THE ROLE OF THE INTERNATIONAL COMMUNITY
IN THE DEMOCRATISATION PROCESS IN BOSNIA-HERZEGOVINA

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Approval of the Graduate School of Social Sciences

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ABSTRACT

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This thesis analyses the role of the International Community in the democratisation in Bosnia-Herzegovina (BiH). The main theoretical approach adopted is the Critical Theory as represented mainly by Robert Cox. Cox argued that there was an interaction between the organisation of production, the forms of state, and the world orders. The form of state that the International Community aimed at establishing in BiH following the Dayton Agreement is analysed in relation to the transnationalisation of the world order. It is concluded that the aim of the International Community has been the integration of BiH into the transnationalised world order by the establishment of a limited sovereignty and maintenance of a minimum stability. The limited sovereignty of BiH can be observed in the text of the Dayton Agreement, which includes also the constitution of this country, as well as its later implementation. The main obstacle for the International Community's efforts has been the nationalist political parties. Therefore, the main aim of the International Community in the democratisation of BiH has been the eradication of their power. As a result of the failure of the International Community to destroy the power of the nationalist political parties, a form of controlled democracy has been established. The controlled democracy is operated through the OHR that is an ad hoc international organisation in BiH. This signified that BiH has been effectively an international protectorate in which the three constituent nations were politically monopolised by their respective nationalist political parties.

Keywords: International Community, transnationalisation, limited sovereignty, controlled democracy

ÖZ

ULUSLARARASI TOPLUM'UN BOSNA-HERSEK'İN DEMOKRATİKLEŞME SÜRECİNDEKİ ROLÜ

Rüma, Şadan İnan

Doktora, Uluslararası İlişkiler Bölümü

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Bu tez Bosna-Hersek'in (BiH) demokratikleşme sürecinde Uluslararası Toplum'un rolünü çözümlemeyi amaçlamaktadır. Kullanılan ana kuramsal çerçeve Robert Cox tarafından geliştirilen Eleştirel Kuramdır. Cox, üretim biçimleri, devlet tipleri ve dünya düzenleri arasında bir ilişki olduğunu saptamıştır. Bu çerçevede, Uluslararası Toplum'un BiH'te yerleştirmeye devlet tipi dünya düzeninin ulusötesileşmesi ile ilişkili olarak incelenmiştir. Sonuç olarak, Uluslararası Toplum'un amacı BiH'in ulusötesileşen dünya düzenine eklemlenmesidir. Bu eklemlenme asgari bir istikrarı korumak ve kısıtlı egemenlik oluşturmak anlamına gelmektedir. BiH'in kısıtlı egemenliği öncelikle ülkenin anayasasını da içeren Dayton Anlaşmasının metninde gözlemlenebilir. Bu anlaşmanın uygulanma süreci ile egemenlik üzerindeki kısıtlama pekişmiştir. Uluslararası Toplum'un BiH'i ulusötesileşen dünya düzenine eklemlenme çabalarının önündeki en önemli engeli milliyetçi siyasi partiler teşkil etmiştir. Dolayısıyla, Uluslararası Toplum'un BiH'in demokratikleşmesindeki ana amacı milliyetçi partilerin gücünü yok etmek olmuştur. Ancak Uluslararası Toplum bu amacında başarısız olmuş, bu nedenle de bir çeşit denetlenen demokrasi yerleştirilmiştir. Denetlenen demokrasi aynı kısıtlı egemenlik uygulamalarında olduğu gibi bu ülkeye özgü bir uluslararası örgüt olan Yüksek Temsilcilik Ofisi tarafından yerleştirilmiştir. Bunun sonucunda, üç kurucu ulusun mensuplarının kendi milliyetçi partilerinin siyasi tekelinden kurtulamadığı BiH fiilen bir uluslararası himaye rejimi altına girmiştir.

Anahtar Kelimeler: Uluslararası Toplum, Ulusötesileşme, Sınırlı Egemenlik, Denetlenen Demokrasi

To my family and my sweety,
because they shared my pain of writing;

To all the Bosnians
who suffered because of their lifestyle that threatened the power holders;

To all those who believe in the peaceful coexistence of differences.

ACKNOWLEDGEMENTS

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ABBREVIATIONS

AIM   : Alternative Information Network

ESI   : European Stability Initiative, a NGO based in Berlin

EUPM   : European Union Police Mission

HDZ   : Croat nationalist political party

ICG   : International Crisis Group

ICTY   : International War Crimes Tribunal on Former Yugoslavia

IDP   : Internally Displaced Person

IWPR   : Institute of War and Peace Reporting, based in London.

LDP   : Liberal Democrat Party

OHR   : Office of High Representative

PDP   : Nationalist political party in Republika Srpska, split from the main nationalist party SDS after the war.

PIC   : Peace Implementation Council

RS   : Republika Srspka, Bosnian Serb Republic

SAA   : Stabilisation and Association Process (with the EU)

SBiH   : Party for Bosnia-Herzegovina, a Bosniak nationalist political party founded by the charismatic war time PM Haris Silajdzic

SDA   : Bosniak nationalist political party, founded by Alija Izzetbegovic

SDS   : The Serb nationalist political party that was led by Radovan Karadzic during the war

SNSD   : Union of Independent Social Democrats, a political party in Republika Srpska, led by Milorad Dodik

CHAPTER 1

INTRODUCTION

Did you hear the falling bombs
Did you see the frightened ones?
Did you ever wonder
why we had to run for shelter
when the promise of a brave New World
Unfurled beneath a clear blue sky

"Good Bye Blue Sky", The Wall, Pink Floyd, 1979.

The lyrics of Pink Floyd's 1979 album fit perfectly to the Sarajevo of 1992. The end of the Cold War had created an extensive hope for a new world order. The world's only remaining superpower, the United States, which was closer than ever to acquiring world leadership, had declared a New World Order (NWO) through the speeches by its then President George Bush, the father. According to Bush, the principles of this NWO would be peaceful settlement of disputes, solidarity against aggression, reduced and controlled arsenals, and just treatment of peoples.[1] Those running for shelter in Sarajevo in April 1992 had counted on these envisioned principles of a brave New World.

This thesis is a humble attempt to analyse the role of the International Community in the democratisation in Bosnia-Herzegovina (hereafter, the original abbreviation BiH will be used) following the Dayton Agreement that ended the war. The main research question is what has the International Community done in order to democratise BiH and how was this role fulfilled? The main theoretical approach adopted to analyse the research question is the Critical Theory as represented mainly by Robert Cox. Cox argued that there was an interaction between the organisation of production, the forms of state, and the world orders. In this manner, I will analyse the form of state that the International Community aimed at establishing in BiH in relation to the transnationalisation of the world order. The findings of the field research that was conducted in BiH, in January-June 2006, especially the 41 interviews with Bosnian (Bosniak, Serb,

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[1] George Bush, "The Possibility of a New World Order", <u>Vital Speeches Of the Day</u> 15, (5/15/91): 451-452.

Croat and others) academics, politicians, NGO representatives and international officials, will be used extensively in this thesis.

The doubts about the implementation of the NWO of George Bush, the senior, was emphasised by the eruption of "ethnic" conflicts and partly related concept of "failed state". It is partly related because the "ethnic" conflict is not the only reason for the "failure" of a state. The ambitious principles of the NWO were soon replaced by a search for a minimum stability in the troubled regions.[2] The international organisations have taken important responsibilities in the establishment of minimum stability in the "failed states".

Another colossal development was the end of the so-called Communist Party rule in Eastern Europe, incidentally causing this region to be treated separately as Central, Eastern and South Eastern Europe (Balkans). The end of Communist Party rule encouraged the overhaul of the whole political and economic organisation of the society and state in Eastern Europe. This signified the formidable task of transforming the whole economic and political system of these countries into Western liberal democracies. International organisations have assumed important roles in this transformation, which is generally called as the "Transition Process".[3] For instance, the economic transition has been conducted with the assistance of the IMF and the World Bank, while the political transition has been under the scrutiny of the Council of Europe, EU, USA and an infinite number of non-governmental organisations (NGO).

This major transformation has two basic processes: Redefinition and redistribution of domestic political and economic power, and redefinition of external relations of these countries. In other words, the new climate forced these new states to reconsider their internal and external integration dynamics.[4] The difficulties they faced in the process, which had not been foreseen at the beginning, exposed them to the risk of becoming "failed states". This risk

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[2] Mustafa Türkeş, "Double Processes: Transition and Its Impact on the Balkans" in Towards Non-violence and Dialogue Culture in Southeast Europe, ed. Ivan Hadjsky, (Sofia: The Institute for Social Values and Structures Publications, 2004), 1.

[3] In fact, the initial discussions about the proper terminology had been striking. The main point in the debate was the uncertainty of the end of this process. Please look at Christopher Bryant, Edmund Moczinski, ed., The Great transformation: Theorizing the changes in East Central Europe, (London: Routledge, 1995), 3.

[4] Türkeş, "Double Process", 1.

highlighted the debate on the "failed states" in the region, particularly on the role of the International Community[5] in reforming these states in order to achieve and maintain a minimum stability. Indeed, the violent dismemberment of Yugoslavia accentuated the relevance of the concept of "failed state". Democratisation became central both as a remedy to "failed states" and as a main component of political transition. It is conceived that (liberal) democracy is the best way to manage competing interests and to encourage political compromises in order to eliminate the risk of violence.[6]

This thesis will analyse the role of the International Community in the democratisation process of BiH. The Bosnian case is important within the framework of the NWO mentioned above, mainly because the NWO vision died dramatically in BiH. Neither the "peaceful settlement of disputes" nor the "solidarity against aggression" did take place in this country, when it was attacked. The aggression against the Bosnian state was not stopped via these principles. The ambitious principles of the NWO have been replaced by the search for a minimum stability. The Balkans and especially Bosnia and Herzegovina has provided an excellent case for the establishment of minimum stability by the International Community through international organisations. This is exemplified by the Dayton Agreement, which ended the war in the country. The roles of the international organisations were clearly specified in this agreement. The Dayton Agreement, which ended the war, has merely achieved a minimum stability, as to be substantiated in the following chapters.

The implementation of the Dayton Agreement is to be done by the Peace Implementation Council[7] with international organisations performing important

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[5] What I understand from the term "international community" will be extensively discussed in the first and second chapters.

[6] Save Soderbergh, Bengt Lennartsson, Izumi Nakamitsu, "Electoral Assistance and Democratization", in From Reaction to Conflict Prevention, ed. Fen Osler Hampson, David M. Malone, (Boulder, London: Lynne Rienner Publishers, 2002), 357, 359, 363.

[7] According to the official website: "Following the successful negotiation of the Dayton Peace Agreement in November 1995, a Peace Implementation Conference was held in London on December 8-9, 1995, to mobilise international support for the Agreement. The meeting resulted in the establishment of the Peace Implementation Council (PIC)...The PIC comprises 55 countries and agencies that support the peace process in many different ways - by assisting it financially, providing troops for SFOR, or directly running operations in Bosnia and Herzegovina. There is also a fluctuating number of observers... The London Peace Implementation Conference also established the Steering Board of the PIC to work under the chairmanship of the High Representative as the executive arm of the PIC.The

tasks and mandates. The role of the international organisations is explicitly stated in the constitution of BiH. The international role is crystallised in the Office of the High Representative (OHR) that is an ad hoc international organisation in BiH. The OHR is stated as the final authority in BiH by the Dayton Agreement. In this sense, 'the International Community ', otherwise a highly contested term considered too vague by many, seems fairly concrete in the case of BiH. It should be noted that to observe and hence, to acknowledge the existence of the International Community does not necessarily mean to approve its policies. This thesis adopts a critical point in the analysis of the International Community. This point will be clearer in the analysis in the first and second chapters.

This thesis aims at analysing the role of the International Community in the democratisation process in BiH within the framework of the transnationalisation of the world order. The first chapter sets up the theoretical framework by an effort to understand and analyse the world order, transnationalism, and the role of international organisations. The concept of "the Failed State" and "the International Community" will be clarified and its use discussed, all within the framework of the Critical Theory as developed, mainly, by Robert Cox. Cox, one of the leading scholars of the Critical Theory in the field of International Relations, has argued that there was an interaction between the organisation of production, the forms of state, and the world orders. I analyse the form of state that the International Community aimed at establishing in BiH in relation to the transnationalisation of the world order.

The transnationalisation of the world order can be examined at the economic, political and ideological level. The neo-liberal economic globalisation in the form of an internationalized market economy dominates at the economic level. At the political level, the concentration of power in the hands of transnational elite is observed. The ideological level is marked by new ideology

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Steering Board members are Canada, France, Germany, Italy, Japan, Russia, United Kingdom, United States, the Presidency of the European Union, the European Commission, and the Organisation of the Islamic Conference (OIC), which is represented by Turkey.The Steering Board provides the High Representative with political guidance. In Sarajevo, the High Representative chairs weekly meetings of the Ambassadors to BiH of the Steering Board members. In addition, the Steering Board meets at the level of political directors every three months."

of limited sovereignty.[8] BiH provides a crystal clear example of the establishment of limited sovereignty by the International Community through international organisations.

Within this framework of transnational relations, 'International Community' is defined in this thesis as a community of (state or non-state) actors within the framework of the hegemony of the transnational elite. This hegemony is formed by a complex web of actors and institutional structure, both globally and locally. This can be seen in the Bosnian example, as will be elaborated in second chapter.

The second chapter discusses the character and role of the International Community. This chapter provides the empirical evidence in order to substantiate the theoretical framework that is presented in the first chapter. It focuses on the formation, operation and evolution of the International Community in BiH. The interviews that were made during the field research will be extensively used in this chapter. In this manner, it constitutes a bridge between the theoretical framework and the analysis of the issues in the field. Regarding the formation of the International Community, the *problematique* of heterogeneity is discussed.

The operation and evolution of the International Community are analysed with regard to the aim and priorities, the problems that occurred particularly related to the work of the international organisations and the institutional reformation of the International Community. Moreover, the relations of the International Community with the local actors are exposed. Finally, the perception and critics concerning the level of success of the International Community will be presented.

The third chapter analyses the Dayton Agreement and its implementation in depth. As mentioned above, this agreement has been the basic text, setting the rules of the involvement of the International Community in BiH. The chapter starts with a brief overview of the state-formation in the Balkans in order to understand the relation of the world order to the nationalist state-formation and to the recent serial of conflict in the region. Then the Dayton Agreement and its implementation are examined in order to grasp the form of state that the International Community envisages within the transnationalisation of the world

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[8] Takis Fotopoulos, "New World Order and NATO's War against Yugoslavia", <u>New Political Science</u> 1, (2002), 73.

order. The analysis of the implementation focuses on the military peacekeeping, the Defence Reform, the return of refugees and internally displaced persons, war criminals, and the economy. These issues are included in the scope of the analysis due to the emphasis brought on them by both the Bosnian and the international interviewees in the course of the field research. The analysis of these issues aims at showing how the limited sovereignty has been established by the International Community in BiH.

The fourth chapter analyses the internationally led democratisation process in Bosnia-Herzegovina. After a brief theoretical overview on the international role in the democratisation, it focuses on the OHR because this is the main institution of the International Community in BiH. The main obstacle in front of the International Community's aims in BiH has been the nationalist political parties. Therefore, the democratisation of BiH by the International Community has aimed at the eradication of these nationalist parties. The strategy of the International Community in the democratisation of BiH has focused mainly on the elections, thus, the politics and elections in BiH are to be analysed in depth in this chapter.

The International Community has been mostly unsuccessful in these efforts of changing the power through elections. Consequently, it has established a controlled democracy in BiH through the OHR. It has essentially and effectively controlled the democratic development in BiH in order to prevent the destabilisation of the country, and hence the region, because of nationalist conflict. The interventionism of the International Community through the OHR will be widely discussed in this chapter.

Finally, a conclusion is to finalise this thesis. It is concluded that the aim of the International Community has been the integration of BiH into the transnationalised world order by the establishment of a limited sovereignty and maintenance of a minimum stability. The limited sovereignty of BiH can be observed in the text of the Dayton Agreement and the implementation of this Agreement accentuated the limits to Bosnian sovereignty. As a result of the failure of the International Community to destroy the power of the nationalist political parties, a form of controlled democracy has been established. This signified that BiH has been effectively an international protectorate in which the

three constituent nations were politically monopolised by their respective nationalist political parties.

CHAPTER 2

THEORETICAL FRAMEWORK:

THE TRANSNATIONALISATION OF THE WORLD ORDER

and THE INTERNATIONAL COMMUNITY

Voyez-vous, je divise les hommes en trois catégories: Ceux qui ont beaucoup d'argent,
ceux qui n'en ont point du tout et ceux qui en ont un peu.
Les premiers veulent garder ce qu'ils ont: leur intérêt, c'est de maintenir l'ordre;
Les seconds veulent prendre ce qu'ils n'ont pas: leur intérêt c'est de détruire l'ordre
actuel et d'en établir un autre qui leur soit profitable. Les uns et les autres sont des
réalistes, des gens avec qui on peut s'entendre. Les troisièmes veulent renverser l'ordre
social pour prendre ce qu'ils n'ont pas, tout en le conservant pour qu'on ne leur prenne
pas ce qu'ils ont. Alors, ils conservent en fait ce qu'ils détruisent en idée, ou bien ils
détruisent en fait ce qu'ils font semblant de conserver.
Ce sont eux les idéalistes[9]

2.1.Introduction

Robert Keohane, the ambivalent neo-liberal, stated that "Contemporary world politics is a matter of wealth and poverty, life and death" [10]. In a similar manner, Craig Murphy, the critical, provided an excellent phrase to define the world politics as "struggle over wealth, power and knowledge". [11] It should be fruitful to keep this understanding in mind in the analysis of the research question of this thesis. This is to say, this theoretical framework is not solely for the satisfaction of the scholars and students, but rather, it is directly related to the very life and prosperity of human beings.

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[9] Jean-Paul Sartre, Le Diable et le Bon Dieu, (Paris: Gallimard, 1951), 72-3. It reads: Do you see, I divide the humans into three categories: Those who have a lot of money, those who don't have at all, and those who have some. The first group wants to keep what they have: their interest is to maintain the order. The second group wants to take what they don't have: their interest is to destroy the existing order and to found a new one to serve their interest. These are the realists, the ones with whom it is easier to communicate. The third group wants to overthrow the existing order for taking what they don't have while maintaining it in order to prevent the seizure of what they have. Therefore, they keep in fact what they destroy in principle, or they destroy in fact what they seem to maintain. These are the Idealists.

[10] Robert Keohane, "International Institutions: Two Approaches", in International Theory Critical Investigations, ed. James Der Derian (New York: New York University Press, 1995), 279.

[11] Craig Murphy, "Global Governance: Poorly done and poorly understood", International Affairs 4, (2000): 799.

The aim in this chapter is to clarify the theoretical framework of this thesis, including the understanding of the concept "International Community". As announced in the introduction of this thesis, the analysis will be done within the framework of the Critical Theory as represented mainly by Robert Cox. Cox, as one of the leading scholars of the Critical Theory in the field of International Relations, argued that there was an interaction between the organisation of production, the forms of state, and the world orders.[12]

It is argued in this thesis that the International Community that is conducting the democratisation in BiH has been formed within the context of the transnationalisation of the world order. In this sense, it can be observed that there is a correspondence between the form of state that the International Community has attempted to establish in BiH and the transnationalisation of production and world order. International Community is defined as a community of (state or non-state) actors within the framework of the hegemony of the transnational elite. This hegemony is formed by a complex web of actors and institutional structure, both globally and locally. For instance, one can site IMF, various UN bodies and European Commission as the concrete organisations to observe the transnational elite.

This definition is to be substantiated in this chapter with particular regard to BiH. In other words, the emphasis here is rather on the local reflection of this general picture and ad hoc institutional architecture in BiH than the elaboration of the universal production and reproduction of the International Community. It could or could not be (re)produced elsewhere, yet the focus here is the example of BiH. Following the general theoretical framework, the formation and operation of the International Community will be elucidated in and by the example of BiH.

Within this framework, first, the transnationalisation of the world order is to be analysed following a very brief review of the theoretical journey of IR in order to discern elements of the world order. The aim here is not to elaborate on both concepts of world order and transnational relations; rather, I will try to elucidate how the International Community is formed and has operated in order to understand its role in the democratisation in BiH. It seems important to

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[12] Robert W. Cox, "Social Forces, States and World Orders, Beyond international relations theory", in International Relations: Critical Concepts in Political Science, ed. Andrew Linklater, (London: Routledge, 2000) (London: Routledge, 2000), 1548. originally published in Millenium 2, (1981): 126-55.

understand the transnationalisation of the world order in order to analyse the role of the International Community on the grounds that the latter has been formed and has operated within the contours of the world order and reflected the agenda of the transnationalisation. Second, the international organisations will be examined since their activities in BiH are central within the framework of the International Community. This is particularly important on the grounds that the international organisations are the main instruments of the transnational elite. The argument will be elaborated following the analysis of Robert Cox[13]. Fourth, the concept of "failed state" will be discussed as BiH was also considered as such within the framework of international intervention. Finally, the culmination of the presentation and discussion will be done in the efforts of crystallisation of what I understand from and how I use the term "International Community", which is enriched by the field research that was done in BiH in 2006.

2.2. Transnationalisation of the World Order
2.2.1. Overview of the theories of International Relations

It seems best to begin with the observation that it is even hard to say that there is a consensus on the term "world order". For example, Friedrich Kratochwil and John Gerard Ruggie prefer the term 'international organization' and argued that "international organization has always concerned itself with the same phenomenon: in the words of a text that was written in 1931, it is an attempt to describe and explain "how the modern society of Nations governs itself".[14] George Modelski attempted to explain it with the concept of world system by putting emphasis on the military history.[15] Immanuel Wallerstein developed this approach of world system from a perspective rather based on economy, as will be explained more.

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[13] Robert Cox, "Gramsci, Hegemony and international relations: an essay in method", in ed. Robert Cox and Timothy Sinclair, Approaches to World Order, (Cambridge: Cambridge University Press, 1996), 137.

[14] Friedrich Kratochwil and John Gerard Ruggie, "International Organization: A State of the Art on an Art of the State", International Organization, 4, (Autumn 1986): 754. The reference is to Edmund C. Mower, International Government, (Boston: Heath, 1931).

[15] George Modelski, "Long Cycles of World Leadership", International Relations: Critical Concepts in Political Science, ed. Andrew Linklater, (London: Routledge, 2000).

There is not a definition of the term world order that struck the attention of an ordinary reader either. However, some points can be discerned through the advocates and critics of the NWO of Bush the senior. Ruggie defines a multilateral order on the basis of, firstly, requirements such as the application of the rules of conduct commonly to all countries, as opposed to discrimination based on situational exigencies or particularistic preferences; secondly, as the equal protection under a framework of a collective security; and thirdly, as the commitment to national self-determination and universal human rights.[16] In the same manner, Anne-Marie Slaughter argued that the NWO of Bush senior required a central rule-making authority, a hierarchy of institutions, and universal membership.[17] In these comments, there is a tacit expectance that order means, or at least implies, stability. In a clearer example, Freedman interpreted NWO as an effort to prioritise stability and hence described it as "doomed to continual disappointment". [18]

It should be made clear that the World Order, as it is used here, does not signify, imply, express or assert at all an order in the sense of a well-organisation. It is understood, however, to be the simple disposition of actors, processes, events to develop or act in a certain way. In other words, the existence of a World Order does not necessarily mean stability. It is useful to remember Cox's clarification that he does not use the term world order "in a normative sense but in the sense of the way things usually happen" [19].

In an earlier article, Hedley Bull clarified that the problem of the world order was to make the state system work. He claimed that this entailed preserving the element of consensus among states about common interests, common rules and common institutions, which encouraged some scholars,

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[16] John Gerard Ruggie, "Third Try at World Order? America and Multilateralism after the Cold War", <u>Political Science Quarterly</u>, 4, (1994): 560-1.

[17] Anne-Marie Slaughter, "The Real New World Order", <u>Foreign Affairs </u>5, 183.

[18] L. Freedman, "Order and Disorder In The New World″, Foreign Affairs 1, (1991/1992): 21-37.

[19] Robert W. Cox, "Production, the State and Change in World Order", in <u>Global Changes and Theoretical Challenges,</u> ed.James Rosenau, Ernst-Otto Czempiel, (Massachusetts/Toronto: Lexington Books, 1989), 39.

including himself, that states form an international society.[20] In this sense, the emphasis seems on the production of a consensus around which the state system would work, rather than an undefined order or stability. In other words, it seems more useful to understand the world order in terms of common interest, rules and institutions and their operation than in terms of stability whose elements remain undefined.

Barry Buzan and Richard Little drew attention also to the difficulty to give a definition. They argued with deliberate reference to historical sociology that there exist four interactions: political, military, economic, cultural. Accordingly, these interactions can be observed in the political/military balance of power, the process of diplomacy, organisation of trade, production and finance, networks of transportation and communication, all on a global scale.[21] Although it can be said that there is nothing new in this argumentation, an insightful culmination seems to be done.

Following this initial search of an understanding of world order, a brief overview of the theoretical journey of the IR seems productive in order to grasp the world order and transnationalisation. It should be noted that the scope of this chapter is poorly insufficient to analyse all arguments, the following will be an overview in order to discern insights for understanding the world order and the International Community that is formed within.

It is generally accepted in the IR literature that the formation of the discipline, at least in modern times, began with the so called Idealist-Realist debate. Although it is doubtful whether it is still an issue, it seems important to begin with this debate because of its relevance to the discussion of International Community.

The idealist school emerged after the First World War and had been influenced deeply by the human atrocities in the war. The basic aim of the Idealists was to prevent war. In this sense, as E.H. Carr argued later, this aim of preventing war determined the initial direction of the study of international

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[20] Hedley Bull, "Arms Control and World Order", <u>International Security</u>, 1, (summer 1976): 9.

[21] Barry Buzan and Richard Little, "Historical Sociology and International Relations", <u>International Relations: Critical Concepts in Political Science</u>, ed. Andrew Linklater, (London: Routledge, 2000).

politics.[22] This very question can still be considered valid in world politics although it seems often underemphasised. Regarding the Bosnian case in this thesis, it is important within the framework of a war that was not prevented. In this manner, many local or international officials, academics, ordinary persons in BiH underline ceaselessly the salience of the failure of the International Community to stop the war.

Idealists assumed that war was the consequence of misunderstandings between the political elites of countries. Therefore, war can be eradicated with an understanding of collective security, namely a collective action against the aggressor state in order to preserve world peace and order. Moreover, increasing participation of the citizens in the decision-making processes of their countries will limit the political elite's appetite for war.[23] The scope of this chapter is too limited to discuss the validity of Idealist suggestions -suffice it to note that the eruption of the Second World War marked the end of the Idealist mood, and gave way to the dominant school in IR, namely Realism. However, it should be noted that the principles of the NWO of George Bush, the senior, are consonant with Idealist opinions and hence, the latter seem to be used within the framework of the presentation of his understanding of world order. Considering the research question of this thesis, it can be observed that the claim that the participation of citizens is salient in the prevention of war is pretty widespread, and indeed partly provides an intellectual buttress to democratisation efforts, as will be substantiated in the fourth chapter.

The first suggestion of the Realist school was that the aim of the theory must be to understand international politics[24], basically as a response to the Idealist efforts to change it. Classical Realism, as contemplated and presented by Morgenthau, has often been perceived as the core of the principles to understand international politics.

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[22] Edward Hallet Carr, "The beginnings of a Science" International Relations: Critical Concepts in Political Science, ed. Andrew Linklater, (London: Routledge, 2000), 252-3, from The Twenty Years' Crisis, 1919-39: An Introduction to the Study of International Relations, 2nd edn., (London: Macmillan &Co Ltd. 1961), 1-10.

[23] Andreas Osiander, "Rereading Early Twentieth Century IR Theory, Idealism revisited", International Relations: Critical Concepts in Political Science, ed. Andrew Linklater, (London: Routledge, 2000), vol.1, 242. Originally published in International Studies Quarterly 42 (1998): 409-432.

[24] Carr, "The Beginnings of a Science", 254.

Morgenthau claimed that there were universal laws and the aim of theory is to understand these within the context of international politics through reason. He outlined the basic principles of what he called political realism. Accordingly, interest defined in terms of power is the main dynamic of international politics. The concept of interest is fixed while the kind of interest can change. In this sense, although he emphasised national interest, he noted that the connection between interest and nation-state is not eternal, and "bound to disappear in time".[25]

The basic principles of classical Realism emerged out of Morgenthau's work and dominated the IR discipline. Among these were, most importantly, the suggestions that the state is the main actor in international politics (sometimes – at least implicitly- stated as the only actor); that the main aim of the state is its survival because the international arena is anarchical, hence states can trust only in themselves, thus the self-help understanding is prevailing; that there is a mistrust between states, further strengthening the self-help mentality; that states define their interests in terms of their power and attempts to maximise both their power and interest; finally, political relations are salient.[26] These points are very important within the discussion on the International Community on the grounds that many people reject the use of the term because of this Realist understanding. In other words, some points of discussion of the Idealist-Realist debate have been reiterated in the discussions on the International Community. The main line of discussion in the Idealist-Realist debate is reflected in the discussions of the International Community between those who see it as a moral collectivity, closer to Idealist understanding and those who see it as a form of some political function, closer to the Realist understanding. This will be elaborated in the corresponding section in this chapter.

The development of Realist school continued with the contribution made by the introduction of the concept of structure. Kenneth Waltz has been the main advocate of the argument. While keeping the basic realist principles mentioned above, he inserted them into the concept of structure.

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[25] Hans Morgenthau, Politics Among Nations, 5th edn., (New York: Alfred A. Knopf, 1973), 5.

[26] Ibid., 5-15.

Waltz believed that only "a sort of system theory" could help us to understand international politics. He claimed that the structure is more than the interactions of units and different from their characteristics. He outlined three important features of the structure. The first is the ordering principle that is anarchy. Structure is marked by anarchy, which constraints state actions and as long as anarchy endures, "states remain like units". Second is the characteristic of the units. As in accordance with the earlier Realists, basic units are states, their main aim is to survive in the anarchical structure, and the self-help principle is crucial. Third is the distribution of capabilities within the structure.[27] This final point can be useful to understand the role of the US in the International Community within the discussion of hegemony/leadership.

The Realist school was challenged initially by the liberals. Liberals, represented by scholars such as Robert Keohane and Joseph Nye introduced new concepts such as the transnational relations, complex interdependence and international regimes. They claimed that state is not the only actor and transnational relations can alter state behaviour. They defined the complex interdependence as "a situation among a number of countries in which multiple channels of contact connect societies", thus states do not monopolise these contacts. They argued that complex interdependence has three main characteristics. First, the goals of the state are not arranged in stable hierarchies, they are subject to trade-offs. Second, the existence of multiple channels of contact among societies expands the range of policy instruments and hence limits the ability of governments to control. Third, the military force is largely irrelevant.[28] They believed that international regimes reduced the uncertainty that increases states' mistrust against the others and prohibit certain state actions. Within this framework, they argued that international politics is not always about competition and rivalry but also cooperation. States can learn to cooperate, the process of learning is important.[29] Kratochwil and Ruggie argued that the history of modern international relations theory is marked by the

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[27] Kenneth Waltz, <u>Theory Of International Politics</u>, (Readings Mass: Addison-Wesley Pub.-Co, 1979)

[28] Robert Keohane and Joseph Nye, "Transnational Relations and World Politics: An Introduction", <u>International Organization</u>, 3, (1971): 332.

[29] Robert Keohane and Joseph Nye, <u>Power and Interdependence: World Politics in Transition</u>, (Boston: Little, Brown and Company (Inc.), 1977), 24-25.

conflict/cooperation dichotomy. Realists and Marxists have been mostly prioritising the conflict whereas liberals the cooperation. [30]

In this way, the IR literature was introduced to the concept of transnational relations by the liberal critique against the dominant paradigm of (Political) Realism, as noted above. In this manner, Robert Keohane and Joseph Nye were the advocates of the concept of transnational relations with an emphasis on liberal understanding based on the cooperation.

Keohane and Nye argued that the "states are by no means the only actors in world politics". They defined the transnational relations by an actor based analysis: "Transnational interactions are the movement of tangible and intangible items across state boundaries when at least one actor is not an agent of a government or an intergovernmental organisation." They outlined four major types of (transnational) interactions: communication, transportation, finance, travel. Within this framework, they argue that an actor's position is classifiable in three categories: governmental, intergovernmental, and nongovernmental. [31]

Keohane and Nye claimed that transnational relations increased sensitivity of societies and thus altered relations between governments and presented five observations within this framework: First, transnational interactions may promote attitude changes with possible consequences for state policies. Second, transnational interactions promote international pluralism by the linkage of the national interest groups in transnational structures. Third, transnational interactions create dependence and interdependence. It should be noted that they admit that transnational relations help the powerful states that are at the centre of transnational networks yet this does not seem to preclude their tendency to perceive the transnational relations positively, at least in an implicit way. Fourth, governments attempted to manipulate transnational interactions for political purposes. Finally, transnational organisations have emerged as autonomous or quasi-autonomous actors in world politics.[32]

It appears that the term transnationalism is preferred because international relations were defined simply as interstate relations with a heavy

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[30] Friedrich Kratochwil and John Gerard Ruggie, "International Organization: A State of the Art on an Art of the State", International Organization 4, (Autumn 1986): 762.

[31] Keohane and Nye, "Transnational Relations", 332.

[32] Ibid.

emphasis on political/military-security matters by the dominant (Political) Realist paradigm. As Susan Strange clarified; the study of International politics has been dominated by the "analytical and normative problems of the security system". [33] Therefore, once there is a redefinition of actors and processes, we speak of transnationalism. In other words, transnationalism refers truly to trans-state more than trans-nation. This seems to result inevitably in the fact that the boundary between the terms international (meaning other than interstate relations) and transnational is bound to be occasionally blurred. This is why the term international hegemony will be used in this thesis in order to define the hegemony within the framework of the transnationalisation of the world order.

It should be noted that the liberals have a rather positive attitude towards transnational relations. It can be observed indeed in the analysis of the Joseph Nye about the New World Order of George Bush, the senior. Nye argued that it seemed similar to Wilson's fourteen points or Roosevelt's four freedoms.[34] Nye made a distinction between the Realists and Liberals. Accordingly, realists in the tradition of Nixon and Kissinger regard international politics as the balance of power of sovereign states and envision world order in the stable distribution of power among the major states. Liberals in the tradition of Woodrow Wilson and Jimmy Carter consider also the relations of peoples as well as states and see order arising from broad values like democracy and human rights, international law and institutions. For Nye the new world order means that liberal capitalism is without alternative, national boundaries are more permeable, and nationalism and transnationalism are to be contending forces in the new world politics. In this manner, he argued that transnational relations including economic interdependence made the liberal conception of world order more relevant.[35]

To note the Realist reply briefly, in contrast to the liberals, Kissinger argued the importance of the balance of power in the world order, and analyzed

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[33] Susan Strange, "The Study of Transnational Relations, International Affairs", (Royal Institute of International Affairs) 3, (Jul.1976): 338.

[34] It should be noted that Ruggie has also pretended that the NWO of George Bush is resonant with world order agendas of Wilson and Roosevelt and that this signifies that at the end of each global conflict, American administrations "have sought to act upon a vision premised on essentially similar ideas", John Gerard Ruggie, "Third Try at World Order? America and Multilateralism after the Cold War", Political Science Quarterly, 4, (1994): 555.

[35] Joseph Nye, "What New World Order", Foreign Affairs, 2, (Spring 1992): 85.

four different international systems such as the Europe, the Asia, the Africa and the Middle East in this respect. As a matter of fact, he also believes in free market capitalism and its spread with the globalization process, and supports the American leadership within this process.[36] Kissinger observed that the nation-state is in the process of reconstitution in two contradictory ways: either breaking down into ethnic components or by dissolving itself into larger regional groupings.[37] Therefore, although they differ in terms of conception of power and the importance of the state and of the values and institutions, both Realists and Liberals observed the transnationalisation of the world order with rather a positive stance.

2.2.2. Critical approach of World Order and Transnational Relations

It is necessary to outline the world system approach of Immanuel Wallerstein in order to grasp better the transnational relations beyond the debate of Liberals and Realists. Wallerstein argued that the modern world is marked by the capitalist world-economy which "expanded to cover the entire earth (and thereby eliminating mini-systems and world-empires), and brought about a technological and ecological 'explosion' in the use of natural resources".[38] In this sense, the world system is governed by "a singular logic and set of rules within and through which persons and groups struggle with each other in pursuit of their interests and in accordance with their values". The guiding principle in this capitalist world system is the ceaseless accumulation of capital. Furthermore, capitalism and the modern state system are no two separate historical inventions according to Wallerstein; "neither is imaginable without the other". [39] In this sense, one can observe similarity with Cox's argument on the interaction between the production and the form of state.

The operation of this capitalist world economy has carried out two basic dichotomies: First, the dichotomy of the class, "bourgeois versus proletarian",

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[36] Henry Kissinger, Diplomacy, (New York: Simon &Schuster, Inc., 1994), 39, 43.

[37] Ibid., 14.

[38] Immanuel Wallerstein, "A World System Perspective in Social Sciences", The British Journal of Sociology, Special Issue History and Sociology, (Sep.1976): 349.

[39] Immanuel Wallerstein, "World Sytem School", in International Relations: Critical Concepts in Political Science, ed. Andrew Linklater, (London: Routledge, 2000).

within the states, in which "control by ruling groups operated not only through lineage right (as in mini-systems) nor through weapons of force (as in world empires), but through the access to decisions about the nature and quantity of production of goods (via property rights, accumulated capital, control over technology, etc.)". Second is the dichotomy of "the spatial hierarchy of economic specialisation, core versus periphery", among the states. The latter is marked by¸ "an approbation of surplus from the producers of low wage (but high supervision), low-profit, low-capital intensive goods by the producers of high-wage (but low supervision), high-profit, high-capital intensive, so called 'unequal exchange'."[40] The capitalist system resolves its cyclical downturns by expansion: "outward spatially, and internally in terms of the 'freeing' of the market...via the steady proletarianisation of semi-proletarian labour and the steady commercialization of semi-market oriented land."[41] This final point is particularly important on the grounds that the Transition process in the Eastern Europe, including BiH, has signified the expansion of the capitalist system into the countries of former Communist Party rule.

He précised that the operation of the modern world system is based on the three international phenomena: First, "relatively stable inter-state system, hegemonic cycles being the motor", second, "highly profitable world production system, monopoly cycles being the motor", third, "the social cohesion of the sovereign states, especially of the core". This social cohesion is possible with the establishment of liberal states, "offering suffrage, welfare and national/racial superiority of its citizenry" according to Wallerstein. Finally, he concluded that "tying all together is a geoculture, founded on the illusion of universal development and the expectation of general prosperity and democratic equality on the horizon for everyone".[42] This presentation is also in accordance with the proposal of the critical theory on the analysis of the state/society complex within the framework of the correspondence between the world order, production and the type of state. This is important for this thesis on the grounds that the state type that the International Community has aimed at establishing in BiH has been within the framework of the transnationalisation of the "inter-state system" and

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[40] Ibid., 350-51.

[41] Ibid.

[42] Ibid.

"world production"; with the discourse on general prosperity and democratic equality to be shared by the citizens of BiH.

Moreover, Wallerstein, based on his understanding of world system, argued that the American world order that was established after "the long disorder of 1914-45" was over. Accordingly, the post war American World Order had four pillars: the reconstruction of major industrial powers; arrangement with the USSR that was the "other serious military power" and "ostensibly an ideological rival and potentially an expanding power"; "US internal unity built around the acceptance of US 'responsibility' in the world-system"; finally, "the slow political decolonisation of the Third World". [43] Therefore, he announced the opening of not only post American but also the post liberal era:

> …This promises to be a time of great world disorder, greater probably than the world disorder between 1914 and 1945, and far more significant in terms of maintaining the world-system as a viable structure … the collapse of Wilsonian liberalism has led to a collapse in the faith in the 'state' as the central locus of social change and progress. It has also meant the collapse of long term optimism, which has long been a key stabilising factor in the operation of the system. Polarized wealth without hope leads to generalized fear and the search for structures of security. These are being sought in identity politics, whose meaning is ambiguous but whose force is quite apparent. [44]

Furthermore, Wallerstein wrote, "It is in the Third World that events came to be most out of control, and right from the beginning."[45] Seldom could the framework of so called "ethnic conflicts" outside of the Western world be explained so illuminatingly. The conflict and war in BiH has taken place within this framework as well as the post Dayton role of the International Community, as will be substantiated in next chapters.

The critics of these convincing arguments should be noted briefly. For instance, Alexander Wendt, considered to be the main advocate of constructivism in IR, argued that "Neo-realism and world system theory is an inability to explain the properties and causal powers of their primary units of analysis" on the grounds that the "Neorealists reduce the structure to the properties and interactions of its constituent elements" and "world-system

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[43] Immanuel Wallerstein, "The World System after the Cold War", <u>Journal of Peace Research</u> 1, (Feb.1993): 1.

[44] <u>Ibid</u>.

[45] <u>Ibid</u>. 4, 9.

theorists reduce state to the reproduction requirements of the capitalist world system". Therefore, he elaborated the famous "agent-structure problem" and proposed the "structurationism" that gives agents and structures equal status. Accordingly, human beings and their organisations are purposeful actors whose actions reproduce and transform society. In this manner, "Social structures are the result of the intended and unintended consequences of human action, just as those actions presuppose or are mediated by an irreducible structural context."[46] This very argument can be interpreted as a contribution to the world system school rather than its refutation.

It seems productive to move to the critical theory in order to elucidate the transnationalisation of the world order within the framework of the world system that Wallerstein astutely analysed. As stated in the introduction of this chapter, the main approach is to be provided by the argument of Robert Cox on the correspondence between the production, the world order and the form of state.

Cox considered the production as a "universal human activity that conditions all other human activities".[47] He argued that production should be understood in the broadest sense. Therefore, does not solely concern physical goods. It also covers "the production and reproduction of knowledge and of the social relations, morals, and institutions that are prerequisites to the production of physical goods".[48] The accumulation of resources that sustain power and authority takes place through the production of institutions and relationships.[49] In this sense, production is both a social process and a power relationship. He substantiated this argument by attempting at demonstrating different modes of social relations of production in human historical record. For instance, in a self-regulating market without any institutional protection for labour, the relations

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[46] Alexander Wendt, "Agent-Structure Problem in International Relations", in International Relations: Critical Concepts in Political Science, ed. Andrew Linklater, (London: Routledge, 2000).

[47] Robert W. Cox, Production, Power and World Order, Social Forces in the Making of History, New York, Columbia University Press, 1987, 397.

[48] Robert W. Cox, "Production, the State and Change in World Order", in Global Changes and Theoretical Challenges, James Rosenau, Ernst-Otto Czempiel (ed.) (Massachusetts/Toronto: Lexington Books, 1989), 39.

[49] Cox, Production, Power and World Order, 397.

are defined by the market. Then a variety of institutionalised relationship can be observed: state corporatism, central planning etc. Each signifies a balance of power between the dominant and subordinate elements in the production process. Additionally, each is associated with technology, institutions, norms, and rationalities[50].

The form of the state varied accordingly. Cox regarded the state as important as it presides "over the accumulation process, whether capitalist or redistributive, and it is ultimately the state that determines the particular clustering of modes of social relations of production". [51] In this sense, states create the conditions for the dominance of particular modes of social relations. [52]

He defined the form of state mainly in terms of the apparatus of administration, regulation, coercion, and conformity. Additionally, the historic bloc or class configuration defines the effective content and limits of a particular form of state. He claimed that the form of state came into existence through a historical process of conflict and realignment of social groups. Furthermore, he noted that the state existed for certain necessary functions such as public order, organisation of cooperation among individuals for the production, and collective security of citizens. Consonant with his argument on (social relations of) production, he outlined different historical forms of state such as mercantilist, liberal, welfare-nationalist, neo-liberal, neo-mercantilist, state capitalist, redistributive or central planning. He elucidated the correspondence between the production and the form of state in the examples of the self-regulating market and liberal state, the tripartite corporatism and welfare-nationalist state, the state corporatism and fascist state, the central planning and Bolshevik state.[53]

Concerning the world order, Cox observed that

Complexes of production relations, classes, and historic blocs do not exist in isolated national comportments. They are linked to a world order that bears directly on them, as well as influencing them through their national states. There have been important qualitative and structural differences between successive world orders in the modern era. It is a misleading oversimplification

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[50] Ibid.

[51] Cox, "Production, the State and Change", 40.

[52] Cox, Production, Power and World Order, 399.

[53] Cox, "Production, the State and Change", 41.

to regard all interstate systems as essentially the same insofar as they all lack a supreme world authority. The qualitative differences between one structure of world orders touch the nature and incidence of wars, the manner of resolving disputes, and the creation and distribution of wealth and poverty. These differences between one structure of world order and its successor are shaped by the forms of state and of production, and stabilized structures of world order in turn provide a framework conducive to certain form of state and of production.[54]

He further claimed that the main distinction between the structures of world order is to what extent the order is hegemonic. For instance, the Pax Britannica of mid 19th century and the Pax Americana of the mid 20th century were both hegemonic. He defined the hegemony as something more than the dominance of a single world power. It is rather dominance where the dominant state established an order that was based ideologically on a broad measure of consent. This order functioned according to principles that secured the supremacy of the dominant state, states and social classes[55]. In this sense, hegemonic order transcends inter-state arrangement to the extent of becoming a social order via common norms and ways of thinking[56]. It should be an order in which most other states than the dominant one could perceive the convenience with their interests. This order is not founded solely on the regulation of the inter-state conflict; it is also a global mode of production that provides links among social classes of the countries within this order.[57] In this sense, it is reminiscent of what Hedley Bull labelled the international society.

His understanding of the international hegemony is certainly formed following Gramsci's concept. He quoted his statement that international relations logically follow from fundamental social relations. In this sense, he argued that Gramsci meant that basic changes in the world order, which can be

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[54] Cox, Production, Power and World Order, 7.

[55] Ibid.

[56] Cox, "Production, the State and Change", 42.

[57] Robert W.Cox, "Gramsci, Hegemony and International Relations An Essay in Method", in Approaches to World Order, ed. Robert Cox and Timothy Sinclair, (Cambridge: Cambridge University Press, 1996), 136. originally published in Millenium: Journal of International Studies, vol.12, no.2, 162-175.

observed within the framework of military-strategic and geopolitical balance, can be traced to fundamental changes in social relations[58].

In this sense, international hegemony is established by the outward expansion of the national hegemony of one dominant social class. This signifies the global dissemination of the economic and social institutions, the culture, and the technology associated with this national hegemony. Therefore, it can be described as a social, economic and political structure, yet it is all three. It is expressed in universal norms, institutions and mechanisms in order to clarify the general rules, which support the dominant mode of production, for the states and social forces[59].

Takis Fotopoulos substantiated the international hegemony that is being formed within the framework of the transnationalisation of the World Order. Fotopoulos outlined the World Order in three levels: First, economic level is signified by "present neo-liberal economic globalization in the form of an internationalized market economy securing the concentration of power in the hands of economic elites". Second, the political level is marked by "the concentration of power in the hands of transnational elite". Third, the ideological level is expressed by new transnational ideology of limited sovereignty. [60]

On the first level, the internationalisation of the market economy meant the reliance on the expansion of the world market rather than domestic market. He outlines six aspects of this new international economy. First, "liberalization of the labour market (making it "flexible" so that the cost of production is minimized)" led to the explosion of open unemployment and part-time/occasional employment. Second, "the liberalization of capital markets (through the lifting of exchange and capital movement controls) allowed huge amounts of money to move around in search of speculative gains", by "effectively undermining the ability of governments to follow macro-economic policies". Third, "the setting up of international rules by the WTO (aiming to make trade as free as possible), which drastically reduced the ability of national

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[58] Ibid.,133.

[59] Ibid.,137.

[60] Takis Fotopoulos, "New World Order and NATO's War against Yugoslavia", New Political Science 1, (2002): 73.

governments to protect labour and the environment"; fourth, "the privatization of state enterprises, which not only 'liberated' more sectors of economic activity from any effective social controls but also gave the transnational companies the opportunity to expand their activities into new areas". Fifth, "the drastic shrinking of the welfare state, which facilitated expansion of the private sector in social services"; and finally, "the redistribution of taxes in favour of high income groups, which led to further concentration of income and wealth".[61]

On the second level, the political aspect is marked by the emergence and development of the transnational elite, defined as "the elite which draws its power (economic, political or generally social power) by operating at the transnational level". According to Fotopoulos, this elite does not express solely the interests of a particular nation-state although the views of parts of the transnational elite belonging to the dominant states, especially of the US, as to ways of achieving common objectives of the transnational elite in general seems to prevail. According to Fotopoulos, the transnational elite consist of the transnational economic elite, transnational political elite and the transnational professional elite.

The transnational economic elite is composed of those who control the internationalized market economy, such as corporate directors, major shareholders, TNC executives so on and so forth. The transnational political elite control the political dimension of the New World Order, for instance the globalizing bureaucrats and politicians based either in major international organizations or in the state machines of the major market economies. The transnational professional elite control the scientific/ideological dimension of the NWO and is composed of important academics and researchers in the various international foundations, members of think tanks and research departments of major international universities, mass media executives so on and so forth. [62] The case of BiH is important in the concrete appearance of the transnational elite, as will be demonstrated in the following chapters. For instance, the personal past and experiences of the High Representatives clearly show their place in the transnational elite.

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[61] Ibid., 75-76.

[62] Ibid., 79.

On the third level, the ideological aspect is marked by the limited sovereignty and the ostensible discourse on human rights. He argued that transnational elite has waged wars to extend the transnationalised world order. For instance, in the war against Yugoslavia, the justification was provided by the discourse on the promotion of human rights while recently it turned out to be the war against terrorism. Furthermore, the protection of human rights is being bypassed during this war against terrorism. He drew two conclusions from this "new doctrine of limited sovereignty which is fast becoming the ideology of the NWO": First, this doctrine overrides the UN Charter based on the state sovereignty, second, "it will not be the sovereignty of the powerful states … which is going to suffer because of this new doctrine but only that of the weak nations". [63] This is clear in BiH with OHR, as will be elaborated in the third and fourth chapters.

In a similar way, Steven Vertovec argued while referring to Leslie Sklair that there has arisen a "transnational capitalist class" that includes the executives of transnational companies, globalizing state bureaucrats, politicians and professionals, and consumerist elites in merchandizing and the media and that this "…constitute a new power elite whose interests are global, rather than exclusively local or national, and who thereby control most of the world economy". [64]

Noam Chomsky, being the most popular and sloganeered defender of the critical approach, argued that the core industrial powers applied a new form of neo-colonialism, monopolizing control over the world economy. Therefore, his critical understanding about the world order is as simple as: "rich men of the rich societies are to rule the world, competing among themselves for a greater share of wealth and power … assisted by the rich men of the hungry nations … The others serve, and suffer" [65] In this respect, the "de facto world government" is formed by the IMF, World Bank, G-7, GATT, and "other structures designed to serve the interests of TNCs, banks and investment firms". Accordingly, these de

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[63] Ibid., 88.

[64] Steven Vertovec, "Conceiving and Researching Transnationalism", Ethnic & Racial Studies 2, (Mar99): 452, referred to Leslie Sklair, "Transnational Practices and the Analysis of the Global System", ESRC Transnational Communities Programme, Working Paper no.4.

[65] Noam Chomsky, World Orders, Old and New (London: Pluto Press, 1997), 5.

facto governing institutions are immune from the influence of the general public. In this sense, the decisions that affect the developing countries are taken by undemocratic, non-transparent, unaccountable organisations. Similarly, the transnational corporations are also totalitarian in their internal structure, unaccountable and absolutist.[66] What Chomsky called "de facto world government" is consonant with my understanding of the "International Community".

Similarly, Michel Chossoudovsky argued that there is a "common understanding, ideological consensus and commitment to New World Order" among the defence bodies of the western military alliance and civilian governmental and intergovernmental bureaucracies, including the IMF, World Bank and WTO. Therefore, "The Pentagon is an arm of Wall Street; NATO coordinates its military operations with the World Bank and the IMF's policy interventions, and vice versa."[67] Andre Gunder Frank interpreted the NWO of George Bush, the senior, in a similar way. He argued that the Gulf War demonstrated that the new order is based on the destruction of the weak by the powerful through military means, by "perverting" institutions such as the UN and converting defensive military institution NATO into "an offensive instrument against the Third World South". [68]

To sum up, Craig Murphy presents us a useful outline of the basic characteristics of the contemporary transnationalisation of the World Order:

> …neo-liberal ideology with all its world-wide significance, a growing network of both public and private regimes that extends to world's largest regions, the system of global Intergovernmental Organizations, some of which are relatively autonomous and powerful, and transnational organizations both carrying out the service functions of some global public agencies and also working to create regimes and new systems of international integration.[69]

As a matter of fact, the liberal scholars do not seem to disagree with the findings of the critical analysis. However, they use different concepts certainly with –at least implicit- approval. The liberal features of the world order have

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[66] Ibid., 179-180.

[67] Michel Chossudovsky, "America's War for Global Domination", http://globalresearch.ca/articles/CHO312A.html

[68] Andre Gunder Frank, "Third World War: A Political Economy of the Gulf War and the New World Order", Third World Quarterly 2, (1992): 280.

[69] Murphy, "Global Governance", 796.

been often emphasized by the liberal scholars with enthusiasm in their struggle against (political) Realists. For instance, Ruggie argued that "it is necessary to look at how power and legitimate social purpose become fused to project political authority into the international system" in the analysis of the content of international economic orders and of the regimes that serve them. Therefore, he claimed that there was an "embedded liberalism" in the post war order.[70] He later put the emphasis on multilateralism by arguing that the multilateralism has always been present in world history and now

> ...institutional arrangements of the multilateral form have adaptive and reproductive capacities which other institutional forms may lack and which, therefore, may help explain the roles that multilateral arrangements play in stabilizing the current international transformation. [71]

It is possible to interpret the "complex interdependence" of Keohane and Nye in the same way. The liberals, such as Keohane and Ruggie, admitted the dominance of the major members of the complex interdependence and multilateralism. Therefore, it can be argued that the liberal scholars are also arguing for the existence of an international hegemony without using the same label obviously. This is apparent at least in the analysis of the relations among the major actors of the international hegemony while they put the emphasis on the complex interdependence. Furthermore, the concepts of multilateralism and complex interdependence signified the operation of the hegemony with a certain level of consent, since they are both theoretically and empirically open to include minor members.

In addition to this rather process based account, one final point should be made for an actor based analysis. The overdominant place of the western actors in the international hegemony also created reactions essentially different than the critical scholars that are presented. Some Russian academics perceive the latest expansion of the world order based on the capitalist world economy as "in practice a very one-sided process that makes for the Western world's increased self-sufficiency and self-isolation"; a process in which "the West is seeking to link countries and continents in information networks and thus strengthen and expand

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[70] John Gerard Ruggie, "International Regimes, Transactions, and Change: Embedded Liberalism in the PostWar Economic Order", <u>International Organization</u> 2, (spring 1982): 383.

[71] Ruggie, John Gerard, "Multilateralism: the anatomy of an institution", <u>International Organization</u>, 3, (summer 1992): 567-68.

its own financial, economic and social capabilities on the planetary scale". They would interpret the contemporary world as

> In an utterly hyperbolized form the emerging state of affairs might be described in this way: never before have the Western societies found themselves in so ambiguous a position; never before have the liberal values been flouted so vigorously by the governments of the liberal democracies themselves.[72]

Therefore, they would like to propose the creation of "several political power centres that could produce adequate answers to old and new challenges in open, public political competition"[73]. In a more comprehensive effort, Markov argued:

> The global economy shaping this cosmopolitan multicultural system of values naturally requires the creation of a political system to control it. We live in a period when this political system is being formed. In fact, the issue is the formation of a world government. What is taking shape in real life is a network-type structure of controlling world processes, which includes the NATO Political Council, the IMF [International Monetary Fund], and the "Big Seven" or "Big Eight." This structure forming the world political system gives rise to a great number of new problems. The first problem is state sovereignty. Another problem is connected with ensuring the legitimacy of a new kind of international violence. It is necessary to create a new political decision-making mechanism that could make such actions legitimate. There is also need for a new kind of international justice. A third problem is the clash of values. The last problem is leadership. [74]

His argument sounds as an effort to enlarge the scope of the international hegemony both in terms of its membership and its ideas. In other words, what he proposes seems as a more accurate reflection of the political-military balance of power in the international hegemony, and a more efficient reference to concepts such as values and justice. This raises the issue of leadership.

Within this framework, it is worth noting the issue of American leadership since it is important within the discussion on the International Community as well as the level of American involvement in BiH. For instance, the reflection of this discussion of leadership was the level of American contribution to the peacekeeping force in BiH, as will be analysed in the next chapter. The scope of

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[72] Vladislav Inozemtsev, Yekaterina Kuznetsova, "The Problem of Transformation of the World Order in the 21st Century", Social Sciences, 3, 17.

[73] Vladislavlev, A.P., in "The New World Order, What Should It Be Like?, A Roundtable Discussion", Russian Social Science Review, 3, (May–June 2003): 39.

[74] S.A. Markov, in "The New World Order, What Should It Be Like?, A Roundtable Discussion", Russian Social Science Review, 3, (May–June 2003): 37-38.

this chapter is limited and hence the big discussion of the leadership can not be handled properly here. It is best to present a brief note on a theoretical level, which is a roundtable discussion in which the opinions of the scholars of the world system school and critical theory are presented.

Christopher Chase-Dunn tends to see the leadership as an elegant way of saying hegemony and as an ideology that legitimates domination and exploitation. Peter Taylor observed that the hegemonic states are directly implicated in the tasks of managing the world order and that the hegemonic state "accrues a remarkable cultural power to define modernity", and that like in Dutch mercantilist and British industrialist case, the world has moved to the American corporatist model of "combination of production with consumption". [75] These opinions are important on the grounds that the American leadership has taken place within the framework of the international hegemony.

In this manner, Henk Overbeek argues for an "alternative conceptualisation of transnational hegemony in which transnational civil society results in the constitution of global domestic politics" and precise that "within the core of the capitalist system a division of labour regarding military tasks and financial tasks, both performed in support of a transnational hegemonic order, is conceivable". [76]

It can be argued that the issue of American leadership/hegemony is one of the most important discussions about the World Order because of the dominance of the actor based approach. It is better to see American leadership in the world not as "a world order engineered by US" as the common perception is, but rather in a world order in which the US has also always taken part, yet has become the main responsible of its smooth operation since the end of Second World War. In this sense, USA is part of the international hegemony, the American firms and individuals are highly present in the transnational capital and the transnational elite respectively, in many instances it can be the leader; yet it does not engineer all, it is just an important part. In other words, the international hegemony should not be mistakenly defined as an American hegemony. All in all,

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[75] "The Forum: Hegemony and Social Change", Mershon International Studies Review, 2, (Oct.1994): 361-76.

[76] Ibid.

the American dominance, not without exceptions, in the international hegemony is not the same as American dominance per se.

Within this respect, the self-understanding of the USA in the world should be noted. Wallerstein argued that "its [US] self-definition has always been in fact in terms of the world" and that the "US believed in itself and in its goodness and sought to serve the world and lead the world as it thought just and wise"[77] Similarly, Ruggie argued that the US has been a world power throughout the twentieth century and acted to maintain the world order.[78] It seems that the liberals and criticals agree on this analysis.

This is not accepted by the whole world obviously. Some Russian scholars argue that "The United States is part of the new world order but not its subject. One of the principal problems here is that America does not yet have its place."[79] Furthermore, "Today the United States is claiming the role of leader, but it is behaving very selfishly. Europe, meanwhile, avoids taking the lead and follows U.S. policy".[80] According to them, this causes a problem because for instance "The U.S. withdrawal from the ABM Treaty signifies, in a sense, the end of international law as it developed during the "cold war."[81] Therefore, the problems "cannot be solved through discussion at the UN or at any other international forum. Its solution consists in creating several political power centres that could produce adequate answers to old and new challenges in open, public political competition".[82] Therefore, it should be noted that the international hegemony does not signify an end to interstate balance of power concerns.

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[77] Immanuel Wallerstein, "America and the World", <u>Theory and Society</u> 1, (1992): 3.

[78] Ruggie, "Third Try", 555.

[79] G.O. Pavlovskii, "The New World Order, What Should It Be Like?, A Roundtable Discussion", <u>Russian Social Science Review</u> 3, (May–June 2003): 28.

[80] Markov, "The New World Order", 38.

[81] Pavlovskii, "The New World Order", 28.

[82] Vladislavlev et.al., ″The Problem of Transformation", 39.

2.2.3. Conclusion

It should be clarified that my aim in this section is not to discuss the concepts of structure or system and their relation to the world order. It may seem that I am mixing up problematic concepts such as system and structure; yet, what has been discussed in terms of structure or system is certainly helpful in the endeavour to understand the International Community within the framework of the transnationalisation of the World Order.

