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Peacemaking lessons from the Balkans region

Amna Popovac

“If the Balkans hadn’t existed, they would have been invented” was the verdict of Count Hermann Keyserling in his famous 1928 publication, *Europe*.

Terms ‘Balkan’ and ‘Balkanization’ are usually associated with violence and political unrest.

With the fall of Yugoslavia, ‘the Balkans’ came to mean a region fraught with violence, entrenched ethnic and religious divides, and the ‘Balkanization’ of civilization into bitter particles of hatred. Even though it was only the Yugoslavs who were involved in the war, journalists called them Balkan wars and restored the term ‘Balkanization’ to its unfortunate preeminence. ‘Balkanization’ not only had come to denote the parcelization of large and viable political units but also had become a synonym for a reversion to the tribal, the backward, the primitive, the barbarian’.

During the war in ex-Yugoslavia the World witnessed the cruelest war crimes on the European soil since the end of WWII, including massacre in Srebrenica in July 1995. The Srebrenica massacre prompted Europe and the US to act militarily and diplomatically in its aftermath. The war that had been waged for 3.5 years was effectively stopped by the U.S.–led international coalition in only a few weeks following the Srebrenica carnage

¹ Maria Todorova, *Imagining the Balkans*

In December 1995, the General Framework Agreement for Peace in Bosnia and Herzegovina, also known as the Dayton Agreement, Dayton Accords, Paris Protocol or Dayton-Paris Agreement, was signed in Paris. This Agreement put an end to the three and a half year long Bosnia and Herzegovina (B&H) war.

Since then, Bosnia and Herzegovina became the first host of a comprehensive, international state-building effort designed to transform political, economic, and social interactions and create a functioning state. We are approaching 21st anniversary of Dayton Peace Accord, but B&H is not functioning state yet. It is fair to say that the war was stopped, but long lasting peace has not been established.

When the UN and NATO entered B&H in 1995, as part of the peace agreement ending the war, it signaled a new approach to conflict resolution. The multi-organizational operation was the most comprehensive program of post-war rebuilding ever attempted, with NATO's Implementation Force and subsequent Stabilization Force (IFOR, SFOR) addressing the military aspects, the UN Mission in Bosnia (UNMIBH) focusing on the police and judicial systems, and the Office of the High Representative to oversee the civilian implementation of the agreement, representing the countries involved in the Dayton Agreement through the Peace Implementation Council.²

These organizations, as representatives of 'international community' in B&H knew something must be done but they had little expertise and understanding of the challenges they were taking on. Moreover, each of the stakeholders involved had its own tasks and agenda and had no or very little coordination with each other.

This resulted in duplication of efforts and competitiveness on the field which was largely misused by local authorities/nationalist politicians to keep the status quo.

By 1997 it was obvious that the Office of the High Representative (OHR) needed more power in order to avoid the delay and the obstruction in the implementation of the Dayton Agreement by local nationalist politicians. Therefore, the Peace Implementation Council agreed to grant the Bonn powers to the OHR on its meeting in Bonn in December 1997.

The Bonn powers permit OHR to adopt binding decisions when local parties seem unable or unwilling to act and remove from office public officials who violate legal commitments or, in general, the Dayton Peace Agreement.

The Bonn powers were extensively used by the OHR till the end of 2006.

² The Peace Implementation Council (PIC) is an international body charged with implementing the Dayton Peace Agreement for Bosnia and Herzegovina. The Council was established at an implementation conference held in London, United Kingdom on December 8 and 9, 1995, subsequent to the completion of the negotiations of the accord the preceding month. The PIC comprises 55 countries and agencies that support the peace process in many different ways – by assisting it financially, providing troops for SFOR, or directly running operations in Bosnia and Herzegovina. There is also a fluctuating number of observers.

After the 2002 elections, the OHR scrutinized all political candidates for major ministerial positions at Entity and State levels.

Until 2004, the OHR had dismissed a total of 139 officials, including judges, ministers, civil servants and members of parliaments, sometimes along with freezing their bank accounts.

During 2006 year, the PIC made conclusion that the Republic of Bosnia and Herzegovina needs to become a 'normal country' where decisions related to functioning of State and its Entities must be done and implemented by local politicians, and decided to keep Bonn powers, but not use them in the future, unless the Dayton Peace Agreement is in jeopardy.

This seemed a logical decision after one decade of intensive usage of the Bonn powers, which should help B&H to evolve into a normal and functioning state.

It was envisaged that local politicians who were elected in rather fair elections should use this as opportunity to show their capacity and keep moving forward to full integration of B&H and toward the EU. But, this is not what happened in reality.

