do less. In this sense, the international community started to plan their policies carefully – they were to be directed towards a clear objective (the integration of the Bosnian state) and lower costs (optimal use of competences among the international agencies in Bosnia-Herzegovina).

A reassessment of the international mission was suggested by a number of observers for quite some time before it was actually decided to rethink the international approach. At the time the intervention had entered its

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[379] "Communique by the PIC Steering Board", Brussels, December 7, 2000; available at www.ohr.int/pic
[380] Ibid.

seventh year and it was high time that the international presence acquired both an efficient structure and a strategic vision.[381]

Five main problems were identified in relation to the international mission in Bosnia-Herzegovina: absence of overall vision and effective structures; lack of leadership and coordination[382]; duplication and non-cooperation; personality conflicts[383]; and economic reform.[384]

The international set-up in Bosnia-Herzegovina up to the year 2002 was described as a "nightmare of prevarication."[385] The general feeling of dissatisfaction and frustration led to a serious revision of the international role in Bosnia-Herzegovina. The recalibration required, at the very least, much better mechanisms of coordination. The lack of progress in strengthening central state institutions could be traced back to shortcomings both in the OHR's policymaking and in the management of the international intervention in Bosnia-Herzegovina. The need for further economic reform and the consolidation of the rule of law was likewise urgent. The proposals for change were discussed and elaborated for months at international forums in Bosnia-Herzegovina, at Peace Implementation Council meetings, and among various donors and embassies.

The High Representative's initial proposals, which involved drawing all international civilian implementation agencies (OHR, UNMBIH, IPTF,

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[381] See the "Inaugural Speech by Paddy Ashdown, the new High Representative for Bosnia and Herzegovina", Sarajevo, May 27, 2002; available at www.ohr.int

[382] For example, the draft of the maternity law envisaged extensive protection and reimbursement mechanisms that could not be realized in the dire economic conditions which Bosnia-Herzegovina faced after the war. Despite the good intentions of international lawyers who prepared the draft, its contribution to social protection in Bosnia-Herzegovina was zero.

[383] See, for example, Senad Pećanin, "Thomas Miller vs. Wolfgang Petritsch: Sukob istih interesa", *BH Dani*, No. 186, December 22, 2000; Amra Kebo, "West Considers Radical Bosnia Plan", *Balkan Crisis Report*, No. 259, Institute for War and Peace Reporting, June 27, 2001.

[384] *International Crisis Group*, "Bosnia: Reshaping the International Machinery", ICG Balkans Report No. 121, Sarajevo/Brussels, November 29, 2001.

[385] ICG interview with senior international official, September 27, 2001, quoted in ICG Balkans Report No. 121, p. 8.

OSCE, UNHCR, WB and IMF) around a single table chaired by the High Representative (the 'Table Model'), met with pronounced resistance.[386] Criticism from the OSCE, UNMBiH, the IFIs (International Financial Institutions), and various embassies and donors took two main forms: an objection to the subordination of civilian organizations to the OHR; and criticism that the plan was being driven by administrative rather than strategic interests. Several heads of mission reminded the High Representative that they were accountable to bodies far more prominent than his. The World Bank made it clear that it was responsible to its Board in Washington; the OSCE pointed to its Permanent Council in Vienna; and UNMBiH invoked the Security Council. Missions had their clear-cut mandates and under no circumstances would they be accountable to the OHR.

Wolfgang Petritsch then presented a revised proposal to the PIC Steering Board in Stockholm in June 2001. This envisaged a merger of the OHR, OSCE and UN missions in Bosnia-Herzegovina with the High Representative as a double-chair – as High Representative of the UN and also Special Representative of the UN Secretary-General. Although this proposal was better received than the earlier one, it was not endorsed. The Steering Board agreed that discussions on streamlining should commence on the basis of a phased, functional and transparent approach.[387]

At the September meeting in Brussels, international objectives were outlined. The presentation set out four core functions for the international community in Bosnia-Herzegovina: institution building, refugee return and reconstruction, economic reform, and the rule of law.[388] It also identified several possible time frames for the completion

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[386] There were comments like: King Arthur and the Knights of the Round Table Proposal. See "Volfgang Petrič želi apsolutnu vlast u BiH!", *Oslobođenje*, Sarajevo, June 16, 2001.

[387] "Communique by the PIC Steering Board", Stockholm, June 21, 2001; available at www.ohr.int/pic

[388] OHR Presentation to PIC Steering Board Political Directors, "Recalibrating the Activities of the International Community – the Challenges of Partnership", Brussels, September 13, 2001.

of the international mission in Bosnia-Herzegovina: a three to five-year period, a seven to eight-year period, and a twelve to fifteen-year period.