Transnationalism, as presented by Keohane and Nye, can be a critique of the security-centred, state-centred (political) Realist paradigm as well as being the argument of the dominant neo-liberal ideology. In other words, the neo-liberal ideology, which is dominant in the transnationalisation process, is not equally dominant in the IR literature. Therefore, Keohane and Nye's critique on Realism should not obscure the critiques of the critical scholars, nor should it orient readers to associate them with the political realists of the IR literature. Transnationalism is not a debate solely between the (neo)liberals and (Political) Realists.

It seems possible to conclude that the criticals and liberals agree on the basic elements of the world order. This is to say, the international hegemony, as defined by the critical scholars, is reflected in the complex interdependence approach of Keohane and Nye. In the same manner, Keohane and Nye have insisted for three decades on the transnationalisation of the world order and substantiated this very process. It can be assumed that the actions of the International Community are guided by (neo)liberalism, and essentially consist of the dissemination and operation of the transnationalised world order. This, indeed, constitutes the essence of the conflict with the nationalists.

It is observed that the major challenge faced by the International Community is the reaction of the nationalists, as Nye pointed out in his analysis. This can be observed in many parts of the world and particularly clearly in Bosnia-Herzegovina. The International Community has ad hoc organisations, such as the Peace Implementation Council (PIC)[83] and its Steering Board, and the

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[83] According to the official website: "Following the successful negotiation of the Dayton Peace Agreement in November 1995, a Peace Implementation Conference was held in London on December 8-9, 1995, to mobilise international support for the Agreement. The meeting resulted in the establishment of the Peace Implementation Council (PIC)...The PIC comprises 55 countries and agencies that support the peace process in many different ways - by assisting it financially, providing troops for SFOR, or directly running operations

Office of High Representative (OHR) in the case of Bosnia-Herzegovina. In this sense, it has been highly organized and thus its intervention has been notably institutionalized. The Office of the High Representative is the main institution for the application of the Dayton Agreement as well as of the decisions of the PIC. The High Representative himself is an appointee of the PIC and he (it has always been a man) in theory is accountable to the latter.[84] In this sense, it can be asserted that the OHR is the concrete (institutional) representation of the International Community. Therefore, the conflict between the International Community and the nationalists is clear in the struggle between the OHR and the nationalist political parties of the three constituent peoples of this country. It seems best to move to the discussion on the international organizations in order to elucidate the framework in which the conflict of the international community with the nationalists will be analysed.

2.3. International Organisations and Failed States
2.3.1. International Organisations

The international organisations assumed important roles in the post Cold War era. The place of the international organisations in the World Order is an important debate within the IR literature. The well-known (political) realist school tended to see the international organisations from a state-centric perspective by putting the emphasis on the instrumentality of these organisations while the liberals wanted to emphasize their importance as the concrete body of international cooperation. It can be argued that this has constituted the main line of discussion in the IR field. The discussion is actor-based, that is to say, the role and character of the international organisations in the World Order have been often defined and discussed by taking the state as a reference point.

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in Bosnia-Herzegovina. There is also a fluctuating number of observers... The London Peace Implementation Conference also established the Steering Board of the PIC to work under the chairmanship of the High Representative as the executive arm of the PIC. The Steering Board members are Canada, France, Germany, Italy, Japan, Russia, United Kingdom, United States, the Presidency of the European Union, the European Commission, and the Organisation of the Islamic Conference (OIC), which is represented by Turkey. The Steering Board provides the High Representative with political guidance. In Sarajevo, the High Representative chairs weekly meetings of the Ambassadors to BiH of the Steering Board members. In addition, the Steering Board meets at the level of political directors every three months." www.ohr.int/pic. last accession 29 March 2007.

[84] Ibid.

The observation of the Critical Theory is to be preferred in this thesis. Accordingly, the international organisations are the main bodies for the expression of the universal norms of the international hegemony. They embody the rules that facilitate the expansion of the international hegemony, they legitimate the norms of the world order ideologically, they recruit the elites of from peripheral countries and finally, they absorb counter-hegemonic ideas.[85]

The actor-based understanding is not limited to the debate of Realists and Liberals. For instance, the legal standpoint, rooted in Grotius, advocated for the enforcement of law by the international society of states. Furthermore, this standpoint suggested the need for the international control of states' actions in order to prevent war. [86] Therefore, if one principal aspect of the discussions on the international organisations is the state-centrism, the other, inseparable from the first, is the very question of how to prevent war.

This idea of preventing war was highly dominant after the First World War, as noted above in the discussion of the Idealist school. Functionalism as represented by David Mitrany emerged in this mood of the interwar years. Its fundamental feature is signified by the motto "form follows function" and it argued for the gradual shift of the power of the states to functional organisations. Moreover, this is not to create a new and larger state, because accordingly, the territoriality ends with the mentality of "form follows functions".[87] In this sense, necessary functions would be fulfilled by the international organisations instead of nation-states. It is argued that functionalism has contributed to International Relations in many aspects; first, it analysed the national and transnational contexts for the rise of international organisations. Secondly, it drew attention to organisational growth with time. Third, it helped to provide more points of focus than just the military ones. [88] As a critic, it is claimed that Mitrany underestimated "the extent to which nation-

[85] Cox, Production, Power and World Order, 138.

[86] Clive Archer, International Organizations, (London: Routledge, 1992), 76.

[87] David Mitrany, A Working Peace System, (Chicago: Quadrangle Book, 1966), quoted in Chris Brown, Understanding International Relations, (London: Macmillan Pres Limited, 1997), 130.

[88] Chadwick F. Alger, "Functionalism and integration as approaches to international organization", The Concept of International Organization, ed. Georges Abi-Saab, (Paris: Réunis de Chamberly, UNESCO, 1981), 125.

state had become the guarantor of welfare", and that "…the expectation of the public would not allow the state to devolve its responsibility for welfare to any international body". [89]

The Second World War overshadowed the functionalist approach and the post war settlement gave way to its reformulation. Neo-functionalism, represented by Ernest Haas, has focused rather on regional integration, especially the European integration. It has included the fundamental functionalist feature of shifting loyalty to a new centre, and added the concept of spill-over, which roughly means that the cooperation in one area can lead to another.[90] This approach's close links with the European integration process has encouraged the view that it is a theory of supranational integration rather than of international organisations and their place in broader world politics[91]. It is also criticised of promoting state-like forms of organisation beyond nation-state[92]. The argument implies that neo-functionalism cannot put forward a genuine alternative to nation-state. However, its emphasis on a process of cooperation and/or integration, whether implicit or explicit, can be interpreted as a relieving contribution to efforts of breaking the limits of state-centrism.

The attempts to theorize the international organisations continued with the liberal challenge to the increasingly dominant (political) realist paradigm. It was the complex interdependence approach of Keohane and Nye, as mentioned in the previous section. The salient point of this liberal approach to international relations is the emphasis on economic relations and international free trade because of their main assumption that the economic relations are not as conflictual as political relations. In this manner, the increase in economic and trade relations will create mutual benefits, which translate to interdependence of the states. States considering their (mutual) benefit in this interdependent

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[89] Robert W. Cox, "On Thinking About Future World Order" , World Politics, 2, (Jan.1976): 188.

[90] Archer, International Organizations, 98-100.

[91] John Gerard Ruggie, Constructing the World Polity Essays on International Institutionalization, (London and New York: Routledge, 1998), 46. Archer, International Organizations, 100.

[92] Ibid.,46.

relationship will not opt for unbeneficial aggression and war.[93] It can be argued that the international organisations gain prominence in complex interdependence as the regulators of these interdependent relations.

This argument can be exemplified by the role of the IMF on the grounds that this organisation has a tradition of management of the complex interdependence and that its post Cold War actions signified the dissemination of the transnationalised world order into the Eastern Europe. To summarise its path, the IMF was established to be the remedy for the short term balance of payment crisis of its members. It later moved to the lending for structural adjustment, which aimed at providing sustained economic growth, particularly in the developing world. This was policy-based and included the so-called conditionality; the lending entailed the implementation of policies suggested by the international financial organisations. [94]

The transition in Eastern Europe was a sort of new ground for IMF in the dissemination of the transnationalised world order. The transition policies that were proposed by the IMF have been called as "shock therapy" regarding the intensity and speed of the reforms. These policies included the tenets of what is also known as the Washington consensus: open international trade, currency convertibility, the private sector as the engine of economic growth, openness to foreign investment and so on. [95] As discussed in the previous section, these policies constituted the essence of the transnationalisation of the world order.

It is argued that the developed economies, often western countries, of the world do not borrow from the IMF and hence they do not consider its policy advice; thus its original role, that is helping member countries' balance of payment problems with short-term loans, is no longer valid.[96] Therefore, the major members of the complex interdependence are not influenced while the

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[93] Scott Burchill, "Liberal Internationalism" in Theories of International Relations, ed. Scott Burchill, Andrew Linklater, et.al., (New York: 1996, St.Martin's Press), 36.

[94] Jannik Lindbaek, Guy Pfeffermann, Neil Gregory, "The Role of International Financial Institutions in the 21st Century", paper submitted to the European Investment Bank, June 1998, http://www.ifc.org/economics/speeches/june98/june98.htm , 5-7.

[95] Jeffrey Sachs, "Consolidating Capitalism", Foreign Policy 98, (spring 1995), 50-64.

[96] Zany Minton Beddoes, "Why the IMF Needs Reform", Foreign Affairs 3, 124.

others' sovereignty is limited by the IMF conditionality. Therefore, the sovereignty of some countries is limited.

The IMF's relations with the Eastern European Countries revealed also its place within the international hegemony. It is argued that these relations have been the example of its politicisation; on the grounds that the IMF is using weak conditions regarding the Eastern European countries. Accordingly, this gives the priority that the West has given to Eastern Europe.[97] Moreover, it is also said that the USA wanted the IMF assume this role.[98] This is a big discussion well beyond the scope of this paper; this brief note on IMF is presented here to buttress the argument that the international organisations gain prominence in the complex interdependence as the regulators of these interdependent relations.

Although the complex interdependence approach lost its credibility when the international political climate of the world began to be dominated by the so called second Cold War, the end of the Cold War presented new opportunities for this approach within the context of the transnationalisation of the world order. For instance, the NWO of the George Bush, the senior, has been interpreted as the revival of liberal principles in the World Order.[99] In this sense, liberal institutionalism is a new formulation of the liberal approach.

Liberal Institutionalism accepted that the states were the principal actors in world politics, that they behaved on the basis of self-interest, and that the (global) distribution of power is important, which is an offer of compromise to the (political) Realists. However, it also argued that international institutions can be important in changing conceptions of self-interest; they indeed constrain

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[97] Ibid., 129.

[98] Erwin R. Tiongson, "Poland and IMF Conditionality Programs: 1990-1995", East European Quarterly 1 (Mar97): 58. The argument deserves importance considering the vast discussion about the level of American influence in IMF for American economic interests, especially regarding IMF's role in the Asian crisis; for more about the discussion, Cisar, Ondrej, "Ideational Structure in Flux: Uncertain Future for the IMF", Central European Review of International Affairs", (Summer 2001): 8.

[99] It should be noted that Ruggie has also pretended that the NWO of George Bush is consonant with world order agendas of Wilson and Roosevelt and that this signifies that at the end of each global conflict, American administrations "have sought to act upon a vision premised on essentially similar ideas", John Gerard Ruggie, "Third Try at World Order? America and Multilateralism after the Cold War", Political Science Quarterly, 4, (1994), 555.

states and provide them the opportunity to cooperate without harming each other. [100] Moreover, it is claimed that the institutions did not merely reflect the preferences and powers of the units, such as states, yet shape those preferences and power.[101] In a similar attempt, Ruggie argued that the international organisations do not necessarily, or absolutely, signify the transcendence of the state[102]; and thus, the relevant question may be when and how states choose to organise activities internationally[103].

Therefore, the post Cold War IR theory has won one of the crucial debates, between the neo-liberal institutionalists and neo-realists. John Mearsheimer, as the neo-realist participant of the debate, defined it as about whether institutions can have an independent effect on state behaviour. [104] In this sense, he argued that Realists think that the institutions reflect the distribution of power; based on the self-interested calculations of great powers and that institutions have no independent effect on state behaviour and cannot provide stability. [105] Moreover, Mearsheimer claimed that "Institutionalist theory does not accurately describe the world" [106] and that institutions can not provide peace as can be observed in Bosnia, Rwanda, Caucasia. [107] In this sense, he implied that the Balance of Power can provide peace with deterrence.

The replies have been presented by Ruggie and Keohane, as one would certainly presume. In an earlier article, Ruggie had pretended that the norms and institutions appear to be playing a significant role in the management of a

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[100] Robert Keohane, "Institutional Theory and the Realist Challenge After the Cold War", in Neorealism and Neo-liberalism: The Contemporary Debate, ed. David Baldwin (New York: Columbia University Press, 1993), 271-273.

[101] Robert Keohane, International Institutions: Two Approaches, in James Der Derian (ed.), International Theory: Critical Investigations, (USA: New York University Press), 1995.

[102] Ruggie, Constructing the World Polity, 59.

[103] Ibid., 48.

[104] John Mearsheimer, "A Realist Reply", International Security 1, (summer 1995): 83.

[105] John Mearsheimer, "False Promise of International Institutions" International Security 3, 7.

[106] Ibid.,48.

[107] Mearsheimer, "A Realist Reply", 91.

broad array of regional and global changes in the world system of today. [108] Furthermore, he precised that Realists proved to be wrong about the peaceful change since the end of cold war was not marked by a major war.[109] He argued that if the US had acted on the anti-institutionalist grounds as Mearsheimer suggested, the international security would be facing with more challenges. He described the Realism of Mearsheimer as "potentially dangerous" for the post Cold War world.[110] In a similar way, Keohane and Martin argued that:

> Far from demonstrating the irrelevance of international institutions, Mearsheimer's characterization of conflict in world politics makes institutions appear essential if states are to have any hope of sustained cooperation, and of reaping its benefits. This necessity for institutions does not mean that they are always valuable, much less that they operate without respect to power and interests, constitute a panacea for violent conflict, or always reduce the likelihood of war. Claiming too much for international institutions would indeed be a "false promise". But in a world politics constrained by state power and divergent interests, and unlikely to experience effective hierarchical governance, international institutions operating on the basis of reciprocity will be components of any lasting peace.[111]

A theoretical approach based on the analysis of the international organisations following Weber's ideas on bureaucracy provided a worth-noting insight. In this manner, this approach argued that the international organisations are bureaucracies that can have their distinct agenda and that can exercise power autonomously. For instance their autonomous actions include the definition of common international tasks (for example the efforts for "development"), the creation of new categories of actors (such as "refugees"), the formation of new interests for actors (for instance "promoting human rights"). International organisations can do these actions by their power, which derives from their so-called rational-legal authority. Bureaucracies are generally regarded as "rational" because they are related to rules that structure social relations. Considering the fact that the legitimacy of the modern authority lies in legality, the legal bases of the international organisations give them their power.

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[108] John Gerard Ruggie, "Multilateralism: the anatomy of an institution", <u>International Organization</u>, 3, (summer 1992): 567-68.

[109] <u>Ibid.</u>, 561.

[110] John Gerard Ruggie, "False Premise of Realism", <u>International Security</u> 1, (summer 1995): 62, 70.

[111] Robert O. Keohane, Lisa Martin, "The Promise of Institutionalist Theory", <u>International Security</u> 1, (summer 1995): 51.

Therefore, they take their power by presenting themselves as impersonal, technocratic and neutral. Additionally, they have control over technical information and expertise, which create another source of their power. In this way, they classify the world, fix meanings, articulate and diffuse norms and principles. As a consequence of all these, international organisations become purposive actors.[112] It can be seen again that the approach is actor-based; however, it has provided useful insights about the role of the international organisations.

The debate about the role of the international organisations has not been limited to the western world as such, nor solely to the theoretical sphere. The emergence of so-called communist states such as Soviet Union and China and the rise of the so-called Third World after the decolonisation period have contributed significantly The scope of this chapter is limited to review these contributions however it seems important to present some analyses. It can be helpful to understand how the hegemonic role of the international organisations has been perceived by those who presented a sort of consent.

Yash Tandon identified three standpoints. First is the group that uses the international organisations to put pressure on the transnational elite in order to extract concessions. Second are those who do not consider international organisations seriously and prefer direct relations with the transnational elite. Third are those who regard the international organisations as tools of the dominant classes and hence they do not present any significance.[113]

In a similar way, the dependency school has argued that the international organisations were established on liberal lines, and used for the exploitation of the periphery. Clive Archer argued, partly in contrast to Tandon, that although the Third World countries perceived the international organisations as the as exploitative institutions, they advocated for the transformation of these organisations into agencies for their liberation.[114]

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[112] Barnett, Michael N., and Finnemore, Martha, "The Politics, Power, and Pathologies of International-Organizations", International Organization, 4, (1999): 699-726.

[113] Tandon, Yash, "The interpretation of international institutions from a Third World Perspective", in International Organisations: A conceptual Approach, ed. P.Taylor and A.J.R. Groom (London: Frances Pinter, 1978).

[114] Archer, International Organizations, 121.

The debate on the role of the international organisations was intensified because of the significant responsibilities they assumed in the "failed states" in the post Cold War era. The next section presents the discussions on failed states and sovereignty. International interventions violate the sovereignty of "failed states" as a matter of course.

2.3.2. Failed States

The concept of "failed state", endowed kindly by Madeleine Albright, gained importance in the post cold war era, especially within the discussions of the international peace and security. Albright used the concept during her speech as the US Ambassador to UN on 15 March 1996 in the context of the UN operation in Somalia (UNOSOM). After defining Somalia as a failed state, she clarified the concept as "total collapse of State institutions and the disappearance of central authority".[115] It is needless to mention that this already important concept became even more important after the 9/11. If one aspect of the failed state *problematique* is the international peace and security, the other is the debate on the very concept of sovereignty. For instance, Susan Woodward argued that this phenomenon of failed states has challenged the famous Westphalia state system based on sovereignty and non-interference.[116]

The main aspect of the "failure" of a state is the eruption of a so called ethnic conflict, the importance of which is cried out by Boutros Boutros Ghali, the former secretary general of the UN:

> … ethnic conflict poses as great a danger to common world security as did the cold war. The character of the challenge and the time-frame involved are not the same-but the threat to security is no less real. No country today, and particularly multiethnic countries, can afford to ignore ethnic conflict. Borders and oceans can no longer insulate people at home from the consequences of such violence abroad… Just as biological disease spreads through a body, and as an epidemic spreads geographically, so also a political disease can spread through the world. When one state is endangered by ethnic conflict, others will be endangered as well.[117]

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[115] UN Security Council, 3641st meeting, S/PV.3641, http://daccessdds.un.org, 9.

[116] Susan Woodward, "Failed States-Warlordism and "Tribal" Warfare", Naval War College Review 2, (Spring 1999): 55-69.

[117] Butros Butros-Ghali, quoted in Adam Roberts, "Communal Conflict as a challenge to International Organisation", in International Perspectives on the Yugoslav Conflict, ed. Danchev, Alex, and Halverson, Thomas, (London: MacMillan Press Ltd., 1992): 182.

It is fruitful at this point to review what is understood by the concept of the failed state. The National Security Council of USA defined it as follows: "Failed states are countries in which the central government does not exert effective control over, nor is it able to deliver vital services to, significant parts of its own territory due to conflict, ineffective governance, or state collapse".[118]

The definitions in the literature are consonant: Jean-Germain Gros identified the failed state with the inability or unwillingness of public authorities to govern society, or with lack of central authority, despite international recognition.[119] Similarly, Susan Woodward claimed that failed states "represent a collapse of sovereign capacity" [120] Gerald Helman and Steven Ratner defined the failed state as "utterly incapable of sustaining itself as a member of the International Community".[121] Robert Dorff argued that the basic characteristic of the failed state is the inability to perform the basic functions of governance, and the loss of legitimacy and that it was not a new phenomenon but is rather part of "the larger historical problem of "weak states". [122] In a similar fashion, Peter Wallensteen defined the failed state in terms of "the demise of the practical operation of governmental functions for a particular territory of an internationally recognized state". [123]

What is common in all definitions is that the so called failed state loses its ability to govern in the territory that is under its jurisdiction as a result of the international recognition. Furthermore, it is implied or explicitly stated that

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[118] Susan rice, "New National Security Strategy: Focus on Failed States", Brookings Institution Policy Brief 116., www.brook.edu

[119] Jean Germain Gros, "Towards a Taxonomy of *Failed States* in the New World Order: Decaying Somalia, Liberia, Rwanda, And Haiti", Third World Quarterly 3, (Sep96): 456.

[120] Susan Woodward, "Failed States-Warlordism and "Tribal" Warfare", Naval War College Review 2, (Spring 1999): 55.

[121] Gerald B. Helman, Steven R. Ratner, "Saving Failed States", Foreign Policy 89, (Winter 1993):3.

[122] Robert Dorff, "Responding to the Failed State: What to do and What to Expect", paper presented in the Failed States Conference, Purdue University, West Lafayette, 7-10 April 1999.

[123] Peter Wallensteen, "State Failure, Ethnocracy and Democracy: New Conceptions of Governance", (paper presented at "Failed States and International Security: Causes, Prospects, and Consequences", Purdue University, West Lafayette, February 25-27, 1998).

international recognition remains the only sign that makes the state in question a state, rather than its ability to govern its citizens and the legitimacy that it obtains for this governance. It should be noted that all these definitions rely on the Weberian definition of the state in terms of the state's monopoly of the legitimate use of force and does not comprehensively discuss the role and functions of the state, especially from critical perspectives. The Marxist-critical views are to be presented in this review soon within the context of the causes of the failed states in order to provide this dimension.

It is productive now to look at the causes of the failed states and the suggestions on possible solutions. Jean-Germain Gros said that the causes of the failed states could be the inadequacy of the domestic institutions yet they also showed the failure of the post-World War II international regimes and organisations.[124] He does not necessarily see the latter as the cause; all in all he drew attention to their inability to deal with the failed state. He suggested the revision of the IMF and World Bank policies and UN practices. Gerald Helman and Steven Ratner argued that the phenomenon of "failed state" stemmed from the "vast proliferation of nation-states" starting with the decolonisation period. He claimed that the self-determination was given more attention than long-term survivability. As a solution to this problem of "failed state", he proposed various levels of UN trusteeship, these levels depending on the cases[125]. Dorff derived three causes from three different cases: in Yugoslavia the failure is caused by "the conscious decisions by the political elites to seek territorial gain through the use of force" as well as "eroding legitimacy and institutional failure"; in Somalia, "ungovernability" is the main cause; in Haiti, the institutions and the people were "simply exhausted".[126] Although he presented these as separate causes, all three are domestic. Dorff argued that "the path out of state failure must be paved with economic development and economic stability" and the solution is the restoration of the basic functions of the government and its perceived legitimacy.

On the critical side, Hugo Radice argued that the cause is clearly the new shapes of the international capitalism and imperialism: the increase in the role of

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[124] Gros, "Towards a Taxonomy", 470.

[125] Helman and Ratner, "Saving Failed States",3.

[126] Dorff, "Responding to the Failed State".

the state in post-second world war period ended with the rise of neo-liberalism and that:

> states are designed for failure because imperialism's period of apparent retreat was marked by an extended role of the state…having given capitalists carte blanche to reconstruct the state, that is to say, to pick opportunities from its carcass without limit, and to replace all ideals of public service with those of market efficiency, they are increasingly revealed as the real architects of the ubiquitous failures of the state.

Radice underlined the redefinition of the state according to capitalist interest as the main reason of the "failure" of the state. In this sense, he implied that the operation of the world economy within a transnationalised world order and the transnational elite's actions within this framework provoked the "failure" of states. He claimed that a renewed theory of imperialism, derived from the experience of the bourgeois concept of "failed states", can provide a critique of the political economy of the contemporary global capitalism.[127] In the same manner, Anthony P. D'Costa argued that the intensification of global economic interconnectedness has been a source of pressure on the state and that "it is evident that the onslaught on post-colonial states has a very strong external component". [128]

It can be argued that the Marxist criticism enriches the rather narrow focus on the domestic causes of the "failure". Considering the fact that the domestic dynamics have not taken place within a vacuum but are rather part of a broader framework, the analysis of the world order including the salient economic dimension seems necessary to understand the phenomena of "failed states". This raises the very question of whether a "failed state" is a cause or consequence within the framework of the transnationalisation of the world order. In other words, are they unexpected phenomena that threaten the ongoing operation of the World Order or are they the consequence of its very operation?

Some scholars advanced that "failed states" are the biggest problem in the operation of world order especially considering the rise of terrorist activities

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[127] Hugo Radice, "Globalization, State Failure, and Underdevelopment: Imperialism?", (paper presented in the conference "Global Constitution of Failed States: the Consequence of a New Imperialism"", University of Sussex, April 18th-20th 2001).

[128] Anthony D'Costa, "The Internalization of "Failed States" Transnationalization, State and Embourgeoisement", (paper presented at the conference "Global Constitution of Failed States: the Consequence of a New Imperialism"", University of Sussex, April 18th-20th 2001).

in the absence of an efficient domestic governmental authority. Accordingly, it is so important that the first goal of the world order is to be the strengthening of the government structures on the grounds of creating governments capable of opposing terrorist organizations.[129] In addition to this security aspect, Susan Woodward argued that "failed states" often become an impediment to the expansion of the transnationalised world order:

> ...The problem lies in the change of the environment: the ability of states to govern is much more important to the operation of a globalized order, but we imagine it matters less. Consequently, the danger to international stability is rising even as our interest is declining...The needs of nonstate actors, such as businesses and banks, as well as the affairs of state and the interests of citizens, depend upon the ability of states to give sovereign guarantees, provide conditions for trade and foreign investment, control borders, prevent proliferation, keep populations sufficiently satisfied to remain at home, and provide such protection of human rights and welfare that humanitarian crises or human rights violations do not provoke citizens in powerful states to demand intervention. [130]

The international interventions in the "failed states" emphasised the discussions about the state sovereignty. For instance, Samuel Makinda argued that the post cold war era has been actually marked by the very fact that the intra-state conflicts can be as dangerous as the inter-state conflicts and that this exacerbated the need for the reinterpretation of sovereignty.[131] The international organisations are often playing a role in this reinterpretation of sovereignty in recent years. Makinda argued that the international society has reinterpreted the concept of sovereignty over time and UN has become important in this reinterpretation process after the cold war. [132] Moreover, Makinda claimed that these UN actions signify the international opinion towards the reinterpretation of sovereignty.[133] However, Paul Taylor reminded that the UN

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[129] Ernst-Jörg Von Studnitz, in "The New World Order, What Should It Be Like?, A Roundtable Discussion", <u>Russian Social Science Review</u> 3, (May–June 2003): 36.

[130] Woodward, "Failed States", 55-69.

[131] Samuel M. Makinda, "Sovereignty and International Security: Challenges for the United Nations", <u>Global Governance</u> 2, (1996): 165.

[132] Samuel M. Makinda, "The United Nations and State sovereignty: Mechanisms for Managing International Security", <u>Australian Journal of Political Science</u> 1, (1998): 102.

[133] Makinda, "Sovereignty", 149.

cannot intervene into a sovereign state, unless there is a clear threat to international peace and security. [134]

Taylor argued that the sovereignty of states has turned out to be the "international license", signifying more and more the accountability to the International Community.[135] In this sense, the "failure" of a state provides the justification for an international intervention, for the temporary annulment of this very license. In other words, international recognition does not provide full sovereignty once and for all; any "failure" can justify international intervention. This results in a limited sovereignty for many countries,

This *problematique* of sovereignty is very important regarding the main question of this thesis, the role of the International Community in the democratisation in Bosnia and Herzegovina, particularly as embodied in the role of the Office of the High Representative (OHR). It will be discussed at length in the fourth chapter. Suffice it to note here that many crucial decisions in the post-Dayton BiH were imposed by the OHR that is an unelected and unaccountable ad hoc international organisation in BiH.

2.4. To understand the International Community

The term International Community is highly contested. It can be argued that the basic line of discussion within the Idealist-Realist debate is still valid concerning this term. There are those who see the International Community as a moral collectivity that exists as an ethical referent and those who see it as a superpower with its allies.[136] There were arguments to reduce the "International Community" into a doctrine, as the doctrine of British Prime Minister Tony Blair (that he mentioned firstly during Kosovo war in 1999) while noting that "to some a doctrine of International Community is a doctrine of international interference".[137]

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[134] Paul Taylor, "The United Nations in the 1990s: Proactive Cosmopolitanism and the Issue of Sovereignty", Political Studies 3, (1999): 538.

[135] Ibid., 564.

[136] Barry Buzan and Ana Gonzalez-Pelaez, "'International Community' after Iraq", International Affairs 1, (2005): 32-33.

[137] Paul Reynolds, "Blair's 'International Community' doctrine", BBC News Online, 6 March 2004, http://news.bbc.co.uk/2/hi/uk_news/politics/3539125.stm

As a matter of fact, the term has been in use before it was assigned as a doctrine of this noteworthy Labour Party leader. For example, the introduction of the so called Bonn powers that gave the authority of imposing laws and removing officials to the High Representative in BiH was interpreted by the BBC as an action of the "International Community", which signifies that the Peace Implementation Council is the International Community in the case of BiH.[138] An earlier example was provided even before, by the threat of the Lebanese Shiite by Ronald Reagan who on the release 40 American hostages by mentioning the phrase "participation in the International Community"[139]. Furthermore, Gorbachev stated in his famous speech that "the International Community is now more subject to profound change than at any time in its history", using the term with a more peaceful intention than the use of his American counterpart. [140]

It could be interesting to note the definition in the wikipedia, the famous "free encyclopaedia" since it is becoming the universal source of knowledge for many people.

The term "International Community" is a phrase that can refer to either:

- All the lands represented in United Nations.

- The people of the lands all over the world.

- Shared values and principles among actors within an international system.

Following this definition Wikipedia noted that the International Community was regulated by the international law created by the international treaties.

Wikipedia has also clarified the "usage of the expression":

It has been claimed that the superpower nations (now mainly the United States) use the term to describe organizations in which they play a predominant role, regardless of the opinion of other nations. For example, the Kosovo War was described as an action of the International Community even though it was undertaken by NATO, which represented under ten percent of

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[138] "International community to get tough over Bosnia", BBC News Online, December 10, 1997, http://news.bbc.co.uk/2/hi/38418.stm

[139] "U.S. Warns Shiites About Becoming Global 'Outcasts'", The New York Times, June 20, 1985.

[140] Gorbachev, Mikhail, "The International Community and Change, A Common European Home," speech delivered to the Council of Europe, Strasbourg, July 6, 1989, in Vital Speeches of the Day, 23, (September 15, 1989).

the world's population during the Kosovo War, this including Italy and Greece who were in opposition to the involvements.[141]

Wikipedia seems to provide a non-academic definition. However, the dissemination of the definition of International Community as "Shared values and principles among actors within an international system", with an honest note on the fact that the usage of the term can serve the benefits of the "superpower nations", by the most used internet source of this planet seems important. This tension between the "shared values and principles" and the dominance of certain actors can be transcended with the Critical Theory. The critical analysis of the role of the International Community in Bosnia-Herzegovina can contribute to understanding its formation in the world in general.

To review more academic definitions, one advocate preferred the Grotian understanding of the world as a single collectivity with a common interest while admitting that "whatever standing the community of human kind enjoys in practice and thus in reality nowadays usually depends on the willingness and ability of state leaders to recognise and respect human rights"; and concluded that the International Community is best represented by the United Nations in formal organizational terms. [142]

Barry Buzan and Ana Gonzalez-Pelaez classified various definitions made by many scholars in the following way: those who see the International Community as "some form of moral collectivity of humankind which exists as an ethical referent even if not organized in any way", and those who see it as "some kind of agent possessing the capacity for action". They note that the second term has been generally affiliated with the west, and that "the concept plays a key political function in generating legitimacy for those who act in its name." [143] It should be noted at this point that the usage of the term International Community in this thesis does not assert, signify or imply legitimacy to what has been done in BiH, as will be discussed extensively in next chapters.

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[141] http://en.wikipedia.org/wiki/International_community .

[142] Robert H. Jackson, "International community beyond the Cold War" in Gene M. Lyons and Michael Mastanduno (eds.), State Sovereignty and International Invention Beyond Westphalia?", Johns Hopkins University Pres, 1995, 60-2.

[143] Buzan and Gonzalez-Pelaez, "International Community", 32-33.

It is useful to present the definitions quoted in this article. Bryan Hehir regarded it primarily as a moral concept that, in turn, can shape institutions and inform policy choices.[144] In the same manner, Kofi Annan argued that it is a shared vision of a better world and the expression of this vision can be seen in international law, international institutions, selfless humanitarian acts of disaster relief and peacekeeping and social movements.[145] Arjun Appadurai observed that the International Community is "less a social fact and more a way to remind nation-states of the common humanity of their citizens and of the essential decencies that must guide relations between nations" although it gives the impression to most of the world that it is "less a community than a club for the world's wealthiest nations, notably those in North America and Europe"[146]. Andrew Gowars underlines the same fact and tends to see the International Community as "essentially, the United States and Europe".[147] Sadako Ogata defined it as a virtual community having a potential source of power to promote common cause or legitimate common action.[148] Ruth Wedgwood deemed the International Community as "a dangerous reference point for the naïve" since this concept can cause imprudent behaviour of expectance of the help of others.[149] Noam Chomsky interpreted it as a technical way of saying "the United States and some of its allies and clients".[150] In yet another attempt at definition, Ahmet Davutoğlu claimed that the term 'International Community' replaced the 'Free World' term of the Cold War and became "the intellectual vanguard and secular baptismal creed of the universal democratic crusade in the name of New World Order".[151]

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[144] J. Bryan Hehir, "The limits of loyalty", <u>Foreign Policy</u> 132, (2002): 38-9.

[145] Kofi Annan, "Problems out passports", <u>Foreign Policy</u> 132, (2002): 30

[146] Arjun Appadurai, "Broken promises", <u>Foreign Policy</u> 132, (2002): 42

[147] Andrew Gowers, "The power of two", <u>Foreign Policy</u> 132, (2002): 32-3.

[148] Sadako Ogata, "Guilty parties", <u>Foreign Policy</u> 132, (2002): 39-40.

[149] Ruth Wedgwood, "Gallant delusions", <u>Foreign Policy</u> 132, (2002): 44-6.

[150] Noam Chomsky, 'The crimes of "Intcom"', <u>Foreign Policy,</u> 132, 2002, 34-5.

[151] Ahmet Davutoğlu,, "The Clash Of Interests: An Explanation Of The World (Dis)Order" <u>Perceptions</u>, Journal Of International Affairs, 4, (December 1997-February 1998): 1.

I conceive the International Community as an ensemble formed within the hegemony of the transnational elite. In this sense, I do see the transnational elite as the leader of this community. The actions of the International Community are not taken solely by coercion; many other actors can give consent for whatever reason. [152] It should be noted, however, that by this, I do not mean the 'USA and its allies and clients'[153], but an ensemble more systemic than an alliance within a mere balance of power. The crystallisation of this systematic ensemble within the world order is made astutely by Takis Fotopoulos and Immanuel Wallerstein as presented earlier in this chapter.

To clarify, the level of consent is not to be seen as constant and comprehensive. The consent seems clear in the case of BiH. However, it seems less clear in the case of Kosovo, much less clear in Afghanistan and finally, non-existent in Iraq. That is to say, the consent in the Bosnian case can not be generalised to other cases. Therefore, the existence of a consent for the International Community is hardly observable in the totality of global politics. In this sense, it is hard to argue that a sort of intellectual and moral leadership of the International Community is accepted globally. Moreover, the historical conjoncture is also important in defining the status of consent in the inetrnational arena. Therefore, the usage of the International Community in this thesis refers only and only to the case of BiH after the Dayton Agreement of November 1995.

The international hegemony is not abstract nor is the transnational elite. The international hegemony is institutionalised in the IMF, the World Bank and the G8 in economic sense, NATO in the military sense and the UN Security Council in the political sense. However, it should be noted carefully that the Council reflects a combination of the transnational elite with the political/military balance of power as shown by the permanent memberships of Russia and China. The transnational elite consists of the executives of the

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[152] The reference to the gramscian concept of "consent" does not signify that this thesis is a strictly gramscian explanation. The aim here is to clarify the understanding of the hegemony in this thesis; the hegemony is established and maintained not only by the use of force but also by getting the approval of the other actors. This is particularly important in the Bosnian case where the institutions and policies of the International Community are clearly observable, as will be analysed more in the following chapters.

[153] Chomsky, "The crimes of "Intcom", 34.

transnational companies, of the state bureaucrats, of the NGO workers and executives, and of knowledge producers such as academics, journalists etc. who are all in organic relation with the transnational capital.

In this sense, it is suggested in this thesis to see the International Community as a mutable community formed within Immanuel Wallerstein's world system. This is to say, this community is formed within the capitalist world economy with the guiding principle of accumulation of capital. The three international phenomena that are necessary for the operation of the modern world system, the relatively stable inter-state system, the highly profitable world production system and social cohesion of the sovereign states (especially in the core) are equally important in the formation and operation of the International Community. The Bosnian example shows, as will be substantiated in the next chapters, that the International Community aims at relative stability in the country in order to preclude the probable threats to regional (Balkan) and continental (European) stability; at the integration of BiH to the world economy that is being transnationalised; and production of a social cohesion within BiH not to destroy the efforts of the International Community to keep a minimum stability in this country as well as within the countries that represent the International Community in BiH.

Moreover, the three categories of forces that Robert Cox defined, namely material, ideal, and institutional force seem useful to understand the nature of the International Community. The following will be an attempt to explain the representation of the International Community in the example of BiH within this framework. Firstly, the material capabilities that Cox defined as technological and organisational capabilities as well as stocks of equipment, including military, and wealth can be observed in the International Community in BiH in its military presence and financial aid. The military presence and financial aid will both be analysed in the following chapter. Suffice it to note here its size in order to give an idea about the capabilities of the International Community in BiH.

The military peacekeeping started with the deployment of 60,000 troops under the name Implementation Force (IFOR). Then its name changed to Stabilisation Force, SFOR, and the number of troops decreased gradually to 33,000 in 1999, 16,000 in 2002 and 7,000 in 2004[154]. The current military

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[154] SFOR Fact Sheet, http://www.nato.int/sfor/factsheet/restruct/t040121a.htm

peacekeeping force provided by the European Union, EUFOR, is composed of 6,300 troops. In addition to the EU member states, Albania, Canada, Chile, FYROM, Morocco, Norway, Switzerland, Turkey participate. The budget is 71.7 millions Euros[155].

Concerning the financial aspect, three examples of IMF, European Union and European Bank of Reconstruction and Development (EBRD) can be cited here. For instance, the European Union provided 2.5 billion Euros since 1991.[156] War time and immediate post-war financing of refugee programs and reconstruction turned to institutional reform in 2001. Additionally, the EBRD lent EUR 554.5 million as of 1 August 2006[157].

Secondly, the ideas are of two kinds according to Cox, the inter-subjective meanings and collective images of social order. The inter-subjective meanings are "shared notions of the nature of social relations which tend to perpetuate habits and expectation of behaviour". This can be observed in the document of the international organisations, including PIC. The collective images of social order are "differing views as to both the nature and the legitimacy of prevailing power relations, the meanings of justice and public good and so forth". Cox noted that collective images can be different and even contradictory. It can be argued that the collective image of the International Community is the integration of the BiH to the transnationalised world order. However, the nationalists have a different collective image, and this conflict between the International Community and nationalists marked the politics and democratisation in BiH.

In the framework of Cox, the institutions are tools to stabilise and perpetuate a particular order. They reflect the power relations and encourage the collective images consistent with these power relations. In the case of BiH, the International Community is signified in institutional terms by the Peace Implementation Council (PIC) and the Office of High Representative (OHR) as institutions, yet more by the observable conglomerate formed by the OHR; all

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[155]EUFOR Fact Sheet, http://www.euforbih.org/sheets/fsheets.htm

[156]http://ec.europa.eu/enlargement/bosnia_and_herzegovina/eu_bosnia_and_herzegovina_relations_en.htm

[157]http://ec.europa.eu/enlargement/bosnia_and_herzegovina/economical_profile_en.htm

other international organisations including OSCE and IMF; the EU represented – amongst others- by its presidency through the embassy of the country holding the rotating presidency, and by the Delegation of the European Commission; the embassy of the USA, inevitably; embassies of the Steering Board countries and a number of NGOs who are in fact in a sort of relationship with the embassies.

Considering this significant institutional presence, the International Community in BiH is fairly concrete. It can be said that the foreign/international role in BiH can be analysed more properly by an analysis of the International Community than by an analysis of its constituent parts. This does not mean to consider the International Community as an actor in the sense that is used in the IR literature. The discussions on the actorness in general is beyond the scope of this thesis. The claim of the actorness of the International Community in IR begs a more comprehensive work based on the studies of different cases. There is a general tendency to consider the International Community as a discourse[158]. However, in the case of BiH it appears more than a discourse, rather as a practice, because of the institutions and policies.

This practice can be observed in the work of the international organisations. For instance, whom does the OHR represent if it does not represent the International Community? If the OHR can be seen as an instrument of US alone, why has the ambassador of the US been reported many times to disagree openly with the High Representative? Moreover, if we observe a clear uneasiness, if not a conflict, between the OHR and the OSCE mission in BiH, how to understand this conflict with a state-centric approach? Who are the conflicting parties in the conflict between OHR and OSCE? This certainly signifies a conflict within the International Community; there have been important conflicts within the International Community. However, all considered, one can observe a clear policy formulated and followed, as will be shown in next chapters. Therefore, the analysis of the foreign/international role in BiH can be done in the most comprehensive and clear way by putting the framework on the International Community.

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[158] İlhan Uzgel, "Uluslararası Toplum", in Özgür Üniversite Kavram Sözlüğü, ed. Fikret Başkaya, (Ankara: Özgür Üniversite, 2006), 564.

2.5. Conclusions

This thesis aims at analysing the role of the International Community in the democratisation process in Bosnia-Herzegovina. The theoretical framework for this analysis is provided by Robert Cox's Critical Theory. According to this approach, there is an interaction between the organisation of production, the forms of state, and the world orders. This thesis argues that the form of the state that the International Community aims at establishing and developing is in accordance with the transnationalisation of production and world order. This chapter was aimed at clarifying this theoretical framework. The next chapter will elaborate the formation of the International Community in Bosnia-Herzegovina.

To define the world order in theoretical terms is beyond the aim and scope of this paper. A brief overview of the IR theory was given in order to present the difficulties surrounding its definition as well as the discovery of transnationalisation in this field. The current world order is marked by the transnationalisation. First, at the level of production, the transnationalisation of the market economy is shown by the increasing importance of the international market over the domestic market and by the increasing weight of the transnational corporations as actors. Second, the role of the state is being redefined, not only regarding its place within the formulation and implementation of economic policies, but also regarding its place within the broader international arena. This includes the redefinition of the concept and practice of sovereignty. Forms of limited and/or scrutinised sovereignty are emerging. The situation of BiH is a crystal clear example of this limited, controlled sovereignty, especially because of the role and actions of the Office of the High Representative (OHR), an *ad hoc* international organisation.

Third, the principles of this transnational world order are imposed on all countries in one way or another. This imposition is sometimes in the form of direct international intervention and consequent international rule, sometimes by various levels of penetration of international organisations and transnational corporations. This constitutes the concrete, policy-level aspect of the limited sovereignty. Fourth, the international organisations have a significant role in transnational processes, it does not matter whether they are used by the transnational elite, by the states or they reflect the forms of the international cooperation. They are the main bodies of the international role in countries of

limited sovereignty. The role of the IMF, World Bank and Council of Europe in the transition process in Eastern Europe constitutes a clear example. BiH is the most ideal example because the roles of the international organisations are institutionalised by its constitution.

Fifth, a process-based analysis overcomes the limits of the actor-based (mostly state-based) analysis. In this sense, The World Order can be interpreted more plausibly in terms of its basic process of transnationalisation rather than the policies of the most dominant actor, the USA. If any actor is to be defined as the operator of the world order, it is more convincing to regard the transnational elite as such. In this thesis, the concept "International Community" will essentially be used in this way. The International Community is formed, both by the consent of those who are not dominant in the international hegemony and by the coercion that the transnational elite use in pursuing its policies.

What make the International Community visible in BiH are the institutions and its policies. In the case of Bosnia-Herzegovina, the International Community has an *ad hoc* organisation as the Peace Implementation Council (PIC) and its Steering Board. The Office of the High Representative (OHR) is the main organisation, implementing the Dayton Agreement and the decisions of the PIC. The High Representative himself is an appointee of the PIC to which he is accountable. The policies decided on by the PIC are also implemented, but to a smaller extent, by other international organisations such as the OSCE.

Policies such as the defence reform, or the constitutional reform, analysed below in the third and fourth chapter respectively, are good examples of the workings of the International Community. All policy-making discussions have eventually resulted in policies. The tortuous formation of these policies, the contradictory views of the organisations involved, the duplications and coordination problems do not change the fact that an outcome will be arrived at and that this outcome is implemented. These policies show the existence of the International Community and its continuous formation and operation in BiH. The inner discussions, rivalries, and disagreements on the level of the decision-making loose their significance because of the real policies pursued by concrete institutions.

Moreover, the term 'International Community' provides terminological comfort and clear comprehensiveness. If the OHR can impose draft laws on the

parliament of BiH - legally a sovereign country - needing only US and EU backing and if this organisation and these countries (and several other NGO's, such as the OSCE) can be actively involved in the democratisation process in BiH, what would be the most accurate term to label the main actor in the democratisation of BiH? The term 'International Community' covers all, it is not a vague "everything and nothing at the same time", nor is it abstract.

Sixth, the main challenge the International Community faces is the reaction of the nationalists. This can be observed in many regions of the world but in the case of Bosnia-Herzegovina with particular clarity. The conflict with the nationalists is apparent in the struggle between the International Community, particularly the OHR and OSCE, and the nationalist political parties of the three constituent peoples of the country. This challenge was observed by the influential think-thank, the International Crisis Group (ICG), who said that the main conflict is between the "21st century game of international integration" and the "19th-century game of territorial aggrandisement".[159] The following chapters will clarify, analyse, and discuss this uneasy relationship between the International Community and nationalists.

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[159] "The Internationals and the Balkans: Time for Change?", Debate between Gerald Knaus and Nicholas Whyte, IWPR, Balkan Crisis Report, 505, (02-Jul-04), 9.

CHAPTER 3

THE INTERNATIONAL COMMUNITY IN BIH

Je gagnais ma vie en dialoguant avec les gens que je méprisais…Le sentiment du droit, la satisfaction d'avoir raison, la joie de s'estimer soi-même, cher monsieur, sont des ressorts puissants pour nous tenir debout ou nous faire avancer…combien de crimes commis simplement parce que leur auteur ne pouvait pas supporter d'être en faute![160]

Une victoire racontée en détail, on ne sait plus ce qui la distingue d'une défaite[161]

3.1. Introduction

Albert Camus described a man who was earning his life through the dialogue with the people whom he despised. He further claimed that the sense of law, the satisfaction of being right, the joy of self appraisal are strong drives for the well-being or the progress. Both the description and the claim seem as fruitful observations on the International Community. Previous chapter set the theoretical framework of this thesis, this chapter is to substantiate and discuss this framework. The basic framework derived from Wallerstein and Cox is to be substantiated by the analysis of the International Community in BiH. That is to say, the formation and operation of the International Community in BiH are to be examined.

Previous chapter concludes BiH is the crystal clear example of the establishment of limited sovereignty through international organisations because the roles of the international organisations are institutionalised in the constitution of this country. A significant presence of international organisations is incorporated into the institutions of the country by the Constitution agreed in the Dayton. For instance, OSCE is responsible for elections together with the Provisional Election Commission; the Constitutional Court of Bosnia-Herzegovina contains three members from the European Court of Human Rights; the governor

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[160] Albert Camus, La chute, (Paris: Gallimard, 1956), 22-23. It reads: I was earning my life through the dialogue with the people whom I despised...the sense of law, the satisfaction of being right, the joy of estimate oneself, dear mister, are strong drives for our well-being or for our progress...how many crimes were committed simply because their author could not bear being mistaken!

[161] Jean-Paul Sartre, Le Diable et le Bon Dieu, (Paris:Gallimard, 1951), 13. It reads: When a victory is told in detail, we do not know anymore what differentiates it from a defeat.

of the Central Bank is appointed by the IMF, eight out of 14 members of the Human Rights Chamber members are from the Committee of Ministers of Council of Europe. Above all these institutions, there is the Office of High Representative (OHR), which is stated explicitly as the "final authority in the theatre".[162] Therefore, the International Community's serious involvement in the domestic politics of BiH is institutionalised by the Constitution.

This involvement will be analysed in depth in the third and fourth chapters. In the third chapter, the text of the Dayton Agreement and its implementation concerning the military peacekeeping, the return of refugees and internally displaced persons, the war criminals, and the economy will be analysed with the focus on the role of the International Community. In the fourth chapter, the role of the International Community in the democratisation process in BiH will be examined. This chapter introduces the formation and functioning of the International Community in BiH. In this sense, it constitutes a bridge between the theoretical framework and the analysis of the issues in the field. First, the perception of the International Community in BiH will be presented. Second, the evolution of the International Community in BiH is to be analysed. Third, the local perceptions and discussions on the international role will be presented.

3.2. The International Community in BiH
3.2.1. To define the International Community in BiH

The main question must be why the International Community has been involved in BiH. The answer is clearer than anything else in this area of studies: the stability of the country is indispensable for the regional stability, which is again crucial to European stability. It is said by everybody, and it is as simple as that. Some countries can have additional smaller reasons of involvement, such as Norway whose interest stemmed from the refugees that it had to host during the war and the sympathy of the public opinion towards BiH, which emerged during the war.[163] Therefore, BiH is important for the stable inter-state system. Additionally, the understanding (collective image in Cox's terms) of the order of

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[162] General Framework Agreement for Peace, (GFAP), Annex 10, Civilian Implementation, Article V, Final Authority to Interpret,
http://www.ohr.int/dpa/default.asp?content_id=380 last accession 29 March 2007.

[163] Interview with an official in the Norwegian Embassy in Sarajevo, 16 May 2006.

the International Community is in direct relation with the stability of BiH, of the Balkans and of Europe.

Within this framework, the main point to be analysed to substantiate the use of the term International Community in this thesis is its heterogeneous character. The problem of division of labour within the International Community will be also analysed within the question of heterogeneity. This heterogeneity *problematique* should be conceived in relation to the three categories of forces of Cox. As a matter of fact, the notorious potential of disagreement between the EU and USA as well as within the EU is observed more than the opposition of the other states and organisations to these core powers. In other words, considering the central place of the EU and US in the international hegemony, the production of consent for the policies of the hegemony seems easier than the clarification of these by the core powers. This potential for disagreement translates itself in the debate as the question of the extent to which the International Community can be considered monolithic or homogenous. Second point is the very question of what kind of division of labour exists within the International Community, certainly if it ever exists, no matter as a result of deliberate and coherent decision-making or not. This is in order to grasp the operation of the hegemony in the field. Thirdly, the place of the OHR in the International Community and the relations of the embassies and other international organizations with the OHR will be studied within the context of the heterogeneous character of the International Community and of somehow a division of labour.

It is best to begin the analysis of the heterogeneity of the International Community with the sincere reaction of a young Bosnian academic: "It is hard to define the International Community, what's the International Community? The International Community is pretty amorphous, shapeless. The International Community is anyone who comes here with money and projects"[164]. In the same manner, a Bosnian NGO director argued that it is a misconception to see the International Community as a consistent body on the grounds that it is a truly wide spectrum. Moreover, there are conflicting interests within the International

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[164] Interview with Ešref Kenan, academic in Faculty of Political Science, University of Sarajevo, 23 march 2006.

Community, as well as a huge disorganisation and the lack of coordination[165]. Additionally, a Bosnian journalist stated that the BiH was an experiment for the International Community therefore its policies were not consistent[166]. It can be said that these words reflect the general mood in Bosnian society about the International Community. The opinions of foreign diplomats in BiH are more controversial than clear compared to the critical but clear local comments.

To the contrary of the Bosnian critics, the British officials claim that the International Community is much more monolithic than before, as signified by the clear consensus on the Stabilisation and Association (SAA) process of BiH within the European integration and that the PIC has helped a lot to provide the unity of the International Community on key issues. They think that the possible unity within the International Community was previously harmed by the different interests of some actors and their special relations with local peoples[167]. The last sentence can be read as a deliberately unsubstantiated confession about the war time and immediate post war period.

It seems indeed clear that the SAA process is the common point of all local and international actors. One high level EU official clarified that the priority was SAA. This means the implementation of crucial reforms such as the police reform, constitutional reform and economic reform to provide development and solutions to the tremendous unemployment, on BiH's way to European integration[168].

However, the differences on the methods to be used to make BiH progress within this process of SAA seems important. The British officials think that these differences of methods are interpreted as a good sign as long as there is a pro-active approach to reach consensus[169]. In contrast to diplomatically optimist British officials, the American official that I interviewed claimed that the International Community is not monolithic nor is the EU. The fact that the British

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[165] Interview with Dino Abazović, academic in Faculty of Political Science, University of Sarajevo, 8 June 2006.

[166] Interview with Senad Pečanin, editor in weekly Dani, 24 March 2006.

[167] Interview with the officials of the Embassy of the UK of Great Britain and Northern Ireland in Sarajevo, 17 May 2006.

[168] Interview with an EU official, 30 March 2006.

[169] Interview with the officials of the Embassy of the UK of Great Britain and Northern Ireland in Sarajevo, 17 May 2006.

officials interpreted the International Community as monolithic gave the impression that the core powers tend to see the International Community as monolithic because their views are the dominant ones. However, the contrary argument made by the most influential member of the International Community seems to refute this insight. It can be argued that the US does not see the International Community as monolithic because it cannot cooperate with the others in the way that it would like to. Furthermore, the controversies within the EU could also lead them to think in this way, since the American diplomat kept on repeating that the US has only one voice unlike the EU. However, he agrees that the common points are the SAA and fight against organised crime[170]. In this sense, it can be useful to look at what smaller yet influential actors think.

A French official does not agree with his American colleague on the view that the EU has not had one voice, probably to no one's surprise. He indeed stated that France does not have a specific position; instead, it expresses itself rather within and through the EU. Its message is the unity of the EU and the International Community. He stresses that the aim in the PIC is always consensus. There is a harmony of policy in the EU, it is decided on in Brussels, in the committee of the Balkans, and followed by all member states. He insisted that the rather chaotic image of the EU was not correct and that the EU speaks with one voice on many topics such as constitutional reform, police reform, war criminals, and the role of the OHR as well as the general principle of the territorial integrity of BiH. He even claimed that the ambassador of France first considers the words of the EU presidency before forming his own view.[171]

In a similar way, the Austrian diplomat stated that the role of Austria is defined more by its current EU presidency. He indeed clarified sincerely that Austria did not and would not have a significant political role otherwise; it has not been influential in the policy-making. However, he underlined that Austria has had a big economic and cultural role; for instance, it provided a tremendous amount of aid during the war. Concerning the harmony in the EU, he also pretended that it is "more or less united and clear on broad issues"[172]. It seems

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[170] Interview with an American diplomat, 1 June 2006.

[171] Interview with a French diplomat, 2 June 2006.

[172] Interview with an official in the Austrian Embassy in Sarajevo, 30 May 2006.

that the EU members who are not or can not be influential for a variety of reasons has tended to express themselves within and through the EU.

This is not the case with Sweden, however. A Swedish official said that the International Community is a complex structure, much like a state. He expressed uneasiness about using one word for something which is not one thing. He repeated the main claim that the International Community does not have one voice and added that when it is said the "International Community promised" something, it is not clear on whose behalf it was promised. However, he admitted that the International Community has occasional representation by some institutions, such as the OHR.[173] In this sense, one very active member of the International Community, and EU member, does not see the International Community as monolithic, yet admits at least an occasional representation by an international institution. However, while commenting on the activities of Swedish Development Agency SIDA he consistently emphasized the high level of cooperation and coordination between similar agencies and international organisations, which indeed signifies a sort of division of labour within the International Community.[174]

A Norwegian official argued that it seemed that different countries within the International Community have different agendas, yet it is not clear if this has been detrimental to BiH. An important issue is the level of the US involvement, which is still controversial according to the official. It is also claimed that Brussels wasn't interested enough, and that it must be stronger in BiH. Accordingly, the current situation seems that the EU attempts at taking the leadership, which is supported by Norway. In this sense, she could observe that the Delegation of the European Commission coordinated EU members and hence the Delegation should be more active.[175]

It seems interesting that Norway is willing to contribute to an increased EU role in BiH although it is not a member-state. Regarding the place of Norway within the International Community, the official clarified that his country knows more or less what the other international actors are involved in. It has been in close cooperation with the other members of the International Community; for

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[173] Interview with a Swedish official, 2 June 2006.

[174] Interview with a Swedish official, 2 June 2006.

[175] Interview with an official in the Norwegian Embassy in Sarajevo, 16 May 2006.

instance, Norwegian NGO involved in demining has got money also from Sweden and Holland. Concerning the exchange of information with the other actors, she specified that the Steering Board e-mails the official declaration. As a matter of fact, there is no official way to share information, but meetings with political advisors and the deputy High Representative are taking place. She said that the communication also depends on persons working in the OHR, in international organisations and embassies .[176] It seems that the Norwegian seconded officers in the international organisations and OHR are also helpful in this process of information exchange. Therefore, the exchange of information seems more personal than institutional.

Regarding the notorious potential of disagreement between the EU and US, there are controversial opinions. Most candidly, one senior director of an international organisation argued that, as a result of this disagreement, Bosnians are confused whom to listen to.[177] However, the Austrian diplomat that I interviewed does not see a true difference between the EU and the US, also not in their methods. He argued that different views did not follow transatlantic lines as in the example of EU member Sweden and US defending the constitutional reform. He underlined that there has been always cooperation and coordination through the PIC.[178] Therefore, the differences depend rather on the issue than the actor.

The American diplomat stated that they have tried to europeanise the issue on the grounds that the future of the BiH is in Europe; hence the OHR has been also europeanised. He gave the impression that the whole American involvement is because the Europeans could not manage the problems in this country since the very beginning of the war and the USA has credibility in the country because of its role in stopping the war. [179]

There are other views about the American involvement. One senior director of an international organisation argued that the concerns of the US are to keep NATO and its military base in BiH, to prevent immigration of Muslims,

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[176] Interview with an official in the Norwegian Embassy in Sarajevo, 16 May 2006.

[177] Interview with Madeleine Rees, Office of the United Nations High Commissioner for Human Rights (OHCHR), 14 March 2006.

[178] Interview with an official in the Austrian Embassy in Sarajevo, 30 May 2006.

[179] Interview with an American diplomat, 1 June 2006.

and the revision of citizenship in order to get out the mudjahidins who came to support Bosniaks during the war[180]. In the same manner, one Bosnian journalist interprets the American involvement in BiH as a result of a desire of show to the Muslim world, of a feeling kind of responsibility for the "genocide" and Islamic terrorists in BiH during the war. He observed that this involvement is so extensive the opinion of the US ambassador is crucial to all the reform proposals.[181]

A final note should be made to the peculiar place of the UK although it is an EU member. The British officials gave the impression that both EU and USA have carried out pushing and pulling factors and that UK has been generally in the middle and moving occasionally closer to one of these two.[182]

Concerning the role of the EU, it is said that all instruments are currently in use in BiH, including military and police. BiH is the first and only country with this comprehensive policy starting with 2004. In this sense, the EU official deems the EU approach holistic and comprehensive yet she underlines that it is possible primarily because of the integration perspective of BiH to the EU.[183] Within this framework, conditionality has been the most efficient instrument as in the rest of Eastern Europe. It is the most powerful tool because everybody in BiH wants European integration. Even the international organisations ask the EU to make some issues part of conditionality on the grounds that it is the most powerful tool.[184] Apparently, the conditionality is seen so effective by some international organisations that they ask the EU to make some issues its part.

However, the local perception of the EU has not been always that positive. One journalist stated that the EU does not have the capacity to achieve anything. Moreover, he claimed that the European powers were unreliable because during the war Britain and France were responsible for many crimes and this latter prevented later the arrest of Radovan Karadžić. In the post Dayton

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[180] Interview with Madeleine Rees, OHCHR, 14 March 2006.

[181] Interview with Senad Pečanin, editor in weekly Dani, 24 March 2006.

[182] Interview with the officials of the Embassy of the UK of Great Britain and Northern Ireland in Sarajevo, 17 May 2006.

[183] Interview with an EU official, 30 March 2006.

[184] Interview with a Task Manager the Delegation of the European Commission in Sarajevo, 12 mart 2006.

period Britain and France prevented American attempts to strengthen the state. According to him, the reasons for this behaviour were their historical relations with the Serbs and the propaganda on fundamentalism since Bosniaks are Muslims.[185]

The importance of the war in shaping local perceptions of the EU as well as this disagreement between EU and US seem salient. As one Bosnian intellectual told, the fact that the war was not stopped seemed like a strange fight between the US and the EU.[186] It is even claimed that peace would not be possible without Americans. More than that, it is claimed that Bosnians can not trust solely on European integration on the grounds that France and Britain remained pro-Serb even after the war in the PIC[187]. The embarrassing failures in wartime are so clear that one EU official stated that the EU role in BiH was very much defined by the shameful past and dramatic failure of the ESDP[188].

