



# USIPEACE BRIEFING

---

## **BOSNIA AND HERZEGOVINA: PARSING THE OPTIONS**

### **AUTHORS**

Megan Chabalowski and Michael Dziedzic

September 2009

UNITED STATES INSTITUTE OF PEACE  
1200 17th Street NW, Suite 200  
Washington, DC 20036-3011  
[www.usip.org](http://www.usip.org)

## **BACKGROUND**

On June 25, 2009, USIP hosted a public forum, “Bosnia and Herzegovina: Parsing the Options,” where various courses of action for U.S. policy toward Bosnia and its unfinished state-building were debated. At issue are Bosnia’s current conditions and what to do about them: Is the country on a trajectory toward instability and violence, or is it making hesitant progress? What is needed to overcome ethnic tensions between Bosnia’s political leaders and how can the international community induce them into productive negotiations over reforms? What should the U.S.’s role be in Bosnia’s integration process into the EU?

Five prominent Balkans experts provided their differing assessments and policy prescriptions. The panel included:

- Mitar Kujundzic, ambassador to the United States, Embassy of Bosnia and Herzegovina in Washington
- Stuart Jones, deputy assistant secretary, U.S. Department of State
- Obrad Kesic, senior partner, TSM Global Consultants, LLC
- Kurt Bassuener, senior associate, Democratization Policy Council
- Edward Joseph, visiting senior fellow, Center for Transatlantic Relations

Daniel Serwer, vice president of the Center for Post-Conflict Peace and Stability Operations and the Centers of Innovation, moderated the event.

The first section of this Peace Briefing provides a summary of the views expressed at this meeting and in three Peace Briefings by several of the panelists: “Unfinished Business in Bosnia and Herzegovina: What is to be Done?” by Kurt Bassuener and James Lyon; “What to do About Bosnia and Herzegovina?” by Edward Joseph; and “U.S. Policy and Bosnia and Herzegovina: An Assessment,” by David Binder, Steven Meyer and Obrad Kesic. It also provides a summary of views expressed in a Peace Briefing authored following the meeting by James O’Brien, principal of the Albright Stonebridge Group, also a former presidential envoy for the Balkans and lawyer involved in American Balkan policy in the 1990s.

In the analysis that follows the summaries of these six policy prescriptions, the areas of agreement and disagreement are identified, and the issues that are at the heart of these divergent policy preferences are highlighted.

**Ambassador Mitar Kujundzic**

The United States has played a vital role in stabilizing Bosnia and Herzegovina (BiH) and hopefully it will continue to be a staunch partner in the future. BiH today is not a failed or failing state but rather a democracy with a western-style parliament. It holds regular elections and has an admirable level of public security. It is on course to join the EU and NATO, is almost assured a non-permanent seat on the U.N. Security Council, and has contributed to allied missions in Iraq and Afghanistan. Although some in the international community fear a return to armed conflict, Bosnia has established the institutions necessary to prevent this. Instability is theoretically possible anywhere, but there is no real threat of it in Bosnia: no one intends to secede or launch aggression. Owing to Bosnia's political realities, the government must always be a coalition, negotiating until they reach a compromise.

**Stuart Jones**

The U.S. bases its policy on the belief that Bosnia's future is in Europe, and it should be integrated into the EU and NATO. This is a desire also expressed by Bosnians themselves, according to polls. Bosnia's level of stability has deteriorated over the past several years, however, and greater U.S. and EU collaboration on the integration process is essential to put the country back on track. Although there have been some successes, including meeting the European Union's Stabilization and Accession Agreement (SAA) requirements and starting a dialogue with NATO, Bosnia has not been making progress at the rate of the rest of the region. The Prud process offered a sign that some of Bosnia's political leaders were ready to compromise, but political conditions have since reached a gridlock and attempts to roll back reforms have increased.

