



Bosnia's international managers are learning to take a softer line with intransigent politicians. But old habits will be hard to banish.

A strong warming trend swept across Bosnia and Herzegovina in the first week of December.

Amid much self-congratulation, Bosnian politicians and the international community's high representative called off the political crisis that had only weeks before re-kindled fears of a new violent conflict. The ice began to crack on 30 November when the Bosnian parliament adopted new rules of procedure as required by High Representative Miroslav Lajcak. On 3 December Lajcak gave in to some Bosnian Serb demands to modify his own October amendments to the law on Bosnia's central government. To top off this string of good news, the European Union's enlargement commissioner, Olli Rehn, went to Sarajevo on 4 December to initial the document that clears the way for Bosnia's closer integration into the union, even though there had been scant progress in areas where the EU had previously insisted on Bosnia's bending to its will. All of a sudden, talk of war was replaced by talk of EU membership.

WHISPERS OF WAR

While it is only to be expected that the international community and Bosnian political leaders will try to extract the maximum positive spin out of this de-escalation and formal progress, a more sober analysis of the causes of the tensions and their seeming resolution is also in order. Relief in itself could certainly prove an opportunity to change the antagonistic political dynamic in Bosnia. However, unless lessons are learned by domestic authorities and Bosnia's international overseers alike, new crises are bound to reappear, perhaps quite soon. Kosovo is steering ever closer to a unilateral declaration of independence, and despite their assertions to the contrary, Western states' recognition of that act is bound to put additional long-term strains on the tenuous territorial integrity of Bosnia and Herzegovina.

Political tensions had been simmering at least since the pre-election campaign in 2006. They reached a climax with the October failure to find agreement on police reform, a major irritant in both internal and external relations, and with Lajcak's subsequent decision to unilaterally introduce changes to decision-making procedures at state level. Politicians from Republika Srpska were united in rejecting Lajcak's moves on the grounds that they would allow the Serbs to be outvoted by the other two constituencies in Bosnia's ethnic triad. The Serb entity's Prime Minister Milorad Dodik warned that his party would encourage withdrawals from executive and legislative positions at state level unless Lajcak's decisions were modified. The subsequent standoff between the Bosnian Serbs and Lajcak raised tensions tangibly.

Fear seemed to be taking root at an alarming pace, and people were reported to be hoarding food supplies. On 13 November, Social Democratic Party leader Zlatko Lagumdžija declared in the Bosnian parliament, "People are afraid of going back to 1992. Parliament should tell them that there is no reason, that there will not be a war here ever again. ... The result of all this is that whether there will be a war has become a natural question."

Zdravko Grebo, a prominent intellectual at Sarajevo University, confided to the media that Bosnia "is counting its last days." International diplomats' repeated denials of any link between Kosovo and Bosnia failed to reassure or convince. On 16 November, Dodik reportedly said, "The independence of Kosovo is surely going to influence the establishing of a new public opinion in Republika Srpska, and nobody is going to be able to stop this. ... It is impossible for Serbia to give up one part of its territory just like that, without any ... not to say, concessions."

Despite the current relief, the Peace Implementation Council (the self-assembled body of states and organizations that oversees implementation of the Dayton peace accords and names the high representative) would be wise not to forget how rapidly fear took root among the people. Lajcak repeatedly called the consequences of his decisions an "artificial crisis." But if that was true, how would a *real* crisis develop?



Lord Ashdown

The point to be remembered is that Bosnia is a very fragile state and will remain so for a long time to come. Should the Republika Srpska make moves towards secession in the aftermath of a unilateral declaration of independence by Kosovo, as was suggested might happen, the ramifications for Bosnia would be dire. Not only would the Muslim community (Bosniaks) react with anger and perhaps aggression towards the Serbs: the outlook for the tenuous relationship between Bosniaks and Croats within the Federation entity could be equally ominous. Anecdotal evidence indicates the existence of many undeclared weapons in households across Bosnia. Although most soldiers have been demobilized, it is no

wild speculation to suggest that many former comrades have kept their structures and units informally intact and that even the old mobilization plans could be reactivated with relative ease. Today's high unemployment and subsequent lack of self-esteem among young men also worry observers.