It could be useful to have a glance at the problems of international organisations in the framework of heterogeneity. For instance, an official of the European Commission (EC) clarified that difference of opinion exists between the EC and OHR rather than the EU and US and that it exists on the level of the methods rather than the objectives.[189] The example given by another EU official is that the police reform was an EU initiative and "hijacked" by OHR. Then it was made EU conditionality upon the pressure of the same OHR, although this is one of the conditionality that is not applied in EU member states.[190] This point will be analysed in depth in the third chapter that is extensively on the OHR, suffice it to note here that OHR has been directly interventionist while the EC preferred to present various conditionality to be done by the local actors. In other words, the

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[185] Interview with Senad Pečanin, editor in weekly Dani, 24 March 2006.

[186] Interview with Jacob Finci, member of Independent Intellectuals and head of Civil Service Agency, 20 March 2006.

[187] Interview with an official of Bosnian origin in the Office of High Representative, 20 March 2006.

[188] Interview with an EU official, 30 March 2006.

[189] Interview with a Director in the Delegation of the European Commission in Sarajevo, EC, 11 May 2006.

[190] Interview with a Task Manager in the Delegation of the European Commission in Sarajevo, 12 March 2006.

OHR does by itself while the EC encourages/forces the local actors to do by themselves. The interventionism of the OHR is interpreted by the EC official as "not always helpful". Moreover, it is claimed that the OHR did not favour joint approaches and has not been involved in a real cooperation with the EC.[191] In this sense, the institutional architecture of the EU gains significance; the Delegation of the European Commission appears as an actor in itself within the International Community, particularly against the OHR.

The contradictions within the International Community have not been limited to the differences between USA and EU, or between the EC and OHR. It is also signified by the fact that the International Financial Institutions have not been always in line with OHR and EU[192]. The example presented by an EU official was their disagreement with the IMF. The IMF wants fiscal stability while the aim of the European Commission is to make the state work, to support the state-building process. However, the IMF thinks that the state-building is expensive. It even said that police reform, in which the EU is closely involved because of its concern on organised crime and human trafficking, must be stopped because of its costs.[193]

The lack of cooperation between the EC and the OHR is also part of the problem of the division of labour within the international community. As a matter of fact, the tendency in the European Commission seems to exclude the OHR as much as possible, such as in the case of police reform. On the other hand, the OHR has the power to intervene, a network, and the staff, so the EC is using it sometimes.[194]

Concerning the problem of the division of labour and hence coherence within the International Community the opinions of the corresponding officials show that there is a clear improvement compared to the chaos of the immediate post-war international efforts. The role of the OHR in this improvement is as of

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[191] Interview with a Director in the Delegation of the European Commission in Sarajevo, EC, 11 May 2006.

[192] Interview with an official in the Austrian Embassy in Sarajevo, 30 May 2006.

[193] Interview with with a Task Manager in the Delegation of the European Commission in Sarajevo, 12 March 2006.

[194] Interview with a Task Manager in the Delegation of the European Commission in Sarajevo, 12 March 2006.

yet unclear despite the very fact that this coordination is one of its main tasks specified in the Dayton Agreement.

The Austrian official clarified that the International Community acted through the OHR and key embassies which are represented in the Steering Board. In his perception, the Board has not been only for coordination and exchange of information, but also decisions have been taken. The High Representative has not acted within a vacuum, especially in the application of so called Bonn powers (that gave him the authority to impose laws and remove public officials including elected ones). It has been in line with the Steering Board.[195]

The British officials stated that they assessed the role of the international organizations positively and underlined that they are in close cooperation with the OHR. They said that the High Representative is closely in touch with the rest of the International Community, and its authority is needed. They said they never presented a "diametrical opposition" in the meetings of Steering Board, all in all, they clarified that there has always been diplomacy behind the Steering Board. In terms of division of labour, UK has dealt mainly with the development of the state in Republika Srpska.[196]

In the view of the Norwegian diplomat, Norway acted from a perspective of development, and gave aid and support to Euro-Atlantic integration of BiH. In terms of the division of labour, it was involved in demining, reconstruction, judiciary, education and institution building on state level. The current situation of the EU taking the lead is supported by Norway. Regarding the efficiency of the division of labour, it is proposed that there could be a better coordination between the OSCE and the OHR considering that the OSCE has had the field knowledge and OHR the power.[197] Austria was involved in demining and some sectors such as development; it has been the largest donor in higher education, involved in demining.[198] The fact that Norway, Sweden and Austria have been active in these sectors encourages thinking that the non major powers have

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[195] Interview with an official in the Austrian Embassy in Sarajevo, 30 May 2006.

[196] Interview with the officials of the Embassy of the UK of Great Britain and Northern Ireland in Sarajevo, 17 May 2006.

[197] Interview with an official in the Norwegian Embassy in Sarajevo, 16 May 2006.

[198] Interview with an official in the Austrian Embassy in Sarajevo, 30 May 2006.

chosen such activities in the tacit division of labour within the International Community.

The official of the Office of the United Nations High Commissioner for Human Rights (OHCHR) stated that they were closely cooperating with other international organisations such as the OSCE and IOM. She clarified that there were various differences of approach that were solved through negotiations. The cooperation is not limited to the other international organisations; they have been in contact with the Scandinavian embassies and the Dutch embassy.[199]

To sum up, the International Community seems considerably heterogeneous; one can even argue contestations within the International Community. This is apparent in the disagreements in the policies to be formed and methods to be used by the International Community in BiH, as presented above. Similarly, it can be argued that the transnational elite is not monolithic. Therefore, it is fairly normal to observe contestations within the International Community that reflect the hegemony of the transnational elite.

Certainly, the heterogeneity of the International Community is crucial to the way its existence is perceived. In other words, the inconsistency in its policies might give the impression of a chaotic and unproductive heterogeneity that destroys the conviction in its existence. In fact, the heterogeneity is not necessarily equal to unproductivity. It is observed in the words of the international diplomats and officials that a complex web of personal and institutional interaction seems to be operational, particularly in the concretisation and implementation of some policies. The best example is provided by the current emphasis on the EU Stabilisation and Association Process (SAA). The fact that many internationals see the SAA as the priority signifies the integration of BiH into the transnationalised world order through European integration. Therefore, the necessary institutional reform can be read as the establishment of the form of the state in accordance with this transnationalisation.

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[199] Interview with Jasna Džumhur, OHCHR, 13 March 2006.

3.2.2. The evolution of the International Community in BiH

3.2.2.1. The aim and question of priority

The evolution of the International Community in BiH can be analysed according to the stated aims, priorities that should provide a roadmap for these aims and the method for the concretisation of these aims. The official view is salient in order to understand the aim of the International Community. In presenting the official view, the major source has been the decisions of the Peace Implementation Council (PIC).

The first PIC gathered in London, on December 8, 1995. London conclusions presented the agreement, (among other things) on:

o   the establishment of new political and constitutional arrangements for Bosnia and Herzegovina that will bring the country together within a framework of democracy and the rule of law;
o   the protection and promotion of human rights and the early return of refugees and displaced persons;
o   the establishment of an open, free-market economy in Bosnia and Herzegovina;
o   a kick start to economic reconstruction...[200]

In the same manner, the officials of the OSCE mission in BiH, an important part of the International Community, stated that:

> The role of the IC in BiH is to ensure a peaceful and effective transition to democracy, to re-establish a sound economic framework that promotes trade relations as well as foreign investment and to ensure that in the process, human rights, as opposed to ethnic rights, are respected and promoted. Obviously, the number of activities undertaken by the IC [International Community] is vast, but many of the projects are focused upon improving relations between citizens and authorities (promoting civil society), and engaging in capacity-building on many different levels, but especially at the governmental level.[201]

It can be observed that the main mentality and objectives have been the same in the PIC document of 1995 and in the words of the OSCE officials in 2006. The ultimate objective has been defined as the integration of BiH into the transnationalised world order through the formation of a liberal democratic state. However, such broad objectives raised inevitably the problem of priorities of the International Community given the conditions in BiH. This problem has

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[200] Conclusions Of The Peace Implementation Conference Held At Lancaster House London, December 08, 1995, http://www.ohr.int/pic/archive.asp?sa=on

[201] Interview with OSCE officials, March 2006.

provoked intense criticism. One critical approach suggested that it was very difficult to talk about priorities because the International Community has not been monolithic as it can be seen in the variety of opinions in PIC.[202] One other critical argued that the priorities were in fact to stop war, to get back refugees from Western Europe and to provide a peaceful environment.[203]The widespread view has been that the International Community's priority has been to keep the stability of the country, and hence the regional stability. However, the components of this main priority of keeping stability have been seldom clear. In this sense, although the aim of the International Community has been the integration of BiH to transnationalised world order, its priorities for this aim, except the establishment of a minimum stability, were not clear.

It is observed that during the first years of the implementation of the Dayton Agreement, the aim of the International Community was just to create peace, in the narrowest sense meaning the absence of fighting. However, even in this narrowest sense, the international mandate was not clear at the beginning. The first High Representative Carl Bildt did not know what to do and how he was supposed to do it.[204]It was claimed that the initial power of the High Representative was weak because of the preference of the USA that feared that a strong role and presence of the OHR can require an intervention by NATO, considering the fact that none of the sides were completely happy with the Dayton framework[205]. In other words, the fighting could have resumed anytime because none of the parties were happy with the territorial and constitutional settlement. This could have required stronger international intervention, which USA was reluctant for. The initial weakness of the OHR constitutes the reflection of the inner discussions within the International Community to the institutional structure in BiH.

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[202] Interview with Ešref Kenan, academic in Faculty of Political Science, University of Sarajevo, 23 march 2006.

[203] Interview with Senad Pečanin, editor in weekly Dani, 24 March 2006.

[204] Interview with Jasna Džumhur, Office of the United Nations High Commissioner for Human Rights (OHCHR), 13 March 2006.

[205] Richard Caplan, "International Authority and State Building: The Case of Bosnia and Herzegovina", Global Governance, 10, (2004): 55.

There are a plenty of suggestions by the Bosnians on what should have been the priority. While one Bosniak argued that the focus should have been on institutional capacity building and return of refugees and internally displaced persons[206], a Serbian nationalist, put forward that the economy should have been the priority.[207] One liberal politician of academic background claimed that education must have been priority since it could be the most significant investment for the reintegration of BiH.[208]

The biggest and widespread criticism shared by local intellectuals is that the International Community never consciously tried to destroy nationalism. In other words, undoing the effects of the war should have been the aim and priority. For instance, the Serbian nationalist party SDS, which started the war and was involved in ethnic cleansing, was prevented neither during the war, nor after.[209] The International Community was accused of indirectly helping the three nationalist parties to remain in power thanks to the Dayton framework that is based on ethnicity.[210] As a result of the perpetuation of the nationalist conflict, the Bosnian state has been always under construction, which provoked the argument that the International Community preferred a "dependent and weak state barely self-sustainable".[211] This argument implied that the existence of the nationalist conflict in fact facilitated the role of the International Community as long as it is kept contained.

The absence of a clear prioritisation of things to be done during the implementation of the Dayton Agreement resulted in a complete disorientation. The method of the International Community immediately after the conclusion of the Dayton Agreement was "to involve heavily, fix the problems and get out

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[206] Interview with an official of Bosnian origin in the Office of High Representative (OHR), 20 March 2006.

[207] Interview with Nikša Lolić, International Coordinator of PDP, 6 June 2006.

[208] Interview with Lamija Tanović, president of the LDP, 4 May 2006.

[209] Interview with an official of Bosnian origin in the Office of High Representative, 20 March 2006.

[210] Interview with Svetlana Broz, director of the NGO Civic Courage, 1 June 2006. She is the granddaughter of Josip Broz Tito.

[211] Interview with an official of Bosnian origin in the Office of High Representative, 20 March 2006.

quickly"[212]. Bill Clinton, then the American president, envisaged one year, to be finished with the elections that signify the transfer of power to locals. This means that, following the initial salient success of ending the war and providing a peaceful environment (in military sense) the war criminals would be arrested, the refugees and internally displaced persons would return to their homes, thus the politics would be normalized and hence the power would be transferred to the locals with the elections. The common perception within the International community was that the nationalist parties would not be successful in case the elections were held free and fair. This fantasy failed dramatically, none of these issues were settled by the time of the elections in 1996 and the elections ended with the clear victory of the nationalist parties. This signified that the early heavy involvement of the International Community remained inefficient and rather unrealistic for the stated objectives. This is indeed why the timing of the elections was criticised so heavily. The elections were early simply because Clinton promised the Congress that the power would be transferred to the locals with the elections in one year and hence the American involvement will be limited to one year.[213]

As the palpable consequence of this initial dramatic failure and of absence of prioritisation based on consensus, the later stages of the international administration have become rather a work in progress. Note that the "guiding principles" of the Peace Implementation Council's Paris Conclusions on November 14, 1996 concluded somehow that "This first year of peace implementation has been marked by much progress and has opened the way to a lasting military and civilian stabilization of the country... ". It stated the priorities for the "consolidation period" as Regional Stabilisation, Security, Human rights, Democratization, Elections, Freedom of movement, Refugees and displaced persons, War crimes, Reconstruction, Market Economy, Reconciliation, Education, Mine removal.[214] One is compelled to assert that the International

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[212] Interview with an official in the Office of High Representative-1, 14 March 2006.

[213] Also confirmed by the official in the American Embassy in Sarajevo.

[214] PIC Paris Conclusions, Ministerial Meeting of the Steering Board and of the Presidency of Bosnia-Herzegovina, Conclusions: Guiding principles of the Civilian consolidation plan, November 14, 1996, www.ohr.int

Community has continued as ambitious as it used to be in the first year despite the initial dramatic failure.

The method that the International Community employed has been the significant presence of the international organisations in the domestic institutions of BiH. This is supplemented with the existence of the Office of High Representative as the final authority. The earliest turning point to be noted concerning the method employed by the International Community was the 1997 PIC Summit in Bonn. The Summit enlarged the authority of the High Representative to even drafting laws and removing even elected public officials. Since then, such additional authority of the High Representative has been known as "the Bonn powers". The method of the International Community evolved towards more interventionism and reached a peak under the rule of Lord Paddy Ashdown as the High Representative in 2002-2005.

In conclusion, the International Community started with the awkward combination of ambitious objectives and high reluctance in intervening, and evolved towards more interventionism and clearer objectives. It seems that the operation of the limited sovereignty was designed as a work in progress. Therefore, although the limited sovereignty of the BiH was clearly defined in the early vision, the International Community could not enforce a prioritisation in its aim to integrate this country into the transnationalised world order. This can be read as the reflection of the disagreements and discussions within the transnational elite and hence, the International Community, as well as mere incapability. This point will be elaborated further in second section that presents the problems in the work of the international organisations.

III.2.2.2 The problems

There have been serious criticisms on the work of international organisations. It seems best to begin with a confession-like analysis of the OSCE officials:

> Most fundamentally, there is a disconnect between what the IC [International Community] perceives as its mandate (to foster and strengthen democracy in BiH) and the reality (the "imposition" of democracy or what is perceived to be democratic institutions, values, and activities by the IC, rather than the demand for it at a grassroots level). This perceived imposition, by the HR exercising the Bonn Powers, has unsurprisingly led to a culture of dependency in the IC for funds, leadership and direction. At times, this is at cross-purposes with what other organizations hope to achieve (the OSCE, for example, views itself as fulfilling a facilitating role rather than a leadership role). There also

appears to be a lack of long-term planning, which is exacerbated by the frequency with which internationals come and leave BiH, and or the lack of a strategy to deal with changes in a work plan, or in the external environment. Lastly, there is definitely a lack of coordination between international organizations here - many undertake the same sort of projects, and therefore expend a lot of resources an activities that may be more efficiently established through a cooperative international effort.[215]

In addition to this comprehensive confession, a report by the International Crisis Group (ICG) summarised the problems in the work of the international organizations. ICG concluded that the main problems were the short-term vision of the International Community that resulted in the lack of a strategy and the failure of the crucial longer term reforms such as the economy; the lack of coherence in its activities; the absence of clear leadership and adequate coordination. These all contributed to inefficiency, duplication and inter-organisational rivalry; personal and institutional self-interest.[216] One can add the problems of the project based attitude[217], the competence of the employees of the international organisations, and the misuse of financial and human resources. These will be analysed below.

The problems mentioned above stemmed from the character and working style of the international organisations. One important point is that once the international organisations set up their mission and functions, their bureaucracy becomes important in policy making and especially policy-implementing. This is also supported by the arguments in the literature by Martha Finnemore particularly, as presented in first chapter. The international organisations produce power by the image of technocratic and political neutrality as well as by having the control of information in the field. In this sense, the bureaucracy of the international organisations creates its own objectives and these organisational interests can also be observed in the non-coordination in BiH.[218]

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[215] Interview with OSCE officials, March 2006.

[216] "Bosnia: Reshaping The International Machinery", ICG Balkans Report 121, 29 November 2001, www.crisisweb.org, 4-8.

[217] Interview with Jasna Džumhur, Office of the United Nations High Commissioner for Human Rights (OHCHR). The problems of project based understanding was also pointed by A Task manager in the Delegation of the European Commission in Sarajevo.

[218] Zarko Papić, "La Bosnie-Herzegovine sept ans apres la guerre: dependance ou responsabilite et autonomie", in La Bosnie-Herzegovine, Enjeux de la transition, ed. Christophe Solioz, Svebor Andre Dizdarević, (Paris: L'Harmattan, 2003), 74-76.

One aspect of the organisational interest as well as inefficiency is concerned with the personnel working in international organisations.

The personnel selection has been a salient problem. The international staff has been generally career-centric and their career plans took an important part in their works. Moreover, an observation on the employees of the international organisations could show that many did not know accurately the history, politics and culture of BiH, even including the recent war. The country has become a nice place to have an internship in the international organisations and to earn good money to save in order to increase personal welfare.

The incompetence and career-centric attitude of the employees of the international organisations have been one good part of the problem in the local perceptions. The salaries and the privileges that international bureaucrats are accustomed to, have exacerbated this problem. As a result of these privileges, the employees of the international organisations became like colonial officials, at least in appearance and daily life, as also mentioned by the OSCE officials in the quotation above. One head of a local NGO claimed that the international organisations were too bureaucratic, uncoordinated and full of duplication and employed mostly short term incompetent and uninformed employees.[219] Therefore, it is observed that the international organisations became serious and credible when they started to research the field.[220]

Additionally, another problem within this respect is the short mandates; the outcome that an international employee, even as competent and informed as possible, can fulfil in six months can not be significant.[221] This is one of the reasons of the failure of the short-term project-based attitude. It is argued that it is often difficult to measure the results of the projects. Although some achievements exist, these are mostly for the purpose for itself. In any case, many projects are for justifying the international organisation in question.[222]

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[219] Interview with Zoran Kulundzic, Foreign Policy Initiative, 7 February 2006.

[220] Interview with Muris Bulić, the NGO CCI in Tuzla, 13 June 2006 .

[221] Interview with Jasna Džumhur, Office of the United Nations High Commissioner for Human Rights (OHCHR). The problems of project based understanding was also pointed by a Task manager in the Delegation of the European Commission in Sarajevo.

[222] Interview with Ahmed Rifatbegovic, NDI, 11 june 2006.

OSCE constitutes a good example. In this sense, one OSCE employee stated that the OSCE was not really an organisation before its mission in BiH. It has been learning as an organisation.[223] However, a former OSCE employee observed that although it has an excellent budget and field structure, its complex bureaucracy is good part of its problems. He argued that such a large organisation become purpose for itself.[224] These arguments, which are widespread in BiH, constitute a good example to Finnemore's argument on the organisational interest.

Although the later prioritisation of the policies and corresponding international division of labour can be seen as a positive development, they have also been criticised on the grounds of organisational interest. For instance, the fact that the OHR did not care about education and that the OSCE became responsible of education was found strange. This was done following the transfer of the elections from the OSCE to the locals, and hence the OSCE needed something to work on: They took education from the OHR, and restarted, which meant that it took another few years for them to be informed about the situation. It is quite ridiculous that an organisation for security is responsible of education.[225] Therefore, this caused the claim that the OSCE wants to stay in BiH as an organisation.[226] It should be noted that the "Education Officers" of OSCE, who were former "Election Officers" are mostly Bosnians. There is a group of local people who makes part of this bureaucracy of international organisations, thus, of its interest. For instance, one former Election Officer who became Education Officer praised the OSCE role in the elections.[227] All these caused the argument that the international organisations have vested interest in their self maintenance, continuing their presence in a country and hence constant dependency of that country.[228]

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[223] Interview with an OSCE official in Travnik, 15 May 2006.

[224] Interview with Ahmed Rifatbegovic, NDI, 11 June 2006.

[225] Interview with Lamija Tanović, president of the LDP,4 May 2006.

[226] Interview with CCI Muris Bulic , 13 June 2006.

[227] Interview with a local OSCE official in Travnik, 15 May 2006.

[228] Papić, "La Bosnie-Herzegovine", 74-76. In addition, I could observe during my employment in OSCE Mission in Kosovo that before the pre-declared downsizing of the

Another point that was mentioned in the ICG Report was the inter-organisational rivalry. The issue of rivalry between the international organisations were indeed accepted by the international officials who argued that "all (international) organisations are prone to rivalries anyway"[229]. It is not unusual for an employee of international organisation in the Balkans to hear gossips and critics about the failures of other international organisations. The inter-organisational rivalry has been one of the main reasons of the inconsistency and duplications within the International Community. This problem was also mentioned by the international officials. It is argued that initially there was no division of labour between the international organisations, which indeed created a colossal waste of financial and human resources. However, harmony evolved with time and certainly as a result of the reduction in the resources.[230] The lack of cooperation, of a clear plan and of division of labour was also mentioned in the piece by the OSCE officials. One international employee gave an example of inconsistency, which is the attitude of the IMF against the EU, because IMF argued that police reform must be stopped because of its costs. This created a disagreement with the European Commission who was leading the police reform because the organised crime and smuggling of humans and goods is an important problem for the EU.[231] Moreover, one other claim regarding the IMF was that concerning the law on internal debt, Bosnian state was not equipped and the IMF was isolated from the rest of the International Community on this issue.[232]

What is more, the lack of coordination among the international organisations resulted in the fact that the International Community put at stake something while doing something else, as exemplified in the mismatch of the

OSCE mission in Kosovo in 2001, some international employees attempted at lobbying in Vienna in order to enlarge the OSCE mission in Macedonia that was entering the process of the implementation of the Ohrid Agreement.

[229] Interview with an official in the Office of High Representative-1, 14 March 2006.

[230] Interview with an official in the Office of High Representative-1, 14 March 2006.

[231] Interview with a Task manager in the Delegation of the European Commission in Sarajevo, 12 March 2006.

[232] Interview with Denisa Sarajlić-Magalić, the NGO Foreign Policy Initiative, 21 March 2006.

regionalisation in the police reform and judicial system.[233] Concerning judicial reform, it is reported that there have been controversial messages from different departments of international organisations as well as different organisations; the heads of departments were fighting in the meetings.[234]

Last but not least, the use of financial and human resources by the International Community has also provoked critics. It is argued that the influx of the resources coming from foreign aid often without transparency and always without coordination created conditions conducive to corruption and organised misuse. Alternatively, it was proposed that the international aid must be directed to social reconstruction efforts, which is something more than promoting human rights and democratisation.[235] This sort of social approach had never appealed to the International Community. This point can also show the transnationalist agenda of the International Community.

Another problem concerning the human resources has been the fact that the international organisations use all human potential, including young educated returnees.[236] For instance, it is said that many well educated young Bosnians are working in the international organisations even in the simple posts as receptionist just because it is much better paid than any other job in the public institutions.[237] A Croatian official working for a Bosnian NGO claimed that in fact the International Community prevented the capacity and institution building processes. The local institutions are without any analytical capacity because there are very few competent people since the International Community "sucked" young professionals.[238]

However, the issue of young returnees employed in the international organisations has another aspect. It is widely observed in BiH that many international organisations employ young Bosnians educated in the West, most of

[233] Interview with Davor Vuletić, the NGO Foreign Policy Initiative, 21 March 2006.

[234] Interview with Ešref Kenan, assistant in Faculty of Political Science, University of Sarajevo, 23 march 2006.

[235] Papić, "La Bosnie-Herzegovine", 70.

[236] Ibid., 63-64.

[237] Interview with Nidžara Ahmetasević, journalist in daily Oslobodjenje, 30 March 2006.

[238] Interview with Zoran Kulundzić, Foreign Policy Initiative, 7 February 2006.

whom are citizens of Western countries as a result of their refugee status during the war. It should be noted that these people work even as "international staff" in their organisations. Although there is not a comprehensive study about their attitudes, my personal observations and experiences can tell that they considered returning to BiH only in the motivation of working in international organisations. In this sense, the picture is rather complicated. On the one hand, international organisations absorb the educated segments of the Bosnian youth hence preclude the local institutional development. On the other hand, they form a point of attraction for Bosnians who had to live abroad and become citizens of other countries and received good education.

To sum up, the operation of the International Community through international organisations in BiH have exposed important problems. These have been mostly inter-organisational and inner-organisational rivalry, duplication, misinformation, lack of coherence, absence of clear leadership and adequate coordination and finally, the short term vision of the International Community. The implementation of limited sovereignty has been hampered by these problems. This resulted in the discussions on the reformation of the International Community in BiH. The following section will examine the discussions concerning the reformation of the International Community in order to contribute to the understanding of the International Community in this thesis.

3.2.2.3. The Reformation of the International Community

In addition to all the problems that were listed above, the main reason for the reformation of the international administration is the claim (pronounced mostly by the internationals) that Dayton constitutional framework is not justified anymore. Indeed, it was already a "substantial mess, Dayton system caused that BiH became a protectorate with tri-partite nationalist rule with the absolute control of nationalist parties".[239] There was indeed an open call by Western politicians and intellectuals to alter the Dayton constitution because of its ethnic character instead of a civic one.[240] In other words, Bosnian human beings are not defined as citizen but rather with their ethnic origin in the Dayton

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[239] Interview with Madeleine Rees, Office of the United Nations High Commissioner for Human Rights (OHCHR), 14 March 2006 .

[240] Daniel Cohn-Bendit, José Maria Mendiluce, Haris Silajdžic, "Dayton Bosnia-Herzegovina ten years on", Bosnian Report, New Series : 47-48, (September - November 2005).

constitution. In fact, as early as 2001, the critics concluded about the international role in post-war Bosnia that the Dayton Agreement could not realise a democratic, secure, and economically viable state on the way to EU membership.[241] Again in the same year, following all the failures and problems that were mentioned above, there occurred a pressure on the International Community for a better performance rather than the local leaders.[242] Finally, Lord Paddy Ashdown, the famous/notorious High Representative, declared that:

> The Dayton Agreement worked in the last ten years, but it cannot work in the next ten years. Therefore, you have to change the Constitution, which is something I have been repeatedly saying over the last three years. Any state which is ready to invest 70 percent of its resources in politicians and bureaucrats, and just 30 percent in health, social welfare and insurance, cannot survive. The next phase is the establishment of an efficient and functional state. This is a job for citizens of BiH, not for us. [243]

This reformation signifies a new division of labour within the International Community as well as a redefinition of its interventionism in order to make BiH a democratic, secure, and economically viable state. Reforms were focused on the OHR, as the main institution of the International Community. The problems of the interventionism through the OHR[244] and the failures in the implementation of Dayton Agreement[245] have been combined with another situation. The proposals for change indeed in the Dayton Agreement itself were expressed loudly, which stemmed from the so called donor fatigue. Initially, there was a variety of proposals: OHR's proposal has been the fusion of all organisations under the OHR. According to the first draft proposal of Petritsch, the OSCE and OHR would first merge into a single mission, to be joined by the UN later, under the umbrella of OHR. The High Representative would be known as the High UN Representative

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[241] "Bosnia: Reshaping The International Machinery", ICG Balkan Crisis Report 121, (29 November 2001), www.crisisweb.org, 20.

[242] Kebo, Amra, "Bosnia: Calls for End to Days of the Consuls?", IWPR Balkan Crisis Report 283, (27-Sept-01).

[243] Interview: Paddy Ashdown, HR for BiH: "Within BiH New Borders Will Be Drawn!" Vecernji List, January 5, 2006, in www.ohr.int

[244] The interventionism of OHR will be examined in detail in the fourth chapter because it is mainly a problem of democratisation.

[245] These failures will be elaborated in the third chapter.

and would serve as the special envoy of the UN Secretary-General.[246] However, it was criticised by some of the organisations such as the World Bank, OSCE and UN. They all clarified that they reported to their headquarters outside BiH, and that they would continue to do so instead of reporting to the OHR in BiH. Some foreign embassies were also uneasy about this idea.[247] A Russian proposal to increase the role of the UN was also rejected.[248] The discussions on the reformation signified the contestations within the International Community.

There have been various meetings of the Peace Implementation Council (PIC) concerning the reform proposals. In the meeting of June 2001, the PIC Steering Board decided to continue the process of collecting the proposals and views and stated that: "It is held that the Peace Implementation Council, the Steering Board and OHR remain at the centre of peace implementation".[249] In the meeting of September 2001, the PIC clarified its expectations on an "IC [International Community] action plan" from the OHR, "to be further elaborated in coordination with the IC and the BiH Government". The plan demanded to:

- "include clear benchmarks and an assessment of matching multi-year funding requirement"
- "identify core requirements and functions for the International Community, recalibrating its mandates and additional tasks as well as streamlining its field presence"
- "include proposals on structural reforms towards integration of the different international agencies in BiH"
- "project a re-focused and accelerated Implementation Period for 2002 - 2005, to be followed by an additional phasing out of the IC's post-war engagement in BiH"[250]

In the meeting of December 2001, with the participation of the United Nations Mission in BiH (UNMIBH), OSCE,UNHCR, UNDP, and World Bank (also representing the IMF)[251], the Steering Board declared "the common vision of the

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[246] Amra Kebo, "West Considers Radical Bosnia Plan", IWPR Balkan Crisis Report, 259, June 27, 2001.

[247] Ibid., 10-11.

[248] ICG Report, "Bosnia: Reshaping", 12.

[249] Communique by the Steering Board, June 21, 2001, www.ohr.int/pic

[250] Communique by the Steering Board, September 13, 2001, www.ohr.int/pic

[251] The plan was drafted "thorough consultations undertaken with PIC embassies and all concerned agencies in BiH".

International Community and the BiH authorities about ownership – a self sustainable BiH, serving its citizens, meeting its international obligations, and integrating into Europe". The "ownership" signified the transfer of power to the locals. The Steering Board clarified that it wanted to balance the increase in the coordinating role of the High Representative for "an efficient and coherent" implementation with the "mandate and autonomy" of other organisations. It stressed "clear benchmarks and concrete end-states" in the work of the International Community. It is decided that the Stabilisation and Association Process of the EU should have a central role.[252] This meant that the benchmarks would be those of the EU integration.

An effort to centralise the international administration in order to be more efficient and harmonious and to achieve concrete results can be clearly observed, as well as the conflicting organisational interests. It is additionally argued that the different interests and agendas of the Western governments and conflicting egos of senior international officials have been influential in this process.[253] Anyhow, the International Community could reach an outcome and become harmonious and pretentious enough to decide on the future of the BiH. That is the European integration, whose first step is clearly the Stabilisation and Association Process. This signifies that the integration of the BiH into the transnationalised world order is to be within the framework of European Integration. This supports the discussion on the contours of limited sovereignty.

The centralisation of international efforts was done during the term of Lord Paddy Ashdown as High Representative. Ashdown is known with his direct interventionism both in the domestic politics of BiH and in the work of international organisations. This is to be elaborated in the fourth chapter, suffice it to note here that the efficiency of this interventionism for the work of international organisations was questionable. For instance, one Bosnian official of an international organisation pointed out that there was not an effective coordination among the international organisations during the mandate of Ashdown.[254] On the contrary, another official claimed that after Ashdown, there

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[252] Communique by the Steering Board, December 06, 2001, www.ohr.int/pic

[253] Kebo, "West Considers".

[254] Interview with Jasna Džumhur, Office of the United Nations High Commissioner for Human Rights (OHCHR), 13 March 2006.

is more coordination.[255]It is stated that Ashdown's boss-like attitude eased coordination and harmony.[256] It can be argued that Ashdown's interventionist behaviour could increase efficiency, hence could make the International Community seem more harmonious, although the concrete results because of this interventionism were reached by less cooperation among the international organisations. In other words, previous efforts of cooperation could lead to the loss of harmony and efficiency. However, Ashdown's interventionism could create the efficiency that gave the impression of coordination and harmony within the International Community.

European Stability Initiative (ESI), which had serious discussions with Lord Paddy Ashdown on the interventionism of OHR, drafted a comprehensive proposal regarding the reformation of the International Community. ESI proposed a "staged transition away from the protectorate". According to their proposal, first, the power to dismiss public officials by the High Representative should be abolished because "Arbitrary dismissal is so clearly contrary to European human rights standards that it is an embarrassment in a Council of Europe member state". Second, OHR should undertake to limit itself to a clearly defined legislative agenda. In all other areas, sovereignty should be restored to the Bosnian parliaments. Third, by the summer of 2004, there should be no further need for the Bonn powers at all. By that stage, the Office of the HR should have changed entirely, "from using its powers to substitute for the Bosnian state to providing political leadership to a long-term EU presence in Bosnia".[257]

They admitted that "Letting go off the Bonn powers will not be easy. There are strong constituencies within the International Community and within Bosnian society for preserving the status quo."[258] The suggestion on "long term EU presence" and the admittance of the difficulty of abolishing the Bonn powers completely implied that ESI proposal has been nothing but a change of form in the international intervention in BiH, mainly on the increase of the role of the

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[255] Interview with an official in the Office of High Representative-2, 31 May 2006.

[256] Interview with an official in the Office of High Representative-1, 14 March 2006.

[257] Gerald Knaus and Marcus Cox, "Ashdown Urged to Let Go", Open Letter to Lord Ashdown, IWPR Balkan Crisis Report 447, July 23, 2003.

[258] Ibid.

EU. This is to say, the limited sovereignty of BiH would ensue. However, the limitations would be redefined with an increasing emphasis on the EU role.

The following debate between the International Crisis Group and the European Stability Initiative about the international role in BiH is highly insightful within this context. It also shows that the transnational elite has not been monolithic on the international role in BiH. The debate started with the ESI report criticizing severely the role of the OHR, making an analogy with the British colonial administration in India. The main argument of the ESI is that "the international civilian presence no longer corresponds to the needs of the region, and requires radical restructuring" on the grounds that "parts of the international presence have become ineffective, and in some ways run counter to the goals of Europeanization and economic development."[259] This can be read as the presentation of all the problems and critics within the framework of Europeanization.

ESI has not intended to end the international role at all, by stating as explicitly as possible that "Neither of us believes the region should be left to its own devices", instead it proposed the reassurance of the citizens of the region that "the outside world – whether in the form of a NATO presence or a combination of a NATO and an EU presence – will never again tolerate warfare" and that "the benchmark for measuring the success of international intervention should be the progress these countries and entities make towards European integration".[260] In other words, regarding the military aspect, no fighting should be allowed and considering the political and economic aspect, the institutions and dynamics of the European integration should be dominant.

The dominance of the EU in the ESI proposal could be seen in the suggestion about the reform of the international institutional presence as well. It stated that the power of the international organisations, especially of the OHR, is in fact an obstacle to the democratisation, and also to the institution-building because they employ the most qualified young people. Therefore, it proposed the abolishment of OHR and establishment of an "EU Special Envoy without special powers". In this sense, "Bosnia should be treated no differently to Macedonia",

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[259] "The Internationals and the Balkans: Time for Change?", Debate between Gerald Knaus and Nicholas Whyte, IWPR, Balkan Crisis Report, 505, (02-Jul-04), 2.

[260] Ibid., 3.

hence, "the current ad hoc international arrangements" must be replaced with "a much clearer, European-driven, pre-accession process. Accordingly, this would entail a stronger European Commission presence.[261] In fact, although Macedonia is cited as an example, it should be noted that the relations and the influence of the Delegation of the European Commission in Macedonia is also seen unclear.[262] In short, the weight of the EU should be increased in the international presence and role. This meant that the delegation of European Commission is to replace the OHR with less direct powers together with an EU special representative. In the same manner, one EU official clarified that the EU proposed regions in economic terms, hence 5 multiethnic regions to prevent the division on ethnic grounds. This is to constitute the basis of all international efforts including the support to NGOs, business associations etc. Within this framework, the EUSR is supposed to be a guiding force.[263] The question of how the Serbian nationalists will be convinced to give up their beloved entity remains yet unanswered.

International Crisis Group (ICG) interpreted also the full integration into the Euro-Atlantic institutions as the "medium- to long-term strategic aim of the International Community in the Balkans". However, it did not agree that the emergency is over in military terms because the war criminals are at large. Regarding the developments in which the International Community succeeded, they put the emphasis on the State-level defence, intelligence, police and indirect taxation institutions; by mere coincidence, nearly all the reforms that Lord Paddy Ashdown imposed as High Representative. The main point of disagreement between the ESI and the ICG was that the ICG argued that the power of the High Representative was not an obstacle but on the contrary, essential for the developments occurred.[264]

ICG criticized the Dayton framework because it "established a constitutional system in which all the incentives were for the leaders of the three national groups to build three different polities and to ignore or weaken the

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[261] Ibid., 3-4.

[262] Interview with a director in the Delegation of the European Commission in Sarajevo, 11 May 2006.

[263] Interview with A Task manager in the Delegation of the European Commission in Sarajevo, 12 March 2006.

[264] Knaus and Cox,"Ashdown Urged",5.

central state"[265]. This was particularly ridiculous, because the ICG, as the advocate of the continuation of the abrupt interventionist role of the International Community, criticised the basic document establishing and legitimating this very international role. Moreover, the International Community has insisted ceaselessly on the implementation of the agreement without any change. Coupled with ICG's "worry" that "what the shape of the region's borders will be"[266], the argument of continuous international involvement becomes even more salient. Therefore, ICG implied that the decrease of the role of the International Community was not necessary because the borders were not clear yet. It leaves one curious as to what is the standpoint of the International Community on the change of borders, certainly if such a standpoint could be formulated.

As a matter of fact, the reformation of the international administration has signified the division of labour within the International Community and the timing of downsizing. The division of labour signifies also the main axes in the formation of the International Community that affects also the local perceptions and arguments. For instance, one local academic pretended that USA must be active instead of EU, because French and British are responsible of the war and still want to divide Bosnia[267]. Although both countries deny this claim, their role during the war created an insurmountable mistrust and suspicion.

The transformation of the Office of High Representative into the European Union Special Representative (EUSR) took place within this framework. One should note the similarity with the ESI proposal and the emergence of the EUSR. It seems that the debate between two non-governmental organisations, ESI and ICG, affected the decision-making at the governmental level. This transformation signified indeed a less interventionist international presence as many proposed and as former High Representative Schwarz-Schilling also argued at the beginning of his mandate. Schwarz-Schilling stated that "it is not OHR's responsibility to run this country". He even dared to express that "There must be one partner to negotiate with the EU... If BiH politicians can do that with the Entity set-up, then it is fine". In this sense, he passed his message to the Republika Srpska politicians

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[265] Ibid., 9.

[266] Ibid., 9.

[267] Interview with Muhammed Hajdaric, academic in the University of Sarajevo.

that they could keep their beloved entity in case they admitted to fully commit themselves to the EU integration. Nevertheless, Schwarz-Schilling felt the necessity to state that:

> I will surely use my mandate fully in case peace or the Dayton framework are at risk, or in case of a situation related to war crimes....Because, how can BiH be a real partner to the EU if it is a protectorate at the same time. I cannot sit at both sides of the table...I will not cooperate with them only if they are extremists who would want to violate the Constitution, human rights and the peace framework of Dayton. However, if these parties stay within the democratic framework and are elected at the same time by the citizens, we must honour that for sure [268]

These words of the High Representative who was becoming more and more a European Union Special Representative, showed the path of the transformation of the Office of High Representative. Besides, the messages of Schwarz-Schilling also showed the way that should be followed by nationalists. He suggested that they could keep their power as long as they did not threaten the basic framework of Dayton and did not prevent the European integration process of BiH. Since the Dayton framework was not completely implemented[269], it would not threaten the very existence of these nationalist organisations. Therefore, one could predict that they would not threaten the basic framework, which meant that there would not be a significant change as a result of this transformation. Therefore, the nationalist tripartite rule under the international administration would continue. This confirms once more that the main concern of the International Community has been minimum stability.

The interpretations of the conversion of the OHR into EUSR have been multitudinal. Some locals argued that there would not be a real change between OHR and EUSR since in both ways, the Bosnian government would not have the final word and there would still be the confusion concerning responsibility.[270] This means that both limited sovereignty and the perplexity within the International Community would continue. The argument has clear and undeniable merits. The most important issue that appeared in the international circles was the relations

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[268] Interview: Christian Schwarz-Schilling, HR for BiH: "I won't impose laws" February 06, 2006, www.ohr.int

[269] The implementation of the Dayton Agreement will be analysed in depth in the following chapter.

[270] Interview with Nidžara Ahmetasević, journalist in daily Oslobodjenje, 30 March 2006.

of the EUSR with the PIC and especially with the PIC's Steering Board. These relations are salient on the grounds of the unclear institutional position of the non-EU member actors, such as USA, Russia and Turkey in the new configuration. Moreover, the relations of the EUSR with other EU bodies in BiH are also a matter of concern. Yet another important issue has been the lessening of international interventionism and the (complete) transfer of the power to the locals.

Lord Paddy Ashdown declared long ago that «the OHR will pursue a transition strategy in BiH, not a withdrawal strategy»[271]. In an article, similar to Ashdown, the High Representative Schwarz-Schilling stated that the limits of interventionism were reached. He underlined clearly that the closure of the OHR did not mean a withdrawal of the International Community, and that it was "a shift in the nature and application of international engagement". [272] This shift was marked by the inclusion of the EU into the centre of the international engagement, through the Stabilisation and Association process, EU Special Representative, EU Police Mission (EUPM) and EU Force (EUFOR). In this sense, the EUSR is a sort of governor in BiH while the EUPM is responsible of the police and EUFOR of the military peacekeeping. Schwarz-Schilling then clarified that in case of a serious threat to the regional stability, the Peace Implementation Council will respond accordingly.[273] An official of OHR clarified that the PIC would be only for consultation purposes. Accordingly, the EUSR would not have to be accountable to PIC, but would be accountable to the European Council through Javier Solana.[274]

It is fruitful to have a glance on the position of the major actors about the reformation of the International Community. The officials in the Embassy of the UK in Sarajevo, who see their position between US and the EU, interpreted the transformation of OHR into EUSR as a progressive stage and hence an indicator of success for the International Community. The British officials claimed that this transformation would not cause a problem since all issues have been also issues

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[271] "High Representative Assures International Community that Reforms Will Go Ahead in BiH", OHR Press Releases, (Oct. 25, 2002).

[272] Interview with an official in the Office of High Representative-2, 31 May 2006.

[273] Christian Schwarz-Schilling, "Don't Cheer Too Soon About OHR Closure", Balkan Information Research Network, 7 July 2006.

[274] Interview with an official in the Office of High Representative-2, 31 May 2006.

of European integration of BiH. Nevertheless, the PIC would remain as the main institution and all the activities would be discussed in the Steering Board.[275] In a less convinced manner, an official in the American Embassy in Sarajevo gave the impression that the relations of the PIC with the EUSR (as well as the mandate of the EUSR) was not clear, however noted that the US preferred to Europeanise the issue.[276]

One official in the French Embassy affirmed that Ashdown was also supposed to be also EUSR yet he did not act so, he preferred to deal with issues together with his two deputies, apparently under the influence of the American Embassy in Sarajevo. Accordingly, the fact that the PIC represented the International Community could not be held anymore; the question of the reformation of the International Community around the EUSR was being examined by the European Council. The French official admitted that the transformation of OHR to EUSR seemed as a new international division of labour in which the EU was supposed to take a more active role. Rather unhappily, the French official gave the impression that whatever the reformation and the mandate of the EUSR would be, the ambassador of US would remain as powerful as he has been since 1996.[277] Similarly, an official in the Embassy of Austria found that an EU body to be ruled by a non-EU body is rather strange and hence, the relations of the EUSR with PIC "will be solved somehow", as he wanted to keep a certain level of optimism.[278] To sum up, the future relations of the EUSR with the PIC remains yet unclear. This shows that there are contestations within the International Community and the institutional architecture of the International Community is not immutable. This is subject to reformation although the main aim of keeping minimum stability in and limited sovereignty of BiH remains unchanged. Therefore, although there are contestations, the basic standpoint and consequent policies do not change easily.

Concerning the inner EU aspect, also implied by Schwarz-Schilling in the impossibility of "sitting at both sides of the table", the possible problem seems

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[275] Interview with the officials of the Embassy of the UK of Great Britain and Northern Ireland in Sarajevo, 17 May 2006.

[276] Interview with an the official in the American Embassy in Sarajevo, 1 June 2006.

[277] Interview with a official in the French Embassy in Sarajevo, 2 June 2006.

[278] Interview with an official in the Austrian Embassy in Sarajevo, 30 May 2006.

the confusion of the EUSR and other EU roles. To put it more clearly, will the EUSR impose laws that the European Commission (EC) suggests within the framework of the EU integration of BiH? This would seem rather ridiculous. By the same token, will the EC evaluate the performance of BiH, under a semi-protectorate rule of the EUSR? This could seem less ridiculous. If there will not be a single intervention by the EUSR and it will have solely an advisory function, then how will be the division of labour with the EC that has also advisory function? Besides, since the EUSR will be accountable to the European Council, will BiH be yet another point of disagreement between the Commission and the Council? These and similar questions have not been answered clearly yet.

One EU official admitted that looking from an academic perspective; one could claim that confusion between EUSR and other EU roles existed. She claimed that the EUSR –OHR split would be useful because practically BiH was an exception in the institutional architecture of both the EU and the International Community. The OHR was firm so there could be a vacuum following the closure of the OHR; the EUSR was to fill in a possible vacuum. According to this official, the EUSR would not use/possess anything similar to Bonn powers, would not be part of the executive and would have an advisory function. Moreover, the EUSR would be needed to coordinate other EU roles and ESDP instruments.[279]

Concerning a possible dispute over the role, between the EUSR who would be supposed to report to the European Council through Solana, and the European Commission, an official of the Embassy of France said that the observation could be true yet this would not be a considerable problem.[280] In the same manner, an official in the OHR defended that a conflict between the EUSR and the European Commission would not be likely on the grounds that these two would be two separate bodies and would have two separate mandates. For instance, there have been other EU missions for a considerable time, such as EUFOR and EUPM that have not been under the command of the EC.[281] In any case, it can be assumed that the European Commission prefers such a transformation of OHR into the

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[279] Interview with an EU official, 30 March 2006.

[280] Interview official in the French Embassy in Sarajevo, 2 June 2006.

[281] Interview with an official in the Office of High Representative-2, 31 May 2006.

EUSR because the OHR did not favour combined approaches and did not opt for cooperation with the EC.[282]

Another important issue has been the limits to the sovereignty of BiH. That is to say, the extent of power to be transferred to the locals seemed unclear. One international official elucidated that the main debate was on the question of protectorate vs. "ownership", the term that Petritsch invented to stand for an unclear version of (in fact limited) sovereignty. In this sense, the priority is said to be the transition to local authorities.[283] This point will be further analysed in the fourth chapter.

The necessary domestic institutionalisation could be completed, had the International Community been more sincere in the transfer of sovereignty. For instance, the Constitutional Court has emerged as an important actor. It is indeed argued that it functioned considerably and courageously, especially in controlling the laws imposed by the International Community.[284] In this sense, the role of the OHR could have been fulfilled by the Constitutional Court, including even the removal of public officials since they were against the constitutional framework. It is yet a great mystery why cooperation with the Constitutional Court was not opted for by the OHR. Alternatively, Ombudsman could become an important institution, yet it remained limited to human rights issues. Its scope and authority could be enlarged, and could have included the complaints about the international administration.[285] Since these domestic institutions were not regarded seriously, it is not easy to be convinced on the sincerity of the International Community in "ownership".

The local perceptions and interpretations about the reformation of the International Community and the transfer of power differed. The general mood, especially among intellectuals, can be summarised as a disgust of the limited sovereignty imposed by the International Community yet a reluctant acceptance of its interventions because of the post-war stability and a huge mistrust on the

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[282] Interview with a director in the Delegation of the European Commission in Sarajevo.

[283] Interview with an official in the Office of High Representative-1, 14 March 2006.

[284] Wolfgang Graf Vitzhum, "Penser la Bosnie-Herzegovine, Une democratie pluriethnique et un controle juridique paradigmatique?", Revue de la Recherche Juridique 2, (2004): 1256-7.

[285] Caplan, "International Authority", 62.

local politicians. It is generally argued that the International Community should deal more with the daily problems of the citizens.

The disgust has been expressed also by the political parties. In this manner, Zlatko Lagumdzija, the leader of the SDP, stated that "We need expert assistance from the International Community but we don't need other people to make decisions for us any more", which was then interpreted as the "signal a new era in the attitude of Bosnia's leadership".[286] However, this has not been transformed into a clear policy of demand for more sovereignty, so far.

In the same manner, the spokesperson of the SDP stated that current level of authority and role of the International Community could not be acceptable in the future and Schwarz-Schilling must be the last High Representative.[287] SDP spokesperson said that the abolition of the OHR was necessary because BiH needed only an advisory role that would be provided by EUSR cooperating with the government. In this sense, the SDP accepts the necessity of an international presence, but in a less interventionist way.[288] In any case, the locals interpreted the transformation of OHR into the EUSR as lessening of direct intervention.[289] It should be noted that all these views relied on the success of the constitutional reform of Spring 2006 that would increase the competences of the central government, which dramatically failed. This issue is to be dealt in further detail in the fourth chapter.

The most radical local proposal concerning the role of the International Community is the demand of the complete withdrawal of the International Community. It pretended that the level of international intervention would not change after the reformation; all in all, there would be a redefinition of the form of the intervention. For instance, in 1996, the USA was more powerful than the OHR; there have been always some foreign actor. The argument further justified itself by claiming that everybody was tired enough to wage another war, even in

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[286] Amra Kebo, "Bosnia: Calls for End to Days of the Consuls?", IWPR Balkan Crisis Report, 283, (27-Sept-01).

[287] Interview with Emina Keso-Isakovic, professor in the University of Sarajevo, 6 March 2006.

[288] Interview with Damir Mašić, spokesperson SDP, 27 March 2006.

[289] Interview with Ešref Kenan, assistant in Faculty of Political Science, University of Sarajevo, , 23 March 2006.

Banja Luka. This is why even if the International Community leaves there will be no war again.[290]

Finally, this ambiguous transformation was interpreted as leaving BiH and even the region to "the mercy of European lowest common denominator policies favouring the status quo". This interpretation is supported by the discussions presented above. Therefore, "The war against Bosnia thus continues, albeit now by other means, under the auspices of the EU". [291] The limited sovereignty of BiH ensued, which provoked the argument that the war against BiH continues. It seems meaningful to move to the relations of the International Community with the local actors.

3.3. The International Community and the local actors

In addition to the problems with the International Community mentioned above, the relations of the local actors with the International Community have been an uneasy one as well. The following quote by an international official summarizes the uneasiness with local actors pretty well:

> ...having an International Community invested with the power to make local actors listen, and act as the IC [International Community] feels is best to ensure a functioning democratic system, and the complications this causes - taking control out of the hands of local actors, who are thus unable and eventually unwilling to take authoritative responsibility for guaranteeing the elements of a democratic society. The process should be about local empowerment, but difficulties also mentioned above make this process difficult. The line dividing local actors and internationals seems so completely fixed and immovable at times. Perceptions on both sides become stereotypes, and prevent real dialogue. This is evident not only in the official work of IOs [International Organizations], but even when sitting in cafes, or engaging in cultural events. There are simply places where international frequent, events that planned with IC in mind, and places where nationals frequent.[292]

It is best to continue with the presentation of the astonishing degree of negligence of and despise towards the local people by the International Community. The leader of the Liberal Democratic Party Lamija Tanović, presumably supporter of the role of the International Community because of her ideological background, complained that "our constitution is the annex four of

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[290] Interview with Nidžara Ahmetasević, journalist in daily Oslobodjenje, 30 March 2006.

[291] "Emancipating Bosnia", editorial, Bosnian Report, New Series :32-34, (December - July 2003).

[292] Interview with OSCE officials, March 2006.

the Dayton Agreement; as citizens, we never knew that our constitution was part of an international treaty. They built a new state, we did not know, and then we realized this ungovernable monster: the administrative structure of Dayton" [293]

The fact that the constitution was not ratified by the citizens was not the only abnormality of the Bosnian democracy. For instance, it was not translated to the local languages even ten years after the signature of the Dayton Agreement. A Law Professor from the University of Sarajevo gloomily affirmed that "In addition to all the humiliations which this country is experiencing as an international protectorate, having the constitution without an official translation is the biggest of them all"[294]. This is the picture we have, as inconceivable as it may seem.

Concerning the locals' relations with the International Community, three different groups of locals are identified. First are the nationalists of the three constituent nations that have been essentially confrontational but occasionally cooperative with the International Community. Second are the disenchanted non-nationalists who are willing to cooperate whole-heartedly but are alienated. Third are the desperate and indifferent masses whose views are not considered by anyone, although they could make important contributions to Bosnian politics not the least with their heart-breaking stories. One can also add to this picture the international officials who criticise either the locals or the internationals, or both.

Various nationalists interpreted the role of the International Community on different grounds. It is understandable that the SDS, who initiated the war, has not been happy with the interventions of the International Community. While observing that international intervention is not good for any country, a SDS official pointed out that BiH needed the International Community because of the conflict and it proved to be successful in mediating between warring parties. However, he claimed that BiH must be on the way to the EU, and that it could do it without the International Community since BiH people are equipped enough to create their institutions by themselves.[295] Another Serbian nationalist view

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[293] Interview with Lamija Tanović, president of the LDP, 4 May 2006.

[294] Gordana Katana, "English-Only Constitution Draws Fire", <u>IWPR Balkan Reports, 580,</u> (21-Oct-05).

[295] Interview with Milovan Stanković, a high level official of SDS, 6 June 2006.

pointed out that the International Community was biased against the Serbs, the Serbs have not been treated equally because for instance when Bosniak parties were acting against Dayton, the International Community was silent while it was very loud when Serbs did the same.[296]

With a remarkably similar rhetoric, the Bosniak nationalists complained that the Serb nationalist SDS and Bosniak nationalist SDA were treated equally by the International Community because it acted often according to its own prejudice of putting SDS, HDZ and SDA in the same basket. For instance, SNSD (the social democrats in Republika Srpska) has been more nationalist than the SDA yet that was not realized by the International Community.[297] It seems that the SDA has been satisfied when the International Community wanted to strengthen the central state. However, it is mostly uncomfortable when it equated Bosniak nationalism with other nationalisms and SDA with other nationalist parties. The reason is that Bosniak nationalists perceive themselves more integrative and cooperative than the other nationalists.

A rather moderate Croat nationalist politician reiterated the fact that the key problem of the International Community has been its relations with locals. Therefore, there have been far less achievement in the mission of the International Community in BiH than could have been done. He felt compelled to say that apparently the International Community preferred this sort of undefined protectorate status for BiH, which suited BiH least in fact on the grounds that the power has been taken by the International Community while the locals have been held responsible. Therefore, democratic organizational, strategic, political potential of the local forces have not been used.[298]

The disenchantment of the non-nationalist/anti-nationalist groups from the International Community has been huge, notably on the Bosniak side. An angry journalist even claimed that the International Community never helped anti-nationalists. Accordingly, the International Community preferred to sustain the protectorateship in BiH. Indeed this is why the International Community did not arrest the war criminals and eliminate the nationalists because their

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[296] Interview with Niksa Lolić, International Coordinator of PDP, 6 June 2006.

[297] Interview with Mirsad Čeman, a deputy of SDA, 11 May 2006.

[298] Interview with Martin Raguž, a deputy and one of the founders of HDZ 1990, 16 June 2006.

existence justifies the international intervention. Moreover, the relations between local and international actors have not been defined in terms of partnership, but rather in terms of "do it or bear the burdens" type of imposition.[299] A more moderate version argued that the International Community has worked essentially in accordance with the needs of the people yet it did not control the process later, as exemplified in the failure of return of the refugees and Internally Displaced Persons.[300]

One of the main failures of the International Community has been the privatisation[301]. Not only it caused unemployment, but also it has often created doubts about the transparency of the International Community. For instance, High Representative Petritsch was accused of privatising the GSM at a ridiculously non-competitive price, and this was not the only scandal of corruption done by the international officials.[302] Such experiences led to the argument that the International Community has not been honest with BiH.[303]

A relatively moderate view by an official of the social democratic SNSD in Republika Srpska pointed out that the International Community did a lot for making peace possible, which was very important. However, she claimed that it lost contact with the people during the term of Ashdown as High Representative. Accordingly, the International Community needed to get in touch with the masses and explain itself to the BiH people. For instance, important decisions at state level such as additional taxes, defence and police reforms should have been explained to the public.[304] Yet another moderate view by a NGO director clarified that the role of the International Community could be positive, such as multiparty system, freedom of media and so forth. However, at the political level there are a lot of visible misunderstandings since the general approach was not

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[299] Interview with Nidžara Ahmetasević, journalist in daily Oslobodjenje, 30 March 2006.

[300] Interview with Davor Vuletić, the NGO Foreign Policy Initiative, 21 March 2006. The return of Refugees and IDPs will be analysed in the third chapter.

[301] The privatisation in BiH will be analysed in the third chapter.

[302] Kebo, "Bosnia: Calls".

[303] Interview with Damir Mašić, spokesperson SDP, 27 March 2006.

[304] Interview with Danijela Injac, International coordinator of SNSD, 6 June 2006.

so positive towards the Republika Srpska.[305] The crux of the matter is that the Serbs in Republika Srspka perceive their entity much more legitimate than the other human beings in this planet do.

The internationals have been also critical about the locals, as well as about the other internationals and the handling of the issues in general. In this sense, the main criticism of the internationals towards the locals is that they are not expecting the reforms from the government but rather from the International Community. Therefore, the government is perceived extremely weak by some internationals. They think that if things are left to the locals nothing will happen.[306] A local official confirmed that the national institutions often wait for the International Community to say what to do.[307] A partial local answer to this phenomenon is that the International Community attempt to deny its responsibility when the result of certain attempts is not a success. In other words, although the International Community is the main responsible actor of the implementation of the Dayton Agreement and democratisation in BiH, it has consistently blamed the locals for the failures. The best example is provided by the issue of trafficking. The legal procedure is not clear when members of International community are involved in smuggling goods and human beings.[308]

This leads to the issue of accountability. The spectrum of legal actions is not known if the individual members of the International Community violate human rights. Almost all the members of the International Community are protected by diplomatic immunity, thus it seems that they are subject to the national laws of their home countries that are not practically applied.[309]

The international officials dealing with human rights questions have been indeed the most critical officials concerning the international role. International Community's double standards in BiH have been mentioned especially in the field

[305] Interview with Miloš Solaja, Head of an NGO in Republika Srpska, 5 June 2006.

[306] Interview with a Task Manager in the Delegation of the European Commission in Sarajevo, 12 March 2006.

[307] Interview with Muris Bulić, the NGO CCI in Tuzla, 13 June 2006.

[308] Interview with Jasna Džumhur, Office of the United Nations High Commissioner for Human Rights (OHCHR), 13 March 2006.

[309] Interview with Jasna Džumhur, Office of the United Nations High Commissioner for Human Rights (OHCHR), 13 March 2006.

of human rights. A striking example is provided by the removal of the police officers. They were removed from the office by the international authorities being charged of war crimes, but they were not arrested! They could not appeal to any court because it was not clear to whom or where to appeal. Therefore, it is argued that there is a clear hypocrisy about human rights. Accordingly, the aim was not to build BiH based on human rights and democratic values. For instance, BiH governments have no voice on social rights to the EU.[310]

To sum up, the relations of the International Community with the local actors have been uneasy. The separation of these two, even in daily life, and the authority of the former on the latter were crystal clear. This asymmetric cooperation, if not a total domination, has been one of the reasons of failure of the international efforts in the implementation of the Dayton Agreement, which will be analysed in next section.

3.4. The perceptions and critics on the achievements of the International Community

At the end of the day, the discussion ends inevitably at the evaluation of the success of the International Community. This signified also the perception of the existence of the International Community. That is to say, the International Community is perceived null and void because of the failures. The level of the success of the International Community is a matter of debate as a palpable consequence of all the problems and discussions that are reflected in this chapter. As it was reiterated in this chapter and will be substantiated in the following chapters, the effectiveness and legitimacy of the international role is seriously questionable.

Certainly, there have been significant achievements such as the common license plate to provide freedom of movement and the legislation on property to provide returns.[311] However, since the biggest success of the International Community is such small yet important things, it is argued that the achievements of the International Community have always been at this level of small but

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[310] Interview with Madeleine Rees, Office of the United Nations High Commissioner for Human Rights (OHCHR), 14 March 2006.