Before Bosnia can transition from management by the Office of the High Representative (OHR) to the European Union Special Representative (EUSR), it must fulfill the 5+2

conditions, the most problematic of which are the resolution of state property and defense property allocation and the Peace Implementation Council's determination that the situation in Bosnia is in compliance with Dayton and sufficiently stable (the second condition). For too long the international community has pretended to impose conditions, and Bosnia has pretended to fulfill them. To proceed with the EU integration process, constitutional and political reforms will need to be completed. Bosnia recently requested a complete map of the accession process to clarify what requirements must be met at each stage. A close U.S. partnership with the EU should be forged to help nurture this process of reform and transition.

### **Obrad Kesic**

Future U.S. policy toward Bosnia should be based on four principles:

- 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;
- 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;
- 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;
- 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:

- 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 reelection of Sulejman Tihic of the Party for Democratic

- 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.
- 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.
- 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.
- 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.

### **Kurt Bassuener**

The visit of U.S. Vice President Joseph Biden in May 2009 seemed to herald America's re-engagement on Bosnia. His visit sent the right messages to Bosnia people that the U.S. remains committed and backs the High Representative until its tasks are completed. He also was admirably direct in admonishing Bosnia's politicians for moving in the wrong direction. But Biden's big splash was not followed up at the policy level by the State Department through the advocacy of a coherent strategy forged together with the EU. The policy remains vague.

The guardrails that deterred a re-emergence of conflict and allowed Dayton Bosnia to function (to the extent it did)--the High Representative with his executive Bonn Powers and the Chapter 7 authorized peace enforcement force presently embodied in EUFOR--are still slated to be dismantled, while the "reinforced" EUSR has yet to be defined in terms of what it will accomplish, other than hold Bosnia's hand as it travels "the

European path.” The latest crisis over the RS People’s Assembly (RSNA) Conclusions, annulled by the High Representative after much infighting, especially in the EU, illustrates how the short-term fixation on “transition” to the EUSR has become an end in itself. This myopia has led to the search for false grails like the “Prud process,” which generated hopes that far outran its meager results. The international community chose to suspend its disbelief and project its hopes onto this process. But it proved to be a mirage.

Since Bosnia is not high on the policy agendas of any of the members of the Peace Implementation Council (PIC), except for Turkey, the formation of a common policy has always been a question of initiative. This has allowed those in the EU, including the Union’s bureaucracy and the member states that see OHR as the problem, to define the current agenda by default. Only American initiative, manifested through a Special Envoy for the Western Balkans, can corral together a working strategic policy that unites the EU, U.S. and other allies, like Turkey and Norway. This should be done well in advance of the November meeting of the PIC.

The international approach to Bosnia, such as it is, remains unfocused on the fundamental problem that prevents the country from functioning and moving toward Euro-Atlantic integration under its own steam: the Dayton constitutional order. This must be the strategic goal for the US, EU, and other Western allies. Bosnia cannot dissolve without violence, and the Republika Srpska will remain a fact of life so long as the people who live there want it. These are the realities from which the international community must navigate.

The EU is in a position to articulate--for its own interests as well as Bosnia’s--clear guidelines of what sort of constitutional order could be acceptable for Bosnia to be a viable candidate for membership. This would not be imposition of a constitutional order but a setting of a reasonable standard that could be met through a number of different models. To allow for the forging of a public consensus, the uncertainty about security and the nature of constitutional reform would have to end. The High Representative, if

not his Office, and EUFOR with their Chapter 7 U.N. Security Council mandates should be maintained until the constitutional reform process has arrived at a result Bosnia's three constituent peoples and "others" can live with. It is highly unlikely that the current political elites, wedded to the unaccountable power the current system affords them, would be cooperative in such a process, absent pressure from above and below.

There is cause for optimism, provided that the U.S. acts soon to forge a transatlantic consensus to pursue meaningful constitutional reform. The idea of municipalization, as articulated by the mayor of Foča, Zdravko Krsmanović, might well represent a solution that could garner a Bosnia-wide constituency--allowing for decentralization of much administration, while ensuring the necessary authorities for a functioning state and EU/NATO accession requirements. It would also be compatible with the requirements of the Council of Europe and the OSCE, with which Bosnia is already non-compliant. This is the most likely common denominator among Bosnia's citizens, provided there are some ethnic protections built-in.

