



USIPEACE BRIEFING

U.S. Policy and Bosnia-Herzegovina: An Assessment

AUTHORS

David Binder, Dr. Steven Meyer and Obrad Kesic

June 2009

UNITED STATES INSTITUTE OF PEACE
1200 17th Street NW, Suite 200
Washington, DC 20036-3011
www.usip.org

INTRODUCTION

This is the final of three papers USIP will publish on Bosnia-Herzegovina, each with a different analytical perspective on what is happening in Bosnia and what needs to be done there to prevent a return to violence. We hope that these papers will generate a debate on options that might be pursued by the U.S. government (USG), Europe and Bosnians. These papers will be discussed at a public forum at the United States Institute of Peace on June 25, 2009.

The recent visit of Vice President Joe Biden to the Balkans stirred speculation that the U.S. was about to re-exert its leadership in this region. Expectations were high that this would mean a return to an agenda of more vigorous “state building.” However, Biden’s message to local leaders in Sarajevo fell well short of meeting these expectations as he seemed to reaffirm U.S. support of EU leadership and policies stressing that local leaders must assume full responsibility for building their own state and for solving problems that continue to confront them. Despite this apparent set-back to the ambitions of those who would like to see more forceful U.S. leadership in the Balkans, the debate over what the U.S. should be doing in this region has not diminished and could intensify if the EU or Balkan political actors stumble in their efforts to address the challenges that are before them.

It is plain that some individuals and organizations in the United States and abroad attempting to influence the Obama administration to change the course and priorities of United States’ foreign policy toward Bosnia-Herzegovina (BiH) will continue their efforts. Their actions will most likely be adjusted to absorb the disappointment of Biden’s message to leaders in BiH, but their agenda remains the same. They would like to see a reengagement of America in a more “robust” manner. We believe on the other hand that their case for reengagement is based on a misrepresentation of the current situation in Bosnia. We also perceive an environment in Washington, DC where honest debate on this subject has been

USIP Peace Briefing
U.S. Policy and Bosnia-Herzegovina: An Assessment

limited by the tendency to organize and facilitate discussions comprised mostly of “like-minded” individuals who aim to create a perception that there is only one approach to assure successful governance and stability specifically in Bosnia - and in the Balkans in general.

Given the global and internal challenges that the U.S. is facing, a proposal that would demand still more effort, resources and attention must be examined carefully. At this time the U.S. is experiencing the most serious economic crisis since 1932. At the same time it is engaged in wars in Iraq and Afghanistan, and is confronting other external threats with a fragile situation in Pakistan, North Korea’s latest flexing of its missiles, a Mexican drug war threatening to spill over the border and setbacks to U.S. policies in Israel and Gaza. While facing these urgent issues, it is reasonable to say that the U.S. cannot afford to ignore the rest of the world. But it must address the other challenges in a way consistent with available resources and with the knowledge that any new commitment means additional responsibilities and costs. The room for mistakes has narrowed. A call for greater U.S. involvement in areas peripheral to vital and strategic interests must be examined with greater deliberation than that displayed currently with respect to BiH.

An expanded U.S. involvement combined with an attempt to reassert U.S. leadership in the region, in our opinion, could not only destabilize Bosnia but could also undermine the EU policies that have led to significant progress on core issues. Those policies offer hope for maintaining a stable and unified Bosnia. In addition a fresh American intervention would produce instability throughout the Balkan region. Because of this, we believe that it is necessary to have an open discussion of all options and possible consequences of any changes to U.S. policy concerning Bosnia. Our hope is that this paper will begin this process and that it will show that there are alternative viewpoints on the current situation in Bosnia and on U.S. involvement in the Balkans.

ARE THINGS REALLY GOING TO HELL IN BOSNIA?

Over the course of the last several months there has been a concerted effort by some to portray the situation in Bosnia as being so dire that it was on the brink of exploding into a major crisis for U.S. and EU interests. Some even argued that a new war was possible. A brief overview presents a different picture that offers grounds for a more hopeful assessment of the current state of affairs. Bosnia, although far from being in an ideal condition, does not pose an imminent threat to peace and security in the Balkans, nor are its internal problems threatening internal peace or stability. There are a number of facts that back this conclusion:

1. Signing of the Stabilization and Accession Agreement (SAA) with the EU (June 16, 2008).
2. Ratification of the SAA by both chambers of the Parliament of BiH (October 2008).
3. Contribution of troops and police by BiH to international operations in Iraq, Cyprus, Liberia and Sudan (a deployment to Afghanistan has been approved for 2009).
4. Broad support for the candidacy of BiH to membership in the Security Council of the United Nations.
5. Launching of the Prud Process by the three leading political leaders, Milorad Dodik, Sulejman Tihic and Dragan Covic representing the strongest Serb, Bosniak and Croat political parties.
6. Agreements by these three leaders that have created a framework for resolving all of BiH's outstanding issues on the basis of constitutional amendments arising from consensual decisions reached through negotiations and compromise.
7. Ratification of an amendment to the Constitution of BiH that grew out of the Prud Process and that defines the status of the Brcko District and begins the overall process of constitutional reform (March 26, 2009).

