

The International Community in the Role of State Creator: The Experience of Bosnia and Herzegovina

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INTRODUCTION

In recent years, the international community has shown its willingness to undertake military action to enforce regime change and attempt the reconstruction of states. The most recent and continuing endeavors are Afghanistan and Iraq. The following article describes the experience of Bosnia and Herzegovina, with a multicultural setting and challenges similar to those of current engagements. In particular, it examines a) the responsibility associated with such intervention and undertaking to remain as governors; b) the viability of determining the path of a nation's future in light of a multitude of factors; c) the psychology of the local population vis-à-vis the international force; and d) whether a relatively brief period of international guidance and governance will have lasting effects.

The UN and other international organizations, both governmental and nongovernmental, sought to implement reforms in Bosnia and Herzegovina (Bosnia) to achieve compliance with the Dayton Peace Agreement of 1995.¹ The Dayton Agreement marked the end of the war in Bosnia and provided a structural framework that covered the political, legal, and economical regime for the newly formed country. The three ethnic groups—Croat (Roman Catholics), Serb (Serb Orthodox), and Bosniac (Muslim)—that waged war for territorial domination following the break-up of Yugoslavia accepted² the Dayton Agreement after the NATO intervention while the international community committed itself to assist in the implementation of the agreement and provide financial support. The Office of the High Representative was created to oversee execution of the Dayton Agreement with the prerogative to adjudicate disputes arising out of the Agreement and to make necessary decisions to maintain progress when the ethnic groups could not come to a consensus or attempted to stall the implementation process.

There were several priorities for the Office of the High Representative. A sufficiently secure political environment had to be created without delay to enable

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the return of displaced persons. The return of displaced persons was an effort to reverse ethnic segregation that resulted from the war and to facilitate the “united Bosnia” as envisaged by the Agreement. The country had to become ethnically diverse again in order to ensure that one ethnic group did not control the decision-making process in a particular region and that the multi-ethnic administrative framework of the Dayton Agreement worked. Essential to the effort was a functional judicial branch, law enforcement, and the office of the prosecutor. In a larger framework, a competent and willing judicial system had to be constructed to address allegations of corruption and coercive political influence at every level of government and within the business community. Lastly, the international community sought to create an environment amenable to business development to ensure the economic survival of the country after the assistance period.

The international community regards ethnic segregation as a defiance that must be quashed. Rather, it should be accepted as the modality through which integration will occur as a consequence of being economically interdependent, culturally related neighbors.

This article demonstrates the approach the international community has taken in Bosnia and Herzegovina to create a country from a region of the former Yugoslavia, which contains the three aforementioned ethnic groups that continue to show defiance in relation to the international plan framed by the Dayton Agreement. The defiance, by mainly the Serbian and Croat nations, is based on the fear that they will become subjects of a Muslim state since the Bosniacs, as the largest ethnic group, will gain political power. The international projects to promote ethnic diversity are therefore resisted.

Only the security of the respective ethnic groups within Bosnia, meaning territorial and governmental integrity for each ethnicity, can lead to effective development of that country. Cooperation, then integration of the ethnicities, is inevitable due to economic necessity, which consequently requires political cooperation. Integration of the ethnicities and political cooperation are the main goals of the international community in Bosnia. However, the international community seeks to accomplish these goals by forcing the concept of conflict resolution and emotional rehabilitation among the ethnicities. The international community regards ethnic segregation as a defiance that must be quashed. Rather, it should be accepted as the modality through which integration will occur as a consequence of being economically interdependent, culturally related neighbors. First, however, the ethnic groups must feel unthreatened in their designated territory.

LEGAL FRAMEWORK OF BOSNIA CREATED BY THE INTERNATIONAL COMMUNITY

The political structure of the Dayton Agreement was a legal novelty. It divided Bosnia into two “entities,” the Serb (Republika Srpska) and the Bosniac-Croat Federation (Federacija Bosne i Hercegovine). Both entities had quasi state status with governments independent of one another. The Serb entity was composed of municipalities, and the federation was further divided administratively into ten cantons, some run by Croats and others by Bosniacs. Each canton, with independent governments, ministries, and judicial systems, required judicial cooperation laws between cantons and entities such as those in place between sovereign states. In addition, there was a “district” of Brcko, another self-governing region that was managed by the three ethnicities in conjunction with the international community. Lastly, there was a government at the state level that, to date, could not operate without the coercive intervention of the Office of the High Representative. Bosnia had thirteen constitutions: one for each entity, canton, and state. There were thirteen governments and thirteen assemblies to govern these units, operating through approximately 150 ministries. The Dayton Agreement had been created by the international community in light of the demographics of Bosnia, allowing the preservation of the region’s ethnic partitions for the purpose of immediate cessations of hostilities. However, the region is faced with an impractical reality of a state framework for the present and future.