### **Edward Joseph**

There are two main reasons why Bosnia is so difficult to fix:

1. "It never mattered enough." Except for intermittent periods, Bosnia simply never rose to a level of a strategic issue. This means that there are severe limits on the will of outsiders to fix underlying causes. This holds true for Europeans, who are generally far more inclined than the U.S. to avoid confronting stark realities, and instead, pursue short-term expedients.
2. "It's about territory." The main imperative during the war was territory. And the main impediment to achieving an equilibrium among Bosnia's three peoples remains territory. Because the Serbs obtained compact territory, contiguous with Serbia and endowed with quasi-state powers, the relationship of Republika Srpska to the central state in Sarajevo is inherently zero-sum. This does not make the Serbs "bad." But it does explain the reflexive resistance in Banja Luka towards the state-building process that is at the root of Bosnia's stasis.

Only by addressing the unresolved and unsatisfactory relationship of Republika Srpska (both entities, in fact) towards the central state--through substantial reform of the Constitution--can Bosnia evolve to self-sufficiency.

The problem is that the parties--in particular the Serbs and Bosniaks--are very far apart. So, the question is, how to bridge the wide gap over fundamental issues, given limited outside will?

There are four typical options for the way forward. None is effective:

1. Dramatically restructure Bosnia through a "new Dayton." However desirable this might be, there is no political will to do this.
2. Hold more elections and hope that more cooperative leaders will emerge. Ten elections have already been held. The electoral system rewards parochial appeals. And it is unlikely that the political parties that benefit from this system will change it.
3. Wait for a "new generation" of leaders to emerge. The problem here is that Bosnia's younger Serbs, Croats and Bosniaks are more alienated from each other than their parents' generation. Bosnia's ethnic polarization is severe.
4. Hand over supervision of the country from the OHR to EU and utilize the shared attractiveness of EU membership to effect change. The problem here is that EU membership takes too long. And the visions of the relative parties in Bosnia remain mutually exclusive.

There is a better way: accelerated NATO entry.

- Like EU membership, NATO is a point of convergence for all three parties. Despite what outside analysts say, the Serbs very much have an interest in NATO, just as their Bosniak and Croat counterparts do.
- NATO represents "final security." In the eyes of the parties, NATO membership



means that there will not be "another round"--of fighting or negotiation or effort to secede. In the words of one Bosnian leader, Bosnian membership signals to everyone, including in Belgrade and Zagreb that, in Bosnia, "the game is over." For the Serbs, NATO membership means that internal boundaries of the country are permanent and inviolable; for the Bosniaks and Croats, NATO membership means that the external borders of the country are permanent and inviolable, i.e. no secession.

- The interest in NATO is strong enough--and the confidence that advancing toward membership brings—that it can be the "game changer" that will permit the parties to truly reform the Constitution, bring equilibrium to the entity-state relationship, and finally make Bosnia a functioning state. Doing so will provide a dramatic advance to Bosnia's EU prospects as well.

Accelerated NATO membership is both necessary and plausible:

- Necessary, because time is running out for half-measures, given elections that loom next year, and given the depth of differences among the parties.
- Plausible, because defense reform is the single greatest success of Bosnia state-building. Bosnia's continued progress towards MAP and membership can happen swiftly if there is an outside signal, from the United States, that NATO membership is truly a top priority. The current "open door" policy is insufficient. It does not galvanize the parties into the intensive activity necessary to either to satisfy NATO requirements in accelerated fashion or to spur them into a serious reform of the Constitution.
- Linking Constitutional reform and NATO membership is also plausible. The alliance in fact has specifically cited the need for Constitutional reform in its February review of Bosnia's NATO progress.
- Giving OSCE the "coordinating role" for Constitutional reform would advance the prospects for a deal, by providing a platform attractive to the Russians and the Serbs while keeping ample U.S. and European leadership.

**James O'Brien**

There is attention or money for only a few things to be done in Bosnia. We should build our remedies from what is possible, not from our sense of what is best. This approach is backwards, but it is the one with the best chance of success.