The crisis was neither entirely artificial nor related only to Kosovo. The seeds of tension were sown long ago and may well reflect the overambitious and somewhat naïve policies of the international community. Two especially contentious issues remained unresolved at the end of Paddy Ashdown's tenure as high representative in early 2006. Encouraged by the absence of effective resistance from Republika Srpska towards transferring competencies from the entity to the central state level on defense, intelligence, indirect tax collection and the judicial system, in 2004 Lord Ashdown had set in motion a process aimed at transferring all competencies over policing to the state level as well.

To add leverage, a reluctant European Union was talked into adding specified conditions on police reform to its list of requirements for signing a Stabilization and Association Agreement on closer integration and the prospect of full EU membership for Bosnia. With most people in Bosnia well aware that a new war might break out and was something that could not simply be wished away, it seems naïve to have expected that Republika Srpska, in the face of frequent calls from Sarajevo to abolish the entity, would relinquish total control over its police, its last means of organized and legitimate violence.

The second major issue left unresolved on the departure of the international community's most energetic Bosnian proconsul had initially nothing to do with him. According to insiders, Lord Ashdown was highly skeptical when his former principal deputy, Donald Hays, through the United States Institute of Peace, began working to engage political parties in constitutional reform. For various reasons, the reform process was finally voted down by Bosnia's lower house of parliament in April 2006. But in the meantime what the process itself had done was to erode the 10-year-old mantra on the sanctity of the Dayton accords, of which the existing constitution is the keystone.

ENTER MIROSLAV LAJCAK

The appointment of a young Slovak diplomat to the difficult job of high representative was a bold move. His main assets when he took office last July were said to be his command of the local languages and his knowledge of the region through postings for Slovakia and the EU in Serbia and in Montenegro. Lajcak set out to hold separate talks with individual political leaders on police reform. Haris Silajdzic, the Bosniak representative in the tripartite federal presidency, appeared conciliatory but kept talking about the moral outrage of Srebrenica. Dodik on the

other hand stood firm: Serb authorities had to retain a say over the police budget, and he would hear no talk of drawing police districts that crossed the boundary line between the entities. The police reform protocol presented by Lajcak on 29 August tried to soothe some of the Serbs' concerns; although the Federal entity was all but erased in the new policing set-up, the Serb entity structure remained.

The Bosniak reaction came swiftly: Silajdzic and the man he had defeated in the 2006 presidential elections, Sulejman Tihic, both dismissed the protocol. Silajdzic hinted that the police reform formula signaled the start of the dismantling of the Federation – the alliance created by wartime necessity in 1994 between Croats and Bosniaks. In fact, it was nothing of the sort. What had probably happened was that Lajcak mistakenly took Silajdzic's rhetoric for his true ambitions. For him, Srebrenica is crucial only as a symbol and a lever to apply to broader political issues: the continued existence of Bosnia and Herzegovina, or alternatively the geographical extent of a rump Bosniak state carved from a fractured Bosnia.

Lajcak's protocol had the effect of aiding Dodik, because he was no longer the sole obstruction to agreement. This attempt at police reform played into the hands of Bosnian Serb leaders to such an extent that Bosniak media started to speculate that Lajcak was acting on instructions from Moscow and Belgrade. Playing for time and harboring fears of being dismissed and thus made peripheral to profitable business deals, Silajdzic soon extended compromise feelers to Dodik. To the surprise of many, Silajdzic turned pragmatic and agreed to a minimal solution, announced jointly with Dodik on 28 September. The European Commission's dismissal of the Silajdzic/Dodik proposal as insufficiently concrete and their request for clarifications came to naught. At this point the Croats weighed in with a protocol of their own, which Lajcak welcomed as a compromise attempt, but it was firmly and equally swiftly rejected by the Serbs and by Silajdzic. All coalition party leaders then agreed an even more minimal police reform declaration in Mostar on 28 October. The EU was not impressed.

Diplomatic sources would have it that in case of failure of the police reform, Lajcak had his strategy already worked out: He would impose one or more laws every week, starting in October. The reasoning might have been that these impositions would wear down opposition from Bosnian politicians and eventually lead them to reach an EU-acceptable compromise on police reform.

Lajcak's next move seemed to confirm this hypothesis. On 19 October came the announcement of his first imposed legal move. His decisions amended the law on the Council of Ministers (the central government) and gave the state parliament until 1 December to amend its rules of procedure. Dodik immediately rejected the moves as being in contravention of the constitution and endangering the interest of Serbs and the Republika Srpska. The Serb chairman of the Council of Ministers, Nikola Spiric, later resigned over the decisions.