ACTORS AND STRUCTURE OF THE INTERNATIONAL COMMUNITY—IMPLEMENTATION STRATEGY

Numerous agents were involved in the endeavor to create a viable state, such as the UN (its various agencies, including the UN Mission in Bosnia and Herzegovina), the Council of Europe, the Office of the High Representative, and the Organization for Security and Co-operation in Europe. It is estimated that thirty organizations, including nongovernmental organizations, were involved in the realm of reform, and each had a significant impact on the Bosnian legal regime and society. Yet, the origin and purpose of many agencies present in Bosnia was difficult to follow. It seemed that any interested party could appear in Bosnia and undertake operation in the legal reform effort or any other field. The underfunded local government did not have a system for the purpose of scrutinizing the vast international presence, while the major international agencies lacked jurisdiction to control or exclude the presence of foreign representation in the field.

The structure therefore was *ad hoc* with no managerial regime. Each agency operated independently, answering to the conceptualized strategies in head offices abroad. The Dayton Agreement was essentially a treaty—an agreement between sovereign states that provided a basic framework of co-operation between international agencies—but did not attribute exclusive powers. In fact, it was difficult to ascertain

how many international representatives were working in a particular area of reconstruction and reform at a given moment. Often, one was advised by a local official who had already seen someone in that regard, which, in turn, created competition between the agencies.

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As the international community embedded itself deeper in reforms, the question of the role of the international community arose with each new endeavor. It was the lack of a defined ambit of reform that made the task difficult,³ leaving reconstruction an open-ended project limited only by the final pull out of the international community from Bosnia. One reason for the lack of a complete picture was the limited jurisdiction and capability of each international agency. The international community, it appeared, hoped that if each agency accomplished its reform project, a complete overhaul of the system would be achieved. It was suggested that the international community could not offer completion of comprehensive reform and reconstruction; it could only be a resource of expertise and technical assistance in the effort of the Bosnian authorities to reform their system, in line with the new realities of the country. Ownership of the reform effort must be assumed by Bosnia. This, in turn, required Bosnians to have an understanding of the state it wished to be. Without the understanding and common effort of the three ethnic groups to come to an agreement on the constitution of their state, a complete picture of the regime could not be attained. The result was continuous project initiations by international community agencies without a view of conclusiveness.

To regulate matters, the international community should consider a structural hierarchy of priorities with respect to reforms and offer one counterpart to the Bosnian state that will negotiate an approach and define goals. The international community counterpart should create a resource roster of all agencies that can offer assistance, register the agency, and place it in the international community framework, drawing upon the agency's resource, as the need arises, according to the negotiated reform framework. The suggested approach, however, presupposes that the international community can act as one body, which it cannot, because it is an undefined and dynamic entity with an elusive personality. It is a conglomerate of international representatives with independent political ideas, and it would be a daunting task to force a political hierarchy of the various international players.

Currently, many of the reform projects are dictated by the political trends of a financial donor country or organization. A trend or topic arises, and donors will allocate funds for the promotion of the issue in developing countries. Such trends have disrupted the patterns of reform that a particular agency has implemented because of the need to accommodate the donor's desires to ensure continued funding of projects.

COMPETITION WITHIN THE INTERNATIONAL COMMUNITY

Competition existed among agencies to accomplish projects. Smaller international organizations and nongovernmental organizations appeared to have an advantage because they were able to adapt quickly to the dynamic political situation in Bosnia and to take advantage of unexpected opportunities. Larger multinational organizations were burdened by heavy bureaucratic rules and regulations and had a difficult time adapting to projects, which had been already construed and approved, limiting their ability to adjust project content as the needs in this volatile country changed. Accordingly, the more flexible structure of nongovernmental organizations was likely to accomplish its goals, operating outside the forum of international governments and therefore, implementing strategy of a particular interest group or state. Nongovernmental organizations hired staff for specific projects and were often not in tune with the sensitivities of the type of work they performed. On the other hand, nongovernmental organizations were perceived by Bosnian authorities as less political in nature and therefore, less threatening, while every action of an international agency was perceived as part of a political agenda.

