

**From Conflict Resolution towards State Building:
The Role of the International Community and the
European Union in Bosnia and Herzegovina**

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Introduction

Once, one of the six Republics of the former Socialist Federal Republic of Yugoslavia, Bosnia and Herzegovina, with its particular geo-strategic position, was considered the heart of it. The peoples of Bosnia and Herzegovina with same ethnic origins but multi-confessional affiliation have merged into a specifically Bosnian concept of unity within diversity. The complex confessional structure of the country was the key factor for its non-national foundation. Bosnia and Herzegovina was a multiethnic country, and according to the 1991 census, there were 44% of Bosnian Muslims, 31% of Bosnian Serbs (Orthodox Christian), 17 % Bosnian Croats (Catholics). Others (Jews, Roma, Albanians and Yugoslavs¹) had the status as national minorities. Therefore, in the process of the dissolution of former Yugoslavia, there was a strong belief among the peoples that there could be neither territorial partition of nor social separation within Bosnia and Herzegovina.

Bosnia and Herzegovina formally proclaimed its independence on March 1st, 1992, following the results of a referendum held on February 28th and 29th. But that marked the beginning of a real struggle for sovereignty, a struggle that would stretch far beyond the Dayton

¹ Yugoslav, beside being the supra nationality for all citizens of the former Yugoslavia, was also the official national category in the former Yugoslavia; mostly those from mixed ethnic origins identified themselves as Yugoslavs

Peace Agreement. Despite comprehensive international support and commitment both to peace and state building, the destiny of Bosnia and Herzegovina is still vague due to the heavy legacy of war which unfortunately has a profound impact on its functioning.

Even though the disintegration of former Yugoslavia was pending for many years before its actual dissolution, the International Community ignored the fact and chose neither to prevent nor appease the rise of nationalism. It did not exert itself in order to find a non-violent solution to the imminent threat posed by the dissolution of Yugoslavia.

For three and a half years, the International Community remained passive bystanders of the war commonly known as ethnic cleansing in Bosnia and Herzegovina and did nothing to stop the most violent conflict Europe has experienced since World War II. Therefore, the main reason why the International Community has vigorously employed “ethnic cleansing” as a euphemism for genocide was to avoid fulfilment of obligations under the Convention on the Prevention and Punishment of the Crime of Genocide.

Ultimately, only after the genocide in Srebrenica, perpetrated by Serbs against Bosniaks² in July 1995 did the International Community decide to intervene. In the meantime, 200.000 people had been killed, 2,5 million had been displaced or forced out of the country as refugees, and the country itself was devastated. Military intervention started in the wake of a long failed diplomacy of the Western governments.

Therefore, peace came belated for Bosnia and Herzegovina. It was finally brokered in Dayton in November 1995, after the three-week negotiations. However, the Dayton Agreement brought

² Bosniak was adopted as a national identification of the Bosnian Muslims in September 1993

peace only to the country but not to its people. It did not resolve the reasons for war. Instead, it further institutionalized ethnic division. In the aftermath of genocide, the Dayton Agreement forced the Government of Bosnia and Herzegovina to reward the results of genocide and ethnic cleansing committed throughout the country by giving 49 per cent of the territory to the Bosnian Serbs.

The ultimate outcome is the utter destruction of the fabric of the country. Consequently, the once diverse, multi-religious, multicultural unitary state is now divided into two parts: the Federation of Bosnia and Herzegovina on the one hand, and Republika Srpska on the other. Even worse, after ten years of international presence and its profound support, more than \$5 billion in reconstruction aid, numerous international projects, experts and all-sorts assistance, Bosnia and Herzegovina is not yet a functional state. It has become an international protectorate with European perspective. Therefore, a common observation about the future of Bosnia and Herzegovina is that it lies in the hands of Washington and Brussels. This is perhaps one of the reasons why Ignatieff, together with many other writers and analysts on state and nation building in Bosnia and Herzegovina, calls this syndrome imperialism in his recent book “Empire lite: Nation building in Bosnia, Kosovo and Afghanistan”.

Following the peace settlement in Bosnia and Herzegovina, the International Community has embarked on a novel mission tightly connected to the peace building process: state re-building. Since Bosnia and Herzegovina was a functioning state on the eve of its independence, it has more been a case of re-building than building.

In addition, given the common cultural and historical identity of the peoples of Bosnia and

Herzegovina on the one hand, and the unresolved political conflict on the other, state re-building should be interrelated with the nation building process, in particular due to legacy of supranational Yugoslav identity, in order to set up strong foundations for the state functionality. This becomes more realistic, particularly if there is a common goal shared by all peoples within a country, as is the case with integration of Bosnia and Herzegovina into European structures. From that point of view, the International Community has set up an extremely complex goal to accomplish in Bosnia and Herzegovina. On the top of that, the time frame has been a limiting factor, particularly given the aspiration of the European Union to recommend the integration of the country into its structures.

State building entails establishment of a functional institutional infrastructure, including reinforcement of the existing institutions. On the other hand, nation building is construction and development of a nation. These processes could be separately carried out, but in the case of Bosnia and Herzegovina, they are particularly related due to the legacy of supranational ideology.

State and nation re-building undertaken by the International Community in cooperation with local authorities are indeed long-term processes. For this reason, it is anticipated that the European Union will partly take over monitoring of the mission from the Office of the High Representative through the Stabilization and Association Process. But the ultimate accomplishment will depend on the capacity of the domestic authorities to fulfil the commitments and conditions to be negotiated within a reasonable time framework.

Therefore, it was quite symbolic that on the tenth anniversary of the Dayton Agreement, the International Community has rewarded Bosnia and Herzegovina with formal commencement of

its way into European integration. Negotiations on the Stabilization and Association Agreement began in November 2005. And it makes Bosnia and Herzegovina once again a unique country, the only one to negotiate the Agreement with the European Union while the institution of High Representative of the International Community is still present in the country.

For all the aforementioned reasons, there is no better assessment which depicts the controversial results of the International Community in Bosnia and Herzegovina than the one given by the International Monetary Fund: “It is remarkable how much has changed in Bosnia and Herzegovina and how little” (IMF, 2005).

The presence of the International Community in Bosnia and Herzegovina from 1992, though in different capacities, has developed a high level dependency both in local authorities and population. The powers exercised by various High Representatives restricted to a large extent the capacity of domestic authorities to manage and make decisions about their own issues. Even though they are encouraged by the International Community to do so on their own, there are always guidelines set up by the International Community according to which they are supposed to act and make ultimate decisions. On the other hand, the population, as much as it is irritated by the extended presence of the International Community, feels safer with it.

Initial optimism and enthusiasm both on the part of the International Community and the citizens of Bosnia and Herzegovina after the war has almost disappeared. Though unsatisfied with the results accomplished in its unexpectedly lengthened mission, the International Community generally emphasizes the success achieved in Bosnia and Herzegovina so far.

Can the state building mission of the International Community in Bosnia and Herzegovina really be considered a success?

The answer could be found in the fact that the Dayton Agreement, particularly the Constitution, has laid weak and deficient foundations for the re-building of a functional Bosnia and Herzegovina. The deficiencies and ambiguities of the Agreement, though they once worked in favour of its signing, have been ever since the main stumbling block which only empowered the disintegration forces within the country. This, consequently, blocked the way to progressive forces and made resistance towards the state building mission of the International Community an enduring factor. Of course, under such conditions, the role of the International Community is hampered and diminished.

For all these reasons, main foundations of an Agreement are crucial for success in the state and nation building missions undertaken by the International Community. Had the basic provisions of the Dayton Agreement been more clearly defined, there could have been no harsh opposition to it by the local political factors. Consequently, implementation would have been more feasible. Given all the ambiguities created by the Agreement, it seems that only an authoritarian approach could have worked, but, in such a case, it should have been applied in a consistent manner.

All in all, the new impetus of Europeanization of Bosnia and Herzegovina offers some optimism to the blurred vision of its fate. It gives local authorities the opportunity to recapture their capacity and finally lead the country towards Euro Atlantic structures. But a new perception can create an even more important opportunity, that being a prospect for reconciliation among the population, which is an indispensable element for any kind of progress to be made.

However, the process of reconciliation cannot be complete without arrest of the two most wanted war criminals charged for genocide by the International Criminal Tribunal for former Yugoslavia, Ratko Mladic and Radovan Karadzic. The International Community is very much aware of their influence among the Serb people and of the perniciousness of their ideology, which, unfortunately, is still being furthered. It has been revived over and over again in the past decade. As long as those two criminals are treated as heroes, there will certainly be no vital progress in Bosnia and Herzegovina. Therefore, the European perspective of Bosnia and Herzegovina is very much conditional upon their arrest, in particular Radovan Karadzic. It should be admitted that the International Community did nothing to arrest those two criminals when they were at hand, and when they even appeared in public. Now, it has become a big political issue, a key to open the doors for integration of Bosnia and Herzegovina into Euro Atlantic structures, first to the Partnership for Peace, then NATO, and eventually the European Union. And there is hope that the ghost of Karadzic may not haunt Bosnia and Herzegovina forever.

Though Bosnia and Herzegovina stands a long way from European integration, there is a strong belief among the members of the International Community, in particular the European Union officials, that European prospective can become a reality for Bosnia and Herzegovina. However intricate the way to the European Union may be, Bosnia and Herzegovina can count on a more prosperous future once within European structures.

The present dissertation is a follow up of the Postgraduate research paper “Lessons learnt in Bosnia and Herzegovina: Failure of the International Community to prevent genocide”.

I International Community in Conflict resolution

International Military Intervention

The genocide committed by the Serbs in Srebrenica in July 1995 ultimately urged the International Community to undertake military intervention in order to prevent further atrocities and genocidal acts of the Bosnian Serbs against Bosniaks. The shelling of a marketplace in Sarajevo on August 28th 1995, killing 38 people, only pushed the already planned and approved North Atlantic Treaty Organization intervention, known as Operation Deliberate Force, to be launched a bit earlier.

Along with the above-mentioned atrocity committed by the Serbs, another event was also a turning point in the Western approach toward the three year war, as well as a decisive one for the intervention. Hundreds of United Nations Protection Force peacekeepers, mainly British and French, were taken hostage by the Bosnian Serbs and used as human shields against the NATO operation.

As expected, it was the Serbian president Milosevic who eventually provided for their release. Though the Western officials always duly rewarded Milosevic for any interventions he was making, this time, they admitted that he had exceeded all boundaries. Finally, on August 30th,

the United States led NATO bombing campaign targeting Serbian artillery positions.

Despite numerous opponents to the above-mentioned military intervention, the interdependence of military power and diplomacy proved to be necessary, and in the outcome they turned out to be quite successful.

Crocker *et al.* analyze the key to intervention in the case of Bosnia and Herzegovina:

And this raises a final point that this case illustrates: political will among the intervenors to end the conflict and to forge the necessary condition and unity of purpose is an essential element of multiparty mediation success. Too often such political will is missing from joint international engagements. (2001, p.506)

So, the military intervention in 1995 showed that the Western powers just chose not to intervene against the worst atrocities in Europe since the Second World War for nearly four years. In fact, the West only tried to contain the war and to prevent it from spreading out of Bosnia and Herzegovina.

Therefore, peace came rather late for the country. It was brokered in Dayton in November 1995, after the three-week negotiations. Change of the military balance was indispensable for reaching any peace settlement with Serbs and, thus, the NATO intervention was a crucial instrument for making the Serbs willing to negotiate.

Jentleson, in discussing the prevailing strategy for conflict, states the following:

If one party to the conflict assesses that it has the advantage in military and other means of violence over the other, as long as the other cannot count on international assistance to balance and buttress, it should be no wonder that it chooses the war. (2001, p.251)

By then, there was no doubt about the significant impact of NATO intervention on a peace settlement.

However, as noted earlier, the Dayton Agreement did bring peace to the country but not to the people. Since it has not treated the root causes of the war, consequently, it did not resolve the reasons for war and those have been the main obstacles to political and social reconciliation until present. The theory about the Dayton Agreement as the mechanism for stopping the war but not building the country is quite common. And whenever faced with problems of the Agreement implementation, the above-mentioned pretext has been repeatedly affirmed by the architects of the very Agreement as well as high-ranking officials of the International Community. Richard Holbrooke, its main broker, said that it is “probably the most successful peace agreement in the world, in the last quarter century”.

The Dayton Agreement is not only a peace agreement, it is a comprehensive peace instrument for Bosnia and Herzegovina which includes its Constitution as an Appendix. It is notable that although the Constitution verified the legal continuity of the Republic of Bosnia and Herzegovina, its legal structure has been profoundly changed. According to many intellectuals both in and out of Bosnia and Herzegovina, the Agreement allowed Milosevic’s ideology to be pursued in a peaceful manner. It has become a toll for accomplishing peacefully an unfinished war goal. In short, the Dayton Agreement stopped the war, but, rewarding the ethnic conflict, it

has reinforced further ethnic, political, economic and social division of Bosnia and Herzegovina.

General Framework Agreement for Peace in Bosnia and Herzegovina

The General Framework Agreement for Peace in Bosnia and Herzegovina, known as the Dayton Agreement was the final step of the internationally supported peace operation. It was preceded by the failures of numerous peace plans and peace conferences initiated by the European Union throughout the war period, and also by the Washington Agreement on Federation of the Bosniaks and Bosnian Croats, which was achieved in March 1994.

The peace conference held in Dayton, from November 1 to November 21, 1995 gathered the Bosnian President, Alija Izetbegovic and the Presidents of the neighbouring states, Franjo Tudjman and Slobodan Milosevic. The chairman of the conference, the American negotiator, Richard Holbrooke, started shuttle diplomacy to exert additional pressure to the warring parties already during the Croat Operation Storm in August 1995. Since Milosevic was the key figure both for war and peace, Holbrooke had to cooperate closely with him in order to ensure his willingness and readiness for negotiating at all.

