

Conference Report

The international conference *Bosnia and Herzegovina – Ten Years of Dayton and Beyond*, held in Geneva on 20-21 October 2005, sought to analyze the post-war recovery of Bosnia and Herzegovina (“Bosnia”), to take stock of the country’s present situation, and to identify new ideas and policy proposals for the country’s development as it embarks on its European future. The two-day conference, organized by the Association Bosnia and Herzegovina 2005, was held at the Geneva International Conference Center (CICG). Around 400 participants attended the proceedings.

The conference coincided with a major positive development: on its second day, the European Commission recommended to the EU’s Council of Ministers to begin talks on a Stabilization and Association Agreement (SAA) with Bosnia. In that sense, 21 October 2005 marks the end of the “Dayton era” of peace implementation and the opening of the “Brussels era”: the main motivation for reform is no longer the implementation of a peace treaty managed by an intrusive international presence, but the pull-on domestic stakeholders of EU membership.

With many prominent speakers on hand to discuss the political, economic, social and cultural situation in Bosnia, a number of solutions were on offer for the key challenges identified. Four plenary sessions and twelve topical workshops, debated issues of constitutional reform, state-building, the economy, justice and reconciliation, responsibility for the future, conditionality and ownership, regional cooperation and EU integration.

The conference provided a forum for fresh ideas articulated by emerging voices aspiring to influence the politics of the country and the region. While some well-known facts and theories were rehearsed during these two days, the conference succeeded in promoting some refreshing thinking on Bosnia “beyond” Dayton.

This report presents key findings from the conference that may serve as guiding principles for the future activities of the Association Bosnia and Herzegovina. It has no ambition to be an exhaustive record of the proceedings; more detailed reports about the workshops shall be made available separately.

Bosnia beyond Dayton

As anticipated, the panel on constitutional issues attracted most attention both from participants and the media. The majority of panelists agreed that Bosnia had reached the limits of the Dayton structure and that the present constitutional framework was a serious obstacle to the country’s future development and its integration into European structures.

However, experts fundamentally disagree on what the new constitutional and administrative set-up should be. From the perspective of functionality, efficiency, and self-sustainability (a perspective often promoted primarily by international observers) there is consensus that the top and bottom layers of governance — the state and the municipalities — should remain key features of the Bosnian state and identity. The problem lies in the middle.

Other, especially domestic observers focus on ethno-territorial aspects of the Dayton constitution. In a framework that rests on ethnic fault lines, some believe that the continuing existence of *Republika Srpska* (RS) needs to be the starting point of any serious discussion, while others think that RS is the product of war crimes and “ethnic cleansing” and needs to be scrapped.

Some of the discussion evolves around secondary issues and cosmetic changes, echoing current initiatives for constitutional reform such as the idea of having a single president (elected by parliament) instead of the current three-member presidency; of strengthening the role of the

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prime minister; and of enhancing the size and importance of the state parliament. While such amendments may be important as a first step that may inspire genuine constitutional reform, they appear too timid to induce fundamental systemic change.

However, from a political viewpoint the country does not yet appear to be at the stage where it could have an “ideal” constitution developed from scratch and unencumbered by the constitutional legacy of the war. The current model should therefore be amended in ways that are acceptable not just in Sarajevo but also in Banja Luka and Mostar.

Many discussants emphasized that any changes need to follow established patterns of transferring responsibilities from entity to the state level (“factual amendments”) instead of a direct change of the constitutional text (Annex 4 of the Dayton accords). There is a clear view that Bosnians themselves should be the engine of constitutional reform, without much help from the international community, and that they should try to build up compromise through dialogue and ownership. Bosnians must take responsibility: without responsibility there is no responsible state.

Given the sensitive nature of constitutional debate it might be prudent to view it as a process rather than one grand event where different views remain locked in direct confrontation. Moreover, as experience and history have shown, constitutions are the culmination of a process of social change rather than the beginning. Incremental change, as Bosnia has seen in defense, taxation, intelligence, and hopefully policing, is already dramatically changing the structure of Bosnia. With Bosnia about to start negotiations on a Stabilization and Association Agreement (SAA) with the EU and with the parallel phasing-out of the Office of the High Representative (OHR), the process of entering a contractual relationship with the EU might be the best forum for achieving incremental but substantive changes.

Some discussants emphasized that while “member state building” is important, the process of

European integration so far has mainly focused on institutional and technocratic aspects and failed to create an opportunity to effect fundamental and genuine social change. Some also voiced their concern that the EU was still missing a vision for the future of the Western Balkans, and Bosnia specifically. In Bosnia, the EU must take the lead and move away from the present form of imposed conditionality by concentrating more on processes that enhance domestic ownership based on consensus by new, reform-willing, post-nationalist elites.

In the end, it was emphasized, Bosnia needs to go beyond constitutional issues and build its own multi-ethnic identity by developing a citizen-centered structure that is equal and representative for all of its peoples. This will require a radical change in attitude by the nationalist political parties, which over the years have built up three parallel national societies (a “triple ethnocracy”) instead of one multi-national Bosnian society, identity and nation.