USIP Peace Briefing
U.S. Policy and Bosnia-Herzegovina: An Assessment

8. Development and evolution of an EU policy under the leadership of Javier Solana for transferring decision-making to local leaders and institutions within BiH and the transition from the involvement of the international community (IC) through the Office of the High Representative (OHR) to the Office of the EU Special Representative (EUSR).

It is difficult to square this progress with dismal forecasts about Bosnia's future or even the facts of its current situation. One must keep in mind that all of this has happened following the decision by the U.S. to relinquish its leadership role in BiH to the EU and withdrawal of U.S. troops from this country.

Admittedly, Bosnia faces serious problems and challenges. But the situation is somewhat more hopeful than a few years ago. Previously the international community (US, EU, NATO), through the OHR, directly or indirectly controlled all decision-making in the country. Basic human rights, civil rights and the rule of law were all trampled in the name of expediency and "credibility." Individuals were stripped of their rights without due process or legal recourse to challenge these breaches of law and rights. The results of democratic elections were reversed and the will of the electorate ignored. Government institutions, the constitution and the laws of the country were ignored or changed through arbitrary and illegal decisions that were based on a distorted and intentionally inaccurate interpretation of the Dayton Accords. In fact Bosnia was transformed into the last authoritarian state in the Balkans that was an embarrassment to the EU and U.S. commitments to democracy. Many current problems that confront Bosnia are a result of this misuse of power. Thus most of the decisions that were made through the use of the Bonn Powers or through coercion and that were backed fully by the EU and U.S. lack legitimacy and are based on only a pretext of legality.

Today, with the unbridled power of the OHR checked and with a reduction of fear of this power among political leaders, a genuine process of negotiations based on compromise and good will among local and important political leaders has

USIP Peace Briefing
U.S. Policy and Bosnia-Herzegovina: An Assessment

taken root. To us it is important to continue and intensify U.S. and EU support for this indigenous process of responsible decision-making.

THE DANGER IN RE-EXERTING U.S. LEADERSHIP

An interruption of the current dynamic of more responsible local decision-making and reduced coercive involvement of the IC would impose political solutions that lack legitimacy and support of the most important local political actors. It could provide encouragement to the hopes of radical and intransigent Bosnian politicians that the U.S. and a few other powers would impose the solutions they seek. It could fuel hopes that maximalist political agendas could be completed through the coercive force of greater U.S. involvement. A misguided and misplaced approach by the U.S. would surely generate sharpened political conflicts and lead to stagnation at every level of decision-making within BiH. It would also undermine the basic consensus recently formed through the Prud Process leading to the preservation of a single state.

The U.S. would soon find itself on a path calling for greater and greater commitments of resources and influence and that could lead to pressure to preserve “credibility” through the use of direct or indirect force either with the Bonn Powers of the OHR or even a redeployment of U.S. troops to the region. Both the Bonn Powers and coercion can only work if there is a unified and firm political will to back their use on the part of the EU and the U.S., and if those local actors being confronted with their use comply. As things stand, the political will among EU states to go back to the era of arm-twisting, threats and undemocratic decision making in BiH does not exist and would likely create grave problems within the EU. Furthermore, at least one actor in BiH, Milorad Dodik, is prepared to defy any use of forceful or coercive power by the IC by leading a massive and determined civil disobedience movement of his followers.

USIP Peace Briefing
U.S. Policy and Bosnia-Herzegovina: An Assessment

By definition, greater U.S. leadership in Bosnia would have to come at the expense of EU leadership and would put the U.S. in conflict with the EU - and with those member states of the EU who would view this as another in a line of U.S. efforts to discredit and undermine EU leadership in the region. Without an adequate commitment of troops and other resources that would have to accompany greater U.S. involvement in BiH, such a move would justifiably be seen in Europe and beyond as an irresponsible and disruptive action. An attempt to assert U.S. leadership in Bosnia anew would also immediately be challenged by Russia and would most likely have to be done without Russia's consent. Given that the Obama administration has already invested heavily in improving and normalizing relations with both the EU and Russia, it is difficult to see what benefit would come from the overbearing U.S. actions needed to re-exert U.S. leadership in BiH.

