

Conference Background Document

[1] Ten years after the Paris-Dayton Accord of November-December 1995, any determination of the success or failure of peace implementation in Bosnia and Herzegovina (Bosnia) essentially hinges on two key factors: the performance by international and local bodies mandated with the implementation of the Accord, and the effects of these efforts on the Bosnian body politic and local processes. Any such assessment must distinguish between formal government structures created, transformed or assisted by the international peace mission on the one hand, and their roles, functions and impact on Bosnian society and politics on the other.

[2] Most observers agree that, overall, the implementation of the Paris-Dayton Accord has been a relative success, in particular with regards to the return of refugees and internally displaced persons, the return of property, human rights issues, and the apprehension of persons indicted for war crimes. Moreover, the Bosnian state has been gradually strengthened through the transfer of key legislative, executive, and judicial competencies from the entities to the state level, including fiscal, law enforcement, and defense capacities. A visible indicator for this transfer of power is the current number of nine state-level ministries (instead of initially three) and the non-rotating Chair of the Council of Ministers (Prime Minister). In addition, there are a number of state-level agencies such as a State Prosecutor's Office, a State Court (including departments for serious crimes, organized crime, and war crimes), a State Information and Protection Agency (SIPA), a State Border Service (SBS), a State Intelligence Agency (OSA), and an Indirect Tax Authority (ITA). This sector-by-sector functional process has been steered by international intervention and is still partly underway, for example in the field of police restructuring. At the same time, the realization of such state-building concepts has become a condition for further progress in Bosnia's eventual bid for membership in the European Union (EU).

[3] These state-level structures, established and empowered largely by international intervention, have failed to fully take root in Bosnian society. As a result, Bosnia's full transformation to a modern democratic state and civic society has not occurred yet, and the initial Paris-Dayton Accord structures have been replaced by a hybrid system of governance. This state of affairs is partially attributable to the specific manner in which the persistent inter-national presence in the country exercises its authority, and the concurrent lack of domestic ownership in the implementation process. While the transformation from a socialist to a free-market economy, from an authoritarian to an open society, and from a one-party state to a parliamentary democracy has taken place in a formal sense, their substance remains elusive. Thus, effective implementation is the key word for the viability of Bosnia as a state and a society.

[4] This paradox has much to do with those issues that were left unresolved at the peace negotiations in Dayton. Before and during the war, Bosnia had been a staging ground for two antagonistic state- and nation-building projects emanating from Bel-grade and Zagreb, and also provided an arena for a different, domestic struggle — the struggle over the very shape of the emerging state, over its demographic and geographic boundaries, involving a third, Bosniak nation-building drive. Although the 1992-95 war was primarily the result of "external" aggression (i.e., from forces in Serbia and Croatia) this struggle found strong resonance within the Bosnian population and the political elites representing (or claiming to represent) its various communities. In consequence, the regime changes in Croatia and Serbia — also signatories of the Paris-Dayton Accord — and the abandonment of the notion that Bosnia's territory should be dismembered provide key conditions for Bosnia's stability and Bosnia's long-term development. Together with the aspirations of Bosnia, Croatia, and Serbia-Montenegro to join the EU, this development

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has created a new regional dynamic that may also spur Bosnia's own reform efforts.

[5] The performance of the international peace implementation mission in postwar Bosnia has received much attention, often at the expense of domestic factors. Some of the organizational improvisation, the lack of strategic planning, the penchant for ad-hoc solutions and the necessary fire-fighting, and the ineffective use of massive international resources is attributable to the international community itself. Not surprisingly, the Office of the High Representative (OHR), the "chief international organization" tasked with overseeing the implementation of the Paris-Dayton Accord and the "final authority in theater" with regard to its interpretation, has come under particular scrutiny. But while a critical review of the international community's engagement in international and domestic policy-making is legitimate and necessary, the international administration of Bosnia does not lie at the heart of all problems. In fact, the lack of international policy coherence and coordination is partially attributable to the challenges of implementing peace in Bosnia and to the issues that remained unresolved at Dayton. Such an analysis could also help in determining which "lessons learned" are specific to the implementation of the Paris-Dayton Accord and which can be applied more generally.

[6] The desired end state of state-building in Bosnia has never been properly articulated either by domestic actors or by Bosnia's international administrators, and no consensus exists as to what that end state should be. This, in turn, is a result of the ambiguous way the war ended: none of the nation- and state-building projects that contributed to the war emerged as clear winners or losers. In contrast, these schemes found some sustenance in certain provisions of the Paris-Dayton Accord. It appears only logical that it took several years of post-war stabilization, reconstruction, and Paris-Dayton Accord implementation until elements of a broader strategic concept were identified by the OHR at the last ministerial meeting of the Peace Implementation Council (PIC) in Brussels in May 2000. Since 2003, a yearly Mission Implementation Plan describes the last phase of

peace implementation to pave Bosnia's way to the Brussels structures.

[7] Against this background, it would be incorrect to say that the international administration has been "building state failure" in Bosnia; compared with other contemporary post-conflict scenarios, Bosnia has been a highly successful peace implementation mission. But no matter how successful that mission has been in implementing the military and civilian provisions of the Paris-Dayton Accord, it has failed to address persistent issues of concern and to complete the transformation of Bosnian politics and society as a whole.

[8] Many of these questions are perhaps of mostly academic interest. The OHR is completing its tasks as set forth in the Mission Implementation Plan and winding down its overall operations. If the reform process continues, it can be expected that sometime around the 2006 elections, the OHR will be transformed into an Office of the EU Special Representative (EUSR), without the High Representative's sweeping interventionist powers. This will be a milestone not only for the international presence in Bosnia but for the country's future development and integration into the EU and other Euro-Atlantic structures.

[9] How can a social consensus be achieved among Bosnian citizens about the direction the country should take? Is the superimposed model of EU integration and membership another imperfect international concept for Bosnia's specific problems or will it be a panacea for the unresolved issues that have built up in this country since the early 1990s? What does this integration process mean for Bosnia in a period where the EU's own identity and future vision has been questioned from inside? How will Bosnia's integration course be affected by the faster advance of Croatia and Serbia-Montenegro? What does the decision by the EU to start accession negotiation talks with Turkey mean for Bosnia's own process? Is Paris-Dayton the foundation or the ceiling for further reform in Bosnia? How will the 2006 elections and the upcoming campaign period influence the reform process, which has been pursued by the

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international community in tandem with the ruling neo-nationalist and predominantly ethnically-oriented parties? Will it be feasible, under these circumstances, to promote recent initiatives to change or amend the Paris-Dayton constitution or can a new constitution, drafted by elites, be a reflection of a newly-found social consensus on the kind of country a new Bosnia should be?

[10] These are the kinds of questions the Geneva conference will debate. However, the conference will be an opportunity to look to the future and not backward. Indeed, in the ten years since the end of the war, Bosnia has moved beyond the situation that made the Paris-Dayton Accord necessary. Slowly and painfully, the country is now on its way toward conditions enabling a politics of the normal to replace the politics of emergency.