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“My” lessons learnt in Bosnia and Herzegovina

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It was Winston Churchill who once famously stated that the Balkans produces more history than it can digest. Does this mean that we can thus learn more historical lessons in this part of the world than elsewhere? Well, maybe...I don't know....not so convinced. But what I do know is, that in the course of the past fifteen years or so, the tragic conflicts in former Yugoslavia – and their bad handling – have provided many international actors with ample opportunity to learn both from its past deeds and – above all – from its failures. I include myself in both of these categories of decisionmakers.

After the end of the cold war, intervention essentially meant promotion of liberal democracy and liberal rights.

This policy swiftly became the new international paradigm of post cold-war collective security. The conflicts in former Yugoslavia are a case in point. In the early stages of this conflict – in Slovenia, more so in Croatia, and above all in Bosnia and Herzegovina – the UN was considered the sole international organization in charge of collective security.

Well versed experienced in Cold War “neutrality” between the warring parties, the UN-Mission in former Yugoslavia was given a far too weak und insufficient mandate to follow through on its new and daunting task in a fundamentally changed geopolitical environment. In view of the insufficient strength of many UN-Missions today – in Africa but also elsewhere – it seems to me that we still have not learned our Bosnia-lesson in this respect.

Secondly, the sheer complexity and depth as well as the dramatic consequences of the post-communist disintegration process as well as the subsequent post-war reconstruction and state-building were grossly underestimated. In fact, the mere word “state-building” did not even exist back then.

It is my view that Bosnia and Herzegovina offers a unique opportunity to investigate the changing patterns of intervention and to properly assess the political and material costs of such interventions.

Permit me – as a historian by profession–, to take a closer look into the European past: up until the early twentieth century, the interests and thus the “legitimizing grounds” for foreign intervention by the “super-powers” of that time were of a predominantly military-strategic nature.

To keep the geo-strategic “Balance of Power” – a concept brought to perfection in post Napoleonic Europe by Metternich – between the Austro-Hungarian, the Russian, and the Ottoman Empires was the determining factor for intervention in the Balkans. This same pattern – enriched by economic and – at times – “civilisational” motives – was valid up to World War I; until, even more sadly, it was overtaken by the genocidal racist imperialism of Adolf Hitler’s expansion to the East.

After 1945, the promotion of democracy and the rule of law, of human and civic rights first served to counter the communist ideology and later to assist the transformation of the countries of East and Southeastern Europe.

While most of the other former communist countries managed the transition to liberal democracy and market economy in a peaceful manner, something in former Yugoslavia went terribly wrong. You know so much better than we the foreigners do, what the multi-faceted causes were. Let me therefore move on straight to its dire consequences – as I see them.

The “humanitarian” intervention in Bosnia and Herzegovina needs to be put, I believe, into the wider paradigm of Euro-Atlantic collective security. Under the determined political leadership of the United States which almost single handedly brought the war to an end – the multi-year reconstruction effort of unprecedented proportions commenced.

Whereas the immediate objective of the intervention in the summer of 1995 was by nature humanitarian – to stop the carnage, the rationale behind Dayton was much broader: to rebuild – in its fullest sense of the word – a collapsed state and a deeply divided society, based on democratic principles...a task never undertaken in history before in such a comprehensive fashion.

The – much debated and criticized – Constitution of this resurrected sovereign state of Bosnia and Herzegovina undertook nothing less than to square the circle – of the collective rights of the three constituent peoples – the former enemies, on one hand – and Western standards of individual rights and democratic responsibilities on the other.

In this concept, basic human rights – the key tenet of any democratic state – were to be reinstated amongst other via the “right to return” and “property repossession”, thus trying to reverse “ethnic cleansing”.

While a “safe and secure environment” was guaranteed by the US-led international forces, the lead in the so-called “civilian implementation” was put into European hands.

These arrangements mark in many ways the birth of modern state-building.

Ever since, the main challenges for both international and local stakeholders in post-war Bosnia have been to secure peace and stability, to consolidate a central authority and government, and to create a framework of “controlled democracy” in which a multiple transition – from a post-conflict and socialist system to a modern pluralistic and civic society – takes place. In this way state-building, establishing democratic institutions in Bosnia and Herzegovina could also be seen as “EU-member state building”. Well, these have been some lessons of a more general nature.