LOCAL RESPONSE

Pressure was significant in the local ministries of Bosnia to meet with international agency representatives, partly to avoid the label of “uncooperative.” Financial resources of Bosnia, surviving on aid, were meager, leaving insufficient funds for the public sector workforce. Ministerial employees had to manage their jurisdiction and the numerous international agents with their projects. Every aspect of life in Bosnia was penetrated by the international community, using the general authority of “human rights” to give jurisdiction for any desired intervention. The overwhelmed public sector soon realized that there was competition for their time and utilized the circumstances for personal advantage or obtained more resources. Commitment by the Bosnian public sector was often attributed according to the amount of money an agency was willing to spend or by the political weight of an agency. Project content became a tertiary issue. Local officials and professionals found themselves in a new country, created with the assistance of the international community. The economy was virtually non-existent, factories were outdated, and cooperation between the Serb and Croat-Bosniac entities, it was felt, was forced upon them. The effort to perform according to international community expectations was limited by the general distrust in the feasibility of the newly created state as self-sustaining. Dealing with reforms was not a priority for local officers as they sought to hold on to the entity’s political power structure that provided their livelihood; detaching from the structure to pursue reforms could have jeopardize their position. Under such circumstances, reform projects appeared vain to the local officers.

Given the experience with reforms undertaken in Eastern European countries, there was no conviction that compliance with the demands would lead to prosperity.

In light of the instability of Bosnia and doubts regarding the viability of the Dayton Agreement, Bosnians questioned the motivation of the international community to proceed with the implementation of an agreement, which clearly did not acknowledge the dominant causation of the war, namely, the cohabitation of Serbs and Croats in a state outnumbered by a Muslim population, thereby questioning the international community's understanding of regional history, culture, and tradition. Bosnians perceived that the international community must have had a purpose in failing to give recognition for the causes of the war, such as maintaining stability in the region or that the international community truly had no better solution to offer. In case of the latter reason, it implicitly recognized that rewriting of the Dayton Agreement would be eventually necessary.

IMPERFECTIONS IN THE EXECUTION OF THE VALUES OF THE INTERNATIONAL COMMUNITY

The delicate nature of the work that international community professionals were required to perform was often compromised by the behavior of international agents. On occasion, the image the international community sought to portray became compromised. Evidence brought to the attention of the international community revealed that International Police Task Force officers⁴ frequented establishments that employed women who were allegedly part of the trade in human beings for sexual exploitation, even alleging involvement in trafficking,⁵ the very activity the international community attempted to curtail. It was this lack of respect that made local authorities often perceive the international community as "adventurers," rather than professionals.

SUSTAINABILITY OF NEW STANDARDS IN VIEW OF TRADITION AND THE CLASH OF CULTURES

While the progressive jurisdictions in the realm of democracy have had centuries of political emancipation to develop conclusions and a political culture that was promoted as a standard of modern nations, Bosnia and Herzegovina was required to assimilate such standards immediately. While legislative reform was a technical process, the behavior of society to act in accordance with the enunciated reforms was a long-term process that could not be controlled by the international community. The question arose whether the fast-track approach would be sustainable and have lasting effects given the very different political evolution of the region. This question was urged by the fact that the United Nations Mission ended on December 31, 2002. The Secretary General termed the mission successful, listing the accomplishments in his report.⁶ Particularly noteworthy was the change to professionalism. In contrast, the list of removed officials by the High Representative to date was staggering, a practice likely to continue in 2005, nine years after the international community took charge.

For instance, a current international community practice, which will not be sustained once the international community turns the ownership of Bosnia to its citizens, is to affect change in the government by simple dismissals. Elections that would bring the return of individuals not politically aligned with the plans of the international community were simply not implemented by the international community, either by declaring the election invalid on some premise or by removing the elected official. Could the efforts to create a structure by force, as envisaged by the international community, survive past the period of international presence? The central government of Bosnia did not have the means to control who came to power in either entity, the Serb or Bosniac-Croat, nor the power to control the cantons of the Bosniac-Croat federation. Even if the mechanism existed, it would be seen as an accusation by one ethnic group against another. Such accusations would fuel inter-ethnic conflict and block the function of the already reluctant central government. An ethnic group would not accept judgment by another group of undesirability of one of its officers. Each ethnic group held its war-time politicians or activists in high regard because they were seen as individuals who had acted for the good of the nation.

The international community had removed from office politicians, police officers, prosecutors, judges, and journalists. The slow rate of progress had drawn international organizations into decision-making at all levels of the Bosnian political system, hoping to expedite the achievement of a self-sustaining country. The dominant approach implemented by the international community in pursuit of reforms was to force change in the legislation, and subsequently, to assist local authorities in the implementation. In accordance with this policy, the replacement of staff was forced by the international community in an attempt to remove suspected sources of corruption and non-cooperative behavior. The international imposition of a system, which presupposed a certain political culture, raised the question of sustainability. The framework constructed for Bosnia required changes in local culture. Had the international community been mandated to perform such a function? Was it at all possible to expedite cultural transformation, and, could it be justified in what is considered acceptable levels of interference?