[311] These points were mentioned in nearly all the interviews that I made, though with some reservations on refugee return, as analysed in the corresponding section in the third chapter.

important things.[312] Yet some others argued that the role of the International Community has been salient but complex, thus it helped a lot yet it is heterogeneous. Therefore, various and incoherent results achieved by different parts.[313] Alternatively, the internationals observed that "in terms of post conflict state building it [the role of the International Community] is a success"[314] mostly on the grounds of successful military peacekeeping, restoration of the basic infrastructure and normalisation of life. Finally, one scholar claimed in as late as 2004 that it was still too early to judge the effectiveness of the role of the International Community.[315]

Notwithstanding the importance of these achievements, it leads also to the basic critic. It is argued that the International Community was successful only in the physical reconstruction such as infrastructure, but not in the reconstruction of the Bosnian society at all since there was no investment and efforts in the reunification of BiH. The basic example of the absence of these efforts for social reunification can be seen in the failure of the return of the refugees and Internally Displaced Persons, among other examples. As a result, the division of the society is not prevented and hence, the results of the war were reaffirmed.[316] In this sense, there has not been a reconstruction of an efficient state.[317] Moreover, a programme similar to the de-Nazification of Germany after the Second World War was not introduced in the Republika Srpska.[318] Besides, the International Community failed in Transition: BiH was not only post-war but also a Transition country. In other words, it is in the process of not only reconstruction after the war but also of the transition to liberal democracy. Transition process has already been painful for many countries in

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[312] Interview with Nidžara Ahmetasević, journalist in daily Oslobodjenje, 30 March 2006.

[313] Interview with Martin Raguž, a deputy and one of the founders of HDZ 1990, 16 June 2006.

[314] Interview with an official in the Office of High Representative-1,14 March 2006.

[315] Caplan, "International Authority", 57-8.

[316] Interview with Beriz Belkić, vice-president of SBiH, 10 May 2006.

[317] Interview with Senad Pečanin, editor of the weekly Dani, 24 March 2006.

[318] Alexander Ivankov, "Dayton brought peace, It's time for justice", Bosnian Report, January-March 2004, New Series 37-38.

Eastern Europe and the International Community did not pay real attention to this dimension of the Bosnian case.[319]

What is currently expressed, by the Bosnians, is considerably the contrary of the evolution of the international role that is outlined above: To make BiH an international protectorate immediately after the war, which includes banning all political parties and arresting all war criminals. The traumatic disenchantment with the International Community was that it cooperated with nationalist parties and bargained with the war criminals, as in the case of Biljana Plavšić. This will be explained more in the fourth chapter. Therefore, it is criticised for opting for half protectorate, in which it was not clear who was responsible of what.[320]

The failures provoked the argument that the International Community was never ready for a role in BiH.[321] The main line of debate stemmed from the fact that it is still questionable whether BiH can survive as a self-sustaining liberal democratic state. This is why some argued that the long term international engagement is necessary.[322] Many locals also agree on that although the form of this engagement is a matter of debate.[323] Contrary to this argument, it is argued that the restoration of BiH by different international actors makes it part of the many politically and juridically unstable states. If the International Community is eternally engaged there is a risk in the peace implementation.[324] The country and its ordinary citizens continue their struggle for survival within the tension of these mutually exclusive opinions.

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[319] Interview with Jacob Finci, member of Independent Intellectuals and head of Civil Service Agency, 20 March 2006.

[320] Interview with Muris Bulić, the NGO CCI in Tuzla, 13 June 2006, different versions were expressed in my interviews with other Bosnians.

[321] Interview with Ešref Kenan, academic in Faculty of Political Science, University of Sarajevo, 23 March 2006.

[322] Caplan, "International Authority", 58.

[323] The opinion expressed in nearly all interviews I made, exceptions such as SDS and journalist Nidžara Ahmetasevic exist.

[324] Hamdouni, Said, "Les Accords de Dayton et le statut de la Bosnie-Herzegovine", Etudes Internationales 1, (1998): 68-9.

III.5. Conclusions

The crux of the matter in understanding the International Community is the illusionary link between the existence and functions of the International Community on the one hand and its character (monolithic and homogeneous or not) on the other. Simply put, the International Community is not and does not need to be homogeneous in order to exist and be functional. In the same way, its activities do not need to be efficiently coordinated in order to enable us to observe its existence. It is certainly heterogeneous and there are contestations between its members. However, there is an outcome and in the Bosnian case, there are clear institutions and policies. It exists and functions with a heterogeneous character and despite the lack of coordination among its parts.

The International Community established a limited sovereignty in BiH with the Dayton Agreement. The limited sovereignty would be implemented by the international organisations. However, the International Community started its post-war Bosnian journey with the awkward combination of ambitious objectives in the implementation of this limited sovereignty and reluctance of interventionism. It progressed towards more interventionism and clear objectives, although the objectives were not necessarily in accordance with the local demands. It ended its circle in the reluctance of interventionism, although the problems that caused its initial interventionism have been hardly solved, as to be analysed in the third chapter. At the end of the day, what is important for the International Community seems to keep a minimum stability: maximum enough to keep the dangers to European stability under control and minimum enough to keep its involvement at the lowest possible level.

It is often argued that Bosnia and Herzegovina would be a test case for the modes of international cooperation.[325]The continuous debate and intermittent reforms on OHR and other international organisations have clearly demonstrated the ad hoc nature and trial-error method of the International Community as well as its heterogeneous character. The constant redefinition of this international role resulted also in the test of EU's foreign role.[326] Furthermore, the model that is applied later in Kosovo was designed following

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[325] David Chandler, Bosnia: Faking Democracy After Dayton, (London: Pluto Press, 2000), 181; also in Dick A. Lurdjik, "Before and After Dayton: The UN and NATO in the Former Yugoslavia", Third World Quarterly, 3 (1997): 457-471.

[326] Interview with an official in the Office of High Representative-1, 14 March 2006.

the failures in Bosnia and Herzegovina. BiH was even discussed as a model concerning the situation in Iraq.[327] Therefore, the experience in Bosnia and Herzegovina was helpful for the International Community to design other missions in its search for minimum stability. It should be noted that this has been part of the constant redefinition of the division of labour within the International Community.

Finally, BiH has been in a state of dependence and this creates its own structures and dynamics which found its interest vested in this state of dependence, to the extent that this latter is reproduced and normalised.[328] The following chapter will elaborate on the Dayton Agreement and its implementation in order to define the Bosnian state-society complex in the state of dependence that was created within the limited sovereignty by the International Community.

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[327] Don Hays, R. Bruce Hitchner, and Edward P. Joseph, "Bosnia is no model for Iraq", <u>International Herald Tribune</u>, January 19, 2007.

[328] Dizdarevic, Svebor Andre, "Introduction: La Bosnie-Herzegovine face a son avenir", in <u>La Bosnie-Herzegovine, Enjeux de la transition,</u> ed. Christophe Slioz, Svebor Andre Dizdarevic, (Paris: L'Harmattan, 2003), 7.

CHAPTER 4

DAYTON AGREEMENT and ITS IMPLEMENTATION

*En somme, pour
que je vive heureux, il
fallait que les autres que
j'élisais ne vécussent
point. Ils ne devaient
recevoir leur vie, de loin
en loin, que de mon bon
plaisir.[329]*

*On est toujours
libre au dépends de
quelqu'un…[330]*

*Toutes les armées
en guerre, libératrices ou
non, se ressemblent : ils
vivent sur le pays
occupé.[331]*

4.1. Introduction

Albert Camus observed that the requirement of happiness is the unhappiness of the ones chosen by the happy one exactly for this purpose. Moreover, Camus stated that freedom is always at dependence of some others. Previous chapter ended with the argument that the type of state that the International Community aimed at establishing in BiH is in accordance with the transnationalisation of the world order. Furthermore, BiH has been in a state of dependence; it is reproduced and normalised by the structures and dynamics which found its interest vested in this state of dependence.[332] This chapter is to

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[329] Albert Camus, La chute, (Paris: Gallimard, 1956), 73. It reads: In sum, for that I live happy, it entailed that the others that I chose did not live at all. They would have to receive their life from my nice pleasure.

[330] Albert Camus, Caligula, (Paris:Gallimard, 1958), 66. It reads: We are always free at the dependence of some others.

[331] Jean-Paul Sartre, Les mains Sales, (Paris: Gallimard, 1948), 188. It reads: All armies in the war, emancipator or not, resemble each other: they live in the occupied country.

[332] Svebor Andre Dizdarevic, "Introduction: La Bosnie-Herzegovine face a son avenir", in La Bosnie-Herzegovine, Enjeux de la transition, ed. Christophe Solioz, Svebor Andre Dizdarevic, (Paris: L'Harmattan, 2003), 7.

substantiate this argument of limited sovereignty in the analysis of the Dayton Agreement as well as to outline the state-society complex redefined by this Agreement. This agreement that ended the war in BiH demonstrates the type of state that the International Community designed as well as the constitutional institutionalisation of the international role in domestic politics of this country. BiH is free at dependence of others and its unhappiness is chosen.

BiH lost its sovereignty the day it became independent with the eruption of the ethnic aggression. The war in Bosnia and Herzegovina was a deliberate and calculated attempt to destroy the multiethnic coexistence and the multiethnic state.[333] The main reason for the emergence and conduct of this attempt was the loss of central authority in the dismemberment of Yugoslavia[334]. The destruction of multiethnic coexistence was achieved through ethnic cleansing, which was based on the creation of ethnically purified lands.

Since the early days of the recent dismemberment of Yugoslavia, the viability of the Bosnian state has been constantly questioned. This questioning resulted in the impudent argument that the "invention" of the republic in 1946, of the nationality in 1971, and of the state in 1992, could not solve the essential questions of which territory, which population and which juridical and political organisation[335]. This main line of debate will be enriched during the analysis of the Dayton Agreement and its implementation in this chapter. At this point, it seems fruitful to be occasionally back to the concept of failed state and to revise the state-formation in the Balkans. Since the main argument in this thesis is on the conflict between the International Community and nationalists, it is useful to overview the emergence of nationalism in the region.

4.2. State-Formation in the Balkans and BiH

The widespread conviction is that Yugoslavia and Bosnia-Herzegovina have been "failed states" as the result of an ethnic conflict. It is argued in this thesis that this "failure" can be understood within the framework of the

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[333] Rušmir Mahmutcehayić, Une politique Erroné: La guerre contre la Bosnie-Herzegovine, (Sarajevo: Sahinpasic, 1999).

[334] Susan Woodward, Balkan Tragedy: Chaos and Dissolution, (Washington: Brookings Insitution Press, 1995).

[335] Jean-Christophe Dolle, "La constitution de la federation de Bosnie-Herzegovine: un difficile contrat de mariage pour une alliance fragile", Transitions, 1 (1996): 101.

transnationalisation of the world order. This is to say, the ethnic conflict is within the context of the nationalist reaction to transnationalism. At this point, it seems productive to review the state-formation process in the region in order to understand this relation and reaction. The following will be a brief presentation of history in order to understand the relation of the world order to the nationalist state-formation and to the recent serial of conflict in the region.

A conventional understanding of the modern Balkan history emphasized the formation of the nation-states in the region. Balkan peoples were living under the reign of multinational empires such as Ottoman and Habsburg Empires. The 'national sovereignty' idea extremely challenged the authority of these empires and pushed the way to nation-state formation. However, the formation of Balkan states was mainly conducted by foreign involvement. As a consequence, the boundaries of the states were drawn according to the broader continental balance of power concerns rather than 'mere' ethnic composition. Therefore, the nation-states in the Balkans do not correspond with the ethnicities they encompass, which has created minority problems. This emphasized nationalisms of both dominant nation and minority(ies) and weakened the state. Moreover, the population of these states has generally been peasants and lower standard of living has marked the socio-economic life in the region, which also affected the loyalty of the citizens to the state. Thus, the Balkans state is not comfortable at home, both the citizens and the state do not feel itself secure regarding each other. Therefore, the state has had to rely on foreign powers for its security, both against its irredentist neighbours and against its own citizens of different ethnicity than the one dominant in the state structures. In sum, national unification has been the unfulfilled ambition for nearly all Balkan states, and nationalism, foreign influence, and economic backwardness marked the history of the region.[336]

In addition to this conventional outline of the history, the approach critical on the establishment of the nation-state is also to be noted. Maria Todorova, well-known for her illuminating analyses about the perceptions of and discourses on the Balkans, astutely pointed out that the ethnic complexity of the Balkans has been interpreted as the most irritating characteristic of the Balkans:

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[336] Charles&Barbara Jelavich, The History of the Balkans, (New Jersey: 1965, Prentice-Hall), 5-7.

while the nations of the western European nations were forming more or less homogenous blocs, in the east heterogeneity was observed. This latter is seen as the reason of instability and the disorder of the region. In fact, the minority problem has been an endemic part of the development of the nation-state, especially in the Eastern Europe.[337] Moreover, Elie Kedourie precised that "The states which resulted from the application of the principle of self-determination are as full of anomalies and mixed areas as the heterogeneous empires they have replaced."[338]

To come to our broader framework, the emergence and expansion of capitalism and liberal ideas were in the centre of nation-state formation. The establishment of nation-states, though differing among themselves with regard to certain characteristics, had been the ambitious objective in the search of the well-functioning political-territorial organization; within the framework of the world order before 1914. Moreover, it would be quite meaningful here to remember John Stuart Mill's ardent desire about the congruence of government and nation: "It is in general a necessary condition of free institutions that the boundaries of government should coincide in the main with those of nationality"[339].

The very structure of the international environment indeed encouraged the formation of nation-states. The ground rules of international relations were generally defined by Western Europe particularly in the ages of nationalism. The fact that the mode of political organization in the West was nation-state presented the very obligation that the entry to this family required becoming a nation.[340] It is indeed fed by the very principle of non-intervention; this is to say that there is no higher authority than internationally recognized state. This very character of the international system has overwhelmingly encouraged nation-state formation.

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[337] Maria Todorova, " La Bulgarie-entre le discours culturel et la pratique politique ", Politique Etrangère, 1 (1998): 131.

[338] Elie Kedourie, Nationalism, (Boston: Blackwell, 1996), 121.

[339] John Stuart Mill, Considerations on Representative Government, (New York: Liberal Arts Press, 1958).

[340] Liah Greenfeld, Nationalism-Five Roads to Modernity, (USA: Harvard University Press, 1992), 14.

The nation-state has required the nation that will comply with the economic and political power distribution via state and the corresponding territorial definition that includes territorial delimitation. Thus, the nation-state has entailed homogeneity. The theoretical and empirical definition of the nation has involved the homogeneity of belonging or political homogeneity, which can be easily translated into ethnic homogeneity that can be essentially or eventually defined as the interest of the nation. In this way, even if there is no ethnic homogeneity, it can be created for the sake of the establishment of the nation-state.

In this sense, the nation-state formation becomes an integration and uniformisation process. It begins with the standardization of the language as the necessary form of communication, followed by the standard national education to produce and sustain cohesion. Cultural and linguistic unity increases government power of action, hence states insist on uniformity for both domestic and international comfort.[341] It can be seen that the expected efficiency of the nation-state has lied in the uniformity.

As a matter of fact, the historical analysis of the emergence of the nation-state showed that it was designed to check the power of the absolutist rulers who had legitimised their rule by the divine authority. In this sense, it has become the "fundamental political category" that welcomed to become the "clear focus of identity for the inhabitants of a state".[342] In other words, it constituted the basic political focus for the people, implying the invalidity of alternative identities and structures. The initial idea was the formation of the community of citizens against arbitrary absolutist government. The mentioned community restricted participation to this political self-organization by narrowly defining the fundamental features of its members. To be more direct and clear, the should-be inclusive political community has inherently carried out the perils of becoming a closed, exclusive ethnic community.

The nation-state was seen in Western Europe and perceived by the elite of the Balkan countries as the only alternative for the progress. In other words,

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[341] Karl W. Deutsch, <u>Nationalism and Its Alternatives</u>, (New York: Alfred A.Knopf Inc., 1969), 10-20.

[14] Eugene Kamenka, "Political Nationalism-The Evolution of the Idea", in ed. Eugene Kamenka, <u>Nationalism, The nature and evolution of an idea</u>, (London: 1976, Edward Arnold Publishers Ltd.), 8.

"only the establishment of independent nation-states could serve as an institutional framework within which development could take place…"[343] The independence from Ottoman and Habsburg Empires can thus be interpreted as the desire to build up the necessary political structure for progress, following the model that had proved to work well in the western part of the continent. In other words, the initial aim was not necessarily to establish the self-governing political community of citizens against an oppressive emperor, it was rather to create more efficient smaller units based on ethnically unified communities. In other words, "State" has required the "nation", but "nation" has not required "citizens" in order to build the state. This is indeed why it is argued that the ethnic nationalism has been the consequence of the importation of a non-mediated occidental model of the nation-state.[344]

This overview shows that the establishment of nation-state in the region was in accordance of the world order of the time. The dismemberment of Yugoslavia can be read indeed within this context of nation-state formation. It can be interpreted as the latest nation-state formation in the European continent. It carried out all characteristics of the problematic nation-state building ambitions in the Balkans.

Within this framework, the survival of Bosnia and Herzegovina has been a debate since its independence. The inevitability of partition and the survival with international assistance have been the two opposite views within this debate. It is argued that Serbian and Croatian leadership have agreed to divide Bosnia and Herzegovina as part of their Greater Serbia and Greater Croatia projects; in this sense the destruction of Bosnia and Herzegovina have been a rational project and the use of force were realised purposefully. Moreover, this rational project has provoked the argument that Bosnia and Herzegovina is a non-viable state. They have calculated that the use of force is the only way to break up the country since its population is highly mixed. This argument concluded that Bosnia and

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[343] Roumen Daskalov, "Ideas About, and Reactions to Modernization in the Balkans", East European Quarterly, 2, (June 1997): 143.

[344] Christophe Solioz, "Quest for sovereignty: Bosnia and Herzegovina's challenge", Helsinki Monitor, 2, (2003): 148.

Herzegovina was not defended but not destroyed either[345]. It is not defended because the ethnic partition is accepted yet the unity of the country is kept. In this sense, the nation-state mentality, which can be observed in the partition of BiH into three ethnically clean sub-units, continued its influence.

The contrary pretension was that the partition of the Bosnia and Herzegovina was inevitable after the dismemberment of Yugoslavia and the international refusal to accept this made the accomplishment of this partition in the worst way[346]. The most famous/notorious advocate of the argument of partition has been Henry Kissinger.[347] The debate of these two different approaches, namely the one that is based on the unity of Bosnia and the one that claims that partition is inevitable, has marked the recent history of Bosnia and Herzegovina and the role of the International Community.

The international efforts during the war in Bosnia and Herzegovina have been a matter of arduous discussions. The initial expectation was that the International Community would prevent the aggression in the country. However, the International Community hesitated to define the aggressor, if not refrained to do so. This expectation of international intervention was quite justified considering the international intervention against Iraqi invasion of Kuwait; the president of USA, George Bush, the father, argued that the aggression would be deterred and peaceful settlement of disputes would prevail in the so-called New World Order[348]. As a consequence, it was expected that the use of force "in the middle of Europe" would not be tolerated by the International Community. The reluctance to intervene caused widespread critics.

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[345] Rusmir Mahmutcehajić, "The War Against Bosnia and Herzegovina", East European Quarterly, 2, (Summer 99): 219-233.

[346] Robert M. Hayden, "The Partition of Bosnia and Herzegovina, 1990-1993", RFE/RL, 22, (28 May 1993): 14.

[347] Henry Kissinger, "America in the Eye of a Hurricane", The Washington Post, September 8 1996, and Henry A. Kissinger, Does America Need a Foreign Policy? Toward a Diplomacy for the 21st Century, (New York: Simon & Schuster, 2001).

[348] The American President George Bush has declared: "I wanted to speak...about the prospects for a new world order now within our reach...It refers to new ways of working with other nations to deter aggression and to achieve stability, to achieve prosperity and above all, to achieve peace. ..It springs hopes for a world based on...Peaceful settlement of disputes, solidarity against aggression, reduced and controlled arsenals, and just treatment of peoples." Bush, George, "The Possibility of a New World Order", Vital Speeches Of the Day, 15, (5/15/91):451-452.

The major criticism about the international efforts has not been limited to the absence of intervention. The peace plans have been widely criticised, primarily because they were based on the ethnic division. Therefore, they in fact legitimised the "ethnic purification" that had been conducted on the land of Bosnia and Herzegovina. The international organisations' efforts during the war have also been a matter of discussion. It is often stated that the credibility of the international organisations was in question[349]. The later confession of UN Secretary General Kofi Annan would be enough to understand their problematic credibility, he stated explicitly that UN made terrible mistakes during the war, which amounted to appeasement and could not meet with ethnic cleansing[350].

The discussion on the role of the International Community during the war is beyond the scope of this thesis. The Dayton agreement that ended the war in Bosnia and Herzegovina is thus the most successful peace proposal ever made; its character and the international role in its implementation process will be the focus in this chapter. The Dayton Agreement demonstrates how the Bosnian state that was destroyed during the war was reconstructed in accordance with the transnationalisation of the world order. Furthermore, the implementation process shows the conflict between the International Community and the nationalists.

4.3. The Dayton Agreement

There has been a big variety of views and intense discussions about the General Framework Agreement on Peace (GFAP) initialled in Dayton, Ohio, USA and signed in Paris, France, and known simply as Dayton Agreement. The first thing to note must be the very fact that it ended the war, one of the cruellest wars of the Twentieth Century.[351] However, it can be argued that all it ended

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[349] Susan Woodward, "Time for a Post-Mortem on Bosnia?", Brookings Review 3, (Summer 1995), 51, among others.

[350] "Lessons from Bosnia", The Economist, 8146, 22.

[351] The exact number of human loss is yet unknown. It was widely estimated around 200,000 and mostly Bosniaks. Investigation and Documentation Centre in Sarajevo, in cooperation with War Crimes Tribunal and financially helped by the Norwegian Government, continues the research, and estimated that "the number is going to be more than 100,000 but definitely less than 150,000", 70% of victims being Bosnjaks, 25% Serbs and 5%Croats. Nedim Dervisbegovic, "Revised Death toll for Bosnian War", Bosnian Report, 43-44, January-April 2005.

was the sovereignty of BiH and the ethnic conflict ensued although fighting never resumed.

It is argued that BiH lost its sovereignty the day it received international recognition.[352] Some believed that this sovereignty would not be possible anyway. The agreement was so problem-ridden that Bosnian President Alija Izzetbegović declared that "This may not be a just peace, but it is better than continued war. With the situation as it is, and with the world as it is, a better peace was not possible".[353] It is indeed argued in this thesis that the Dayton Agreement constitutes a clear example of the limited sovereignty within the transnationalisation of the world order. This argument is to be substantiated by the analysis of the Agreement.

The agreement provided the continuity of the legal existence of the state called "The Republic of Bosnia and Herzegovina" with its internationally recognized borders yet by changing the official name to "Bosnia and Herzegovina," and by modifying its internal structure[354]. In this sense, it has kept the unity and sovereignty of Bosnia-Herzegovina yet has divided it into two entities: the Republika Srpska (hereafter RS) and the Federation of Bosnia and Herzegovina[355], of Bosniaks and Croats. In this sense, BiH is the home of one "republic" and one "federation", the latter having the name of the country while the former labelled after one of the three constituent nations. Furthermore, the citizenship was also divided: "There shall be a citizenship of Bosnia and Herzegovina, to be regulated by the Parliamentary Assembly, and a citizenship of each Entity, to be regulated by each Entity". [356] The RS is highly centralised, while the Federation is highly decentralised, as being divided into ten cantons.

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[352] Bozidar Gajo Sekulic, "Guerre et Paix en Bosnie-Herzegovine: d'une paix négative a une paix positive", in La Bosnie-Herzegovine, Enjeux de la transition, ed. Christophe Slioz, Svebor Andre Dizdarevic, (Paris: L'Harmattan, 2003), 17.

[353] A Harbinger of Peace For Bosnia and Herzegovina, Ministry of Foreign Affairs of Republic of Bosnia and Herzegovina, Sarajevo 1995.

[354] GFAP, Annex 4, Constitution of Bosnia and Herzegovina, Article 1.1 Continuation, http://www.ohr.int/dpa/default.asp?content_id=380

[355] GFAP, Annex 4, Constitution of Bosnia and Herzegovina, Article I.3, Composition. http://www.ohr.int/dpa/default.asp?content_id=380

[356] GFAP, Annex 4, Constitution of Bosnia and Herzegovina, Article I.7, Citizenship. http://www.ohr.int/dpa/default.asp?content_id=380

The central state of BiH is as weak as possible with only three ministries originally, a number which increased over time. Each canton in the federation has its own assembly, government, president and constitution.[357]

The Parliamentary Assembly of BiH is composed of two chambers: the House of Peoples and the House of Representatives. The House of Peoples have 15 Delegates, two-thirds from the Federation (including five Croats and five Bosniaks, to be selected, respectively, by the Croat and Bosniak Delegates to the House of Peoples of the Federation) and one-third from the Republika Srpska (five Serbs, to be selected by the National Assembly of the Republika Srpska). The House of Representatives shall comprise 42 Members, two- thirds elected from the territory of the Federation, one-third from the territory of the Republika Srpska. [358]

The Presidency of Bosnia and Herzegovina has consisted of three Members: one Bosniak and one Croat, each directly elected from the territory of the Federation, and one Serb directly elected from the territory of the Republika Srpska. The Presidency nominates "the Chair of the Council of Ministers" (this is not a prime-minister), who takes office upon the approval of the House of Representatives. The Chair "shall nominate a Foreign Minister, a Minister for Foreign Trade, and other Ministers as may be appropriate, who shall take office upon the approval of the House of Representatives". The Chair and the Ministers constitute the Council of Ministers, "with responsibility for carrying out the policies and decisions of Bosnia and Herzegovina in the fields" specified in the agreement and "reporting to the Parliamentary Assembly (including, at least annually, on expenditures by Bosnia and Herzegovina)". No more than two-thirds of all Ministers may be appointed from the territory of the Federation. There are also Deputy Ministers who "shall not be of the same constituent people as their Ministers".[359]

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[357] Confederation Agreement Between The Bosnian Government And Bosnian Croats, Washington, DC, March 1, 1994, known as The Washington Agreement. The Agreement is known as a Turkish-American effort to convince Croats and Bosnjaks to joint forces against Serbs.

[358] GFAP, Annex 4, Constitution of Bosnia and Herzegovina, Article IV, Parliamentary Assembly. http://www.ohr.int/dpa/default.asp?content_id=380

[359] GFAP, Annex 4, Constitution of Bosnia and Herzegovina, Article V, Presidency. http://www.ohr.int/dpa/default.asp?content_id=380

Finally, the international role has been inserted in the agreement itself. This demonstrates the clear institutional aspect of the limited sovereignty. The Dayton Agreement establishes a system of international scrutiny through significant international presence in the institutions of the country. The Agreement regulates functions of the state such as military affairs, constitution, human rights, police, etc. It can be noticed that an international organisation is part in each of these functions. For instance, OSCE is responsible for elections together with the Provisional Election Commission; the Constitutional Court of Bosnia-Herzegovina contains three members from European Court of Human Rights; the governor of the Central Bank is appointed by IMF, eight out of 14 members of Human Rights Chamber members are from the Committee of Ministers of Council of Europe. Above all these institutions, there is the Office of High Representative (OHR), which is supposed to coordinate the activities of the International Community. The High Representative is stated explicitly as the "final authority in the theatre".[360] Therefore, the implementation of the Dayton Agreement has become truly an international issue rather than solely a local one, making the International Community involved heavily in the domestic politics of the country.

The OHR has been the main actor of this involvement. It is possible to consider the actions of the OHR as a clear reflection of the neo-liberal agenda of the International Community. This can be observed in the declarations of the PIC, which are aimed at the reconstruction of the Bosnia-Herzegovina as a liberal democratic state with the establishment of an open free market economy in accordance with the needs of the transnational world order.[361] This has not been contrary to the international trends at all: a sort of "social engineering", which ultimately aims to "transplant western models of social, political, economic

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[360] General Framework Agreement for Peace, (GFAP), Annex 10, Civilian Implementation, Article V, Final Authority to Interpret,
http://www.ohr.int/dpa/default.asp?content_id=380 last accession 29 March 2007.

[361] Conclusions Of The Peace Implementation Conference Held At Lancaster House London, December 08, 1995, http://www.ohr.int/pic/archive.asp?sa=on last accession 29 March 2007.

organization becomes the sole guideline for the practice of International Organizations in conflict prevention and resolution".[362]

In this sense, the international scrutiny for the Transition process in Southeastern Europe is constitutionalised in the case of BiH. Moreover, this exacerbated the intensity of the discussions on the state sovereignty in post-Cold War era:

> The Dayton Peace Agreement reflected the new post-Cold War interventionist approach of international institutions, encapsulated in the United Nations' Agendas on Peace, Development and Democratisation, which since 1992 have stressed the importance of post-conflict peace-building and the necessity for the long-term involvement of international organisations in political institution-building and governance…In the case of Bosnia, however, this international involvement was to be built into the Dayton Agreement and non-negotiable.[363]

This configuration, which is as problem-ridden as one can easily see, created a number of problems, and hence, of points of discussion. First, the continuity of the state has been questioned. It is hard to see to what extent the BiH that was created in the Dayton Agreement is the continuation of the pre-war Republic of Bosnia and Herzegovina. It is argued that in constitutional terms it is hard to see continuity because Dayton could have terminated the constitutional continuity of the Bosnian state[364]. Furthermore, there is no connection between the pre-war and post-war institutions, which weakened the continuity.[365] For instance, the federation agreement of 1994 could be considered as a succession rather than a new state[366], while in Dayton Agreement, it is rather doubtful.

Second, the structure of state is not understandable, nor convincingly explainable, although CIA World Fact book noted as "emerging federal democratic republic».[367] Dayton signified the partition within the unity; BiH has

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[362] Roland Parris, 'Peacebuilding and the Limits of Liberal Internationalism', International Security 2, (Fall 1997): 56.

[363] David Chandler, Bosnia: Faking Democracy After Dayton, (London: Pluto Press, 2000), 34.

[364] Laurent Pech, "La garantie internationale de la Constitution de Bosnie-Herzegovine", Revue francaise de Droit constitutionnel, 42, (2000): 423.

[365] Florian Bieber, "Bosnia-Herzegovina: Developments towards a More Integrated State?", Journal of Muslim Minority Affairs, 1, (2002): 208.

[366] Jean-Christophe Dolle,"La constitution de la federation",119.

[367] CIA World Factbook, https://www.cia.gov/cia/publications/factbook/geos/bk.html

remained a state within its recognised boundaries but divided into two. It was indeed claimed that Bosnia and Herzegovina was a single entity in name; otherwise it looked truly like two.[368] It is argued that the constitution that Dayton drafted attempted to combine three conceptions of statehood and peace-building. First, the outcome of the war is kept since the International Community was unwilling to change the military and political balance with the use of force. Second, it provided equality to Bosniaks, Croats and Serbs within a tri-national state. Third, there is a limited reference to the civic features, such as reference to Bosnian citizens and commitment to refugee return. Therefore, it is possible to define the institutional set-up of Dayton as a combination of a consociational arrangement at the level of joint state institutions and of an asymmetric multinational federation.[369]

BiH can not be considered a federal state because in a federal state the central authority is competent in the reconciliation of the conflicts among the composing parties, which is not the case in BiH considering the situation of the common institutions. It is not a divided state either, because the Dayton agreement states the legal existence of the state. The Bosnian law maintains the unity of the state despite the plurality of the juridical orders. However, BiH has a vulnerable juridical construction stemming from the ambivalence of the juridical dispositions on the functioning of the state institutions.[370] This is a state where common institutions are weaker than those of the entities. In other words, the central authority is too decentralised to become an authority yet is too visible and mentioned to be considered non-existent.

Third, the status of the entities has been a matter of confusion and discussion. The question of how a state can have unity when its partial entities have the essentials of sovereignty[371] seems plausible. However, it is later interpreted that the entities can not enlarge their competence by their own constitutions. Accordingly, there is not the possibility of auto-determination

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[368] "Bosnia's Bitter Peace", The Economist, 7942, (11/25/1995): 13-15.

[369] Bieber, "Bosnia-Herzegovina", 207.

[370] Said Hamdouni, "Les Accords de Dayton et le statut de la Bosnie-Herzegovine", Etudes Internationales, 1, (1998): 63.

[371] Ibid.

under Dayton. [372] In any case, the Dayton Agreement assumed that the war in BiH was a civil war and provided a state structure never observed before. The high state powers and the monopoly of force are to the Office of High Representative[373]. As a matter of fact, the war in BiH was not only internal but also with the outside involvement of Serbia and Croatia. [374] The problem of the status of the entities becomes bigger when the neighbours of ethnic kin are considered.

It should be noted at this point that the Dayton Agreement was not signed by the Bosnian Serb and Bosnian Croat representatives; it was signed by the Presidents of rump Yugoslavia and Croatia. The representation of Bosnian Serbs by Serbia and Bosnian Croats by Croatia was clear. The former was apparently concerned about the international sanctions on his country[375] while the latter calculated on the Euro-Atlantic integration vision of his country[376]. In other words, both admitted the unity of BiH for broader interest of their countries. This is indeed why an immediate analysis after the signing of Dayton Agreement drew attention to the attitudes of Serbia and Croatia, which it deemed "crucial".[377]

As a matter of fact, the communities in BiH lived together and "given the right circumstances, could do so again". The West was initially unclear in intervening because of the delivery of humanitarian aid and of the intention of containing the war. "By the time of Dayton, some kind of division, at least of the

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[372] Nicolas Maziau, "Le controle de constitutionnalite des constitutions de Bosnie-Herzegovine. Commentaire de decisions de la Cour constitutionelle, Affaire no 5/98 Alija Izzetbegovic", Revue de Droit Constitutionnel, 45, (2001): 207.

[373] Sekulic, "Guerre et Paix", 33.

[374] Nicholas Bonsor, "Post-Conflict Peace-Making from Bosnia to Iraq: lessons which should be learnt", Contemporary Review, 1658, (March 2004): 129-30. Also confirmed in my interviews with some international officials.

[375] "Bosnia's Bitter Peace", The Economist, 7942, (11/25/1995): 13-15.

[376] Warren Christopher, Alija Izzetbegović, "Implementing the Dayton Agreements: New Partnerships", U.S. Department of State Dispatch,7, (2/12/96), 33-39. Tudjman said during the visit of Christopher to Croatia that Dayton is important because "Croatia is particularly interested in comprehensive…relations with USA", that is the world's leading power.

[377] "Sticking Bosnia Together", The Economist, 7939, (11/4/1995): 18.

political control, had to be accepted in exchange of peace"[378]. In other words, the end to the war was only possible with the division of BiH, which remained only in domestic political structure.

The Republika Srpska can be argued to be the mere continuation of the Bosnian Serb Republic that was declared after the declaration of the independence of Bosnia and Herzegovina. As a matter of fact, if such an entity (legally/legitimately) existed, it was the aggressor since it started the fighting against the legitimate central government in Sarajevo, even in the limited understanding of the war as a civil war. Republika Srpska was established by brutal force, and its corresponding land has been ethnically purified violently. In other words, Republika Srpska could become Serbian only and only by use of force. Dayton Agreement legalised the establishment of a political entity by use of force. To legalise the existence of this so-called republic has been the mere surrender to the use of force in order to establish a political entity, which has carried out the danger to change the borders.

The establishment of this entity with the use of force has a meaning in terms of the discussions on the world order, at least as defined by George Bush, the senior: this marked the end of the George Bush's New World Order and of liberal imagination presented by Joseph Nye, on the grounds that the aggressor was neither deterred nor stopped and was even rewarded. Therefore, what BiH got from the ambitious liberal New World Order was an internal division through aggression. This decreased the plausibility of the liberal argument. In other words, Bosnian case showed that the deterrence of the use of force would be selective by the International Community. What is essential is to integrate countries to the transnationalisation of the world order and a minimum stability rather than a complete deterrence of the aggressor seems enough for such an effort.

Notwithstanding the strength of this critic, one needs to note the question of alternative. The main aim of the war for the Bosnian Serb and Serbian nationalist elite was to destroy Bosnia and Herzegovina; the so-called republic was its crucial step. If International Community, mostly led by the United States, did not allow the partition, then they contemplated that the "Bosnian Serb

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[378] Bonsor, "Post-Conflict", 129-30.

Republic" must have been preserved. The failure to keep it would have made all Serbian efforts in the war meaningless, which included besieging cities, massacring people, systematic rape etc. The Republika Srpska was the main aim, it could have been impossible to convince Serbian party to a peace agreement without accepting their main aim, unless a convincing use of force against them. In this sense, it is quite understandable that the establishment of Republika Srpska took place under the provisions of Dayton, though hardly acceptable.

Furthermore, the Presidency of BiH carried out territorial and national representation, since the elections are entity-based. Therefore, Serbs from the Federation and Bosniaks and Croats in the Republika Srpska have not been represented in the Presidency. Instead, they are condemned to rely on the representation by members of their nation from the other entity:

> The constitution recognizes 'citizens' as a quasi-separate group from the three national groups, while the institutional—just as the political and social—reality ignores the existence of other minorities, citizens of mixed marriages, and those not willing or able to identify with the national groups. This group—'citizens'— whose strength is near to impossible to determine, is not guaranteed representation.[379]

This problem of representation is not a marginal one: It is estimated that a total population of 1.2 millions of constituent peoples and 400 000 "others", which makes ¼ of the population have indeed been victims of the ethnic representation. Therefore, the equality of the citizens is not realized in the totality of the territory.[380] Especially from a human rights perspective, the Constitution turned out to be a problem because it has been the Constitution of the constituent peoples, not of citizens[381]. In this sense, Bosnia's constitution segments the political environment according to ethnic identity[382], ironically in sharp contrast to the international agreements that were signed later by the post-Dayton BiH state. It is indeed pretended that it is not possible "to find another country in the world bound by an internationally brokered agreement

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[379] Bieber, "Bosnia–Herzegovina", 208.

[380] Maziau, "Le controle de constitutionnalite", 200-201.

[381] Interview with Jasna Dzumhur, Office of High Commissionner on Human Rights (OHCHR), UN.

[382] Carrie Manning, "Armed Opposition Groups into Political Parties: Comparing Bosnia, Kosovo, and Mozambique", Studies in Comparative International Development, 1, (Spring 2004): 69.

that enforces ethnic discrimination in the election of public officials" and that it "bids fair to plague not only Bosnia but also the rest of Europe for decades to come".[383]

Fourth, as the obvious consequence of the first three, the issue of partition of BiH is not practically ruled out by the Dayton Agreement. This issue of partition whose existence has been often felt could not be solved by the Dayton framework either. Although Dayton Agreement aimed at the united/reunified Bosnia-Herzegovina, its main structure was based on ethnic grounds. In other words, the engineers of Dayton have apparently assumed that the fulfilment of the desires of each group in an ethnically structured state would result in the multiethnic reunification of the country. United States who engineered the negotiations and the very provisions of the agreement has declared in the words of its Secretary of State Warren Christopher that the agreement "…carefully designed to serve the fundamental interests of each party…"[384]

These fundamental interests have remained often unclear. The fate of the joint institutions and the links of Bosnian Serbs and Bosnian Croats to Serbia and Croatia have always been a matter of concern since the immediate aftermath of the signing of the agreement.[385] In this sense, the "fundamental interest" of the Bosnian Serbs and Bosnian Croats was a matter of curiosity, to say the least indeed! Their record of cooperation in joint institutions so far showed little help to assume their respect to and willingness to live within the unity of Bosnia and Herzegovina. Apparently, they did not agree with Christopher that the Agreement preserved their "fundamental interest". Then the question arises: What if the "fundamental interest" of one party may threaten the joint institutions and coexistence? Certainly, the International Community has looked for the answer so far. No clear and convincing answer could have been observed, as will be discussed in the proceeding section on the implementation of the Agreement.

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[383] Aaron Rhodes, "The Dayton Pact endorses outlawed ethnic abuse in Bosnia", <u>Bosnian Report</u>, 14, (february-march 1996), also on International Herald Tribune, Wednesday, February 14, 1996.

[384] Warren Christopher, "Charting the Course for Future Civilian Implementation Efforts in Bosnia", <u>US Department of State Dispatch</u>, 47, (11/18/1996): 567-569.

[385] "Next Steps in Bosnia", <u>The Economist</u> 7936, (10/14/1995):19-21.

The advocates of partition think that this is the most realist option for the solution of the conflict. However, it is not feasible even considering the very practical conditions, let alone the discussions on the sovereignty and the inalterability of borders that is established to avoid setting a bad example for the solution of the national questions. First of all, the Croat population of the country is highly dispersed; and hence there will be a Croat minority in the 'rump Bosnia' even if the South-western part of the country, where Croats are majority, secedes.[386]

Moreover, partition will provoke new fighting because of the territorial disagreements.[387] Bosniaks are highly underrepresented in terms of the correlation between the population and territory. They accepted this unjust territorial division with the motivation to hold the country together. Additionally, they are much better armed and trained than they were during the war. One can assume that they can attempt at a territorial expansion. It is also argued that the partition of the country is not possible without the partition of the Republika Srpska, leaving western part of the entity out[388]. The western party includes Serbs' 'sacred' city Banja Luka, which hardens the acceptability of this partition by Serbs. Finally, the partition can create a tiny Islamist state, at least a Muslim autonomous territory in Europe, which would not be welcomed by many Europeans[389]. It is argued that the Bosnia case is a turning point in the partition theory, which held that partition is imposed by outside powers as a "divide and quit" strategy, such as in the examples of Cyprus, India, Palestine, Ireland[390]. Therefore, it is not surprising to see the relation between the arguments for partition and the exit strategy of the International Community. However, as it is briefly outlined, partition is not as easy and less problematic as the advocates have dreamt of.

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[386] "The Disunited State of Bosnia", The Economist, 8023, 49.

[387] Susan L. Woodward, "Avoiding Another Cyprus or Israel", Brookings Review 1, (Winter 98), 45-69; "What Kind of Bosnia", The Economist, 7980, (8/24/1996): 37-39.

[388] Radha Kumar, "The Troubled History of Partition", Foreign Affairs 1, (Jan/Feb97), 22-35.

[389] Wolfgang Graf Vitzhum, "Penser la Bosnie-Herzegovine, Une democratie pluriethnique et un controle juridique paradigmatique?", Revue de la Recherche Juridique 2, (2004):1251.

[390] Ibid.

Fifth, the role of the International Community within this domestic political and institutional configuration in Bosnia and Herzegovina is salient, as noted above in this chapter. It is essentially related to the "…development of new forms international cooperation through the UN, NATO and OSCE…to overcome problems of cohering and legitimating the international institutions."[391] Therefore, there has essentially been an international dimension of the peacekeeping and democratisation in Bosnia. This international dimension has also been marked by the fact that the post-conflict peace-building in Bosnia has depended on the broader international relations and its policy dynamics. This is to be explained more in the section on military peacekeeping in this chapter.

Sixth, there is also an insurmountable problem of efficiency. The Constitution is part of the peace agreement, thus the result of enormous compromise, yet it has made the state dysfunctional. In this manner, a constitutional lawyer argued that Dayton has created "a juridical monster that establishes an unviable state" [392]. This inefficiency provoked the local intellectuals to pretend that BiH does not have even a minimum of what a normal European state has, since the ethnic division was fully preserved. Therefore, entities are like state, central state has no capacity, no education, no customs, no army, no social system so on and so forth.[393] As a matter of fact, the centralisation works: as it is often stated, the Republika Srpska functions better than the federation thanks to its central character.[394] The fact that BiH and the federation are "ridiculously decentralised"[395] led to its dysfunction.

The signing of the agreement was followed immediately by the intense criticism. The critics were divided into two, namely those "realists" who have already claimed many times that any effort to keep Bosnia and Herzegovina unified as hopeless and time-consuming attempts; and those who have always

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[391] David Chandler, Bosnia: Faking Democracy After Dayton, (London: Pluto Press, 2000), 181.

[392] P.Gelard, "Actualite constitutionelle en Europe de l'Est", Revue francaise de Droit constitutionnel, 24, (1995): 863.

[393] Interview with Senad Pečanin, journalist in liberal left weekly Dani (Days).

[394] Interview with A Task Manager in the Delegation of the European Commission,Sarajevo.

[395] Interview with A Head of Department in the Delegation of the European Commission in Sarajevo.

wanted to keep the country together, while having always been critical on the international failures during the war and disappointed by the provisions of the agreement. The former of the critical group has reiterated the initial argument that Bosnia and Herzegovina could not stand alone; hence partition could be a better option[396].

On the contrary, the second group of the criticals has pointed out that Dayton agreement has legitimised the ethnic principle of rule and enabled ethnic control over territory. Moreover, it actually presented few rewards for common institutions and non-ethnic identities[397]. Therefore, what US did was "a mere surrender to Anglo-French partitioning policy and its military force was used not to inflict strategic damage on the rebel Serb forces, but merely to bring them to the negotiating table where they would be rewarded with their own state on half of Bosnia's territory".[398] Some even argued that the Agreement is actually a partition with a possibility of exit for outside powers[399]. However, the very provision of the Agreement on the return of refugees prevents Dayton from being a partition[400].

As a consequence of the ethnicity-based dysfunctional structure, it is pretended that Bosnia-Herzegovina is more a symbolical construction of the International Community than a real state formed with the consent of the majority of the populations of the country. The claim was fed by the observations that its constitution is an annex of an international treaty, the international law constitutes the original source of power of the state and it is directly applicable in the national law without any parliamentary approval. Furthermore, in addition to the coexistence of the international institutions in parallel with national

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[396] Adam Garfinkle, "A Dayton Relationship", American Spectator 2, (February 1996): 54-56.

[397] Susan L. Woodward, "Bosnia after Dayton: Year Two", Current History 608, (March 1997): 101.

[398] Marshall Freeman Harris, "Clinton's Debacle in Bosnia", Bosnian Report 16, (July-October 1996). Please note that the writer is a former American diplomat who resigned in protest of American policy on BiH.

[399] Radha Kumar, "The Troubled History of Partition", Foreign Affairs 1, (Jan/Feb97): 22-35.

[400] David L. Bosco, "Reintegrating Bosnia: A Progress Report", Washington Quarterly 2, (Spring 1998): 65-82.

institutions, the Office of High Representative is not controllable by the Constitutional Court.[401] This has provoked the question whether the constitution of BiH that was agreed upon between the heads of states at Dayton can be considered a 'real constitution'[402], which implied the question of whether BiH is a 'real state'.

Moreover, The Dayton settlement was also interpreted as the neo-colonisation of Bosnia and Herzegovina by USA and EU, by putting it under western administration and NATO military occupation. In this sense, "behind the democratic facade" the country is ruled by the High Representative, the economy is managed by a division of labour between IMF, EBRD which have supervised all public sector enterprises including energy, transportation and water.[403] Alternatively, BiH is sovereign but under a new form of not-declared international protectorateship.[404] It cannot be said that everybody is unhappy with Dayton. Some argued that many parts of the Dayton were very useful; there is not only the part on constitution so one needs to be selective in the critics. [405]

Finally, it is argued that the case of BiH presented two essential questions within the framework of the public law that aims at the efficient, just and legitimate use of the public power: First, how to organise a democracy, but not an ethnocraty with three constituent people and diverse minorities; and second, how to organise the juridical control of the International Community.[406] Both questions will be elaborated in the following chapter, it seems better to move to the implementation of the Dayton Agreement.

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[401] Laurent Pech, "La garantie internationale de la Constitution de Bosnie-Herzegovine", Revue francaise de Droit constitutionnel, 42, (2000): 421-427.

[402] Michel Chossudovsky, "Dismantling former Yugoslavia, recolonising Bosnia", Development in Practice, (November 1997): 380-1.

[403] Ibid., 376.

[404] Maziau, "Le controle de constitutionnalite", 195.

[405] Interview with Jacob Finci, member of Independent Intellectuals and head of Civil Service Agency, 20 March 2006.

[406] Vitzhum, "Penser la Bosnie-Herzegovine", 1247.

4.4. Implementation of the Dayton Agreement and the International Community

The content of the Agreement was already problematic; the implementation has not only exacerbated the problems of the Agreement, but also provoked serious claims for its revision. It is best to evaluate the current state of the implementation of the Agreement through the observation of the application of the very provisions of the agreement.

The implementation of the Dayton agreement has generally hinged on the International Community, perhaps much more than local parties, as it has indeed accepted although it has intermittently declared the opposite while speaking about failures of the implementation[407]. The salient role of the International Community is indeed confirmed by the international officials.[408] The implementation has to follow an agenda set by the Peace Implementation Council and NATO[409]. In this sense, both the formation and the implementation of the agreement have depended on the International Community. This has encouraged the scholarly argument that Dayton's success depends on international commitment.[410] As a matter of fact, it looks like the International Community has envisaged giving the message to the advocates of the withdrawal/partition that the international presence is still highly needed and to the Bosnian parties that the international presence should not be counted on forever. This double-sided message has evolved towards international insistence on the transfer of responsibility and power to the locals, as the article of the current High Representative Schwarz-Schilling clearly exposed this idea: He clarified the

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[407] Declaration of the Peace Implementation Council, Madrid 16 December1998, http://www.oscebih.org/documents/madrid.htm It was stated in the Declaration that "Without the scaffolding of international support, it (Bosnia and Herzegovina) would collapse." Regarding the implementation, however, it is said that "…much more could have been achieved had the authorities in Bosnia and Herzegovina contributed their full share to the construction of a civil and democratic society in the country.", PIC, Summary of Bonn Conclusions, December 10, 1997, http://www.ohr.int

[408] Interview with a A director in the Delegation of the European Commission in Sarajevo and an official in the Office of High Representative, among many others.

[409] Robert Gelbart, "US Progress Toward Fulfillment of the Dayton Accords", U.S. Department of State Dispatch 5, (June98): 18-22.

[410] Woodward, "Bosnia after Dayton", 96.

international support as well as stating that "progress will only be irreversible when Bosnians themselves take responsibility".[411]

On the one hand, some arguments by the international NGOs have stressed the achievements of the hitherto implementation process. In its own words, "…determined international efforts…have yielded results." The main idea of this approach is that developments such as the arrests of indicted war criminals, action against paramilitary groups, among other achievements, have changed the political scene in Bosnia. This has led to the process of collapse for the wartime nationalist structures.[412]

On the other hand, the failures in the implementation caused the argument that "Bosnia is an artificial state, held together by international military presence and internationally-defined sovereign borders". According to this argument, the BiH state cannot provide security, conflict resolution through institutions and general welfare for its citizens, therefore not viewed legitimate by them. International community provided these but not enabled BiH state to provide itself.[413]

This observation on the sovereignty of BiH constitutes the basis of the critical argument. For instance, one critical view pretended that all former Yugoslav republics but Croatia and Slovenia, have a status of semi protectorate with constitutional arrangements that put them under the control of the major powers.[414] This is in accordance with the main argument of this thesis on the establishment of limited sovereignty. This point that was already clarified in the analysis of the text of the Dayton Agreement is to be substantiated in the following brief review of its implementation.

First is the military peacekeeping because it shows well the international aspect of the peacekeeping in BiH as well as the establishment of a minimum stability as a priority. Additionally, it is the most successful aspect of the

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[411] Christian Schwarz-Schilling, "Bosnia's Way Forward", March 17, 2006, www.ohr.int

[412] Reshaping international priorities in Bosnia and Herzegovina", European Stability Initiative (ESI) Report, Part Three, 22 March 2001, www.esiweb.org, 7. Also expressed in the interview with an official in the Office of High Representative-1, 14 March 2006.

[413] Kathleen Hill-Hawk, "(Re)constructing the State: A prerequisite to stable peace". (PhD Diss., University of Alabama, 2001), 190, 191.

[414] Catherine Samary, "De la Fédération yougoslave aux protectorats européens", Le Monde Diplomatique, (January 2006): 4-5.

implementation according to everyone since the fighting did not resume so far. Second is the defence reform, which is the logical extension of the first in the sense that the army of BiH was reformulated according to the priorities of the International Community. Third is the return of the refugees that is salient for the reconstruction of the multiethnic BiH. Fourth is the war crimes issue, which is important in the restoration of the justice lost in the war as well as concerning the problem of organised crime, so grave according to the International Community. Fifth is the economic reform, on the grounds that it is the biggest priority of the ordinary citizen, and demonstrates clearly the two sides of the problem, namely the domestic and the international. All are related to the democratisation in terms of the framework in which this very process has taken place as well as being an issue in the domestic politics of BiH. It seems impossible to analyse the democratisation in BiH without revising the general framework of the implementation of the Dayton Agreement.

4.4.1. Military Peacekeeping: more transatlantic cooperation than local peace

It seems fruitful to begin with the international military presence and peacekeeping because not only it is the most successful aspect of implementation, but also a good indicator of the importance of the international framework for the peacekeeping in BiH. Nearly all locals, including nationalists from all sides, agree that the biggest achievement of the International Community was to stop the war and to prevent its re-eruption. Moreover, there has not been even one single fighting between the international forces and local armies.

The international dimension can be clearly observed through the discussions on the fate of NATO Peacekeeping force in the country, which has often been within the broader framework of European security and the American involvement in this framework. In this sense, the fate of this peacekeeping force has often hinged more on US-EU relations and American domestic politics than the conditions in the ground. NATO troops was first established as Implementation Force (IFOR) with mandate of one year, and then extended with

the formation of Stabilisation Force (SFOR)[415]. Finally it became an EU force, EUFOR, following the handover of UN and NATO. It should be noted that the first deployment was IFOR for one year because Clinton promised to the Congress that the implementation would be terminated in one year.

The US has often hinted a return to its initial position of considering the Bosnia and Herzegovina as a "European problem", especially regarding the composition of the peacekeeping force. It implied that Europeans must stay there even if US leaves early. As a response to this, Europeans have brought "one out, all out" reaction, which provoked discussions about whom the responsibility of European security lies on.[416] Moreover, this was also used as a bargaining tool in other aspects of the transatlantic relations, for example, the US tried to use the peacekeeping in BiH in the negotiations about its reluctance on the International Criminal Court. US used its peacekeeping responsibilities as a tool in order to be exempted from the procedures of the court. [417] The handover of this UN peacekeeping force to the EU appeared as the solution within this framework.[418]

It is pretty known that there is an intense discussion on the (level of) American involvement in the European security, which is beyond the scope of this thesis. Moreover, it is clearly understood for long time by the International Community how the conflict in BiH can harm the designs on the European security. A possible repetition of the fighting in BiH can threaten the regional and hence the continental stability[419]. It was also foreseen that even if Dayton process went smoothly, there would be still need for international presence in the country; even then the US Defence Secretary Cohen who was an important opponent of the argument of keeping US troops in Bosnia said that

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[415] "Security Council Sets Up Stabilization Force-SFOR- To Succeed Existing Operation- IFOR- in Bosnia and Herzegovina", Press Release SC/6302, 12 December 1996, www.un.org

[416] "The Disunited State of Bosnia", The Economist 8023, (Jun 26, 1997): 49; "Will Congress force America Out of Bosnia?", The Economist 8040, (Oct 25, 1997): 25-27.

[417] Barnaby Mason, "Peacekeeping row deepens transatlantic rift", BBC World News, 1 July 2002.

[418] Oliver Burkeman and Ian Black, "Temporary deal keeps peacekeeping force in Bosnia", Guardian, July 4, 2002.

[419] Many international officials emphasized the importance of BiH in regional and hence continental peace and stability in my interviews.

"...international presence of some sort" is necessary.[420] As a consequence of all these, the international military presence in Bosnia and the American contribution to this presence has been ensconced within the broader discussion on European security.

The domestic political concerns of US have also been influential in the process.[421] First of all, the deployment of American troops in Bosnia and Herzegovina has often been within the framework of the discussions between the Presidency and the Congress. It has become a matter in the authority struggle between these two political organs since the early American involvement in the war. It is argued that the decision was taken by the President on a policy made by UN and NATO; in nowhere in the process Congress was active[422]. This enthusiasm of Congress on withdrawal is also explained by some arguments as the willingness of Congress to reassert its role in international affairs. As a reaction to this, the Presidency has suggested that withdrawal can provoke questions on the existence and functions of NATO[423]; which again linked the issue on the debates on European security.

Moreover, it has also become a matter within the context of American overseas operations. In this manner, Vietnam War hero John McCain has adamantly opposed American involvement in overseas missions with "...ambiguous objectives and unknown duration". McCain indeed added that "the Administration" had committed to the Congress a withdrawal at a certain date[424]. Serb nationalists had played on this card that is defined by American worries on overseas missions with slogans like "Somalia was too gentle"[425].

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[420] "Staying on In Bosnia", The Economist 8046, (Dec04, 1998): 55.

[421] Interview with an official of the Embassy of the United States of America in Sarajevo, 1 June 2006.

[422] William C. Banks, Jeffrey D. Straussman, "A New Imperial Presidency? Insights From U.S. Involvement in Bosnia", Political Science Quarterly 2, (Summer 1999): 195.

[423] "Will Congress force America Out of Bosnia?", The Economist 8040, (10/25/97): 25-27.

[424] John McCain, "Get Our Troops Out f Bosnia", Washington Quarterly 2, (Spring 1998): 5-8.

[425] John L. Cirafici, "SFOR in Bosnia in 1997: A Watershed Year", Parameters: US Army War College 1, (Spring 1999): 80-92.

Finally, in May 2001, US Defence Secretary Donald Rumsfeld, whose mind was busy with some other parts of the world, declared that US should withdraw from the Balkans, while experts claimed that this was the most convenient time for the success of the International Community in BiH and that this move could risk NATO's work of five years in this country as well as "the cohesion and purpose of the alliance".[426] Rumsfeld and company did not consider this critic apparently, after long discussions NATO announced at its 28-29 June 2004 summit in Istanbul that the Stabilisation Force (SFOR) would be replaced by an EU-led peacekeeping force (EUFOR) by the end of 2004.[427]

The importance of the handover to the EU and a good confirmation of the international framework of peacekeeping in BiH can be seen in the delighted words of the High Representative Lord Paddy Ashdown: "It's the biggest, most important realisation of the Common European Foreign and Security policy. It has to succeed because, upon this, the whole of the rest of the policy will be based".[428] The transfer of the military peacekeeping to an EU force was the first step of a complete transfer of BiH to the EU. In addition to Ashdown, Javier Solana, EU High Representative for Common Foreign and Security Policy, said later that the Bosnia operation "has been and continues to be a major success for the European Security and Defence Policy (ESDP)" (With 6,600 personnel, EUFOR is the largest EU military operation, it has two smaller missions in Africa, Democratic Republic of Congo and in Darfur region of Sudan).[429] As a matter of fact, this is just a redefinition of the division of labour within the International Community since Eighty per cent of the troops who were in SFOR remained in EUFOR. Moreover, NATO did not leave Bosnia completely. A small headquarters

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[426] Mark Wheeler, "SFOR Uncertainty Endangers Bosnia», IWPR Balkan Crisis Report 251, (30-may-01).

[427] James R. Locher III and Michael Donley, "Reforming Bosnia and Herzegovina's defence institutions", NATO Review, Winter 2004, www.nato.int/docu/review/2004/issue4/english/military.html. Please note the background of the writers: James R. Locher III, a former US Assistant Secretary of Defense, is co-chairman of the Defence Reform Commission of Bosnia and Herzegovina. Michael Donley, a former US Assistant Secretary of the Air Force, is a special adviser to the Commission.

[428] Nick Hawton, "EU troops prepare for Bosnia swap", BBC World News, 23 october 2004.

[429] Paul Adams, "Challenges ahead for EU defence forces", BBC World News, 14 october 2005.

remained in Sarajevo under the commander of SFOR, American General Steven Schook. [430] It assumed responsibility in the reformation of the country's army, as will be discussed in the following section.

It was pretended that the International Community's post-war achievements in Bosnia could be lost if the EU and NATO apply a misguided security policy. Even after nine years on from Dayton, "it is still too soon to expect Bosnia to carry its own security burdens, but the changing shape of the international presence indicated serious commitment to a more stable future". [431] The local reactions have been divided as one could guess. The Bosniaks were prudent about the farewell of Americans because they think that it was the Americans who ended the war in contrast to the Europeans whom they do not trust because of their wartime policies. Serbs, who would not really consider Americans as a favourite nation, viewed EUFOR's arrival "from ambivalence to an "anyone but the Americans" attitude". [432] This is to say, they preferred an international peacekeeping force without the American involvement.

As it can be observed, the peacekeeping in Bosnia is to large extent linked to some major international dynamics. The discussions and negotiations demonstrated the contestations within the International Community. The fact that the country's security depended on the major international dynamics and discussions provoked the locals to argue that the International Community's structure (that it is not monolithic) and actions (since the beginning of the war) are doubtful and unreliable; as discussed in second chapter. However, there has been always been a final policy which is to be followed by the International Community in BiH. Next section will be on the defence reform as it is an extension of the military peacekeeping and it constitutes one important aspect of the establishment of limited sovereignty in BiH.

