

Introduction

“As I have said time and again, my job is to get rid of my job. I am quite clear that the OHR is now into the terminal phase of its mandate”, said then High Representative for the international community in BiH Paddy Ashdown in his speech in front of the Venice Commission¹ in October 2004. For over eight years now the international community has been discussing the downscale of its presence in Bosnia and Herzegovina², which since the signing of the Dayton Peace Agreement in 1995 has been run as a virtual protectorate. But not much has changed since Ashdown’s speech. Although the country has gone forward in all fields and the security situation has improved drastically since 1995, with the number of NATO peacekeeping forces decreasing from 60,000 to only 1,600³ and with BiH currently a temporary member of the UN Security Council, no arrangements have been made to grant more sovereignty to local politics. And due to recent negative developments in politics of Bosnia and Herzegovina, the prospect of getting rid of the ‘informal trusteeship’ now seems more distant than it was at the time of Ashdown’s speech.

The OHR, acronym for Office of the High Representative, is the international body responsible for overseeing the implementation of the civilian aspects of the treaty which ended the war in Bosnia and Herzegovina. It is governed by a council of 55 countries and international organizations charged with overseeing Bosnia’s reconstruction, formally organized into an umbrella organization called the Peace Implementation Council (PIC). It is the PIC who

¹The European Commission for Democracy through Law, better known as the Venice Commission, is the Council of Europe's advisory body on constitutional matters.

²From now on Bosnia or BiH

³Planned to be cut down to 1,300 this fall. In December 2004 the NATO mission was entirely handed over to the European Union, and the operation today is named EUFOR-ALTHEA.

nominates the High Representative, usually a diplomat or a high-standing official from one of the EU member states, and the Deputy High Representative, usually an American.

In the current state of affairs the OHR is vested with the highest executive authority in the country that enable it to run the national policy and to remove, suspend, or fine any elected and non-elected state official who obstructs the long-term goals of the Dayton Peace process. These so-called Bonn powers⁴ also grant the High Representative the right to draft and impose laws, therefore substituting for local authorities.

This form of foreign tutelage has been often described as ‘enlightened’ imperialism and a clear hindrance to democracy not in accordance with the European Convention of Human Rights. Furthermore, the existence of the OHR is now an obstacle to BIH’s progress towards the European Union, who has made it explicitly clear that the closing of the OHR is a precondition for BIH to apply for EU membership. Although the option of closing the OHR has been floated for some years now, some of the important actors in the PIC remain strongly opposed and argue that the authorities of BIH are not yet ready to take over the full responsibility of governing the country. The debate over what policy option to apply for future involvement is essentially a question of interpreting the current security situation in the country: the EU sees Bosnia’s problems as expected for a post-conflict society, that will solve naturally if Bosnia is treated like a normal country and held to the same expectations; the US, on the other hand, thinks Bosnia’s problems are a continuation of warfare by political means and advocates more unwavering involvement to prevent disintegration.

This paper gives a historical background to the debate of international intervention from 1995 until today, and presents both the arguments in favor and against the abrogation of the

⁴After the 1997 PIC meeting in Bonn

protectorate and transition to self-governance. It looks at opinions voiced by a range of research institutes, think tanks and academics from both sides of the Atlantic, which feature criticism about the detrimental effect of protectionism on the strengthening of local democracy on the one side, and concern over the inability of local actors to bring progress independently of the OHR on the other. It finally concludes that it is still too early to entirely end the international supervision, and that the international community and especially the EU should not seek an exit strategy but should rather commit to a more forceful democratic partnership with Bosnia on its path towards Euro-Atlantic integrations. It recommends that the EU should allow Bosnia to apply for membership even without the closing of the OHR, as this will provide an impetus for the solving of the current deadlock; and it suggests that the international community should work on restoring its positive image both among the population and the local authorities. The final word is dedicated to explaining why foreign media are wrong about claiming Bosnia is “On the Brink of a New War”, and decides that BiH as a multi-ethnic state indeed is viable and has its future inseparable from good relations with the neighboring Croatia and Serbia.

History of OHR

The wars that followed the breakup of Yugoslavia in the 90s for the first time presented the international community with the post-Cold War dilemma of humanitarian intervention. The European Union at the time was only starting to talk about its Common Foreign and Security Policy, and the war in Bosnia and Herzegovina was its first significant challenge.⁵ The success of the Maastricht Treaty in 1992⁶ sparked off widespread enthusiasm about the future role of the new consolidated Europe in mediating international conflicts abroad, and the conflict in Bosnia

⁵Ana Juncos, Southeast European Politics, 11/2005, pg 88

⁶The Treaty of Maastricht created the European Union (formally the European Community), established the Euro, and established the pillar structure of the Union. The three pillars are the European Community, the Common Foreign and Security, and the Justice and Home Affairs.

had the potential for being a showcase of European success. Consequently the Prime Minister of Luxembourg Jacques Poos, then head of the Presidency of the European Community, declared in the early years of the conflict that “it is the hour of Europe, not the hour of the United States”⁷. However the disastrous disagreements among individual members of the EC on what, if any, course of action should be taken, led to enormous disappointments. It was not until 1995, after three and a half years of warfare and around 200,000 deaths, that a US-managed initiative under Richard Holbrooke led to the signing of a peace treaty.

The Dayton Peace Agreement⁸ was negotiated in a military air force base in Dayton, Ohio in December 1995, and it secured the deployment of 60,000 NATO troops to guarantee its hold. The parties involved in the negotiations were practically coerced into signing, and had very little say over the content of the document crafted by a team of lawyers in Washington.⁹ Nonetheless, the treaty comprised not only of a ceasefire but also of a Constitution for the future State of Bosnia and Herzegovina,¹⁰ which created an ethnic-based federal country with an extremely complex structure of ethnic representation. As Chivvis and Đogo point out, it introduced “a hybrid political system that accommodated Serb demands for autonomy on one hand, while meeting Bosniak demands for a unified state on the other”¹¹

The Constitution confirmed the legal continuity of the Republic of Bosnia and Herzegovina, now independent of Yugoslavia and home to three ethnic groups: Bosniaks, Croats and Serbs. Two territorial units of approximately the same size were created as entities - the

⁷Geoffrey Edwards, *Foreign Policy of the European Union* (Lynne Rienner Publishers 1997), pg 176

⁸DPA - Dayton Peace Agreement, Dayton, or GFAP- General Framework Agreement for Peace