EFFECTS OF INTERNATIONAL INVOLVEMENT

Criminal justice and law reform

Significant advancements in the realm of criminal justice had been made, perhaps most notably were transparency, judicial independence, and cooperation among the judiciary, the Prosecutor's Office, and law enforcement. Other advancements were more effective border control, vis-à-vis criminal activity, and greater sensitivity of law enforcement in relation to other ethnic groups.⁷ Yet, due to a weak central government, under which jurisdiction international borders fell, trafficking in human beings, such as women from Eastern Europe for sexual exploitation,⁸ and drug

trafficking appeared to be a continuous problem. The trade in human beings and illegal substances was operated by well-established organized crime groups, which had flourished because law enforcement and border control officials were either involved in illegal activity themselves or were unable or unwilling to engage in the curtailment of crime.⁹ Those who were willing may not have obtained the required resources or could not gather sufficient support within the force. Judges had limited exposure to these cases of misconduct because law enforcement and prosecution did not bring them to the courts, either because of a lack of resources, fear, or involvement.¹⁰ In the few instances when the cases did appear, fear for safety may have deterred a judge from imposing a deserved sentence. The bribes offered at every level¹¹ were difficult to refuse. It could make a significant difference to a customs officer who earned \$200 to \$300 per month, which was also the average salary of judges. For such compensation, hardly anyone found the motivation to tackle organized crime. The international community had compelled the governments of the Entities to increase salaries of judges in an attempt to motivate officials, hoping that a respectable salary, now approximately \$1,500, would return dignity to the profession. This move by the international community was commendable and likely to have had results to some extent. The problem was whether these salaries could have been sustained after the financial assistance period of the international community. Judicial salaries were now disproportionately higher than other public sectors, and once international funds were needed in new crisis areas, salaries were likely to come down again.

Economic development

At the lower level of the criminal scale, contraband trade, generally referred to as the “gray economy,” continued to be, for many Bosnians, the only way to make a living since the legitimate economy could not employ the entire workforce. The more powerful crime rings had accumulated such influence that it could be argued that the legitimate economy could not exist without their assistance. In many instances, desired merchandise or raw materials for manufacturing, could only be obtained from questionable sources. Often, it may have been necessary for legitimate businesses to employ certain corrupt tactics to move their goods across the border. It almost became a necessity when the goods were of a perishable nature, and expedient handling of the cargo may have been achieved only by financial motivation of officials. Once the goods arrived at a destination in Bosnia, locals purchased such goods in order to resell them at the local market. An attempt to eliminate the gray economy would likely be the fall of the implementing political party and cause significant hardship to the population. The gray economy provided a service to Bosnians, in particular, it made goods available at competitive prices. On the other hand, legitimate business could not develop while goods were available at lower prices obtained through illegitimate networks. For the foreseeable future, it is unlikely Bosnians would boycott contraband goods, as is the case with the international staff, unless the staff were able to bring along supplies in bulk to last for the duration of

their field service. Another reason for affordable products was local illegitimate and uncontrolled production, creating faulty products that had claimed lives in Bosnia, such as “basement” liquor production bottled and labeled in accordance with recognized brand names.

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Illegal trade remained a life-line for many Bosnians and was essential during the years of war. Many profited in war-time trade. Basic necessities were disturbingly expensive. Prices were high because the market could bear it. People depleted their savings to purchase these essentials. Once the population became financially exhausted, prices came down. The infamous business men and women of the time were called “war profiteers.” Some had made successful transitions to legitimate business, purchasing what the privatization process offered and what financially ruined people had to sell, such as land or real estate, in order to survive. Due to their acquisitions, the “profiteers” were now essential service providers in Bosnian commerce. Others may have ascended to higher levels in the international criminal hierarchy. Given the significance of acquisitions of state-owned enterprise with such money, this *nouveau riche* class was well integrated in Bosnian leadership, commerce, and politics. In many instances, the so-called “profiteers” were already at lucrative positions when the war started, such as upper management, while others were simply individuals who managed to make the circumstances work to their advantage. The international community sought to remove as many war-time leaders as possible in anticipation that the links with unethical business practice would be broken, attempting to bring to the forefront the true professional class. It appeared that, to some extent, this had been accomplished. It was always such a disappointment to the international community when it received news of missing funds during the service of an international community sanctified person. Corruption was on the increase during the war due to the lack of institutional control and expanded subsequent to the war because it became institutionalized.