Elected politicians, who were afraid of OHR and its Bonn powers in the past, were not afraid of removal from the office anymore and thus returned wartime inflammatory rhetoric in public discourse. We are now in a position where more than two decades after the signing of the Dayton Peace Agreement, we hear the rattling of weapons in B&H, and Balkans is again making headlines in the world news as the region entrenched with ethnic and religious divides.

National vs. multi-national state

The notion of a multi-national state, which the Dayton Agreement attempts to restore in Bosnia and Herzegovina, is a very new idea, emblematic of American domination of the international arena and its tendencies of the past generation or so. Until recently, one of the most negative connotations of Balkanism was precisely the ethnic variety of the region, what Joseph Roucek called 'the handicap of heterogeneity'.

Homogenization has been a basic theme of European history, not just in post-French Revolutionary times, but from the crusades, the *reconquista*, the expulsion of Jews from England, and so forth. In the nineteenth and twentieth centuries the turning of peasants into Frenchmen, the unification of Germany and Italy, the Holocaust, the repositioning of Poland, and the recent hostility to immigrants suggest that the drive to create ethnically homogeneous states is not exclusively a Balkan phenomenon³.

Therefore, the Dayton Agreement, instead of creating real multi-national and multi-cultural state, divided B&H into two ethnic entities the Republika Srpska (RS) and

³ Maria Todorova, *Imagining the Balkans*

the Bosniak-Croat Federation, as a tool to provide ethnic security and encouraging political integration.

The real problem lies in the fact that each entity has its own vision of how the state B&H should look and interprets Dayton Agreement quite differently. The Bosnian Serbs, in particular, retain the hope that the RS could still become part of Serbia rather than part of B&H, while Bosnian Croats crave for their entity within the Federation, which would, eventually become a part of Croatia proper. At the same time Bosniaks claim B&H as their one and only country and are ready to do anything to defend its integrity within Dayton Agreement borders, while in reality they control less than a half of its territory.

Politicians in the RS have been consistently obstructionist of reforms and many seem to hold a belief that Bosnia's shape might still change, particularly if Kosovo finally gets recognized by Serbia which still considers it a part of its sovereign territory ⁴. In this scenario the RS would be Serbia's compensation for letting Kosovo go. Some Bosnian Serbs feel unfairly targeted by international actors and thus lean on Serbia for support.

On the other hand, Bosnian Croats are looking for the Republic of Croatia to help them to deal with 'majorization'. Majorization of Croats in Bosnia and Herzegovina or the 'Croatian question' is a term that stems from a relatively low percentage of Bosnian Croats (17 per cent) as opposed to (Bosniaks and Serbs that both make more than 40 percent of the B&H population). Political leaders of Bosnian Croats use the fear of majorization to perpetuate the about the need for their own territorial entity, within the Bosniak-Croat Federation of B&H.

As a reaction to the above actions, Bosniak politicians have recently started to refer to Turkey as a 'friendly state' and have openly pleaded with the Turkish Government for its political support to protect the territorial integrity of the B&H state.

This led us to conclusion that the Dayton Agreement has been effective in stopping the war, but is not so good in creating a sustainable peace. It is true that violence is absent, elected governments have taken hold, and elections are considered free and fair. But, ethnic tensions remain high, local actors remain resistant to consensual modes of governance, and state is considered relatively unstable.

⁴ As of 8 July 2016, the Republic of Kosovo has received 113 diplomatic recognitions as an independent state. Notably, 109 out of 193 (56.5%) United Nations (UN) member states, 23 out of 28 (82%) European Union (EU) member states, 24 out of 28 (86%) NATO member states, and 34 out of 57 (60%) Organisation of Islamic Cooperation (OIC) member states have recognised Kosovo. The Government of Serbia does not recognise it as a sovereign state, but has begun to normalise relations with the Government of Kosovo in accordance with the Brussels Agreement.

What went wrong?

Various researches show that international peace-building is more successful at addressing immediate security needs than at building effective institutions.

Building effective institutions needs lot of coordination that was lacking among agencies deployed in B&H.

The OHR was in charge of the country but was not in charge of the many organizations working in it. Each reported to its own headquarters and maintained its own plan and agenda. While this difficulty has been frequently noted, in the Balkans and elsewhere, it remains one of the central problems of international interventions.

This problem was partially solved in international intervention in Kosovo in 1999, four years after the intervention in B&H, but in general the multiplicity of organizations, remains a central weakness of state-building efforts.

It is important to say that the international community had some success in state-building efforts such as unified currency, the border service, and housing law to address refugee and displaced persons claims. These were the direct results of international efforts.