The approach starts with what the international community seems to want -- increased EU responsibility for Bosnia. This means, in practice, either starting the accession process or borrowing so heavily from that process so as to make little difference. With that perspective locked in, practical, powerful steps can be taken:

Endorse clear central government competence over all matters to do with EU accession.

Reduce patronage opportunities for ruling parties by slashing government spending and employment (at both central and entity levels).

- Place the Prime Minister in charge of the cabinet, with the ability to hire and fire ministers.
- Reduce the collective Presidency to a ceremonial role by treating Presidents as figureheads and dealing with the central government.
- Comply with EU human rights law by supporting and accelerating a decision by the European Court of Human Rights to invalidate the three-person presidency and the equation of ethnic identity and territorial voting rules.

This suggestion cuts on the diagonal across the various other discussions and remedies. It starts with what we might actually do, not with a prescription based on analysis. The other perspectives have good things to offer -- a sense that we have to accept much of what is there, a sense that constitutional reform can help, that membership in international organizations can help, etc. But those are at best partial remedies. As long as any solution is tailored in response to negotiations with Bosnia's current leaders -- whether it be constitutional reform, the Prud 3, or others -- it will fail.

The problem is that each Bosnian political party succeeds or fails only as it controls and distributes public services, employment, police, media, and proceeds from privatization to its core constituency. Because the Dayton agreement defines each constituency in ethnic or national terms, the result is a self-reinforcing cycle: politicians reward their voters for approving ethnic appeals, and voters naturally seek more rewards. As long as this cycle continues, no policy prescription can make the popular parties less nationalist, or the less nationalistic parties more popular.

A strategy is required that would strip nationalist political parties of their power base.

The strategy proposed above can attack those power bases, using models from other EU accession countries, and forcing Bosnia's political leaders to debate practical governmental steps addressed by the acqui, rather than highly charged political symbols so often selected by the international community. This strategy can be relentless, with the pace set and maintained at a working level between the EU and US. The eroding power of a bureaucratic grind can be left to work.

*The analysis that follows reflects an overall view of the issues at play in Bosnia and do not necessarily reflect the individual positions of any of the discussants.*

## **AGREEMENT ON BROAD OBJECTIVES AND PRINCIPLES**

All parties agree that incorporation into the European Union is a proper goal and that the conditions that must be met before accession can take place need to be clearly enunciated. Also accepted across the board are the related objectives of democracy and rule of law. The required reforms cannot be imposed, however. The only acceptable process is for Bosnians themselves to forge a consensus around how to meet the EU's requirements. There is support among most participants for the proposition that Bosnia's stability would be enhanced by joining NATO. Even those who place a priority on the relationship with Russia are able to countenance this since Russia does not object to NATO membership for countries that were not part of the Warsaw Pact--which Yugoslavia was not.

The need for continued U.S. involvement in Bosnia was not disputed. Even those who support more proactive U.S. engagement appreciate that the U.S. has more urgent priorities and will need to minimize future resource commitments there. To accomplish this, the U.S. and the EU will need to work together in a mutually reinforcing partnership.

Several options for U.S. action in Bosnia were ruled out. Reconvening Dayton would be a risky step that none of the panel members felt was viable at this point. The international community could wait and hope that the next generation will be more amenable to reform, but this would be counterproductive since the youth of BiH have no memory of a time before ethnic division and tend to adopt a more intolerant posture toward other ethnic communities than their parents.

### **DISAGREEMENT ON RISKS AND U.S. RESPONSES**

The greatest disagreements revolve around the assessment of the gravity of the current situation in Bosnia and whether the U.S. should play a more catalytic role.

*Has the risk of renewed conflict been permanently extinguished?*

At the core of the conflict in Bosnia--and indeed the Balkans generally--is the aspiration of every ethnic community to have its own state. The Dayton formula endowed the Republika Srpska (RS) with a high degree of autonomy while the state of Bosnia and Herzegovina retained very limited powers.