⁹David Chandler, *International Journal of Peace Studies*, Vol 1 Nr 1, pg 22

¹⁰Annex IV of GFAP

¹¹Chivvis and Đogo, *The Washington Quarterly*, Vol 33 Issue 4 2010, 09/2010, pg 105

Bosniak-Croat Federation of BiH and the Serb-dominated Republic of Srpska – the two tied by a loose federal structure. The entities were granted much autonomy leaving an extremely weak central power with a short list of competencies. Furthermore, the power-sharing mechanisms at the state level granted a veto power to each of the constituent peoples, making it very difficult to reach a consensus on politically sensitive issues.¹²

To make governance even more complex, Dayton also established the Office of the High Representative with the task of supervising the implementation of the civilian aspects of the peace treaty.¹³ Its governing board, the Peace Implementation Council, was formed at the insistence of European countries attending the Dayton negotiations who felt sidelined by the US and demanded more involvement in this issue,¹⁴ which some felt was of direct geographical concern to the EU.¹⁵ They also succeeded at negotiating that the High Representative always be a European, although one deputy would be American and one German.¹⁶

During the initial phase the High Representative did not have legally binding powers, and its mandate was very vaguely defined. This soon proved insufficient to ensure the implementation of the peace treaty and the strengthening of the country's governing structures. Although the fighting between armies had ceased, the immediate post-war years featured a

¹²Venice Commission report, 11/03/2005, pg 3

¹³Annex X of GFAP

¹⁴ The power relation between the PIC and the OHR remains unclear till today. Initially the PIC was only an auxiliary council, while the OHR received its legal authorization from the UN Security Council. But as the role of the EU in Bosnia grew, these roles were reversed and the OHR became subordinate to the PIC and directly accountable to it. Nonetheless, the High Representative up till today speaks with a single voice in the PIC, is often critical of individual PIC members, and is allowed to make decisions without prior consultation with the PIC.

¹⁵Speaking of geographic proximity, many wartime reporters expressed outrage at the cold detachment of Brussels diplomats for a conflict that is going on a mere 1.5 hour flight away from the heart of Europe.

¹⁶David Chandler, International Journal of Peace Studies, Vol 1 Nr 1, pg 23

chaotic organizational structure with only partial internal freedom of movement, and war criminals still roaming freely.¹⁷ At the core of the problem lay an inconvenient truth: the Dayton Peace Agreement negotiated a structure with no winners or losers, which hence encouraged Republika Srpska to presume independence and continue ignoring the central government. The Federation of BiH, on the other hand, was paralyzed by disagreements between Croats and Bosniaks, both of whom felt entitled to more autonomy within their shared territorial entity.¹⁸ At the Bonn PIC conference in December 1997 the Peace Implementation Council therefore indefinitely prolonged the mandate of the OHR, and granted legally binding powers to the High Representative which enabled him to impose legislation and remove officials from office.¹⁹ The founding of a liberal protectorate was hence complete; from now on, the OHR would act as the central coordinating body and a mentor for cooperation on local inter-ethnic level.

The Dayton peace agreement was described by Carl Bildt, Swedish diplomat and first High Representative, as “by far the most ambitious peace agreement in modern history”.²⁰ It was negotiated by outsiders, imposed from the outside, and it gave far reaching powers to international actors even after the war had ceased. Aside from its obvious purpose to end the fighting, it was a political project of long-term state-building²¹ orchestrated by foreigners and granting the local actors only a limited opportunity for participation.

Consolidation of OHR policy

¹⁷Speech by HR Paddy Ashdown to the Venice Commission, 08/10/ 2004

¹⁸Chivvis and Đogo, *The Washington Quarterly*, Vol 33 Issue 4 2010, 09/2010, pg 104

¹⁹Venice Commission report, 11/03/2005, pg 4

²⁰Quoted in David Chandler, *International Journal of Peace Studies*, Vol 1 Nr 1, pg 24

²¹The annexes to GFAP cover areas from return of internally displaced persons to protection of cultural heritage

The period between 1995 and 2000 marked extraordinary success in the peace-building effort. Interethnic violence and incidents of hate plunged to very low levels, the ethnic armies and paramilitaries were disbanded and gradually excluded from public life, a significant part of refugees were able to safely return to their pre-war homes, and freedom of internal movement was fully restored. Even the early elections, at the time heavily criticized for giving a free entry to politics to those same elites who conducted the war, turned out to be a success in that they established a democratic sphere and invited all sides for a dialogue.²²

While every High Representative used the Bonn powers whenever necessary to facilitate this process, it was Wolfgang Petritsch (HR from '99 to '02) who introduced the concept of 'ownership' which sought to enhance the role of local actors in the governance of BIH.²³ His reasoning was simple:

The Bosnians have to take ownership of the progress of their country. My job is only to ensure that the direction in which they go is that of a proper European country.²⁴

Petritsch's mandate also featured a consolidation of the EU policy, with the European Union shifting from an economic power focused on providing humanitarian aid to a normative diplomatic partner inseparable from the vision of Bosnia's future.²⁵ In 1999 the EU launched its Stabilization and Association Process, and signed a partnership with the Western Balkans (including BIH) as the first formal step to future EU membership.²⁶

²²Knaus Gerald and Cox, Institute for Security Studies, Chaillot Paper Nr 70, 10/2005, pg 56

²³Cristophe Solioz, SEER Journal for Labour and Social Affairs in Eastern Europe 2/2010, pg 288

²⁴ Wolfgang Petritsch, Speech at the Steering Board Ministerial Meeting, Sarajevo, 22 September 1999.

²⁵Ana Juncos, Southeast European Politics, 11/2005

²⁶Delegation of the EU to BIH website

Petritsch's successor in office, Lord Paddy Ashdown, took a different course. A British politician and former Liberal Democrat's leader in the UK, Ashdown was appointed in May 2002 as the new High Representative and also the first European Union's Special Representative (EUSR), with a mandate to "assist the country to move beyond peace implementation towards EU integration".²⁷ During this period, Bosnia and Herzegovina made significant progress towards the implementation of the civilian segments of Dayton and advancing towards EU integrations. The Defense Reform established a single army by unifying former war adversaries, and a state-level judiciary was set up to target both corruption and war crimes. A central tax collection and customs authority were also formed, decreasing the state's reliance on the entities; and a round of fiscal reforms was passed in order to streamline the economy. A sweeping systematization of state-level agencies and ministries was guided by the requirements set in the EU Feasibility Study, which altogether made the whole bureaucracy more efficient, the state-level more relevant, and it started the lengthy process of reforms necessary for EU integration.