Let me now look at some details, and I would like to start by sharing with you a few thoughts on successes and failures of state-building, which I see as one of the key aspects in the analysis of intervention in Bosnia and Herzegovina.

I’d like to begin with the good news. Thanks to the significant success of some pivotal sectoral reforms, it is safe to say that state and capacity building in post-conflict Bosnia has worked.

If we look back to 1995 and to the negligible competencies the state of Bosnia and Herzegovina was initially given in Dayton, and the progress since then, there is considerable cause for guarded optimism.

The list of accomplishments of the state-building mosaic is long. It includes both practical and symbolic elements such as common car licence plates, ID-cards and common passports, a national anthem, but also some of the most fundamental structural and functional services needed by any modern state; including a state border service, state-level defence and intelligence structures, an independent and functioning judiciary, to name but a few. And it comprises- and this is highly significant for the fiscal architecture and sustainability of a state a state-level customs and indirect taxation system which – through direct revenues for the state of Bosnia and Herzegovina – has breathed fresh life into the body created at Dayton.

Now, the bad news – and it is, in my view, two-fold. First, there is not too little “state”, but frankly too much “state” in Bosnia and Herzegovina – in terms of layers of governance as well as in regard to the still existing bureaucratic legacy of the past. Bosnia and Herzegovina in my view is still “overly bureaucratic” and lacks sense of public service. The lean and efficient structures of a modern European state still elude the country. Secondly, there is a phenomenon that I would call “reverse ownership,” which I sometimes observe.

And what do I mean with that? When I was High Representative, I tried to adapt this notion of ownership and responsibility, or *odgovornost*, to the specific situation in Bosnia and Herzegovina where, I felt, too few identified properly with the state.

I furthermore wanted to move this country away from a situation where it seemed, that fundamental changes – at times even alien to its local traditions – were being simply imposed on this state and its citizens. More often than not – the country was treated as object. Therefore I thought there was a need to create an atmosphere in which domestic stakeholders increasingly take responsibility for domestic affairs. These were the two basics ingredients of my concept of Bosnian ownership. I’m extremely pleased to see that the new High Representative Dr. Schwarz-Schilling is very serious about the transfer of responsibility. This is very welcome.

Now, when I speak about “reverse ownership” in the state- and institution building contexts, however, I mean situations in which something has gone wrong and the blame goes to domestic players even though the original “perpetrator” was the international community.

Let's say the International Community set up an institution, or decreed a law, or interfered in a particular policy area, for very good reasons, well justified in the state-building framework, and presumably even unanimously, which as you know has not always been the case.

So years later, a specific problem arises as a result of such previous intervention, and we – the International Community – say to the domestic authorities: “This is now your problem, you go and deal with it.”

Now “reverse ownership” has an equally paradoxical sibling – the “dependency syndrome” which occurs whenever it is just convenient for the domestic authorities to turn to the International Community if the solution of a problem is politically inconvenient. Unfortunately, there are likely to be more problems involving the “dependency” phenomenon, than “reverse ownership”.

So the lesson learnt from these examples is that the art of international assistance is to identify a balance between doing too much – and doing too little; a constant challenge for all of us.

One might even go as far as to apply this paradox to Dayton itself, in particular when speaking about Annex IV of Dayton – the Constitution. Let me try to be brief. Reforming Dayton and the Constitution is in my view not only a domestic responsibility. It should be domestically driven, very much so, – above all – the reform should be owned by the country's citizens and politicians (and in this order – I insist), but the process should be assisted, even facilitated by those who engineered this complex system in the first place, and that is the international community.

History cannot be rewritten. But looking at the constitutional reform process in 2002 from today's perspective, I would nevertheless come to the conclusion that continued emphasis and insistence on implementing the constitutional court's decisions – the so called “CoCo amendments” and treating constitutional reform at entity level as an ongoing priority would have created an atmosphere much more conducive to further amending and improving the state-level constitution. This would have affected positively both the political class and citizens.

The International Community chose not to pursue constitutional reform as a priority, nor was there any domestic interest or ownership in the issue. After the demise of the “Alliance for

Change” the necessity for continued implementation and continuation of this crucial exercise was quietly abandoned.