Baker describes the role Milosevic had at the time:

Thus, in merely three years, the politician most closely associated with starting the war and initiating ethnic cleansing had turned condemnation into praise for cooperating in the Dayton accords...By clearing the way for talks to proceed, Milosevic became a pivotal figure on whom the success of U.S. diplomacy and the peace settlement then depended. (2001, p.758)

The Agreement reached in Dayton has been witnessed by the Special Representative of the European Union, representatives of France, Germany, the United Kingdom, the Russian Federation and the United States. All those states have been ever since treated as guarantors for the implementation of the Dayton Agreement.

The Dayton Agreement approved the previously reached Washington Agreement on the Federation of Bosniaks and the Bosnian Croats, and established a new entity of Republika Srpska for the Bosnian Serbs. The inter-Entity boundary line of the Annex II of the Agreement eventually partitioned Bosnia and Herzegovina into two parts. The control over the Brcko district could not be agreed upon in Dayton, but through the final arbitration in 1999. It was established then as an autonomous district, and it is still under international supervision. Only on April 13th 2006 was the office of the Government of Brcko to the Council of Ministers opened, thus institutionalizing relationships between the Brcko district and the Council of Ministers.

It should be admitted that the Dayton Agreement could be a paradigm of a comprehensive peace instrument. This means that it has envisaged a multilevel approach to the peace process in Bosnia and Herzegovina, thus including various sources of mechanisms for its implementation.

The Dayton Agreement gave mandate to various international organizations to monitor the separate segments of its implementation. Thus, the North Atlantic Treaty Organization (Implementation forces - IFOR) was mandated for the military segment of the Agreement, which has been rated insofar as the most successful one. IFOR was deployed on December 20th 1995.

The Organization for Security and Cooperation in Europe has been mandated to oversee the

elections as well as other democratic processes in the country. The European Union was empowered to appoint a High Representative to monitor the civilian aspect of the Dayton Agreement while the International Monetary Fund appointed the first governor of the Central Bank, who “shall not be a citizen of Bosnia and Herzegovina or a neighbouring state” (Dayton Peace Agreement, Annex 7).

The United Nations High Commission for Refugees has been in charge of repatriation of the refugees and displaced persons.

Economic policy was entrusted to the Bretton Woods institutions and the European Bank for Reconstruction and Development. The World Bank and International Monetary Fund have been in charge of fiscal stability.

Though political and social reconciliation in Bosnia and Herzegovina has been the ultimate goal of the Dayton Agreement, unfortunately, it has not been accomplished so far.

Office of the High Representative

On December 15th 1995, one day after the signing of the Dayton Peace Agreement, the Security Council endorsed by resolution S/RES/1031 the nomination of the first High Representative, the then European Union mediator for former Yugoslavia, Carl Bildt, for the implementation of the civilian aspects of the peace agreement.

In accordance with Annex 10 of the Dayton Agreement, the mandate of the High Representative

is as it follows:

The High Representative shall:

- a. Monitor the implementation of the peace settlement;*
- b. Maintain close contact with the Parties to promote their full compliance with all civilian aspects of the peace settlement and a high level of cooperation between them and the organizations and agencies participating in those aspects.*
- c. Coordinate the activities of the civilian organizations and agencies in Bosnia and Herzegovina to ensure the efficient implementation of the civilian aspects of the peace settlement. The High Representative shall respect their autonomy within their spheres of operation while as necessary giving general guidance to them about the impact of their activities on the implementation of the peace settlement. The civilian organizations and agencies are requested to assist the High Representative in the execution of his or her responsibilities by providing all information relevant to their operations in Bosnia- Herzegovina.*
- d. Facilitate, as the High Representative judges necessary, the resolution of any difficulties arising in connection with civilian implementation.*
- e. Participate in meetings of donor organizations, particularly on issues of rehabilitation and reconstruction.*
- f. Report periodically on progress in implementation of the peace agreement concerning the tasks set forth in this Agreement to the United Nations, European Union, United States, Russian Federation, and other interested governments, parties, and organizations.*
- g. Provide guidance to, and receive reports from, the Commissioner of the International Police Task Force established in [Annex 11](#) to the General Framework Agreement.*

Although the mandate of the High Representative was not defined precisely, but in rather general terms, the peace implementation mission in Bosnia and Herzegovina began shortly after the formal establishment of mechanisms for its conduct. Since the majority of international players were already present throughout the country at the time, the organizational aspect of the mission was remarkable and very promising. The Headquarters in Sarajevo and Secretariat in Brussels were set up, thus enabling a proper coordination of both national and international activities for peace implementation. Accordingly, the policy and decision-making were planned to be conducted in Brussels and its implementation by Headquarters in Sarajevo. The Office in Banja

Luka was established in the later stage in order to closely oversee activities in the Republika Srpska.

Given that within a relatively short time framework the war was stopped, the Dayton Agreement brokered, the High Representative appointed, and even the first report submitted to the Secretary-General of the United Nations in March 1996, there was no doubt that the International Community initially was very eager and highly committed to the implementation of peace. After four long years of politicization and humanitarization of the conflict as well as a lack of commitment of the International Community for conflict resolution, it appeared that steel determination for seizing and maintaining the peace initiative had finally emerged.

However, at the time, the High Representative did not have legally binding powers, which could have been a powerful instrument for pursuing peace building from the very beginning. The mechanism proved to be indispensable and as such was put forward by the High Representative and introduced at the Bonn Peace Implementation Conference, on December 10th 1997 and later came to be known as the Bonn powers. The High Representative has ever since been in ultimate charge of the civilian aspect of the implementation of the Dayton Agreement.

Implementation of the Dayton Agreement

The initial tasks within the framework of confidence building measures set up by the Dayton Agreement, such as cessation of hostilities and boundary demarcation, have been carried out most promptly and rather effectively, which was at the time really encouraging. The multinational

Implementation Force mandated with implementation of the military aspects of the Agreement has been dedicated to the establishment of an enduring peace settlement.

However, the implementation of the constitutional provisions of the Agreement, as the main foundation of a state, has been lagging behind from the very beginning. Even though the entities' authorities were obliged to pass their respective Constitutions in compliance with the State Constitution, the task was neither accomplished on time nor in accordance with the State Constitution, as was later the case with many other crucial provisions for an early state functioning.

While reaffirming the territorial integrity of Bosnia and Herzegovina, the Dayton Agreement divided it into two parts. As laid down in the Agreement, Bosnia and Herzegovina comprises of two semi-autonomous entities, the Federation of Bosnia and Herzegovina and the Republika Srpska, as well as the autonomous district of Brcko. It goes without saying that this fact contradicts international law. Within a sovereign state, the Dayton Agreement set up two categories of international constitutional law, a Republic and a Federation.

Given the extremely complex and uncommon state structure, it is not wrong to assume that the Dayton Agreement has institutionalized ethnic, but also political, economic, social and cultural division. But reality had to be accepted, as confirmed by its main architect, Richard Holbrooke, because such an Agreement was the only way out both before and during peace negotiations in Dayton.

Consequently, the Entities' Constitutions are conceptually incompatible. On the one hand, the

Federation of Bosnia and Herzegovina, which is subdivided into ten Cantons, has a power-sharing system between Bosniaks and Croats. On the other, the Republika Srpska is a unitary Entity dominated by the Serbs.

Bosnia and Herzegovina has neither a President nor a Government. Instead, under the provisions of the Dayton Agreement, there is a collective, three-member Presidency, consisting of one Bosniak, one Croat and one Serb. Instead of Government, there is Council of Ministers with Chairman and ministers and their deputies represented in parity with two Bosniaks, two Croats and two Serbs along with their respective deputies according to the ethnic “key”. And such parity has been the main principle in establishing quotas for all levels of executive powers, which is State, Entities, Cantonal and municipal. Ethnic parity is also an unavoidable standard in judicial and legislative branches.

Experience suggests that the most serious challenge to the functionality of the legislative power is ethnic voting. Given the ethnic voting principle, any party can create obstacles to the functioning of the state at any level. Thus, frequent obstacles have become the main characteristic of such a system. Strict deployment of the “ethnic key”, particularly at the state level, is the main reason why it has become extremely difficult both for the International Community and local authorities to achieve significant progress in functionality and efficiency of the governing institutions.

Baker explains the complexities of the peace process implementation as following:

The need to create power-sharing arrangements with rival factions and to include all major groups in a peace process often clashes with the need to bring human rights abusers to justice, establish political legitimacy, establish the rule of law, and build new state structures that can earn the confidence and trust of the people. (2001, p.

To make things even more complicated, the Constitution, by entrusting major powers to the Entities rather than at state-level, has enabled the famous mechanism of “veto on issues of vital interest” for all “constituent peoples”, Bosniaks, Serbs and Croats, to be used over and over again.

According to Annex IV:

A proposed decision of the Parliamentary Assembly may be declared to be destructive of a vital interest of the Bosniak, Croat, or Serb people by a majority of, as appropriate, the Bosniak, Croat, or Serb Delegates selected in accordance with paragraph 1(a) above. Such a proposed decision shall require for approval in the House of Peoples a majority of the Bosniak, of the Croat, and of the Serb Delegates present and voting. (Dayton Peace Agreement, Annex IV)

In fact, the aforementioned ethnic sovereignty has reinforced the use of veto over all legislative and executive decisions which are disputable.

Furthermore, there are no state-level enforcement mechanisms, which would oblige the Entities to implement state-level decisions. This state dependency has been reinforced by financial support of the Entities to the state budget, which, according to the Dayton Constitution is 2:1. The Federation of Bosnia and Herzegovina, which covers 51% of the territory, makes two-third, and Republika Srpska one-third of payments. Only in January 2006, within the reforms package for the integration of the State into the Euro Atlantic structure, has a Value Added Tax system

been introduced. There is an assessment that in the long term, when dependency on the Entities' budget is no longer an issue, it will eventually strengthen the State and functionality of state institutions.

Political and constitutional implementation of the Peace Agreement has been the challenging task *par excellence*. Primary responsibility lies with the Bosnian Serbs who have from the outset disregarded its implementation. To date, some provisions have been fulfilled with a few years' delay and while most still haven't. The fundamental shortcoming of the Dayton Agreement is verification of the artificial territorial division of Bosnia and Herzegovina. However, the existence of Republika Srpska within Bosnia and Herzegovina is protected from any danger of abolishment or fragmentation. This is one of the reasons why the Agreement has allowed for peaceful stalemate by political means.

On the top of its complexity, the implementation of the Dayton Agreement has been additionally obstructed from the very beginning both by Serbs in the Republika Srpska and Croats in "Herzeg Bosnia", which is a part of the Federation. Those hindrances have also been supported by the signatory states of the Dayton Agreement, the Republic of Croatia and the Federal Republic of Yugoslavia, which is completely at odds with their previously given consent to it.

The enduring conflicts of interests have caused profound reluctance for the peace implementation and state building mission. This means that reconciliation of incompatible political interests as one of the major preconditions for a sustainable peace settlement as well as for other key processes in the country should have been addressed in a more vigorous way.

Lederach clearly states that:

This is precisely how reconciliation processes can be envisioned: the capacity to see the whole, understand different sets of needs and activities, move with intensity to respond to key immediate needs while simultaneously preparing the way for other sets of activities to have their place and time. This approach requires an understanding of complexity and simultaneity of action. (2001, p. 847)

But, the International Community has been neither perceptive of complexity nor has it paid due attention to the importance of consistency in its approach. Instead, despite the common truth about the continuous threats of the neighbouring states on the sovereignty of Bosnia and Herzegovina, the United Nations has been persistent only in reconfirming in its resolutions a mission that the domestic authorities cannot possibly complete:

The primary responsibility for successful implementation of the Peace Agreement lies with the authorities in Bosnia and Herzegovina themselves and that the continued willingness of the International Community and major donors to assume political, military and economic burden of implementation and reconstruction efforts will be determined by the compliance and active participation by all the authorities in Bosnia and Herzegovina in implementing the Peace Agreement and rebuilding a civil society. (UN Security Council Resolution, S/RES/1639/2005)

Although they were the main co-signatories of the Dayton Agreement, on behalf of the then Federal Republic of Yugoslavia and Republic of Croatia respectively, Milosevic and Tudjman continued attacking the sovereignty and territorial integrity of Bosnia and Herzegovina in many different ways. It was only when Milosevic was brought to The Hague Tribunal and Tudjman passed away that Bosnia and Herzegovina stopped suffering direct pressure from its neighbouring states.

Those continuous interventions for the disintegration of the State have implied unimpeded threats on the sovereignty of Bosnia and Herzegovina: outside forces offered unconditional support for those inside the country and coordinated attacks have additionally undermined the efforts of the International Community and domestic factors aiming at fostering the peace building process.

Over time, the role of the international players has been evolving in Bosnia and Herzegovina. The focus has gradually switched from a humanitarian to a development agenda. Therefore, in spite of various obstacles, the International Community has accomplished its first goal in Bosnia and Herzegovina, that is conflict resolution, which was naturally a precondition for the next stage.

Fukuyama thus states the following:

If the collapsed state is lucky enough to achieve a modicum of stability with international help (as in the case of Bosnia), the second phase comes into play. Here the chief objective is to create self-sustaining state institutions that can survive the withdrawal of outside intervention. This phase is much more difficult to achieve than the first but is critical if outside powers are ever to make a graceful exit from the country in question. (2005, p. 136)

Regional stabilization

Regional stabilization as one of the main factors of stability is included in Annex 1B of the Dayton Agreement. With regard to the aggression of the ex Federal Republic of Yugoslavia against Bosnia and Herzegovina and aspirations of both the Republic of Croatia and Federal Republic of Yugoslavia to divide Bosnia and Herzegovina, the International Community has estimated that without this factor being urgently addressed, there could be no peace settlement in

Bosnia and Herzegovina. In order to have the consent of the parties involved, first for the Dayton Agreement and then for the regional stabilization in general, the International Community had to give some concessions to them. And one of the first steps was to suspend the economic sanctions imposed to the Federal Republic of Yugoslavia since May 30th 1992, by voting Resolution 1022 of the Security Council on 22 November 1995.

Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia have become parties of the Agreement on the regional stabilization embraced in the Dayton Agreement. Of course, the mentioned Agreement focuses in priority on the outset of cooperation of the countries in the realm of arms control, border issues and related issues with regard to illicit cross-border activities. Out of these concerns as well as growth of the potential EU candidate countries in the region, the stabilization is enhanced through various forms of regional cooperation initiated by the International Community and the countries themselves, which has over time spread to other countries.

To mention just a few forms of multinational cooperation in the Region initiated in the post-war period:

The South East European Cooperation Process was initiated in 1996 with the aim of integrating them into Euro Atlantic political structures, by encouraging political cooperation among the countries and, consequently, advancing peace, security and stability in the region.

Almost the same can be said for the Stability Pact for South East Europe established in 1999 under the European Union umbrella. Enduring peace and stability of the region, which will open

the door to European integration structures, are the ultimate goals of the initiative to be achieved through promotion of democracy, human rights and economic development. It is anticipated that the institutionalization of the relationship of the countries of the Region with the European Union will be accomplished by next year, so the Stability Pact initiative will cease to exist, and probably be replaced by the Secretariat through which the process of cooperation among countries will be further advanced.

The South East European Cooperative Initiative is the United States' initiative focused on enhancing cooperation among the countries, particularly in economic related issues and the environment.

In sum, cooperation in South Eastern Europe is a crucial element both for political and economic stability of the countries of the region. It is also a safeguard for the affirmation and statehood enhancement of Bosnia and Herzegovina and is a corner stone for successful integration into European structures.

II Peace and State Building Mission

Peace Implementation Mission

Faced with persistent obstructions seriously affecting both peace and the state building process in the long run, the then Chairman of the Presidency, Alija Izetbegovic submitted a request to the Constitutional Court of Bosnia and Herzegovina in 1998 for revision of the constitutional provisions of the Entities' Constitutions which were not in compliance with the Constitution of the State (fourteen provisions of the RS Constitution and five provisions of the Federation Constitution). The ultimate goal of such a request was to ensure full equality of the state constituent peoples throughout Bosnia and Herzegovina.

The International Crisis Group, in discussing the issue of the Serb people, claims that:

While the RS Constitution makes no reference to 'constituent peoples' per se, the preamble refers to the 'untransferable right of the Serb people to self-determination', to 'the centuries-long struggle of the Serb people for freedom and independence', and to 'the will and determination of the Serb people from Republika Srpska to link its State completely and tightly with other States of the Serb people'. (International Crisis Group, Report No 128, p. 3, 2002)

According to the above-mentioned provision of the RS Constitution, the territorial integrity of Bosnia and Herzegovina is still at stake. Such an excerpt proves that the dominating powers are those of the Entities' over the extremely limited powers of the State, and as such have been legitimized by the Dayton Agreement.

Indeed, radical changes edging the State out of stalemate were indispensable. The status of "constituent peoples" should also have been defined in compliance with the international legal instruments incorporated into the State Constitution. Thus, the Court made a decision in July 2000, requesting the Entities to amend their constitutions. Supporters of a unitary state considered this decision as a historic one. Thereby, the constitutional development formally, but not substantially reached a turning point in the "constituent peoples' case".

"The constituent peoples' case" was at the time the first step toward the real implementation of Annex IV, Article II of the Dayton Agreement, which reads as follows: "Bosnia and Herzegovina and both Entities shall ensure the highest level of internationally recognized human rights and fundamental freedoms." Furthermore, there is no doubt that the implementation of the decision would have urged a genuine democratic process in Bosnia and Herzegovina. Difficult as it is, particularly for a country which has no background of democratic political culture, democratization is even harder to achieve in a multinational state.

Highlighting the challenge, Ayooob states the following:

However, the reconcillation of the two imperatives of the consolidation of state power and democratization is not, and will not be, an easy task even if tremendous goodwill is present on all sides. Major tensions are bound to arise between state elites and their ethnic and political opponents who would like to put significant curbs

on the power of the central state. (2001, p. 138)

Although the peoples, entities and institutions of Bosnia and Herzegovina are entitled to be the main creators and bearer of democracy in their own country, the International Community is there to be its key promoter, but not only declaratively. True liberal democracy is a condition for stability, security and lasting peace. In reality, it should not enable discrimination of civil rights and freedom. Therefore, the basic values of equality of all peoples throughout the territory of Bosnia and Herzegovina are essential preconditions for democracy in the State. Nevertheless, the “Constituent peoples’ case” has never gained ground. However difficult it might be, the International Community should have been more determined to persevere in implementation of such a decision and ready to use all means available to lead the political actors to its eventual application.

And though the International Community had already missed several other important opportunities to further non-discriminatory policies and foster human rights issues, this decision truly represented a unique occasion, which should have been grasped and unconditionally supported by the international democratic players. Such an opportunity to lay the grounds for functional multinational Entities and thus ensuring a non-discriminatory status from any and all of the three constituent peoples throughout the State has been lost. The momentum was not used timely. It was only in March 2002 that the political parties reached the Sarajevo Agreement, a deal for the principles to be incorporated in both Entities’ Constitutional amendments.

But not only did the Sarajevo Agreement represent an incomplete and inadequate reading of the Constitutional Court’s Decision, it also was never implemented. As already seen in numerous

other cases, few provisions have been initially enforced under strong international pressure; but even those proved to be only formally introduced because implementation never gained ground. In fact, they have never become functional.

In its Report No 128, of 16 April 2002, the International Crisis Group recommended that:

Neither the High Representative nor the Peace Implementation Council should allow themselves to be deterred by Serbs and Croats extremists into accepting half-baked or unjust sets of amendments...In order to overcome resistance, however, any imposition will need to be accompanied by mobilization of the full arsenal of international weapons and inducements.(2002, p. ii)

To complicate the situation further, there was no consensus on how to change the situation and how to modify the way of carrying out reforms. Unfortunately, lack of a vision as well as failure to focus on forwarding the implementation of the reforms has always been the weakest point in the role of the international players in the case of Bosnia and Herzegovina. In situations such as the above-mentioned, the international players, not surprisingly, have always been blaming local authorities and political parties for failure, and, on the other hand, local authorities have been expecting international players to exert more pressure and eventually use the Bonn powers to impose the desired solution on the resisting party.

However, it should be underlined that nearly all the reforms within but also beyond the Dayton framework have been carried out in Bosnia and Herzegovina only with direct assistance from the International Community. Those reforms, by transferring the responsibilities from the Entities to the State have consequently strengthened the State to a point when the major preconditions for

conducting more comprehensive reforms on the course to European integration have been fulfilled.

Strengthening the capacity of the State governing institutions is also in progress. All parties in Bosnia and Herzegovina have reached consensus on one common goal, that being membership of the European Union. However, contradictory to the proclaimed goal, there is still a lack of willingness among the leading parties to pursue the reforms necessary for State integration into the European structures. The key reason for this lies in the fact that the reforms could in the long-term lead to a strong, unitary state, which is not acceptable for the Serbs who want the Republika Srpska to retain as many state attributes as possible. Given these conditions, it has become clear that continuing political influence of the disintegration forces is still dominant within the Republika Srpska.

Time and again, conflicts of interests appear as a deeply rooted political problem, which appears in its fullness when constitutional reform proves to be indispensable for functionality and viability of the State. Bosnia and Herzegovina has altogether five levels of governance, which creates an overloaded, unsustainable bureaucratic system for such a small society. Different perceptions of the state structure are the root cause of disagreement among the parties. Failure to overcome narrow national interests in order to favour the State result in stalemate, and this affects the whole process over and over again.

Hence the following dilemma which Baker (2001, p. 756) presents: “Should peace be sought at any price to end the bloodshed, even if power-sharing arrangements fail to uphold basic human rights and democratic principles?”

State building mission of the International Community

The International Community has been present in Bosnia and Herzegovina since 1992 in different capacities and even more diverse roles, such as peacekeeping, peace building and state building. Unfortunately, its primary task, peacekeeping, has proved futile. The following one, stopping the war activities and brokering the General Framework Agreement for Peace in Bosnia and Herzegovina, was more decisive, encouraged by almost immediate and successful results. From then on, the International Community has been conducting the third stage, a state building experiment in Bosnia and Herzegovina, aimed at turning a profoundly divided state into a unitary and self-sustainable one, and eventually endowing it with the perspective of integration into Euro Atlantic structure. Have the results achieved in the ten-year period really met expectations?

The assessment of how effective the International Community has been in Bosnia and Herzegovina can be summarized in a very short observation of the International Monetary Fund: “It is remarkable how much has changed in Bosnia and Herzegovina-and how little” (IMF, 2005). This remark explains contradictions in numerous analyses on achievements of the International Community in Bosnia and Herzegovina. On the one hand, given the four-year physical and social destruction of the country, and its overall condition immediately following the Dayton Agreement, it should be admitted that a lot has been done. But, on the other hand, if only two factors are taken into consideration: time and generous reconstruction aid, the International Community can hardly be satisfied with the results.

State building is undoubtedly a long-term task. Scholars agree that, in general terms, it comprises

of two parallel processes: establishment of new government institutions and reinforcing the already existing ones. The importance of building functional institutions, establishing the rule of law, but also the proper ordering of reforms should be understood and treated equally in the process of state building. Not surprisingly, given these preconditions, it is a comprehensive and very demanding task to accomplish. Moreover, consolidation of the post-conflict state through state building measures is a far-reaching goal both in conception and implementation. State building is a challenging mission for the major powers and the International Community as a whole. And as a part of post-conflict policy, state building could be crucial for international peace and security. However, partial building could be as well dangerous.

Thus, for long-term prosperity it is vital to conduct state building along with nation building, particularly in post conflict multiethnic societies. Although it could be debatable, there is a common view that those processes could be managed more successfully if carried out in parallel.

The reforms undertaken within the state building process in Bosnia and Herzegovina can be considered from several aspects: political, constitutional, legal, economic and social. Though political and constitutional are being considered the most agonizing, other reforms are challenging as well. However, to achieve successful results in state building, each aspect should be treated likewise.

Despite some overall progress, the territorial fragmentation forged further by the Dayton Agreement has further complicated the state building mission for the International Community. Bosnia and Herzegovina has, besides the already noted weak governance, severe political obstacles to economic reform and growth. The international aid of more than \$5 billion has been

invested in reconstruction, with virtually no economic rehabilitation projects. And most scholars agree upon the assessment that economic cooperation is an indispensable element both for peace and state building. It is one of the essential confidence building confidence measures for a successful peace and state building mission.

Therefore, the following argument, which Fukuyama (2005, p. 7) underlines, can be applied to the case of Bosnia and Herzegovina: “The problem lay in a basic conceptual failure to unpack the different dimensions of stateness and to understand how they related to economic development.”

Moreover, heavy legacy of ethnic cleansing is further exacerbated by linguistic and educational segregation. Given the three constituent peoples composition of the country, there are consequently three official languages: Bosnian, Croatian and Serbian, which have no linguistic difference.

Educational segregation presents a long-term ethnical fragmentation policy, which is one of the most serious problems, and can jeopardize even the slightest possibility for recovering the former multiethnic society of Bosnia and Herzegovina. Even the state symbols, national flag and anthem, which are supposed to be symbols of unity, have been chosen and imposed by the International Community but never truly accepted by the citizens of Bosnia and Herzegovina.

Instead of the development in political culture, only retrograde elements are being intensified. In this view, damage caused by the flaws and ambiguities of the Dayton Agreement in certain segments is indeed undone. The multiethnic spirit and multicultural fabric of society, which have survived throughout the history of Bosnia and Herzegovina, are gravely endangered, if not gone.

Furthermore, there can be no serious debate about the reconciliation of society and nation building in Bosnia and Herzegovina without the apprehension of the two most wanted war criminals, Radovan Karadzic and Ratko Mladic, and their being brought before the International Criminal Tribunal for former Yugoslavia. It is inconceivable that those two fugitives could not be caught all these years by the various international military forces whose mandate has also been to provide assistance for their apprehension.

Those two criminals, both charged for genocide committed in Bosnia and Herzegovina, still have as many ideological followers as during the war. For the least prosperity of the country, their arrest is indispensable. Their criminal and genocidal ideology is very much alive in the Republika Srpska and that has additionally aggravated the mission of the International Community. The fact that they are still at large has played a major role in preventing post conflict reconciliation as well as the establishment of mutual trust and interethnic co-operation. Even though full cooperation with the Tribunal is envisaged in the Dayton Agreement and was signed by both co-signatory states, it has always been the main stumbling block both for the neighbouring states and the Republika Srpska. Now, it has become an almost never-ending task of the International Community.

Furthermore, one of the costliest mistakes of the International Community, with far fletched consequences and causing irreparable damage, was to prematurely organize the elections in Bosnia and Herzegovina without basic preconditions fulfilled. The first post-war elections were held as early as September 1996 and, as expected, only gave another mandate to the nationalist parties that had brought the country into the conflict and, then, have further pursued their goals

under the Dayton Agreement. Since the war ended officially with the signing of the Dayton Agreement in December 1995, nothing significant in the political environment could have been changed within such a short time framework. Therefore, there is no excuse for the International Community for making such an unjustified mistake, which, from the very beginning, marked their silent acceptance of the development of the nationalists' policy.