Nonetheless, Ashdown's profuse use of the Bonn powers to sack unprecedented numbers of public officials and to impose the above mentioned reforms caused much controversy. He holds a record for removing 59 officials in a single day, all from Republika Srpska, due to a lack of fiscal transparency that cast doubts on their links to war criminal then fugitive Radovan Karadžić.²⁸ The officials were removed without due process and with no right of appeal in front of any judicial institution in BIH.

Ashdown's actions were met with enthusiasm among many non-Serbs in BIH and among many international observers as well, who were ready to accept the use of unaccountable

²⁷EUSR website

²⁸Was captured by Serbia in July 2008 and is currently being tried by the ICTY

international authority as “an instrument of progress and a shield against anarchy”.²⁹ The liberal imperialism went as far as to coin the concept of ‘EU member state building’, used to refer to the remote option of building the state of BiH entirely through structures of outside supervision, and eventually handing the mechanisms of this supervision over to the EU institutions without any intermediary phase of local sovereignty.³⁰

Transition from OHR to European Union Special Representative

A more conventionally accepted policy option starting to be considered by the Peace Implementation Council in 2003 was that of closing the OHR. There was an understanding that the OHR was a temporary solution and eventually, Bosnia and Herzegovina had to take ownership of its own politics if it wants to stand for a serious candidate for EU membership. Therefore in 2003 a Mission Implementation Plan was produced that set the core issues, all deriving from the GFAP, on which OHR still has to work in order to consider its Dayton mandate completed. It was envisaged that OHR would transition into the office of European Union’s Special Representative, which would bring the country forward through conditionality and EU soft power. This was the progressive, democratic opposite of the heavy-handed authority of the Bonn powers. In a June 2006 PIC meeting it was concluded that the OHR should begin to prepare for its closure scheduled for 30 June 2007.³¹

Nonetheless, this process was stopped due to an increase in political instability and nationalist rhetoric after the end of Ashdown’s mandate. As a significant chunk of reforms was passed to reinforce the state-level, the OHR judged it was time to begin the reform of the Constitution, which as part of the Dayton Peace agreement was never envisaged as a long-term

²⁹Knaus Gerald and Cox, Institute for Security Studies, Chaillot Paper Nr 70, 10/2005, pg 66

³⁰See, for example, Giulio Venneri in Journal of Intervention and Statebuilding, Vol 4 Issue 2, 07/2010

³¹Foreign Policy Initiative, Policy Analysis 4/11, pg 1

document but was rather an interim arrangement. The reform was supposed to eliminate overlapping competencies, further streamline the bureaucracy, and make the Constitution compatible with the European Convention of Human Rights.³² This overhaul would pave the road to Brussels, prepare the country for self-sustaining stability and provide an operational framework which would make it easier to pass reforms necessary for the integration of BIH into international institutions like the EU and NATO.

An initiative involving six largest political parties was therefore undertaken in April 2005, under the assistance of the US Embassy, the United States Institute for Peace, and two US NGOs. After a lengthy process of negotiations, by early 2006 it seemed like the so-called April Package had gained support from all involved parties. But in the last minute a disagreement between two Bosniak parties caused some leading figures³³ to defect, and, after over a year of negotiations, the entire reform failed.

This initially small disagreement set the scene for further deterioration of the political climate. Nationalist parties, fuelled by the prospect of gaining votes in the elections that were going to be held in October the same year, used the Constitution talks to express their radicalism by opposing any sort of agreement. The interests of the three sides seemed irreconcilable.³⁴ This situation was cause for many foreign media to call ‘the largest crisis since the end of the war’, and go as far as to claim that ‘Bosnia is on the brink of a new war’. But the OHR was not going

³²The European Court of Human Rights judged that the inability of ethnic minorities to stand for elections to the Upper Chamber of Parliament is discrimination and a violation of the European Convention on Human Rights. The judgment was brought in December 2009, following a case of Sejdic and Finci, representatives of Roma and Jewish minorities respectively, against the State of Bosnia and Herzegovina.

³³Bosniak hardliner Haris Silajdžić from SBIH party was the main opponent to the reform, unwilling to accept any type of territorial arrangement that includes a continued existence of Republika Srpska, deemed as a creation of the wartime genocide. His party later won the general elections.

³⁴Each side had radical requests: Serbs more autonomy, Bosniaks unitary state, and Croats a third entity.

to intervene: there was an understanding that a reform of such high significance for the future of the country can be negotiated only and only by local actors. The High Representative at the time, German diplomat Christian Schwartz-Schilling, was a strong proponent of a laissez-faire policy, believing that the ability of local actors to reach a consensus will be an indicator of their maturity and readiness to pursue other demanding EU reforms.

When those same nationalist parties featured in the crisis were elected in the Fall of 2006, the PIC decided that its decision to close the OHR was premature. In a meeting in February 2007 the mandate of the OHR was extended first until 30 June 2008, and later on it was extended indefinitely until a set of requirements referred to as the 5+2 package, meaning five objectives and two conditions, is fulfilled. The five objectives were the Resolution of State Property, Resolution of Defense Property, Completion of the Brcko Final Award, Fiscal Sustainability of the State, Entrenchment of the Rule of Law; and the two conditions are signing of the SAA³⁵ and a positive assessment of the situation in BiH by the PIC.

While few contested the necessity for a more sustained effort in the reform process in BiH, the requirements enclosed in the 5+2 package caused a lot of controversy. Only one of them was ever mentioned in the Dayton Peace Agreement, the document meant to define the mandate of the OHR, and the way these requirements were given priority over any other was ad-hoc and most likely not based on significant preliminary research.³⁶ The package was not accompanied by a formalized set of benchmarks or steps of procedure, which meant that only the OHR could determine the level of its implementation. Furthermore, some of the objectives such as Fiscal

³⁵Stabilization and Associations Agreement, a formal treaty with the EU, is the precursor to candidate status and serves as a roadmap for the necessary reform work. It was signed in June 2008.

³⁶Goran Tirak, Center for European Policy Studies, Policy Brief Nr 219, 11/2010, pg 6

Sustainability or Resolution of State Property are issues extremely complex that have little to do with the implementation of peace, but are rather advanced conditions for EU membership.