4.4.2. Defence Reform: one country and how many armies?

It is possible to see the defence reform in BiH within the same framework of international requirements. There were some initial proposals. For instance,

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[430] Hawton, "EU troops".

[431] "Changing Bosnia's Security Arrangements", <u>International Crisis Group (ICG) Brief</u>, 29 June 2004.

[432] Hawton, "EU troops".

the federation defence minister Miroslav Prce expressed what moderate Bosnian Croats preferred: disbanding all armies in BiH and form a small joint force composed of all ethnic groups and citizens. The idea was conceived by some other people as another step towards a more viable, efficient and cheaper centralised state since they thought that NATO was already at place to keep the political order[433]. In any case, the main motivation, "carrot" so to say, was to be accepted to the Partnership for Peace program, which is a step in the integration to NATO. The trigger of the defence reform was a scandal in Republika Srpska that encouraged an international intervention.

The scandal of illegal military exports of spare parts and services to Iraqi aircraft was unveiled by SFOR troops' investigations of the offices of the Republika Srpska 410th army's intelligence centre. Office of High Representative stated that "This scandal proves that the RS army is behaving as if it were not a part of the (Bosnian) armed forces, which is a grave violation of the Dayton Peace Accord, and as the president of the Republic of Srpska, Sarović was responsible for this as well". Serb nationalist party SDS reacted by arguing that the 1995 Dayton Peace Accord does not give the High Representative the authority to dismiss legally elected officials, by an apparently deliberate negligence of later decision of the Peace Implementation Council at Bonn in 1997 that gave this authority to the High Representative.[434]

The immediate reaction of the High Representative Lord Paddy Ashdown to the scandal was serious: He removed all mention of statehood from the RS constitution and abolished its supreme defence council that is the entity's highest military authority. He stated that under the Dayton accords the entities are not sovereign, and said that "It's an oxymoron to have a supreme defence council at entity level". That created a reaction in the RS evidently, they interpreted it as a move to destabilise the territory, even the "beginning of the end for the RS". This added to the already existing tension emerged after the resignation of Mirko Sarović from the Bosnian state's tripartite presidency on April 2, after he accepted responsibility for the violation of the UN sanctions against Iraq. Sarović

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[433] Zoran Kusovac, "One army for Bosnia?", Bosnian Report, new series 17/18, (july september 2000).

[434] Gordana Katana, "Bosnia: Sarovic Sacking Expected", IWPR Balkan Crisis Report 419, (April 2003).

was also held responsible for an espionage scandal in which Bosnian Serb intelligence services are alleged to have spied on western organisations and federal officials, in violation of the Dayton peace accords. [435] The scandal was followed also by the establishment of the Defence Reform Commission by Ashdown.[436] It can be argued that the scandal, which seriously annoyed US, gave the International Community the opportunity to concretise a reform that it wanted in order to emphasize the minimum stability that it aimed in BiH.

The aim of the Defence Reform Commission, stated in the OHR decision, is to reform the defence structures of BiH so that they are in accordance with the Euro-Atlantic structures, which will make the candidacy of BiH for Partnership for Peace credible. Accordingly, democratic control of the military forces must be established on both state and entity level; and command and control must be at the state level. To achieve these aims, the commission would prepare all necessary legislation, including a law on defence at state level, amendments to the constitution of the entities, and entity level legislation. As one could certainly predict, NATO, the NATO-led Stabilisation Force SFOR, the Office of High Representative, and the Organisation for Security and Cooperation in Europe, OSCE, all have seats in the commission, together with seven Bosnians, among whom the entity defence ministers and two other representatives designed by the Presidency of Republika Srpska and of the Federation. Needless to note, all appointments must be approved by the High Representative.[437] It is claimed that the abolishment of separate ethnic armies that reminded the war would also send strong symbolic messages about Bosnia's domestic peace.[438]

About the very structure of the united Bosnian army, SFOR had drafted three proposals for the shape of the new armed forces. The force will have between 10,000 and 15,000 troops. This would represent a reduction on current numbers - the Federation Army, VF, has 13,200 soldiers, 9,200 of them Bosnian

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[435] IWPR staff in London, "Bosnia: Ashdown Reins In Bosnian Serbs", IWPR Balkan Crisis Report 420, (4-Apr-03).

[436] Locher III and Donley, "Reforming Bosnia".

[437] Decision Establishing the Defense Reform Commission, 139/03, May 09, 2003, www.ohr.int

[438] Antonio Prlenda, "Bosnia Plans New Model Army", IWPR Balkan Crisis Report 430, (16-May-03).

Muslims and 4,000 Croats, while the army of Republika Srpska VRS has 6,600 men. First is creating three ethnically mixed brigades under joint command. This option aims at erasing separate military identities under a concept of a single, multi-ethnic army. Bosniaks have the greatest interest in this proposal, the commander of the Joint Command of the Federation Army, Lieutenant-General Atif Dudaković, has openly voiced support for it. The second proposal is a joint command structure in charge of one Serb and two joint Croat and Bosnian Muslim brigades. This keeps effectively the existing Federation army and VRS. Croat nationalist party HDZ is hostile to this idea because Croats, the smallest among the three constituent nations, could be dominated by Bosniaks. The third option, that Croat and Serb politicians are perceived to support, is three separate brigades - one Serb, one Croat and one Bosnian Muslim - under a joint command. [439] This is basically the maintenance of the war time structures.

The Republika Srpska parliament accepted on August 30, 2005 abolishing its army and defence ministry and transferring all defence powers from the entity to the state level. International officials wanted to see this decision as a new understanding of Bosnian Serbs towards joint institutions. The President of Republika Srpska declared that "A further obstruction of reforms could result in sanctions against the Republika Srpska institutions, which in turn could question the entity's very survival."[440] This theme of acceptance of international demands in order to preserve the entity has repeated constantly.

The international pressures for a united defence ministry and centralised civilian control over the armed forces encouraged Adnan Terzić, the state prime minister to launch the idea of a joint intelligence agency. The intelligence services have been notorious for their role during the dismemberment of Yugoslavia and for their relation to the ruling nationalist parties, during and after the wars, both in terms of important information and of clandestine operations. Following the proposal, details of the plans has to be drafted evidently by the High Representative, Paddy Ashdown. The Office of High Representative declared, which seems indeed as a clear confession, that "The intelligence services were not included in the reforms, they haven't undergone any serious

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[439] Ibid.

[440] Gordana Katana, "Bosnian Serbs Surrender Their Own Army", IWPR Balkan Crisis Report 574, (09 September 2005).

transformation [unlike police], but we know some of their members committed grave crimes, therefore their reform is necessary."[441] The international involvement in the reform resulted in the head of the common intelligence service being a foreigner in its first year. The head would be preferred from a country that completed its transition process successfully and which is on the right track of Euro-Atlantic integration. Considering the successful transition of the Czech intelligence agency, some local and western officials wanted to see a Czech appointee. One would expect that these attempts would create a big reaction in Republika Srpska; yet, it was not as big as usual, because of the pressure of the recent scandals and growing evidence that parallel systems of that entity functioned poorly.[442]

The local reactions differed, however. Liberal and liberal left Bosnians argued that it was too late and these reforms must have been done in 1996, right after the war[443], while a rather nationalist view stated that in the reforms Republika Srpska was not essentially touched. [444] A Serbian nationalist view pretended that if there were no separate armies, then BiH did not really need an army.[445]

Finally, complete authority of the state of BiH is established following the constitutional and other legal changes approved by the state and entity governments. These changes created a new state-level Defence Ministry, Joint Staff and Operational Command; and civilian control over the military. The active forces were reduced by a 40 per cent to a total of 12,000 personnel and to shrink reserves by 75 per cent to 60,000.[446] The reform can be interpreted as a "fundamental shift" away from the division of the country into three parts cemented in the 1995 Dayton peace accord" as quoted by the commander of NATO headquarters in Sarajevo, General Schook. Moreover, NATO's involvement

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[441] Sead Numanovic, "Bosnian Spooks Unite", IPWR Balkan Crisis Report 432, (23-May-03).

[442] Ibid.

[443] Interview with Nidžara Ahmetasević, journalist in daily Oslobodjenje, 30 March 2006.

[444] Interview with an official of Bosnian origin in the Office of High Representative, 20 March 2006.

[445] Interview with Niksa Lolić, international coordinator of PDP, 6 June 2006.

[446] Locher III and Donley, "Reforming Bosnia".

in the defence reform is also an important show-off for this organisation that handed over the military peacekeeping to the EUFOR.[447] The final situation is that the warring factions are somehow disarmed (except the organised criminal networks) yet BiH is without a significant army, and the security of the country is to be provided literally by the EUFOR, or by the cooperation of the EUFOR and NATO. In other words, the military division of the country is eradicated thus an important step in its re-unification is succeeded; however, this signified the limitation of its sovereignty since its army was disbanded and EUFOR became the only military force.

4.4.3. Return of Refugees and Internally Displaced Persons: return to square one

The return of the refugees and internally displaced persons (IDPs) to their pre-war homes constitutes the biggest single action to reverse the ethnic cleansing and restore the multiethnic BiH. To put it simply, if there is return, the ethnic cleansing is unsuccessful and the reconstruction of the multiethnic BiH is more likely; if there is not, the ethnic cleansing is successful. Therefore, since the International Community pledged the reversing of ethnic cleansing in Dayton Agreement, it is salient concerning its legitimacy. Moreover, it has affected seriously the democratisation; for example concerning the circumscriptions of the voters who were displaced, as it will be analysed in the fourth chapter.

The return of the refugees and IDPs formed the Annex 7 of the Agreement in addition to the corresponding constitutional clause. The constitution (Article II.5) explicitly states, after including liberty of movement and residence into the fundamental rights and freedoms, that:

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[447] Ahto Lobjakas, "Bosnia-Herzegovina: NATO Aims To Merge Rival Armies Into Single Bosnian Force", RFE/RL, August 18, 2005. The claim can be confirmed by NATO's own words: "NATO-led peace-keeping forces in Bosnia-Herzegovina for nearly a decade. The mission was handed over to the European Union in December 2004.the Alliance maintains a headquarters in Sarajevo to assist the government in its defence reform activities, as well as for counter-terrorism, and intelligence-gathering purposes", Defence reform in Bosnia-Herzegovina on track, NATO Update, 9 October 2006, www.nato.int

Furthermore, all refugees and displaced persons have the right freely to return to their homes of origin. They have the right, in accordance with Annex 7 to the General Framework Agreement to have restored to them property of which they were deprived during hostilities since 1991, and to be compensated for any such property that cannot be restored. Any commitments or statements relating to such property made under duress are null and void.[448]

The Annex 7, Article 1 added to this article of the constitution that "The early return of refugees and displaced persons is an important objective of the settlement of the conflict in Bosnia and Herzegovina".

According to the 1991 census, the population of BiH was 4,377,000 inhabitants, consisting of Bosniaks (43.5 per cent), Serbs (31.2 per cent), Croats (17.4 per cent), Yugoslavs (5.5 per cent) and others (2.4 per cent). The category of "others" included members of 17 national minorities, including a substantial number of Roma. At the end of the war in 1995, more than 2.2 million persons, this is to say almost half of the country's inhabitants, had been uprooted. Approximately 1 million had become internally displaced, while 1.2 million had fled across the border, seeking asylum in the neighbouring countries (Croatia, Serbia and Montenegro) and other host States. Between 1996 and 1999, [please note that after the end of the war, while NATO peacekeeping troops were in BiH to keep the peace] an additional 200,000 were displaced, among them 80,000 persons, most of them Serbs, following the transfer of territories between the Republika Srpska and the Federation of Bosnia and Herzegovina.[449]

The return of refugees and IDPs is to put an end to the ethnically based territorial division and hence, signifies a return to pre-war multiethnic BiH. Furthermore, this very clause on the return of refugees and displaced persons prevents Dayton Agreement from being a partition agreement and from legitimising and legalising the ethnic cleansing. As long as the return project fails, the Agreement remains unfulfilled on a crucial aspect, thus turns out to be a partition scheme.

In this sense, the issue of return signifies in fact one of the inner contradictions of Dayton agreement. The agreement established the Republika

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[449] Walter Kälin, "Specific Groups and Individuals: Mass Exoduses and Displaced Persons", Report of the Representative of the Secretary-General on the human rights of internally displaced persons, E/CN.4/2006/71/Add.4 29, December 2005, 4
http://daccessdds.un.org/doc/UNDOC/GEN/G06/100/05/PDF/G0610005.pdf?OpenElement

Srpska as an entity in Bosnia and Herzegovina. The boundaries of the entity were established during the war, this is to say by ethnic cleansing based on use of force. The ethnic cleansing can be reversed only and only by the return of refugees and internally displaced persons. However, the reestablishment of pre-war multiethnic cohabitation also signifies the de facto end of the Republika Srpska, since nearly half of the population of the lands that is now the Republika Srpska were non-Serbs before the war[450]. Therefore, the return of refugees that is an important part of the Dayton Agreement –in a sense- threatens the definition of an entity that is established by this very agreement. The reluctance of the Republika Srpska authorities on the returns can be understood within this framework[451]; the returns can threaten their beloved entity. Besides, if the refugees and IDPs can return home as stated in the Agreement, then the country is to be back to its multinational character, which makes the structure of the presidency irrelevant.[452]

There was no significant development until 2000 when High Representative Petritsch initiated the Property Law Implementation Plan in order to increase the repossession of pre-war houses and the return. This has contributed to the increase in the return figures on the totality of the territory of BiH. It is said that by the end of 2000, the year that the law in question was enforced, 111,500 over 249,000 claims were solved and the 51,500 were implemented, meaning that this 51,500 could repossess their pre-war houses. Moreover, 67,445 returns were registered by UNHCR, which is 64% more than in 1999[453].

The International Community officially and gladly declared that with this speed, the implementation would be over in six years. It reminded that the Peace Implementation Council of Brussels in May 2000 made the return through repossession of property one of its three priorities. It is to be noted that the Croat nationalist Herzegovina-Neretva canton and the Serb nationalist eastern Republika Srpska was the regions with the lowest return and repossession

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[450] Bosco, "Reintegrating Bosnia", 65-82.

[451] Susan Woodward, "Bosnia-Foreign Policy Challenges", <u>Brookings Review</u> 2, (Spring 1997), 30.

[452] Bieber, "Bosnia-Herzegovina", 208.

[453] UNHCR Global Report 2000, Bosnia and Herzegovina, <u>www.un.org</u>

figures.[454] This increase in the figures continued and by the end of 2001, UNHCR declared 175,300 registered minority returns and envisaged that the "vast majority" will have returned by the end of 2003.[455] Finally, as of 31 October 2006, 442,867 refugees and 572,707 IDPs were registered as returnees. The ethnic composition of the returnees is as follows: 280,393 Bosniaks, 84,753 Croats, 72,259 Serbs 5,282 others within the category of refugee and 348,596 Bosnians 44,751 Croats, 176,574 Serbs and 2,786 others within the category of the IDP.[456] To note, the total number of 1,015,39 is nearly the half of the 2.2 millions mentioned above and almost 99 per cent of usurped property was restored to its previous owner. [457]

However, the return figures do not necessarily signify the return of these peoples, but rather an attempt to return following the repossession of the property. For instance, if the owner does not return permanently and resells his/her property after the repossession, it is not registered, and hence not known. Moreover, since there is no census since 1991, the real returns are unknown. This is why everybody prefers to speak in terms of "restored property" instead of actual return. One UN report noted that "many returnees are reported to have sold their repossessed property and remained at their site of displacement"[458]. One estimate is that at most about one-third of the total number is genuine returnees.[459]

A critic from the perspective of human rights drew attention to the context of return. It claimed that the return was a priority; houses were built because UNHCR was under enormous pressure of the donors to provide return. However, the "rationale of property in this country was not well understood":

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[454] OHR, UNHCR, OSCE, UNMIB-H and CRPC, Results of property law implementation in 2000 and the way forward for 2001, Bosnian Report, january-may 2001, new series no 21-22.

[455] UNHCR Statement at the PIC Steering Board Meting, Brussels, 5 and 6 December 2001, www.un.org

[456] Statistics, www.unhcr.ba

[457] Nidžara Ahmetasević, "Bosnian Returnees Quietly Quit Regained Homes", BIRN Balkan Insight, 31 Aug 06.

[458] Kälin, "Specific Groups", 2.

[459] Ahmetasević, "Bosnian Returnees".

the context of return such as education, employment, health care, social security so on and so forth were underemphasized. Besides, the right to stay was never considered because the emphasis was on keeping consciousness clear (so providing a sort of return) as well as western capitalist mentality based on property. In this sense, the International Community did not think the whole dimension of return; conceived it in just political terms (success of the peacekeeping) and property. It is suggested that a better approach should be to consider the needs of populations[460].

One international official clarified that in terms of the legislation on property and its implementation "everything has been done properly and this has been a big success". However, there is a huge problem with the rest, such as the employment policy, since there is no law to encourage employers to hire returnees. It should be noted that the biggest employers are still the public institutions that are controlled by nationalists of other ethnic groups. The other biggest problem is certainly the basic security, since many war criminals are at large in some parts of BiH, returnees do not feel safe. [461]

In the same manner, UNHCR also noted all these in one of its reports:

> Despite significant progress made in the implementation of the GFAP, and specifically of its Annex VII, and the presence of EUFOR and the EUPM in the country, individual refugees or IDPs may still not be in a position to return to their pre-war municipalities. In addition to the wide range of conditions required to make return sustainable, including access to reconstruction assistance, employment, health care, pensions, utilities and an unbiased education system... continuing concerns over the safety of individual returnees remain. In 2004, security incidents affecting returnees continued to be reported, albeit at a reduced rate, including serious events resulting in death and bodily injury.[462]

To sum up, it can be safely said that by and large, the return of refugees and IDPs to their pre-war homes could not be realised. Therefore, ethnic cleansing in Bosnia and Herzegovina is entering its final stage. In Republika Srpska, it is estimated that 90 per cent of the current population are ethnic Serbs. Before the war, some estimates show, the majority population was

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[460] Interview with Madeleine Rees, Office of the United Nations High Commissioner for Human Rights (OHCHR), 14 March 2006.

[461] Ahmetasević, "Bosnian Returnees".

[462] Update on Conditions for Return to Bosnia and Herzegovina, January 2005, www.unhcr.ba

Bosniak.[463] Since there is no census done in BiH after 1991, (The federal statistics office was quoted to state that this might take place in 2011[464]) it is yet difficult to know exactly the current ethnic-territorial composition. In this sense, it can be argued that the main aim of the International Community is to provide a minimum stability and as long as there is a minimum stability, it does not feel uncomfortable by the non-implementation of the Dayton Agreement.

4.4.4. In the pursuit of War Criminals: Same Old Fears on Justice vs. Order

War crimes issue gains importance within the framework of re-establish justice in Bosnia, together with the return of refugees; both signify the establishment of justice that was destroyed during the war. Moreover, it is related to the democratisation on the grounds that the war criminals are often, if not always, part of organised crime networks that are in direct relation with the political parties. For instance, it is claimed that the wartime leader and notorious fugitive Radovan Karadžić, wanted for the crime of genocide by the International Criminal Tribunal for the former Yugoslavia (ICTY), has survived so far through the money obtained from narcotics smuggling.[465] It is well-known that he controlled his party SDS for quite a considerable time after the end of the war.

The International Community had declared its "conviction" that war criminals "must be brought to justice"[466]. However, it has not acted in a convincing manner. This encouraged the argument that "during the post-war period the arrest of alleged war criminals was not treated as a sine qua non for progress on other fronts."[467] It seemed initially that IFOR wanted to avoid the arrest of the war criminals on the grounds of absence of mandate; however, the

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[463] Ahmetasević, "Bosnian Returnees".

[464] Ibid.

[465] Nerma Jelacic, "Lukic Set to Face Trial for Visegrad Terror", IWPR Balkan Crisis Report 570, (10-Aug-05).

[466] Declaration of the Peace Implementation Council, Madrid 16 December 1998, www.ohr.int

[467] Emir Suljagic, "Karadžic's arrest as a condition for the survival of his RS", Bosnian Report, New Series 39-40, (April - July 2004).

Dayton Agreement gave IFOR such a mandate[468]. Some early observations pointed out the fact that the relevant international authorities did not act against the war criminals because it could harm the relative stability in the country, since these war criminals could be war heroes in their respective ethnic group. Therefore, the stability was preferred over justice.[469] It is later observed that NATO could also understand that an enduring peace was impossible with unpunished war criminals[470].

It should be said that the dichotomy between the stability and justice is confusing and useless. It conceptualises as if one must be preferred over the other. It can be argued that there can be no stability without justice in BiH, if not everywhere. The fact that war criminals are (or remained long-time) at large harmed indeed the International Community's declared aim to diminish the role of the nationalist structures and hence, prevented the consolidation of the stability. Moreover, it seems hard to convince the masses that the other ethnic groups are not threatening their survival while those who openly threatened it are remaining unpunished. Therefore, the punishment of the war criminals has been essential to the reconstruction of the Bosnian society on non-nationalist grounds as well as the stability so beloved by the International Community.

In this manner, Alija Izzetbegović (Chair of the Presidency of BiH) and Dr Haris Silajdzić (Co-Chair of the Council of Ministers of B-H) indeed pointed out their disenchantment with the fact that the International Community did not pay attention to the arrest of war criminals and indeed stated that this was a "large obstacle to reconciliation among peoples and to positive development of the peace process."[471]

The International Community often seems desperately helpless on the issue. It went as ridiculously as asking the Bosnian government to arrest war criminals within the framework of the conditionality of the Euro-Atlantic

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[468] Noel Malcolm, "Myth of the Month", <u>Bosnian Report 16</u>, (July - October 1996).

[469] "Justice in Bosnia", <u>The Economist</u> 7953, (2/17/1996), 16.

[470] <u>Ibid.</u>

[471] Alija Izzetbegovic and Haris Sladjzic, "Letters to Heads of State", <u>Bosnian Report 18</u>, (February-May 1997).

integration. [472] The Bosnian government, that has no proper police or intelligence apparatus, was held responsible of solving a problem that the International Community could not solve with powerful IFOR/SFOR/EUFOR. To suggest a Bosnian army operation against irregular Serb nationalist paramilitaries protecting war criminals is hardly understandable, especially considering that its freedom of movement without the permission of SFOR/EUFOR is unclear.

Some major members of the International Community tried to act alone in the pursuit of war criminals. For instance, the United States has frozen the assets of politicians and businessmen because of undermining the efforts to bring stability to Bosnia. US president George W Bush issued an executive order on May 28, 2003, listing 150 individuals obstructing the peace process for their own ends. However, the local reactions were controversial. Bosnia's wartime interior minister Bakir Alispahić, who became a successful businessman after the conflict ended, was furious with his inclusion in the list of criminals. "It is unbelievable that I am on the same list as criminals and terrorists whom the US has not arrested for so many years now". Krstan Simić of the Alliance of Independent Social Democrats, SNSD, said, "I believe that any public figure whose name is placed on such a list should resign immediately before they discredit the institutions they belong to." In this sense, it is striking that the American list can become an issue even in the politics of RS. It is argued that many Bosnians have a quiet approval while only a few years ago, any such move would have provoked nationalist demonstrations to support the listed criminals. [473]

The news that Radovan Karadžić and Ratko Mladić would be arrested circulated many times, to the extent of making the International Community ridicule. The Tribunal's chief prosecutor Carla Del Ponte has been often very critical of international troops in Bosnia because of their passivity in the arrest of war criminals. [474] There has often been news or rumours about a NATO operation to arrest these two notorious war criminals. Once, it is reported that a NATO operation was conducted yet Karadžić was informed and escaped. Then, it is

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[472] Emir Suljagic, "Karadžic's arrest as a condition for the survival of his RS", Bosnian Report, New Series 39-40, (April - July 2004).

[473] Gordana Katana and Sead Numanovic, "Bosnia: US Issues Blacklist", IWPR Balkan Crisis Report 434, (03-Jun-03).

[474] Zeljko Cvijanovic, "Karadžić in Trouble», IWPR Balkan Crisis Report 238, (19-Apr-01).

even «rumoured» (open secret would be a better term) that French soldiers who were part of SFOR informed him and that he had always been living in the territory controlled by French troops.[475] Certainly, France strongly denied and argued that nearly 40% of the Serb war criminals were arrested by French soldiers.[476] Following the arrest of Momčilo Krajisnik who is a high level war criminal, Jacques Chirac, France's then president, implied that Karadžić might be next.[477]

It was reported that the International Community felt pressured by time, money and the prospect of a NATO handover in Bosnia, hence it "is racing to get the Bosnian Serb wartime leader Radovan Karadžić to the Hague tribunal".[478] It was even pretended that SFOR decided to use the tactic that proved successful in arresting Saddam Hussein (to arrest men in his network) and seized two of his former bodyguards.[479] In this sense, it was hoped that the arrest of key war crimes suspect Milan Lukić could bring "vital information on Radovan Karadžic's network of supporters". The interior ministry of the Republika Srpska declared that it was also involved in its arrest in order to show how cooperative the RS government was. It had indeed attempted to arrest Milan Lukić some time before on the grounds of his heavy involvement in organised crime yet was unable and tragically killed his brother[480]. This effort to reach Karadžić through his network did not prove to be useful so far.

The International Community has attempted at different methods in arresting Karadžić but a successful arrest operation by IFOR/SFOR/EUFOR. Instead of such direct operation, the pressures put on the RS governments were its main tool. It said following the 2000 elections that the SDS could not become part of the government until its former leader Karadžić is handed over and that

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[475] Ibid.

[476] Interview with an official in the French Embassy in Sarajevo, 2 June 2006.

[477] "Another snatch in Bosnia", Economist 8165, (04/08/2000).

[478] Augustin Palokaj, "Karadžić Hunt May be Stepped Up", IWPR Balkan Crisis Report 480, (13-Feb-04).

[479] Hugh Griffiths and Nerma Jelacic, "Investigative Report: Karadžić Protective Shield Cracking", IWPR Balkan Crisis Report 479, (05-Feb-04).

[480] Jelacic, "Lukic Set to Face".

the SDS proved that it is a reformed political force[481]. As a consequence, at a party gathering in Banja Luka, SDS denied membership to the war criminals wanted by the ICTY, including the founder of the party Radovan Karadžić.[482]

However, the success of these international efforts has been quite questionable. The RS government's initial reply to the international pressures, indeed following the conviction of Serb general Radislav Krstić by ICTY, was to publish a list including the Bosniak and Croat who were allegedly responsible of war crimes against Serbs.[483] Then, window dressing attempts arrived: RS government's efforts to convince war criminals to surrender by presenting them some rewards such as monthly salary and regular payments for their family's expenses failed. Moreover, it received widespread critic since to reward war criminals with salaries is not a usual and acceptable custom[484]. Finally, these international efforts caused the Bosnian Serb government to see a direct link between the survival of RS on the one hand and Karadžić's arrest on the other. In other words, they grasped that as long as the war criminals remained at large, the RS was perceived also criminal and hence, its existence was considered illegitimate. Dragan Čavić, the most pragmatic of the entity's politicians, warned that RS was bound to respect its international obligations[485], although the result of this belated and insufficient attitude change remained unclear. All efforts to arrest Karadžić remained in vain. He is still at large.

Certainly, these failures provoked many arguments and critics. It was even pretended by a former State Department official that the American troops in IFOR deliberately avoided to contact Karadžić.[486] The International Community did not challenge directly Radovan Karadžić's criminal network. It is indeed pretended that the UN police mission has ensured the survival of a police and security apparatus under his effective control, while the black market economy

[481] Zeljko Cvijanovic, "Karadžić in Trouble", IWPR Balkan Crisis Report 238, (19-Apr-01).

[482] Alix Kroeger, "SDS ejects founder Karadžić", BBC World News, 24 December 2001.

[483] Gordana Katana, "A Dirty Laundry List", IWPR Balkan Crisis Report 272, (17-Aug-01).

[484] Gordana Katana, "Bosnia: "Cash for Crimes" Scheme Slammed", IWPR Balkan Crisis Report 449, (31-Jul-03).

[485] Suljagic, "Karadžic's arrest".

[486] Marshall Freeman, "Way Forward in Bosnia", Bosnian Report, New Series 1, (November-December 1997).

has remained under the control of a small circle that this notorious war criminal led.[487]   International human rights officers found out that in eastern RS police involved in ethnic cleansing but remained in office. [488] Finally, even the chief prosecutor of the ICTY, Carla Del Ponte declared explicitly that "NATO had enough intelligence to find all the court's most wanted men, including former Bosnian Serb leader Radovan Karadžić" But "there was not the political will to do it."[489]

The essence of the problem has been certainly the fact that many Bosnian Serbs still see war crimes suspects as heroes, so the government has to consider the elections.[490] Bosnian Serbs consider RS as the result of the fights of the people, in the words of one politician, "even normal non nationalist people think that it is their pride, their country"[491]. They pretend that all three parties did atrocities in the war, all three parties cooperated among each other occasionally against each other, all have war criminals, and complaint that only Serbs are blamed and prosecuted, and that the Bosniak are not.[492] Therefore, they claim that the war was not a Serb aggression and to blame Serbs as aggressor has not been a productive way of reconciliation.[493]

Then the institutional revision came to the agenda by the creation of a special domestic institution to deal with war crimes.[494] It was argued already that the transfer of low and medium ranking trials to the region was central in the ICTY's completion strategy, which envisaged to finish all its cases by the end of 2008 and to close its doors two years later. However, the International Community's move to establish a war crimes court in Bosnia and Herzegovina has raised serious questions over the protection of witnesses and whether the

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[487] Suljagic, "Karadžic's arrest".

[488] Interview with Madeleine Rees, Office of the United Nations High Commissioner for Human Rights (OHCHR), 14 March 2006.

[489] Nato blamed for Bosnia failures, BBC World News, 1 December 2004.

[490] Katana, "Bosnia: "Cash for Crimes".

[491] Interview with Danijela Injac, International coordinator of SNSD, 6 June 2006.

[492] Interview with Niksa Lolic, International Coordinator of PDP, 6 June 2006.

[493] Interview with Miloš Solaja, Head of an NGO in Republika Srpska, 5 June 2006.

[494] "Bosnia gets war crimes court", BBC World News, 31 october 2003

country's legal system, detention facilities and media can face this challenge. [495] It should be noted that this was imposed by the International Community: The ICTY Chief Prosecutor Del Ponte and High Representative Paddy Ashdown issued a joint statement, in which they called on the Bosnian parliament to pass the legislation on the War Crimes Chamber without delay, warning that failure to do so would "severely undermine the fight to hold war criminals responsible" for their actions.[496] Needless to state, there is a significant international presence in the domestic War Crimes Chamber.[497]

Domestic war crimes proceedings have been heavily criticised indeed by the international observers. For instance, Human Rights Watch noted that "ethnic bias on the part of judges and prosecutors, poor case preparation by prosecutors, inadequate cooperation by the police with investigations, poor cooperation between states on judicial matters, a lack of witness protection mechanisms, and uncertainty on prosecuting command responsibility" have been the main problems of the local courts concerning this transfer of the role of the ICTY.[498]

To sum up, the ICTY's office of the prosecutor received criminal files against nearly 6,000 war crimes suspects - but only around 850 or so of these were considered legally fit for trial. [499] For the moment, there are 161 indicted, and 63 are currently in proceedings before the tribunal, 6 accused remain at large, including notorious fugitives Ratko Mladić and Radovan Karadžić. The trial of 98 accused were concluded: 5 acquitted, 46 sentenced, 11 transferred to national jurisdiction, 6 Persons are deceased or had their indictments withdrawn, including the doubtful death of Slobodan Milosevic.[500]

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[495] Alison Freebairn and Nerma Jelacic, "Bringing War Crimes Justice Back Home", IWPR Balkan Crisis Report 529, (26-Nov-04).

[496] "Paddy Ashdown and Carla Del Ponte Call For BiH Parliament to Make War Crimes Chamber Operational by January 2005", Press Release, FH/P.I.S./903-e, 20 October 2004. http://www.un.org/icty/pressreal/2004/p903-e.htm

[497] "Looking For Justice, The War Crimes Chamber in Bosnia and Herzegovina", Human Rights Watch, http://hrw.org/reports/2006/ij0206/2.htm.

[498] Justice at Risk: War Crimes Trials in Croatia, Bosnia and Herzegovina, and Serbia and Montenegro, Human Rights Watch, http://hrw.org/reports/2004/icty1004/

[499] Freebairn and Jelacic, "Bringing War Crimes".

[500] http://www.un.org/icty/glance-e/index.htm

In any case, the justice in terms of the arrest of the war criminals was not properly established, which influenced the legitimacy of the International Community. It appears that the International Community did not opt for using its enormous military machinery in the pursuit of the war criminals. It does not seem completely possible to argue that it was in accordance with its preference of minimum stability because it cited the organised crime as one of the biggest problems. The relation of the war criminals to the organised crime networks is obvious. In this manner, for instance the International Crisis Group stated that the emergency was not over in military terms because the war criminals were at large[501]. Therefore, it is more convincing to say that the countries within the International Community did not face the risk of losing its soldiers in the pursuit of the war criminals and of humiliating failures although this would sound more in line with their stated objectives. It can be argued that this resulted in the loss of credibility on the part of the International Community. However, this loss of credibility and legitimacy did not threaten the main scheme of the limited sovereignty that it aimed at establishing in BiH.

4.4.5. Economic Transition...to reform the absence

While moving outside of the centre of Sarajevo, what strike are not only the fascinating landscape but also the poverty and unhappy human faces. The economy of BiH that was already bankrupted before the war was destroyed seriously during the war, and was not reconstructed yet in the post-war period. Therefore, it remained as the basic problem of ordinary people; it is often said as their biggest priority.

In the immediate post-war years, the international organisations' presence has been very important for the economy. The immediate post-war years was relatively better than later on the grounds of the flow of the international aid and of the existence of many good-spending international employees. This is why there were serious economic concerns after the departure of the UN mission, since it meant the end of employment for some 1,500 local staff, decrease in big-spending foreigners as well as its indirect effect across the

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[501] "The Internationals and the Balkans: Time for Change?, Debate between Gerald Knaus and Nicholas Whyte", IWPR Balkan Crisis Report 505, (02-Jul-04).

services sector and private businesses[502]. It was hard then to replace the loss of aid money with increased foreign investment and private sector activity. One western official was quoted to state that "International community and local authorities planned that around this time Bosnia would be strong enough financially to begin commercial borrowing on international markets, but this estimate was wrong".[503]

The estimate was wrong because it was based on a miscalculation, to say the least. In this sense, if one side of the problem was the nationalist conflict and war, the other has been the policies of the International Community. Concerning the domestic aspect, the main problem has been the division of the country into two entities during and after the war, which meant there have been effectively two markets. One can add even a third one since the Croat majority areas has often been self-distancing also economically. "The absence of a single internal market is by far the most important impediment to investment in new and additional economic activity," said the OECD study that indeed congratulated the belated unification of customs services as a positive step.[504] The other barriers were argued to be the privatisation process, the absence of a transparent legal and regulatory framework and a lack of consistent and transparent business and administrative regulations[505]. As an example to the lack of regulations, there is not even corresponding laws to regulate the expenses of the presidency, which remained strikingly high for such a country.[506]

The other side of the problem has been the policies of the International Community. The basic critics about the international approach to the Bosnian economy are that there was no economic development strategy; there was rather a political decision for free market economy. This was deemed as "narrow

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[502] Julie Poucher Harbin, "Bosnia: UN Handover Causes Concern", IWPR Balkan Crisis Report 393, (23-Dec-02).

[503] Nerma Jelacic and Nidžara Ahmetasevic, "Bosnia: Strikes Reflect Economic Woes", IWPR Balkan Crisis Report 462, (03-Oct-03).

[504] "Progress in Policy Reform in South East Europe: Monitoring Instruments 2002", OECD Report, 02-Sep-2002, http://www.oecd.org/searchResult/0,2665,en_2649_201185_1_1_1_1_1,00.html 73.

[505] Jelacic and Ahmetasevic, "Bosnia: Strikes".

[506] Renata Radic, "Bosnia's High-Spending Leaders Blow Hole In Budget", IWPR Balkan Crisis Report 511, (12-Aug-04).

minded western liberal democratic logic" [507]. In this sense, the IMF and World Bank made the error to consider only transitional dimension, not developmental dimension. Moreover, the International Community failed to note and integrate the welfare regime, the legacy of pre-war structures, and the way of absorption of local actors; the social policy was underemphasized. The use of the aid was also problematic: "majority of the aid and assistance programs impose their own pace and agenda, overly limiting the margin of movement and the responsibility of the beneficiaries". Instead, it is proposed that the economic strategy must (have) be(en) based on development and social cohesion. Therefore, a global and long term social policy is necessary, including financial aid for housing, welfare allowances, and special aid for education and for health programme in the reformation of the economy.[508]

The selective emphasis on the aspect of transition to a market economy without social policy is not problem-free in itself either. The International Community is criticised on the grounds that it attempted at the establishment of a market economy without the proper corresponding institutions. Accordingly, "the International Community seemed unaware of the fact that BiH did not have a capital market, nor labour market and goods market". Therefore, incompetent economic decisions by the International Community such as early privatisation by vouchers and early opening up to international markets and the inability of the governments to resist these international pressures are seen as the reasons of the destruction of the economy.[509]

The standard transition program, which is not different than the broader Transition in Central and South-eastern Europe, has been based on the privatisation of the socially owned enterprises and opening of the economy. It was quite obvious that there was no capital in the country to buy these enterprises; hence the International Community calculated that foreign investment would fill the capital vacuum in the country. The result was very controversial in most of the transition countries, especially in the Balkans, since

[507] Interview with Madeleine Rees, Office of the United Nations High Commissioner for Human Rights (OHCHR), 14 March 2006.

[508] Christophe Solioz, "Quest for sovereignty: Bosnia and Herzegovina's challenge", Helsinki Monitor 2, (2003): 159.

[509] Dragoljub Stojano, "B-H is heading for total bankruptcy", Bosnian Report, New Series 21/22, (January - May 2001).

there was no adequate foreign investment enough to fill the capital vacuum. The situation has been much worse in BiH because of the war that has worsened the economic conditions and destroyed the political stability that foreign investors request before inflowing their capital. The failures to provide post-war stability in the country have exacerbated the situation.

The privatisation was the most controversial of all. Mass privatisation has resulted in the dramatically ridiculous fact that many Bosnians have had the shares of the public companies, which actually meant nothing financially.[510] The result was the mass unemployment and the corruption based on "milking" these socially owned enterprises.[511] Moreover, this inevitable "milking" was mainly conducted directly or indirectly by the nationalist parties, which provided the economic base of their power, and further complicated the picture. In this sense, the development of the informal economy, which leaves the government without revenue, is indirectly helped by the IC. [512] A better option was suggested be the International Community had taken matters into its own hands and introduced a protectorate, thus assuming full responsibility for events. BiH should first have been restructured, then have got some money and invested it in the economy, and then started privatization.[513] The suggestion assumed that the full responsibility of the International Community would result in the reconstruction of the country and significant investment. This seems very doubtful concerning the priorities of the International Community.

The reflection of these into the life of ordinary people has been disastrous. As late as 2000, that is even four year after the end of the war, the continuing lack of a functioning economy has resulted in the poverty of Bosnian citizens who have managed to survive by an average salary of DM446 in a country where basic foodstuff for a family of four persons required DM429 monthly. The pensioners got between DM120-180, which was obviously insufficient to survive,

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[510] "Empty Pockets of "Mandatory Capitalists", <u>AIM</u>, June 28, 2001.

[511] Gordana Katana, "Banja Luka Faces Bleak Future", <u>IWPR Balkan Crisis Report</u>, (May 16, 2001).

[512] Interview with Madeleine Rees, Office of the United Nations High Commissioner for Human Rights (OHCHR), 14 March 2006.

[513] Stojano, "B-H is heading".

thus it was not surprising that suicide rate were high among pensioners.[514] The situation was much worse in the Republika Srpska than in the Federation. 60% of the population live below poverty line, unemployment was unbearably high and the average monthly income shrank to DM230[515]. The additional reason for this plight of Republika Srpska was the International Community's reluctance to give aid to the entity because of its intransigent activities in the immediate post-war[516]. Moreover, Serbia was not able to afford the entity after the NATO bombardment. For instance, the wages of army officials in the entity was paid by Serbia, and then the payment of public sector salaries was a big problem.[517] The current situation is not any better in both the entities. The population below poverty line is twenty-five per cent in BiH.[518]

The disadvantaged groups attempted at protests, though in vain. Workers have mounted strikes in protest at overdue wages and contributions to pension and health insurance schemes. [519] In the same way, the agriculture has not been an issue dealt with at the federal level; however, the country has signed free trade agreements with neighbouring countries and Slovenia. Although the agreement are said to help to improve the exports of the country, it seriously hit the agriculture since Croatians and Slovenes can produce very cheaply with modern techniques and state subsidies. The issue is particularly important because agriculture involves almost one-third of Bosnia's adult population. It created a country wide reaction, uniting farmers of RS and Federation in their protest in Sarajevo. They demanded more protection for domestic production and the creation of a state ministry for agriculture and changes in the terms of the free trade agreements. Unlike local politicians, High Representative Ashdown supported their struggle, though only verbally.[520] The demonstration is

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[514] "The art of Survival, Alternative Information Network AIM, November 23, 2001.

[515] Ibid.

[516] Woodward, "Bosnia after Dayton", 98.

[517] Ibid.

[518] https://www.cia.gov/cia/publications/factbook/geos/bk.html

[519] Jelačić and Ahmetasević, "Bosnia:Strikes".

[520] Nidžara Ahmetasević, "Bosnian Farmers Protest Against Flood of Imports", IWPR Balkan Report 575, (16-Sep-05).

particularly important as it was the one and only in protesting both the locals and the internationals on a non-ethnic issue.

It is argued that the decision of the International Community on the establishment of the free market economy was flawed also because there are vulnerable groups also because of post conflict traumas and handicaps, who are disadvantaged in a free market economy.[521] In any case, the main problems are the unemployment and the dependency of the country. The European Commission preferred an optimist reasoning about the unemployment:

> According to official unemployment figures, unemployment amounted to 44.6% in 2005. However, this figure overestimates true unemployment. Using International Labour Organisation (ILO) definitions, unemployment was estimated at 31% in April 2006. Taking informal employment into account, unemployment is estimated to be closer to around 20% of working-age population, although no recent official estimate is available. [522]

The official GDP reached in 2005 approximately 70% of pre-war levels. The European Commission noted that Bosnia and Herzegovina is a very open economy, yet is driven mainly by imports. The economy continued to be based strongly on raw materials and related manufacturing.[523] It is clear: Ten years after the establishment of international administration, the GDP could only reach 70% of the pre-war level that was considered already a crisis. It is a very open economy but the production structure does not change, and unemployment remains high.

The situation is so bad that it is argued that if there are no new debts BiH will eventually be able to relieve itself of this burden around 2039. It is clear that the problem of BiH's indebtedness is above all caused by the structure of the state and its functioning. Zarko Papić argued that the dependence of BiH has not diminished after 1995. On the contrary, it has grown.[524] Furthermore, Jadranko Prlić, when he was a minister, clarified that "Bosnia has got into debt both necessarily and unnecessarily, not all our loans are legitimately covered". In any

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[521] Interview with Madeleine Rees, Office of the United Nations High Commissioner for Human Rights (OHCHR), 14 March 2006.

[522] Bosnia-Herzegovina, economic profile, http://ec.europa.eu/enlargement/bosnia_and_herzegovina/economical_profile_en.htm

[523] Ibid.

[524] Jasna Hasovic, Forty years of misery, Bosnian Report, New Series 19/20, (October - December 2000)

case, the state of BiH is the guarantor for all the debts, while implementation of the loans is by the entity governments whose spending are not controlled by the state. The implementation of loans is monitored by an independent firm of experts. For instance, Price Waterhouse did the analysis in 2000.[525] Therefore, the central government can not control the spending of the entity governments while a multinational firm monitors them.

There have been two opposite views on the international intervention to the Bosnian economy. The critical one pointed out that "the tasks of managing the Bosnian economy have been carefully divided among donor agencies: while the Central Bank is under IMF custody, the EBRD heads the Commission on Public Corporations, which supervises operations of all public-sector enterprises including energy, water, postal services, roads, and rail ways".[526] On the contrary, the other viewed the interethnic politics and the weak constitutional authority of the national government as the reason of the slowness of the implementation of the decisions to reform the economy. Therefore, after the enlargement of its authority, OHR has played "a key role in economic policymaking" and made the "key decisions on the national currency, taxation, budget, and privatization".[527]

To sum up, the Bosnian economy is a disaster, which indeed constitute the biggest problem of the ordinary citizens. The reasons of this disaster can be found at the domestic problems as well as the policies of the International Community. The effects of the transnationalisation of the world order are reflected crystal clearly in the neo-liberal economic policies of the International Community after the war.

4.5. Conclusions

This chapter aims at substantiating the argument of limited sovereignty in the analysis of the Dayton Agreement and at outlining the state-society complex redefined by this Agreement. The viability of BiH, that was seriously hampered

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[525] Ibid.

[526] Michel Chossudovsky, "Dismantling former Yugoslavia,recolonising Bosnia", Development in Practice 4, (November 1997): 381.

[527] James Dobbins, John G. McGinn, Keith Crane, Seth G. Jones, Rollie Lal, Andrew Rathmell, Rachel M. Swanger, Anga Timilsina, "America's Role in Nation-Building: From Germany to Iraq", Rand Corporation Report, M-1753, 2005, 109.

during the war, provoked the questions of which territory, which population and which juridical and political organisation, as mentioned at the beginning of this chapter. Following the war, the territory is divided legally into two and practically to three; the population is divided into three constituent nations (that fits to the territorial division) and the so called "others", and the juridical and political organisation included a constant and immutable international intervention. The ethnic division and the international role is embodied and registered in the Dayton Peace Agreement, including the very constitution of the country. Therefore, the Dayton Agreement emphasised these very questions of territory, population and juridical and political organisation, although it secured the territorial integrity of the country.

The limited sovereignty of BiH can be observed first of all in the Agreement itself. In all domestic institutions there are international representatives to be appointed by international organisations. Moreover, there is the ad hoc international organisation of OHR that is not controllable by any of the domestic institutions. Furthermore, the implementation of the Agreement accentuated the limits to Bosnian sovereignty.

 Following the implementation of the agreement, the result is so far : BiH does not have a significant army and has to rely on the transatlantic and/or inner EU harmony for its security and hence its survival; the refugees and IDPs could not return to their pre-war homes so the ethnic purification is successfully achieved; the war criminals were not completely arrested, including two notorious war leaders, thus justice and reconciliation is not completed; the economy is suffering a huge dependence as well as great unemployment. It can be argued that the aim of the International Community has been to keep a minimum stability and did not pay attention to the rest as long as there is a sort of stability. However, even considering the limited understanding of the stability, it is not consistent and adroit. All in all, the limited sovereignty of BiH ensued.

The International Community desired desperately that BiH did what it wanted as a sovereign country. All in all, it did not restore this sovereignty on the grounds of its mistrust on local elite and people; although notably, these latter two have not been necessarily congruent. It did not do itself directly what it wanted because of the perceived cost-effectiveness of such a project. The result has been the –often inconsistent- efforts to maintain the status quo, this is

to say a minimum stability, through imposing reforms, thus to the extent of violating the essentially desired sovereignty. Therefore, the interventions of the International Community were relatively efficient when arbitrarily selective and mostly inefficient because of its a priori reluctance. This made its interventionism rather a clumsy one. This inconsistent and maladroit interventionism has been paradoxical in the democratisation in BiH, as will be analysed in the following chapter.

CHAPTER 5

POLITICS and DEMOCRATISATION in BiH

…la modestie m'aidait à briller, l'humilité à vaincre et la vertu à opprimer.
Je faisais la guerre par des moyens pacifiques et
J'obtenais enfin, par des moyens du désintéressement,
tout ce que je convoitais…
mes défauts tournaient à mon avantage.[528]

Gouverner,
c'est voler,
tout le monde sait
ça, mais il y a la
manière…[529]

5.1. Introduction and International Role in Democratisation

The modesty helped to shine, the humility to defeat and the virtue to suppress, Camus noted. He added that to govern is to steal anyway, yet the manner matters, as in the case of virtue and suppression. This chapter is to analyse the democratisation in BiH with the focus on the role of the International Community. It is to substantiate the establishment of democracy, the virtue, within the framework of the limited sovereignty, the suppression.

It seems useful to have an overview of the academic literature on the role of the International Community on democratisation. However, the existing theoretical literature on democratisation does not seem convenient for BiH on the grounds that they assume a strong authoritarian state against which the democratisation is to be conducted.[530] This assumption could fit to the BiH by the time of the 1990 elections under the Socialist Federal Republic of Yugoslavia, which is not in the scope of this thesis. In post-Dayton BiH, what is observed is the absence of the state, as elaborated in the third chapter, rather than the

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[528] Albert Camus, La chute, (Paris:Gallimard, 1956), 90-1. It reads: The modesty helped to shine, the humility to defeat and the virtue to suppress. I was making war by pacific means and I obtained at the end, by means of impartiality, all what I lusted for. My defects turned out to be my advantages.

[529] Albert Camus, Caligula, (Paris: Gallimard, 1958), 34. It reads: To govern is to steal, but there is a manner.

[530] Carsten Q. Schneider, Philippe C. Schmitter, "Liberalization, Transition and Consolidation: Measuring the Components of Democratization", Democratization, 5, (December 2004): 60.

authoritarianism of a strong one. This is indeed why some scholars argued that the usual paradigm of democratic transformation was inappropriate because of the problems of ethnic conflict and state-building in the Balkans.[531] In the case of BiH, if there is strong authoritarianism, the authoritarian is clearly the International Community as represented by the OHR, as to be elaborated in the corresponding section in this chapter.

Democratisation has become one of the main processes in the world after the end of the Cold War; strikingly not always as a consequence of the domestic social forces, but also of the impositions of the International Community. The International Community has felt that its efforts have to carry out the promotion of democracy globally, especially with the corresponding place of democratisation in the American foreign policy.[532]

Democratisation became particularly important within the context of the "failed states". The efforts of creating a functioning state through democratisation have been central to the international efforts, especially when the state failure resulted in the violent domestic (ethnic) conflicts. Carrie Manning observed that a formal democratization process has been at the centre of every negotiated agreement to end civil conflict since the end of the Cold War.[533] One international official in BiH observed that BiH has to reinvent itself constantly as a result of the ethnic conflict.[534] Apparently, the most legitimate method of this reinvention is democracy according to the International Community.

This position is primarily based on the main liberal claim that democracies do not fight with each other; and therefore all countries must be made democratic in order to provide domestic peace as well as international peace and stability. In contrast to this liberal claim, a group of scholars emphasised the

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[531] Alina Mungiu-Pippidi, "Democratisation without decommunization, The Balkans unfinished revolutions", Romanian Journal of Political Science 1, (2005)

[532] Madeleine Albright, "Madeleine Albright Deliver Remarks to The Ministerial Panel On Democracy and International Organizations", FDCH Political Transcripts, 06/26/2000. Bush, George W., "The President's News Conference With Prime Minister Nuri al-Maliki of Iraq". Weekly Compilation of Presidential Documents, 30 (7/31/2006): 1386.

[533] Carrie Manning, "Armed Opposition Groups into Political Parties: Comparing Bosnia, Kosovo, and Mozambique", Studies in Comparative International Development 1,(Spring 2004): 54.

[534] Interview with an official in the Office of High Representative-1, 14 March 2006.

problems in the democratisation process while another group drew attention to the economic factors.

Liberals believed that "the lack of democratic governance is one of the fundamental structural sources of contemporary violent conflict" hence democratisation is central to create viable states.[535] Against this understanding, Roland Parris drew attention to the dangers of a sort of "social engineering" which signified the fact that "to transplant western models of social, political, and economic organization becomes the sole guideline for the practice of international organizations in conflict prevention and resolution".[536] Some other scholars underlined the difference between the process of democratisation and the democracy itself. Michael Ward and Kristian Gleditsch argued that the democratisation process does not carry out the characteristics of an established democracy; it has its own characteristics, which can eventually be in contradiction with the practice of the successfully established democracies. One of these characteristics is that the position of the domestic political elite in a democratisation process is rather fragile, which can provoke them to use whatever means, including violent nationalism, to remain in power. This brings the perils of instability, which can open the floor to hard nationalist-aggressive rhetoric that can appeal to the desperate masses.[537] As a matter of fact, this view challenges the claim that democratization was a step towards peace yet does not question the original idea that democracy brings peace.

Another criticism of this liberal claim, from within the liberal camp as well, came from Fareed Zakaria and Thomas Carothers. Zakaria produced the term "illiberal democracy" and argued that some democratically elected regimes are ignoring the constitutional limits to their power and basic rights and freedoms. Zakaria is concerned that the illiberal democracies may undermine the

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[535] Save Soderbergh, Bengt Lennartsson, Izumi Nakamitsu, "Electoral Assistance and Democratization", in Fen Osler Hampson, David M. Malone, From Reaction to Conflict Prevention, (Boulder, London: Lynne Rienner Publishers, 2002), 357,359,363.

[38] Roland Parris, "Peacebuilding and the Limits of Liberal Internationalism", International Security, 2, (Fall 1997): 56.

[537] Michael D. Ward, Kristian S. Gleditsch, "Democratizing For Peace", American Political Science Review, 1, (March 1998): 53.

legitimacy of the liberal democracy itself[538]. In a similar manner, Carothers argued that there was a "political grey zone" that was "having some attributes of democratic political life" such as regular elections and democratic constitutions, however "they suffer from serious democratic deficits" and "persistently poor institutional performance by the state". Carothers claimed that the flawed nature of the democratisation process was related to the deficiencies in the state-building process and that "the emphasis on diffusing power weakening the relative power of the executive branch by strengthening the legislative and judicial branches of government, encouraging decentralization, and building civil society they were more about the redistribution of state power than about state-building"[539]. Guillermo O'Donnell agreed with the Carothers' argument about the weakness of the state with an important confession that the advocates of the democratisation, including himself, thought that the establishment of democracy would be easier with a rather weak state than a stronger one.[540] As a matter of fact, this confession implied an important insight with regard to the failed states.

What one can understand from Carothers' argument and O'Donnell's confession is that state-building and democratisation are two different processes and indeed that the democratisation can be actually ineffective without appropriate state-building. Moreover, the ostensible paradox becomes even more salient considering the international stability. It was believed that the democratisation would bring peace and thus international stability, particularly with regard to "failed states". It was equally believed that the democratisation would be easier with a weak state. However, it is later understood that the weak state could turn out to be a "failed state", which threatens the international stability. In other words, it is realised that the weakness of the state, which is preferred for democratisation, can result in its "failure". Therefore, the road to the instability was paved with the intentions to provide stability.

To come to those emphasising the economic aspect, Harvey Starr pointed out the relations between the economic conditions and the democracy to

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[538] Fareed Zakaria, "The Rise of Illiberal Democracy", <u>Foreign Affairs</u>, 6, (November/December 1997): 22-43.

[539] Thomas Carothers, "The end of the Transition Paradigm", <u>Journal of Democracy</u> 1 (2002): 7.

[540] <u>Ibid.</u>, 10.

criticise the claim that democratisation brings peace. Starr argued that the equity in economic welfare distribution lies at the very heart of the legitimacy of the liberal-democratic states[541]. This argument is important in order to understand that democratisation does not take place in a vacuum, the (political) economic structure is also important in the continuation of the democratisation process. The economic dimension is related to the discussions on the causes of the "failed states", as it is discussed in the corresponding part in this thesis. It is argued that the neo-liberal globalisation undermined the role of the state in the domestic economy. Then Starr's argument becomes especially important; if the economic welfare distribution is central to the legitimacy of the liberal democratic state; democratisation can hardly be successful in a world in which the economic welfare distribution role of the state is diminished.

Within this framework, some scholars have suggested that international factors play a significant role in the process of democratization.[542] It could be in the form of coercive strategies such as military interventions, the effects of international institutions and foreign aid and the transnational nongovernmental activism. [543] It is argued that international donors can provide incentives for major domestic political actors and influence the institutional arrangements. [544] Schmitz observed that the increasing relevance and visibility of international norms transforms the domestic competition for national power, despite the lack of systematic work on the exact mechanisms linking international norms and domestic political change. Therefore, Schmitz claimed that the main research question was no longer whether transnational relations really mattered (measured in declining state power), but how they mattered.[545]

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[541] Harvey Starr, "Democracy and Integration: Why Democracies Don't Fight Each Other", Journal of Peace Research, 2, (1997): 156.

[542] Samuel P. Huntington, The Third Wave: Democratization in the Late Twentieth Century, (Norman University of Oklahoma Press, 1991); Geoffrey Pridham, Eric Herring, and George Sanford, Building Democracy: The International Dimension of Democratization in Eastern Europe, (London: Routledge, 1994) Laurence Whitehead, The International Dimensions of Democratization: Europe and the Americas (Oxford: Oxford University Press, 2001).

[543] Hans Peter Schmitz, "Domestic and Transnational Perspectives on Democratization", International Studies Review 6, (2004): 403.

[544] Manning, "Armed Opposition Groups", 54.

[545] Schmitz, "Domestic and Transnational",409.

Eric Hobsbawm presented an astute observation on how the transnational relations mattered. Hobsbawm pointed out that the effort to disseminate standardised western democracy carried out a paradox because the transnational public and private entities have no electorates. Therefore, many decisions are taken without the influence of simple voters.[546] Furthermore, the brief review of the opinions on the international involvement in democratisation here demonstrates that the limits to the sovereignty of the country in the process of democratisation by the International Community were not a principal concern of these scholars. In other words, the limitation of a country's sovereignty by the International community in name of democratisation is not questioned.

Nevertheless, the mainstream scholars can help to form a framework for analysis. For instance, Schmitter and Schneider argued that democracy and its consolidation were signified by "the process of inserting accountability to citizens into the political process"[547]. This is to say, the political participation of the citizens in BiH can be analysed, certainly and inevitably, within the framework of the democratisation established by the International Community. In this regard, the elections are to be the focus in this chapter because it has been the main strategy of the International Community in the democratisation of BiH.[548] The elections and accountability is not necessarily the same thing, but the International Community conceived the elections as the most useful method to insert accountability.

Within this context, the main actors of the democratisation in BiH have been the International Community through the international organisations Office of High Representative (OHR) and Organisation for Security and Cooperation in Europe (OSCE). It can be argued that OHR's role has been more state-building than democratisation, as substantiated in the third chapter. It could be essentially and effectively against the democratisation, as to be analysed in the following section. The following section is to elaborate on the role of the International Community within this respect with particular focus on the OHR.

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[546] Eric Hobsbawm, http://living.scotsman.com/books.cfm?id=1057902007

[547] Schneider and Schmitter, "Liberalization, Transition and Consolidation", 61.

[548] The establishment of a civil society has also been a principal aim and gained prominence following the victories of the nationalist parties in the elections. However, this is not going to be analysed in this thesis because the results of this endeavour is still too vague.

Then it will be followed by the analysis of the elections, in which OSCE has been more active.

5.2. International Community and Democratisation in BiH

The aim of the International Community has been to establish a liberal democracy in BiH. This can be read in the documents as well as the discourses of the High Representatives. The PIC in London concluded in December 1995 that the purpose of the International Community is "the establishment of new political and constitutional arrangements for Bosnia and Herzegovina that will bring the country together within a framework of democracy and the rule of law".[549] This standpoint was also reiterated in the speech by the High Representative Wolfgang Petritsch to the Council of Europe. Petritsch mentioned "European standards of governance", "aims and ideals of the Council of Europe", "constitutional norms and the guarantees of security that a modern state provides" as the targets that Bosnia and Herzegovina is getting closer. Petritsch explicitly stated that "Establishing rule of law and respect for the rights of each and every citizen has been at the heart of Bosnia and Herzegovina's recovery".[550]

The democratisation of Bosnia and Herzegovina has been conducted by "a network of International Community institutions representing the major world powers, with NATO…UNMIBH and OSCE".[551] It has been externally imposed as it has often been in Eastern Europe. In this sense, there is no substantial difference between the International Community's influence in democratisation in this region and in Bosnia and Herzegovina. However, the form is drastically different: in Bosnia and Herzegovina the International Community is doing the process, meaning much more than merely monitoring, observing, and advising so on and so forth. In a sense, it is governing the country that it aims to democratise. This governance is conducted by the OHR, and effectively became an obstacle to democratisation.

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[549] Conclusions Of The Peace Implementation Conference Held At Lancaster House London, www.ohr.int/pic.

[550] Concluding the debate on the accession of BiH to the Council, January 22, 2002, www.ohr.int

[551] David Chandler, Bosnia: Faking Democracy After Dayton, (London: Pluto Press, 2000), 64.