For the Stabilization and Association Process (SAP) to provide new momentum for reform in Bosnia, a new generation of opinion-formers and decision-makers needs to take over from a largely de-legitimized political class. Some young, promising voices have publicly pointed to the importance of the October 2006 general election in Bosnia, and called on their peers to register and vote.

It's the economy, stupid

It is perhaps a sign of shifting tides that the panel on security attracted a smaller audience than the panel on the economy, a first in 15 years of conferences on Bosnia. There is a consensus that the threat of renewed hostilities in Bosnia is minimal. However, two important security challenges were pointed out: the possibility of a spill-over of a crisis over the final status of Kosovo, in the short term; and the weakness of Bosnia's state institutions, in the longer term.

It is worrying that neither domestic nor international structures appear to have contingency plans for the worst-case scenario, in which the rise of radical nationalism and the likely

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independence of Kosovo combine to spill over into Bosnia. State security institutions are too weak and would collapse under strain; the entity or sub-entity institutions they were supposed to replace are still fully entrenched. Efforts must be promoted to integrate Bosnian state security systems into wider European and Euro-Atlantic structures.

Most participants pointed to the economy as the best way of connecting the loose ends in Bosnia. As a consequence of war and a lack of reform, the economic situation is still bleak. Economists recognize that their field needs to liberate itself from political influence and become a driving force for the development of a new Bosnia. Yet, even entrepreneurs admit that there first needs to be some form of political consensus on the future of Bosnia.

Concrete economic preconditions for speedy development were listed: freedom of entrepreneurship, legal security of business, a single economic space, a single system of macro-economic coordination, and harmonized economic policy. Foreign direct investment is the main tool for generating the necessary influx of capital to Bosnia.

Whereas Dayton Bosnia was preoccupied with political issues, Bosnia beyond Dayton needs to focus on an economic agenda. Dayton Bosnia gave a massive role to the international community in all spheres of public life, the economy included. Post-Dayton Bosnia wants to engage its own economic experts in the design of its economic future.

Justice, Education and Youth

Reconciliation in Bosnia cannot occur if the past is simply forgotten. Outsiders sometimes opine that the Balkan region is overburdened by its past and that progress is blocked by undue attention to it. Yet, a truthful account of the past is an essential precondition for any process of "moving on." Any embargo on the honest discussion of history will only — as it has up to now — perpetuate the conditions that allow misleading accounts of history to remain harbored in secret.

In addressing the problems of Bosnia it is essential to retain a regional perspective, considering especially the situation in Croatia and Serbia and Montenegro. Confronting a number of major practical issues, such as combating organized crime, as well as matters relating more specifically to justice and reconciliation, are all enhanced when placed in a regional framework.

Reconciliation would have been unimaginable without the International Criminal Tribunal for the former Yugoslavia in The Hague (ICTY). International support and supervision will continue to be necessary in relation to the Bosnian judiciary in order to guarantee the legitimacy of what is undertaken locally, even after the ICTY has finished its own work.

Reconciliation in Bosnia must come about as a voluntary process, undertaken primarily by the inhabitants of the region. Some speakers, in particular from Serbia and Montenegro, emphasized the importance of the role of the present generation in Serbia and Montenegro, and of the regional approach. The main work of promoting reconciliation has to be shouldered by civil society and non-governmental organizations. It is important to avoid utopian understandings of how reconciliation might be achieved.

One of the keys for success in Bosnia is the reform of its educational models. Most universities in Bosnia follow neither modern teaching methods nor European standards in education. Most professors belong to the old school of teaching and do not contribute to the development of critical, engaging and change-oriented thinking. These universities are part of the problem instead of being a part of the solution, and their influence is partly to blame if younger generations of Bosnians continue to be infected by the virus of divisive nationalism. A strong campaign is necessary to put educational reform at the top of the political agenda.

Many young people are anxious to see changes. They are impatient with the diagnosis of Bosnia's main problems, often repeated but rarely acted upon. They see no sense in organizing conferences and repeating ideas

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among similar-minded people. They are ready for grass-root action throughout Bosnia. They want to secure change in the hearts and minds of ordinary people. Action and not talk is their motto for Bosnia.

Responsibility of the Association

While the Association Bosnia and Herzegovina 2005 will not support specific political parties, it will continue to advise forces for reform, especially with a view to the 2006 elections. It will persist in providing a platform for emerging voices to articulate their vision for a peaceful, viable and multiethnic Bosnian state.

The Association will increase its monitoring and analysis of issues relating to European integration, including the policy and strategy of the EU towards the region, and advise relevant national and international bodies — notably the incoming EU presidency before each half-year term — on critical issues in the process of the region's European integration.

As a first step, immediately prior to Austria's assumption of the EU presidency, the Association is organizing, in cooperation with the London School of Economics (LSE), a seminar on "Austrian presidency of the EU – Regional Approaches to the Balkans" to take place in Vienna in November 2005. This event will produce a set of policy proposals that would allow the EU under Austrian leadership to strengthen its approach towards the Western Balkans.

The Association will enable economic and development experts to work on concrete reform measures in this crucial field, and to influence policy-making through tailored advice. The Association will continue to foster innovative thinking while at the same time providing channels through which it can reach policy-makers.

Sarajevo, 4 November 2005