WHAT CAN BE DONE?

As the Obama administration explores policy options on BiH, the United States should not expend desperately needed resources, energy and authority in an effort to preserve an intangible and immeasurable quality like "credibility." With this in mind, it is difficult to see a serious case for a change to the current U.S. policy toward BiH, which is premised on supporting the policies and leadership of the EU in this region. The U.S. should continue to support the transfer of authority and responsibility from the IC to local political leaders and institutions now advocated by EU policy in BiH. Furthermore, the U.S. should rein in, even tether, its diplomats who have a tendency to dominate the media and political space within BiH. U.S. policies should seek to facilitate as soon as possible the smooth transfer from the OHR to the EUSR and should not undermine the authority of the EUSR.

If any adjustment is made to U.S. policy toward Bosnia it should be based on four principles:

USIP Peace Briefing
U.S. Policy and Bosnia-Herzegovina: An Assessment

1. Any change in policy should only be undertaken if it will not commit the U.S. to an open-ended expenditure of resources and if it will contribute clearly to a process in which local political actors and institutions assume full responsibility for the future of their country;
2. Needed reform (constitutional, political and economic) within Bosnia must be led and developed by local political and elected leaders through a process of negotiation and compromise;
3. U.S. involvement in Bosnia and in the Balkans must be based on the respect for the rule of law (including international law), must be conducted in a transparent manner that holds to the basic principles of democracy and must not undermine, contradict or jeopardize broader U.S. policy interests;
4. U.S. involvement in Bosnia and the Balkans should enhance our partnership with the EU and Russia.

Specifically, the U.S. should direct its efforts and involvement in BiH to:

1. Support the continuation and evolution of the Prud Process. It is important to encourage the engagement of other BiH political leaders and political parties in this process. The recent re-election of Sulejman Tihic as president of the Party of Democratic Action, or SDA, (with support from Vice President Biden) opens the way for a resumption of this process.
2. Cooperation with the EU to clarify and better define any conditionality that is being used within BiH. Any conditions that are put before the local political actors in BiH should be tied to EU accession and should not be politicized as part of an effort to shape a Bosnian state that is desired by some in the IC but that lack support and legitimacy of its own citizens.
3. Articulating that reforms and constitutional changes must be conducted by the legitimate and elected representatives of the peoples of BiH on the basis of compromise and negotiations.

USIP Peace Briefing
U.S. Policy and Bosnia-Herzegovina: An Assessment

4. Bettering cooperation and communication with the EU and Russia that will create greater confidence and good will that would strengthen and improve relations in other broader areas of mutual interest.
5. Give credibility to the U.S. basic message concerning the need for democratic values and principles and the respect for the rule of law by having policy and action reflect this rhetoric.

Given the current crises facing the United States, it is important to reassess the capacity of the U.S. to become more involved in BiH or in the Balkans in general. It is also important to understand that appeals for greater U.S. involvement in this region must be fully examined. Nothing should be done for the sake of doing something.

ABOUT THE AUTHORS

This *USIPeace Briefing* was written by David Binder, a retired newspaperman who covered the Balkans for over four decades, Dr. Steven Meyer, a professor at The National Defense University and a former CIA analyst, and Obrad Kesic, an analyst of Balkan affairs and Senior Partner with TSM Global Consultants LLC. This paper represents the personal views and opinions of the coauthors and in no way reflects the policy or views of any organization or institution with which they are currently or have been in the past affiliated. The views expressed here are not necessarily those of USIP, which does not advocate specific policies.

ABOUT THE CENTER FOR POST-CONFLICT PEACE AND STABILITY OPERATIONS

The Center for Conflict Analysis and Prevention conducts timely, policy relevant analysis of countries and regions where the threat to peace is particularly acute. The Center also designs and manages the Institute's efforts to forestall the outbreak of violent conflict. In addition, the Center conducts research, identifies best practices, develops new tools for preventing violent conflict, and supports related training and education efforts. Daniel Serwer is vice president of the center.

ABOUT THE UNITED STATES INSTITUTE OF PEACE

The United States Institute of Peace is an independent, nonpartisan, national institution established and funded by Congress. Our mission is to help prevent, manage, and resolve international conflicts by empowering others with knowledge, skills, and resources, as well as by our direct involvement in peacebuilding efforts around the world.

The United States Institute of Peace is an independent, nonpartisan, national institution established and funded by Congress. Our mission is to help prevent, manage, and resolve international conflicts by empowering others with knowledge, skills, and resources, as well as by our direct involvement in peacebuilding efforts around the world.