Moreover, BiH is a post-war country, in this sense, the process in the country is not solely democratisation. In other words, to democratise an existing undemocratic country and to rebuild a country as an established democracy are two different things. This is indeed why it is argued that BiH is subject to triple transition: from the state of war to the state of peace, from emergency aid to a stable development and transition to the market economy, and from authoritarianism to liberal democracy.[552] It can be argued that the OHR has focused more on the first transition than the last one that is democratisation. The difficulties of the transition to a liberal democracy and market economy in a post-war environment are emphasised by many locals and internationals.[553]

This strategy has assumed that Dayton's implementation would be the building of Bosnia and Herzegovina as a reintegration.[554] This resulted in the juxtaposing the transition from the state of war to the state of peace and the transition to liberal democracy in contradiction. The war was perceived as a civil war between different ethnic groups. Therefore, the peace settlement included a sort of balance of power between the ethnic groups as constituent nations. This resulted in the overemphasis on ethnicity in Bosnian politics, as discussed in the third chapter. The contradiction of the international efforts of democratisation with the structure that the International Community established was clarified astutely by David Chandler:

> Democratisation strategy in Bosnia has relied heavily on the institutionalisation of ethnic division through the use of the 'ethnic key', the allocation of seats in advance on the basis of ethnicity…While the ethnicisation of politics has been welcomed, and multi-ethnic administration formed at all levels, the politicisation of ethnicity, the success of political parties which appeal to on ethnic group, has been roundly condemned as a central barrier to democratisation and the Dayton process.[555]

Considering also the constant international intervention in the implementation process of the Dayton Agreement, as explained in the third

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[552] Zarko Papić, "La Bosnie-Herzegovine sept ans apres la guerre: dependance ou responsabilite et autonomie", in La Bosnie-Herzegovine, Enjeux de la transition, Christophe Solioz, Svebor Andre Dizdarević, (Paris: L'Harmattan, 2003) 58-59.

[553] This opinion is expressed in my interviews.

[554] Interview with an official in the Office of High Representative-1, 14 March 2006.

[555] Chandler, "Bosnia: Faking Democracy", 111.

chapter, what the International Community established in BiH can be called as a "controlled democracy":

> the political system of Bosnia and Herzegovina would elicit the following definition of controlled democracy – a compact of external democracy promotion whose non-democratic elements, often inconsistent with each other, are directly inserted in the target country and enjoy far-reaching powers of control, constituting a direct, non-defiable, and certainly non-justifiable, influence over its political development.[556]

Within this framework, the main organisation of the controlled democracy has been the Office of High Representative (OHR), as to be analysed in the following section. The initial strategy of the International Community has been the organisation of elections, with the belief that free and fair elections would bring non-nationalist moderate politicians to power. It is argued that the International Community, as institutionalised in the OHR and OSCE, together with some of Bosnia's biggest aid donors, have actively and explicitly attempted at diminishing the power of the nationalist political parties and encouraging the emergence of moderate alternatives by repeated elections.[557] The failure of this strategy to reduce the nationalists' political power caused the interventions of the International Community through OHR.

5.2.1. Office of High Representative (OHR):

5.2.1.1. The character of and problems exposed by the OHR

As usual, it is convenient to begin with the official definitions. The Annex 10 of the Dayton Agreement, entitled "Agreement on Civilian Implementation" defined clearly the role and authority of the High Representative:

> The Agreement on Civilian Implementation of the Peace Settlement anticipates that international agencies and organizations will assist in activities which include the continuation of humanitarian aid, infrastructure rehabilitation, economic reconstruction, establishment of political and economic institutions, promotion of human rights and return of refugees and displaced persons, and holding of free and fair elections…To help coordinate these activities, a High Representative (HR) will be appointed…The HR is the final authority in the theatre and on the Agreement's interpretation of civilian implementation.[558]

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[556] Victor D. Bojkov, "Democracy in Bosnia and Herzegovina: post-1995 Political System and Its functioning", Southeast European Politics, 1, (May 2003):42-3.

[557] Manning, "Armed Opposition Groups", 60.

[558] GFAP, Annex 10, Civilian Implementation, Article V, Final Authority to Interpret. http://www.ohr.int/dpa/default.asp?content_id=380

In the same manner, the Peace Implementation Council at London 1995 specified that:

In view of the complexity of the tasks, the parties have requested the designation of a High Representative who, in accordance with the civilian implementation annex of the Peace Agreement, will monitor the implementation of the Peace Agreement and mobilise and, as appropriate, coordinate the activities of the civilian organisations and agencies involved.[559]

These initial definitions did not dictate the final stage of the OHR. Its role and mandate evolved with time towards enhancement of its authority on paper and increase in its interventionism in practice. At the beginning in 1996, it was a small office with no executive power, designed solely to coordinate the international activities. In 1997, following the realization of the weakness of the office and the slowness of the implementation, its authority was enlarged in the Bonn Summit of the Peace Implementation Council. Bonn PIC Summit concluded that:

The Council welcomes the HR's intention to use his final authority in theatre regarding interpretation of the Agreement on the Civilian Implementation of the Peace Settlement in order to facilitate the resolution of difficulties by making binding decisions... Such measures may include actions against persons holding public office or officials who are absent from meetings without good cause or who are found by the HR to be in violation of legal commitments made under the Peace Agreement or the terms for its implementation. [560]

The additional authority of the High Representative, including imposing laws and removing even elected public officials, has been known as "Bonn powers". The evolution of the OHR towards Bonn powers signified, above all, that although it was stated as the "final authority" in the Dayton Agreement of November 1995, it did not have the power to assert final authority until the aftermath of the Bonn Summit of December 1997. It can be argued that the clear victories of the nationalist parties, which obstructed the implementation of Dayton, in the 1996 general and 1997 municipal elections resulted in the strengthening of the international intervention through the OHR.

Moreover, OHR was not established as an efficient organisation even when it was limited to be the main coordinating body for the international activities. OHR had neither an adequate institutional memory nor well-established and

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[559] Conclusions Of The Peace Implementation Conference Held At Lancaster House London, December 08, 1995, http://www.ohr.int/pic/archive.asp?sa=on

[560] PIC Bonn Conclusions, 10 December 1997, www.ohr.int

competent staff. One striking example is enough to demonstrate what kind of organisational structure OHR had: High Representative Wolfgang Petritsch wanted to study the decisions of his predecessors but was not able to find any documentation on them.[561] It is claimed that with time, its inner harmony and efficiency increased.[562]

The decrease in the importance of the Peace Implementation Council with time in the 2000s must also be taken into account. This took place because BiH lost its importance in the international agenda. The withdrawal of the PIC resulted in the increase of the authority of the High Representative[563]. In this sense, this increase was part of the redefinition of the institutional configuration of the limited sovereignty and controlled democracy of BiH by the International Community.

The Bonn powers and especially the use of these by Lord Paddy Ashdown during his term as High Representative created an intense and meaningful debate. It is incontestable that the OHR gained with time a rather awkward position in Bosnian politics. This ad hoc international organisation has become the most influential institution in BiH because it is equipped with both legislative and executive powers. Other institutions in BiH, which were based on power-sharing among the constituent nations were already weak and have been further weakened by the strengthening of OHR. [564]

It becomes more awkward considering the fact that the OHR does not control any material force such as police or military.[565] There has not been a clear link between the OHR and the military peacekeepers, initially NATO and later EUFOR, although it occurred occasionally. It should be noted that these occasions were marked rather by a relative consensus in the International Community than the direct authority of the OHR; as it can be observed in the

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[561] "Bosnia: Reshaping The International Machinery", International Crisis Group(ICG) Balkans Report No.121, (29 November 2001), 8. www.crisisweb.org

[562] Interview with an official in the Office of High Representative-1, 14 March 2006.

[563] Interview with an official in the Office of High Representative-1, 14 March 2006.

[564] Florian Bieber, "Bosnia–Herzegovina: Developments towards a More Integrated State?", Journal of Muslim Minority Affairs, 1, (2002): 213.

[565] Laurent Pech, "La garantie internationale de la Constitution de Bosnie-Herzegovine" Revue française de Droit constitutionnel, 42, (2000): 433.

NATO operation against Hercegovačka Banka, the bank controlled by Croatian nationalist political party HDZ.

Within this framework, the accountability and the legitimacy of the OHR became more and more under scrutiny and criticism. As a matter of fact, the legitimacy of the OHR is provided by the Peace Implementation Council, itself an ad hoc body whose juridical status is still undetermined but was yet legitimised by the UN resolution 1031.[566] Although the High Representative has been accountable to the PIC and reports to UN Secretary General, it is observed that the PIC and UN have not controlled its decisions.[567] Therefore, how and by whom the decisions of the OHR are controlled is not clear.

The problematic character of the OHR is criticised even by the international officials; one senior human rights official argued that OHR was an executive body, even to the extent of creating new ministries, without any local participation. In this sense, the High Representative has been involved in democratisation totally although he (The High Representative has always been a man) has been unaccountable, unelected, and not transparent.[568] However, the most controversial High Representative Ashdown rejected this criticism:

> The HR's authority comes from the Peace Implementation Council - made up of the 50 countries responsible for overseeing the Dayton Peace Agreement, including Bosnia itself. His decisions are subject to international oversight, and to the scrutiny of the country's constitutional court and, ultimately, Bosnia being a member of the Council of Europe, of the European Court of Human Rights itself.[569]

However, the accountability criticism included also the fact that the High Representative was not accountable to the Bosnian people. It is not clear how

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[566] Ibid.The resolution 1031 included: …Welcoming further the conclusions of the Peace Implementation Conference held in London on 8 and 9 December 1995 (the London Conference) (S/1995/1029), and in particular its decision to establish a Peace Implementation Council and its Steering Board as referred to in those conclusions... http://daccessdds.un.org/doc/UNDOC/GEN/N95/405/26/PDF/N9540526.pdf?OpenElement

[567] Richard Caplan, "International Authority and State Building: The Case of Bosnia and Herzegovina", Global Governance , 10, (2004): 61; Reshaping international priorities in Bosnia and Herzegovina", European Stability Initiative (ESI) Report, Part Three, (22 March 2001), 7, www.esiweb.org.

[568] Interview with Madeleine Rees, Office of United Nations High Commissioner on Human Rights (OHCHR), 14 March 2006.

[569] Paddy Ashdown, "Bosnia Needs Accelerated Reforms", IWPR Balkan Crisis Report, 447, (23 July 2003).

the scrutiny of the Constitutional Court of BiH and European Court of Human Rights functioned; some also argued that the High Representative is not controllable by the Constitutional Court.[570] It is even claimed that there emerged a habit of overriding the constitutional order by the OHR, which is dangerous.[571] A Constitutional Court judge clarified that although the Constitutional Court is functioning within the existing constitution, it has been done so rather in an evolutionary and flexible way because it is the High Representative that imposed laws. However, it should be noted that the laws that were imposed by the High Representative were adopted in the Bosnian Parliament and hence they became legitimate part of the legal framework.[572] The economic aspect of the interventions is also worth mentioning. For instance, the High Representative rewrote the Republika Srpska assembly legislation to reduce the unemployment benefits.[573] All in all, the existence of such an institution as OHR and the interventionist behaviours of the High Representatives demonstrated the application of the limited sovereignty and controlled democracy in the Bosnian case.

Notwithstanding the salient problems of accountability and legitimacy, the efficiency of the interventionism of the OHR must be also considered. Within this framework, it is argued that the High Representative's power to the removal of party and public officials caused tension and uncertainty for the party elites who attempted at balancing the demands of the International Community with those of the party members and of the opposition groups.[574] Therefore, on the one hand, OHR's interventionism can be interpreted as an improvement in the moderation of the nationalist parties. On the other hand, the constant international intervention risks to destroy politics in BiH.

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[570] Pech, "La garantie internationale", 433.

[571] Caplan, "International Authority", 59-61.

[572] Interview with a judge of the Constitutional Court, 14 March 2006.

[573] Caplan, "International Authority", 61.

[574] Manning, "Armed Opposition Groups", 60.

5.2.1.2. The Local Reactions to the OHR

The local perceptions of the OHR vary significantly despite its controversial interventionism. In fact, these perceptions of OHR show the reactions of the Bosnians to the limited sovereignty of their country. One of the critical arguments points out that the Bosnians were not consulted in the process of arming the OHR with important powers in Bonn in 1997.[575] Notwithstanding the merits of this argument, it should be stated that this interventionism has evolved and ended within a local context that was ambivalent. In fact, there has been a local demand for interventionism; in other words, the international intervention in BiH has not been completely groundless. However, in the eyes of many locals, the evolution of the OHR should have been reverse. For them, ideally, the OHR should have been active at the beginning, and then should have lessened its role. For instance, nationalist parties could have been banned, nationalist criminal networks dismantled and OHR's role would be diminished with the formation of non-nationalist political forces. However, first High Representative Carl Bildt was insignificant, "he was just one of the internationals around", and OHR became more significant and dominant during the rule of Wolfgang Petritsch, 1999-2002.[576]

In any case, the most striking observation on the local perceptions of the OHR is that the Bosnians perceive the OHR as a solution to their problems, even much more than their political parties. In fact, this perception by the Bosnians made the OHR a legitimate part of the Bosnian politics. For instance, one Bosnian intellectual argued that the best thing that Ashdown did was the establishment of Commissions, which transferred the political issues to the technical realm, as exemplified by the introduction of the Value Added Tax.[577] In this sense, politics is seen as a source of problem rather than of a problem solving activity, while the technocratic approach signifies practical solutions. In other words, the international technocratic intervention is seen as the solution to the stalemate of problems created by the local politics (ridden with nationalist conflict).

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[575] Caplan, "International Authority", 61.

[576] Interview with Ešref Kenan, academic in Faculty of Political Science, University of Sarajevo, 23 March 2006.

[577] Interview with Denisa Sarajlić-Magalić, the NGO Foreign Policy Initiative, 21 March 2006.

Yet another issue is the use of the Bonn powers in daily politics. In this respect, everybody has some expectations from the High Representative, especially the non-nationalist Bosnians. For instance, the social democratic SDP spokesperson complained that Ashdown dismissed Dragan Čović, the Serb member of the collective presidency two years later than expected.[578] On the other hand, Bosniak nationalist SDA deputy told that the removals were necessary yet they had difficulties to understand the reasons of these removals in some cases.[579] The Serb nationalist SDS official stated that they could defend themselves, but in any case they were not able to change the decisions of the High Representative.[580] Yet another Serb nationalist PDP official claimed that people in Republika Srpska thought that Bosniaks were not prosecuted.[581]

The awkward place of the OHR in Bosnian politics resulted in controversial opinions. On the one hand, the expectations have reached to the extent that the citizens presented their demands often to the OHR; there have even been demonstrations in front of the OHR building[582]. On the other hand, it is highly questionable whether the needs of the people are prioritised by the High Representative. Some considered that the OHR did not do anything significant since there is no significant development in the economy - a high priority in their eyes.[583] Yet some others desired more resources and support to education.[584] In the same manner, it is stated that the defence and intelligence service reforms imposed by Ashdown were important developments, yet whether they were priority reforms are highly questionable.[585] Besides, the fact that Ashdown attempted to own these reforms like a local politician caused resentment. For

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[578] Interview with Damir Mašić, spokesperson of the SDP, 27 March 2006. Čović was removed from office on March 29, 2005, because of an indictment on the abuse of office.

[579] Interview with Mirsad Čeman, a deputy of SDA, 11 May 2006.

[580] Interview Milovan Stanković, a high level official of SDS, 6 June 2006.

[581] Interview Nikša Lolić, International Coordinator of PDP, 6 June 2006.

[582] Interview with Nidžara Ahmetasević, journalist in daily Oslobodjenje, 30 March 2006.

[583] Interview with Nidžara Ahmetasević, journalist in daily Oslobodjenje, 30 March 2006.

[584] Interview with Lamija Tanović, president of the LDP, 4 May 2006.

[585] Interview with Denisa Sarajlić-Magalić, the NGO Foreign Policy Initiative, 21 March 2006.

instance, the SDP spokesperson reminded that these have taken place because they are EU conditions rather than the personal achievements of Ashdown.[586]

In the same manner, the High Representative has been seen as powerful as a king or a colonial ruler. On the other hand, it is argued that the High Representative never coordinated the activities of other international organisations, and was not even informed. That is to say, the High Representatives only dealt with big political issues such as the defence reform, even Ashdown despite his heavy interventionism.[587] As a matter of fact, the argument of minimum stability gains importance at this point. Although Ashdown himself declared "Jobs and Justice" as priority, the priorities of the International Community and the Bosnians differed. It seems needless to note that the High Representative has represented the International Community rather than the Bosnians. That is why High Representatives dealt with "big political issues"; these have been enough for minimum stability.

The relations of the High Representative with local actors have been equally striking. It has carried out the same pattern: tacit acceptance or passive resistance by the local actors, but in any case, a representation of demands to the OHR. In other words, the interventions of the High Representative were not directly opposed; hence there is a tacit acceptance. The criticisms never reached to the level of an alternative political program, but rather the local politicians remained passive in the application of the policies that were formed with these interventions; thus the resistance is rather passive. It seems that the locals accepts the position of the OHR in Bosnian politics as legitimate, however demands more cooperation. In other words, the existence of the institution is not opposed directly by the locals; all they ask is more cooperation. The situation is as awkward as the demand of cooperation from an unaccountable international authority. In this sense, it is argued that High Representative could have done a lot more through cooperation with the local forces, such as the non-nationalist Alliance for Change government that came to power in the 2000 elections. Moreover, the ridiculous rivalry is also pointed out: "the Alliance was already

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[586] Interview with Damir Mašić, spokesperson of the SDP, 27 March 2006.

[587] Interview with Davor Vuletić, the NGO Foreign Policy Initiative, 21 March 2006.

saying things that Ashdown did, OHR think it drafted even "Jobs and Justice" that has been the slogan of this government".[588]

As to the politicians, The Muslim member of the country's tri-partite presidency and SDA leader Sulejman Tihić, said that the powers of the High Representative would be necessary until the country became a 'normal state' yet he added that "the HR and his staff interfere too much in day-to-day and personnel matters, where his assistance is not necessary." The then prime minister of Republika Srpska , Dragan Mikerević, was quoted as saying that Ashdown's ability to impose decisions on the country reduced the desire of local politicians to negotiate things between themselves.[589] These quotations signalled two main points: first, the OHR was seen as necessary, especially by the Bosnian nationalists on the grounds of strengthening the central state; second, its strong-handed interventionism in this way stifled local political discussion and decision making.

In addition to these two main points, the opinions of the politicians differed. The Bosniak nationalist SDA official argued that the OHR has been without alternative on the grounds that the constitution carried out the tension of integration vs. disintegration. Therefore, people who wanted BiH as a normal state interpret the constitution with an emphasis on integration while it allows some others to rely on the clauses that can cause disintegration. The role of the OHR was crucial in the clarification: The interventions of the OHR occurred when the parliament of BiH could not assume responsibility. Following this observation, the SDA official needed to state that this interventionism is productive because there was no consensus in BiH on the unity of the country, especially considering the discourse and actions of the politicians of the Republika Srspka. Finally, he admitted that the fact that OHR prepared the laws and presented them to the parliament for approval meant BiH was not sovereign. However, this institution was needed for the unity of the country on the grounds of the ambivalent character of the constitution about the integration of the country, as mentioned above.[590] The argument of the SDA official implied the Bosnian dilemma: BiH

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[588] Interview with Denisa Sarajlić-Magalić, the NGO Foreign Policy Initiative, 21 March 2006.

[589] Nick Hawton, "Raj" Claims Hit Home", IWPR Balkan Crisis Report 447, (23 July 2003).

[590] Interview with Mirsad Čeman, a deputy of SDA, 11 May 2006.

could remain unified in case the international intervention ensues and yet this very intervention signifies the absence of sovereignty. In other words, BiH can not be unified and sovereign at the same time!

The other Bosniak nationalist political party SBiH is rather ambivalent on the character of the OHR: on the one hand, they see it as the only integrative authority, which has provided the functions of a state beyond the entities at the level of the state. On the other hand, it did little for the reconstruction of the Bosnian society and respected the entities more than the state, as could be seen in the absence of the harmonisation of legal structure of the entities. In other words, it has not truly performed its integrative function. They claimed that there was "no special mercy of OHR for SBiH", because the party has advocated a strong state instead of strong entities.[591]

The leader of the Liberal Democrat Party (LDP) Lamija Tanović labelled the OHR as "a sort of parallel government" especially because there is not any agreement on important legislation without the imposition of the OHR. However, she claimed, "OHR was not well informed; they did not even know who is who, although all foreign intelligence services were around." Finally, she complained that the OHR did not take LDP into account just because it was a small party; even under the rule of Ashdown, who was liberal himself and whose party in Britain had the same name.[592] It appears that the International Community has not felt the necessity of a liberal political party in its efforts to establish a liberal democracy in BiH.

The interpretations change in the Republika Srpska, as one can easily anticipate. The SDS has been the main opponent to the interventionist role of the OHR because they perceived this institution as especially against the SDS, and they claimed that they were discriminated against, particularly under Ashdown's term. Moreover, they perceived that the OHR preferred the Bosniak-Croat Federation over Republika Srpska because it preferred centralisation of BiH in each reform. The SDS claimed that the centralisation was neither necessary nor possible on the grounds that BiH could only survive as a decentralised country,

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[591] Interview with Beriz Belkić, vice-president of SBiH, 10 May 2006 .

[592] Interview with Lamija Tanović, president of the LDP, 4 May 2006.

where all three constituent people have equal rights. Finally, they admit that OHR helped BiH to create some laws, which is a positive contribution.[593]

The other political parties in Republika Srpska do not have differing opinions on the OHR. The official of the PDP, yet another nationalist party, claimed that the OHR got worse in time, all High Representatives were worse than their predecessors, and that Ashdown was a dictator because of his impositions for defence and intelligence service reforms.[594] An official from the SNSD, that was supposed to be social-democratic and non-nationalist, further argued that it was Ashdown's impositions that caused the disassociation of the International Community from the public. Nevertheless, she stated that the OHR should not be abolished because BiH needs it, but she emphasised that further steps that the country needs to take should be taken through cooperation than imposition.[595]

The interpretations of the OHR by the NGO officials are multitudinal. One Bosniak evinced that the OHR signified a sort of democratisation by undemocratic means, for instance the removal of politicians was not in accordance with democratisation, and thus the Bonn powers are questionable. Moreover, the role of the OHR in domestic politics has been a problem because it cannot be overruled by any of the domestic institutions.[596] However, a Serb would agree, rather with a negative emphasis: Bonn powers were a turning point because the democratic development was frozen afterwards due to the impositions of the High Representative.[597] A Croatian official of a Bosnian NGO similarly argued that the interventionism of the OHR signified that the International Community did not allow Bosnians to take complete control of the country.[598] However, one Bosniak from Tuzla complained that the words of the Schwarz-Schilling towards non-interventionism gave a clear message to the nationalist politicians that they

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[593] Interview with Milovan Stanković, a high level official of SDS, 6 June 2006.

[594] Interview with Nikša Lolić, International Coordinator of PDP, 6 June 2006.

[595] Interview with Danijela Injac, International coordinator of SNSD, 6 June 2006.

[596] Interview with Dino Abazović, academic in Faculty of Political Science, University of Sarajevo, 8 June 2006.

[597] Interview with Miloš Solaja, Head of an NGO in Republika Srpska, 5 June 2006.

[598] Interview with Zoran Kulundzić, Foreign Policy Initiative, 7 February 2006.

could feel free once again.[599] Therefore, it can be argued that the NGO community also feels the paradox of sovereignty.

It seems useful to present the opinions of both the local and international officials on the role of the OHR in Bosnian politics in order to refine the above discussion. On the one hand, it is argued that this role aims at a gradual institution-building, additionally including the removal of uncooperative people out of office with the use of Bonn powers. This signified that BiH became a semi-protectorate state, which was necessary since BiH was not stable enough; its system was fragile.[600] On the other hand, it is claimed that many of the dismissals by the OHR were arbitrary and there was no appeal.[601] Thus, people become afraid of OHR, the fear of dismissal is widespread, and hence nobody takes initiative, even at the level of communal garbage collection.[602] Furthermore, OHR interventionism discouraged people to vote in both general and local elections. The statement "I won't vote because it is the High Representative who decides anyway" can be often heard in BiH. [603] Finally, it is affirmed that OHR imposed full protectorate yet it did not accept any responsibility.[604] In other words, although it has had the power to impose legislation, it behaved as if it is not the main actor in the politics of the country and continued to blame the nationalist political parties.

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[599] Interview with Muris Bulić, the NGO Civic Initiative in Tuzla, 13 June 2006.

[600] Interview with an official of Bosnian origin in the Office of High Representative, 20 March 2006.

[601] The number of dismissals are as follows: 1998, 6 removals from Office, including one mayor; 1999, 31 removals, including the president of the Republika Srpska; 2000, 28 removals, including the president of the Federation Privatisation Agency; 2001, 14 removals, including the Croat member of the three member BiH Presidency; 2002, 21 removals, including the president of a municipal court; 2003, 7 removals, including a member of the parliament of the Federation of BiH; 2004, 6 removals, including the chief of staff of the army of Republika Srpska; 2005, the tide reversed: 29 decisions to lift the ban and only 3 removals, including the Serb member of the Presidency, who was once more removed from office in 1998 when he was a member of the parliament of Republika Srspka, and was forgiven later in 1999; 2006, again 22 decisions to lift the ban, no removals.

[602] Interview with Ešref Kenan, academic in Faculty of Political Science, University of Sarajevo, 23 March 2006.

[603] Interview with Nidžara Ahmetasević, journalist in daily Oslobodjenje, 30 March 2006.

[604] Interview with Senad Pečanin, editor of the weekly Dani, 24 March 2006.

In addition to these arguments at the local level, similar ambivalences and controversies can be observed also in the statements of the international officials. One official in the OHR pretended that the role of the International Community, including the OHR, "has been positive in general". [605] Accordingly, the Bonn powers were necessary because there could not be any serious development or democratisation of BiH was not possible without strong international executive power in an environment where ethnicity and corruption were dominant issues in domestic politics. In this sense, the achievements of the OHR would not be possible without Bonn powers. However, the international official felt the necessity to conclude that all these were necessary for a certain period, and could not last forever.[606] Similarly, one other international official argued that there was a moment in the past when the OHR was needed and whether there was currently a bad legacy of the OHR depended on the standpoint of the observer. Accordingly, there have been many controversial issues, like the police decertification.[607] However, "High Representative has received demand from everybody and not everybody is happy to see OHR closed"[608]. In other words, there are some Bosnians who want that the interventions of the OHR ensue. In contrast, as mentioned before, one senior human rights official evinced that the OHR was an executive body without any local participation, while the High Representative is not accountable, not elected, and not transparent.[609]

5.2.1.3. Question of the Personality of the High Representative

Beyond the institutional aspect, the personality of the High Representative also must also be taken into account. It is argued that the personal experiences and reputation of the High Representative has also been a

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[605] Interview with an official in the Office of High Representative-2, 31 May 2006.

[606] Interview with an official in the Office of High Representative-2, 31 May 2006.

[607] Some police officials were removed from office with the the charge of being war criminal, but they were not arrested, nor tried. They could not appeal because it has not been clear to whom to appeal.

[608] Interview with an EU official, 30 March 2006.

[609] Interview with Madeleine Rees, Office of the United Nations High Commissioner for Human Rights (OHCHR), 14 March 2006.

source of legitimacy for the institution. Carl Bildt was the former Minister of Sweden, Carlos Westendorp and Wolfgang Petritsch were high-level diplomats, and Lord Paddy Ashdown was a political party leader in the UK.[610] Furthermore, the decrease in the importance of Peace Implementation Council in time resulted in the increase of the personal powers of the High Representative, especially with the enforcement of the Bonn powers. This is best exemplified by the difference between Carl Bildt and Lord Paddy Ashdown.[611] Although Wolfgang Petritsch was also an important case in this respect the debate was mainly on Lord Paddy Ashdown. In fact, Petritsch was a good example to see how the personal connections of the High Representative are also important. He promoted Austrian banks in BiH[612] or involved in a suspicious privatisations such as the GSM network, to such an extent that the American Ambassador had to intervene loudly in order to protect the interests of an American firm.[613]

Lord Paddy Ashdown's sui generis style did not only demonstrate the importance of the personality of the High Representative since he was said to be the one who exemplified best how the role of the High Representative could be personal[614], but also emphasised all the preceding discussions on the character and role of the OHR because of his interventionism. Finally, it should be noted that he could have been preferred for this post just because of his assertive character. It was reported that the American ambassador was not really happy with Petritsch's reluctant stand to take a tough line against extremists.[615] It was later claimed that Ashdown was under clear American influence.[616] His term as

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[610] Interview with an an official in the Austrian Embassy in Sarajevo, 30 May 2006.

[611] Interview with an official in the Office of High Representative-1, 14 March 2006.

[612] Interview with Ešref Kenan, academic in Faculty of Political Science, University of Sarajevo, 23 March 2006.

[613] Amra Kebo, "Bosnia: Calls for End to Days of the Consuls?", IWPR Balkan Crisis Report, 283, (27-Sept-01).

[614] Interview with a Task manager in the Delegation of the European Commission,Sarajevo, 12 March 2006.

[615] Kebo, Amra, "West Considers Radical Bosnia Plan", IWPR Balkan Crisis Report, 259, (June 27, 2001).

[616] Interview with an official in the French Embassy in Sarajevo, 2 June 2006.

the High Representative has been a crystal clear example of the operation of the limited sovereignty and controlled democracy in BiH.

It was argued that Bosnians initially welcomed Ashdown not only because he advocated for international intervention during the war, but also because of loss of faith in local politicians. On the other hand, Serbian nationalists did not really welcome him because of his calls for western intervention against Bosnian Serb Army during the war. [617] As a matter of fact, the essence of the problem was the peculiar involvement of the High Representative in the Bosnian politics. It means that this involvement is perceived as a legitimate part of the politics, even by its critics, as it can be seen clearly in the case of Ashdown. The High Representatives have been criticised more in terms of his deeds than the very existence of his office. In other words, Bosnians seem not to consider the existence of such an institution as a problem. What they criticised were rather the interventions themselves, rather than the right to intervention of an ad hoc international organisation as OHR. The best example of this fact was provided in the dispute of Ashdown with the non-nationalist forces, including especially two well-known Sarajevo-based weeklies Dani (Days) and Slobodna Bosna (Free Bosnia).

The dispute started with the statement of Ashdown before and after the 2002 elections, which was interpreted by the non-nationalist political parties and media as an approval for all three nationalist political parties. After the elections, Ashdown declared that he would work with the nationalist parties who were the winners of the elections for the reformation of the country. This was enough to receive reactions, although Ashdown specified that "the so-called nationalist parties would have to work long and hard to convince the people of BiH and BiH's friends that they were now genuinely committed to the reforms this country needs".[618] In fact, before the elections BBC reported that the "Leading international figures involved in efforts to stabilise Bosnia have called on voters not to choose nationalists in elections on Saturday".[619] Those international figures were Javier Solana and Paddy Ashdown. Although BBC reported the call of

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[617] Nick Hawton, "Ashdown in Media Storm", IWPR Balkan Crisis Report, 413, (11-Mar-03).

[618] "High Representative Sets Out the Challenge for the New Government", OHR Press Releases, October 09, 2002, www.ohr.int

[619] "Bosnians warned to shun nationalism", BBC World News, 3 October 2002.

Ashdown against nationalist parties, non-nationalist Bosnians interpreted his actions both before and after the elections as an approval to nationalist political parties.

This perception of approval provoked the argument that Ashdown's "naïve belief" that Bosnia's three main nationalist parties could be partners for the necessary reforms was discouraging.[620] This attitude of Ashdown, also towards the preceding non-nationalist SDP led Alliance of Change government was indeed an important issue with the non-nationalist circles. For instance, according to the SDP officials, they had good relations with the OHR, yet it has not been at the same level after the attitude of Ashdown, because "he thought that nationalists can change, he forgot that nationalists started war. Those three nationalist parties were in coalition before the war and are connected to the territorialisation of BiH, and war crimes". Accordingly, Ashdown gave a wrong message to the public about the future role of the nationalist parties right before the 2002 elections.[621] It is not easy to understand whether there was such a message before the elections, or rather his words before the elections were reinterpreted following his declaration after the elections. Anyhow, the non-nationalist circles were not happy to see the High Representative not-being-directly-against the nationalist parties.

The spokesperson of the OHR argued that Ashdown was trying to build a national consensus for reform, this was why he was trying to involve nationalist parties whom people voted for; and that he wanted to convince them for reform. Accordingly, Ashdown believed that the prosperity and Europe would dominate over nationalism and so pragmatists in the nationalist parties had to be encouraged.[622] In the same manner, Ashdown "assured" the International Community that the election results were not a return to 1990, and that "he will make sure that" the reform process would go on.[623] These words gave the

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[620] Pečanin, Senad, "Backing the Wrong Horse", IWPR Balkan Crisis Reports, 413, (11-Mar-03).

[621] Interview with Damir Mašić, spokesperson SDP, 27 March 2006.

[622] Braithwaite, Julian, "Can the Nationalists Deliver?", IWPR Balkan Crisis Report, 413, (11-Mar-03).

[623] "High Representative Assures International Community that Reforms Will Go Ahead in BiH", OHR Press Releases, October 25, 2002, www.ohr.int

impression that Ashdown attempted an elite transformation in the nationalist parties. Moreover, the problem of elections and representative democracy also showed itself in the constant re-election of nationalist parties. Both points are to be examined more in detail in next section.

Considering this discussion of Ashdown and non-nationalist forces, what is to be stressed within the context of the debate on the interventionism of the High Representative is the very fact that there was a domestic demand to encourage him to be against nationalists. In other words, there is a domestic demand on the side of the internationals against the nationalists. It should be noted that the interventions of Ashdown later in the post election period have been against nationalists, and mostly against Serb and Croatian nationalists. Therefore, the limits to the sovereignty and the control on democracy by the International Community have not been completely groundless; there have been a domestic demand against the nationalist parties.

One response coming from the international officials against the criticisms of non –nationalist Bosnians was that "he [Ashdown] did everything for Alliance [Alliance of Change, the government coalition led by SDP]. In fact, Sarajevo intellectual class failed but blamed Ashdown, which is a sort of infantilism." He claimed that the non-nationalist intellectuals in Sarajevo failed in government and put the blame on Ashdown by arguing that he did not support enough the SDP led government. Nevertheless, the international official stressed that "the Bosnian political class is not serious, they can be serious only if High Representative leaves".[624] This is yet another comment that leads to the same paradox: The international office that is responsible for the restoration of the sovereignty of BiH is the main violator of this very sovereignty. The OHR is seen as indispensable for the improvements in the country and yet the biggest genuine improvement can be done only with its withdrawal.

The dispute between Ashdown and non-nationalist circles continued with his fight with liberal political journalists, of daily Oslobodjenje and Nezavisne Novine, and weeklies Dani and Slobodna Bosna. These journalists perceived Ashdown's actions as British colonial arrogance. In this sense, Ashdown as the High Representative lost his credibility by his attitude against journalists "who worked throughout the war, keeping alive liberal values at great risk, and who in

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[624] Interview with an official in the Office of High Representative-1, 14 March 2006.

the post-conflict period sought to advance the cause of reconciliation and stability".[625]

In fact, the reasons of Ashdown's dispute with the non-nationalist media were not understood at all. His dispute with Dani weekly is followed by one of his most controversial decisions: Ashdown sacked Munir Alibabić, the head of the Federation Intelligence Service, FOSS. The explanation was that intelligence documents had been leaked to the media and used for political purposes. The importance of Alibabić was understood better when the chief prosecutor of ICTY, Carla Del Ponte, told that the removal of Alibabić was a great loss, and she was not told the full truth about why he was dismissed and that she made her views about this removal clear to Ashdown. Alibabić was believed by some to have close links to Slobodna Bosna. Indeed, Slobodna Bosna began printing articles on Ashdown's career and personal life in Britain and accused him of systematically lying.[626] The weekly showed him wearing the emperor's clothes and urged him to "go home".[627]

As a result of this dispute that coupled with his interventionism, the term of Ashdown as High Representative was perceived very bad by non-nationalist people in the Federation: As stated by one journalist close to the SDP, "he believed in nationalists, whereas all [the] biggest criminals are in three nationalist parties. Previous High Representatives Bildt, Westendorp, Petritsch realized that independent media and non-nationalist parties [in BiH] are important [for democratisation], however Ashdown destroyed this, and hence, BiH paid [a] big price. The journalist thinks that Ashdown did so because of his pragmatic politician approach.[628] Moreover, it is argued that Ashdown ignored all NGOs, in contrast to its successor Schwarz-Schilling who organised a meeting with NGOs as early as the second week of his mandate. In this sense, Schwarz-Schilling was doing the opposite of what Ashdown did.[629] The comparison of the two recent High Representatives indeed demonstrated how even their personalities

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[625] Pečanin, "Backing the Wrong Horse".

[626] Hawton, "Ashdown in Media Storm".

[627] Hawton, "Raj" Claims Hit Home".

[628] Interview with Senad Pečanin, editor in weekly Dani, 24 March 2006.

[629] Interview with Nidžara Ahmetasević, journalist in daily Oslobodjenje, 30 March 2006.

could become part of Bosnian politics. It also showed the inconsistency in the actions of the International Community. This point is to be illustrated at the end of this section.

The local criticisms have been indeed centred on the personality of Ashdown. It is even claimed that Ashdown's interventionism was also because of his personality; even top level officials in the OHR did not have choice.[630] It is argued that he was keen on publicising himself while remaining away of "boring duties"[631] and that he was an "unsubstantiated media man"[632]. The focus on his personality does not seem bizarre considering that he replied some critics as if he was a domestic politician, showing to what extent he was involved in Bosnian politics:

> I want people to understand that I'm here to do a job. I have the tools I need to do that job, and I intend to use them...We have travelled fast. Now, whenever you travel fast, you kick up a lot of dust. But this is dust. It blows away. I want people out there to understand - this journey continues, the pace does not slacken. It cannot.[633]

5.2.1.4. The criticisms and discussions on the OHR

It is clear that Ashdown's personal characteristics and his actions intensified the debate on the interventionist character of the OHR, yet the biggest criticisms against this interventionism came not from the locals but from the internationals. The problems of an unaccountable and non-transparent interventionism resulted in the serious questioning of not only the actions of the OHR, but also its very existence in BiH. The first comprehensive criticism of the International Community and OHR had come from the European Stability Initiative (ESI), a NGO based in Germany, even before the appointment of Ashdown. In fact, even this discussion on the OHR should be read as an attempt of redefinition of the limited sovereignty of BiH instead of the restoration of its complete sovereignty.

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[630] Interview with Milovan Stanković, a high level official of SDS, 6 June 2006.

[631] Interview with Denisa Sarajlić-Magalić, the NGO Foreign Policy Initiative, 21 March 2006.

[632] Interview with Damir Mašić, spokesperson SDP, 27 March 2006.

[633] Hawton, "Raj" Claims Hit Home".

The peculiarity of the view of the ESI was asserted by the striking argument that the International Community's "…undeclared war against nationalist parties…" harmed the implementation of the Dayton Agreement, contrary to the intentions and mainstream proposals. Furthermore, ESI argued of an international treatment of Bosnia and Herzegovina as a weak but sovereign state. The international approach has to be designed not as an exit strategy but as the next phase in the development of Bosnia and Herzegovina. ESI argued that the elimination of nationalist parties is "neither feasible nor essential to the objective of creating a self-sustaining Bosnian democracy." Therefore, the International Community should rather be concerned about the level of respect for constitutionalism and rule of law by the nationalist parties. [634]

The criticism of the ESI seemed meaningful and constructive. However, the main dilemma has been the very fact that the nationalist parties prevented the implementation of the Dayton Agreement to the extent of making BiH a dysfunctional state. Bosnia could accommodate Serb, Croat and Bosniak nationalist parties as long as they did not divide the society into three separate and hostile communities and they did not seek ethnically pure mini-states. In this sense, the above-mentioned proposal of the ESI has to be supported by the arrest of war criminals, complete destruction of war-time economic bases of nationalist paramilitaries, and ardent support for multiethnic parties, which would facilitate the return of refugees and displaced persons, thus eradicate the ethnic cleansing. Since the implementation of the Dayton Agreement on these issues was not completely done, it is argued against the criticisms by ESI that they neglected the effects of the war[635] and that the timing was not convenient although their arguments have merits.[636]

In any case, the interventionism of and criticisms against the OHR continued and both reached its peak during the term of Ashdown. As quoted above, he had a mission, he achieved it in the way he intended to do, and he did not care about the dust that would supposedly blow away. The increasing

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[634] Reshaping international priorities in Bosnia and Herzegovina", European Stability Initiative (ESI) Report, Part Three, 22 March 2001, www.esiweb.org, 7.

[635] Interview with an official of Bosnian origin in the Office of High Representative, 20 March 2006.

[636] Interview with an official in the Office of High Representative-1, 14 March 2006.

criticisms were expressed in the clearest and most comprehensive way again by the European Stability Initiative (ESI), it stated that:

> We believe that the development of an effective Bosnian state remains frozen so long as the international protectorate remains in place. We believe that the process of phasing out the direct role of the HR in the domestic constitutional sphere should begin immediately...The protectorate role of the HR reinforces the worst tendencies of the old Yugoslav political culture: the fondness for the cvrsta ruka, the "strong hand" that acts as a deus ex machina outside the political process. This highly personalised style of politics, where ultimate power rests in the hands of one charismatic individual, is exactly what democratisation efforts are supposed to overcome. [637]

In this sense, ESI asserted, one of the main casualties of the Bonn powers was constitutionalism itself, in the sense of the development of a political culture in which power was subject to law. In terms of the problem of accountability, ESI claimed that in practice, Peace Implementation Council neither controlled individual decisions of the High Representative, nor has it set down any rules to control the exercise of the Bonn powers. Furthermore, none of the human rights institutions within Bosnia have jurisdiction to review OHR's actions.[638] Then, ESI argued that the problems of BiH cannot be solved

> ...in a technocratic manner by international officials claiming a privileged insight into the best interests of Bosnians. They require a robust political process which balances different interests and generates outcomes which are understood and accepted as legitimate by the competing interest groups. So long as you [Ashdown] have the final word, Bosnian politicians are not forced to build constituencies in favour of unpopular reforms. [639]

Accordingly, the Bonn powers were harmful because it encouraged Bosnian politicians "to acquiesce quietly to international demands rather than developing an independent policy agenda". ESI believed that Bosnia's governments will perform better when they are forced to take responsibility and they become clearly accountable not to the OHR but to the Bosnian people. Nevertheless, ESI felt the necessity to precise that "the end of the protectorate would not have to mean the end of the international military presence, which has played a very important role."[640]

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[637] "Ashdown Urged to Let Go", Open Letter to Lord Ashdown, by Gerald Knaus and Marcus Cox, IWPR Balkan Crisis Report, 447, (23-july-2003).

[638] Ibid.

[639] Ibid.

[640] Ibid.

ESI was not the only one in criticising the OHR. Doris Pack, the head of the EU parliament's South Eastern Europe delegation, criticised: "The HR should stay in BiH for some time, [but] should not be using all [the] authorities which were given to him". Ashdown replied: "I want to [use them] decreasingly, as you can see from the impositions - 69 in the first year, 36 in the second, three in the last year"[641]. Christophe Solioz, the executive director of the Association Bosnia and Herzegovina went as far as proposing the closure of the OHR, Ashdown's reply was "There is no question of a Dayton II", although he said that he agreed with leaving the power to local institutions.[642]

Lord Paddy Ashdown replied to all his critics clearly and directly, as one would expect from him. First, by profiting from the argument of the International Crisis Group (ICG) on the necessity of the use of the Bonn powers (the discussion of ICG with ESI is to be discussed later in this chapter) Ashdown clarified his role: "So views differ. For my part, I am very clear that my job is to get rid of my job, and that the only way to do this is to drive forward reform as rapidly as possible in concert with our partners in Bosnia" and cited the improvements such as the normalisation of life in Sarajevo, the return of refugees, the freedom of movement with the new car license plate system.[643] He added that the International Community had invested 17 million euros in Bosnia, and was there by the consent of the Bosnian people.[644] In the same way, OHR spokesperson stated that Ashdown had made a good start by ending rotating prime ministers system, by helping setting up the country's first state court responsible of war crimes and by creating a process to unify the collection of customs and Value Added Tax at state level.[645] Ashdown claimed that:

> Bosnia is in much better condition than it was eight years ago. But dangers remain. Ask Bosnians if they want the International Community to leave and the vast majority say not yet. Despite governmental improvements in recent years,

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[641] Markus Bickel, "Calls Grow For Ashdown to Surrender "Imperial" Powers", IWPR Balkan Crisis Report, 525, (12-Nov-04).

[642] Ibid.

[643] Paddy Ashdown, "Bosnia Needs Accelerated Reforms", IWPR Balkan Crisis Report 447, (23-july-2003).

[644] Hawton, "Raj" Claims Hit Home".

[645] Braithwhite, "Can the Nationalists Deliver?".

this country still suffers from a dysfunctional political system, weak institutions and the enduring threat of crime and corruption...The International Community is rightly blamed for failing to act decisively to end the war here. But it has earned grudging respect for demonstrating greater resolve in implementing the peace, and for the resources it has devoted - and is continuing to devote - to the task. [646]

He affirmed that progress has only been possible because OHR has had the power to destroy problems and to provide solutions and that OHR was using its powers not to impose legislation, but to help the local authorities reach an agreement. Moreover, Ashdown stressed that the opinion polls consistently show that Bosnians support these powers and think they must be used more.[647] He might be right on that since the OHR is perceived as the solution to their problems by many people in BiH. There has been a domestic demand for an international intervention, as demonstrated by the local opinions presented previously in this section. However, Ashdown astutely underemphasized these very problems of the citizens in the justification of his interventionism and concealed the grounds of his selective treatment of them.

Finally, Ashdown replied to all criticisms unsurprisingly as a politician who is legitimately part of Bosnian politics:

I set two objectives for myself, namely to take BiH on the path towards full statehood and Europe. We have established a single judicial system, customs administration, taxation system, intelligence service, army, and there are also preconditions for the establishment of a single police force. We have created a framework for a modern decentralized state ... But my greatest disappointment ahead of my departure and after being here for four years is the fact that Karadzic and Mladic are still at large. [648]

Following the increasing use of the Bonn powers, which reached its peak during the rule of Lord Paddy Ashdown of 2002-2005, the cycle was closed with the mandate of Schwarz-Schilling who declared that he would use his powers in extraordinary circumstances.[649] In this sense, one High Representative had

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[646] Ashdown, "Bosnia Needs".

[647] Ibid.

[648] Interview: Paddy Ashdown, HR for BiH: "Within BiH New Borders Will Be Drawn!" Vecernji List, January 5, 2006, in www.ohr.int

[649] Interview: Christian Schwarz-Schilling, "HR for BiH: "I won't impose laws", February 06, 2006, www.ohr.int

decided deliberately not to use Bonn powers and expressed it clearly.[650] This has been consonant with the international effort to close down the OHR by the end of 2006. In this manner, Schwarz-Schilling declared that the OHR would be closed by 30 June 2007 because BiH made enough progress.[651]

The less interventionist style of Schwarz-Schilling can be interpreted as an effort to transfer power and responsibility to the locals before the closing of the OHR. Alternatively, it was also interpreted as a passivity that stemmed from the age and personality of the High Representative. In any case, it was reported that Schwarz-Schilling's less interventionist style was seen as the main reason behind the failure of the constitutional and the police reforms that were deemed crucial by the International Community.[652] Moreover, some political analysts said that the situation has been worsened by the return of a group of hard-line nationalists who were previously excluded from politics.[653] These nationalist politicians were mostly banned during Ashdown's term and pardoned during Schwarz-Schilling's term.

Following these failures, the Peace Implementation Council postponed the closure of the OHR until 30 June 2008 and appointed a new High Representative in order to concretise the desired reforms, such as the Constitutional Reform.[654] This signified a renewed intention of more interventionism. In fact, this proved that the less interventionist approach of Schwarz-Schilling was found unproductive. The new High Representative Miroslav Lajcak, appointed on 1st of July 2007, declared two important reforms of police and constitution as his priorities, in contrast to Schwarz-Schilling who had said that his priority had been the transfer of power to local authorities.[655] In this manner, the first action of

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[650] The evolution is summarised by the officials of OHR.

[651] "Top envoy to end Bosnia mission", BBC News, 23 June 2006, http://news.bbc.co.uk/2/hi/europe/5112158.stm

[652] Slobodna Bosna, "Bosnie : Christian Schwarz-Schilling est remercié", translated in Courrier Des Balkans, 27 January 2007.

[653] Gordana Katana, "Non-Serbs Targeted in Bosnian Serb Campaign", BIRN Balkan Insight, 28 July 06.

[654] Declaration by the Steering Board of the Peace Implementation Council, June 19, 2007, http://www.ohr.int/pic/default.asp?content_id=39997

[655] "New envoy takes charge in Bosnia", BBC News, 2 July 2007, http://news.bbc.co.uk/2/hi/europe/6257906.stm

Lajcak was the removal of the deputy head of the Bosnian Serb police and 35 of his officers.[656] In other words, the International Community would redefine the limited sovereignty of BiH by the closure of the OHR. However, the failure of the reforms that it had urged caused the continuation of the same form of the limited sovereignty and controlled democracy through the OHR. Nothing has changed, the institutional architecture of the international intervention in BiH remained the same.

To sum up, the main organisation of the limited sovereignty and controlled democracy in BiH has been the Office of High Representative (OHR). It constituted a clear example of democracy promotion by the International Community through a non-democratic international body that possesses non-defiable and non-justifiable power. The High Representative has become a part of the Bosnian politics, albeit in an evolutionary way. This fact reached its peak during the rule of the Lord Paddy Ashdown. The legitimacy of this participation is seriously questionable. However, the local reactions and criticisms show a presentation of demands and complaints rather than a direct and complete opposition to the existence of the OHR and the High Representative. There is a domestic demand for the international intervention through OHR against the nationalists while nationalists of the three constituent nations attempted to use the OHR against each other. Even in the case of Ashdown, who succeeded to become as controversial as possible, the local critics were focused mostly on his selection of issues for intervention, such as the individual officials who were removed, or the defence reform instead of economic reform. The criticisms were also fuelled by his attitude of claiming the success of some of the interventions for his political self-marketing. Therefore, it can be said that there is not a clear and direct reaction to the imposition of the limited sovereignty and controlled democracy through the OHR. Different circles aspire to profit from the limits to the sovereignty and the controls to the democracy according to their broader political aims. All in all, it shows how the local actors respond to the imposition of limited sovereignty and controlled democracy by the International Community.

The Bosnian dilemma has been as follows. The OHR was seen necessary, especially by the Bosnians, including Bosniak nationalists, for strengthening the

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[656] "New Bosnia Envoy Suspends Deputy Head of Bosnian Serb Police", BIRN Balkan Insight, 11 07 2007.

central state. However, OHR's interventionism in the way to strengthen the central state has decreased the importance of the local decision-making processes, and hence the legitimacy of the Bosnian state. In this sense, the Bosnians tolerate the OHR that effectively signifies a limited sovereignty, paradoxically for strengthening the central state. This constitutes the local reflection of the paradox of sovereignty.

Similarly, the international criticisms have been centred on the reconsideration of methods, especially following the term of Ashdown, which signified the revelation of the bad reputation of interventionism. Germany-based European Stability Initiative has been very active in criticising the OHR and particularly Ashdown.

In fact, what ESI proposed was rather a differentiation in the form of the international intervention. ESI suggested the change of the form of the limited sovereignty while keeping it essentially. According to their design, the local actors would be encouraged to do the necessary reforms by the process of the European Integration with a strong EU institutional presence instead of abrupt direct interventions by the OHR. Meanwhile, the military peacekeeping forces would remain in place. In other words, the sovereignty of BiH would continue to be limited both in military and political terms although there would not be direct interventions by the High Representative.

5.3. Politics and Elections in post-Dayton BiH

The International Community aimed at the integration of BiH to the transnationalised world order through the establishment of liberal democracy and the nationalist political parties have been the main obstacle in front of this project. It should be clarified that when it is said "nationalist parties" in BiH, both the locals and the internationals mean rather Serbian nationalist SDS, Croat nationalist HDZ and Bosniak nationalist SDA. However, SBiH has not been essentially different than SDA (though, arguably, the role of the religion seems less emphasized) and SNSD or PDP has always employed a Serb nationalist rhetoric. SBiH, SNSD and PDP are not considered nationalist parties but they are using nationalist discourses. In this sense, the Bosnian politics is marked by nationalism much more than the very existence of those three nationalist parties, namely SDS, HDZ and SDA. The only country-wide non nationalist political party is

the social Democrat SDP that is a sort of continuation of the former socialists. All in all, when the International Community's struggle with nationalist parties is in question, it means the struggle against SDS, HDZ and SDA.

The main strategy of the International Community in the democratisation of BiH has been the elections. The tendency to emphasise the elections in the democratisation process is discussed in the academic literature. It is argued that the election process, including the secret balloting, universal adult suffrage, regular elections, partisan competition, associational freedom and executive accountability, can be called as 'the procedural minimum' of democracy. This procedural minimum is indispensable even if there is not any single set of institutions/rules to define democracy.[657] This argument seems convincing in the Bosnian case. Apparently, the International Community conceived likewise.

It is claimed that elections provided important developments such as starting a new post conflict political order, stimulating the development of domestic politics, choosing representatives, forming governments, conferring legitimacy upon the new political order, and a clear signal that legitimate domestic authority has been returned and hence the role of the International Community can be finished.[658] On the contrary, it was noted that the ''fallacy of electoralism''[659] signified that a procedural definition of democracy was primarily a research tool, not a normative commitment to a certain political system.[660] This leaves the main problem unsolved, however. It is still difficult how to differentiate democracy and non-democracy: Collier and Adcock clarified that there is a problem in the identification of the distinction between democracy and non-democracy. According to them, the opinions on this distinction differed between a dichotomy and gradations.[661] Zakaria and Carothers were stressing the same problem while arguing on the gradations, such as the illiberal democracy,

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[657] Schneider and Schmitter, "Liberalization, Transition and Consolidation", 63.

[658] Benjamin Reilly, "Post-Conflict Elections: Constraints and Dangers", International Peacekeeping, 2, (Summer 2002): 118.

[659] Terry L. Karry, "Imposing Consent? Electoralism vs. Democratization in El Salvador" in Elections and Democratization in Latin America, 1980–1985, ed. by Paul W. Drake and Eduardo Silva, (San Diego: Center for Iberian and Latin American Studies, 1986), 36.

[660] Schmitz, "Domestic and Transnational", 408.

[661] David Collier and Robert Adcock, "Democracy And Dichotomies: A Pragmatic Approach to Choices about Concepts", Annual Review of Political Science, 2, (1999), 538.

as mentioned in the introduction of this chapter. The Bosnian example seems to prove the importance of these discussions. It demonstrated the weakness of the procedural minimum, as to be substantiated below.

In the analysis of the elections that the International Community conducted in BiH, it is best to begin with the official presentation. The Annex 3 of the Dayton Agreement, which was designed to operate the elections, stated that:

> ...To ensure election conditions and a politically neutral environment, the Parties are to protect and enforce the right to vote in secret without fear or intimidation and ensure and encourage freedom of expression, press, association (including political parties) and movement...OSCE is to facilitate these freedoms...[662]

Following the official presentation, it seems productive to present the picture of the political environment, before moving to the analysis of the main general elections of 1996, 1998, 2000, 2002 and 2006. Since many aspects of the political environment were elaborated indeed in the previous chapters with different aspects, suffice it to present some further points here.

5.3.1. Political environment

In the analysis of the political environment, it seems convenient to begin with the constitution. The shortcomings and structural problems were already analysed in the third chapter. To reiterate regarding the democratisation, first, the ethnic territorialisation reflected on the entity structure created a problem of political representation as the Bosniaks and Croats of the Republika Srpska are not represented in the Presidency as well as the Serbs in the Federation. Second, the central state is extremely weak due to the problems of its structure and the strength of the entities. Third, both entity and state institutions remain inefficient because of this strangely hybrid structure. Finally, the issue of partition is not ruled out. The two salient issues in post Dayton Bosnian politics can be added to this picture. These have been the Constitutional Court's decision on the constituent people in 2001, which challenged the ethnic territorialisation and the failure of the constitutional reform of 2006. All in all, anything political

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[662] General Framework Agreement for Peace, (GFAP), Annex 3, http://www.ohr.int/dpa/default.asp?content_id=371

in BiH remained desperately ethnic and hence on the level of the institutional configuration of the state.

Following an application by Alija İzzetbegović, the leader of the SDA and the Bosniak member of the Presidency, on the status of individuals belonging to constituent nations, the Constitutional Court of BiH decided that Serbs, Croats and Muslims had equal rights, across the whole country and that the entity constitutions had to be changed accordingly. It was argued that this decision undermined the reason for the existence of entities that created a problem in their constitutional amendments.[663] At the end of the fruitless negotiations, the story ended as usual with the imposition of the amendments by the High Representative.[664] In conclusion, the equality of all citizens regardless of ethnic origin was provided in the totality of the territory, although it is essentially contrary to the entity structure of the Dayton Agreement. It should be noted that this did not mean a change in the election of the Presidency. Additionally, it did not provide any effective improvement in the plight of the Bosniak and Croat returnees in Republika Srpska.

The decision of the Constitutional Court on the constituent peoples has been interpreted important by many scholars. On the one hand, it is argued that this demonstrated a good example of keeping the collective rights without letting them harm the individual rights. Therefore, it eliminated constitutional approval of ethnic segregation without breaching the collective rights established in the Dayton Agreement.[665] On the other hand, it is claimed that the decision of the Court tended to privilege an individualist approach of (ethnic) equality.[666]

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[663] "Bosnia equality talks stumble", BBC News, 27 February 2002. please look at the decisions at:
http://www.ccbh.ba/eng/odluke/index.php?src=2&pr=ICJjb25zdGl0dWVudCBwZW9wbGV zIg==&nr=27&kol=21&q=U0VMRUNUIGJyX3ByZWRtZXRhLCBicF9kaXNwbGF5ICxzZWt2ZW5jY SxuYXNsb3YsVE9fQ0hBUihkYXR1bV9vZGx1a2UsJ0RELk1NLllZWVknKSBBUyBkYXR1bV9vZGx1 a2Usdm9kX25heml2X2VuIEZST00gdl9vZGx1a2UgV0hFUkUgMT0xIEFORCBqemtfc2lmcmEgSU 4gKCdFTicpIEFORCBjb250YWlucyAoTE9CX0RPQywnKCJjb25zdGl0dWVudCBwZW9wbGVzIikn LDEpPjAgT1JERVIgQlkgcHJ0X3Nla3ZlbmNhIERFU0M=#

[664] Alix Kroeger, "Bosnia ethnic rights reforms imposed", BBC News, 19 April 2002.

[665] Anna Morawiec Mansfield, "Ethnic But Equal: The Quest for a new Democratic Order in Bosnia and Herzegovina", Columbia Law Review, 103, 1253.

[666] Nicolas Maziau, "Le controle de constitutionnalite des constitutions de Bosnie-Herzegovine. Commentaire de decisions de la Cour constitutionelle, Affaire no 5/98 Alija Izzetbegovic", Revue de Droit Constitutionnel, 45, (2001): 203.

This encouraged the demands of a constitutional change. It is argued that it was already a "substantial mess, Dayton system caused BiH to become a protectorate with tri-partite nationalist rule with the absolute control of nationalist parties".[667] There was indeed an open call by western politicians and intellectuals to alter the Dayton constitution because of its ethnic character instead of a civic one.[668] As accurately observed by one local OSCE employee, BiH can not be democratic without a «real constitution» since the existing one is part of a peace treaty signed by its neighbours Serbia and Croatia.[669] Indeed, some lawyers argued that Dayton agreement opens space for constitutional changes.[670]

The call for a revision of the Dayton constitution is done by Bosniak Presidency member Sulejman Tihić and was backed by his Bosnian Croat counterpart Dragan Čović on the grounds that the constitution of the country was a major obstacle for the Euro-Atlantic integration of BiH. As a matter of fact, OHR had set up three commissions to draft reform proposals to unify the tax, defence and intelligence systems. However, the OHR is seen as one of the obstacles for Euro-Atlantic integration, Tihić stated that: "While our country is so dependent on the international representative it cannot be comprehensively integrated into transatlantic and European mainstream…" He also demanded to change the electoral system in a way to allow a Serb living in the Federation to stand as the Serb member of the tripartite presidency and likewise for Muslims and Croats in Republika Srspka. The Republika Srpska leadership did not welcome the proposal palpably, with a usual reference to Serb fears of becoming a minority in a unified state.[671]

The revision of Dayton was seen very important by many citizens, especially Bosniaks. They claimed that BiH must be part of the European Law.

[667] Interview with Madeleine Rees, Office of the United Nations High Commissioner for Human Rights (OHCHR), Office of the United Nations High Commissioner for Human Rights (OHCHR), 14 March 2006.

[668] Daniel Cohn-Bendit, José Maria Mendiluce, Haris Silajdžic, "Dayton Bosnia-Herzegovina ten years on", Bosnian Report, New Series : 47-48, September - November 2005.

[669] Interview with a local OSCE official in Travnik, 15 May 2006.

[670] Christophe Solioz, "Quest for sovereignty: Bosnia and Herzegovina's challenge", Helsinki Monitor 2, (2003): 154.