Are international investors now more comfortable in investing in Bosnia? Will the letter of the law be executed past the international community presence or is the international community committed to a permanent protectorate of Bosnia? While there is criticism in regard to the approach taken by the international community in Bosnia, many of the suggestions have been undertaken. However, each new conflict in the world brings its own challenges due to a unique cultural framework; a unified approach to international assistance cannot be derived, and the experience of a previous conflict can only serve as an analytical tool.

Governance

Good governance required a politically mature regime to allow the judicial system to operate and refrain from political control. Governance remained a focal point of the international community. The primary impediment was the “pyramid” culture of governance, the *caudillo* style of operation of the oligarchy. With the lack of democratic governance over the course of history, the system had limited experience with the concept of a career civil service. The tradition was a chain of local leaders linked to the ruler. The head figure of a municipality was the executor of the will of his boss, the regional leader, and so on. Should he depart, the system underneath the leader crumbled and was replaced with loyalists of the replacement leader. Religion, banned during the communist era, had been added to this formula of leadership. Today, religious leaders were utilized by the political system to remind the population that the future of their culture and nation was at risk. While manifestation of the respective religions appears exaggerated, Croats and Serbs did fear domination of the Muslim faith because of the Dayton Agreement framework,¹² in which principles of unionism of governance would effectively result in Bosniac domination because they exceeded others in numbers.

Economic power in Bosnia was weakened by the lack of effective central regulation due to the unwillingness of ethnic groups to cooperate.

Economic reforms in the states of Eastern Europe had been, in part, modeled by the International Monetary Fund and the World Bank. Policies that had governed the transition of the former socialist countries prescribed rapid privatization of state-owned industries. Unfortunately, those policies were not able to address staggering unemployment and other social consequences of the privatization process. Bosnia's unemployment rate remained high, which perpetuated instability. The negative effects of privatization were utilized by certain groups in Bosnia to foster the position that the policies of the West did not work there and that a domestic solution needed to be found. While the position to find a domestic solution was worthy of support, the proponents often lacked constructive suggestions. The political milieu offered little comfort to potential investors. Economic power in Bosnia was weakened by the lack of effective central regulation due to the unwillingness of ethnic groups to cooperate. This trend was likely to continue, making it difficult to ensure survival of Bosnia economically once removed from international financial life support.

Laws on privatization were among the first reforms in order to transform the socialist run economy from public to private ownership. Privatization, however, was impeded by the cumbersome bureaucracy inherited from the communist era and the lack of direction by local authorities to use this opportunity to benefit and replenish government budgets with the privatization process. Rather, corruption resulted in distribution of state assets to a restricted class of people, failing to attain fair market

value. Foreign investors were afraid to embark into the circle of state asset distribution knowing that the process of privatization may not have been ethical and was dependent upon the current government leaders who may not remain in power for a prolonged period and therefore, cannot be relied on for the purpose of long-term relationships. While legislation was enacted, implementation was difficult to achieve since ownership of state-owned enterprises had already shifted on a *de facto* basis to individuals who were in politically appointed management positions upon dissolution of Yugoslavia and were run as private enterprises by the ruling political party. In many instances, ownership was already legally transferred to party members, in accordance with the law. They paid, what would appear, fair market value by obtaining loans from banks that were also controlled by party members. Hyperinflation ensured that the value given in worthless currency amounted in fact to little value in real terms. Bosnian entrepreneurs had criticized the system for giving preferential treatment for loans to party loyalists, and, in addition, failing to assess the value of the property correctly. This trend was apparent in most states in transition. Furthermore, ordinary citizens had limited access to privatization offers.¹³ Out of the fear that the new state would not survive past the international assistance period in its current form, there was much debate whether changes should be addressed now to adapt the country to a format that ensured regional ethnic control, in recognition of the true evolution of Bosnia since the secession of hostilities.

FUTURE PROSPECTS

As unfortunate as the history of Bosnia has been, it should have utilized the presence of the international community to arrive at an acceptable solution for its future. Once the international community reduces and eventually withdraws its presence, it is unlikely that the three ethnic groups will be able to amicably resolve any amendment to the Dayton Agreement. Renown experts in every imaginable discipline willing to share experiences and offer suggestions could be made available upon request through the international community. While the expert exchange appears to be truly a free service and should be taken advantage of, most financial assistance hinges upon the conditionality principle, which among other things involves the surrender of alleged war criminals, which is still a sensitive issue. Lawyers, judges, and other legal professionals are well educated and suffered dramatically when the system collapsed, leaving them with little money and no opportunity for professional development; yet, they still manage the day-to-day work load in their respective positions to maintain an impression to its citizens that lawful behavior is still the norm and that trespassers of the law will be punished. The great majority of professionals, and general population for that matter, seem to agree that they must move on.