The Dayton Agreement encouraged all those nationalist forces which led Bosnia and Herzegovina into and through the war, while confirming their legitimacy right after the war with the elections held in September 1996. Therefore, their outcome was easily predictable. One of the winning party was the Serbian Democratic Party, whose President, Radovan Karadzic was indicted in 1995 but was seen publicly even till 1999. It is true that the International Community made some attempts, but only to remove Karadzic from power. He did step down in 1996, but only formally. His authority among people in the Republika Srpska is as strong as before since he retained political control and influence. His popularity among the Serb people has actually never declined. But, even under such conditions, including the indictment of the International Tribunal, the International Community has not apprehended the most wanted fugitives. This passivity has had far-reaching consequences, which are still present.

The International Community should not allow itself such failure. Was it afraid of or not ready for counter reactions of the Serbs? There is no doubt that the International Community is empowered to act much more effectively. At the time, the United Nations, the North Atlantic Treaty Organization, the United States and the European Union did not have a vision on how to cope with the consequences of arresting Radovan Karadzic and Ratko Mladic who were then easily reachable. And now it's been ten years since the indictments were passed. It is not wrong

then to assume that there has never been serious pursuit of war criminals by the International Community. But now, contradictory to its long-term approach towards the non-apprehension of those two war criminals, it is precisely the apprehension of Karadzic which is presented by the International Community, in particular the European Union and NATO as the key precondition for the integration of Bosnia and Herzegovina into Euro Atlantic structures.

The Peace Implementation Council for Bosnia and Herzegovina has gathered over forty nations and numerous international agencies. That being said, it must be admitted that the case of Bosnia and Herzegovina attracted attention throughout the world. Given the diversity of the international factors engaged in the country, the lessons learned there could be of extreme value for the multilateral nation building undertaken by the International Community. Although each state demands a different approach, there are common stages in a state building process, and therefore the case of Bosnia and Herzegovina could be used as a paradigm, if successfully completed. However, there are numbers of reasons why the paths and instruments for accomplishment of state building remain unclear.

Bosnia and Herzegovina attracted numerous international organizations primarily because at the time it represented a threat to international peace and order, and therefore its weak and fragile peace after the Dayton Peace Agreement remained an international issue as well. Furthermore, as already noted, many international players involved in the state building process in Bosnia and Herzegovina frequently use the pretext that the Dayton Agreement was designed to stop a war, but not to build a country.

The issue is that both international aid and expertise were not timely directed in capacity

building. Hence the following statement which Fukuyama (2005, p.51) presents: “If nation-building means the creation of self-sustaining state capacity that can survive once foreign advice and support are withdrawn, then the number of historical cases where this happened successfully drops to a depressingly small handful.”

Moreover, as proved by reality, the political system established in accordance with the Dayton Agreement is only functional with the support of the International Community. Consequently, numerous analyses on Bosnia and Herzegovina suggest that nation building has become a comprehensive occupation by the major powers in the International Community.

The multinational character of Bosnia and Herzegovina has always presented an additional complexity both in brokering the peace agreement and in the state building mission. Given the failure of supranational ideology in the former Yugoslavia as well as the artificial disintegration of Bosnia and Herzegovina along the ethno-national lines approved by the Agreement, nation building has become an indispensable element in the state building process for sustainable reconciliation in a divided society as well as an element for crisis prevention.

Nation Building in Bosnia and Herzegovina

Looking back over the past ten years, it can be concluded that the International Community overlooked several crucial issues, which will have a long-term impact on the state building process. One of them was the urgent need for nation building in Bosnia and Herzegovina. Having ignored the unresolved political conflict among the major nations (constituent peoples) in the

country, the International Community led by the United States created the Dayton Agreement whose nature not only blocked functional organization of the state but also undermined the possibilities for nation building as a long-term solution for its viability. Given the unresolved political conflict, nation building could not be accepted by local authorities whose contribution is indispensable in such a process.

Due to the lack of vision on how to fully implement the peace agreement, not surprisingly, the International Community has only worked to formally fulfil the provisions stipulated under the Dayton Agreement. Far more difficult, by preserving the sovereignty of the constituent peoples, the Agreement has set up the ethnic foundation of Bosnia and Herzegovina which created no basis for the nation building process, on the one hand. However, the latter is contrary to the core values enshrined in the Dayton Constitution which are favourable to nation building, on the other.

Moreover, reconciliation of society, as a precondition for nation building, could not be achieved. Beside that point, Ignatieff (2001, p. 104) argues that the International Community has failed in nation building, in general terms: “All the same, infrastructure cannot create a nation. Bosnia now has the roads and schools it needs, yet its ethnic groups remain as divided as ever.” And it should be underlined that the Dayton Agreement has only undermined the possibilities for effective nation building. This undoubtedly has implications for state building as well.

Nation building and state building are certainly two interrelated processes. If we use the metaphor of new technology, state building might be construed as “state hardware”, which provides the infrastructure for its functioning. However, nation building is a more complex and sophisticated process. It is the “state software”, which enables the state infrastructure to function properly and

more efficiently. Most scholars agree that nation building is achievable through development of political culture, establishment of the rule of law and commitment to the building of a strong central government.

The construction and development of a nation is particularly indispensable in societies where supranational ideology was present. The Yugoslav identity should have been replaced by the Bosnia and Herzegovina identity in the first place. Given the common historical and cultural identity which the peoples of Bosnia and Herzegovina share, one of the major preconditions for nation building was fulfilled from the outset. But, ethnic identity became predominant over national identity. And the Dayton constitution only legalized the ethnic identity as the primary one and thus made it impossible for the different ethnic groups to merge into a single national identity. Moreover, by dividing state along the ethnic lines, the Dayton Constitution has not only endangered reconciliation and the formation of a common state identity, but also prevents effective state reconstruction and nation building from taking place.

Hopp and Lesch (2005) claim that “Nation-building further presupposes a socio-cultural structuring and integration process leading to shared characteristics of identity, values and goals. It is not the homogeneity of these characteristics that is relevant, rather the recognition of heterogeneity and facilitating inclusion.”

According to the above statement, it is more than clear that, given the complexity of the issue, the internal forces are key factors for the nation building process to be developed. However, it is undeniable that through the Dayton Agreement, the external forces completely paralyzed the very possibility of constructing a nation. Instead of being the milestone for creation of a common

identity, the Dayton constitution has only made it more complicated and even less feasible. Therefore, the following assessment of Hopp and Lesch (2005) could be applicable in the case of Bosnia and Herzegovina: “This relates, in particular, to the identity and development of a common political will, which is frequently negotiated in an atmosphere of conflict and characterizes the institutional shaping of the nation, i.e. *state building*.”

The ambiguities that the Dayton constitution has left fostered the ethnic primacy over the national. Even the definition of citizenship is closely related to that failure. The Dayton Constitution, which cemented the territorial fragmentation of the formerly united Bosnia and Herzegovina, has thus given priority to the collective/ethnic over the individual rights, which is inconsistent with the international principles. In accordance with the Dayton Constitution, Bosnia and Herzegovina is a state of its constituent peoples, Bosniaks, Croats, Serbs and Others. It does not prioritize identification of national identity. There are actually three levels of identification: constituent, ethnic and national. According to the Constitution, a citizen of Bosnia and Herzegovina can be identified as a Bosniak, Croat, Serb or Other. Then comes ethnic identification (Federation or RS), and lastly, the national identification, citizenship of Bosnia and Herzegovina. This practically means that one cannot have national without ethnic citizenship. Yet, Fukuyama (2005, p.153) clearly states that “national identity is civic rather than religious, cultural, racial, or ethnic.”

Dual “internal” citizenship has subsequently allowed for more dualisms approved by the Dayton Agreement as well. One of them is the right of each entity to establish special bilateral relationships with the Republic of Croatia and Serbia and Montenegro respectively, meaning that the Republika Srpska established special bilateral relationships with Serbia and Montenegro

while the Federation of Bosnia and Herzegovina established the same with the Republic of Croatia. Therefore, it should be admitted that the Dayton Agreement has in these terms only legitimized long persistent external interferences from the neighbouring countries and reinforced the internal ones. There is no doubt that such a provision also undermines the sovereignty of the state of Bosnia and Herzegovina. And accordingly, the Dayton Agreement, instead of working in favour of the state, allows the strengthening of the entities, which merely added to further state fragmentation.

Furthermore, it should be noted that nation building in Bosnia and Herzegovina has become utterly pointless due to the citizenship of the “mother” country approved by the Dayton Agreement. Bosnian Serbs and Croats have citizenship of Serbia and Montenegro and the Republic of Croatia respectively.

Constitutional reform

A common failure of the Dayton Agreement lays in the complicated and unsustainable constitutional structure of Bosnia and Herzegovina, which remains a major political obstacle in the state building process. Therefore, Ignatieff (2003, p.36) recognized the following fact: “Six billion dollars was committed to Bosnian reconstruction after Dayton. But the link between physical and mental reconstruction, between rebuilding infrastructure and reconciling mentalities remains unclear.”

Ten years after the Dayton Agreement, the political parties in Bosnia and Herzegovina under

strong international pressure have finally admitted that the Dayton Constitution is out of date and recognized the need for reform. Constitutional reform is first and foremost indispensable in order to foster the functionality of the state. In the same sense, it is also a precondition for the successful integration of the state into the European structures, particularly in terms of implementation of the Agreement on Stabilization and Association. Even though a lot has been achieved within the constitutional reform process, a lot remains to be done as well.

The first phase of the negotiations on the constitutional changes among the main Bosnian political forces with strong international support formally started in Brussels in November 2005. It was followed by the Commitment to Pursue Constitutional Reform, also known as the Washington Declaration, signed by the leaders and representatives of eight political parties on November 21st 2005, on the tenth anniversary of the Dayton Agreement. Given the impossibility to achieve EU membership with the present constitution which produced such an unsustainable institutional framework, the talks were meant to offer a constitutional and institutional model that would in the long run lead Bosnia and Herzegovina to eventual integration into the EU. The latter certainly means that ethnic divisions, embraced by the current constitutional model should be overcome. Otherwise, the constitutional changes would acknowledge the results of ethnic cleansing and the opportunity to reverse those results would be lost.

The first phase of negotiations on the Constitution on the state level, scheduled to be completed by March 2006, did not bring the expected outcome. Although the opening phase of the negotiations was dedicated to the state level, nothing was done in terms of unitary state, which was the main foundation for the Constitution of the country, announced by the US Institute for Peace, and reaffirmed by US officials in November 2005. Though some progress was made

during negotiations, it was far from substantial. Agreed changes were mainly meant to empower the Council of Ministers to pursue the reforms indispensable for integration into the EU. Instead of a three-member Presidency, the institution of a State President, with two deputies might have been an option.

Some analysts suggest that only “cosmetic” modification has been affordable and acceptable. Far more important, there was no agreement to eliminate the main obstacle to profound functionality of the state, namely the two-third ethnic majority principle in decision-making.

The relevant provision in Annex IV, Article IV of the Dayton Agreement is the following:

The Delegates and Members shall make their best efforts to see that the majority includes at least one-third of the votes of Delegates or Members from the territory of each Entity. If a majority vote does not include one-third of the votes of Delegates or Members from the territory of each Entity, the Chair and Deputy Chairs shall meet as a commission and attempt to obtain approval within three days of the vote. If those efforts fail, decisions shall be taken by a majority of those present and voting, provided that the dissenting votes do not include two-thirds or more of the Delegates or Members elected from either Entity. (Dayton Agreement)

Under these conditions, the High Representative, Lord Ashdown during his four-year mandate had to use the Bonn powers, imposing forty-six laws, in particular due to the obstacles made through ethnic voting principles in the parliamentary procedures.

All in all, the changes agreed upon under strong international pressure, in particular the EU and the USA were the result of consensus among the political parties in Bosnia and Herzegovina. It was regarded as the first domestic “product”. And, therefore, one of the main dilemmas among

the politicians before the amendments were put in voting procedure in the House of Representatives has been the future of such a Constitution without the international guarantees. What makes all this extremely complicated and insecure is that the Dayton Constitution, defective as it has been, has provided for international guarantees while the domestic one would have none. Two-day discussions in the Parliamentary Assembly on April 25th and 26th 2006 produced no results. The “cosmetic” changes have been in favour of the Serbs and thus only acceptable to them. Therefore, the proposal of the amendments was not adopted, which generally caused huge disappointment to the International Community, the EU and the US. True, a new domestic Constitution is crucial for the International Community’s exit strategy. However, it should not insist upon just any solution.

Bosnia and Herzegovina needs such a constitutional reform, which will foster its functionality and enable economic reform, one which should in the long run push the integration process forward. The International Community, in particular the European Union, has the opportunity to use soft power resolutions in Bosnia and Herzegovina on its way to European Union membership. The carrot of membership could also be used to stimulate the commitment of domestic institutions to the state building process.

Tutorship of the International Community over Bosnia and Herzegovina

Even ten years after the Dayton Agreement, the International Community has unfortunately retained tutorship over Bosnia and Herzegovina. The state is still dependant on the International Community, and a long way from a viable, self-sustainable state. Even though some necessary

preconditions for state functioning are formally fulfilled, there is an evident lack of accountability of the state authorities. The fact that Bosnia and Herzegovina is still qualified as a protectorate is quite discouraging.

The above cannot come as surprise since, according to the European Stability Initiative analysis, the International Community applied authoritarian state building both in Bosnia and Herzegovina and Kosovo.

It seeks to foster institutional development by creating international structures that assume extensive and generally unaccountable powers within domestic constitutional sphere. Authoritarian state building is a rare model, but is nonetheless widely discussed as one possible blueprint to help post conflict states deal not just with immediate challenge of achieving political stability, but also with the long term task of democratization and development. (European Stability Initiative, p.2-3, 2004)

However, in comparison with Kosovo, the authoritarian approach has been partially employed in Bosnia and Herzegovina, and thus only had partial success so far.

