Article by Christian Schwarz-Schilling, High Representative for BiH “Bosnia’s Road to Ownership”

Bosnia’s Road to Ownership

In South Eastern Europe, the European Union is facing a unique practical test. If, as expected, agreement is reached in the coming weeks on the future status of Kosovo, the largest civilian mission in history will swing into action. With this in mind, it is worth having a look at the post-war experience in Bosnia-Herzegovina.

My predecessors as High Representative and EU Special Representative in Bosnia and Herzegovina actively used their extraordinary powers, by, for example, imposing legislation or removing politicians, to advance the peace process and stabilise the Bosnian state institutions. During the early post-war years, an interventionist policy was appropriate to enable implementation of the Dayton Peace Agreement, the decision-making process for a sustainable future of Bosnia and Herzegovina. Had such a policy not been followed, the return of refugees would not have been possible.

However, imposed decisions do not provide long-term solutions or help create a self-sustaining state. They incapacitate local politicians and undermine international efforts to assist Bosnia and Herzegovina move as soon as possible to local ownership.

The international community is present in Bosnia and Herzegovina to assist the local politicians, not to patronise them. In this way, one must accept that politicians will make

mistakes and that this is part of the process of developing a sense of ownership. On a long-term basis, only Bosnian citizens, politicians and civil society can build a secure and democratic environment for them.

Since I took up my current duties in February 2006, I deliberately chose to not to follow the interventionist approach of my predecessors, opting instead for a policy of local ownership. At the time, I announced I would only use my special powers in extreme situations. Since then, I have stuck to this principle and to look as much as possible to the sense of responsibility of local politicians and authorities.

As a result of this policy, the real contradictions of this country have become evident. The results have been both encouraging and disappointing. Local authorities introduced by their own efforts Value Added Tax. Bosnia and Herzegovina joined both NATO's Partnership-for-Peace programme and the Central European Free Trade Area. Elections in October 2006 took place democratically and peacefully without international assistance for the first time. This year, the parties formed coalitions and agreed a political agenda without international intervention, albeit five months after the elections.

In addition to these successes, there have been disappointing developments. In April, the first attempt to reform the Constitution was, after a long negotiating period, rejected by two votes in Parliament. Negotiations on police reform stalled. A reluctance to compromise – especially by representatives of Republika Srpska – remains the largest obstacle to the signing of a Stabilisation and Association Agreement with the European Union. This contributed to nationalistic rhetoric during the election campaign, which, in turn, brought the Dayton Peace Agreement into question.

This situation makes it necessary for the High Representative to retain his special powers. Because of the stalled reform process in Bosnia and Herzegovina as well as developments in

the wider region, I have concluded that the transition to local ownership will have to take longer than we expected last year. As a result, I will recommend to the Peace Implementation Council, which will meet on 26 and 27 February in Brussels, an extension of the mandate of the Office of the High Representative by one year.

Some critics are now demanding a return to the policy of international intervention, thereby "throwing out the baby with the bath water". It is, however, a dangerous illusion to think that it is possible to build a functional state, revive the economy and foster reconciliation by imposition. Institutions and democratic processes will only function, if the country's citizens and politicians buy in to them. The reform processes demonstrate the essential willingness to reconstitute the post-war order. In the coming months, they must be reassumed and – with international assistance – guided to success.

Constitutional reform remains a key focal point for my mandate. The agreement, which was settled in Dayton, was negotiated to end the war and does not suffice to build up democratic and efficient state structures. Negotiations about a new constitution should not be restricted to political parties, but must include parliament and civil society from the beginning. The constitution has to correspond to European standards and values, to pave Bosnia and Herzegovina's way to Europe.

In spite of everything, the prospects for 2007 are encouraging. If consensus is reached, we can – in the best-case scenario – look forward to the signing of a Stabilisation and Association Agreement with the European Union in the spring. This would in turn have a positive impact on the constitutional reform.

Only by increasing the ownership of Bosnian politicians together with careful management by the international

community, will this country be able to make its way to Europe.