To many in BIH it seemed like the 5+2 package was designed for the sole purpose of extending the mandate of OHR as long as possible. Even if all the technical requirements were met, there was always the condition of the positive assessment of BIH by the PIC, which in itself is abstract and out of the sphere of influence of local actors. Commenting on this requirement, Valentin Inzko stated that “no one should think that this is a mere formality”.³⁷

Another crisis

The four-year mandate of the nationalist parties featured a repolarized political discourse and an antagonistic attitude of single parties to even the most apolitical of reforms. The country lagged behind its obligations set in the Stabilization and Associations Agreement, and it was late to meet important international obligations. The prime minister of Republika Srpska Milorad Dodik repeatedly called for a referendum on secession which, although mere populist rhetoric, caused even deeper ethnic entrenchment. This period was matched with the decreasing authority of the OHR due to an apparent loss of support from the individual members of the PIC, who in their foreign policy often preferred to bypass it and act unilaterally. An example is the renewed initiative for Constitutional reform known as the Butmir talks in the Fall of 2009, starring U.S. Deputy Secretary of State Jim Steinberg and Foreign Minister of Sweden Carl Bildt as mediators. They regularly appeared in the political life of the country, but in their acting greatly

³⁷High Representative's Press Conference following the session of the PIC, Sarajevo 25/06/2008

sidelined then HR Miroslav Lajčák,³⁸ successor in office of Schwartz-Schilling.³⁹ This series of talks once again failed to bring results.

After these difficult four years, the elections in 2010 were expected with much anticipation. It became commonly understood that only a change in voting preferences could prevent another four years of ethno-nationalist discourse and stagnation. The results of the elections did indeed bring some change: the Bosniaks for the first time moved away from their traditional ethnic parties and cast their votes for the Social Democratic Party (SDP), the only serious multi-ethnic party in the country.⁴⁰ This change of preference, however, was not matched among Croats and Serbs, who re-elected the same actors as beforehand. It soon became evident with the start of coalition talks that moving the country forward is going to be no easy task.

Due to a system of entity representation, it was first necessary to form the entity government to then proceed to forming the state-level one. This was relatively simple in RS which, due to its centralization, has a natural advantage over the decentralized Federation of BiH.⁴¹ In FBIH problems arose when, after obstructionism from two largest Croat parties, the SDP formed the government in coalition with small Croatian opposition parties and without representatives from two out of ten cantons. The two large parties then formed a parallel government based in the Herzegovinian city of Mostar⁴² out of protest, and made a case at the

38Toby Vogel, *EuropeanVoice* 12/12/2009

39 Schwartz-Schilling resigned in 2007 after only 13 months in power. It was unclear whether this was his personal decision or whether he was coerced to resign.

40The multi-ethnic system of governance created by Dayton established a complex multi-party system in which every ethnic community has its own dominant party regardless of what political agenda they stand for (social democracy, economic liberalism, etc.) The SDP as a legal successor of the former Communist Party is an exception to this rule, as they strive for social democracy irrespective of ethnicity.

41This primarily refers to the territorial arrangement of the FBIH: It is made of 10 cantons, some of which are entirely Bosniak, others entirely Croat, and others are mixed.

42Most of Herzegovina is a Croat stronghold, and Mostar is the largest Croat-dominated city in the country.

Central Election Committee (CEC) that challenged the constitutionality of the formed Federation government.

The final decision of the CEC, an institution founded by the OHR in 2001, was that the federal government indeed is illegal, and therefore has to be reconstituted. Envisaging the deepening of the crisis that this decision may cause, the High Representative then used the Bonn Powers to suspend the decision of its brainchild CEC, and extended his support for the SDP coalition in power. This move further embittered the Croats, who now blamed the international community for their disenfranchised status.

Parallel to this crisis in the Federation, Republika Srpska made headlines in foreign media with Dodik's announcement of a referendum on the legality of foreign prosecutors in the Supreme Court of BIH. Although not threatening in itself, the referendum was a direct attack on the international community in BIH and a symbolic showcase of RS's ability to call a referendum on other issues, namely secession. Once again the media called the largest crisis since the end of the war, stating that 'BIH is on the verge of collapse' and that 'renewed violence is not imminent but always a possibility'. This time newspapers also talked about the decay and loss of authority of the OHR. The height of the inability of the HR to delegate power was obvious after it took the High Representative of the EU for Foreign Affairs and Security Policy Baroness Catherine Ashton to cajole Dodik into calling off the decision on the referendum.

Now that the situation has calmed down, and the country still does not have a central government even ten months after the elections, the OHR seems to have recovered its strength. Its decision on the ruling of the CEC still holds, and the 5+2 package of requirements still has to be met for the OHR-EUSR transition. There is, however, an understanding that there has to be a change of policy, and many actors in the Peace Implementation Council have expressed reserves about the adequacy of the Office of EUSR privy of Bonn powers to deal with the current state of

affairs in Bosnia and Herzegovina. But more than anything, there is a feeling that after 16 years of international protectorate and many billions invested, BIH is not quite there yet.

The two options for future international presence

The debate about the future policy of the international community is a highly ideological one. The disagreements among various actors over what is to be done are reminiscent of the early 90s, a time when the lack of common vision allowed the war to go on uninterrupted for three and a half years. The situation today is not quite as alarming. But Wolfgang Petritsch, former HR, fell nothing short but stating that the post-war stalemate “did as much harm to the country as did the war period”.⁴³ With all sides accepting the basic premise that the protectorate cannot last forever, the disagreement centers around whether Bosnia and Herzegovina’s governing structures are yet ready to transition to a sovereign control of the country. The European Union generally agrees that only when the protectorate is abolished will local politics be able to grow muscles and show its readiness. The other side led by the United States and Turkey resent the eagerness of the EU to call the Dayton mission completed, and argue that the current crisis, in line with many others that preceded it, are proof that peace in BIH is still a volatile category. But not even all the EU member states agree on a common position, which significantly compromises the credibility of the Union as the one expected to take over the mission after the closure of OHR.

Disagreements exist among local actors as well. It is true that, ironically, the opinion of Bosnia and Herzegovina about its fate does not have any influence over the final decision of the PIC. But the issue of the OHR-EUSR transition has caused heated debates among the three ethnicities, each of which has a different interest in ending the protectorate. The Serbs are the most ardent proponents of the end of OHR, and many nationalist Serb leaders (namely Milorad

⁴³Christophe Solioz and Wolfgang Petritsch, openDemocracy, 28/05/2011

Dodik, current Prime Minister of Republika Srpska) have built their entire career on defying the efforts of the international community in BiH. With its mission of strengthening the central state at the expense of the entities, and with the largest number of dismissed officials coming from Serb lines, the OHR is perceived as a threat to Republika Srpska. The Croats share a similar feeling. Also opposing a centralized state, the two largest Croat Parties, HDZ and HDZ-1990, see the OHR as an obstacle to their quest for ever greater decentralization⁴⁴.

