

Time for a more robust international approach on Bosnia and Herzegovina!

The Dayton Peace Accords (DPA, November 1995) helped stop the war in Bosnia and Herzegovina (B&H) and initially paved the way for processes of reconstruction and revitalization of communities. Yet, the DPA constitution for B&H and state structure also created huge obstacles for full democratization, human rights, transitional justice and the process of European integration. After an initial first ten years of strong involvement, and where needed direct interventions with the 'Bonn powers', the International Community changed its policy and put Bosnian ownership at the heart of its strategy for B&H. Fifteen years later, we can only conclude that the ownership strategy did not deliver what we had hoped for. Twenty-five years after the DPA, it is high time again for a more robust international approach!

This is for us the main conclusion of two online events held on Thursday 15 October 2020, a closed expert meeting and a public webinar. The High Representative of the International Community (IC) in Bosnia and Herzegovina, dr. Valentin Inzko, participated in both events, organized by Utrecht University Centre for Global Challenges, peace organization PAX and former senior deputy High Representative Peter Bas-Backer. Other speakers included dr. Valery Perry (Democratization Policy Council (DPC)), dr. Rachel Kurian (ISS, Erasmus University; and ERMA, University of Sarajevo), prof. dr. Paul R. Williams (Public International Law & Policy Group (PIPG)). Moderators were dr. Brianne McGonigle-Leyh (Netherlands Institute of Human Rights, Utrecht University) and Dion van den Berg (PAX, team leader Europe). The meetings were attended by among others former diplomats, Bosnian and European civil society activists and experts, as well as Bosnian diaspora.

This document largely builds upon presentations and discussions at these two online meetings. Yet only PAX is responsible for its content. More discussions and consultations will be needed, and are planned, to define the key instruments of a more robust approach. PAX will actively contribute to these discussions.

The Dayton Peace Accords and their institutions

The DPA stopped the war in B&H, but also legalized and legitimized ethnic division. Yet, it must be understood that almost all proposals to stop the war in earlier years, notably the Vance-Owen plans, also took ethnic division as starting point.

The B&H Constitution, basically part of the DPA, does not allow progress in processes of nation-building and makes citizens who do not belong to one of the three 'constituent nations' de facto second-rate citizens. The B&H political elite unfortunately refuses to change the Constitution despite of rulings of the European Court for Human Rights, many appeals by the EU and IC, and demands clearly expressed by citizens and civil society organizations in B&H.

Despite of some progress in the field of judiciary, we continue to see alarming reports on the lack of judicial professionalism and persistent interference by politicians in numerous court cases.

The political elite of Bosnia and Herzegovina

Even though the step 'from the era of Dayton to the era of Brussels' may have been a logical one, it came too early and it was not well managed. The EU's technocratic approach to the accession process allowed the three dominant ethnic blocks of the political elite (Bosniaks, Bosnian Serbs and Bosnian Croats) to harness their non-inclusive narratives. In particular the Bosnian Serb leadership is deliberately turning B&H into a dysfunctional state. For politicians, of all ethnic backgrounds, who continue to pursue a nationalistic non-democratic agenda dysfunctional is functional, i.e. working in their favor. The decision-making principles of the tripartite B&H presidency, the two entities, and the ten cantons in the Federation of Bosnia and Herzegovina provide them with the instruments to block progress.

Altogether within the political elite(s), there is hardly any willingness to seriously engage in reforms and democratization, as the dominant political parties understand that this would lead to calls for transparency and accountability, which would undermine their power base in society.

The covid-19 pandemic accelerated some of the political dynamics in B&H. Indeed, politicians took advantage of the trends and times and used the opportunity to blame the IC and the EU of abusing the pandemic by again mingling in internal affairs.

Civil society and the citizens of Bosnia and Herzegovina

Continued engagement by the EU/IC with primarily the actual political leaders of the 'constituent' parties has left other local actors out and exposed; a new bottom-up approach should renew the social contract with civil society.