[671] Sead Numanovic, "Bosnia: Dayton Reform Urged", IWPR Balkan Crisis Report 439, (20-Jun-03).

The problem was seen as nationalism of the constituent nations, especially Serb nationalism. The development of the feeling of belonging to BiH in Republika Srpska instead of the idea of unification with Serbia was welcomed.[672] It should be noted that this new belonging is more to the Republika Srpska as part of BiH than to the central state of BiH.[673]

However, the reform package was rejected in the BiH parliament in spring 2006, mainly by the votes of the HDZ and SBiH. One local intellectual complained that HDZ and SBiH were the obstacles in front of the progress of the country although it was not clear whom they represented.[674] For many Bosniaks, constitution change must have been much bigger, must have been emphasized.[675] These demands for bigger change are to the extent of interpreting the proposed changes as mere window dressing.[676]

As a matter of fact, according to a SBiH official, the party was for constitutional changes but voted against because they were not moving towards a strong central state. They claimed that in such a constitutional change, whole Dayton model must be revised so that the entities must be weaker. They voted against because the proposed amendments did not change anything in this sense. They claimed that there are already mechanisms for the vital interest of all peoples, and hence, the representation must be on the expression of people's will rather than a community of entities[677]. The party's founding father Haris Silajdzić presented interesting opinions on the Bosnian TVs. Silajdzić reminded that the Republika Srpska emerged in and as a result of the war and was never recognised legitimately in the Bosnian Parliament. The constitutional reform would be the first recognition of this entity in the Bosnian Parliament, which Silajdzić prevented, and hence in a sense, put the clock back to 1991.

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[672] Interview with Emina Keso-Isaković, professor in the University of Sarajevo, 6 March 2006.

[673] This point is expressed nearly all interviews in Republika Srpska.

[674] Interview Denisa Sarajlić-Magalić, the NGO Foreign Policy Initiative, 21 March 2006.

[675] Interview Denisa Sarajlić-Magalić, the NGO Foreign Policy Initiative, 21 March 2006.

[676] Interview with Jasna Džumhur, OHCHR, 13 March 2006.

[677] Interview with SBiH Beriz Belkić, vice-president of SBiH, 10 May 2006.

The involvement of the International Community has been salient in the constitutional reform, as usual in post-Dayton BiH. Some even claimed that Constitution reform would not be possible without the US.[678] The US was the initiator of the process, as usual in post-Dayton process.[679] The main point in the international effort was to strengthen the central state, also because the EU wants to negotiate with the state, not with the entities.[680]

It seems important to present a note on the strength of the entities since this strength is seen as a considerable problem. It is argued that despite their political weight, both the Federation of Bosnia–Herzegovina and the Republika Srpska have not had effective control over their respective territories. Both the Federation and the Republika Srpska have been internally divided, Federation because of Croat question and Republika Srpska because of the split in its leadership right after the war. This latter split was caused by a dispute between Biljana Plavšić and Momćilo Krajisnik, both war criminals, on the degree of cooperation with the International Community in BiH. The result was the end of the control of the eastern part of the Republika Srpska by the government in Banja Luka.[681]

Concerning the federation, it is claimed that the partitioning of BiH under the Dayton has added a new dimension to the nationalist agendas, especially by encouraging Bosnian Muslim political leaders to embark on their own nationalist agenda as part of a dual process of establishing a new state and forging a Bosnian nation.[682] This has been in constant conflict with the Croat nationalists who had already been in conflict with the central state, as it will be analysed in depth later in this chapter.

Two main observations can be made regarding the post Dayton politics in BiH. First, the nationalist parties have continued their struggle that started in

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[678] Interview with an official of Bosnian origin in the Office of High Representative, 20 March 2006.

[679] Steven R. Weisman, "U.S. Urges Bosnians to Revise Constitution", New York Times, November 21, 2005.

[680] Interview with an EU official, 30 March 2006 .

[681] Bieber, "Bosnia-Herzegovina", 212.

[682] Guy M. Robinson, Sten Engelstoft, Alma Pobric, "Remaking Sarajevo: Bosnian nationalism after the Dayton Accord", Political Geography, 20 (2001): 975.

1990; second, the International Community has been in a clear fight with these nationalist parties. This was indeed confirmed by many international officials.[683] The nationalist struggle, unchanged by the Dayton structure that is also defined in terms of ethnicity, prevents the democratic and parliamentary process, and provides an overrepresentation of the Serb ethnicity.[684] For instance, rights for the citizen existed practically only at the collective level (constituent nation), and only when affiliated to a nationalist party.[685]

To situate BiH within the spectrum of democratisation and authoritarianism, on the one hand, it is argued that BiH stands in the half-way between a democracy and an authoritarian regime, with corrupt and incompetent elite.[686] On the other hand, it can be claimed that the International Community has not been less authoritarian, less corrupt and more competent. As it was concluded above, it should be noted that there has been domestic demand for the interventionism of the International Community against nationalist parties. For instance, one academic asserted that European future for BiH would be only possible without nationalist parties and hence, they should be eliminated gradually, if not quickly.[687]

In any case, both the domination of the nationalist parties and of the International Community ensued as well as their struggle with each other. One can add the problems of employment, housing etc. to this picture. All in all, it can be called an illiberal democracy where freedom has been imprisoned in bureaucratic sets, and thus, BiH is a big social disorganisation.[688] The following

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[683] Interview with Madeleine Rees, Office of the United Nations High Commissioner for Human Rights (OHCHR), Office of the United Nations High Commissioner for Human Rights (OHCHR), 14 March 2006.

[684] Wolfgang Graf Vitzhum, "Penser la Bosnie-Herzegovine, Une democratie pluriethnique et un controle juridique paradigmatique?", Revue de la Recherche Juridique 2, (2004):1253.

[685] Interview with Madeleine Rees, Office of the United Nations High Commissioner for Human Rights (OHCHR), Office of the United Nations High Commissioner for Human Rights (OHCHR), 14 March 2006.

[686] Solioz, "Quest for sovereignty", 159.

[687] Interview with Emina Keso-Isaković, professor in the University of Sarajevo, 6 March 2006.

[688] Dino Abazović, academic in Faculty of Political Science, University of Sarajevo, 8 June 2006.

section will analyse the elections in order to elaborate on the struggle of the International Community with the nationalist political parties, and hence, of the nationalist resistance to the integration of BiH to the transnationalised world order.

5.3.2. Elections

In order to understand the international role and mentality, it seems productive to outline the basic framework of the elections before moving to the analysis of the long serial of elections that was engineered by the International Community in BiH. In the words of one official of the Election Commission, there were different interpretations of laws related to elections by the OSCE and the changes in the rules of the OSCE itself. In many cases, such as starting the rotation of the Presidency, the International Community determined the outcome regardless of the constitution. Within this framework of the role of the International Community, four problems can be observed.[689]

First, there was no clear plan of the International Community concerning the electoral process. It can be said that other problems followed this and appeared clearly in the technical part. The earliest example was to allow the refugees to vote in the places they moved. This had negative repercussions because it legalised ethnic cleansing. The corresponding form that was done by the Provisional Election Commission (PEC) of the OSCE made it possible for voters to register where they wanted. According to the official of the Election Commission, that was a rough and mistaken interpretation of Dayton; in fact they had to vote in their pre-war circumscription, not in new places where they were forced to go during the war. For instance, an internally displaced person (IDP) from Srebrenica could vote for Sarajevo.[690]

This criticism was also expressed by some foreign academics as the deeds of the International Community went to further harm the multiethnic understanding. It was confirmed by the observers that the OSCE reinterpreted the Dayton clause on refugees and IDPs and eased the registration and voting in

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[689] Interview with Suat Arnautović, Election Commission, 11 May 2006.

[690] Interview with Suat Arnautović, Election Commission, 11 May 2006.

the municipality in which they lived.[691] It was found that this option was exploited, overwhelmingly by the Serb political authorities who coerced Serb IDPs and refugees into registering to vote in specific municipalities. This was described by the OSCE Coordinator for International Monitoring, Mr van Thijn, as a 'fraud' and 'a serious violation of human rights'. Similarly, American Ambassador Frowick stated that the Dayton guidelines had been 'seriously distorted'.[692] Therefore, Serbian nationalists profited from the decisions of the International Community to perpetuate the ethnic cleansing through electoral processes.

Second problem is the logical consequence of the first one. The elections, especially the 1996 elections, were done when there was no clear law on political environment. That is to say, the elections were conducted in the absence of an electoral law, a law on political parties and so on. The International Community had envisaged transferring the power to the local authorities one year after the signature of the Dayton Agreement. It organised the elections for this purpose and apparently did not feel the necessity to arrange the political environment.

Third, flowing from the second is the disorganisation of the political environment, including media. The International Community chose not to do any restrictions, even the political parties that produced war could participate to the elections with their nationalist rhetoric. It even financed them by the budget established for political parties, even radical ones guilty for the destruction of BiH, including war criminals as in the case of Krajisnik and his party. In this sense, the International Community established an equality in which everybody, including war criminals, was treated the same. The International Community did not set clear criteria for the establishment of political parties. The result was that not only nationalist parties against BiH and human rights were allowed but also a lot of family parties mushroomed because OSCE was giving money. Then many disappeared when OSCE stopped giving money.[693]

Fourth problem was the media as part of the political environment. The International Community did not attempt to create a new public network to

[691] "How the OSCE Reinterprets Dayton", Bosnian Report, . 15, April-June 1996.

[692] Noel Malcolm, "Observations on the Elections", Bosnian Report 17, (November 1996-January 1997).

[693] Interview with Suat Arnautović, Election Commission, 11 May 2006.

cover whole territory of BiH. The existing already broken media space remained unchanged. All the TV stations, both in Republika Srpska and the Federation remained under the control of the nationalists like they were during the war.[694]

These problems ensued in one way or another. The election law passed in 2001, strangely after 1996, 1998 and 2000 general elections. According to an official of the Election Commission, the permanent election law was formed with the great help of the International Community. As such, two important problems of election law and election commission were solved. However, there was still no law on political parties.[695] There have been various reactions to the draft election law. Zlatko Lagumdzija, leader of the Social-Democratic Party (SDP) said that "The draft of the new election law does not respect basic human rights. All citizens are not entitled to vote throughout Bosnia and this violates the European Convention on Human Rights." The ruling Bosniak Party of Democratic Action (SDA) complained that the draft was against the constitution, while the ruling Bosnian Croat party the Croat Democratic Union (HDZ) said that it jeopardized the very existence of Croats in Bosnia. One of the OSCE's foreign experts, François Froment-Meurice, admitted that the proposed draft was against European Conventions, defended that it had to be that way in order to accommodate Bosnia's complicated constitution.[696] The law was adopted on September 2001[697], that is to say, the general elections of 1996, 1998 and 2000 were made without an election law.

In the same manner, OSCE announced new electoral rules following the BiH Constitutional Court's decision regarding the equality of BiH's three constituent peoples. According to these new rules, the decision would apply completely only in the Federation and not in the Republika Srpska. OSCE Chairman justified this decision by asserting that this would "secure a balance between the ethnic and political dimensions". There has been a clear reaction by the political parties. The SDA protested that the new OSCE rules did not embody the Constitutional Court's decision. The HDZ expressed a similar view. The SDP

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[694] Interview with Suat Arnautović, Election Commission, 11 May 2006.

[695] Interview with Suat Arnautović, Election Commission, 11 May 2006.

[696] Janez Kovac and Edina Becirevic, "Bosnia's draft election law exposes Dayton's flaws", Bosnian Report, New Series .11/12, August - November 1999.

[697] Election Law of BiH, http://www.oscebih.org/documents/25-eng.pdf

was also critical of the changed electoral rules and proposed an alternative that was the electoral law that it presented in the BiH assembly the previous year. The SBiH argued similarly while potentially helping the implementation of the Constitutional Court's rulings, the new rules were incomplete because they did not apply to Republika Srpska.[698] This non-application meant that the non-Serbs living in the territory of Republika Srpska could not vote unlike the Serbs. Therefore the equality of all citizens is not provided in the complete territory of BiH despite the decision of the Constitutional Court.

It can be observed that the political environment that was destroyed during the war was not reconstructed by the International Community prior to the elections. The first three general elections were done without a law on elections and on political parties. The ethnic struggle affected the electoral processes to the extent that these processes became yet another arena for the peaceful continuation of the nationalist war. Therefore, the elections were more ethnic struggle than democratisation in the Bosnian example. Within this framework, BiH held five general elections. These elections will be analysed below in order to observe and analyse the role of the International Community in each elections. Each election signified a new development, although the desperate efforts of the International Community against the nationalist political parties remained the same.

5.3.2.1. 1996 Elections

There is little doubt, at least by now, that the 1996 Elections were an extremely early attempt. It is understandable and explainable only and only by the International Community's initial desire of rapid exit. The elections have been an essential part of the exit strategy of the International Community. It conceived of leaving the country in one year. According to the international daydreamers, the elections would have provided the transfer of power to the local authorities, which would hence decrease the need for the international presence. Therefore, a successful post-conflict peace-building operation in the post Cold War era would have been achieved.[699] Moreover, then American

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[698] Jasna Hasovic, "OSCE imposed unjust electoral rules", <u>Bosnian Reports</u>, New Series : 19/20, October -December 2000.

[699] Interview with an official in the Office of High Representative-1, 14 March 2006

president Clinton promised to the Congress that there would be a transfer to the locals through elections in one year and that the US would leave afterwards.[700] This broader framework has been marked by a miscalculation that became unveiled with the first post-Dayton Elections in 1996.

It is quite doubtful whether the conditions in the country by 1996 could be thought to fulfil the criteria that were specified in the relevant Annex of the Dayton Agreement. Besides, the immediate post-war conditions were not suitable for the emergence of multi-ethnic political parties manifestly. The International Community's later ambitions and attempts for multi-ethnic political formations can be considered as the tacit and reluctant acceptance of the fact that the political conditions were not ripe by the time of the 1996 Elections.[701] In the same manner, since the freedom of movement was noted as a priority in the PIC document of November 1996[702], it can be safely assumed that 1996 elections were done when freedom of movement was not established completely.

The required conditions for elections were not met evidently. Some international reports compiled during the three months preceding the election illustrated this fact. The Council of Europe Political Affairs Committee reported on 27 June that the four freedoms, of speech, of movement, of assembly and of media, are far from being evenly assured across the country. OSCE Parliamentary Assembly issued a report in early September which listed the twelve criteria for free and fair elections (four primary, eight secondary), and gave specific reasons for thinking that each of those criteria remained wholly or partially unfulfilled.[703] The most serious failures concerned the freedoms of movement, assembly and expression through the media, particularly in Republika Srpska and in the

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[700] It is confirmed by the official in the American Embassy in Sarajevo.

[701] It is stated in December1997, more than one year after the elections, that there is "Lack of strong multi-ethnic political parties and a structured civil society" and that "Illegal structures of government in the Federation have not been dissolved or integrated", PIC, Summary of Bonn Conclusions, December 10, 1997, http://www.ohr.int It provokes questions about the situation in 1996 when the elections were held if the conditions at the end of 1997 is as presented above.

[702] PIC Paris Conclusions, Ministerial Meeting of the Steering Board and of the Presidency of Bosnia-Herzegovina, Conclusions: Guiding principles of the Civilian consolidation plan, November 14, 1996, www.ohr.int

[703] Implementation of the Dayton Agreements, Statement by the Rapporteurs (Mr Bloetzer and Mr van Linden), AS/Pol (1996) 23 rev., paragraph 3.

territory under Croat control in western Herzegovina. Moreover, 22 out of the 109 municipalities in BiH were not monitored by any international observers.[704]

Since the nationalist political parties had a clear victory, the 1996 Elections ended with the approval of the nationalist political parties by democratic means.[705] In other words, they reacquired democratic legitimacy that was lost in the war following the elections of 1990. It can be argued that this desperate consequence hardened the position of the International Community in fact, because Bosnians seemed to approve the nationalist political parties that initiated and conducted the war. In a sense, International Community seemed to defend peace against the people who voted for nationalism that proved to result in war. However, this has been a widespread illusion, ostensibly presented by the election-obsessed democratisation fans that often paid more attention to the "forms of democracy rather than its substance"[706]. It can not be said that people chose nationalist parties in full support; they were left without alternative under the propaganda based on the fear of the other. The International Community organized the elections before any substantial change could occur in the political environment. As a matter of fact, the nationalist wave in Bosnian politics was the expectable consequence of the democratisation process that has started long before Dayton, in 1990 elections. The Post-Dayton Elections of 1996 was nothing but just a step further in the same framework of nationalist struggle.

The elections were thus held in an atmosphere where nationalism was still dominating life, indeed exacerbated by the atrocities in the war. The normalisation of life was on the way but not completed as yet. The end of fighting does not necessarily mean the entire normalisation of life marked by the daily routine of citizens, their employment, housing, recreation so on and so forth. The nationalist parties were still holding the economic and political power; all three nationalist parties monopolised the economic and political activities in

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[704] Noel Malcolm, "Observations on the Elections", Bosnian Report 17, (November 1996-January 1997).

[705] The Serb Nationalist SDS dominated the Republika Srpska with the 52% of the votes for RS Assembly and %54 for the BiH assembly. The SDA received %54 of the votes for both Federation and BiH Assembly while HDZ obtained %25 for each. SDA received %16 of the votes in the RS for both Assemblies, which are the votes of the refugees and IDPs who could not return but vote for their prewar circumscription in RS.

[706] David L. Bosco, "Reintegrating Bosnia: A Progress Report", Washington Quarterly 2, (Spring 1998): 82.

their respective ethnic constituencies. The non-nationalist Bosnian circles interpreted 1996 elections as the biggest mistake caused by the mentality of considering democracy as solely free elections.[707] One international official deemed the elections of 1996 as the "most ridiculous idea" on the grounds that thinking elections per se as the democratisation is ridiculous. The international official observed that the voters were joking that one choice on the ballots must have been an international protectorate for BiH because the existing ballot meant the confirmation of the tripartite nationalism. According to many, the result was the worst combination: a protectorate with tripartite nationalist rule![708]

This observation summarised the post-Dayton politics in BiH. This country has been an international protectorate in which the three constituent nations were monopolised by their respective nationalism, mostly by the same nationalist parties. The 1996 elections as the first multiparty elections after the war confirmed this structure and constituted the beginning of the struggle of the International Community with the nationalist political parties. Therefore, the International Community has essentially and affectively controlled the democratic development in BiH in order to prevent the destabilisation of the country because of nationalist conflict. As a consequence, the limited sovereignty of BiH has been increasingly emphasised by the International Community through OHR.

As a matter of fact, the problem lied in the non-implementation of the Dayton provisions. In a situation where freedom of movement and personal security were assured and the return of refugees was completed, there would be no need for anyone to vote in another municipality. This was why the electoral procedure was described as little more than an instrument for the final partition of Bosnia-Herzegovina. In the absence of proper conditions, it serves only to legitimize political parties that have always argued for Bosnia's partition. Moreover, it is stated that the first High Representative Carl Bildt helped the division of the country by contesting the legitimacy of the central authority in BiH by arguing that only elections could create legitimate institutions for Bosnia-

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[707] Interview with Senad Pečanin, editor in weekly Dani, 24 March 2006.

[708] Interview with Madeleine Rees, Office of the United Nations High Commissioner for Human Rights (OHCHR), Office of the United Nations High Commissioner for Human Rights (OHCHR), 14 March 2006.

Herzegovina.[709] In other words, the central state was undermined by treating it equal with the Serb and Croat nationalist political parties that waged war. Moreover, nothing substantial were done in order to decrease the power of the nationalist parties. Therefore, the election result that emphasised the nationalist tripartite rule and hence the increase in the international intervention was inevitable. As a result of all these problems, it was said that the elections that the International Community conducted in 1996 were not democratic, fair and free.[710]

5.3.2.2. 1997 Elections in Republika Srpska and 1998 Elections

Following the 1996 elections, the International Community prioritised the change of government in Republika Srpska. This is why there was yet another general election in Republika Srpska in 1997. The International Community engineered policies to form moderate politicians against the nationalists. The International Community wanted to decrease the political weight of the war criminal Radovan Karadžić and his party SDS by supporting Biljana Plavšić. It was a clear support to Biljana Plavšić because of her open support to Dayton Agreement's implementation.[711] The reason was so clear that the nationalist leader Momcilo Krajisnik said that the elections were imposed by the International Community although the political agenda of the entity was different.[712]

This was the first attempt of elite transformation in the nationalist parties by the International Community. It can be said that it was realistic because Plavšić was also a nationalist; she was indeed a member of the war time SDS leadership. However, it was also morally unacceptable because Plavšić was also a war criminal. Indeed, she was indicted in April 2000, surrendered in January 2001, voluntarily pleaded guilty in September 2002 and sentenced to eleven

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[709] Begic, Kasim, "Using Elections to Achieve a Final Division", Bosnian Report, 19, June-August 1997.

[710] Ibid.

[711] "US welcomes Bosnian election results", BBC News, September 26, 1998.

[712] "Bosnian Serb vote struggles on", BBC News, November 23, 1997.

years' imprisonment in February 2003.[713] The first attempt was relatively successful. The Serb nationalist coalition of SDS and Serb Radical Party could not gain a majority in the Republika Srpska parliament although they remained as the largest party.[714] The International Community had succeeded to challenge the strength of the SDS although it did not mean a great challenge to Serb nationalism.

These efforts to challenge SDS continued in the 1998 general elections. It can be argued that the international effort to balance SDS was partly successful since Plavšić's coalition named Sloga could obtain four seats in the BiH Parliament, a number that is equal to the seats of the coalition led by the SDS. However, Plavšić could not win the Republika Srpska presidency and admitted her defeat against the hardliners.[715] The International Community's anti-nationalist stand in the electoral process was so clear that the High representative Carlos Westendrop openly declared that there would not be western support to Republika Srpska if a pro-western government is not formed.[716] Furthermore, United States Balkans envoy, Robert Gelbard warned publicly the winner of the Bosnian Serb presidential elections, Nikola Poplašen, against appointing a hardliner as the prime minister of Republika Srpska. Poplašen was clever enough to respond by saying that "No-one wants to violate the Dayton Agreement".[717] Certainly, he did not mean it, as the obstructions to the implementation of the Agreement continued.

In 1998 elections there were also slight decreases in the votes of the Bosniak and Croat nationalist parties. For instance, in the elections of the House of Representatives of BiH from Federation, the nationalist coalition including SDA received 47% of the votes and HDZ 19% and the multiethnic social democrat SDP could reach %14. This is to say, SDA lost 7% of its votes despite its coalition with some other small parties, and HDZ 6%.

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[713] Plavšić (IT-00-39 & 40/1) "Bosnia and Herzegovina", International Criminal Tribunal for Former Yugoslavia, http://www.un.org/icty/cases-e/index-e.htm

[714] "Karadzic allies lose out in Bosnian Serb elections", BBC News, December 8, 1997.

[715] "Plavsic concedes defeat in Bosnian elections", BBC News, 21 September 1998.

[716] "High representative in Serbia calls for pro-west government", BBC News, October 16, 1998.

[717] "US warning over Serb elections", BBC News, September 24, 1998.

All these challenges to nationalist political parties and changes in leadership did not mean a change of the main structure of the international protectorate with tripartite nationalist rule. That is to say, both the dominance of these nationalist parties in their respective constituencies and of the International Community continued. It is argued that the 1998 elections represented the biggest setback to Bosnian reunification since the Dayton Accords rewarded Serbian aggression and legitimized the politics of ethnic supremacism. The political routine in BiH was that the nationalists preferred by the US were "playing the Dayton game" by speaking softly, attending meetings with their counterparts of other ethnicities and accepting American praise and aid checks; while promoting truly BiH's partition.[718] The criticism meant clearly Plavšić. Bosnian Serb politicians understood that they could keep the central state as weak as possible and their entity as strong as possible in case they seemed to cooperate with the International Community.

5.3.2.3. 2000 Elections

The elections in Bosnia in November 2000 has been argued to open a new way in this framework of elections legitimising nationalist parties[719], although it is not completely accepted.[720] The relative victory of the multiethnic Social Democratic Party (SDP) increased the hopes on the viability of a multi-ethnic Bosnia. The US ambassador in Sarajevo, Thomas Miller, said it was the start of a new era.[721] SDP's victory created even discussions within the SDA. It is argued by the powerful Mostar mayor that the election results have shown that the SDA has lost the claim to be the only party fighting for the unity of Bosnia-Herzegovina.[722] This meant that a way, different than SDA's Bosniak nationalism, seemed feasible for the unity of BiH.

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[718] Marshall Freeman Harris, "A Vote against Peace", Bosnian Report, New Series 6/7, (September - December 1998).

[719] "Reshaping international priorities in Bosnia and Herzegovina", European Stability Initiative (ESI) Report, Part Three, (22 March 2001), www.esiweb.org

[720] "Bosnia: Reshaping The International Machinery", ICG Balkans Report .121, (29 November 2001), www.crisisweb.org

[721] "Ethnic split in Bosnia vote", BBC News, 10 April 2000.

[722] "Safet Orucevic, Mostar, coalitions and the SDA" , Bosnian Report, New Series 15/16, (March-June 2000).

In the elections for the House of Representatives of the Federation, SDP won 26.1% of the votes while Bosniak nationalist SDA won 26.8% and Croat nationalist HDZ 17.5%, and another Bosniak nationalist party SBiH 14.9%.[723] In fact, it is clear that HDZ did not lose its electoral base after the 1998 elections, the SDP gained mostly from the SDA. Moreover, considering the total votes of 41.7% of the SDA and SBiH, it can be argued that the Bosniak nationalism was still considerable although it was far from its clear monopoly in the 54% of SDA in 1996 elections.

In the elections of the Parliamentary Assembly of BiH, SDP received 27.3% over the 27% of the SDA and 19.3% of HDZ. In the elections in the Republika Srpska, social democrat coalition including SNSD received 10.6%, while PDP 15.2% and SDS 39.7%. Many non-nationalist circles were happy that the nationalist parties SDA, SDS and HDZ gained all together less than 50% of the votes, for the first time since 1990.[724] In fact, the 15.6% of SBiH should be noted; the Bosniak nationalism persisted at 41% anyway. Similarly, considering the nationalist rhetoric of PDP, it can be fairly argued that the Serb nationalism persisted at 54.9%. It is indeed argued that the Serb and Croat nationalisms were not seriously weakened; SDP received its extra votes mostly from Bosniaks.[725] Moreover, the distribution of the seats in the parliament were not really depressing for the nationalists, SDA had 8 seats, SDS 6 and HDZ 5 while SDP had 9, SNSD only 1, and PDP 2, and finally SBiH 5.

In accordance with the intellectual and international mood of relative victory, the elections indeed resulted in the government formed by the reformist forces under the name Alliance for Change. As a consequence, the Bosnian politics has witnessed the cooperation of the nationalist parties for the first time, against the reformist political forces in the country! For instance, SDS and SDA supported HDZ candidate for the Presidency of the Parliament. On the other hand, the reformist PDP became the second biggest party in the Republika Srpska

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[723] Final Results of the General Elections 2000,
http://www.izbori.ba/Documents/Rezultati%20izbora%2096-2002/2000gen/400_horfbih.pdf

[724] Janez Kovac, "Bosnian Parties Prepare to Share Power", IWPR Balkan Crisis Report, (January 5, 2001).

[725] "Ethnic split in Bosnia vote", BBC News, 10 April 2000.

and voted against its ethnic kin SDS in favour of the SDP.[726] The road for the multi-ethnic Bosnia seemed relatively more open than it was before. However, the crisis engineered by the HDZ overshadowed the developments.

HDZ has been insisting on the increase of the representation of the Croats in Bosnia for a period of time, as an establishment of third entity. One HDZ leader said that the SDS and SDA have achieved their goals because SDS has the Republika Srpska and SDA could establish a majoritarian system in the Federation, making Croats a minority without influence on the federal level. As such, Serbs received an entity and Bosniaks received an entity while the situation of Croats is ambiguous.[727]

HDZ attempted to organise a referendum on the election day of 2000, which was adamantly opposed and severely prevented by the International Community. HDZ called for the annulment of the November 2000 Elections and got into the efforts of creating or strengthening parallel institutions in the South-western Bosnia where it has exercised definite authority since 1990. This created the difficulty for the newly established Alliance for Change government to rule this part of the country.[728] As a matter of fact, HDZ was against the new Electoral Law that allowed voters to vote for other nationalities and since then conducted a policy of the boycott of all common institutions joint with a threat to establish a mini-state.[729] After a serial of discussions, International Community has acted severely and the High Representative Petritsch dismissed the HDZ leader Jelavić from the tripartite Presidency. The High Representative declared in order to mitigate Bosnian Croats that Jelavić was not for the interest of the Croat people but for the interest of his nationalist and criminal party. The striking point was that Croatian President Mesić also supported the decision of Petritsch and argued that HDZ was not the only representative of the Bosnian Croats.[730] It can be red

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[726] Ibid., Kovac, Janez, "Bosnian Moderates Oust Nationalists", IWPR Balkan Crisis Report (January 22, 2001).

[727] Manning, "Armed Opposition Groups", 62.

[728] Drazen Pehar,"Bosnia on the brink of the Major Crisis", IWPR Balkan Crisis Report, (March 2, 2001)

[729] Amra Kebo, `Herceg-Bosna Revival", IWPR Balkan Crisis Report, (March 7, 2001).

[730] Amra Kebo, "Bosnian Croat Leader Sacked", IWPR Balkan Crisis Report, (March 9, 2001).

as his evident desire to break the force of HDZ in Croatia itself and as an attempt of disassociation with the Bosnian conflict, since the involvement of HDZ-ruled Croatia in BiH had harmed Croatia's path towards European integration.

The move made by the HDZ could be interpreted as the agony of the wartime nationalist political formations and a last attempt of survival in a political context changing towards a more reformist stance. However, it could also be understood as the reflection of the protracted discussions on the character of the Bosnian state. It should not be forgotten that HDZ still had a sizable electoral base in the November 2000 Elections despite the significant decrease in the number of votes it received. Therefore, this move could be another attempt of a Croat separatist expression that has an appeal, nobody knows how widespread, within the Bosnian Croat population. In other words, HDZ could live its agony as a political formation, yet this does not necessarily mean that the Bosnian Croat population are fully convinced about the territorial integrity and sovereignty of Bosnia and Herzegovina. Some even claimed that many of the estimated 350,000 Croats living in Bosnia have been likely to unite with Croatia. [731] To the contrary, a Croat of Central BiH argued that Croats of central BiH have not been happy with the HDZ that was based rather in Mostar. However, they voted for it with a mentality of "not good but ours" [732]. Some others observed that the Croat population in BiH was decreasing even below 10% since many Croats moved to Croatia because they perceived a better future for themselves.[733]

The discussions on the character of the Bosnian state seemed to dominate the Bosnian political agenda; no matter HDZ's move was a desperate agonistic attempt or reflection of the desire of the Bosnian Croat population. This is also buttressed from time to time by international officials, for instance, High Representative Paddy Ashdown stated before leaving office that "If I am to speak

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[731] Nerma Jelacic, "Bosnian Croats Turn to Far-Right", <u>IWPR Balkan Crisis Report, 469</u>, (20-Nov-03).

[732] Interview with a local OSCE official in Travnik, 15 May 2006.

[733] Interview with Emina Keso-Isaković, professor in the University of Sarajevo, 6 March 2006.

on behalf of the international administration, then I can say that it was not sufficiently aware of and sensitive to the vulnerability of Croats".[734]

Following the unsuccessful struggle of HDZ with the International Community, the reformist leaders, who were not able to change the standpoint of this party, left. Jadranko Prlić, who signed the Dayton Agreement on behalf of Bosnian Croats, left the party in 2000. Prlić argued that the HDZ has become a burden, not only for others, but also for the Croats of BiH, because of its refusal to become full a participant in Bosnian politics. Ante Jelavić, its president from 1998 to 2002, kept the control of HDZ and argued that Croat national interests could not be protected under the terms of the Dayton Agreement.[735] He was removed from office later by the decision of the High Representative Ashdown. The failure of the hopes for multiethnic BiH was confirmed in 2002 elections.

5.3.2.4. 2002 Elections

The 2002 elections were a sort of back to square one, since it ended with the clear victory of the nationalist parties. HDZ led coalition received 15.2%, SDA 32.40%, SBiH 16.19%, SDP 15.65% in the Federation for the BiH Assembly. In the Republika Srpska, SDS 33.71%, SNSD 22.39%, PDP 10.39%. In the presidential elections, charismatic war time Prime Minister Haris Silajdzić lost unexpectedly to uncharismatic Sulejman Tihić, by a difference of 16,160 votes that is 2.5%. The Croat member of the presidency became HDZ leader Dragan Covic by 61.52% the Serb member of presidency SDS candidate Mirko Sarović 35.52%.

It was argued that one of the reasons for the success of the nationalist parties in the 2002 elections was the low turnout because their supporters were easier to mobilise.[736] The turn-out was a 55%[737] that proved the undeniable legitimacy crisis in the country. On the one hand, it is argued that the 2002 elections made again the future uncertain again.[738] On the other hand, it is

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[734] Interview: Paddy Ashdown, High Representative for BiH: "Within BiH New Borders Will Be Drawn!" Vecernji List, January 5, 2006, in www.ohr.int

[735] Manning, "Armed Opposition Groups", 63.

[736] Nick Hawton, "Underwhelming Bosnian Ballot", IWPR Balkan Crisis Reports, 518, (01-Oct-04).

[737] "Bosnia poll turnout slumps", BBC News, 6 October, 2002.

[738] Caplan, "International Authority", 59.

defended the 2002 elections was a good example of the transfer of the power to the locals.[739]

The SDP spokesperson tried to explain their defeat by saying that it was very difficult to create government after 2000 elections on the grounds that the Alliance was composed of 12 political parties and even 15 on the state level, with the addition of SNDS, PDP, SD from Republika Srspka. The spokesperson argued that they could stay only for 18 months in government, which meant it was impossible to achieve anything concrete. Therefore, he finalised, ordinary people did not feel the changes. Nevertheless, he cited the achievements such as the membership of Council of Europe, establishment of border controls, highway construction (the fact that it is only and only 11,5 km. can tell a lot about Bosnian politics!), payment of pensions and salaries of the war veterans unpaid during the previous governments, and increased credibility of BiH for foreign credits.[740]

Following the 2002 elections, three months of political bargaining were observed for the formation of the new government, certainly with the involvement of the High Representative Lord Paddy Ashdown. As a result, the central state government was not only formed but also obtained some new ministries whose authority used to belong to entities. The three central ministries prescribed by the Dayton Peace Agreement of 1995 were foreign affairs, foreign trade and civil affairs. Human Rights and Finance ministries were added by parliament in the spring of 2000. Then Justice, Security, and Transportation ministries have been created following the 2002 elections. Furthermore, the structure of the government was also changed: the rotation of the members of the constituent nations in the post of minister and deputy ministers are abolished as well as the rotation of all ministers as premier and deputy premier. This reform imposed by Ashdown made sure that every ministerial position became fixed and with only one deputy. The influence of Ashdown was visible throughout the negotiation process and his objective was said to achieve more efficient institutions and cost-effectiveness.[741] This

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[739] Solioz, "Quest for sovereignty", 152.

[740] Interview with Damir Mašić, spokesperson SDP, 27 March 2006.

[741] Daniela Valenta, "Bosnia: A New Sort of Government", IWPR Balkan Crisis Report 399, (21-Jan-03).

demonstrated that the international interventions within the framework of controlled democracy were not only against the actions of the nationalist parties. It could be on the way to impose effective governmental reforms in the nature of constitutional changes.

There were various reactions against the formation of new ministries. Some argued that the new government is unconstitutional because the new ministries at the central governmental level did not exist in the constitution. According to these criticisms, Ashdown should have amended the constitution before the reform of the government structure. Moreover, the new ministries had no proper job descriptions clarified in law. The process was also criticised, on the grounds that the role of the PM was nullified since the ministers proposed by the ruling parties were approved/rejected by Ashdown before the vote of the Parliament. The criticisms were raised especially in the Republika Srpska, which always preferred to keep the central government in Sarajevo as weak as possible.[742]

As a response to the strengthening of the central government, the main issue in Republika Srpska politics became the protection of the status of the entity. The politicians of this entity perceive the efforts to strengthen the central government against the existence of their entity. It is argued that this defensive mood helped the change of elite in the SDS. The reformists in the SDS have successfully argued that the conformity to the rules posed by the International Community is necessary to maintain the Republika Srpska. Therefore, the dominance of the reformists was consolidated at SDS's party conference in March 2002 and further buttressed by the party's good performance in the 2002 general elections.[743]

The basic reason for this attempt to reform was evidently the pressures of the International Community. In a clear example, Paddy Ashdown blocked all state financing of the SDS, which is an amount of 50,000 euro a month. He has also ordered the SDS to provide detailed accounts of the way it has spent money allocated to them. Explaining his decision, Ashdown said he suspected some funds were being spent on financing Karadzic's life on the run. Although this action to control the budget of the SDS was a reasonably expected and indeed

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[742] Ibid.

[743] Manning, "Armed Opposition Groups", 62.

belated one, many people disagreed that it would have a serious effect on the economic power of this political party. Slobodan Popovic, a SDP deputy in Republika Srpska parliament, Boris Divjak, director of the Banja Luka-based Nezavisne Novine newspaper, and Zeljko Kopanja, the head of the Bosnian office of Transparency International, argued that the money that the SDS takes from the state budget is negligible compared to the amount coming from the funds of firms headed by SDS supporters, while the SDS leadership has consistently denied the latter claim. Moreover, Kopanja added that Republika Srpska police remained largely under the control of politicians, it was unrealistic to expect any moves from law-enforcement bodies to arrest the war criminals.

On the other hand, Senad Slatina, analyst of the International Crisis Group in Bosnia, interpreted it as an important decision to urge the SDS to show a greater level of cooperation, and that the financial loss would hurt the SDS. Slatina concluded that the effect of Ashdown's action might have been more marked, however, with a demand of a general audit of all the SDS's financial dealings.[744] It seems that the accounts of the SDS were never audited properly during the eight years after Dayton! It should be stated that both in HDZ and SDS, there was a rivalry on war gains, whether that meant acquisition of state assets, a monopoly on legal or illicit commercial activities, or ethnically cleansed territory.[745] In this sense, the war gains were part of the politics both inside and outside of the party. The International Community could not effectively cope with this economic dimension of the political monopoly of the nationalist political parties on their constituent nations. This dimension remained as one of the areas of the conflict of the International Community with the nationalist political parties.

5.3.2.5 2006 Elections

2006 elections were expected to be the end of the three big nationalist parties. Indeed, it was a significant pause, if not an end. However, it was not the end of the dominance of the nationalism in Bosnian politics. In fact, the SDP spokesperson seemed to sincerely believe that they would be the first party in

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[744] Gordana Katana, "SDS Shrugs Off Ashdown's Financial Squeeze", <u>IWPR Balkan Crisis Reports,</u> 492, (16-Apr-04).

[745] Manning, "Armed Opposition Groups", 63.

the 2006 elections. They felt that their concrete proposals such as the reorganisation of the VAT to lower the tax for basic food, an Agency to relocate property illegally obtained by profiteers of transition and war, a law on higher education to bring back the issue to the state level would appeal to the masses.[746] To the chagrin of lovely Sarajevo intellectuals, this did not take place.

The votes that SDP expected went to two other parties of a strong ethnic and nationalist character. The SBiH leader and presidential candidate Haris Silajdzić received 62.80% of the votes. Zeljko Komšić of SDP received 39.56% of the votes and won the seat for the Croat member over HDZ that could secure only 26.14%.[747] The Serb member became Nebojša Radmanović with 53.26% of the votes over 24.22% of the SDS. For the first time, none of the usual suspects SDS, HDZ and SDA would be represented in the presidency.

It was not the same result in the BiH Parliament, however. SDA got 25.54% of the votes and hence kept its 8 seats over SBiH that had 22.99% of the votes and 7 seats, HDZ obtained 7.99% and secured 3 seats against 6.10% of the other Croat nationalist bloc that had 2 seats. In the Republika Srpska, the situation was different. SNSD got 46.92% and obtained 7 seats over SDS that received 19.46% and 3 seats. In this sense, the social democrats of Republika Srpska won the elections as the social democrats of the federation did in 2000 elections. It would not be surprising that the nationalism is degrading in Republika Srpska with a slower pace than in Federation. However, it is doubtful that the SNSD is an alternative to Serb nationalism. Aleksandar Trifunović, director of the Buka media project in the Republika Srpska, feared that nationalism among the younger generation in BiH would be hard to combat to the extent of interpreting the youth as an obstacle to the revival of coexistence.[748]

The biggest surprise happened in the election of the Bosnian Croat member of the presidency. Željko Komšić, a Croat member of the multi-ethnic Social Democrats obtained the seat held long time by the Croat nationalist HDZ. It is argued that he was elected most probably also with the support of the non-

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[746] Interview with Damir Mašić, spokesperson SDP, 27 March 2006.

[747] http://www.osce.org/documents/odihr/2007/02/23206_en.pdf

[748] Gordana Katana, "Non-Serbs Targeted in Bosnian Serb Campaign", BIRN Balkan Insight, 28 July 06.

Croat votes of the Federation.[749] This demonstrated the grounds of the demand of entity by the HDZ; had such a mono-ethnic Croatian entity had been established like Republika Srpska, HDZ would have hardly lost the presidency since non-Croats would not be able to vote!

HDZ kept the wartime political cleavage very much alive in the post-war political arena, and prevented successful challenges from rival parties, hence called into question the legitimacy or viability of the Dayton settlement, leaving the door open for improvements in their own positions.[750] However, the emergence of the political party called HDZ 1990, who proved itself with the rejection of the constitutional reform in spring 2006, challenged this monopoly of HDZ seriously.

One of the leaders of the HDZ 1990 explained the reason of their split as follows. The HDZ became isolated internationally because it was not able to fulfil the international standards. HDZ has not presented a democratic profile; it lost its political credibility and betrayed fundamental principles, such as individual and national freedom, and democracy within the party. Moreover, there is a negative personnel selection and the reformist group was prevented to take leadership. In this sense, HDZ became the party of a group of people with vested interest.[751]

There are also differences in terms of the approach to Bosnian politics. HDZ 1990 seemed to keep to the Croatian nationalism as the very name of the party indeed shows. It gives the impression of a return to basic Croat nationalism. For instance, one of the important figures of this party whom I interviewed stressed the equality of all constituent nations in BiH both at individual and collective level, which effectively meant an entity also for the Croats. However, an effort of reformation seems clear in the discourse of the HDZ 1990. He argued that they did not want the ethno-national understanding to be the main principle. He proposed constitutional mechanisms such as in the

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[749] Nerma Jelacic, Saida Mustajbegovic, Gordana Katana, "While old nationalist parties all suffered losses, it is not clear the winners can deliver a brighter future" <u>BIRN Balkan Insight</u>, 5 Oct 06.

[750] Manning, "Armed Opposition Groups", 63.

[751] Interview with Martin Raguž, a deputy and one of the founders of HDZ 1990, 16 June 2006.

examples of Switzerland and Belgium as a solution to BiH problems, although could not substantiate the proposal.[752]

The results affected also the SDS. Some analysts said that the results were yet another trigger to the internal disputes in the SDS. It is argued that the SDS stood at a crossroads between hard-line nationalists and moderate reformists, which could even lead to a fragmentation as members walk out or form new parties.[753] It was argued that both HDZ and SDS faced serious challenges to their authority from the International Community, such as pressure and restrictions on the means of party financing, on leadership recruitment and retention, and on the policies against the implementation of the Dayton agreement. In HDZ, the reformists lost the battle with party hardliners, while in SDS, hardliners have been relegated to a lower public profile.[754] The result was a split in HDZ and a renewed discussion in the SDS.

Earlier efforts such as Cavic's aim to transform the SDS into a "modern European people's party" has failed because of its membership. Professor Slobodan Sijaković, of Banja Luka University of Economics observed that SDS party members have never forgiven Cavic for admitting the crimes in Srebrenica and the dissolution of the Republika Srpska Army. However, this does not mean a clear loss: other political parties also profited from SDS's card of nationalism and the protection of the Republika Srpska, but citizens have only supported when it is combined with economic and social issues. It is not possible to rely on nationalist rhetoric alone to come to power and to rule the Republika Srpska.[755] Therefore, the victory of the SNSD can be explained with its successful combination of social democratic approach to economic and social problems of the citizens with the nationalist rhetoric, especially on the defence of Republika Srpska. For instance, Dodik pledged the revision of the privatisation process in the entity, the creation of a special court to tackle organised crime and

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[752] Interview with Martin Raguž, a deputy and one of the founders of HDZ 1990, 16 June 2006.

[753] Gordana Katana, "Leadership Crisis Plunges Bosnian Serb Party into Turmoil", BIRN Balkan Insight, 23 Nov 06.

[754] Manning, "Armed Opposition Groups", 60.

[755] Katana, "Leadership Crisis".

corruption, and the foundation of an investment and development bank to help small and medium-sized companies.[756]

The protracted problems of Bosnian electoral politics ensued in the 2006 elections. Even as late as the time of these elections, the situation was awkward because of the absence of a law on political parties. Therefore, some certain radical parties could again participate in the elections.[757] Moreover, basic security problems have always been observed. Incidents, including shooting at a rebuilt mosque and attacks on the house of famous Bosniak poet Nasiha Kapidzić, have been recorded in Banja Luka, Trebinje and in several other small towns in the east of the Republika Srpska during the campaign.[758] The elections ended, as usual, with the expectance of the International Community, which Bosnian intellectuals expressed as "Brussels, the OHR and the United States", to see a new government pursuing the reforms, such as the Constitutional Reform.[759]

5.4. Conclusions

The International Community conducted the democratisation of BiH in order to provide stability of this country as well as regional (Balkan) and hence continental (European) security. It attempted at a change of power and weakening of the nationalist parties by constant elections, four general elections in the first six years and five at total in ten years after the Dayton Agreement. By and large, this effort failed. As it is often argued, there were very frequent elections without significant outcomes. It could be perhaps with the hope that the frequent elections will change the governments expecting that citizens will choose non-nationalist parties.[760] The main criticism has been that the elections could not go further than the legitimisation of the existing nationalist parties and politics.[761]

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[756] Gordana Katana, "Dodik Hostage to His Own Promises", BIRN Balkan Insight, 16 Feb 06.

[757] Interview with Suat Arnautović, Election Commission, 11 May 2006.

[758] Katana, "Dodik Hostage".

[759] Jelacic, Mustajbegovic, Katana, "While old nationalist".

[760] Interview with Suat Arnautović, Election Commission, 11 May 2006.

[761] "After Bosnia Votes", The Economist, Issue 7983, (9/14/96), 15; Susan L. Woodward, "Bosnia after Dayton: Year Two", Current History, 608, (March 1997), 97; "Dayton

BiH has been an international protectorate in which the three constituent nations were monopolised by their respective nationalist political parties. The 1996 elections as the first multiparty elections after the war confirmed this structure and constituted the beginning of the struggle of the International Community with the nationalist political parties. It was indeed argued that the nationalist parties have conducted their wartime aims under the new political system established under Dayton.[762] The International Community has essentially and affectively controlled the democratic development in BiH in order to prevent the destabilisation of the country because of nationalist conflict. As a consequence, the limited sovereignty of BiH has been increasingly emphasised by the International Community through the interventions by the OHR.

One concept to summarise clearly the politics in BiH is the legitimacy crisis. It is tremendous. The enormous legitimacy crisis is marked by the statement "At the end of the day, it doesn't really matter who's elected, they are all the same, these politicians. Whoever takes power, nothing ever changes"[763], which can be often heard across the country. However, it is also argued that the legitimacy crisis is a widespread phenomenon, not limited only to BiH or Balkans. There is a general mistrust on political parties. According to this argument, the problem in BiH is exacerbated by the economic difficulties.[764] Concerning the voting behaviour, it can be observed that the fear is still valid, many young do not seem to prefer nationalism wholeheartedly but they are afraid of the nationalism of the other constituent nations.[765]

Furthermore, the widespread argument and perception in BiH is that the citizens are not well represented. One NGO director academic observed that it was hard for the citizens to get channels of representation. According to him, it was clear that the political parties were not representing the needs of the citizens. The academic complained that the International Community behaved as

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Stumbles", ICG Balkans Report 104, (18 December 2000), www.crisisweb.org among others as well as many interviews I made.

[762] Woodward, "Bosnia After Dayton",98.

[763] Hawton, "Underwhelming Bosnian Ballot".

[764] Interview with Ivana Maric, Konrad Adenauer Foundation, 2 May 2006.

[765] Interview with Emina Keso-Isaković, professor in the University of Sarajevo, 6 March 2006.

if the political parties represented the citizens since the international officials kept on blaming with the usual sentence "you voted for them". However, the academic needed to stress that half of the country did not vote in 2002 elections that are considered as the approval of the nationalist parties. He underlined the difficulty to observe the representation when the turnout is so low. Finally, he claimed that there was a sort of 'passive activity': citizens do not look for better but react when it gets worse.[766] This means that they care but there is a strong apathy.[767]

Yet another NGO director argued that nobody truly represented the needs of BiH citizens. Accordingly, the political parties are for the leadership and the International Community does not seem interested in people's needs.[768] The crux of the matter, according to one other NGO director, was that the huge administrative structure brought by the Dayton Agreement does not allow for the representation of citizen.[769] In this sense, it is not yet clear to whom to present demands. Both political parties and the International Community seemed indifferent. Therefore, the ordinary people are rather disoriented and have lost hope in the elections. The elections are even considered bad, because electoral campaigns have provoked violence.[770]

Fareed Zakaria is concerned that the illiberal democracies may undermine the legitimacy of the liberal democracy itself.[771] In the Bosnian case, the illiberal democracy is operated by the International Community, undermining quite astutely the democratisation. While arguing on the political grey zone, Thomas Carothers seems to define the contemporary BiH. The International Community has been at the centre of this political grey zone of illiberal democracy.

Finally, one Bosnian intellectual pointed out that it was not easy to speak about democratisation because democratisation was not possible as long as BiH

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[766] Dino Abazović, academic in Faculty of Political Science, University of Sarajevo, 8 June 2006.

[767] Interview with Ahmed Rifatbegović, NDI, 11 June 2006.

[768] Interview with Svetlana Broz, director of the NGO Civic Courage, 1 June 2006.

[769] Interview with the officials of the NGO Taldi in Tuzla, 13 June 2006.

[770] Interview with Nidžara Ahmetasević, journalist.

[771] Zakaria, "The Rise of Illiberal Democracy", 22-43.

remains as a protectorate. She complained that it is a fake democracy since it did not respond to the needs of people.[772] In this sense, if there is authoritarianism in BiH, against which the democratisation is to be conducted, it is implemented within the framework of the international protectorate with a tripartite nationalist rule. In other words, the citizens are squeezed between the International Community whose authoritarianism is institutionalised in the Office of High Representative and the nationalist political parties.

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[772] Interview with Nidžara Ahmetasević, journalist in daily Oslobodjenje, 30 March 2006.

CHAPTER 6

CONCLUSION

oh, we're back to the Balkans again,
Back to the joy and the pain,
What if it burns or it blows or it snows?
we're back to the Balkans again.
Back, where tomorrow the quick may be dead,
with a hole in his heart or a ball in his head,
Back, where the passions are rapid and red,
oh, we're back to Balkans again[773]

Le courage, c'est de chercher la vérité et de la dire, c'est de ne pas subir la loi du mensonge triomphant qui passe et de ne pas faire écho de notre âme, de notre bouche et de nos mains aux applaudissements imbéciles et aux huées fanatiques[774].

The ambitious New World Order (NWO) of the George Bush, the father, has been replaced by the search of minimum stability. The inability of the International Community to manage the ethnic conflicts and partly related concept of failed state has been one of the main reasons of the failure of the NWO. Bosnia-Herzegovina (BiH) has been an important example of the establishment of the minimum stability. It was argued that BiH became the test case for the international cooperation. Furthermore, the model that is applied later in Kosovo was designed following the failures in BiH. BiH was discussed as a model even concerning the situation in Iraq. Therefore, the experience in Bosnia and Herzegovina was helpful for the International Community to design other missions in its search for minimum stability.

This thesis is a humble attempt to analyse the role of the International Community in the democratisation in Bosnia and Herzegovina. The analysis is conducted within the framework of the Critical Theory as represented mainly by Robert Cox. It is argued in this thesis that the form of state that the International Community aimed at establishing in BiH was in relation to the transnationalisation of the world order. The principles of this transnational world order are imposed on all countries in one way or another. This imposition can be in the form of direct international intervention or by various levels of penetration

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[773] A Balkan folk song.

[774] Jean Jaurès, Discours à la jeunesse, Paris, 1903. It reads: The courage is to seek the truth and to tell it, it is not to be subject to the law of victorious lie and not to echo the imbecile applauses and fanatical noises by our spirit, mouth and hands.

of international organisations and transnational corporations. In the Bosnian case, it is ensconced in its Constitution that is part of the Dayton Agreement that ended the war in this country.

The term International Community is defined in this thesis in terms of the hegemony of the transnational elite in the transnationalisation of the world order, within the framework of arguments presented by the Critical Theory. The international hegemony within the transnationalisation of the world order entailed limitations to state sovereignty. BiH provided a crystal clear example of the establishment of limited sovereignty by the International Community through international organisations.

The International Community is observable in BiH in the institutions and policies. The International Community has *ad hoc* organisations such as the Peace Implementation Council (PIC), its Steering Board and the Office of the High Representative (OHR) in the case of Bosnia-Herzegovina. OHR is the main organisation for the implementation of the Dayton Agreement as well as the decisions of the PIC in the country. OHR was defined as "the final authority in the theatre" in the Dayton Agreement. Furthermore, OHR acquired important legislative and executive power with the decision of PIC in Bonn Summit of 1997. Therefore, OHR is the main organisation of the limited sovereignty. Moreover, the continuous debate on and intermittent reforms of OHR and other international organisations have clearly demonstrated that the formation and functioning of the International Community has been subject to changes. However, the limited sovereignty of BiH has been constant.

Policies such as the defence reform, or the constitutional reform, are examples of the activities of the International Community. The problems of inter-state or inter-organisational contradictions, coordination and duplication in the formation of these policies do not prevent the decision and implementation of an outcome. These policies show the existence of the International Community and its continuous formation and operation in BiH as well as its institutions. Moreover, these policies and their implementation by the international organisations reflect the principles of the transnationalised world order. This can be observed particularly in the documents of PIC and OHR as well as the speeches and actions of the High Representatives. The aim of the International Community

has been the integration of BiH to the transnationalised world order by keeping minimum stability and establishing limited sovereignty.

Dayton Agreement that ended the war in BiH constituted the base of the type of the state that the International Community has aimed at. The war provoked the questions of which territory, which population and which juridical and political organisation for this emerging state. Following the war, the territory is divided legally into two and practically to three; the population is divided into three constituent nations (that fits to the territorial division); and the juridical and political organisation included a constant and immutable international intervention. The ethnic division and the international role is indeed institutionalised and legitimised in the Dayton Agreement, including the very constitution of the country.

The limited sovereignty of BiH can be observed first of all in the Agreement itself. In all domestic institutions there are international representatives to be appointed by international organisations. Moreover, there is the ad hoc international organisation of OHR that is not controllable by any of the domestic institutions. The biggest example to summarise the extent of the international role in Bosnian institutions is the incredible fact that the Constitution of this country was not translated officially to the local languages even ten years after the signature of the Dayton Agreement.

The implementation of the Agreement accentuated the limits to Bosnian sovereignty. As a consequence of the partial implementation of the agreement, BiH does not have a significant army and has to rely on the international factors for its security and hence its survival; the refugees and internally displaced persons could not return to their pre-war homes so the ethnic purification is consolidated; the war criminals were not completely arrested, including two notorious war leaders, thus justice and reconciliation is not achieved; and the economy is suffering a huge dependence as well as great unemployment. It can be argued that the aim of the International Community has been to keep a minimum stability and did not pay attention to the rest as long as there is a sort of stability. However, even considering the limited understanding of the stability, the International Community has not been consistent and adroit.

The main reason of this incapability was the work of the international organisations. The international organisations produce power by technocratic

knowledge, field information and political neutrality. Consequently, the bureaucracy of the international organisations creates its own objectives. The use of financial and human resources by the International Community has also provoked critics. It is argued that the influx of the resources coming from foreign aid without transparency and coordination created conditions conducive to corruption and organised misuse.

The main problems that were exposed by the work of international organisations have been mostly the inter-organisational and inner-organisational rivalry, duplication, misinformation, lack of coherence, the absence of clear leadership and adequate coordination and finally, the short term vision. The implementation of the limited sovereignty and the establishment of minimum stability have been hampered by these problems. Furthermore, it harmed the legitimacy of the International Community.

The democratisation of BiH was conducted within this framework. The International Community aimed at the promotion of western liberal democracy globally in its interventions. In the Bosnian example, the International Community emerged as the main actor of the democratisation. In this endeavour, the main obstacle has been the nationalist political parties, especially considering their obstructionism in the implementation of the Dayton Agreement. Therefore, the International Community's democratisation strategy in BiH has aimed at the eradication of the influence of the nationalist parties. The main tool for this aim has been the elections. It was thought that the frequent elections would change the governments with the hope that citizens will choose non-nationalist parties once the elections are free and fair. However, the nationalist parties continued to dominate the politics in BiH and were legitimised many times by the elections.

Two main observations can be made regarding the post-Dayton politics in BiH. First, the nationalist parties have continued their struggle that started in 1990; second, the International Community has been in a clear fight with these nationalist parties. The protracted dominance of the nationalist parties increased the international intervention through OHR. Its authority was enlarged to the point of imposing laws and removing even elected officials. Therefore, the limited sovereignty of BiH was emphasised with the controlled democracy. The International Community has essentially and effectively controlled the

democratic development in BiH in order to provide the integration of this country into the transnationalised world order. This signified that BiH has been effectively an international protectorate in which the three constituent nations were politically monopolised by their respective nationalist political parties.

The academic literature assumes that democratisation is conducted against an authoritarian actor, mostly an authoritarian state. In fact, in the Bosnian case, both the International Community and the nationalist parties have been authoritarian and have not been successful in finding solutions to the pressing daily problems of the ordinary citizens, such as employment and (social) security. The result has been an enormous legitimacy crisis. This is marked clearest in the low participation in the elections. It is argued that the citizens of BiH were represented neither by the International Community nor by their political parties. This resulted in the strong apathy of Bosnian citizens.

The biggest and widespread criticisms by the locals, especially by the non-nationalist intellectuals, are that the International Community never sincerely tried to eradicate the power of the nationalist parties. This might seem in contradiction with the main argument on the conflict between the International Community and the nationalists. However, the existence of the nationalist conflict in fact facilitated the involvement of the International Community in BiH as long as it is kept contained. The nationalists could keep their power as long as they did not threaten the basic framework of Dayton Agreement. Although they have presented many obstacles for the implementation of the Dayton Agreement, they have never opposed the Agreement directly. Therefore, the International Community has not desired to spend resources on the eradication of nationalists as long as they do not directly oppose the existing framework. This confirms once more that the main concern of the International Community has been a minimum stability.

Concerning the local reaction against the limited sovereignty and controlled democracy, it can be argued that there is a domestic demand for the international intervention through OHR. This demand has been against the nationalists while the nationalists of the three constituent nations attempted to use this international intervention against each other. Therefore, it can be said that there is not a clear and direct reaction to the imposition of the limited sovereignty and controlled democracy. Different circles aspire to profit from the

limits to the sovereignty and the controls to the democracy, according to their broader political aims. In this way, BiH's state of dependence created its own structures and dynamics that found its interest vested in this state of dependence, to the extent that this dependence is reproduced and normalised.

In fact, The Bosnian dilemma has been between the sovereignty and unity. The international intervention through OHR was seen necessary, especially by the Bosnians, including Bosniak nationalists, for strengthening the central state and hence, for keeping the unity of the country. However, OHR's interventionism in the way to strengthen the central state has decreased the importance of the local decision-making processes, and hence harmed the sovereignty of the Bosnian state. Finally, as wartime prime minister of Bosnia and Herzegovina Haris Silajdžić said; the Berlin Wall has fallen down to Bosnia and Herzegovina. The damage has not been rehabilitated yet. The result has weighted on the shoulders of the Bosnian citizens regardless of their ethnic origin. *Hajde Bre…*

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APPENDICES

APPENDIX A: TÜRKÇE ÖZET

ULUSLARARASI TOPLUM'UN BOSNA-HERSEK'İN DEMOKRATİKLEŞME SÜRECİNDEKİ ROLÜ

Giriş

Soğuk savaşın bitişi ile farklı bir dünya düzeni arayışları güç kazanmıştı. Bu çerçevede, ABD Başkanı George Bush "Yeni Dünya Düzeni"ni sunmuştu. Bu yeni düzene göre sınırlar güç kullanımı yoluyla değiştirilemeyecek, bu yöndeki olası girişimleri Uluslararası Toplum elbirliği ile engelleyecekti. Dahası, uluslararası örgütler dünya siyasetinde daha ağırlıklı olarak rol alacaklar ve uluslararası işbirliğinin somut kurumları olarak hareket edeceklerdi. (Bush, 1991:451).

