

Article by Christian Schwarz-Schilling, High Representative for BiH: “Bosnia’s Way Forward”

Bosnians will soon take over from the international administration

Bosnia and Herzegovina ’s new—and final—High Representative plans to phase out the postwar protectorate. But the European Union’s policing and military missions will stay on for some time.

Bosnia and Herzegovina has traveled a long way over the past decade as the country has sought to rebuild itself with international support in the wake of Europe ’s most devastating conflict since World War II. But progress will only be irreversible when Bosnians themselves take responsibility for the peace process. It is my task as Bosnia and Herzegovina ’s last High Representative to oversee the transition from today’s quasi-protectorate to local ownership.

The office that I inherited in February was created in the Dayton Peace Agreement to oversee implementation of the 1995 accord ending the Bosnian war. In response to massive obstruction on behalf of nationalist forces during the first two years of implementation, the powers of the High Representative were augmented at a December 1997 meeting in Bonn , enabling it to dismiss officials and to impose laws if this was deemed necessary to advance the peace process. These were subsequently called the “ Bonn powers.”

In the intervening years, my three immediate predecessors—Carlos Westendorp of Spain, Wolfgang Petritsch of

Austria, and Paddy Ashdown of Great Britain—all made extensive use of the Bonn powers to overcome obstructionism and establish the institutions necessary for a viable, modern democracy. In this way, they succeeded in taking the peace process forward and Bosnia and Herzegovina is clearly much better off for their efforts, as well as those of the first High Representative, Carl Bildt of Sweden.

I, too, am prepared to use the Bonn powers, if I believe that by using them I would be helping head off a threat to peace and stability, supporting the work of the International Criminal Tribunal for the former Yugoslavia in The Hague, or undercutting nationalist fanatics. There are, however, limits to what can be achieved by imposition, and these limits have almost certainly been reached.

It is not possible to decree reconciliation, opportunity and prosperity. Institutions that have been created by imposition will never function effectively unless Bosnians of all ethnicities buy in to them and until Bosnian citizens expect them, and not international organizations, to deliver reform, exercise democratic rules and procedures day by day in a bottom-up process of building the state.

The challenge today is to make Bosnians aware that it is in their interest to get along, rather than to order them to live together. This requires a shift in mindset both among Bosnians, who have grown accustomed to an intrusive international presence in their country, and within the international community, which has grown accustomed to intervening in all levels of decision-making.

One consequence of changing tack and seeking to avoid use of the Bonn powers could be a slowdown in the perceived pace of progress this year. But neither stagnation nor a return to the zero-sum attitudes that once characterized Bosnian politics are inevitable. Indeed, I believe that it is possible that the Bosnians surprise us, and prove to the world that the

caricature of their country as a "failed state in Europe ," as some international observers have described it, is no longer accurate.

My optimism is based on my experiences in Bosnia and Herzegovina , working mostly at a local level as an international mediator, as well as the many Bosnians whom I have gotten to know in the course of the past 13 years. Indeed, in the course of traveling the length and breadth of Bosnia and Herzegovina for more than a decade, I brokered more than 120 mediation agreements on highly sensitive issues. In this way, I have seen impressive changes as a result of the efforts of local people and their institutions.

The negotiations I have been involved in have often been extremely painful and have required enormous patience. It is after all easier to repair physical damage than to heal psychological scars. Indeed, I find it almost miraculous that so soon after a conflict all parties are able to talk constructively with each other and eventually to come to reasonable solutions.

There are also huge incentives. This year Bosnia and Herzegovina could both sign a Stabilization and Association Agreement with the European Union and join NATO's Partnership-for-Peace program. These are key milestones on the road to European and Euro-Atlantic integration. My office will do what it can to help Bosnia and Herzegovina reach these objectives and to negotiate professionally with their international interlocutors. But to take these processes forward, Bosnia and Herzegovina must be a fully sovereign country. That means that I must eventually step down.

No date has as yet been set for the closure of the Office of the High Representative. But close it must. The office was only created as a temporary institution, and the task it was set up to oversee is nearing completion. Bosnia and Herzegovina is moving beyond Dayton implementation, which

is a thoroughly positive development.