And even though several democratic elections have been held, democracy is hardly taking any root. This state of things confirms the following statement of Fukuyama (2005, p. 35), who claims that: “There is another respect in which good governance and democracy are not so easily separated. A good state institution is one that transparently and efficiently serves the needs of its clients – the citizens of the state.”

Different and incompatible perceptions of the State structure by its governing parties have always been the main stumbling block, which resulted in political obstacles to the implementation of

peace. The relationship between the authorities of Bosnia and Herzegovina and the High Representative has been changing, though not evolving much over the ten-year period. Ignatieff explains the relationship between the local and international authorities as following:

At the political level, the central tension in all nation-building experiments is bubbling to the surface: the conflict between local nationalism and international imperialism: between the desire of local elites to run their own show and the international concern to keep them in leading strings. (2003, p.74)

An exception to that was the two-year period in which the ten-party Democratic Alliance for change took power. The creation of the Alliance for change was the result of international intervention. Having realized that the post-war rule by the three ever-governing parties - the party for Democratic Action, the Serb Democratic Party and the Croatian Democratic Union - did not bring substantial changes in the political scene of Bosnia and Herzegovina, the International Community encouraged the building of the non-nationalist Coalition. During its short two-year mandate the Alliance managed to assume ownership of the processes which were under way and even insisted on full partnership with the International Community.

The International Community, in general, likes to boast Bosnia and Herzegovina as one of its most successful peace and state building missions. But, in spite of its rhetorical success, it has not created the basic conditions necessary to begin its exit strategy. Besides, leaving the country on its own would present a huge risk. The International Community is pretty aware that even ten years after the Peace Agreement and despite strong international presence, probably the most comprehensive in history, Bosnia and Herzegovina is still not viable. It has thus assured another kind of tutorship in its exit strategy, as an alternative, namely the European Union. Consequently, Bosnia and Herzegovina, in its new capacity, could once again be considered an unprecedented

accomplishment of the International Community.

Dependency of the Local Authorities on the International Community

It is very daunting to recognize that even ten years after signing the Dayton Agreement local authorities have not yet overtaken ownership from the International Community. This means that the International Community has been largely exercising power in strategic areas instead of domestic authorities, thus causing a heavy reliance of the latter. The major success of the International Community in Bosnia and Herzegovina is being evaluated based upon a number of the state-building measures imposed by the High Representative. However, although numerous, the majority of those measures is not being fully implemented by domestic institutions. Those reforms are meant to be carried out urgently, but the pace of reforms and their implementation are usually determined by the (in) ability of domestic political actors to assume responsibility and increased ownership of the political process in the country.

There is a common view that the resolve of the International Community to speed up the reforms in the country has deepened the already existing gap between the quantity of reforms imposed by the International Community and the (in) capacity of local authorities to implement them. Therefore, it can be concluded that the International Community has given priority to quantity rather than quality, one of many major mistakes leading to the present stalemate. The local authorities have found it particularly difficult to follow the imposed pace of the reforms. The above is obviously contrary to the following assessment of a successful approach as stated by Fukuyama (2005, p.47): “The majority of cases of successful state-building and institutional

reform have occurred when a society has generated strong domestic demand for institutions.”

The partnership of local authorities with the International Community when the Alliance for change was governing the state was evidently in progress. The then High Representative, Wolfgang Petrisch, significantly decreased his interventions in the reform processes, while domestic institutions were successfully taking on responsibility for conducting the reform legislation. Thereby, local authorities at the time proved both their capacity and their capability to assume accountability for the state building mission. However, it is also worth mentioning that those were non-nationalist-oriented political parties.

Unfortunately, momentum has been lost due to new circumstances which have led the reform process in a completely different direction. Nationalist parties have resumed power, and the new High Representative, Paddy Ashdown, has been adopting a new “bulldozer technique” policy for accelerated state building. In order to meet very ambitious deadlines set up by the Mission Implementation Plan, the High Representative has been extensively exercising the Bonn powers. The ultimate goal was to have an increased number of new institutions established at the state level. Also, new laws which would better prepare Bosnia and Herzegovina for the standardization process aimed at eventual EU membership had to be passed as quickly as possible. The concept of functionality of such institutions and implementation of newly adopted laws has been of less significance. Moreover, the International Community has completely abandoned partnership with the domestic authorities and thereby again made them observers in their own country. This could not be acceptable, particularly in a situation where the International Community is trying to carry out both state and nation building in order to make Bosnia and Herzegovina into viable state.

There are numerous methods which can be employed to develop both loyalty and accountability

of local authorities for the ownership of their own affairs. This entails a genuine commitment of the International Community to developing state sustainability. Nye (2004, p.2) very concisely states that soft power methods can bring about the desired results: “You can coerce them with threats; you can induce them with payments; or you can attract and co-opt them to want what you want.”

When assessing the role of the International Community in Bosnia and Herzegovina, there are many theories developed on the “culture of dependency” of the domestic authorities. Actually, there is no doubt about its existence, but only about different levels of dependency throughout the processes of the peace implementation and state building. Even when the Alliance for changes was in power, and almost reached partnership with the International Community, there was still a level of dependency due to the role of the International Community. The presence of the International Community *per se* is a reason for the development of the “culture of dependency” and that fact cannot be denied. And as long as the International Community is present in Bosnia and Herzegovina there will be a level of dependency. The question here is how to strike the balance between a tolerable level of dependency and the necessary exterior support in the state building process.

However, the truth is that the overloading bureaucratic system has caused even more dependency of the domestic authorities. In Bosnia and Herzegovina there are more than 170 ministers and five levels of governance. It is more than obvious that the current system is unsustainable for a small society. And to make the situation even more complex, while pursuing urgent reforms, the International Community has created the multiplied bureaucratic system. Out of these activities, overloaded structures on all governing levels have emerged.

Establishment of the state level institutions should have been followed by the abolishment of the same institutions on the entities' level. However, the parallelism of institutions has on the contrary been enhanced. Therefore, Ignatieff is unfortunately right when claiming the following:

Bosnia is divided into three entities: Republika Srpska, a sickle-shaped belt of land, bordering Serbia and reaching right to the outskirts of Sarajevo; a federation of the Croats and the Muslims; and a third level of government – the national institutions of Bosnia-Herzegovina. No small country has more levels of government, more politicians, and more possibilities for corruption, extortion or impasse. (2003, p.36)

Reforms within the State Building Process

It should be admitted that the number of the reforms, in particular those imposed by High Representative Paddy Ashdown, is very impressive. But paradoxically, the effects of any reform have not actually taken root yet. Given the scale of the challenge, they are condemned to half-success, if not to failure. And this should not come as a surprise. However, at this point there is little reason to think that the International Community will retreat from this pattern of reforms any time soon. On the other hand, given the imposed tempo of the reforms, it is extremely difficult for the local authorities to keep up and implement them. And on top of that, the political environment in Bosnia and Herzegovina can be described as far from optimal.

What is needed most are systematic, essential and qualitative reforms, but those are achievable only if domestic authorities are capable of assuming ownership and responsibility over the reforms processes. It is of particular significance for the Brussels phase. Therefore, the

International Community should change its approach toward domestic authorities and start working with governing parties hastily on developing the capacity of domestic institutions and preparing them to assume more and more accountability, especially since the problem of fostering institutional reform remains substantial, and one of the most important activities for the authorities of Bosnia and Herzegovina to complete in the very near future.

If ultimate success is to be reached, it is extremely important that the International Community find a proper balance for conducting one of the last reform processes. Given the multipart system of local authorities as well as the enduring presence of the International Community in Bosnia and Herzegovina, there is a level of resistance of the domestic partners to the role of the High Representative. *The Economist* argues that:

Among Sarajevo's intelligentsia, Lord Ashdown's heavy-handedness was unpopular. Now some find Mr Schwarz-Schilling's hands-off approach equally alarming. Noting that Bosnia's politicians „will never do anything“ without pressure from outside, Senad Slatina, at the Centre for European Integration Strategies, a thin-tank in Sarajevo, argues that, before Mr Schwarz-Schilling gives up his coercive powers „there is a lot to be done“. (The Economist, 2006, p. 31)

However, the main stumbling block for all parties, including the International Community, is the Dayton political division, which definitely prevents Bosnia and Herzegovina from becoming a functional, viable state. Its main principles - ethnic division, ethnic voting, ethnic power balance and decisions which have to be made through consensus - present the key hindrance to the strategic Brussels orientation of Bosnia and Herzegovina.

In order to partially overcome the obstacles set up by the Dayton Agreement, the State has been

lately strengthened by assuming more responsibilities such as State Court, State Prosecutor, Criminal Procedure Codes, Justice Ministry, Civil Service Commission, State Border Service, Intelligence Service, Security Ministry, Defence Ministry, value added tax (VAT), Customs authority and all decision-making necessary for integration into the EU.

Even though many outsiders like to claim that the Dayton era of Bosnia and Herzegovina is over and that the Brussels era has already begun, it is but half-true. The Dayton construction has been largely adjusted to the current needs, particularly in those segments which are crucial for the preparation of the state's integration into Euro Atlantic structures. Nevertheless, the Agreement largely determines the main orientations of political and constitutional principles. Overcoming the obstacles set up by the Agreement has always been the most difficult task both for the International Community and domestic authorities.

Despite the common commitment of all political parties to the European orientation of Bosnia and Herzegovina, the forces of ethnic separation are still strong and there is persistent resistance to ethnic reintegration. And long-term viability of the state is reachable only with the forces of ethnic reintegration. Of course, such an evolutionary political change can only come from within, but it can be accelerated with international support. All in all, processing reforms within the state building mission is an extremely significant goal for the International Community to be accomplished with unwavering support of local institutions but for the time being, it still remains far from finished.

International Community: Achievements vs. Failures

So our task was great. But we managed. We as a collective: the EU, the UN, the US and NATO. But above all, the Bosnian people themselves. Bosnia and Herzegovina has made enormous progress since 1995. Peace and security have become entrenched, even if many pitfalls remain. The risk of a return to violence is low and international troop levels reflect this (Javier Solana, European Union, 2005)

So far, the International Community has undoubtedly made a great contribution in Bosnia and Herzegovina, most notably to peace building, but to the state building process as well. However, its political strategy, particularly in democratic terms, is far from adequate. Analyzing the interventions of the International Community, Ignatief states that:

The imperial reconstruction of the Balkans, East Timor, Afghanistan and elsewhere is a novel departure in the history of empire... The humanitarian empire is the new face of an old figure: the democratic free world, the Christian West. It is held together by common elements of rhetoric and self-belief: the idea, if not the practice, of democracy; the idea, if not the practice, of human rights; the idea, if not the practice, of equality before the law.” (2003, p.17)

The International Community should be more focused on human rights resolution. It is not acceptable that some ten years after the active participation of the International Community in the peace and state building mission there should still be ethnic separation throughout the country. “The rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols shall apply directly in Bosnia and Herzegovina. These shall have priority over all other law” is one of the provisions set out in Article II: Human Rights and Fundamental Freedoms, of the Constitution of Bosnia and Herzegovina. Consistent application of the above mentioned provision would undoubtedly ensure full democratic legitimacy. However, it is still far from the reality.

There is discrimination of the peoples all over the country because basic human rights and freedoms are not guaranteed. Citizens of Bosnia and Herzegovina cannot choose where to live. Refugees cannot return to their pre-war homes if, by mishap and because of the division of the country forged in Dayton, they happen to be in the “wrong” Entity. Therefore, there is no mixing of the peoples. The Dayton Agreement completely undermined the revival of a multiethnic society which survived many foreign occupations through its history. The State completely changed what used to be its advantage: its character. “But the link between physical and mental reconstruction, between rebuilding infrastructure and reconciling mentalities remains unclear” states Ignatieff (2003, p.36). True, the price for peace was too high. The multiethnic concept on which Bosnia and Herzegovina has been living for a thousand years is unfortunately gone.

First and foremost, the International Community should not allow the disintegration forces in Bosnia and Herzegovina to reach their goal. As a key promoter of democratic values, the International Community has now a unique opportunity to realize its principles, which it asserted in all relevant international conventions.

Unfortunately, so far the International Community has been taking another route in Bosnia and Herzegovina, and this has proved unproductive. But it is still time for the International Community to implement certain democratic principles through which the damage can be contained and ultimately reversed. And it can do so only through strong cooperation with democratic forces in Bosnia and Herzegovina. Nye (2004, p. 17) claims that “soft power is particularly relevant to the realization of ‘milieu goals’. It has a crucial role to play in promoting democracy, human rights, and open markets. It is easier to attract people to democracy than to coerce them to be democratic.”

If Bosnia and Herzegovina is to become a success story for the International Community, then it is high time for some radical changes in the field of human rights.

Though the comprehensive support of the International Community has undoubtedly helped achieve substantial progress in Bosnia and Herzegovina, it still carries many harmful undertones which have caused a negative attitude on the part of the common people toward internationals.

Citizens would certainly applaud the following statement of Ignatieff:

Bosnia after Dayton offered laboratory conditions in which to experiment with nation building. Now the money is almost spent, and Western governments are heading for the exits...International disillusionment is palpable. Instead of flowing towards reconstruction, much of the international money has ended up in the wrong pockets. (2003, p. 37)

Moreover, the international money has attracted many local experts to leave the state institutions in order to work for the international organizations. That has contributed to further weakening the already weak capacity of domestic institutions. But the internationals have their own interests and very demanding agenda. They are experts particularly in making business for themselves, and for those purposes they extend the timeframes for carrying out the tasks. Experience suggests that the mandates and high salaries are guaranteed, no matter the outcome. Therefore, the less things are done on time, the longer the mission lasts.