So, we can say that the civilian reconstruction of B&H can be deemed successful.

But, the most significant efforts at unification have been forced by the OHR and international community. None really have been developed internally and B&H political parties remain defined by primarily nationalist agendas.

The primary goal of an integrated nation has not been met, nor will it be soon.

It is not news that the Balkans have been described as the “other” to the Europe. What has been emphasized about the Balkans is that its inhabitants do not care to conform to the standards of behavior devised as normative by and for the civilized world.⁵

Often the Balkans is described as ‘ugly sister of Europe’ and if we use this analogy Bosnia and Herzegovina can be considered as ‘infant terrible’ of the Balkans.

Europe sometimes has a problem to understand what is going on at the Balkans, and in 2006, it seem to have lost patience in dealing with that ‘infant terrible’.

In April 2006, the attempt by the EU and US to help overcome the political crisis in Bosnia and Herzegovina failed, with key Bosnian political players rejecting US Deputy Secretary of State James Steinberg’s and Spanish Foreign Minister Miguel Ángel Moratinos’ efforts, to convince them to sign up to constitutional reforms and a reform agenda after that year’s general election.

⁵ Maria Todorova, *Imagining the Balkans*

The initiative was designed to put pressure on the political parties to agree to major concessions, but most walked away from the talks and rejected the internationally proposed reforms when they realized that neither sticks nor carrots were on the table.⁶

So, as of 2006 there is common feeling within the B&H society that the international community is just ‘renting peace’ in B&H by pouring money via its institutions: International Monetary Fund (IMF), World Bank (WB) and European Bank for Reconstruction and Development (EBRD) – into the institutions of B&H.

By renting peace, the international community, especially the EU, did not help in building lasting peace, but rather maintaining the status quo i.e. keeping the situation within limits they understand and keeping a proverbial lid on it.

International players seemed to be satisfied with ‘crisis under control’ in B&H while pouring funds into B&H institutions which were mainly used to fill holes in B&H budgets on various levels.⁷

This situation produces the same election results each time the elections are held, i.e. nationalistic parties have been winning elections every time by votes of those working in the Public Administration, paid by IMF, WB, EBRD money.

In 2014 it was crystal clear that B&H political and economical situation is deteriorating, despite regular ‘financial injections’ from international financial organizations. Nationalistic leaders have been getting wealthier every year, while the people of B&H have been poorer. Reforms on any level were blocked for many years.

In February 2014 we witnessed riots, when several government buildings including the building of the Presidency of B&H were partially burned. After couple days of riots, the Citizens plenums⁸ were organized in several cities in B&H, where people were gathering, discussing various existential issues and trying to find way out of the political and economic crisis in a way of direct democracy. Citizens plenums were organized by people and for the people to practically exercise democracy.

Citizens plenums sessions were held for a couple of months, politicians were afraid of the power of people for a couple of weeks and international community were watching everything from a side, hoping that time has come for a positive changes in B&H. This is not what happened.

⁶ http://www.epc.eu/documents/uploads/1087_constitutional_reform_in_bosnia_and_herzegovina.pdf

⁷ B&H has four levels of governance: State, Entity, Cantonal and Municipal, with Brcko District as multi-ethnic self-governing administrative unit

⁸ General assemblies in their various forms are a very old means of direct democratic organization of the oppressed during times of protests, rebellions, strikes and revolutions (like the 1905 and 1917 revolutions in Russia, 1936 in Catalonia or 1956 in Hungary). The earliest versions of some kind of general assemblies were already present in ancient Athens, while many ‘theorists of utopia’ imagine some kind of general assemblies in their blueprints of potential democratic societies in the future. The sudden emergence of the plenums in large parts of Bosnia and Herzegovina has taken everybody by complete surprise.

After couple weeks of disorientation, nationalistic parties managed to ‘put the situation under control’ i.e. using their political and economic pressure on the people coming to the Citizens plenums they managed to avert people attending and eventually Citizens plenums sessions stopped taking place.

This was a signal to the part of the international community that change in B&H society will not come from bottom up (disenfranchised citizens), or top down (i.e. ruling nationalistic parties) before they put additional efforts in order to make B&H a functioning state which may one day become a member of the EU.