Civil society organizations are confronted by numerous obstacles, and hate speech and political intimidation go unsanctioned. The brain-drain is at an all-time high. Not only youngsters, but whole families are leaving. What are the perspectives for a younger generation growing up in a dysfunctional state and witnessing a passive IC to let this happen? Not only lack of economic perspectives, but also the lack of Rule of Law is fueling the brain-drain.

The regular dialogue by IC/EU actors with a rather unchanged group of civil society leaders does not bring enough results. Without neglecting their important roles and contributions of these persistent organizations, also emerging new citizens' initiatives should be invited to join consultation processes. Revitalization of the IC-civil society relationship is needed.

The EU accession strategy is perceived by citizens and many in the civil society sector in B&H as highly technocratic and something distant. They feel largely excluded and even abandoned, although many of them try to bring about democratic change and reforms in their own country.

The economic dimension

Financial and economic support was largely ineffective and insufficiently coordinated. Without a functioning Rule of Law, impact of economic development and financial support will inevitably remain limited. The economic reforms imposed on B&H by the international community (prioritizing debt stabilization, price sustainability, privatization and market liberalization) have been beneficial to the ones in power and actors in the international economic arena. However, citizens do not share in the benefits of the financial assistance and investments. Social and economic rights of B&H citizens have been steadily ignored. The IMF, World Bank and EU financial support programs for B&H did not match the actual post-conflict development needs of the country, but increased inequality, e.g. in the health sector, and confirmed the informal sector, exploiting unprotected workers.

As a consequence of what also the EU labelled as state capture in its 2018 new strategy for the Western Balkans, politicians and entrepreneurs have built strong alliances that hamper citizens' access to economic progress.

Dayton 2?

Regularly, the question surfaces about the need for a "Dayton-2" negotiation process. Yet, given the lack of unity among key international actors, including Russia and the DPA guarantor states, any comparable negotiation process would probably create more obstacles than solutions. Hence: "no Dayton-2"!

The key question

The key question is whether policies from the part of the EU and IC can be easily reset or re-directed. The current political elites constitute the biggest obstacles. Can we turn 'arsonists' into 'firefighters'? How to re-engage with a society misled by its politicians and abandoned by the IC? For sure, clear final aims, principles and values should be discussed and accepted when embarking again on a **more robust** IC/EU course.

If reforms and progresses remain without reach...

Bosnia and Herzegovina, a 'potential candidate country' of the EU, has applied for EU membership in 2016. Yet, the membership negotiations have not been opened. The European Commission identified 14 priorities for the country to fulfill before negotiations can officially start. Unfortunately, there is lack of political willingness to work in a serious way on the reforms needed for that step in the accession process.

If that continues to be the case and a more robust approach does not deliver better results, the moment can soon arrive that it would be best if the European Commission, backed by the EU member states, gives a clear signal to the politicians and citizens of B&H by (hopefully temporarily) freezing the accession process.

Possible elements of a more robust approach

Several ideas for a more robust approach have surfaced and should be explored, such as:

- ◆ Issuing travel bans for certain politicians, to ensure that they cannot enter into any EU member state (making a blacklist)
- ◆ Practicing more 'naming and shaming' in situations where politicians are obstructing attempts to make B&H a more unified and functional state, in support of citizens and others asking for democratic reform from within. Criticism should not remain in-doors in meetings with politicians but should be supported by public outreach, giving clear signals of discontent and disapproval.
- ◆ Enhancing visibility of 'Brussels' by more elaborated outreach and frequent visits by representatives of the European Commission and Members of European Parliament to B&H (and not only to its capital or to have meetings behind closed doors)
- ◆ Introducing more strict models of conditionality: circumventing political entities that block progress and reform. Follow the logical 'more for more' and 'less for less', thus rewarding positive change. Also for financial support programs and loans.
- ◆ Supporting 'municipalization', strengthening the roles and performance of local governments vis-à-vis cantonal and entity authorities – using both political and financial tools
- ◆ Channeling more international support, political and financial, directly to organizations in B&H promoting reform in line with European values, including human rights organizations and professional/independent media
- ◆ Providing more targeted support to emerging citizens' initiatives, working on overcoming the segregation in the educational system, improved citizens' participation in local government functioning, inclusive memorialization and other relevant topics.

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