It is not surprising that such an attitude has brought about resentment toward internationals on the part of locals. Ignatieff (2003, p.99) also states that “The unpleasant underside of nation building is that the internationals’ first priority is building their own capacity – increasing their budgets

and giving themselves good jobs.”

Furthermore, one of the most serious challenges to the achievements of the International Community has been general incoherence. From the very beginning of the international presence in Bosnia and Herzegovina there has been an evident lack of coordination of the relevant international institutions, which impaired the overall accomplishment. True, cooperation was difficult to maintain during the war, but there could be no reasonable explanation for the same experience in the peaceful period. Unity of command was vital for the more coordinated activities of various international organizations. It should be admitted that in such circumstances, success, with the same financial and human resources, would have been achieved a lot earlier.

Major international players, such as NATO, OSCE, the EU and the UN, though with different portfolios, should have worked more closely and coherently in order to achieve as high efficiency as possible. The goals of each and every segment are interrelated and thus have an impact on the whole process, first in terms of peace implementation and then state building.

However, there was no defined policy of the international institutions on their coordination and that has made the process more lasting and more difficult, on the one hand. On the other, it opened new possibilities for stronger international engagement through various kinds of project implementation in Bosnia and Herzegovina. And it is clear that those activities have been created merely in the interests of the internationals.

III The Role of the European Union

Relationships between the European Union and Bosnia and Herzegovina

The European Union has its own particular place in the international family when the case of Bosnia and Herzegovina is studied. Due to the geo-strategic position of Bosnia and Herzegovina and the unfinished state building mission of the International Community, the role of the EU has recently become even more significant.

The International Community in Bosnia and Herzegovina is embodied in the institution of the High Representative who has also assumed the duties of Special representative of the EU since May 2002. *The Economist* describes the role of the High Representative and the current Special Representative of the EU as follows:

In fact Mr Schwarz-Schilling has a very odd job. He insists that he will not interfere in the daily running of Bosnia; indeed, he hopes that the post of high representative will be abolished early next year. But that will not mean that he slips into quiet retirement. Far from it-for he also has a second role, to represent the European Union in Bosnia. That will become more important when the post of high representative goes: for it is then assumed that Bosnia's fractious leaders can continue to be cajoled into reforming their dysfunctional state via pressure from Brussels. (2006, p. 31)

It is anticipated that both with the support of the International Community and the EU, the transition period from the semi-protectorate through stabilization and association to eventual EU membership can be accomplished more smoothly.

The European Union has played a crucial role in furthering the independence of Bosnia and Herzegovina. It recommended referendum, which eventually led to the independence of the country. During the war, the EU countries made significant contributions to the humanitarian and peacekeeping activities of the International Community. However, the EU as a whole retained a rather ambivalent approach to conflict resolution in Bosnia and Herzegovina, mainly because of US dominance. That is why the EU has showed partly diplomatic and partly military indifference towards peace settlement and enforcement. Ignatieff (2003, p. 16) analyzes such a division of the roles between the major powers as follows: “European participation in peacekeeping, nation-building and humanitarian reconstruction is so important that the Americans are required, even when they are unwilling to do so, to include Europeans in the governance of their evolving imperial project.” But, in the post Dayton period, the EU took a more active role in Bosnia and Herzegovina.

As one of the witnesses and guarantors of the Dayton Agreement, the European Union has been involved, first in peace building, and later in the state building mission in Bosnia and Herzegovina. Its role has been evolving during those processes.

A Path toward Membership

Bosnia and Herzegovina has formally started its long journey towards EU membership in 1996 through the PHARE and OBNOVA programmes. However, the more engaged relationship between the EU and Bosnia and Herzegovina was inaugurated in 1998, through the EU-Bosnia and Herzegovina Consultative Task Force, which has provided technical and expert support in administration, regulatory framework and policy. The current CARDS programme of EU financial support deployed in 2001 will be replaced by the IPA (Instruments for pre-accession) programme at the end of 2006.

In 1998, the EU started to be more involved in the state building mission while pursuing European agenda setting in Bosnia and Herzegovina. Furthermore, a new agenda setting for integration into the EU, which has been designed for the South East European States, prioritizes stabilization as a precondition for the association, called Stabilization and Association Agreement (SAA). Given the incapacity of the state at the time to embark on the stabilization and association process, Bosnia and Herzegovina has been offered to accomplish a pre-pre-association task, known as Road map. It includes eighteen conditions to be fulfilled in order to be qualified for evaluation of its preparedness for SAA.

One of the most important guidelines for the countries of the Western Balkans is the Thessaloniki Agenda adopted at the EU Council Summit in June 2003. The Agenda embraced an overall concept for the stabilization and association process for the countries of the Western Balkans. European partnership with Bosnia and Herzegovina, *inter alia*, is aimed to intensify preparation

for the stabilization and association process, and its implementation is being followed up through specific mechanisms.

The November 2003 Feasibility Study indicated the following sixteen areas for Bosnia and Herzegovina to be improved before starting negotiations on the Stability and Association Agreement:

compliance with existing conditionality and international obligations; more effective governance; more effective public administration; European integration; effective human rights provisions; effective judiciary; tackling crime, especially organised crime; managing asylum and migration; customs and taxation reform; budget legislation; budget practice; reliable statistics; consistent trade policy; integrated energy market; BiH single economic space and public broadcasting (Office of the High Representative and EU Special Representative, 2003).

Though progress has not been made in all areas, the implementation of the reforms from the Feasibility Study has been recognized as successful, and the Council of the European Union decided to start negotiations on the Stabilization and Association Agreement with Bosnia and Herzegovina on November 21st 2005, on the tenth anniversary of the Dayton Agreement. The official opening of the negotiations was held on November 25th, which is also the anniversary of the renewal of the statehood of Bosnia and Herzegovina.

Cooperation with the EU has been improving through the mentioned stages. The EU has become more and more involved in the region as a whole, on the one hand, and in the state building in Bosnia and Herzegovina through the association process on the other.

One of the major reasons for active participation of the EU is clearly stated by Fukuyama as follows:

The history of the Balkans in the 1990s illustrates the weakness of the European view of international action. All of the countries of the EU agreed that Serbia under Milosevic was the source of grave human rights abuses in both Bosnia and Kosovo, that the conflict was highly destabilizing for Europe, and that it should be a largely European responsibility to bring order and justice to the region. (2005, p.158)

Stabilization and Association Agreement

Having accomplished the requirements set up by the European Commission in the Feasibility study, the European Union has formally started negotiations on the Stabilization and Association Agreement with Bosnia and Herzegovina. It is the first step toward membership and, so far, the most important contractual relationship of Bosnia and Herzegovina with the European Union. Though there is no guarantee for EU membership, these SAA negotiations could be a turning point in terms of state viability and self-sustainability. It is undoubtedly a unique stimulus for Bosnia and Herzegovina, which could at this point give a new impetus for accelerated state building. These potential changes which the EU integration process will bring about could greatly improve the whole state building process in the long term.

On the other hand, according to the announcements the International Community will be radically reducing its presence in Bosnia and Herzegovina by 2007, and the mandate of the current and last High Representative, Mr. Schwarz Schilling, is due to expire in 2007. The exit strategy of the International Community should be aimed in larger part at preparing the domestic

institutions for the eventual transition of accountability, a task which the International Community has been neglecting mainly because it was a more difficult way, which demanded a different political strategy.

Most of the fundamental reforms in the state building process, such as defence, the judiciary, fiscal policy, value added taxes, and many others, have been imposed by the International Community in a short time framework. Therefore, it is hardly expected that numerous reforms will be implemented without the unwavering support of the International Community. And those are particularly significant in terms of state functionality.

Far more important, the mentioned reforms are indispensable preconditions for meeting the Brussels standards. And the ultimate goals for those reforms are stable institutions that will guarantee the rule of law, democracy and the respect of human and minority rights. What is essential is an institutional infrastructure, one which will facilitate proper implementation of the Stabilization and Association Agreement upon its signing.

The International Community has been covering all fundamental state segments, namely the military, security, politics, the economy and social welfare. Given the specific roles of the International Community followed by those of the EU, the transition has been taking place in all segments.

First, the International military forces have been a guarantor for the implementation of the Peace Agreement and its mission has been carried out by NATO in two phases: Implementation Force (IFOR) and Stabilization Force (SFOR). Ultimately, the European Union took over responsibility

from NATO, which concluded the Stabilization Force (SFOR) mission on December 2nd 2004 and launched its first mission under the framework of the European Security and Defence Policy, the European Force (EUFOR) Operation.

Second, in January 2003 the EU Police Mission took charge of the security segment, police independence and accountability previously covered by the United Nations International Police Task Force.

The initial phase of economic reforms, namely reconstruction, was financed under a \$5 billion World Bank/European Commission program. The reconstruction mission meant to give boost to overall economic consolidation and progress has been completed successfully. The World Bank and International Monetary Fond, which have played a significant role in ensuring and maintaining fiscal stability, have supported economic reforms.

Furthermore, the role of the EU in Bosnia and Herzegovina was reinforced in Thessaloniki in June 2003 by the conclusion of the EU Council that “the future of the Western Balkans is within the European Union”.

That being said, the further state building mission will be carried out through the long term Stabilization and Association process. In order to sign the Stabilization and Association Agreement, there are six pending issues which Bosnia and Herzegovina should manage as soon as possible. In any case, those are preconditions for the signing of the Agreement. Three of them are of a political nature, and those are the most challenging: first and foremost, full cooperation with the International Criminal Tribunal for Former Yugoslavia in apprehending all indicted

individuals, in particular the most wanted war criminal Radovan Karadzic. Second precondition is full implementation of the Agreement on police structuring in accordance with the European principles and professional standards, and third, adoption of legislation on the public broadcasting system and its implementation. The other three are following: adoption and beginning of implementation of a comprehensive Action Plan for the public administration reform, adequate financing and equipping of all State level institutions in order to improve their administrative capacity and make them functional, and last, but not least, creation of a real internal market

Long-term oppositions and obstructions by the Serb politicians in the Republika Srpska to the planned reforms are quite common, in particular when a transfer of competency from the entity to the state is required. This approach has been applied time and again with the police restructuring agreement, which was a main precondition for the SAA negotiations. However, the Agreement has been reached formally prior to the commencement of negotiations with the EU, once more under strong international pressure, but there is still no sign of its implementation. The main stumbling block for this reform is one of the already adopted principles according to the European standards, namely impartiality of the police structure under state control. But the Serb politicians still insist upon the existence of the police of Republika Srpska within the state police structure, which could endanger the SAA negotiations. The EU has already announced that it would suspend the negotiations if there were no progress in the police reform by November 2006.

In the framework of the recently imposed reforms, the state has assumed more responsibilities crucial both for the strengthening of the state institutions and the integration into the EU. Many of the core reforms are under way, such as: the judicial, defence reform with a two-year

accomplishment prospect and police reform. Reforms continue. But the key for acceleration of the reform process appears to be timing, which is important both for the International Community and Bosnia and Herzegovina.

Regulation of the media, which is also one of the most controversial issues, is continuously undermined by the Croatian politicians. The same goes for educational reform, which is pending as well. Those are particularly sensitive issues because there is no prior democratic experience in Bosnia and Herzegovina.

Transition from the Protectorate to the Stabilization and Association Process

Though it is subject to international tutorship, the European Commission has started the Stabilization and Association Process with Bosnia and Herzegovina. It is anticipated that the negotiations could result in a conclusion of the Agreement by the end of 2006. If that happens, domestic authorities will have to assume more, if not all, accountability for further and eventually full harmonization of its national legislation with *the acquis communautaire*. It is the only way to enable progress of the democratic political culture which can be sustainable in the long run. Hopefully, that will consume most of the domestic political players' energy, thus leaving no room for local disputes.

It is thus quite likely that the institution of High representative will be retained until summer 2007, at the latest. This will be followed by the devolution of certain powers from the international High Representative to the EU Special Representative. The International

Community has planned to finalize its job in Bosnia and Herzegovina by that time. But there is good reason to believe that the external influence will be likewise channelled through the Special Representative of the EU. It is anticipated that the current High Representative, Mr. Schwarz Schilling, will then solely perform the duties of the Special Representative of the EU.

Another transition, far more difficult, but of more vital importance for the future of the state and its citizens, is transition of accountability from the International Community to the state's authorities. Given that the role of the International Community in Bosnia and Herzegovina has taken nearly all the forms of the protectorate, it remains hard to believe that the transition will be carried out in the anticipated short time framework.

The exit strategy of the International Community in Bosnia and Herzegovina is, on the one hand, somehow dependent on the European integration agenda progress, and, on the other, far more importantly, on the domestic capacity for ownership of the affairs. Undoubtedly, Bosnia and Herzegovina cannot become an EU member while the institution of High Representative is present. True, a smooth transition between the International Community and the European Union, in each segment, has been prepared. Military and security levels are already in the EU's hands through EUFOR and EUPM. Political responsibilities are in a transition stage, shared by the High Representative and Special Representative of the EU. On May 15th 2006, the Council of the EU has reiterated readiness to intensify its engagement in Bosnia and Herzegovina in terms of termination of the mandate of the Office of High Representative, "provided that there will be sufficient progress". In this sense, the Council invited the EU representative for foreign policy and security, Javier Solana, the European Commission and the Presidency of the EU to start consultations with the Peace Implementation Council, the High Representative and local

authorities and inform the EU Council of the joint assessment of the decision (Serbian News Agency, May 15th 2006).

Provided that the last High representative is declining to use the Bonn powers and domestic authorities are eventually resuming more political responsibilities, then the partnership of local government with the EU can be ultimately established, particularly after the SAA conclusion.