By mid 2014, the IMF and other financial institutions stopped pouring money into B&H institutions i.e. lining pockets of nationalistic parties, and Germany and UK launched the plan called ‘Reform agenda’ in November 2014.⁹

The Reform Agenda sets out the main plans for socio-economic and related reforms at all levels of government. It is closely aligned with the aims of the EU’s new approach to economic governance in the Western Balkans and is in conformity with the Economic Reform Program as a fundamental element to encourage comprehensive structural reforms to maintain macroeconomic stability and to boost growth and competitiveness.¹⁰

The Reform agenda did not remove nationalistic rhetoric from the public discourse, but has shifted focus onto economic development, growth and EU integrations, which is of great importance to the people of B&H.¹¹

Adopting the Reform agenda in the Parliament enabled Bosnia and Herzegovina to formally request to join the European Union, submitting its application at an event in Brussels on February 15, 2016.¹²

Many observers estimate that Bosnia and Herzegovina is at the bottom in terms of EU integration among the Western Balkans states seeking EU membership, but it is important to keep it on the EU integrations path in order to continue state-building efforts.

⁹ Reform agenda, an initiative of the foreign ministers of Germany and the United Kingdom, Frank-Walter Steinmeier and Philip Hammond, for the acceleration of the Accession of Bosnia and Herzegovina to the European Union was announced at the so-called Aspen Initiative Meeting of Ministers of Foreign Affairs in late 2014.

¹⁰ <http://europa.ba/wp-content/uploads/2015/09/Reform-Agenda-BiH.pdf>

¹¹ According to the latest researches, 70% of B&H population supports process of EU integrations and looking forward economic growth of the state.

¹² The accession of B&H to the EU is the stated aim of the present relations between the two entities. B&H has been recognised by the EU as a “potential candidate country” for accession since the decision of the European Council in Thessaloniki in 2003. B&H takes part in the Stabilisation and Association Process, and the relative bilateral SAA agreement has been signed in 2008, ratified in 2010, and entered into force in 2015. Meanwhile, the trade bilateral relations are regulated by an Interim Agreement. B&H formally applied for EU membership in February 2016, and it remains a potential candidate country until it gets a response from the Council.

Democracy alone doesn't bring lasting peace

Bosnia is currently the longest running example of international state-building and yet the results are modest.

Sixty-five percent of citizens believed in late 2005 that the political situation was deteriorating and demonstrated declining approval for the country's executive and legislative bodies. Bosnians are also losing confidence in international institutions.

Public confidence in international actors and the reforms they are implementing is low and has been falling since early 2004. Elites and citizens thus feel betrayed, the elites because each ethnicity interpreted the Dayton agreement differently and none got what they wanted, and the citizens because they see a government still afflicted by institutional dysfunction.

International state-building can create governmental structures but it cannot give them authority. Some of the problems in the economic realm, therefore, stem from the fact that political reforms may seem positive on paper but often provide no capacity for (or perhaps officials have no interest in) effective rule. This may be viewed as the result of a failure of will on the part of nation-builders, or the result of a failure of capacity. Either way, it suggests that external state-building produces deficient governments.

In B&H where ethnicity-based forces have kept power through most post-conflict elections, democracy does not appear to be an effective tool for peace-building. The rule of law is expected to provide the strategic perspective which democracy may fail to create.

The 2015 European Commission Report for Bosnia and Herzegovina indicated that Bosnia and Herzegovina has made a certain level of preparedness for anti-corruption activities and that some progress has been achieved. However, the legal and institutional frameworks are still weak and inadequate, while a missing law implementation has a negative impact to both citizens and institutions.¹³

While talking to 'ordinary Bosnians' you can often hear expression: 'Every State has Mafia, but only in B&H the Mafia has its own State'.

The problem, acutely experienced in Bosnia, is that local judges and prosecutors are often tied to the same interests and groups that prosecuted and do not provide the objective body needed to move society beyond group-based divisions.

But this particular problem is complex because there is no clear right or wrong.

International judges may be more effective over the short-term because they can establish an objective basis for proper law application. But they may not provide the basis

¹³ <https://europeanwesternbalkans.com/2016/08/23/bih-council-of-ministers-sanctioning-of-corruption-and-regulations-harmonisation/>

for developing local capabilities, and they may stoke resentments among the local population to perceive the judiciary as ‘run by outside’ actors.

How to get effective rule of law is a problem in every case of reconstruction, and obviously involves the police as well as the judiciary. But how to combine international and local efforts and when to transfer control to entirely local authorities remain difficult questions, and ones that have been answered incorrectly in most countries.

Although some judges may be connected to criminal networks, more likely they are simply guided by nationalist identifications and therefore by the political-criminal nexus of the politicians they are affiliated with. Decisions are based on identity rather than law and provide no basis for a reliable regulatory environment.

Virtually all economic activity is controlled, directly or indirectly, by politicians and their cronies. Honest people are thus discouraged from pursuing legal interactions and encouraged to view the government as illegitimate.