Most Bosnians survive at a subsistence level. The population is generally poor, an observation which may escape a visitor due to new construction, modern cafés, restaurants, and new vehicles in the streets. It is a small portion of the population

that has created some wealth, many on the basis of illegitimate trade of goods. Very few derive revenue from home grown industry. The display of wealth creates a false image of Bosnia's progress. It will require significant investment to develop a domestic industry and put people to work. Little significance should be placed to the apparent signs of improvement in the standard of living. Bosnia should be treated as a critical situation. The situation in Bosnia becomes an increasing concern with new conflicts arising, causing a diversion of international attention and funds to new crisis regions.

The international community in its zealous effort to create a functional Bosnia may be exhausting the attention span of Bosnian judicial officials, as well as Bosnian officials in general. Bosnians are experiencing "reform fatigue." There is a limit to the input that can be absorbed and effectively processed.

The Dilemma for Bosnians

How is the actual functioning of the very confusing internal organization of the country addressed? It may have been the intention of the framers to provide an *interim* arrangement only,¹⁴ as the name of the agreement, "General Framework Agreement," would indicate. The implementation of the very basic provisions proves to be such a difficult task that further elaboration appears impractical. It may be true that persistence of the international community to maintain Bosnia in its current framework has given Bosnians the impression that this will be a long-term solution. This perception, however limited, may be a step toward Bosnians assuming ownership of their country. On the other hand, the perception appears to further institutionalize the entity level, not the state level. This would mean strong entity and canton political power with a weak central government. Croats and Serbs continue to fight for strong regional control, at the entity or canton level, because the centralization of governance and principles of democracy, as envisaged by the Dayton Agreement, mean domination of Bosniacs because of their greater numbers. The return of Bosniacs displaced persons to Croat and Serb regions only escalates this fear as their regional control weakens by the requirement to give Bosniacs proportional representation. One significant dilemma for Croats and Serbs is how to function on democratic principles and modern egalitarian law if those principles threaten national cohesion.

The presence of international agencies includes agents that only further polarize the three ethnic groups. Freedom of association promotes further polarization of ethnicities along religious lines, seeking associations with countries and organizations of the same religious background that only deepen ethnic segregation; this trend is particularly apparent within the Muslim population of Bosnia. Funds obtained from such donors went towards heightening cultural awareness of its group. Generally, a democratic practice—the freedom of association—indirectly resulted in segregation of Bosnia's nations, given its recent history. Freedom is the prominent term after the fall of the Soviet Union, and new alliances are formed on cultural and religious grounds. In Bosnia, this trend is certainly present, which brought the issue of a viable unitary state in question. Five hundred years of co-existence with Muslims in the

Balkans had not created an assimilation of the cultures, which was clearly manifested in the war. The international community did not oppose, nor could it, Serbs, Croats, and Bosniacs forming ties with states of the same religion. In fact, the international community promoted it to levels that placed significant strain on the United Nations Charter right to self-determination. It appears, therefore, an acceptable pattern to promote a world order based on cultural and religious affiliation, a pattern and evolving paradigm that was denied in the forced arrangement of the Bosnian state.

Generally, a democratic practice—the freedom of association—indirectly resulted in segregation of Bosnia’s nations.

What this will ultimately mean for Bosnia remains to be seen. On the evidence, it appears that while the international community stays in Bosnia and continues its role as financier, tutor, and last authority to decide any dispute among the ethnic parties, Bosnia will remain in its current form. A product of this presence is a temporary improvement in governance, including bringing the judicial system closer to accepted international standards.

Once the international community withdraws or weakens its presence, to what levels the advances will be curtailed also remains speculation. The strength and determination of the three cultures will settle the format of co-existence. How the determination of co-existence will be played out will be defined by the constraints of their political and social culture and emancipation. It is pertinent that Bosniacs, Serbs, and Croats utilize the current freeze on hostilities that the country enjoys to find an acceptable framework of co-existence.