Bosniaks, on the other hand, are strong proponents of the continuation of the OHR and generally are supportive of the use of Bonn powers. Perceiving the Serb and Croat quests for more autonomy as a continuation of the war against the sovereign state of Bosnia and Herzegovina by political means, they see the OHR as the only guarantor of peace and territorial integrity of BiH.

But the questionable future of the protectorate has also found its way also into academia and policy research, explored as a phenomenon expressive of the modern concept of state-building by outside effort. The views of distinctive research institutes and independent academics are explored in the next section.

OHR as a mechanism more effective than EUSR

For those who argue that the mission of the OHR is not yet completed, the political deadlock the country has been experiencing since 2005 is a direct result of not enough having been done by the international community. Proof of this is the stark contrast between the 1995-2005 era and the period from 2005 until present. During the first decade of its engagement, the commitment of the PIC to the state-building experiment brought extraordinary results, and Bosnia and Herzegovina rapidly progressed from a war-torn society to a country with a fully

⁴⁴Aware of their minority status relative to the other two ethnicities, Croats are fearful that a centralized state would further marginalize their ability to delegate power. Some of their most radical parties have in fact repeatedly advocated for a 'third entity' - a territorial unit resembling the RS, only with a Croat majority.

functional security, social protection, and infrastructure. The sustained effort of all the High Representatives of the time, but especially of the forceful Paddy Ashdown, strengthened the central state and elevated its authorities to the point of representing a serious member of the community of countries seeking EU membership. As mentioned in some of the previous sections, significant reforms were passed and it seemed like the country is getting to a point where the OHR will no longer be a necessary instrument of power.

But events in other parts of the world and a fatigue with the state-building experiment contributed to a loss of commitment of some of the PIC countries to the OHR mission in Bosnia. Ashdown's successor Schwartz-Schilling, other than advocating a laissez-faire policy, was also generally seen as a weak and incoherent character unable to delegate power. There are speculations that his resignation in 2007 was really negotiated by the PIC as a last-resort measure to save the compromised authority of the OHR. Schwartz-Schilling's successor Miroslav Lajčák also left office before the end of his mandate, to become Foreign Minister of his country of origin Slovakia. Although initially he denied leaving frustrated with the lack of unity among major western governments, in a later interview he bluntly explained he was "tired of riding a dead horse", referring to the incoherent policy of the PIC.⁴⁵

Meanwhile Bosnia and Herzegovina was struggling with its constitutional crisis, which brought to surface some of the most nationalist and intransigent leaders the country has seen since the end of the war. The internal PIC disagreements over what course should be taken, with France advocating a downscale and the UK arguing for an increased presence and the use of Bonn powers to remove those politicians causing trouble, significantly weakened the authority of the OHR.⁴⁶ The 'protectorate in decay' left an open space for direct attacks on the Dayton

⁴⁵Tihomir Loza, European Voice, 03/02/2009

⁴⁶Ibid.

agreement by Serb parties, and calls for the reversal of some of the reforms previously passed became a regular event.⁴⁷

The conclusion drawn by academics like Bruce Hitchner, professor of International Relations at Tufts University and Chair of the NGO Dayton Peace Accords Project, is that Bosnia and Herzegovina was making progress only at times when the engagement of the PIC was strong and forceful. The period of weakened presence was matched with political crises of a scale that threatened the breakup of the country and a reversal of all the previous efforts to establish a peaceful political climate.⁴⁸

Arguing against the closing of the OHR, the independent research institute from Sarajevo Foreign Policy Initiative (FPI) looks at the legal features of this institution. The OHR, they point out, is an integral part of the BIH constitutional order. The Annex X of the Dayton Peace Agreement defined the High Representative as the ultimate interpreter of the Constitution, and empowered it as a dispute-solving mechanism in occasion of a legal dispute between the entities and the state. It is important to note that no domestic judicial institution, including the Constitutional Court, has a mandate to substitute for the HR in such an occasion.⁴⁹ Therefore as long as the DPA is in force as the highest legal document in the constitutional order of BIH, the OHR has a mandate as its interpreter - and closing it before fully handing over these authorities to credible local institutions would create a potentially very dangerous legal vacuum.

Furthermore, FPI points at a very basic fact: the Dayton Peace Agreement is not yet implemented. The Annexes of the GFAP provide for a creation of a fully functional state on a

⁴⁷Among those most resented by the Serbs was the centralized judiciary and foreign policy. Republika Srpska, in fact, largely bypassed the state Ministry of Foreign Affairs by forming its own foreign policy links through its Chamber of Commerce.

⁴⁸Bruce Hitchner, Don Hays and Edward Joseph, International Herald Tribune, 19/01/2007

⁴⁹Foreign Policy Initiative, Policy Analysis 4/11, pg 3

clear path towards the EU and NATO, and, with threats of secession of the RS and calls for a third entity as part of the daily political rhetoric, it is clear that these provisions are still not met.⁵⁰ In the opinion of FPI the 5+2 conditionality is a fundamentally flawed exit strategy, as it features conditions that were not even mentioned in the DPA and leaves out its major unimplemented components, such as the full return of refugees.⁵¹ An international presence in BIH is a symbolic preventive mechanism for potential attempts of the dissolution of the state of BIH, and is still a necessary guarantor of peace.⁵²

The provision of the closure of the OHR is for international presence in BIH to be maintained within the Office of the EU Special Representative. That would formally exclude all non-European actors from the implementation of Bosnia's peace, including the United States and Turkey. With a still very alive memory of the fiasco of EU involvement during the war in Bosnia, and the inability of individual member states to reach even a most basic agreement of a course of action both at the time but also today, many are skeptical about the adequacy of the EU as a political body to take on a mission of such scale. The EU, notes Kurt Bassuener from the Democratization Policy Council, has acted as both an incapable and an unwilling actor, committed to its standard enlargement policy and without a specific strategy that would address the peculiarities of Bosnia and Herzegovina's political situation.⁵³ The European Union is considered as "a desirable address and a deep-pockets donor - it throws money at problems - rather than a serious political actor."⁵⁴ Its eagerness to declare a mission accomplished in BIH is

⁵⁰Center for European Integration Studies, Policy Brief NR1, 2007, pg 2

⁵¹Annex VII of GFAP

⁵²Foreign Policy Initiative, Policy Analysis 4/11, pg 7

⁵³Kurt Bassuener, EuropeanVoice, 17/02/2011

⁵⁴Stephen Castle, New York Times, 01/10/2009

seen as a quest for an easy success story, rather than honest belief in the readiness of the country to take full responsibility of its politics.

