

Remarks by PDHR Bruce G. Berton at the conference “BiH: 20 years after Dayton”



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It is a pleasure to join you here today some 20 years since the Dayton Peace Agreement ended the war in Bosnia and Herzegovina to reflect on what has been accomplished and what remains to be done in order to ensure sustainable stability and prosperity in Bosnia and Herzegovina.

When we talk about foreign influences in the country, the most relevant place to start is by talking about the enormous diplomatic, military and financial investment, which the international community has made since 1995 in order to maintain the peace, build the country's institutions and reintegrate and reconcile its peoples.

Because while we could discuss separately what the distinct financial or political influence of particular countries is or has been on Bosnia – be it the United States, Russia, Turkey, Austria or the neighboring states – the international community, engaging together to promote peace, is by far the most pervasive foreign influence in Bosnia.

The context and starting point for this international engagement is the signing of the Dayton Peace Agreement in

1995 and its adoption by the UN Security Council under Chapter VII of the Charter and the first ten years of Dayton implementation.

Many people have many different opinions about how they view what has been done under the Dayton Peace Accords. Perhaps this conference will help settle some of these questions that ultimately belong in the hands of historians and scholars.

But one element of the Dayton document that is indisputable is the astonishing degree of explicit international community responsibility in implementing the agreement. I'm talking about real nuts and bolts responsibilities.

Starting with the basics, you had about 60,000 NATO troops conducting one of the most intense peace enforcing missions on the books. And I should mention that there were Russian military units participating with the NATO deployment.

Then you have the Office of the High Representative, the organization where I currently serve as Principal Deputy High Representative, entrusted under Annex 10 of the agreement to resolve disputes among the parties, ensure implementation of civilian aspects of the agreement, and serve as the final interpreter of the agreement. In pursuing these goals, the High Representative even has executive authorities at his disposal.

Let me offer some prospective here: in the first days after the Dayton Peace Agreement the freedom of movement did not just become reality overnight. The wounds were still too deep to allow for free movement. The OHR would drive politicians across the entity boundary line to meet each other, and they would only meet in the presence of the OHR.

The OHR would also drive people to their pre-war homes, as they were too scared to go alone. Mostly they would just be sitting in the OHR vehicle, looking at the ruins of their homes, in deafening silence. Gradually, this changed and they

would find a little bit more courage with every next visit. Until they finally trusted themselves enough to get out of the vehicle and talk to their pre-war neighbors.

I am happy to say that these time are long passed, but it goes even further than this. If you go back to the actual text of the Dayton Peace Agreement, and look closely, every single Annex to the Peace Agreement gives a crucial implementation role to part of the international community.

For example, Annex 4, the Bosnian Constitution. This Constitution, which in many aspects is akin to a power-sharing agreement, would not have been implemented the way it was without the intervention of the High Representative which had mandate over all civilian annexes of the Peace Agreement.

Or Annex 6 and 7, two of the most important and still hotly debated annexes that cover human rights and refugee return. These annexes assign important functions to UNHCR, ICRC, UNDP, the UN Commission on Human Rights and the European Court on Human Rights.

Or Annex 3, which led to the establishment by the OSCE of the institutions that were in charge for the organization of elections until the adoption of the BiH Election law in 2001.

Or Annex 11, the Agreement on an International Police Force Task Force (IPTF), which today is no longer around; this annex served as the gateway for the international community to play an incredibly hands on role in the policing sector.

The IPTF was one of the largest civilian police missions ever launched by the United Nations. Upwards to 2000 international police monitors manning IPTF police stations in nearly every single of Bosnia's 140 plus municipalities.

The IPTF oversaw huge programs of demobilizing para-military police formations, top-to-bottom human rights training, a massive vetting exercise for every policeman in uniform in BiH

and put in place the main attributes of the current legal framework for police in Bosnia.

After the departure of IPTF in 2002, the European Union deployed its own police mission – numbering at the outset close to 700 police monitors stationed throughout Bosnia. The EU mission – known as EUPM is interesting in terms of the then nascent EU foreign policy – since EUPM was the first ever authorized crisis management mission under the ESDP framework.

Both these missions – IPTF and EUPM – were very big deals for these respective organizations. Very big. With facilitation from OHR at every step along the way for both organizations – coupled with intense bilateral participation mainly from the US – it is fair to say that every single institutional and legal feature of police in Bosnia was put in place by the international community. That's 100%. Everything. Laws, internal organization, policies and procedures, everything.

As I said there is not a single Annex to the Dayton Peace Agreement that doesn't include an implementation role for the international community. Yes by definition and default "foreign" but not in the same way that the term probably sounds today. Believe me – and as only those who have experienced the Dayton project can attest – the international community was so completely interwoven into the domestic political and legal fabric that I'm not sure the word 'foreign' has much meaning in this case – at least in Bosnia.

Again, historians and scholars will lead the debate as to whether this has been to the overall benefit of Bosnia. I'm not looking to provide you an answer to the question today. I will say that I have heard many convincing arguments as to the positive aspects and fewer arguments to the contrary.

The picture I have portrayed so far has been changing, gradually, since about 2006. While the Dayton framework remains, and while international community influence is still

extraordinary compared to many other countries, there has been an intentional reduction in the degree of hands on engagement by international actors in day-to-day governance in Bosnia and Herzegovina.

To begin with there are many, many fewer troops in the ground, less than a thousand in fact.

The policy of quote “ownership” sees membership in the European Union and NATO as the drivers of institutional reform undertaken primarily by Bosnian politicians with international assistance. To be clear, however, even here we are talking about a unique international engagement, compared for instance to the experience of former EU candidate countries like the Baltic states.

For example, the High Representative still retains his executive legal mandate under Annex 10 of the GFAP to oversee the implementation of the civilian aspects of the Dayton Peace Agreement, including the final authority in theater regarding interpretation of the Peace Agreement on the civilian implementation of the peace settlement. Likewise, the military presence on the ground, EUFOR, retains a Chapter 7 executive mandate.

And the EU, for its part, has tried to engage in BiH in a way that acknowledges the specificities of Bosnia and is more prescriptive.

The EU agenda is now finally gaining traction – serious traction – after many false starts. This is exceedingly positive news. The High Representative is in full support of the EU agenda and uses his good offices to urge the Bosnian authorities to move faster. There is no doubt about the EU future of Bosnia.

Before handing the floor over, I should briefly mention Bosnia’s influence abroad, as this is the second part of this panel’s question. And while the last ten years have in many

ways been disappointing in terms of the pace of reform, it is also the case that the engagement of Bosnia and Bosnians abroad reflects the potential of this country and its people to play a more significant role on the world stage.

For instance, since its establishment in 2005, the BiH Armed Forces have participated in 5 international collective security operations/missions abroad. All together 897 BiH military personnel participated in Peace Keeping Missions in Iraq, Afghanistan, Ethiopia/Eritrea, Mali and Congo. Additional 45 BiH troops continue to be deployed to Afghanistan as we speak. The transformation of Bosnia from an importer of security during the war in the 90' to the exporter of security is an amazing development – almost as big as a creation of the BiH Armed Forces in 2005, which replaced 3 military structures fighting each-other during the war in BiH.

Furthermore, BiH has politically profiled itself on the global scene as an important member of the International Community. It has been a non-permanent member of the UN Security Council in 2010-2011 and the Chairman of the Council of Europe in 2015.

BiH economy is also constantly improving, making the country an important trade and economy partner regionally, as well as worldwide.

But let's hear from our other panelists who no doubt have excellent insights to our interesting discussion today and could perhaps provide us with their views on how the 1995 context has evolved in Bosnia.