THE CURSE OF AUTOCRACY

The high representative is appointed, not elected, and holds both executive and legislative powers. Tenants of the position have **dismissed elected presidents, parliamentarians and ministers** in Bosnia for 10 years running. More than 800 decisions have been passed. Like anyone possessing such wide-ranging powers, the high representative must calculate whether the objects of his decision will comply. In a standoff, he cannot simply call for elections and a renewed mandate. Like any autocrat he must also shun admissions of weakness. Once a decision is made, he must stick to it or else risk serious detriment to his prestige and the ability to enforce his will in the future.

Although he has been trying to put the best face on the affair, Lajcak did not put up much of a fight. His immediate response to Dodik's rejection was to enter into negotiations with the Republika Srpska on his decisions – an unprecedented move by any high representative. The concessions Lajcak eventually made are cloaked in legal language that can be interpreted in almost any way. However, that does not diminish the overall impression that he backed down

significantly in the face of Bosnian Serb resistance. The threshold for further use of the Bonn powers has risen significantly as a result.



The strategy of getting tough and punishing obstruction through the use of the Bonn powers had more clout while a substantial number of NATO and later EU military forces remained in Bosnia. From 60,000 troops when the first high representative arrived in 1996, the foreign military presence has dwindled until there are now only 2,500 troops in the EU-led EUFOR mission left. To some extent, the proconsul has become a paper tiger. Lajcak's backing down and the rush of the European Commission to initial the Stabilization and Association Agreement – on the basis of a domestic police reform agreement with little resembling what the EU required just weeks earlier – seem to confirm a belated recognition that Bosnia's politics and its relations to the wider international community now needed handling with tact and flexibility rather than autocratic decrees.

BOOTS ON THE GROUND

Enough to keep the peace?

The international community stands at a crossroads in Bosnia today. So, of course, do the people of the country. Most observers would agree that state-building and reconciliation efforts have failed to take root. Perhaps the interventionist approach of Lord Ashdown should have been allowed to continue for a few more years. On the other hand, perhaps the international overseers and various high representatives should have given the Serbs some respite to digest already agreed reforms, before embarking on the contentious matter of police reform.

Well, there is no way to turn back the clock. To have any lasting effect, continued international intervention in the form of active use of the Bonn powers would need to be long-term and backed up by a credible military presence. This seems to be the position recently advocated in a speech by the British Tory leader David Cameron. Although Cameron's position to some extent has been overtaken and rendered impossible by Lajcak's capitulation, there will certainly continue to be calls for the interventionist policy option for some time to come.

Alternatively, Western countries might heed their own advice to other autocrats who face political and public resistance to tough measures. And that advice is: *democratize*. Democratization in Bosnia will mean abandoning the Bonn powers and urging domestic, political solutions in negotiating the future of the state and its components. Such a process will not be pretty; it will not go smoothly and it will take time. Yet, to continue on a more or less benign but increasingly powerless autocratic path for the foreseeable future might prove worse. Given the stakes, the prime goal must be to avoid renewed violence and its accompanying misery for the people of Bosnia. As such, Lajcak's latest actions were probably wise.

With the initials hardly dry on the precursor to the agreement that could mark Bosnia's biggest-ever step toward EU membership, there is a lesson to be drawn. The EU should re-think its overly ambitious and stubborn demands for police reform and realize that the Bosnian reality requires flexibility not only on the part of Bosnians. The EU should not, as it has indicated, make membership conditional on changes to the Dayton constitution, as domestic agreement is very unlikely to materialize. The Serbs want to preserve their autonomous entity, many Croats want a third entity and Bosniaks want to see neither. Leaving aside an unlikely new agreement, only the current constitution remains a viable option. The EU should play down expectations of constitutional reform and admit that it can accommodate Bosnia with the current set-up. Continued stubbornness on the bloc's part would most likely contribute to another serious crisis along the lines of police reform. In other words, the focus and demands in the accession process should focus on economic development, on stemming the increasingly evident high-level corruption and on bureaucratic and administrative reform rather than on imposing premature

and lofty goals on a yet to be reconciled people.

As for EUFOR, it should remain in place for a long time, to ensure that a climate of fear does not interfere with the painful political exchanges that, with or without the goal of constitutional reform, have become so blatantly necessary. The recent crisis will have done much good if it can serve as reminder of realities rather than aspirations.

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