Until Bosnia and Herzegovina was about to face the tenth anniversary of Dayton.

In October 2005, we organized the Geneva “International Conference for Bosnia and Herzegovina” as one of the several initiatives to mark the Dayton-Paris anniversaries – with a rather substantial results and an impressive number of international and domestic expertise present.

I vividly recall that in Geneva, we had gathered for the first time a critical mass of young domestic voices – from all political and ethnical walks to revive constitutional reform. And it was perhaps no coincidence that in the midst of our discussions on constitutional reform, European Commissioner Olli Rehn broke the news about the European Commission’s positive avis on the Stabilization and Association Agreement (SAA). Nevertheless and despite a welcoming atmosphere for constitutional reform, the public and some political parties – for various different reasons – remained skeptical.

The constitutional reform package therefore, that after months of international arm-twisting and skilful mediation by US Ambassador McElhaney, was agreed by Bosnia and Herzegovina’s political leaders on 18 March but voted down on 25 April. This reform appeared to have come to many “out of the blue”. It was lacking, I’m afraid, the necessary full domestic ownership.

Having said this, I still remain rather optimistic as far as the future of constitutional reform in Bosnia and Herzegovina is concerned – optimistic out of sheer necessity.

The real question however – in my view – is not one of constitutional change alone, of finding the “perfect text” or of simply technically amending laws. It is one of “amending minds and hearts.” And this refers to the issue of “identity-building as the ultimate stage in the state-building process in Bosnia and Herzegovina.”

Only once all citizens – and I stress citizens, not peoples, or ethnic groups, or collective bodies, only once all individuals can accept and respect the state of Bosnia and Herzegovina as a reality, then and only then the project of state-building will have succeeded.

True: it is imply impossible, to prescribe or to decree emotions, affiliations and identities – particularly after such a terrible conflict. Obviously, affiliation and multiple identity have to grow from below and come straight from people’s heart.

When I was in Bosnia and Herzegovina, I used to meet frequently with representatives of the civil society, and I tried to spend as much time with “ordinary people” as I did with politicians. And I listened to what they told me. This, too, lies behind the creation of the “Civic Forum” to which I used to invite a cross section of active citizens from all walks of life – to debate, to intellectually provoke and to listen... Let me tell you, that these events were extremely useful for my work, for my better understanding of the “Bosnian universe”. In short, it was a very positive and useful lesson learnt!

So, from state-building via institution and capacity-building to identity building is how I would summarize the post-Dayton development on the road to Brussels, an obviously ongoing process.

Going back to Churchill, and assuming that you have digested enough history, I’d like to conclude, with a brief look forward.

As I tried to outline on the basis of the state-building evolution, Bosnia and Herzegovina has moved out of the post-Dayton era and into what I called – already in 2001 – the “Europe phase”. There are many turning points, which can be pegged to the 10th Anniversary of Dayton as well as to the start of the SAA negotiations, or even to earlier landmark dates such as Bosnia and Herzegovina’s accession to the Council of Europe on 24 April 2002. These landmarks and events mark the increasing shift in paradigms, from less push by the Bonn Powers, to more pull by the magnet of Brussels.

The Brussels-era also means that the state - and capacity building process will continue, and it will continue to evolve by implicit necessity and not by fiat or decree.

The Europeanization of Bosnia and Herzegovina will thus continue in a multitude of ways and means.

Just as in Western Europe – core of our “New Europe” almost sixty years ago cooperation and sectoral reforms have “spilled over” from coal and steel industries into commercial, trade, economic and political sectors, the state-and capacity building project in Bosnia and Herzegovina will dock onto its European ends.

It is not “Yugo-nostalgia” when we call for regional cooperation in particular in the area of the economy between and among the countries of South East Europe.

It is much more a realistic opportunity and vehicle both for boosting domestic economies and joining forces - beyond national, or sub-national borders and entities – on a joint European path.

It is up to Bosnian leaders to demonstrate genuine European leadership in order to coach the process of enhanced regional cooperation, and eventual successful EU integration of the whole region.

This is yet another lesson to be learned and I’m convinced that we all here have our roles in it to play.