Termination of the Office of the High Representative in the near future and with it the Bonn powers does not signal the end of international engagement in Bosnia and Herzegovina. Rather it will herald the beginning of a new chapter in the country's relationship with the wider world and in particular with the rest of Europe.

This chapter should be viewed as an opportunity, since Bosnia and Herzegovina's future can only be in Europe, in both European and Euro-Atlantic integration. Moreover, I will not leave the country when I cease to be High Representative. Instead, I will remain here as a special representative of the European Union to act as a facilitator and help steer these processes.

The challenges as EU Special Representative are likely to be greater than those as High Representative since the tools at my disposal will be much weaker. In place of the Bonn powers, I will have to rely on my powers of persuasion with the ultimate carrot of eventual entry into the European Union and NATO.

In addition to being critical for Bosnia and Herzegovina, the coming years represent a unique opportunity for Europe and the stabilization mechanisms that it has been developing. EUFOR, the European Union's largest military mission, will remain in Bosnia and Herzegovina to maintain a secure and stable environment and ensure that there will never be a return to hostilities. The EU Police Mission will likewise continue to work with the Bosnian police to oversee reforms and thereby bring policing up to European standards. And the European Commission will continue to assist Bosnia and Herzegovina's postwar reconstruction and democratic transformation.

To be sure, Europe has not always done the right thing by

Bosnia and Herzegovina . I am acutely aware of this since I resigned from the German government in 1992 in protest at our collective failure to halt the Bosnian war. I could not accept that half a century after World War II, when Europe and the world pledged that we would never again tolerate genocide, ethnic cleansing was taking place in front of our very eyes and we were unwilling to take the necessary steps to bring it to an end.

Today, however, Europe is in a much better position to support Bosnia and Herzegovina . Tried-and-tested mechanisms, in particular in the form of the European Union's pre-accession negotiations and NATO's Membership Action Plan, have been developed over the past decade and exist to focus the minds of Bosnian leaders on the reforms that their country will require in the coming years.

This process is unspectacular on a day-to-day basis. It is essentially about meeting specified standards, and drafting new laws or adapting existing legislation to bring it in line with European norms. Here, the European Commission in particular will have to take the lead as it did previously in those central and eastern European countries that joined the European Union in 2004. But over several years, this process can transform a society, thereby preparing Bosnia and Herzegovina for EU membership and enabling Bosnians to rejoin the European mainstream.

Elections in October should provide Bosnians with an opportunity to debate the way forward and to choose leaders who are best equipped to secure their country's European future. For they—not I—will be responsible for negotiating the terms and speed of their country's entry into Europe .

Electioneering may put a brake on reforms that have been set in motion in recent years as politicians put off making difficult decisions in the runup to what is a crucial poll. But elections are critical to democracy, and I will not

artificially speed processes by imposing legislation and thereby removing responsibility for what may be unpopular choices from Bosnian politicians. Those times are gone.

The process of European integration has been remarkable for all countries that today make up the European Union and has helped create unparalleled peace, prosperity, and opportunity. It has also helped heal the wounds of World War II, the most devastating war the world has known.

Healing wounds is never easy, and many of Bosnia and Herzegovina's remain open. At the writing of this essay, Radovan Karadzic and Ratko Mladic, the two most senior individuals to be indicted for war crimes by the International Criminal Tribunal for the former Yugoslavia in The Hague, remain at liberty. More than a decade after their indictments were published. This is unacceptable, and they have to be brought to justice if Bosnia and Herzegovina is going to come to terms with its past.

Those of us who experienced Europe's darkest days and have since lived long enough to see the European Union and NATO grow to include countries that used to be part of the eastern bloc realize how far and fast it is possible to move when countries are on the right track. While clearly Bosnia and Herzegovina still has a long way to travel, the goal of eventual membership in these institutions should be sufficiently powerful to help Bosnians overcome divisions and shape their own destiny.

Schwarz-Schilling / Bosnia's Future

IP • Spring • 2006

Global Issues