With that in mind, many have asked whether EU's soft power and conditionality can bring progress in a country with such a distant prospect of membership. Former legal advisor to the International Supervisor of Brčko Matthew Parish takes the example of Cyprus, where the prospect of EU membership did not help solve the conflict between the Greek and the Turkish side of the island.⁵⁵ The EU's position is that by applying a standard accession procedure, Bosnia's ethnic problems will get resolved naturally by internal consensus, and without an outside intervention. But Parish rightly notes that the European future of Bosnia is still not a common vision for all of its ethnicities,⁵⁶ and neither is its very existence as an independent sovereign country.⁵⁷ Having in mind that the cause of deadlock is the existential question of BIH sovereignty, it naïve to expect the standard soft power of the EUSR will solve this debate naturally, without a structured approach or a vision of how to reconcile the three ethnic groups on a level deeper than economic.

In a further criticism of this lack of vision, the OHR pointed at the debacle of EU's war involvement but also the euro crisis that currently troubles the Union.

“Bosnia was a learning curve for the EU's Common Action and Security Policy in the 90s. And we all saw how that went. Now, if the EUSR were to take over, Bosnia would

⁵⁵Matthew Parish, BalkanInsight, 15/06/2011. Today the Greek-speaking part of Cyprus is member of the Union, while the Turkish side declared independence and is today formally recognized by only one UN country: Turkey.

⁵⁶One of the main premises of the EU's action in BIH is that the Union will only accept to negotiate membership with a BIH that speaks with a single voice, and not with its two separate entities. This implies that a large part of the EU reforms seek to strengthen the state level and create centralized agencies, to a great dislike of Serbs who are the least enthusiastic about the European future of BIH – if not directly opposed to it.

⁵⁷ Among the three ethnic groups of BIH, only Bosniaks are forceful proponents of Bosnia as state above all, and as a state of a centralized nature. The other two groups have been prone to questioning the very statehood of BIH; Serbs with calls on a referendum on independence, Croats with forming a parallel government in Mostar.

once again be a test ground for a new mechanism, the reformed Foreign Affairs and Security Policy – and my question is, at the time of a growing euro-crisis, can we afford to take the risk?”⁵⁸

Indeed the ongoing crisis is a valid consideration, having in mind that the eagerness for enlargement was concluded with Bulgaria and Romania’s accession in 2007, and is likely to plunge even further with the crisis of the Euro. If the commitment from individual EU states was low up until now, there is no reason why it would get any higher at this time.

The final argument against the closure of the OHR emphasizes the moral responsibility to complete the state-building experiment in BiH whose very shortcomings can be held responsible for the deadlock that currently plagues the country. “There was a basic intellectual fallacy in that Dayton accepted the ethnic logic that had driven the war” said former HR Wolfgang Petritsch in a recent interview, “and the High Representatives have been trying to correct its built-in deficiencies”.⁵⁹ In its attempt to end a war without winners, Dayton created ethnic and entity veto mechanisms that make it extremely difficult for a decision to be reached, and it put the Serbs in a privileged position relative to Bosniaks and Croats by granting them a centralized territorial entity with a large autonomy. Vefehan Ocak, Turkish ambassador to BiH, noted:

“It is easy to criticize the Bosnian politicians, but - with the mechanisms we created, it is not easy to be a politician in Bosnia. We criticize them for not being able to implement the Sejdic-Finci decision, but it was us - the international community - who through Dayton imposed this discrimination in the first place. If we, with all the instruments of power we dispose of, were not able to bring stability to this country, it should then be easier to criticize the international community for not having done enough, than Bosnian politicians for not being able to overcome the obstacles we imposed.”⁶⁰

⁵⁸ Author’s interview with a Senior OHR advisor, Sarajevo, 26/07/2011

⁵⁹ Toby Vogel, EuropeanVoice, 11/11/2010

⁶⁰ Author’s interview with Mr. Ocak, Sarajevo 22/07/ 2011.

A number of PIC member states⁶¹ led by Turkey and the United States therefore argue that the international community cannot leave before these fallacies of Dayton are corrected and the country is able to function as a centralized unit and with an unquestionable territorial integrity. Leaving before this is achieved would send the wrong message, as it would appease the Serb quest for the end of the protectorate and it would signal the Bosniaks that the international community is washing its hands of the BIH experiment.

OHR as a hindrance to democracy

If it can be said that calls in favor of the preservation of the international protectorate in BIH are loud, then those against it are far louder. The basic premise is an ideological one: state building as a concept is fundamentally flawed, and, while it can result with the building of institutions, it will never succeed in building the authority by which these institutions can amount to a functional state. Furthermore, protectionism in the form of ‘enlightened’ or ‘liberal’ imperialism is essentially undemocratic, it constitutes an unacceptable policy option for the 21st century, encourages dependency and does not develop local responsibility or accountability.

Such is the opinion of the Berlin-based think-tank European Stability Institute (ESI) which as early as 2003 published a report that enraged the OHR and caused a vibrant debate both in domestic and foreign media. Gerald Knaus and Felix Martin in their report *Travails of the European Raj* compared the rule of the HR in Bosnia to the rule of a viceroy in colonial India – a powerful allusion to then HR Ashdown’s British nationality and birth in British India. They protested against a system where “outsiders set that agenda, impose it, and punish with sanctions those who refuse to implement it”;⁶² and where a foreigner appointed by a board of foreign

⁶¹Namely the US, Turkey, Canada, Japan and EU members Netherlands and UK

⁶²Gerald Knaus and Martin Felix, *Journal of Democracy* Vol 14 Nr 3, 07/2003, pg 61

diplomats holds unaccountable supreme power of such size and extent that it suffocates the domestic democratic processes.

The Geneva-based think-tank Center for European Integration Strategies (CEIS), where former HR Wolfgang Petritsch is a regular contributor, holds the opinion that the OHR as a body established to supervise the implementation of the Peace Agreement is no longer adequate for dealing with EU integration matters.⁶³ Having in mind the enormously long way the country has gone between 1995, when paramilitaries roamed freely and returnees were heavily discriminated against, and today, when the political problems revolve around legislative matters and debates between federalism or centralization, it becomes evident that what Bosnia needs is a European body to facilitate dialogue and not an international supervisor with absolute power to impose binding decisions.