However, the exit strategy of the International Community is now being prolonged due to the recent rejection of the Constitutional changes by the Parliamentary Assembly. In fact, it is conditional upon the reform of the Constitution. The Dayton Constitution provides for international guarantees, and, thus, it needs to be replaced by a “domestic” Constitution. The Constitution should reflect the will of peoples and not the one of the political factors, on the one hand. It should also demonstrate readiness of political factors to echo that will and thus show more responsibility for their actions in front of their peoples, on the other.

Given the importance as well as the need for more engagement and ultimate accountability of the state’s authorities in the process of the state’s integration into Euro Atlantic structures, the powers of the EU Special Representative will certainly be reduced compared to those of the High Representative, though they will remain unique for a country on the way to EU membership.

Full responsibility of the domestic authorities is crucial for partnership with the European Union, particularly in the process of EU Stabilization and Association. It is clearly understood that the reforms aimed at full harmonization of the national legislation with the EU *acquis communautaire* should be carried out by the local government exclusively.

Membership and Security Aspect

European stability is at stake if the Western Balkan countries are not within EU structures. This is a common truth. And it should be a decisive factor for EU resolution, particularly given the legacy of war criminals' ideology, both in Bosnia and Herzegovina and Serbia. Demise of Slobodan Milosevic, charged for 66 counts, including genocide committed in Bosnia and Herzegovina, has time and again stirred up fears that his ideology, which has been pursued in the last decade, is still very much alive among his countrymen. Even more discouraging is the fact that public reaction of numerous followers was, to some extent, to be expected. Though *Newsweek* writes that he died a despised man, reality appears differently. Actually, in Serbia he was once again promoted as a national hero. Therefore, Serbia yet again could be seen as a country where the crime is an asset. According to the Minister of Foreign Affairs of Serbia, Vuk Draskovic, the consciousness of the crime as a virtue is still present in Serbia and he therefore expressed his embarrassment in the face of such a situation. (Federal News Agency, 12 March 2006)

Even though many high officials from the International Community and the EU, at the time of dissolution of ex Yugoslavia completely realized the perniciousness of his ideology, they did nothing efficient to bring it to an end. Moreover, they respected him and tried to please him whenever they negotiated with him. Only when he passed away did they speak up about his genuine ideology and the policy he carried out with appalling consequences.

In the article "The Death of a Monster" Milosevic was accused of killing "the freest, most

prosperous country in Eastern Europe” and for four Balkan wars:

With his death, Milosevic has only worsened Serbs’ distrust of the outside world. In Serbia, news of Milosevic’s death was greeted with widespread declarations that he was murdered. That convenient fiction fits perfectly with the international conspiracy theories used by Serb nationalists to explain away the ethnic cleansing, the death camps and rape hotels, the slaughter of all the males of Srebrenica and a thousand other atrocities. (Newsweek, 2006, p. 24-25)

However, the shadow of Milosevic will haunt us all for a long time. Even worse, his last escape, escape from well-deserved justice, will torment all the victims of a brutal and atrocious policy that he persistently pursued for over a decade.

Accordingly, the two war criminals, Ratko Mladic and Radovan Karadzic, who are still at large, present even more threat to security of the Region. Their ideology is unfortunately still alive, not only among the population, but far more importantly, among the ruling elites both in the Republika Srpska and Serbia. A proof to this is a recent failure of Serbia to apprehend Ratko Mladic, which ultimately suspended the SAA negotiations. It is notable that the EU policy is quite consistent when it comes to cooperation with the Tribunal. The same condition was set to Croatia which eventually resulted in apprehension of war criminal Ante Gotovina. This may turn out to be a good guideline both for Serbia and Republika Srpska.

Thus, a key condition for Bosnia and Herzegovina which remains to be fulfilled both for the Partnership for Peace Programme and EU membership is full cooperation of the country with the International Criminal Tribunal for Former Yugoslavia, including apprehension of the most wanted war criminal, Radovan Karadzic. Bosnia and Herzegovina yet again lost an opportunity to

become a member of the PfP due to the failure of Karadzic's apprehension. It is truly hard to accept the fact that the highly qualified and equipped NATO mission has not been able to perform the task yet. However, it is even harder to anticipate the possible impact of the apprehension.

One of the reasons for their inapprehension might be found in the statement of Luttwak:

When U.S. troops arrived in Bosnia in the wake of the 1995 Dayton accords, they were under strict orders to avoid armed clashes, and it was under those orders that they failed to arrest known war criminals passing through their checkpoints. (2001, p. 270)

But, the failure to arrest Radovan Karadzic prevented time and again the admission of Bosnia and Herzegovina to NATO's Partnership for Peace despite the fulfilment of all other preconditions. Membership in the Partnership for Peace and later NATO remains one of the country's highest priorities. Once Karadzic is arrested, a lot of possibilities in terms of integration of Bosnia and Herzegovina into Euro Atlantic structures will be open. However, it is too early to predict.

Democratization and Human Rights Issues

Analyzing the relationship between democratization and state building, Ayoob (2001, p. 138) claims that "democratization, therefore, must complement rather than contradict the process of state making; without the political order that can be provided only by effective states, the gains of democratization cannot be sustained."

The widespread discrimination, based exclusively on ethnicity, is a war legacy and, unfortunately, it has not been addressed in a consistent manner. Simply put, respect of human rights demands a comprehensive approach. Though the Dayton Agreement gave strong guarantees for returnees in Annex VII of the Agreement, a proclaimed right to return without enforcement mechanisms is not realistic. The same can be said for the human rights issues, in general.

Therefore, the current approach to a very important issue of human rights is not feasible unless constitutional reforms address the issue of individual rights. First and foremost, individual rights should be given primacy over the collective rights. This is an indispensable precondition for any serious discussion about democratization. Furthermore, primacy of collective rights is contrary to all relevant international conventions on human rights protection. This is particularly dangerous for Bosnia and Herzegovina since the dominance of collective rights over the individual ones can be viewed as a tool for exercising the right to ethno national self-determination with secession as a final outcome. However, a provision which will change the current position should be first incorporated in the constitution and then implemented in practice.

The most striking element concerning the human rights issue is that the primacy of nationalist parties has continued till present days with only a two-year exception. And this presents the most damaging outcome of the inadequate involvement of the International Community in the political environment where the war results have been legitimized and ethnic cleansing rewarded. Such an approach seemed destined to fail. To be honest, it has not failed completely, but it has certainly made the human rights issue more complex and more complicated.

Therefore, Paris clearly states the following:

The international community has been reluctant to compel local parties to live by the rules of Dayton, and the result has been that important goals such as repatriation of refugees and the creation of effective and functioning national institutions – goals that are essential to the restoration of a pluralist and peaceful Bosnian State – remain largely unmet.”(2001, p. 777)

But, one of the Copenhagen criteria, which are conditional for EU membership, i.e. democratization, will eventually have to be prioritized. According to most scholars, democratization is a process and it does not happen overnight. What makes it even more difficult is lack of a culture of democracy rooted in the society of Bosnia and Herzegovina.

Therefore, European institutions will have a pivotal task in setting human rights at the top of the democratization process agenda on the way of Bosnia and Herzegovina into Euro Atlantic structures. In that sense, the Resolution of the European Parliament, adopted on February 16th 2006, presents unwavering political support in that sense (2006, European Parliament).

But, it should be noted here that even the Constitutional changes, which have been recently negotiated under strong international pressure both from the Washington and Brussels administrations, are contrary to the principles of modern parliamentary democracy.

European perspective for Bosnia and Herzegovina

Javier Solana on behalf of the EU argues that:

The Western Balkans are now one of the success stories in EU foreign policy. And it is recognised as such around the world. Indeed, this points to one of Europe's key strengths. After every setback, we re-group, learn the lessons and emerge stronger. Of course, there is no room for complacency. Europe bears a special responsibility for the Balkans -for its past and its future. Enormous challenges remain, not least in Kosovo. But we should draw strength and inspiration from what we have accomplished, as we prepare for the next part of the journey in Bosnia and other parts of the region. (European Union, 2006)

True, the integration of Bosnia and Herzegovina into Euro Atlantic structures, with a prospect of eventual EU membership is the only perspective for the country both politically and economically. Key to this perspective is the understanding of the International Community to view the country's road to EU membership as a possible resort for some of the main problems in Bosnia and Herzegovina. Given the consensus of all parties on the integration of the country into Euro Atlantic structures, this process is supposed to highly improve the ownership issue of the domestic authorities.

It is also wrong to assume that Bosnia and Herzegovina will be integrated into the Euro Atlantic structures just because it is the only way for it to become a viable state. The outcome is far from guaranteed. There is also the issue of cooperation with the Hague Tribunal, which could present an obstacle for the conclusion of the Stabilization and Association Agreement, particularly considering the apprehension of Karadzic. The issue is becoming more and more vital for the country's road to the EU, especially because the same EU principles are being applied both to

Croatia and Serbia and Montenegro.

Bosnia and Herzegovina still has a long way to go to fulfil the political, economic and institutional requirements outlined by the Copenhagen criteria. However, meeting the political criteria remains crucial, not only for the eventual EU membership, but for the viability of Bosnia and Herzegovina as well. It is a common truth that democracy and rule of law indeed need time to take root. Even though Bosnia and Herzegovina for the first time undertook organizational and financial accountability for the 2004 elections – elections that were deemed successful - it is but a good starting point. Many other issues in the realm of both democracy and rule of law remain to be attended and eventually settled.

Most of all, ownership of domestic affairs is the key prerequisite to start with. In short, state institutions should be made functional in order to meet the Stabilization and Association Agreement requirements. Reforms *per se* do not mean much if they are not carried out. Many of them have been started only recently and all of them need to be finalized and ultimately implemented.

Numerous laws, which have been either imposed by the International Community or adopted by the local authorities, need urgent implementation. Therefore, Bosnia and Herzegovina needs strengthened domestic capacities in order to pursue the goals set up in coordination with the International Community. Given the semi-authoritarian approach in the state building process imposed by the International Community, it is not surprising that the domestic authorities are being left behind, which in turn only reinforced their passivity and, consequently, decreased their capacity. The assistance of both the EU and the International Community in capacity building

and fostering of the domestic institutions is indispensable.

Javier Solana, the EU High Representative for Common Foreign and Security Policy, on the tenth anniversary of Dayton claims the following:

The current system of government is unsustainable. To integrate itself progressively with the European Union, Bosnia and Herzegovina needs stronger state-institutions. To deliver the benefits that its citizens deserve, it needs to cut the cost of government. No state can win the loyalty of its citizens if it spends 70 percent of their taxes on government and only 30 percent on services. (European Union, 2006)

It is the recommendation of the European Stability Initiative that “the European Union should shift its engagement model to member state building” (European Stability Initiative, 2006, p.10).

The above primarily refers to the EU assistance restrictions that the potential candidates meet in comparison with candidate countries. The proposal of the seven-year EU assistance budget does not include potential candidates for financial aid in some areas, such as rural development, cohesion, human resource policies, which could have a strong impact on the overall process of association and subsequently affect the political and economic situation.

Due to political and financial reasons, EU general commitment to strengthening the European perspective for the Western Balkan countries for the next EU enlargement is becoming vague. However, at the latest meeting, EU Ministers of foreign affairs reconfirmed that commitment and underlined the argument that European unification will not be complete without the Balkan countries.

Conclusion

Bosnia and Herzegovina is well known for being a precedent of international engagement in conflict resolution and state building. Bosnia and Herzegovina is as well the most cited example of a successful international military and humanitarian intervention, particularly in terms of peace enforcement and peace making. True, lessons learned in the country could be used as a tool for peacemaking, which so far has been the most successful part of the international mission in Bosnia and Herzegovina. With an exception to the most significant element for consolidation of a peace process, namely national reconciliation, which has never been truly achieved in Bosnia and Herzegovina, principally due to the territorial partition of the country, the Dayton Agreement can otherwise be assessed as a comprehensive instrument for peace settlement. Yet, its approach to the peace settlement has not been complemented by an adequate cohesion essential for a multilevel commitment. More importantly, peace implementation has been seriously endangered by the ambiguous approach to the provisions enshrined in the Agreement, as well as insufficiently defined mandates.

Not surprisingly, the International Community has been faced with a number of challenges from the outset of its engagement in Bosnia and Herzegovina. This is quite common when the key

processes leading to a state's viability, such as peace settlement and peace and state building, are undertaken, particularly if an agreement leaves enough room for resistance. Moreover, in the case of Bosnia and Herzegovina, hesitance and opposition by the local factors dominated over acceptance and participation in these processes. However, some challenges could have been met if there had been a stronger commitment and increased attention. Alternatively, new mechanisms and approaches should have been applied.

There is no doubt that the International Community has done a commendable job in Bosnia and Herzegovina. Its considerable contribution to the peace settlement and state building cannot be denied. On the other hand, there are a number of reasons why it should hold primary responsibility for an incomplete state building mission, which now results in a long-term stalemate.

Though crucial, peace was overpriced for Bosnia and Herzegovina. The principle of multiethnic diversity, which survived many foreign occupations of the country throughout its history, was "sacrificed" for the Dayton Agreement. And unfortunately, a new ethnic concept has already gained ground. Therefore, it was morally ambiguous on the part of the international players to emphasize the territorial integrity of Bosnia and Herzegovina while dividing it at the same time.

It is therefore not surprising that the most serious challenge to the future of the country still lies in its ethno national division, which is a stumbling block between the ruling nationalist parties and other political options. This unfortunately may ultimately turn out to be the key impediment for the future of Bosnia and Herzegovina and its prosperity. Root causes of the conflict have neither been attended nor resolved. The long-term political conflict has thus been only ignored. And it is

commonly accepted that an enduring settlement is conditional upon this resolution.