The Steering Board concluded that the Peace Implementation Council should define what it required of the peace process, so that the OHR could formulate an appropriate plan. The PIC agreed with the OHR that planning should be based on a seven to eight-year time frame, but that there should be an accelerated civilian implementation period from 2002 to 2005. Benchmarks – not deadlines – were deemed necessary for each main implementation objective. The OHR was given the task of preparing a comprehensive implementation plan that would contain strategies to achieve desired end states in four functional areas for the PIC Steering Board meeting in December 2001. It was also charged with streamlining the international community field presence and presenting options as to which agency should undertake a follow-on police monitoring mission.[389]

The December meeting asked for yet another revision of the High Representative's Action Plan, although it endorsed the concept of policy coordination task forces[390] to be complemented by a cabinet of lead agencies chaired by the High Representative. It underlined the special importance of clear benchmarks and concrete end-states allowing the

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[389] "The Steering Board expects the IC Action Plan proposed by the HR to be further elaborated in coordination with the IC and the BiH Government and to be presented for consideration by the Steering Board at its December 2001 meeting. This plan:
- Will include clear benchmarks and an assessment of matching multi-year funding requirement;
- Will identify core requirement and functions for the international community, recalibrating its mandates and additional tasks as well as streamlining its field presence;
- Will include proposals on structural reforms towards integration of the different international agencies in BiH;
- Will project a re-focused and accelerated Implementation Period for 2002 – 2005, to be followed by an additional phasing out of the IC's post-war engagement in BiH; and
- Will present options for a follow-up police monitoring mission.
"Communique by the PIC Steering Board", Brussels, September 13, 2001; available at www.ohr.int/pic/archive
[390] Rule of Law, Institution Building, Economic Reform, and Return & Reconstruction.

Steering Board not only to review and evaluate the progress but also to provide timelines for the transition of ownership to Bosnian authorities or other international agencies.

> The Steering Board acknowledged that a continued, but recalibrated IC presence remains crucial to complete the objectives necessary to achieve the common vision of the international community and the BiH authorities about ownership – a self-sustainable BiH, serving its citizens, meeting its international obligations, and integrating into Europe.[391]

Recalibration proposals continued for another half year during which they were further refined[392] and completed by the creation of the Board of Principals in July 2002.[393] The responsibility in four core areas – the four pillars – of the newly reshaped structure was divided among the principal agencies. The OHR remained the leading international agency, creating the overall international policy and coordinating international agencies in Bosnia-Herzegovina. It was to be primarily responsible for

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[391] "Communique by the PIC Steering Board", Brussels, December 5-6, 2001; available at www.ohr.int/pic/archive

[392] "The Steering Board endorses the refined Task Force Model as presented by the High Representative. This model will facilitate the development of a still more effective international presence, thus strengthening the role of the High Representative. It includes the Rule of Law, Institution Building, Economic, and Return & Reconstruction Task Force, a Cabinet of lead agencies chaired by the High Representative, and a Situation Group. The Steering Board welcomes this framework and the appropriate integration of BiH authorities into these structures. It also endorses the presented measures aimed at achieving closer and more efficient coordination in the field and at reducing IC field presence by 30% by the end of 2003." "Communique by the PIC Steering Board", Brussels, February 28, 2002.

[393] "Following an extensive study carried out by the Office of the High Representative at the request of the Peace Implementation Council the coordinating structure of the international community in Bosnia-Herzegovina was 'streamlined' in 2002 so as to eliminate overlapping effort and responsibilities and increase effectiveness. As part of this process the Board of Principals, under the chairmanship of the High Representative, was to serve as the main coordinating body of international community activity in BiH. The Board of Principals meets once a week in Sarajevo. Its permanent members are OHR, SFOR, OSCE, UNMBIH [replaced by the European Union Police Mission – EUPM – as of January 1, 2003], UNHCR and the European Commission. International financial institutions such as the World Bank, the IMF and the UNDP are also regular participants at the Board of Principals." Information on the Board of Principals available at www.ohr.int/board-of-princip/default.asp?content_id=27551

institution building. The OSCE was to coordinate primarily human rights/rule of law, but also security cooperation and education reform. Within those areas, the OSCE's main priorities would be to strengthen the legal system, assist in establishing firm democratic control over the armed forces, and co-ordinate efforts to bring about a modernized, non-discriminatory education system.[394]

The European Union Police Mission (EUPM) replaced the UNMBiH, whose mandate ended on December 31, 2002, and its mission is to help the Bosnian authorities develop local police forces and to ensure that sustainable institutional structures that are conducive to multiethnic coexistence and returns are in place by the end of 2005. The EUPM will do this through monitoring, mentoring and inspecting the managerial and operational capacities of the Bosnian police.[395] The European Union Police Mission is the first civilian crisis management operation under the European Security and Defense Policy.

UNHCR continued to be the leading agency supporting refugee return through the Return and Reconstruction Task Force. The Economic Task Force continues to coordinate economic reform projects under OHR chairmanship. The OHR, in close consultation with the IFIs and specialized agencies, prepares an overall reform agenda for the economy, which a range of different agencies are then to implement. The European Commission acts as the driving force in the Bosnian accession process to the European Union. SFOR continues to stabilize peace by providing a continued military presence and by supporting the principal civil implementation agencies in Bosnia-Herzegovina.

The goal of recalibration is to produce a stable, efficient and economically viable state within the given time framework. It is oriented towards completing the Dayton agenda, and to look somewhat beyond Dayton, that is to set Bosnia-Herzegovina firmly on the path to the European membership.

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[394] Information on OSCE available at www.oscebih.org/mission/mandate.asp
[395] Information on the European Union Police Mission available at www.eupm.org

The norm-building phase embodied the culmination of the international effort to devise a comprehensive state building strategy in Bosnia-Herzegovina, the drive fueled by frustration accumulated in the previous years. It also saw a change in the attitude of the local elites towards the peace implementation. With time, even vehement defenders of national rights began to adapt to the intricate Dayton institutional structure. The rationale was the following: if the Bosnian state was there to remain and if there was no use in trying to do away with it, then one would better accept it.