The Bosnian affiliate of ESI, ethnically and politically independent think-tank named Populari, goes a step further than CEIS to question the legality of the mandate of OHR. The remaining conditions for its closure known as the 5+2 package were compiled arbitrarily by the PIC member states as an exit strategy, and only one of them is based on the Peace Agreement.⁶⁴ Any subsequent use of the Bonn Powers to enforce this set of conditionality is therefore illegal, and is not going to lead to desired results.⁶⁵ Bosnia is no longer the post-conflict country it used to be at the time of Ashdown's massive sacking of officials and bureaucrats; its democratically elected officials now have a solid support base that can no longer be bluntly ignored. The ineffectiveness of the HR to facilitate dialogue is also evident from the track record

⁶³Tihomir Loza and Christophe Solioz, Transitions Online, 22/10/2009, pg 2

⁶⁴Author's interview with an OHR senior advisor

⁶⁵ Goran Tirak, Center for European Policy Studies, Policy Brief Nr 219, 11/2010, pg 6

from the last 5 years, during which the political situation in the country dramatically deteriorated and the OHR was unable to prevent or stop this freefall.

The argument most commonly voiced against the OHR is the detrimental effect the protectorate has on the maturing of local politics. In the words of the International Crisis Group (ICG), “like muscles, state institutions will get stronger with use and atrophy with disuse”.⁶⁶In a situation where local politicians can choose to either work or let the HR do the work for them, too often the latter gets the votes. As HR Petritsch expressed it, “every piece of legislation that I impose with my authority as the High Representative, gives politicians in Bosnia and Herzegovina a perfect excuse not to do their job properly.”⁶⁷ Thus if one is to ask whether Bosnia and Herzegovina is ready to transition to self-governance, the answer is that there is no way of knowing - because local structures of governance never got a chance to show its readiness, as they were never held entirely responsible for governing the country.

To bring this argument further, dependency on the High Representative to do the work of the local power structures promotes nationalist and intransigent leaders over those who seek to achieve progress. When there is a safety network that will get the necessary work done, politicians have space not only to not work, but also to bicker about ‘vital national interests’ and blame each other for being obstructionist. This is surely a more than successful strategy to gain votes from a population kept in fear. Such is the opinion of the ICG, who state that “nationalist politics in RS have been sustained by OHR’s permanent availability as a threat to mobilize

⁶⁶Marko Prelec, International Crisis Group, 19/05/2011

⁶⁷Speech by the High Representative at the Steering Board Ministerial Meeting, Sarajevo, 22 September 1999.

against or as a punching-bag”⁶⁸, clearly alluding to the Prime Minister of Republika Srpska, nationalist hardliner Milorad Dodik, who built his political reputation on defying the OHR.⁶⁹

As for the skepticism about the effectiveness of EU soft power and conditionality as mechanisms that can bring progress to the country, Populari and ESI point at the example of the visa liberalization reforms that were passed in 2009. Bosnia was part of the group of Western Balkans countries that after the Yugoslav war found themselves outside the Schengen border,⁷⁰ and its citizens needed to get visas in order to travel to any EU member state. In 2008, after over five years of anticipation, the EU produced a roadmap for visa liberalization, which contained a set of reform and requirements that had to be passed in order to grant a visa-free regime between those countries and the EU.⁷¹ As the process went on, two groups soon formed: Macedonia, Serbia and Montenegro who were very advanced in meeting the roadmap, and Bosnia and Albania significantly lagging behind. In July 2009 the EU Commission therefore decided to grant the visa-free regime to the first group countries, leaving Bosnia out.

Following enormous popular pressure on local politicians, the summer of 2009 became the most labor-intensive period ever experienced by the BIH authorities. The Parliament held urgent sessions and finally, by September the same years, reforms and regulations were adopted that made Bosnia catch up with group one countries.⁷² This can be seen as a textbook example of

⁶⁸International Crisis Group, Europe Briefing N°59, 11 January 2011. pg 16

⁶⁹Dodik’s favorite targets have been the reforms implemented under HR Ashdown, such as the establishment of a centralized judiciary and taxation agency. He campaigned on ending the OHR rule, hoping to rid the country of a protectorate deemed hostile to the RS.

⁷⁰The Schengen area a treaty union of 22 European countries, not all members of EU, who removed their internal borders and granted an unlimited freedom of movement from country to country. It was first established in 1985.

⁷¹These countries were Bosnia and Herzegovina, Serbia, Montenegro, Macedonia, Albania and Kosovo.

⁷²See ESI: Analysis of Bosnia’s visa breakthrough. Unfortunately it was too late for the Commission to reconsider its decision to leave Bosnia out of group one countries, so the Bosnians had to wait for one extra year for the visa liberalization.

conditionality at work, where the requirements were clear and so were the rewards.

Conditionality indeed can work, but only if the requirements are clear, coherent, and adequately created for the country.

Conclusion

The basic split of opinions over the future policy approach between the United States and Europe is evident both from the work of individual governments and from academia on each side. Just as European countries insist on moving the involvement agenda away from conflict management, so are Europe-based research institutes insistent on treating Bosnia like a normal country; in the US, on the other hand, both officials and academics perceive the current impasse and the Serb quest for more autonomy as the continuation of warfare by peaceful means. Russia, another powerful actor in the PIC, is insistent on a downscale of international presence out of mere solidarity with the Bosnian Serbs. The abrogation of the protectorate hence comes down to a difference in foreign policy approach, and yet again Bosnia has become a micro-universe of disagreements among big powers.

The bitterness and petty accusations of ill management between individual PIC member states give away a general impression that, in the words of a senior OHR advisor, “this is an extremely cheap operation; in fact probably the cheapest diplomatic mission ever conducted by common effort of the international community”.⁷³ Turkey, Japan and the United States have grown increasingly irritated by the sporadic and precarious involvement of the EU, which amid global euroskepticism further increases the mistrust in the capacity of the EUSR to lead the country out of political paralysis. But the European Union has always relied more upon the philosophy of allure than on hard power, and, accordingly, the belief is that the cumbersome

⁷³ Author's interview with a senior OHR advisor, Sarajevo, 26/07/2011

situation in Bosnia is nothing that hasn't been seen 60 years ago in the post-WWII societies across Europe. Surely it may take decades until the country is again able to function normally, but this is a process that can only be initiated and led by locals, driven by a common interest: economic wellbeing embodied in the European Union. The OHR has its own opinion on this issue, marked by a level of arrogance of an actor who has managed the country from the early post war years until today. It considers the EUSR as an inexperienced actor with little strategic intelligence and a religious optimism about the future of Bosnia not based on realistic evaluation of the existing risk factors.