When it comes to economic development, the role of the legal system is important, because of its ability to guarantee legal framework for businesses. If business owners don’t expect to be protected within the legal system, they have no incentive to follow rules themselves. It is smarter to use cheaper and simpler informal means since the risk is no greater. The incentives for doing business legally are thus very low.

The rule of law and equality before the law are pre-requisites to the establishment of a viable democratic state. Without the rule of law, Bosnia & Herzegovina cannot survive as a state, nor become a member of the European Union.

The rule of law requires the application of a modern legal code and criminal procedures that protect the rights of the innocent while facilitating the pursuit of the guilty. It requires qualified judges and prosecutors who are independent and skilled and dedicated police. It requires a well-trained legal profession that maintains high standards of professional conduct and integrity.

All these players must be adequately equipped with laws, regulations and other tools – as well as properly funded – if they are to do their jobs.

Every citizen must have equal access to a fair and unbiased justice system, and one in which the decisions of the courts are recognized and enforced throughout B&H.

Peace will not be secured if extreme nationalists, including indicted war criminals and their helpmates in the ranks of organized crime, retain sufficient influence to destroy it. The embrace of organized crime and political nationalistic extremism keep entrapped the economy and administration in BiH and the relation must be broken through consistent application of the rule of law.

The continuum from investigation to incarceration needs to be credible and visible if

the threats posed by politicized criminal networks are not to undermine BiH's stability and preclude it from becoming a reliable partner in the global fight against both terrorism and organized crime.

Although B&H is the longest-running example of state-building it showed a trend away from rather than toward desired economic reforms.

Most citizens have a relatively pessimistic view of the future of the B&H at present. More than 80,000 persons left B&H during 2013-14 years. Not only young educated people leave B&H but whole families, regardless of nationality.

The most widespread reason for leaving is lack of conditions for decent life, where problem with endemic unemployment is particularly emphasized.

The new EU approach to B&H through the Reform agenda is a latest step the EU took towards making B&H more economically stable and competitive, towards creating new jobs and opportunities for young people and towards addressing some of the unfairness and inequality within society.

When people are employed and properly compensated for their job, then they can focus on an upgrade of their lives and vote democratically, without fear or blackmail of political nationalistic leaders and according to their real wishes and opinions.

In order to eliminate fear factor from elections and thus start seeing progress of state-building efforts, rule of law must be in force.

The EU has excellent chance now, after B&H submitted its EU application.

The next step is to secure the unanimous agreement of all 28 EU member states to forward B&H application to the European Commission for an assessment on whether B&H sufficiently complies with EU standards to become a candidate for membership.

As for B&H application to EU, Chapters 23 and 24 will be extremely important.

It is not strictly about becoming a member of the EU, but about adopting the standards, complying with the values that the civilized world believes in and becoming a respectable country that would provide its citizens with the rights and services they deserved.

Chapter 23 is especially important as, in its true essence, it is about independent judiciary, consistent fight against corruption and high level of human rights' protection.

Chapter 24 covers the fight against all types of organized crime (including drug and arms trafficking, trafficking of human beings etc.) and terrorism, the Schengen rules, border control and visas, as well as migration, asylum, judicial cooperation in criminal and civil matters and police and customs cooperation. As for B&H, fighting organized crime and terrorism are extremely important in this Chapter.

So, if the EU wishes to get fewer headaches because of B&H and more good news from it, it should not give in to pressure and instead persevere in its insistence on reforms from the B&H authorities, using all possible means, including stick and carrot (international funds).

With B&H application now in Brussels, the EU is in a position where it can help B&H citizens and pro-EU forces in Bosnia by sending the questionnaire to Sarajevo as soon as possible. This will kick the ball back in B&H's court. Then success will depend on political will of ruling parties and on the capabilities of Bosnia's administration, and not on the EU – as it should be.¹⁴

So, we can conclude that infant terrible (B&H) of the ugly sister of Europe (the Balkans) must be placed within EU legal framework as soon as possible if the aim is to secure lasting peace on European continent.

It is worth noticing that B&H citizens integrated very well in societies all over the world, where they end up either as refugees or economic migrants. This proves that where there is a proper legal framework and good governance, B&H citizens are good in following given rules.

That shows that they know how to work and operate within legal framework, when rules and laws are equally applied onto all members of the society equally.

It is important for EU and the rest of the international community to continue commitment and determination to see B&H realize its potential as a stable, modern European state. This objective can be achieved through continuous work on economic reforms, with parallel work on the establishment of the rule of law.

¹⁴ <http://www.suedosteuropa.uni-graz.at/biepag/node/200>