The approach of the International Community in Bosnia and Herzegovina has been inexcusably protracted, incoherent and, far more important, incompatible with the nature of the problems. Each country needs a particular approach both in peace settlement and state building. The assessment should be tailored on a case-by-case basis. If the agreed peace settlement proves to be incomplete and inadequate, the International Community must be ready at any time in the mentioned processes to adjust measures to imminent needs. An authoritarian *modus operandi* can be useful only if applied in a consistent manner. However, it should in any case be a short-term solution if building of partnership with local authorities is to be more efficient, in particular as a long-term solution. And a proper balance in the approach of the International Community towards local authorities is one of the crucial elements leading to a fruitful mission.

Focusing on common fundamental values instead of ethno national ones is a simple but key answer to fostering the functionality of Bosnia and Herzegovina. True, it is easier said than done. But the International Community has had all assets available for making its missions in Bosnia and Herzegovina more fruitful. It should have deployed more coercive measures against any political factor that opposes the basic values of peoples' equality throughout the country. Unfortunately, the issue of human rights' discrimination has not been attended. Moreover, settlement of the constituent peoples' differences, which is a precondition for social reconciliation, has never gained ground.

Learning from failure can be very costly and this has unfortunately been the lot of citizens of Bosnia and Herzegovina in the past decade. In spite of previous war experience, and deluded into

thinking that prosperity would come with international power and authority, the citizens of the country have experienced yet another disappointment.

Thus, a proper balance between reconciliation, on the one hand and justice on the other should be established while pursuing the peace and state building mission. In that view, it is more efficient to exclude obstructionist and human rights offenders from the power-sharing arrangements. Here, the rule of law comes as the one and only long-term solution.

Experience suggests that conflict resolution, democracy and human rights do not go hand in hand. Democracy neither happens overnight nor can it be imposed. However, as a starting point, certain democracy building measures could and should be promoted. It is understandable that democratization is a process which can be developed as a long-term solution in post conflict societies. But clearly this cannot be advanced while applying an authoritarian approach.

Sisk (2001, p. 787-788), while identifying the outcome of the Dayton Agreement as a “shared sovereignty”, emphasizes its ultimate result as a “cold peace” which is the closest assessment for the state of affairs in Bosnia and Herzegovina. However, the sovereignty of Bosnia and Herzegovina, particularly in the perspective of its integration into Euro Atlantic structures, becomes less important.

The good news for Bosnia and Herzegovina for the time being is the European perspective. True, this may be the only solution for the International Community to make the exit strategy feasible. The joint mission of the International Community, the European Union and the United States in Bosnia and Herzegovina in the near future will be coming to an end, but only for the International

Community. The European Union and the United States will remain in the country, in capacity of civilian and military command respectively. At this point, there is inconsistency between the European financial contributions, in particular through pre-accession projects, and the United States' ongoing political influence in Bosnia and Herzegovina. However, as mentioned earlier, the future of this country is still in the hands of Brussels and Washington.

For Bosnia and Herzegovina, the carrot of European membership is a unique incentive for reconciling the constituent peoples' different interests as well as for sharing the same European perspective. Though it is undeniably ambiguous for disintegration forces which do not approve the country's reintegration, on the one hand, to accept wider integration into European structures, on the other, the European perspective has become a common goal for all forces within Bosnia and Herzegovina. It goes without saying that the country should move on with new vigour in search for a better and prosperous future.

CALENDAR OF EVENTS

1992

- March 1 – Bosnia and Herzegovina proclaimed independence

1994

- March 1 – the Washington Agreement on Federation of the Bosniaks and Bosnian Croats was achieved

1995

- July 11 – the Bosnian Serb Army and Police Forces captured the town of Srebrenica and committed genocide against Bosniak men
- August 28 – shelling of marketplace in Sarajevo by the Bosnian Serbs killed 35 people
- August 30 – onset of the international military intervention led by NATO against the Serbian artillery positions
- November 1-21 – the Dayton peace conference
- November 21 – the General Peace Framework Agreement for Bosnia and Herzegovina was reached in Dayton, USA
- November 22 – Security Council suspended economic sanctions for the Federal Republic of Yugoslavia
- December 14– the Dayton Agreement was signed in Paris
- December 15 – the first High Representative of the International Community, Carl Bildt, was appointed by the Security Council
- December 20 – NATO Implementation forces (IFOR) was deployed
- Radovan Karadzic was indicted by the Hague Tribunal

1996

- South East European Cooperation Process (SEEC) was initiated
- September – first post-war general elections in Bosnia and Herzegovina
- EU has started the implementation of the PHARE and OBNOVA programmes
- Radovan Karadzic stepped down

1997

- December 10 – Bonn Peace Implementation Conference decided to empower the High Representative with legally binding instrument for decisions to be imposed by the International Community in Bosnia and Herzegovina, known as the Bonn powers

1998

- Chairman of the Presidency, Alija Izetbegovic submitted request to the Constitutional Court of Bosnia and Herzegovina for revision of the constitutional provisions of the Entities' Constitutions
- EU-Bosnia and Herzegovina Consultative task has been established

1999

- Final arbitration over the Brcko district
- Stability Pact for South East Europe was established

2000

- July – the Constitutional Court made decision on the equality of all peoples throughout Bosnia and Herzegovina, known as “constituent peoples decision”

2001

- EU started to provide financial support through CARDS programme

2002

- March – Sarajevo Agreement, a deal for the principles to be incorporated in the Entities' Constitutional Amendments
- May – the High representative who assumed duties of the Special representative of the EU

2003

- January – EU Police Mission has overtaken the security segment from the United Nations International Police Task Force
- June – the Thessaloniki Agenda endorsed a stabilization and association process for the Western Balkan countries

- November – European Commission prepared feasibility study for Bosnia and Herzegovina

2004

- October – first elections organized and financed by the state
- December 2 – NATO concluded its mission of the Stabilization Force (SFOR) and the EU launched the European Force (EUFOR) Operation.

2005

- November - The first phase of the negotiations on the constitutional changes has started
- November 21 - tenth Anniversary of the Dayton Agreement, Washington Declaration on constitutional amendments was signed by political leaders of Bosnia and Herzegovina
- November 25 – negotiations on SAA with the EU has been opened

2006

- January – Value Added Tax system was introduced
- February 16 - European Parliament adopted the Resolution on Bosnia and Herzegovina
- April 13 - the Government of Brcko opened the office to the Council of Ministers
- April 25-26 – the Parliamentary Assembly discussed the Constitutional Amendments and did not adopt them

BIBLIOGRAPHY

Anon. (2006). Rebranding Time. A Better Bosnia: A Balkan Success. *The Economist*, Saturday April 8, 2006, p.31.

Anon. (2006). The Death of a Monster. Serbian Strongman Slobodan Milosevic, 1941-2006. *Newsweek*, Monday March 20, p.24-25.

Ayoob, M. (2001). State Making, State Breaking, and State Failure. In: A.C. Crocker, F.O. Hampson, and P. Aall (eds). *Turbulent Peace: The Challenges of Managing International Conflict*. United States Institute of Peace Press, Washington, D.C., pp. 127-142.

Baker, H.P. (2001). Conflict Resolution versus Democratic Governance. Divergent Paths to Peace?: A New Terrain of Conflict. In: A.C. Crocker, F.O. Hampson, and P. Aall (eds). *Turbulent Peace: The Challenges of Managing International Conflict*. United States Institute of Peace Press, Washington, D.C., pp. 753-764.

Council of the European Union. (2004). *Council Decision of 14 June 2004 on the principles, priorities and conditions contained in the European Partnership with Bosnia and Herzegovina (2004/515/EC)* [online]. Available from: www.europa.eu.int -celex-txt-32004D0515 [Accessed 11 March 2006].

Council of the European Union. *Speech by Javier Solana EU High Representative for the CFSP at the Policy Dialogue. (25 November 2005). Dayton @ 10: drawing lessons from the past* [online]. Available from: ue.eu.int/ueDocs/cms_Data/docs/pressdata/EN/discours/87125.pdf [Accessed 11 March 2006].

Crocker, A.C., Hampson F.O., and Aall P. (eds). (2001). *Turbulent Peace: The Challenges of Managing International Conflict*. United States Institute of Peace Press, Washington, D.C.

Crocker, A.C., Hampson F.O., and Aall P. (2001). The Pros and Cons of Multiparty Mediation. In: A.C. Crocker, F.O. Hampson, and P. Aall (eds). *Turbulent Peace: The Challenges of Managing International Conflict*. United States Institute of Peace Press, Washington, D.C., pp. 497-513.

European Parliament (2006). *Resolution TA B6-0095/2006* [online]. Available from: www.europarl.eu.int-Activities:News . [Accessed 20 February 2006].

European Stability Initiative. (2005). *The Helsinki moment. European state building in the Balkans* [online]. Available from: www.esiweb.org/pdf/esi_document_id_65.pdf .[Accessed 10 March 2006]. p. 10.

European Stability Initiative. (2004). *Governance and democracy in Bosnia and Herzegovina. Post industrial society and the authoritarian temptation* [online]. Available from: www.esiweb.org/pdf/esi_document_id_63.pdf [Accessed 10 March 2006].

European Union. (2005). *Establishment of European partnerships with the Balkans* [online]. Available from: www.europa.eu.int – SCADPlus: Establishment of European partnerships with the Balkans [Accessed 11 March 2006].

Federal News Agency, 12 March 2006.

Fukuyama, F. (2005). *State building. Governance and world order in the twenty-first century*. London: Profile books ltd.

Holbrooke, R. (1998). *To End a War*. New York: Random House.

Hopp U., Lesch A.K. (2005). Organization for Economic Co-operation and Development (2004/2005). *External Nation-Building vs. Endogenous Nation-Forming: A Development Policy Perspective* [online]. Available from: www.oecd.org/dataoecd/31/21/34242656.pdf - [Accessed 17 March 2006].

Ignatieff, M. (2003). *Empire lite. Nation-building in Bosnia, Kosovo and Afghanistan*. London: Vintage.

International Crisis Group. (2002). *Implementing Equality: The “Constituent Peoples” Decision in Bosnia & Herzegovina. ICG Balkans Report No 128, 16 April 2002* [online]. Available from: www.crisisgroup.org/home/index.cfm?id=1242&l=1 - 28k [Accessed 5 March 2006].

International Crisis Group. (2002). *Bosnia’s Alliance for (Smallish) Change. ICG Balkans Report No 132, 2 August 2002* [online]. Available from: www.crisisgroup.org/home/index.cfm?id=1242&l=1 - 28k [Accessed 5 March 2006].

International Monetary Fond. (2005). *Bosnia and Herzegovina—2005 Article IV Consultation, Concluding Statement of the IMF Mission*, 14 April 2005 [online]. Available from: www.imf.org/external/np/ms/2005/041705.htm - 53k - 17 Jun 2006 - [Accessed 17 June 2006].

Jentleson, B. W. (2001). Preventive Statecraft. A Realist Strategy for the Post-Cold War Era: The Viability of Preventive Statecraft. In: A.C. Crocker, F.O. Hampson, and P. Aall (eds). *Turbulent Peace: The Challenges of Managing International Conflict*. United States Institute of Peace Press, Washington, D.C., pp. 249-264.

Lederach, J.P. (2001). Civil Society and Reconciliation: A comprehensive Framework for Peacebuilding. In: A.C. Crocker, F.O. Hampson, and P. Aall (eds). *Turbulent Peace: The Challenges of Managing International Conflict*. United States Institute of Peace Press, Washington, D.C., pp. 841-854.

Luttwak, E.N. (2001). The Curse of Inconclusive Intervention. In: A.C. Crocker, F.O. Hampson, and P. Aall (eds). *Turbulent Peace: The Challenges of Managing International Conflict*. United States Institute of Peace Press, Washington, D.C., pp. 265-272.

Malone, D. M. (2003). *The UN Security Council: From the Cold War to the 21st Century. A project of the International Peace Academy*. London: Lynne Rienner Publishers, Inc.

Naimark, N. M. (2001). *Fires of Hatred: Ethnic Cleansing in Twentieth-Century Europe*. Harvard: Harvard University Press.

Nye, J. S. Jr. (2004). *Soft power. The means to success in world politics*. New York: Public affairs.

Office of the High Representative and EU Special Representative. (2000). *Dayton Peace Agreement* [online]. Available from: www.ohr.int/dpa/default.asp?content_id=380 - 24k [Accessed 10 February 2006].

Office of the High Representative and EU Special Representative. (2006). *Reports of the High Representative to the Security Council of the United Nations* [online]. Available from: www.ohr.int/other-doc/hr-reports/archive.asp?sa=on - 47k [Accessed 16 February 2006].

Office of the High Representative and EU Special Representative (2003). *Commission Approves Feasibility Study* [online]. Available from: www.ohr.int/other-doc/eu-stmnt/default.asp?content_id=31227 - 32k – [Accessed 30 May 2006].

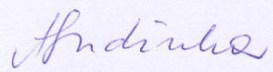
Paris, R. (2001). Wilson's Ghost: The Faulty Assumptions of Postconflict Peacebuilding. In: A.C. Crocker, F.O. Hampson, and P. Aall (eds). *Turbulent Peace: The Challenges of Managing International Conflict*. United States Institute of Peace Press, Washington, D.C., pp. 765-784.

Sisk, T.D. (2001). Democratization and Peacebuilding: Lessons Learned. In: A.C. Crocker, F.O. Hampson, and P. Aall (eds). *Turbulent Peace: The Challenges of Managing International Conflict*. United States Institute of Peace Press, Washington, D.C., pp. 785-800.

Serbian News Agency, 15 May 2006.

Declaration

I hereby declare that the present dissertation is my own original work.



Amela Sudžuka

Sarajevo, 17 July 2006