Those who argue that greater attention needs to be devoted to preventing renewed conflict point to the increased polarization since the failure of constitutional reforms in 2006, particularly the confrontation between RS Premier Milorad Dodik and Bosniak political leaders. The latter often question the legitimacy of the RS and the former periodically moot a referendum on self-determination.<sup>1</sup> Serious steps to do either could be a casus belli. Even if this rhetoric is dismissed as merely cynical ploys to solidify support within each leader's own nationalistic base, it does not augur well either for

---

<sup>1</sup> Kurt Bassuener and James Lyon. "Unfinished Business in Bosnia and Herzegovina: What Is To Be Done?" United States Institute of Peace USIPeace Briefing, May 2009: 2.

long-term stability or for near-term prospects of achieving the reforms required to join the EU. Indeed the trend has been in the wrong direction, with the lack of implementation of reforms by the RS that had been required by the EU as preconditions to signing the SAA.

A zero-sum mentality predominates among Bosnia's ethnic communities. The Dayton constitutional formula has left the central state dysfunctional, which is unacceptable for the Bosniaks, yet steps to enhance its functionality tend to be regarded by the RS as an existential threat. This produces a security dilemma that has been kept in check by the presence of an international security force, currently the European Force (EUFOR), and the Office of the High Representative (OHR) wielding the executive Bonn Powers. The safeguards provided by EUFOR and OHR are being dismantled even as politicians and the media have begun to mention war as a possible option for the first time since Dayton.<sup>2</sup> Phenomena such as private security firms and hunting clubs that could function as de facto militias are hardy perennials that are once again sprouting up. Kurt Bassuener and James Lyon summarize these concerns in their May 2009 Peace Briefing:

If permitted to continue, the current political trajectory could lead to state dissolution. Should Bosnia dissolve, it will likely be violent, with ethnic cleansing, refugee flows, destruction of life and property, and a violent redrawing of internal boundaries. There is a potential for spillover that could affect not only the broader region (such as Kosovo, south Serbia, and Sandžak), but also precipitate intervention by neighboring Croatia and/or Serbia.<sup>3</sup>

The alternative view holds that Bosnia does not face an imminent threat to peace and security. The evidence of this includes progress in meeting the 5+2 conditions, the June 2008 signing of the Stabilization and Association Agreement (SAA) with the EU, unification of its army under a capable defense ministry, the Prud process among the

---

<sup>2</sup> Craig Whitlock, "Troubles Threaten Again In Bosnia," *The Washington Post*, August 23, 2009.

<sup>3</sup> Kurt Bassuener and James Lyon, "Unfinished Business in Bosnia and Herzegovina: What Is To Be Done?" *United States Institute of Peace USIPeace Briefing*, May 2009: 7.

leaders of the three strongest Serb, Bosniak and Croat political parties that led to ratification of an amendment to the Constitution in March 2009 that defines the status of the Brčko District and begins the overall process of constitutional reform, and broad support for the candidacy of BiH to membership in the U.N. Security Council.<sup>4</sup> There are no indications, moreover, of any plans for secession or threats of widespread violence.

Although these two assessments of the Bosnian reality are not necessarily mutually exclusive, they are a product of the tendency for one's stand on an issue to be driven by where one sits. If Bosnia is perceived to be at risk, this would argue for a more active and assertive U.S. engagement. The policy implication would likely be added impetus for strict fulfillment of the 5+2 conditions before the Office of the High Representative is abolished and on reforms to strengthen the functionality of the state of BiH prior to Bosnia's accession into the EU. The policy implication of an assumption that there is little to no risk of instability would be to leave Bosnia's politicians to deal with these issues.

*Should the United States play a more active role in Bosnia?*

Those who perceive that the embers of the Bosnian conflict have been safely extinguished argue that it is high time for the international community to relinquish the exercise of the Bonn Powers (which permit the removal of officials obstructing Dayton and imposition or nullification of laws in order to ensure adherence to Dayton). David Binder, Steven Meyer and Obrad Kesic argue in their June 2009 Peace Briefing:

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... Thus most of the decisions that were made through the use of the Bonn Powers or through coercion and that

---

<sup>4</sup> David Binder, Steven Meyer and Obrad Kesic, "U.S. Policy and Bosnia-Herzegovina: An Assessment," United States Institute of Peace USIPeace Briefing, June 2009: 3-4.