Overall the problem of foreign involvement comes down to too little commitment from either side. Despite the belief among the local population that Bosnia is a place of strategic significance for the EU, the reality is that the effort is waning and the country is falling lower and lower on anyone's priority list. Even the United States, the strongest proponent of the continuation of the protectorate, is not intent on appointing a special US envoy or in another way strengthening its presence. Turkey, perceived as a benevolent mentor for Bosnia's state-building, in reality has business and trade ties far stronger with Serbia than it does with BIH.⁷⁴ No matter what course the protectorate should take, status quo is the worst of options: the protectorate in decay without a formal transfer of sovereignty to domestic authorities has in the last five years opened the way for nationalist politicians, intent to stir up ethnic sentiment as much as possible.

This paper concludes that an extension of committed international presence is necessary for the country to achieve progress. Even if the 5+2 package was the only remaining condition for ending the protectorate, it is likely to take at least five more years to meet these requirements.

⁷⁴ This issue goes back to the time when the entire region was part of the Ottoman Empire, today Turkey. More than 50% of the population of Bosnia is Muslim and hence friendly to the Empire, while Serbia, predominantly Christian Orthodox, was historically hostile to Turkey.

But a change in the course of action still needs to happen, and it can happen without the closing of the OHR. The international community represented through the PIC has to restore its impartial approach to local politics, undermined by the actions of some previous HRs. The European Union should work on improving its image both among politicians and the population, who, especially with the memory of wartime involvement, do not consider it as a serious actor. Exposing the cost of obstructionism and non-compliance with the Union would weaken support for ethnic nationalists and present the EU as a more humane democratization partner rather than a high-end political project.⁷⁵

The closing of the OHR should not be a condition for Bosnia's candidate status.⁷⁶ Surely the reasoning behind it is valid: the EU shall not accept a protectorate as a candidate, and it shall not give a chance to a country that is governed by a supreme autocrat appointed by a wider circle of foreign countries. But the bulk of apolitical, purely technical reforms that are envisioned in the membership negotiation could be an impetus for change, and would start a new era of democracy building as opposed to post-conflict management.⁷⁷

As much as nationalist rhetoric is an aspect of domestic democratic space sovereign of external mediation, certain red lines need to be drawn to clearly distinguish between what is allowed and what is not. The international community can no longer tolerate attacks on the

⁷⁵ Kurt Bassenauer of the Democratization Policy Council notes, for example, that failure to establish a centralized ministry of agriculture means that neither Serb nor Bosniak farmers are able to sell organic fruits and vegetables on the EU market.

⁷⁶ Once a country receives candidate status, it begins a process of harmonizing its legislature and structural setup with that of the Union, called the *acquis communautaire*. This process is referred to as accession negotiation.

⁷⁷ It can be argued that the EU has already recognized this potential, and has started working on accession chapters before Bosnia has even applied for membership. In fact, as a way to pacify Dodik on the issue of foreign prosecutors in the Supreme Court of BiH, Catherine Ashton has in June 2011 initiated talks on a judiciary reform which structurally are exactly the same as the Judiciary Chapter of accession negotiations.

Dayton Peace Agreement, dismantling of central state institutions, and questioning of the very state of Bosnia and Herzegovina. This type of dialogue reverses all effort invested so far in creating an atmosphere of interethnic trust, it erodes the already weak democracy, and it is an obstacle to the country's EU perspective.

Afterword: the myth of the dissolution of BIH

A commonly expressed concern is that the security situation in Bosnia will dramatically deteriorate after the closure of the OHR, and potentially lead to a new war. The truth is that the OHR is by no means a guarantor of peace in the country. After the peace agreement 60,000 NATO troops were deployed to ensure peace, and, as the number of troops decreased, the peacekeeping mission was handed over to the EU in December 2004.⁷⁸ Even if there were realistic circumstances for a new war, the body that can authorize deployment of additional troops in case of an emergency is not the OHR, but the European Council.

While Dodik has repeatedly floated the idea of a referendum on secession, there is a silent realization both in RS and Serbia that there are no necessary guarantors necessary for its independence. Now that Serbia has definitely taken the EU path,⁷⁹ and Russia is unwilling to recognize its independence due to its own problem with internal secessionism, Dodik has lost the essential support base to legitimize his quest. The calls for referendum are essentially populist rhetoric and an easy method to keep the population in fear and secure votes from his Serb constituency. It is true that he will go for as much autonomy as he can get and will probably try

⁷⁸ Bosnia and Herzegovina remains the country with the biggest EU military operation independent of NATO.

⁷⁹ The current governing coalition in Serbia led by Borislav Tadic has declared EU membership as its main strategic goal for the country. In July 2011 they finally handed their last high-ranking war criminal to the Hague, submitted their membership application, and emerged as a leader in regional cooperation. The only remaining point of contention is the status of Kosovo, which Serbia still has not formally recognized.

to reverse some of the previously passed state-building reforms, which is a problem for Bosnia's EU aspirations. But this will not lead to the dissolution of Bosnia, as is widely feared.

Skepticism about the viability of a state in which almost half of the population lays its allegiances abroad is a valid consideration, especially in a situation where ethno-politics is the core reason for deadlock. But if a structure of governance is established which allows for all ethnic groups to cooperate towards a common goal, Bosnia and Herzegovina indeed can exist as a multi-ethnic state. The advancements of neighbor countries on the EU integrations path⁸⁰ will only strengthen the prospects for cooperation within Bosnia, as the Bosnian Croats and Serbs realize that they have no option but to live together. No nation-building effort will suffice to establish an over-arching Bosnian identity for all of Bosnia's ethnic groups, and this should not be anyone's goal; as "the more Serb or Croat national identity is perceived to be threatened, the more resistant and vociferous that identity becomes".⁸¹ Instead, strong allegiances should be established between the „Dayton triangle“, Bosnia, Serbia and Croatia, that would grant special relations for the Croats and Serbs of Bosnia and as much as possible build inter-ethnic trust.

⁸⁰ Currently, Croatia completed its negotiation process and is going to become a full member in June 2013, Serbia just applied for candidate status, and Montenegro and Macedonia are candidates.

⁸¹ Ian Bancroft, TransConflict website, 20/10/2010

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