The Dilemma for the International Community

Since the Bosniacs do not have, nor had in the past, a defined and joint territory as the Croats and Serbs have had, the country was structured to enable Bosniacs to be equal participants in the governance of Bosnia by democratizing entities and cantons to ensure Bosniacs have a voice in Serb and Croat regions. This requires reduction of administrative power within entities and cantons while strengthening institutions at the state level. As there are more Bosniacs than any other ethnicity, it is felt by Croats and Serbs that the higher birth rate of Muslims will ensure that Bosnia will eventually be run by Bosniacs. Muslim population increases¹⁵ have caused popular domination in Kosovo, are approaching popular domination in Macedonia, and increasing their presence in Serbia and Montenegro. This trend causes apprehension by Croats and Serbs, who attempt to keep them out of their territories.¹⁶ It is this fear of becoming subjects of a Muslim state that interferes with democratic development of Bosnia.¹⁷ The international community pushes democratic governance ignoring this fear, limiting assistance to the non-cooperative, i.e., Croats and Serbs, and providing assistance to the compliant Bosniacs, who support the direction of the international community since they see it to be in their interest. The discrepancy in

the assistance dissipated only supports the fear that the international community is supporting the emergence of a Muslim state, a fear exploited by hardliner Croats and Serbs, which the international community removed from office; it is another sign, from the point of view of Croats and Serbs, that the international community has Bosniac interests at heart. Since the Ottoman Turks came to the Balkan peninsula in the 14th century, Serbs, Croats, Greeks, Bulgarians, and the Austro-Hungarian empire had vigorously fought the occupiers who were forced to completely retreat by the end of the 19th century. The international community is faced with the fact that the prevalence of the Muslim civilization appears as an unacceptable solution for Serbs and Croats.

In addition, the western rules of governance fail to take into consideration cultural elements, which makes the behavior that the international community wishes to instill impossible for all three ethnicities. Can the imposition of this notion of existence be a permanent solution? In pursuit by the international community of its envisaged Bosnia,¹⁸ Bosnians are kept in a suspended state without ownership of its affairs until the international community feels its citizens are responsible enough to assume conduct of the country created by the international community. Can the international community emancipate the three ethnicities to change cultural behavior patterns? Can the international community teach Bosnians not to show admiration for certain leaders? Election results¹⁹ demonstrate the loyalties of Bosnians even when the international community makes it clear that support will be withheld if the public does not stand behind an individual the international community recommends.

Many of the reforms proceed on a semi-independent basis. Unfortunately, it may be the only approach, as the wider spectrum of questions pertinent to Bosnia's future can not be answered since the issue of co-existence of distinct civilizations is not the focus of the international community in its implementation plan. In light of the grim relationship between the ethnic groups, no progress would be accomplished if a determination of the feasibility of the Dayton Agreement is placed before assistance. The inter-ethnic relationship, however, must be addressed sooner than later. If this issue is much further delayed, consequences can be detrimental if left until after the pull-out of the international community. Sustainable peace may be achievable if Bosnians assume ownership of their affairs, and the international community should apply pressure on the ethnic groups to address their relationship. A manifestation by Bosnians of willingness to continue along the lines of the Dayton Agreement would be a ratification of Bosnia's framework and law by its citizens through parliament or a popular referendum. It would endorse the agreement and consequently, responsibility for its survival. It appears, however, that the international community is worried about the potential outcome of a popular vote and may not be able to deal with the consequences of an unfavorable result.

A potential solution may be to accept the fact that the animosities are too deep between the ethnic groups, accordingly, to accept a decentralized and segregated Bosnia. Once each ethnicity feels safe within its borders, it may be more likely that relationships will be developed for no other reason but economic necessity.

Entrepreneurs were the first to cross the boundaries between entities and cantons after the war. Trade will require appropriate law and order to follow in its desire to expand, and trade will require the service of inter-ethnic political relations. As long as the Serbs and Croats feel that they are being subjected to a Bosniac run state, co-operation is not likely to improve. A review of international community accomplishments will reveal that those issues which did not threaten the territorial, cultural, religious integrity, and social cohesion of an ethnicity could be dealt with. Where cohesion appears threatened, disruptions follow. To mend disruptions, the international community imposes penalties and deadlines upon the “trouble makers.” Such an approach is seen by the international community as furtherance of the Dayton Agreement, which stands for reconciliation and peace process.

CONCLUSION

The dilemma for both the international community and Bosnians originates from the unattainable policy resolve imposed by the international community—a ban on the acceptance of inter-ethnic animosity and the benefits of preserving ethnic cohesion and political integrity of the three nations by prescribing areas of autonomy to the three nationalities. The international community considers the realities of continuing inter-ethnic animosity and lack of reconciliation as well as the acceptance of the failing of inter-ethnic political cohesion as regressive and contrary to the Dayton policy; therefore, these realities are not acknowledged as fact and consequently, not factored into Bosnia’s progress plan. To exceed the accomplishments attributable to the international community and the current plateau of progress, the Dayton Agreement must be adjusted to the dynamics of the country. The insurmountable cultural clash is a main factor in all the symptoms of Bosnia’s stagnation. Principles of democracy, equality, and governance have been improved with foreign tutor and guardianship; however, to foster a self-sustaining political solution to ensure lasting peace in the region requires the acceptance of a set of facts distinct from the current idealistic assumptions.