were backed fully by the EU and U.S. lack legitimacy and are based on only a pretext of legality.<sup>5</sup>

Whatever the merits of that argument, as a practical matter, future exercise of the Bonn Powers would be controversial, rendering attainment of consensus among EU members and the U.S. difficult. Even if a consensus were to be achieved, defiance could be expected by Bosnian political leaders who were affected. The High Representative would have little if any capacity to enforce his will, which could render the Bonn Powers largely futile. There is also a fear that more prominent U.S. engagement would stifle initiatives among Bosnia's political leaders, such as the Prud Process, to resolve their disputes themselves. Any increase in the US profile is also presumed to come at the expense of the EU, diminishing its capacity to shape the process of accession.

Those who advocate U.S. reengagement are profoundly skeptical of the motivation of Bosnia's political class (Serb, Croat and Bosniak) to correct Bosnia's dysfunctional governance structure since it serves their avaricious purposes (e.g. resistance to extending international judges and prosecutors in the Court of Bosnia's special chambers for war crimes and organized crime). The EU is regarded as divided, rendering highly suspect its ability to respond coherently to evasion or backsliding on the 5+2 conditions and on the reforms required for accession. The EU has gained a reputation for pretending to impose conditions and then allowing Bosnia to pretend to fulfill them. The solution is not to wrest leadership away from the EU but rather to focus and reinforce it. Bassuener and Lyon argue in their May 2009 Peace Briefing that a tough-minded collective strategy based on shared interests must be forged:

The EU and U.S. must renew their effort to work together on Bosnia, where they invested heavily over a decade ago to resolve a problem that severely damaged transatlantic relations. Failure in Bosnia would have broader regional repercussions for EU enlargement and would land mainly on the EU's doorstep. The EU would still have to deal with Bosnia, perhaps indefinitely, as an insoluble management problem, with far

---

<sup>5</sup> David Binder, Steven Meyer and Obrad Kesic, "U.S. Policy and Bosnia-Herzegovina: An Assessment," United States Institute of Peace USIPeace Briefing, June 2009: 4.

greater investment of troops and resources than at present. But the U.S. would not get away unscathed. Bosnia's current Dayton structures are rightly seen to have a Made in America label on them.<sup>6</sup>

One immediate policy implication of these divergent prescriptions for the U.S. role is that a reduced profile would be consistent with the elimination of the High Representative and the ability to invoke the Bonn Powers. A more active U.S. role would argue for retention of the Bonn Powers and a Chapter 7 military presence to thwart backsliding until the 5+2 conditions have been fulfilled and possibly in a residual manner until EU accession.

*Will the process of EU accession be sufficient inducement to resolve Bosnia's dysfunctions?*

Those who put faith in the transformative effect of the allure of EU membership tend to regard the OHR as the barrier to progress. Once its distorting influence has been removed, Bosnian politicians, aided by the EU, will be enabled to sort out their differences. David Binder, Steven Meyer and Obrad Kesic articulated this position in their June 2009 Peace Briefing:

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.<sup>7</sup>

Skeptics point out that the question remains whether the EU accession process will be powerful enough to overcome the zero-sum perceptions of Bosnia's ethnic communities

---

<sup>6</sup> Kurt Bassuener and James Lyon, "Unfinished Business in Bosnia and Herzegovina: What Is To Be Done?" United States Institute of Peace USIPeace Briefing, May 2009: 15.

<sup>7</sup> David Binder, Steven Meyer and Obrad Kesic, "U.S. Policy and Bosnia-Herzegovina: An Assessment," United States Institute of Peace USIPeace Briefing, June 2009: 6.



and the disincentives for the political class to reform a system that perpetuates them in power. The problem is that the EU accession process is designed to assist the transformation of former communist systems. None of those accession processes had to overcome the ravages of an internal political conflict. In the Bosnia case, the constitutional order that ended the conflict saddled BiH with a dysfunctional state apparatus. To create a functional state, supposedly a requirement for admission to Europe, resistance must be overcome from both the RS, which prizes its autonomy, and the current crop of nationalist politicians, who profit from the inadequacies of the political system. Thus there are powerful disincentives that will have to be overcome. The only real enticement for the RS will evaporate, moreover, if Serbia joins the EU and the citizens of the RS are allowed to use their Serb passports to travel freely throughout the EU. These concerns are compounded by a sense that the EU's only strategy for Bosnia is the accession process. When that fails to produce results, as the foregoing analysis predicts, the EU's track record has been to cave in and declare success. Skeptics observe that this fudging of the conditions has left Bosnia's political leaders believing that they can proceed through the accession process without actually meeting EU standards.

The policy implications of these divergent assessments are substantial. If we assume that the accession process in itself is the solution, then the U.S. should take a *laissez faire* approach and allow the EU and Bosnian politicians to work out the outstanding issues, with the U.S. cheering them on from the sidelines. If, on the other hand, the burdens of reforming Bosnia's Dayton constitution, including the functions of the two entities (the RS and the Federation) and other necessary reforms such as the electoral law, are more than the accession process can bear, then the U.S. will have to play a catalytic role to overcome the obstacles to reform. Perhaps the most immediate aim should be to assuage the security dilemma among Bosnia's ethnic communities that plays into the hands of nationalist politicians and militates against concessions that would enhance the common good through a more rational division of state powers. This is the aim of the proposal to place Bosnia on a fast track for NATO membership. Other essential steps would be to clarify both the requirements for accession to Europe and

for meeting the decisive 5+2 condition: the Peace Implementation Council's determination that the situation is in compliance with Dayton and sufficiently stable.

The most basic requirement is for the U.S. and the EU to forge a joint strategy for achieving the reforms required for Bosnia to achieve state functionality and join the EU. James O'Brien proposes that the U.S. and EU agree at the senior political level to take steps to overcome the political paralysis in Bosnia by pressing reform to strip nationalist political parties of their power bases. The steps he recommends are consistent with the requirements of the accession process, and if backed by both the EU and U.S. as part of a common strategy toward EU accession, could alter the political calculus in Bosnia in positive, catalytic manner.

## **CONCLUSION**

There is a basic framework that all five contributors to this parsing of the options for Bosnia agree to:

- Integration into the European Union is a worthy and constructive goal.
- The conditions that must be met before accession can take place need to be specified clearly in advance.
- The Bosnians themselves must determine how to meet the EU's conditions.
- The U.S. and the EU should forge a joint strategy for integrating Bosnia into the EU and work together to implement it in a mutually reinforcing partnership.

Many details remain to be resolved, however, before a coherent joint strategy emerges. Among the thorny issues that remain to be resolved are the following:

- How to define the most pivotal 5+2 condition: the Peace Implementation Council's determination that the situation in Bosnia is in compliance with Dayton and sufficiently stable?
- What conditions must be met at each stage of the EU accession process?

USIP Peace Briefing: *Bosnia and Herzegovina: Parsing the Options*

- Which of the above conditions should be met before the Office of the High Representative is closed?
- Should the European Special Representative retain in its mandate any Chapter 7 authority or Bonn Powers?
- What incentives or sanctions can the EU and US employ with Bosnia's political leadership to induce them to negotiate reforms required to make BiH a functional state?
- How to overcome the zero-sum calculation that empowering a functioning central state might come at the expense of RS autonomy?

It may be that those who rate renewed conflict in Bosnia as unlikely are correct; however, the most effective hedge against a resumption of conflict is a robust partnership between the U.S. and EU in pursuit of a coherent strategy that addresses the unresolved issues cited above.

**ABOUT THE AUTHORS**

This *USIPeace Briefing* was written by Michael Dzedzic, a senior program officer in the Center for Post-Conflict Peace and Stability Operations at the United States Institute of Peace, and Megan Chabalowski, a program assistant in the center. 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 Post-Conflict Peace and Stability Operations aims to transform societies emerging from conflict by promoting stability, democracy, economic development, and social reconstruction. The Center also conducts research, identifies best practices, develops new tools for post-conflict peace and stability operations, 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.