Notes

¹General Framework Agreement for Peace in Bosnia and Herzegovina, Dayton Peace Agreement. Office of the High Representatives and EU Special Representative, December 14, 1995 http://www.ohr.int/dpa/default.asp?content_id=379. Accessed February 12, 2005.

² Office of the Spokesman, U.S. Department of State. “U.S. Troops to Bosnia,” November 30, 1995. <http://dosfan.lib.uic.edu/ERC/briefing/dossec/1995/9511/951130dossec.html#top>. Accessed February 12, 2005.

³ International Crisis Group, *Courting Disaster: The Misrule of Law in Bosnia & Herzegovina*, Balkans Report No. 127 (Sarajevo/Brussels, March 25, 2002).

⁴ Tony Robson, “Bosnia: The United Nations, Human Trafficking and Prostitution,” The World Socialist Web Site, August 21, 2002. http://www.wsws.org/articles/2002/aug2002/bosn-a21_prn.shtml.

⁵ Office of the High Representative, Press Office, Excerpt of Transcript of the International Agency’s Joint Press Conference, November 27, 2002. <http://www.ohr.int/ohr-dept/presso/pressb/archive.asp?m=&yr=2002>. Accessed February 12, 2005.

⁶ *Ibid.*, p. 28.

⁷ For review of accomplishments from the perspective of the United Nations, consult the "Report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina," S/2002/1314, *December 2, 2002*. <http://www.un.org/Docs/sc/reports/2002/sgrep02.htm>.

⁸ Nick Hawton, "Balkan human trafficking 'to rise,'" BBC News online, November 26, 2002.

⁹ Andrew Bomfort, "Sarajevo: Gateway to Europe," BBC News online, February 9, 2001.

¹⁰ International Crisis Group, "Policing The Police In Bosnia: A Further Reform Agenda," Report 130 (Brussels, May 10, 2002).

¹¹ Interview with the President of Bosnia and Herzegovina's Branch of Transparency International, "Greatest Corruption In Customs And Entities' Governments," *Nezavisne Novine*, August 11, 2001.

¹² Office of the High Representative. "Cantons must not undermine Bosnia and Herzegovina (BiH) authority." Press Release, May 13, 2004. Office of the High Representative. "High Representative warns UN about risks to reform in BiH." Press Release. March 3, 2004. <http://www.ohr.int/ohr-dept/press/pressr/archive.asp?m=&yr=2004>. Accessed February 12, 2005.

¹³ Ibid.

¹⁴ In an interview with BBC News, November 18, 2000, Richard Holbrook, US Ambassador to the United Nations said, "We must seek to correct those flaws and defects which have become apparent over time... Dayton is a living document that must adapt to new realities and confront new challenges as Bosnia grows and matures... we must not only implement [it] fully, we must seek to correct those flaws and defects which have become apparent over time."

¹⁵ Tomislav Kresovic, "Geo-politics of the Albanian Separatism," Center for Peace in the Balkans, May 2004. <http://www.balkanpeace.org/cib/kam/kam03.html>.

¹⁶ Amnesty International. "Bosnia and Herzegovina" in *Amnesty International Annual Report 2002* (Amnesty International Publications, 2002).

¹⁷ Adnan Jahic, "Virtuous Muslim State," *Zmaj od Bosne*, August 23, 1996. (The author, is currently employed as official spokesman for the Bosnian Government) His article, translated into English by the Toronto based organization Balkanpeace, states that the territory of Bosnia finally is a Muslim State and it shall be one in all aspects of Muslim tradition, philosophy and life, intending to give Croats and Serbs basic civil rights in their Muslim state.

¹⁸ Excerpt from an interview with Paddy Ashdown, High Representative for Bosnia and Herzegovina, *Vjesnik*, November 10, 2002:

"We aren't going to be here forever. We aren't gods, we aren't protectors. My job is to create the institutions of the system and then leave. I haven't come here to make myself popular but to do a job, to establish a statehood for this country together with my BiH[Bosnia and Herzegovina] colleagues so it can join the EU. Existence of nationalism is easy to understand. Six years have passed since one of the most destructible wars in the second half of the 20th century. In Northern Ireland we needed more than thirty years to try to settle the conflicts and we haven't succeeded yet."

¹⁹ Helsinki Committee for Human Rights in Bosnia and Herzegovina. "Analysis of the election process and the results of the general elections held on October 5, 2002," Report No. 10-10/2002. <http://www.bh-hchr.org/statements/10A-10-02.htm>.