Bu tez Bosna-Hersek'in Dayton Anlaşması'nın imzalanmasından sonraki dönemde demokratikleşme sürecinde Uluslararası Toplum'un rolünü çözümlemeyi amaçlamaktadır. Bu çözümleme için kullanılacak kuramsal çerçeve Robert Cox'un temsil ettiği Eleştirel Okul'dur. Cox, üretim biçimi, devlet şekli ve dünya düzeni arasında ilişki olduğunu saptamıştır. Bu çerçevede, bu tezde Uluslararası Toplum'un Bosna-Hersek'te kurmaya çalıştığı devlet şekli dünya düzeninin ulusötesileşmesi bağlamında çalışılacaktır.

1.Kuramsal Çerçeve

Beklenmedik denilen etnik sorunların ortaya çıkışı bahsedilen Yeni Dünya Düzeni'nin uygulanmasını güçleştirdi. Etnik sorunlarla beraber "başarısız devlet" şeklinde adlandırılan bir kavram da dünya gündemine hediye edildi. Bu kavram, 11 Eylül sonrasında bu konuya ilgisi büsbütün artan ABD'nin Milli Güvenlik Konseyi tarafından merkezi hükümetin toprakları üzerinde etkin kontrol uygulayamaması ve hayati hizmetleri sunamaması olarak tanımlanmaktadır (Rice, 2003: 1). Akademik literatürde de benzer yaklaşımlar göze çarpmaktadır (Gros, 1996:456; Woodward, 1999:55; Dorff 1999; Helman ve Ratner, 1993:3; Wallensteen,1998). Bu tanımlar "başarısız devlet"i verili olarak almaktadırlar; aslında bunun tartışmalı bir kavram olduğu belirtilmelidir. Örneğin, eleştirel bakanlar uluslararası ekonomik sistemin belli merkezleri besleyen haksız uygulamalarının "başarısız devlet"lere yol açtığını tespit etmektedirler (Radice, 2001). Nihayet,

nedenleri konusundaki farklılaşmaya rağmen, temelde, uluslararası tanınma sahibi olsa da kendi toprakları üzerinde devlet otoritesini yerleştiremeyen ve dolayısıyla da egemenliğini tam anlamıyla işletemeyen devletlere "başarısız devlet" dendiği gözlenebilir.

Bu başarısızlığın her zaman etnik sorunlar yüzünden olmadığını belirtelim. Bu anlamda, siyasi-ekonomik sorunlar da bir devleti "başarısız" kılabilir. Örneğin, 1997 yılında Arnavutluk'a "başarısız devlet" durumuna düşme riskini ortadan kaldırmak için uluslararası müdahale yapılmıştı ve bunun temel sebebi etnik sorunlar değil, devlet otoritesinin yok olmaya yüz tutmasıydı. "Başarısız devletler"in dünya gündeminde yer işgal etmesinin temel nedeni meşhur "uluslararası barış ve güvenlik" için tehdit olarak algılanmalarıdır. Bu tehditin bertaraf edilmesi için Uluslararası Toplum'un bir çeşit himaye rejimi kurmaya kadar giden önlemlere başvurduğu gözlemlenebilir. Bosna-Hersek buna örnek teşkil etmektedir. Bu anlamda, "başarısız devlet" kavramı ve/veya olgusu Uluslararası Toplum'un bir çeşit himaye rejimi kurmasını kolaylaştırmaktadır.

Bosna-Hersek örneği birkaç açıdan önemlidir. Öncelikle, Yeni Dünya Düzeni söylemi Bosna-Hersek'te sona ermiştir: sınırların güç kullanımı yoluyla değiştirilmesi teşebbüslerine karşı Uluslararası Toplumun ortak hareket ederek engel olacağına dair söylem ve umutlar bu ülkede yok olmuştur. Bosna-Hersek örneği Uluslararası Toplumun üstlendiği roller açısından da önemlidir, savaşı bitiren Dayton Anlaşması bu rolü açıkça tanımlamıştır. Bosna-Hersek'teki tecrübeler diğer benzer durumlara da rehberlik etmiş, örneğin Kosova'daki uluslararası rol tanımlanırken Bosna-Hersek deneyimi büyük oranda dikkate alınmıştır. Bu anlamda Bosna-Hersek örneği diğer uluslararası etkinliklerin tanımlanmasında bir nevi mihenk taşı olarak ortaya çıkmıştır. Hatta son Irak felaketinin nasıl aşılabileceği konusunda bile bu örnekten bahsedilmektedir (Hays vd., 2007).

1.1. Uluslararası Toplum'u Anlamak

Uluslararası Toplum terimi oldukça tartışmalı bir terimdir. Bir yanda bir ahlaki birliktelik olarak, öte yanda tek süper güç olan ABD ve müttefikleri olarak görenler vardır. Bu kavramın savunucularından Robert Jackson, Grotius'dan beslenen bir anlayışla, dünyayı ortak çıkar etrafında birleşmiş bir bütün olarak görmek istemiş ve Birleşmiş Milletler'in Uluslararası Toplumun en açık temsili

olduğunu savunmuştur (Jackson, 1995: 60-2). Karşıtlarından biri ise, bu kavramın aslında Tony Blair'in NATO'nun Kosova bombardımanı sırasında telaffuz ettiği uluslararası müdahale doktrini demek olduğunu belirtmiştir (Reynolds, 2004). Aslında, bu kavramın daha önceden de kullanımına rastlanmıştır; örneğin Ronald Reagan, ABD Başkanı iken, Lübnan'daki rehine krizi esnasında tehditler savururken "uluslararası topluma katılım"dan bahsetmiştir (NYT, 1985). Benzer tarihlerde, Gorbaçov de Avrupa Konseyi'ndeki o meşhur konuşmasında "Uluslararası Toplum'un eşiğinde durduğu derin değişimden" bahsediyordu (Gorbaçev, 1989). Bütün bu örneklerde kimin Uluslararası Toplum'dan ne kastettiği çok da açık görünmemektedir.

Var olan tanımları sınıflandırmaya çalışarak literatüre herkes için rahatlatıcı bir katkıda bulunan Barry Buzan ve Ana Gonzalez-Pelaez önümüze insanlığın ahlaki birlikteliğinden, bu kavramı kullanarak kendine meşruiyet üreten Batı'ya kadar değişen bir dizi tanım sunmaktadırlar (Buzan/Palaez, 2002: 32-3). Örneğin, Andrew Gowers, "özünde Amerika ile Avrupa" derken (Gowers, 2002: 32), Kofi Annan, Uluslararası Toplum'u herkes için daha iyi bir dünya için ortak bir vizyon olarak tanımlıyor, ve bunun ifadesinin de uluslararası hukukta, uluslararası kurumlarda, felaketlere karşı ya da barış korumak için yürütülen görevlerde bulunduğunu iddia etmektedir (Annan, 2002, 30). Benzer şekilde, Sadako Ogata potansiyel bir güç kaynağı olarak ortak bir amaç sunan ve ortak eylemleri meşrulaştıran sanal bir topluluk olarak tanımlarken(Ogata, 2002:39), Arjun Appadurai toplumsal bir olgu olmaktan ziyade, milletler arasındaki ilişkilere rehber olması gereken asal ilkeler ve itidal olarak görmeyi tercih etmektedir (Appadurai, 2002:42). Her halükarda, tüm bu tanımlamalarda güçler dengesi ile ahlak ve erdem arasındaki o bilindik çelişki, gerginlik, tercih mecburiyeti vs. sunulmaktadır.

Bu tezde kastedilen ne ahlaki bir birliktelik, ne de çıkarlar için yapılan basit bir güzelleme. Uluslararası Toplum'u, Ulusötesi Elit hegemonyasını yansıtan bir birliktelik olarak algılamak önerilmektedir. Hegemonyadan kastedilen çıkar için kavram uydurma gibi bir basitleştirme ya da açık bir güç kullanımı/baskı değildir. Bu tez doğrudan bir Gramsci uygulaması olmamakla beraber, Gramsci'nin kastettiği anlamda sadece güç kullanımı değil aynı zamanda rıza içeren bir birliktelik kastedilmektedir. Uluslararası Toplum'un etkinlikleri sadece güç kullanımı yoluyla olmuyor, Noam Chomsky'nin dediği gibi "ABD, müttefikleri ve

uyduları" (Chomsky, 2002:34) şeklinde, ittifak benzeri bir birliktelik değil söz konusu olan; birçok aktör -herhangi bir nedenden dolayı- belirli bir rıza sunarak katılıyor. Başka bir deyişle, bu tezde sıradan bir güçler dengesi/mücadelesi içinde oluşan bir ittifaktan çok daha geniş katılımlı ve kapsamlı bir birliktelik kastedilmektedir. Dahası, bu kavrama dünya siyasetinde her zaman hazır bulunan değil de, konu temelli oluşan bir birliktelik olarak yaklaşmak daha uygun görünmektedir. Örneğin, Irak'ta Uluslararası Toplum'un varlığından bahsetmek bile güçken Bosna-Hersek'te etkinliklerini incelemek kaçınılmaz denilebilir.

Bu noktada "ulusötesileşme" ve "ulusötesi elit" kavramını da açıklığa kavuşturmak gerekmektedir. Takis Fotopoulos, ulusötesileşmeyi ekonomik, siyasi ve ideolojik seviyelerde açıklamıştır. Ekonomik seviye, pazar ekonomisinin uluslararasılaştırılması ve böylece iktidarın bir ekonomik elitin elinde toplanması ile tanımlanmaktadır. Siyasi seviye, ulusötesi elitin iktidarı tekeline alması ile oluşuyor. Ulusötesi elit çokuluslu şirketlerin yöneticileri kadar, devlet bürokrasisinin küreselleşmiş bireyleri ve Sivil Toplum Kuruluşu (STK) çalışanları, akademisyenler, gazeteciler gibi her üç seviyeyi de kapsayan bir çeşitliliğe sahip olarak kurulmakta ve yeniden üretilmektedir. İdeolojik seviye ise "sınırlı egemenlik" içeren kavramların üretimi ve yayılması ile sağlanmaktadır (Fotopoulos, 2002: 73).

1.2. Bosna-Hersek'te Uluslararası Toplum

Uluslararası Toplum tanımını Bosna-Hersek örneğinde somutlaştırarak daha açık kılmak gereklidir. Dayton Barış Anlaşması ile Bosna-Hersek'in birliğinin ve varlığının yasal ve fiili devamlılığı sağlandığı gibi, ülke de bir çeşit uluslararası himaye rejimine bırakılmıştır. Ülkenin sahip olduğu kurumların hemen hepsi ya bir uluslararası örgütün yetkisine bırakılmış, ya da içine bu örgütlerden üyeler yerleştirilmiştir. Örneğin, AGİT kendi kuracağı bir Seçim Komisyonu ile beraber seçimlerin yapılmasından sorumlu tutulurken Anayasa Mahkemesinde Avrupa İnsan Hakları Mahkemesinden üç üye bulunmaktadır, Merkez Bankası başkanı IMF (Uluslararası Para Fonu) tarafından atanıyordu vb. Bütün kurumların üzerine, bir de Yüksek Temsilcilik gibi *ad hoc* bir uluslararası örgüt yerleştirildi ki, "ortamdaki son otorite" sahibi (Dayton Barış Anlaşması, Bölüm 10, Madde 5) olarak tanımlandığından Uluslararası Toplum'un ve kurduğu himaye rejiminin somut kurumu olarak görülebilir.

Bu anlamda, Bosna-Hersek'in nasıl yönetildiğini incelemek ve çözümlemek için, aktör temelli analizler yetersiz kalmaktadır. Sistemin başat aktörlerinden ABD, AB veya AB içindeki Fransa, Almanya, Britanya gibi 'olağan şüpheliler' çerçevesinde de düşünülse, IMF, Birleşmiş Milletler gibi tam da aktör sayılmayan örgütler çerçevesinde de düşünülse, bu ülkenin nasıl yönetildiğini anlama çabası eksik kalacaktır. Uluslararası Toplum tam da bu gözlemlenen birlikteliği karşılayan kavram olarak ortaya çıkmaktadır. Bu anlamda, Bosna-Hersek'te bu kavramı kullanmak, sadece kuramsal duruştan, yaşama ve dünyaya bakıştan kaynaklanan bir tercih değil, aynı zamanda da bir zorunluluk olarak görülebilir. Bunun dünya politikası seviyesine yayılabilecek bir genelleme iddiası değil, sadece bu örnek özeline ait bir tespit olduğu belirtilmelidir.

Nihayet, Uluslararası Toplum Bosna-Hersek örneğinde gayet somut bir kurumsal yapıya sahiptir: Barış Uygulama Konseyi (BUK) ve Yüksek Temsilcilik Ofisi (YTO). Resmi tanımıyla BUK, Bosna-Hersek'te savaşı bitiren Dayton Barış Anlaşması'nın imzalanmasından sonra, 8-9 Aralık 1995'te Londra'da toplanan Barış Uygulama Konferansı'nda bu Anlaşmaya uluslararası destek oluşturmak amacıyla kurulmuştur. 55 ülkeden ve çeşitli uluslararası örgütlerden oluşmaktadır. Bu ülkeler ve örgütler, barış gücüne asker vermekten gündelik işlerle ilgilenmeye kadar uzanan bir yelpazede katkıda bulunmaktadırlar. Aynı konferansta ayrıca, BUK'un yürütme ayağı olarak, Yüksek Temsilci'nin başkanlığında çalışacak bir Yönlendirme Kurulu oluşturulmuştur. Bu kurulun üyeleri Kanada, Fransa, Almanya, İtalya, Japonya, Rusya, Britanya, ABD, AB Başkanlığı, Avrupa Komisyonu, ve Türkiye tarafından temsil edilen İslam Konferansı Örgütüdür. Yönlendirme Kurulu Yüksek Temsilci'ye siyasi rehberlik sağlamaktadır. Yüksek Temsilci, Yönlendirme Kurulu üye devletlerinin büyükelçileri ile Saraybosna'da haftalık toplantılar düzenlemektedir. Yüksek Temsilcilik, biraz önce değinildiği gibi, Bosna-Hersek'e özgü bir uluslararası örgüttür. Resmi tanıma göre görevi Bosna-Hersek halkıyla ve Uluslararası Toplumla beraber bu ülkenin Avrupa Bütünleşmesi yolunda barışçıl ve varlığını sürdürebilir bir devlet olması için çalışmaktır (www.ohr.int).

Bu aşamada, Uluslararası Toplum'un evrimini kısaca gözden geçirmek anlamlıdır. Bu analizi yapabilmek için açıklanan amaçlara, önceliklere ve uygulanan yönteme bakmak makul bir yol gibi görünmektedir. Bu anlamda, en önemli rehber elbette Barış Uygulama Konseyi'nin (BUK) belgeleri olacaktır. Bu

belgelerin ilkinde, 8 Aralık 1995 tarihinde Londra'da toplanan BUK'un açıkladığı amaçlara bakılırsa, demokrasi ve hukuk devleti, insan haklarının korunması ve mültecilerin geri dönüşünün sağlanması, dünyaya açık bir serbest pazar ekonomisinin kurulması, ve ekonomik yeniden inşanın yapılması gibi genel ilkelerden bahsediliyor[1]. Bu çalışma çerçevesinde, Bosna-Hersek'teki ofisinde 2006 baharında görüşülen AGİT yetkilileri de benzer amaçları tekrarlıyorlardı. Bu bağlamda, 1995'ten 2006'ya kadar ana amaçlarda bir değişiklik olmadığı gözlemlenebilir.

Amaçları bu kadar geniş tanımlamak elbette bir öncelik sorunsalını gündeme getirmiştir. Eleştirel düşünenler böyle bir öncelik meselesi olamayacağını, çünkü BUK'taki görüş farklılıklarının da gösterdiği gibi, Uluslararası Toplum'un yekpare olmadığını iddia etmektedirler[2]. Buna karşın, gene eleştirel bazı görüşler, önceliklerin savaşı durdurmak, Batı Avrupa'daki mültecileri geri döndürerek bu yükten kurtulmak, ve askeri anlamda barışçıl bir ortam yaratmakla sınırlı olduğunu belirtmektedirler[3]. Aslında, ülkenin ve dolayısıyla bölgenin istikrar ve güvenliğini sağlamanın öncelik olduğu konusunda herkesin hemfikir olduğunu söylemek mümkündür. En yaygın ve kökten eleştiri, Uluslararası Toplum'un asla milliyetçiliği gerçekten ortadan kaldırmaya çalışmaması olarak telaffuz edilmektedir. Bu anlamda, savaşı durdurmanın yeterli olmadığı, savaşı ortaya çıkaran etken ve aktörlerin de ortadan kaldırılması gerektiği iddia edilmektedir. Örneğin, Sırp milliyetçi partisi SDS'in kapatılması gerektiği söylenmektedir[4].

Öncelik belirlemedeki eksiklik, yöntem olarak da "olabildiğince çok iş yap, sorunları çöz ve çabucak terket" şeklinde özetlenen bir anlayışa yol açmıştır[5]. Aslında bunun temel sebebinin, o dönemin Amerikan Başkanı Bill Clinton'un Kongre'ye bir yıl kalınacağını sözünü vermesi olduğu söylenebilir[6]; bir

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[1] Conclusions Of The Peace Implementation Conference Held At Lancaster House London, December 08, 1995, http://www.ohr.int/pic/archive.asp?sa=on

[2] Mülakat, Ešref Kenan, akademisyen, Siyaset Bilimi Fakültesi, Saraybosna Üniversitesi, 23 Mart 2006.

[3] Mülakat, Senad Pečanin, Haftalık Dani dergisi editörü, 24 Mart 2006.

[4] Mülakat, Muris Bulić, Tuzla merkezli Sivil İnisiyatif isimli STK'nın yöneticisi, 13 Haziran 2006.

[5] Mülakat, YTO'da çalışan bir uluslararası memur, 14 Mart 2006.

[6] Çeşitli uluslararası örgüt memurları ve diplomatlar tarafından doğrulanmıştır.

yıl içinde işler tamamlanacak, seçimlerle yerel (ve tercihen milliyetçi olmayan) güçlere yetkiler devredilecek, ve Uluslararası Toplum, en azından ABD, çekilecekti. Bu fantezi elbette hazin bir başarısızlıkla sonuçlandı, bir yıl dolduğunda hemen hemen hiçbir sorun çözülmüş değildi, ve alelacele düzenlenen seçimleri de savaşın tarafları olarak düşünülen üç milliyetçi parti kazandı. O kadar ki, birçok insan "aslında seçim değil nüfus sayımı sayılır" yorumunda bulundular çünkü bu partilerin aldığı oylar neredeyse o kurucu ulusun sayısı kadardı.

Bu başarısızlığın ve öncelik belirleyememe sorununun ardından uluslararası yönetimin gelişimi "kervan yolda düzülür" benzeri bir mantığa bürünmüştür. İlk başarısızlıklara ve seçimlerden sonra ülke öngörüldüğü gibi terk edilememesine rağmen, Kasım 1996'daki Barış Uygulama Konseyi aynı geniş çaplı amaçları tekrarladı. Uluslararası Toplumun yöntemi ile ilgili en erken dönüm noktası 1997 Bonn Zirvesi ile gelmiştir. Bu zirvede Yüksek Temsilci'nin yetkisi yasa oluşturmak ve seçimle gelmiş olanlar da dahil olmak üzere tüm kamu görevlilerini görevden alabilmek düzeyine kadar artırılmıştır[7]. Bu doğrudan müdahalecilik, nev-i şahsına münhasır insanlar arasında mümtaz bir yeri olan Lord Paddy Ashdown'un Yüksek Temsilci olduğu 2002-2005 yılları arasında doruğuna ulaşmıştır. Sonuçta, Uluslararası Toplum büyük hedefler ve isteksiz müdahaleciliğin garip kombinasyonu ile başladığı yolculuğunda daha açık hedefler ve doğrudan müdahaleciliğe doğru evrilmiştir.

Bu ve benzeri birçok başarısızlığa, uluslararası örgüt ve memurların donanımsızlığı, savrukluğu, beceriksizliği ve/veya etkisiz kalışı da eklenince Dayton Anlaşması'nın uygulanmasında ciddi sorunlar ortaya çıkmıştır. Öncelikli sorun, uluslararası örgütlerin uygulamalarında uyum ve eşgüdümün sağlanamamasıdır. Yüksek Temsilci makamı aslen bu görevle sorumlu tutulmasına rağmen verimsizlik, mükerrer eylemler ve (uluslararası) örgütler arasındaki rekabet engellenememiştir(ICG Raporu, 2001:20).

2. Dayton Anlaşması ve Uygulanma Süreci

2.1. Dayton Anlaşması

Dayton Anlaşması imzalanmasının ardından pek çok tartışmaya zemin oluşturmuştur. Dayton Anlaşmasına yöneltilen eleştiriler iki farklı bakış açısından

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[7] PIC Bonn Conclusions, 10 December 1997, www.ohr.int

kaynaklanmaktadır. Bir yandan, Bosna-Hersek'in asla egemen bir devlet olarak var olamayacağını savunanlar, Dayton Anlaşmasının da yürümeyeceğini ve paylaşımın eninde sonunda kaçınılmaz olduğunu iddia ettiler (Garfinkle, 1996: 56; Hayden, 1999). Diğer yandan ise, Bosna-Hersek'in bir ve bütün olarak yaşayabileceğini düşünenler Anlaşma'nın bunu sağlamak için yetersiz olduğunu ifade ettiler (Woodward, 1997:7). Bu iki ayrı görüşün bugüne kadar aynı yoğunlukla savunulageldiğini ve Uluslararası Toplum'un rolünün de bu çerçevede geliştiğini vurgulamakta fayda var. Bunlara ek olarak, Dayton Anlaşması'nın Soğuk Savaş sonrası dönemde yaygınlaşan müdahaleci anlayışın ve Uluslararası Toplum'un uluslararası örgütler aracılığı ile devlet kurulması sürecine etkisinin bir örneği olduğu da bir eleştiri olarak belirtildi, bu saptamaya göre bu etki Dayton Anlaşmasında müzakere edilemez bir biçimde yerleştirilmiştir (Chandler, 2000: 34).

Genel olarak, eleştirilen ana nokta, Boşnakça/Hırvatça/Sırpça *Republika Srpska* (RS) diye adlandırılan "Bosna Sırp Cumhuriyeti" olmuştur. Bu devlet-altı birim etnik temizliğin meşrulaştırılması olarak algılanmıştır. RS topraklarının Sırp olmayan nüfusunun (Boşnakların, Hırvatların vs.) savaş sırasında güç kullanımı yoluyla "temizlendiği" göz önüne alındığında bu eleştiri hiç de yersiz değildir. Üstelik bu alt birim savaşın hemen başında ilan edilen Bosna Sırp Cumhuriyeti'nin devamı olarak da algılanabilir. Bu durumda, ülkede savaşı başlatan, yani saldırgan taraf olarak tanımlanabilir; Saraybosna'daki merkezi hükümete karşı gelerek (ki bu hükümetin içinde Sırplar da vardır) silah kullanımı yoluyla siyasi amaçlara ulaşmaya teşebbüs etmiştir. Dolayısıyla, aslında RS'in Dayton Anlaşması ile oluşturulan devlet yapısı içinde tanınması, güç kullanımı yoluyla siyasi amaçlara ulaşılmasının meşrulaştırılması anlamına gelmektedir. RS Dayton Anlaşması ile yasallaşmış ve işlev kazanmıştır.

Bu aşamada, Dayton Anlaşmasının bizatihi kendisi üzerine eğilerek sorunlu noktaları ortaya çıkarmak uygun görünmektedir. Dayton Anlaşması, devlet tipinin ne olduğu belirtilmeyen Bosna-Hersek içinde bir "cumhuriyet" bir de "federasyon" yaratmıştır. Daha doğrusu, önceden yaratılmış bu alt birimlerin herkes tarafından kabul edilerek meşrulaştırılmasını sağlamıştır. Bu konfigürasyonda Bosnalı Sırplar savaş esnasında güç kullanımı ve etnik temizlikle elde etmiş oldukları, *Republika Srpska* (RS) adı altında "Bosna Sırp Cumhuriyeti"ne kavuştular. Ülkenin kalan kısmında da Boşnak-Hırvat Federasyonu

adı altında savaş sırasında (kerhen) oluşan alt birim işlerlik kazandı. RS gayet merkezi bir yönetime sahipken Federasyon 10 adet kantondan oluşmaktadır. Her iki birim de ayrı parlamentolara sahip olduğu gibi, bu kantonlar da kendi meclislerine sahiptir. Ülkenin her kurumunda üç kurucu ulus olarak tanımlanan Boşnak, Sırp ve Hırvatların temsiline özen gösterilmektedir. Böylece, örneğin Cumhurbaşkanlığı üçlü bir yapıya sahiptir ve her toplumun temsilcisi ayrı seçiliyor, örneğin Sırp üye RS topraklarından seçilmektedir.

Bu etnik temelli yapı elbette çok ciddi eleştiriler doğurmuştur. Bu yapının ortak devlet kurumları ve etnik olmayan kimlikler konusunda zayıflığına işaret edilmiştir (Woodward, 1997: 608). Bu Anlaşma ile ABD'nin İngiliz ve Fransızlar'ın ülkeyi bölme siyasetlerine teslim olduğu ve askeri güç kullanımı ile asi Sırp güçlerini durdurmak yerine müzakere masasında temsillerini sağladığı gibi, bir de kendi devletçiklerini vererek onları ödüllendirdiği iddia edilmiştir (Harris, 1996)[8]. Hatta bu Anlaşmanın dış güçler için çıkış stratejisini de içeren bir parçalanma anlaşması olduğu dahi telaffuz edilmiştir(Kumar, 1997: 34).

Bu etnik temelli ve işlevsizliğe davetiye çıkaran yapı elbette epey sorun çıkarttı. Bu çerçevede ilk olarak, ülkenin yasal sürekliliği sorun olarak ortaya çıktı. Dayton Anlaşması ile (yeniden?) kurulan Bosna-Hersek devletinin ne derece savaş öncesindeki Bosna-Hersek Cumhuriyeti olduğu sorgulandı. Bu çerçevede, anayasal anlamda bir süreklilik iddia etmenin güçlüğü öne sürüldü (Pech, 2000: 423). Buna ek olarak, savaş öncesi ve sonrası kurumlar arasında ciddi bir devamlılık olmaması da bir sorun olarak saptanmıştır (Bieber, 2002: 208).

İkinci olarak, devlet türü de tartışma noktası olarak ortaya çıkmıştır. CIA Dünya Almanağı Bosna-Hersek'i "oluşmakta olan federal demokratik cumhuriyet" ("*emerging federal democratic republic*") olarak tanımlamak istemiş ancak bununla herkes hemfikir görünmüyor. Örneğin, Bosna-Hersek'in kağıt üzerinde tek bir birimmiş gibi görünse de açıkça iki birim olduğu iddia edildi (The Economist, 1995: 13). Bu anlamda, aslında Dayton Anlaşması ile gelen anayasanın üç ayrı devlet türü ve barış koruma anlayışını kombine etmeye çalıştığı öne sürülmüştür: Birincisi, Uluslararası Toplum'un askeri-siyasi dengeyi değiştirme konusunda oldukça isteksiz olması nedeniyle savaşın sahadaki sonucu olduğu gibi kabul edildi. İkincisi, Boşnak, Sırp ve Hırvatların eşitliği üç-uluslu bir devlet yapısı

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[8] Yazarın savaş sırasında Amerikan siyasetini protesto etmek için istifa eden eski bir Amerikan diplomatı olduğu not edilmelidir.

içerisinde sağlandı. Üçüncüsü, Bosnalılık, yani etnik kökenden bağımsız yurttaşlık, ve mültecilerin dönüşü gibi "sivik" özelliklere epey kısıtlı atıfta bulunuldu. Bunların sonucunda da Dayton ile gelen kurumsal yapıya *"consociational"* bir düzenleme ve asimetrik bir çokuluslu federasyon denilebilir (Bieber, 2002: 207).

Ancak bu iç rahatlatıcı terimlerle sorun çözülmüş olmamaktadır. Bosna-Hersek federal bir devlet sayılamıyor çünkü federal devletlerde merkezi otoritenin alt birimler arasındaki uyuşmazlıkları çözmeye yetkisi vardır. Bölünmüş bir devlet de sayılamaz, çünkü ülkenin yasal varlığı sağlanmış addediliyor; hukuksal düzenlerin farklılığına rağmen, devletin birliği -bir şekilde- korunuyor. Eninde sonunda, Bosna-Hersek'in hukuksal yapısı oldukça zayıf denilebilir çünkü devlet kurumları düzeyinde ciddi muğlaklıklar göze çarpmaktadır (Hamdouni, 1998: 63). Nihayet, alt birimlerin merkezi devletten daha güçlü olduğu bir ülkedir sözkonusu olan. Başka deyişle, merkezi otorite işler bir otorite kurabilecek kadar merkezi olmamakla birlikte yok sayılamayacak kadar da belirgin görünmektedir.

Üçüncü olarak, alt birimlerin statüleri ciddi bir sorun teşkil etmektedir. Bir ülke, alt birimleri egemenliğin özelliklerine sahipken nasıl birliğini koruyabilir sorusu (Hamdouni, 1998:63) oldukça haklı görünüyor. Ancak, alt birimlerin kendi anayasal yetkilerini artıramayacağı, Dayton Anlaşması çerçevesinde self-determinasyon olmadığı da iddia ediliyor (Maziu, 2001:207). Her durumda, Bosna-Hersek'teki savaş bir iç savaş olarak düşünülmüş ve buna göre bir devlet yapısı oluşturulmuştur. Bu yapıda hukuken meşru güç kullanma yetkisi de Yüksek Temsilcilik makamına terk edilmiştir (Sekulic, 2003:33). Oysa, birçok insan tarafından da ifade edildiği gibi, bu savaşı iç savaş saymak oldukça güç (Bonsor, 2004:129-30)[9]. Dayton Anlaşması'nın bile Bosnalı Sırp veya Hırvat temsilciler tarafından değil, Hırvatistan ve bakiye Yugoslavya cumhurbaşkanları tarafından imzalandığı unutulmamalıdır. Sonuçta, Dayton Anlaşması ile bir çeşit bölünme (topraksal olmasa bile en azından siyasi kontrol düzleminde) barış karşılığında takas edilmiş oldu (Bonsor, 2004: 129).

Cumhurbaşkanlığının yapısı da çok ciddi bir sorun olarak belirmiştir çünkü seçimler altbirimlerde yapıldığı için etnik temelli bir temsil yapısı ortaya çıkmaktadır. Cumhurbaşkanlığı'nın Sırp üyesi RS topraklarından, Boşnak ve Hırvat üyesi de Federasyon topraklarından seçilmektedir. Böylece, Federasyon

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[9] Mülakat yapmış olduğum bazı uluslararası memurlar da bu görüşü doğrulamaktadır.

topraklarında yaşayan Sırplar ile RS topraklarında (yaşamayı başarabilen) Boşnaklar ve Hırvatlar aslında Cumhurbaşkanlığı kurumunda temsil edilememektedir. Buna ek olarak, kendini bir etnik kafese hapsetmek istemeyenler, bu üç grup dışında kalan etnik gruplar, karışık evlilik çocukları, tanım itibariyle, temsil edilememektedir. Bu sadece ahlaki değil, pratik anlamda da göz ardı edilebilir bir sorun değil: çeşitli tahminlere göre yaklaşık 1,6 milyon insana, yani toplam nüfusun üçte birine sıkıntı doğuruyor. Dolayısıyla, aslında yurttaşların eşitliği ülkenin tüm topraklarında sağlanmış değildir (Maziu, 2001:200). Bu anlamda, ülkenin anayasası yurttaşlar için değil, kurucu uluslar için oluşturulmuştur[10]. Doğal olarak, Uluslararası Toplum'un desteğiyle yapılan bir anlaşma ile kamu görevlilerinin seçiminde etnik ayrımcılık yapılması, bunu tüm dünyayı sarabilecek bir vebaya benzetmeye kadar varan sert eleştirilere yol açmıştır(Rhodes, 1996).

Dördüncü olarak, açıkça ilk üç sorunun bir sonucu olarak, Bosna-Hersek'in parçalanma ihtimali bu anlaşma ile fiilen yok edilmiş sayılamaz. Anlaşma esasen ülkenin birliğini korumayı amaçlasa bile getirdiği etnik temelli yapı ile bunu sağlaması kuşkulu görünmektedir. Anlaşmayı düzenleyenler, ilgili etnik grupların açıklanmış çıkarlarını koruma yolu ile, yani bu etnik temelli devlet dizaynı ile, ülkenin çok etnili birliğinin korunacağını düşünmüş olmalılar; nitekim o dönemin Amerikan Dışişleri Bakanı Warren Christopher anlaşmanın "her tarafın asli çıkarlarına hizmet etmek üzere özenle dizayn edildiğini" ifade etmişti (Christopher, 1996: 567). Açıkçası, uygulama sürecinde de görüldüğü üzere, Bosnalı Sırp ve Bosnalı Hırvatların "asli çıkarlarını" nasıl tanımladığı her zaman çok belirgin olmadı ve belirgin olduğu zamanlarda da bunun Bosna-Hersek devletinin güçlenmemesi yönünde olduğu gayet açıktı.

Aslında, Bosna-Hersek'in bölünmesini en gerçekçi çözüm olarak önerenlerin de inandırıcı olduğu söylenemez. Birincisi, orta Bosna'da yaşayan Hırvatların böyle bir parçalanmada yer değiştirmek zorunda kalacakları aşikardır. Böylece, bölünme ile yeni bir etnik temizlik dalgasına davetiye çıkarılacaktır (The Economist, 1997:49). İkincisi, yeni toprak paylaşımlarını gündeme getireceği için bölünme yeni bir çatışma riskini çok kuvvetlendirecektir (Woodward, 1998; The Economist, 1996:38). Doğrusu, Boşnaklar nüfuslarına oranla az bir toprak parçasına sıkışmış durumdadırlar; bunu kabul etmelerinin nedeni ülkenin birliği

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[10] Mülakat, Jasna Dzumhur, BM İnsan Hakları Yüksek Komiserliği, Saraybosna, 13 Mart 2006.

ve yerlerinden edilen insanların geri döneceği (yani etnik temizliğin geri çevrileceği) umududur. Üçüncüsü, olası bir bölünme sonucunda RS'in de bölüneceğini, doğu Bosna'nın Sırbistana katılırken batı RS'in dışarıda kalacağı da iddia edilmektedir (Kumar, 1997). Bu da Sırpların vazgeçilmez şehri ve RS'in başkenti Banja Luka'nın dışarıda kalacağı anlamına geliyor ki Sırpların bunu kabul edilemez bulacakları gayet açıktır. Son olarak, bölünme bir çeşit "müslüman devletçik" ortaya çıkaracağından birçok Avrupalı tarafından hoş karşılanmayacaktır (Vitzhum, 2004:1251).

Beşinci sorun, biraz önce de bahsettiğimiz Uluslararası Toplum'un rolü ile ilgilidir. Bu rolün uluslararası örgütlerin meşruluğunu artırmak ve BM, NATO ve AGİT gibi örgütlerde vücut bulan uluslararası işbirliğinin geliştirilmesi ile doğrudan ilgili olduğu iddia edilmiştir (Chandler, 2000:181). Bu, özellikle barış gücünün süresinin uzatılması ve kurumsal yapılanması ile Yüksek Temsilciliğin görev tanımı ve reformu tartışmalarında oldukça net ortaya çıkmıştır[11]. Barış Gücü, hem yapısı hem süresi konularında sürekli ABD ile Avrupalı devletler arasındaki mutat Avrupa güvenliği görüşmelerine bağımlı kalmıştır. NATO ve ABD ağırlığı ile başlayan Barış Gücü, AB'nin kendini askeri alanda da ispatı olarak gösterilen EUFOR ile devam etmektedir.

Altıncısı, Dayton Anlaşması ile gelen devlet yapısında bariz ve aşılamaz görünen bir verimlilik sorunsalının varlığıdır. Bir anayasa hukukçusunun deyimi ile, yaşama olasılığı olmayan bir idari canavar yaratılmıştır (Gelard, 1995:863). Bazı Bosnalı entelektüeller etnik bölünmenin tam anlamı ile korunduğunu; merkezi devletin gümrük gelirleri elde etmek ve ordu sahibi olmak gibi asgari yetkilere bile sahip olmadığı işlevsiz bir devlet yaratıldığını dile getirmektedirler[12]. Bu noktada, merkeziyetçiliğin nasıl işlevselliği artırdığını görebilmek için merkeziyetçi RS'in ademimerkeziyetçiliğin şahikası Federasyondan daha iyi işlediği not düşülmelidir[13]. Bu anlamda, ademimerkeziyetçilik, bölgecilik konularında pek hevesli olan AB yetkilileri bile Bosna-Hersek'i "gülünç derecede desantralize" bulmaktadırlar[14].

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[11] Yüksek Temsilcilik ile ilgili tartışmalara ileride değinilecektir.

[12] Mülakat, Senad Pečanin, Haftalık Dani dergisi editörü, 24 Mart 2006.

[13] Mülakat, Avrupa Komisyonu Delegasyonu'nda bir görevli, Saraybosna, 12 Mart 2006.

[14] Mülakat, Avrupa Komisyonu Delegasyonu'nda bir Daire Başkanı, Saraybosna, 11 Mayıs 2006.

Bütün bu sorunların sonucunda, en temelinde de etnik temelli işlevsiz devlet yapısı nedeniyle, Bosna-Hersek'in "gerçek bir devlet"ten ziyade Uluslararası Toplum'un sembolik bir kurgusu olduğu iddia edilmiştir (Pech, 2000:427). Dahası, devlet başkanları tarafından onaylanan ve yurttaşların onayına sunulmayan bir anayasanın kabul edilebilir olmayacağı ima edilmiştir (Chossoudovsky, 1997:380). Bütün bunların sonucunda, demokratik görüntünün ardında Yüksek Temsilcilik üzerinden bir ABD-AB ortaklığı tarafından yönetilen, bütün kamu işletmeleri de dahil olmak üzere ekonomisi IMF ile EBRD arasında bir işbölümü ile idare edilen bu ülkenin açıkça bir sömürge düzeyine düşürüldüğü savunulmuştur (Chossoudovsky, 1997:376). Bu ölçüde sert olmasa da, ülkenin tanımlanmamış bir himaye rejimi altında bulunduğu da belirtilmiştir (Maziu, 2001:195). Doğrusu, birçok gözlemci ve akademisyen gibi uluslararası örgüt memurları da böyle bir himaye rejimini doğrulamaktalar, hatta en üst düzey ağız sayılabilecek, "ortamdaki son otorite" olan Yüksek Temsilci de açıkça ifade etmektedir (Schwarz-Schilling, 2006). Sonuçta, Dayton Anlaşması ile Bosna-Hersek'te etnik temellerde, karmaşık ve işlevsiz bir idari yapıya sahip, bir çeşit uluslararası himaye altında bir devlet kurulduğu rahatlıkla saptanabilir.

2.2. Anlaşmanın Uygulanması

Dayton Anlaşması'nın içeriğindeki sorunlar yukarıda açıklanmıştı. Bu sorunlu içerik Anlaşma'nın uygulanması ile daha da pekişmiştir. Bu kısımda belirli alanlardaki uygulamaları aktarılacaktır. Anlaşmanın uygulanması daha ziyade Uluslararası Toplum'un yetkisinde olmuştur, uygulamanın gündemi Barış Uygulama Konseyi ve NATO tarafından belirlenmiştir (Gelbart,1998:18). Aslında, Dayton Anlaşması'nın metninde yer alan Bosna-Hersek'in egemenliğini sınırlama anlayışı uygulama süreci ile pekişmiştir.

Uygulama sürecinin çözümlenmesinde Askeri Barış Koruma, Savunma Reformu, Mültecilerin ve Yerlerinden Edilmiş İnsanların geri dönüşü, Savaş Suçlularının yakalanması, Ekonomik reform başlıkları incelenecektir. Bu başlıkların seçilmesi saha araştırmasının bir sonucudur, görüşülen ulusal veya uluslararası yetkililerin üzerinde özellikle durdukları konular bunlardır.

Askeri Barış Koruma hem Bosnalılar hem Uluslararası görevliler tarafından uygulamanın en önemli başarısı olarak gösterilmektedir. Ayrıca, Bosna-Hersek'teki uluslararası rolün sahadaki koşullardan çok küresel siyasetler

bağlamında belirlendiğinin de en güzel örneğidir. ABD'nin Avrupa güvenliğindeki yeri ve ABD iç politikasındaki ülke dışına asker gönderme tartışmaları barış gücünün süresi ve içeriği konusunda belirleyici olmuştur. Dolayısıyla, Bosna-Hersek'in güvenliği ana uluslararası dinamiklere ve tartışmalara bağlı olmuştur. Bu durum, Savunma Reformu ile paramiliter güçleri ortadan kaldırarak ülkede ordu birliğini sağlarken ordusunun da fiilen işlevsiz kılınması ile pekişmiştir.

Mültecilerin ve ülke içinde yer değiştirmek zorunda kalan insanların geri dönüşü savaş öncesi (etnik çoğulluğun topraksal düzlemde de korunduğu) Bosna-Hersek'i yeniden kurmak ve savaş sırasında yaşanan etnik temizliğin izlerini silmek açısından oldukça önemlidir. Hem mültecilerin geri dönüşü, hem de savaş suçlularının yargılanması savaş sırasında yok olan adaletin yeniden canlandırılması açısından Bosna-Hersek'in yeniden kurulmasında asli bir önem taşımaktadır.

Geri dönüş sorunu ile ilgili olarak, büyük bir başarısızlıktan rahatlıkla bahsedilebilir. Uluslararası Toplum geri dönüşü sosyal bağlamından (istihdam, sosyal sigorta, eğitim) çıkartıp sadece mülkiyet hakkına indirgemiş ve bu zihniyeti istatistiklere de yansıtmıştır. Dolayısıyla "geri döndü" diye kaydedilen insanların önemli bir bölümü (nüfus sayımı ısrarla yapılmadığı için tam rakam ne yazık ki bilinememektedir) aslında sadece mülkiyeti ele geçiren ardından da satış veya takas yoluyla elden çıkaranlardır. Dönenler ne konutlarını onarabildiği, ne de normal bir yaşam kurmak için gerekli olan istihdam, sosyal güvenlik, eğitim gibi haklarını işletemedikleri için dönmemeyi tercih etmektedirler. Durumun bu kadar net bir başarısızlık olduğu ilgili uluslararası örgüt tarafından da kabul edilmektedir (UNHCR Raporu, 2005). Bunun sonucunda, savaş öncesinde nüfusunun neredeyse yarısından fazlası Sırp olmayan *Republika Srpska* toprakları bugün çeşitli tahminlere göre %90 oranında Sırp bir nüfusa sahiptir. Bu nedenle, etnik temizliğin son aşamasının da gerçekleştiği ve kesinleştiği söylenebilir (Ahmetasević, 2006).

Savaş suçlularının adalete teslim edilmesi konusunda Uluslararası Toplum'un gerektiği kadar çaba gösterdiğini söylemek oldukça zordur. Bu konuyla ilgili olarak, özellikle Sırplar ve Hırvatlar arasında savaş suçlularının savaş kahramanı olarak görülmesi kuşkusuz önemli bir engel olmuştur ancak Uluslararası Toplum'un bu sorunu olduğundan önemli gördüğü/gösterdiği de söylenebilir. Bu durumdan hareketle, savaş suçlularının yakalanması için askeri

operasyonlar yapmanın göreceli de olsa var olan istikrarı bozacağı iddiası savaş suçlularının yakalanmasını engellemiş, bazı yorumlara göre istikrar adalete tercih edilmiştir (The Economist, 1996, s.16). Uluslararası İlişkiler literatüründe kaçınılmazmış gibi sunulan istikrar-adalet ikiliği böylece yeniden üretilmiştir. Bu ikilik üzerine genel bir tartışma bu makalenin kapsamı ve amacı ötesindedir, ancak Bosna-Hersek örneğinde vurgulamak gerekir ki bahsedilen istikrar savaş suçlularının yargılanması ve mültecilerin geri dönüşü gibi adalete yönelik politikalar uygulanmadan oluşamaz. Bu iki kavramın arasında tercih yapılması gerekiyormuş gibi yorumlamak yanlıştır. Halihazırda istikrar diye adlandırılan barış gücü askerleri nezaretinde sürdürülen bir savaş yokluğu durumudur; silahlı güç kullanımı olasılığını düşüren bir siyasi ortamın ve devlet yapısının varlığından söz etmek oldukça zordur. Savaş suçluları yargılanmadan da bu ortamın oluşmasından bahsetmek inandırıcı görünmemektedir.

Savaş suçlularının, özellikle de en meşhur iki savaş suçlusu Radovan Karadžić ile Ratko Mladić'in halen yakalanamaması Uluslararası Toplumun inandırıcılığını önemli ölçüde azaltmıştır. Uluslararası Toplum'un, savaş zamanında etkili olan milliyetçi yapıların ortadan kalkması gerekliğinden bahsederken savaş suçluları konusunda beklenen kararlılığı gösterememesi diğer çabalarının da güvenilirliğini azaltmaktadır. Buna en güzel örnek, Bosna-Hersek'te yoğun bir uluslararası rolün hala devamını savunan Uluslararası Kriz Grubu'nun askeri anlamda acil durumun bitmiş sayılamayacağı iddiasını savaş suçlularının yakalanmamasına dayandırmasıdır (Knaus/White, 2004).

Ekonomik reform aslında birçok Bosnalının en büyük önceliğidir. Savaştan önce iflas etme eşiğinde olan Bosna-Hersek ekonomisi savaşla beraber yıkılmış ve yeniden kurulmamıştır. Savaşla beraber gelen ve Dayton Anlaşması ile sürdürülen etnik bölünme ve milliyetçi çatışma nedenlerden biri ise; Uluslararası Toplum'un matbu neo-liberal ekonomik siyasetleri sürdürmekteki ısrarı da ötekidir. Bu ekonomik siyaset üretimi arttıramadığı gibi devasa bir işsizlik ve ciddi bir dışa bağımlılık yaratmıştır. Bu anlamda, ulusötesileşen dünya düzeninin Bosna-Hersek'e etkileri uygulanan neoliberal siyasetlerde açıkça görülmektedir.

Sonuçta, Dayton Anlaşması içeriği ve uygulanması ile Bosna-Hersek'in egemenliğini önemli ölçüde yok etmiştir. Uluslararası Toplum istediklerini Bosna-Hersek'in egemen bir ülke gibi yapmasını dilemiş, ama bu egemenliğin yeniden

oluşmasını engellemiştir. Bunun sonucunda çeşitli reformları dayatarak belli bir asgari istikrarı koruma çabası oluşmuştur.

3. Bosna-Hersek'te Demokratikleşme ve Uluslararası Toplum

Bosna-Hersek standart demokratikleşme çerçevesi içinde değerlendirilememektedir. Halihazırdaki demokratikleşme çalışmaları güçlü ve otoriter bir devleti verili almaktadır. Demokratikleşme bu otoriter devlete karşı sürdürülmektedir. Ancak, Bosna-Hersek'in Dayton Anlaşması sonrasındaki döneminde tam tersi bir durum sözkonusudur: otoriter devlet bir yana, normal işleyen bir devletten bile bahsetmek çok güçtür. Bu nedenle, bazı akademisyenler demokratikleşme üzerine yaygın olan paradigmanın etnik sorunlar ve devlet inşası süreçleri yaşayan balkanlar için geçerli olamayacağını öne sürmüşlerdir.(Mungiu-Pippidi, 2005).

Demokratikleşme "başarısız devlet" bağlamında önem kazanmıştır. Demokratikleşme yoluyla "işleyen" bir devlet yaratmak uluslararası çabaların merkezinde yer almıştır. Bu durum etnik çatışmalar yoluyla "başarısız" olmuş devletler için de aynen geçerli olmuştur. Bu yaklaşım demokrasilerin barış getirdiği düşüncesinden hareket eden liberal görüşten kaynaklanmaktadır. Bu nedenle Uluslararası Toplum bütün ülkelerin demokratikleşmesinin uluslararası barış ve güvenlik için asal görmektedir.

Bu yaklaşım elbette ciddi çekilde eleştirilmiştir. Örneğin, Michael Ward ve Kristian Gleditsch demokratikleşme sürecinin yerleşmiş bir demokrasiden farklı özellikler taşıdığını iddia etmişlerdir. Demokratikleşme sürecinde ulusal elitin durumu kırılgandır, bu nedenle de iktidarı elinde tutabilmek için saldırgan milliyetçilik dahil her yola başvurabilirler. (Ward ve Gleditsch, 1998:53). Benzer şekilde, Fareed Zakaria, temel hak ve özgürlükler ile anayasal sınırlamaları ihlal eden seçilmiş rejimler için "illiberal demokrasi" terimini üretmiştir. Zakaria illiberal demokrasilerin liberal demokrasilerin meşruiyetini zedeleyebileceğini ifade etmektedir (Zakaria, 1997:22) . Benzer şekilde, Thomas Carothers düzenli seçimler ve demokratik anayasalar gibi demokratik siyasi yaşamın bazı özelliklerine sahip olan ama ciddi demokrasi sorunları ve devlet kurumlarının işlerliği sorunları olan ülkeler için "siyasi gri bölge" terimini kullanmaktadır. (Carothers, 2002:7).

Demokratikleşmede Uluslararası Toplum'un rolü de benzer bir tartışma konusudur. Bazı akademisyenler demokratikleşme süreçlerinde uluslararası etkenlerin önemli rol oynadığını iddia etmiştir (Huntington, 1991; Pridham, Herring ve Sanford, 1994; Whitehead, 2001). Hans Peter Schmitz bu etkenlerin uluslararası örgütlerin etkilerinden askeri müdahale ile zor kullanmaya kadar çeşitli şekillerde gözlendiğini saptamış ve ulusötesi ilişkilerin önemli bir belirleyen olduğunu iddia etmiştir (Schmitz, 2004:403).

Bütün sorunlarına rağmen, ana-akım akademisyenleri bir analiz çerçevesi oluşturmaya yardımcı olabilirler. Örneğin, Schmitter ve Schneider demokratikleşmenin önemli bir belirleyeni olarak yurttaşların siyasi süreçleri denetleyebilir olmasını, dolayısıyla siyasi katılımı belirtmişlerdir. Bosna-Hersek örneğinde Uluslararası Toplum'un özellikle ağırlık vermesinin de sonucu olarak en önemli denetleme ve katılım süreci seçimler olarak ortaya çıkmıştır. Bu çerçevede, Bosna-Hersek'te demokratikleşmenin ana aktörü Yüksek Temsilcilik Ofisi ve Avrupa Güvenlik ve İşbirliği Teşkilatı gibi uluslararası örgütler yoluyla Uluslararası Toplum olmuştur.

3.1. Yüksek Temsilcilik Ofisi

Dayton Anlaşması'nın ilgili maddesinde, YTO'yu "ortamda son otorite" olarak belirlenmişti ama uygulama belirsiz kalmıştı. Barış Uygulama Konseyi'nin Bonn Zirvesi ile bu uygulama da somutlaştı, ardından, giderek artan bir müdahalecilik kendini gösterdi. Aslında, sorunun özü, Dominik Zaum'un "Egemenlik Paradoksu" diye adlandırdığı durumdur: Uluslararası yönetim Bosna-Hersek'in egemenliğini tam olarak sağlayabilmek için bu ülkenin egemenliğinin önemli bir bölümünü elinde tutmaktadır (Zaum, 2003:104). Başka bazı akademisyenler de Uluslararası Toplum'un Bosna-Hersek'in egemenliğini kurmak isterken onu zedelemek gibi bir yöntem izlediğini saptadılar (Solioz, 2003:149). YTO bu egemenlik paradoksunun tam merkezinde yer almaktadır.

Yüksek Temsilci'nin bu yeni rolü, elbette geniş ve yer yer sert tartışmalara neden olmuştur, hele de Lord Paddy Ashdown döneminde. Öncelikle saptanması gereken, Yüksek Temsilciliğin kurucu uluslar arasında (Dayton Anlaşması ile getirilen) güç bölüşümüne dayanmaması ve en etkili kurum olarak ortaya çıkmasıdır. Dolayısıyla, zaten zayıf olan devlet kurumları, uluslararası müdahalenin güçlenmesi ile daha da zayıflamıştır (Bieber, 2002:213). Bu yeniden

tanımlanmanın dahi hala aksak kaldığı not edilmelidir: YTO polis veya ordu benzeri herhangi bir kolluk gücü sahibi değildir (Pech, 2000:433). Bazı durumlarda işbirliği yapılsa da (örneğin Hırvat milliyetçi partisi HDZ'nin yasadışı ekonomik kaynaklarına yönelik operasyon), NATO/SFOR veya EUFOR ile doğrudan ilişkisi söz konusu değildir. Bu örneklerde de altı çizilmesi gereken, bu sınırlı askeri müdahalelerin YTO'nun doğrudan talebindense Uluslararası Toplum içinde bir uzlaşmadan kaynaklanmasıdır.

Bu çerçevede, YTO'nun meşruiyeti ciddi bir tartışma konusu olmuştur. Aslında, bu meşruiyet bir miktar BUK tarafından sağlanmaktadır, her ne kadar BUK'un da hukuki statüsü muğlak olsa da, nihayet BM Güvenlik Konseyi'nin 1031 sayılı kararı ile meşruiyet kazanmıştır (Pech, 2000:433). Dolayısıyla, Yüksek Temsilci BUK'un altındadır, ona hesap vermektedir ve BM Genel Sekreteri'ne rapor vermekle yükümlüdür. Ancak, YTO'nun kararlarını ne BUK'un ne de BM'nin denetlediği iddia edilmektedir (Caplan, 2004:61).

YTO'nun bu sorunlu yapısı uluslararası memurlar tarafından bile eleştirilmektedir. Örneğin üst düzey bir İnsan Hakları yetkilisi YTO'nun yeni bakanlıklar yaratmaya kadar giden bir yürütme gücü olduğunu saptayarak bunların yerel güçlerin katılımı olmadan yapıldığının altını çizmektedir. Yüksek Temsilci'nin seçilmiş bir görevli olmadığı, karar alma süreçlerinde şeffaflık olmadığı, kimin tarafından denetlendiği belli olmadığı halde ülke siyasetine doğrudan müdahale ettiği belirtilmektedir[15].

En tartışmalı Yüksek Temsilci Ashdown bu eleştirileri doğrudan reddederek yetkisinin Bosna-Hersek'in kendisi de dahil olmak üzere Dayton Anlaşmasının yürütülmesinden sorumlu elli ülkenin yer aldığı BUK'tan geldiğini belirtmiştir. Kararlarının uluslararası denetime olduğu kadar ülkenin Anayasa Mahkemesi'nin denetimine de, hatta Bosna-Hersek Avrupa Konseyi üyesi olduğuna göre, Avrupa İnsan Hakları Mahkemesi denetimine de açık olduğunu savunmuştur (Ashdown, 2003). Açık olmayan, bütün bu denetimlerin nasıl çalıştığı olarak kaldı, zira hiçbir Yüksek Temsilci kararı bu denetimlere maruz kalmadı. Hatta, zaten ülkenin Anayasa Mahkemesi'nin böyle bir yetkisi olmadığı da iddia edilmiştir (Pech, 2000:433).

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[15] Mülakat, Madeleine Rees, BM İnsan Hakları Yüksek Komiserliği, Saraybosna, 14 Mart 2006.

Meşruiyet ve denetim sorunları bir yana, YTO müdahaleciliğinin etkinliği/başarısı da önemli bir tartışma konusudur. Bir yandan, seçilmiş de olsa görevlileri yerinden alma yetkisinin milliyetçi partilerin ılımlılaşmasına yol açtığı iddia edilirken (Manning, 2004:60), öte yandan bu müdahaleciliğin Bosna-Hersek'te siyaseti öldürdüğü de saptanmıştır (ESI Raporu, 2001:7). Bu açıdan elbette Bosnalıların görüşleri belirleyici olarak düşünülebilir.

Bu tartışmalı müdahaleciliğe rağmen Bosnalıların görüşleri bir çeşitlilik arz ediyor. Eleştirel bir yabancı akademisyen görüşü Bonn kararları alınırken yerel taraflara danışılmadığını iddia etmektedir (Caplan, 2004:61). Bu görüş bazı temellere dayanmakla beraber, bu müdahalecilik için yerel talepler olduğu gözlemlenebilir, daha açıkçası, bu uluslararası müdahalecilik bütünüyle temelsiz değildir. Ancak, birçok Bosnalıya göre, YTO'nun ve dolayısıyla Uluslararası Toplumun evrimi tam tersine olmalıydı: En başta etkin olup milliyetçi siyasi partileri kapatmalı, milliyetçi organize suç çetelerini çökertmeli, ve milliyetçi olmayan siyasi güçler oluştukça da rolünü azaltmalıydı[16].

Her durumda, yerel görüşlerle ilgili en çarpıcı gözlem Bosnalıların Yüksek Temsilciyi sorunlarına çözüm olarak düşünmeleridir. Bu durum kendi siyasi partilerine duyulan derin güvensizlikten kaynaklanmaktadır. Örneğin, Bosnalı bir Sivil Toplum Kuruluşu (STK) lideri Ashdown'un yaptığı olumlu işlerden bahsederken, siyasetten uzak kalarak "teknik" işlere yönelmesini övmüş ve KDV uygulamasını örnek vermiştir[17]. Bu anlamda, siyaset sorunların kaynağı olarak görülürken, ondan uzaklaşarak "teknik" işler yapmak olumlu olarak algılanmaktadır. Yüksek Temsilci de bu teknik işleri yaptığı ölçüde takdir edilmekte ve bunları yapmaya teşvik edilmektedir. Dolayısıyla, uluslararası müdahale yerel milliyetçi siyasetin tıkanıklıklarına teknik açılımlar getirdiği ölçüde tercih edilmektedir.

Bir başka nokta da Bonn yetkilerinin gündelik siyasetteki uygulamalarıdır. Bu çerçevede, başta milliyetçi olmayan Bosnalılar olmak üzere herkesin Yüksek Temsilci'den bir beklentisi olduğu söylenebilir. Örneğin, SDP sözcüsü Cumhurbaşkanlığı Konseyi'nin Sırp üyesi Dragan Čović'in beklenenden iki yıl daha

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[16] Mülakat, Muris Bulić, Tuzla merkezli Sivil İnisiyatif isimli STK'nın yöneticisi, 13 Haziran 2006; Ešref Kenan, akademisyen, Siyaset Bilimi Fakültesi, Saraybosna Üniversitesi, 23 Mart 2006.
[17] Mülakat, Denisa Sarajlić-Magalić, Dış Politika İnisiyatifi isimli STK yöneticisi, 21 Mart 2006.

geç görevinden alındığını söylerken[18] bir SDA milletvekili de bazı görevden almaları gerekli gördüklerini ama bazı örneklerde nedenleri anlayamadıklarını belirtmektedir[19]. SDS yetkilisi kendilerini savunabildiklerini ama Yüksek Temsilci'nin kararlarını engellemeyi başaramadıklarını ileri sürmüştür[20]. PDP yetkilisi Republika Srpska'daki genel kanının Boşnakların Sırplar kadar kovuşturmaya maruz kalmadığı şeklinde olduğunu iletmiştir[21].

YTO'nun Bosna-Hersek siyasetindeki bu tuhaf durumu çeşitli yorumlara neden olmaktadır. Beklentiler o düzeydedir ki YTO binası önünde gösteriler yapılıp talepler bile seslendirildiği söylenmektedir[22]. Ekonomiye (istihdama) öncelik vermediği için YTO'nun hiçbir şey yapmamış olduğunu öne sürülmektedir[23]. Benzer şekilde, eğitime daha fazla kaynak ve destek sağlanması gerektiğini iddia edenler de mevcuttur[24]. Savunma reformu gibi Ashdown icraatlarının gerekli olmakla beraber ne derece öncelik olduğunun kuşkulu olduğu da iddia edilmektedir[25]. Bu şekilde birçok talep ve beklenti duymak olasıdır.

Yüksek Temsilci bir yandan Sömürge Valisi kadar güçlü görülmekte, öte yandan asla diğer uluslararası örgütleri koordine etmediği, hatta onlar tarafından bilgilendirilmediği bile iddia edilmektedir[26]. Yüksek Temsilci'nin yerel aktörlerle ilişkisi de benzer şekilde çarpıcı; bu alanda da zimni bir kabul veya pasif bir direniş, ama her şekilde, YTO'ya bir talep sunumu söz konusudur. Anlaşılan, yerel aktörler YTO'nun Bosna-Hersek siyasetindeki yerini kabullenmişler sadece daha fazla işbirliği ve saygı beklemektedirler, ki YTO da böylece meşrulaştırılmış olmaktadır .

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[18] Mülakat , Damir Mašić, SDP sözcüsü, 27 Mart 2006. Čović 29 Mart 2005'te görevi kötüye kullanma suçuyla görevden alındı.

[19] Mülakat, Mirsad Čeman, SDA milletvekili, 11 Mayıs 2006.

[20] Mülakat, Milovan Stanković, SDS milletvekili, 6 Haziran 2006.

[21] Mülakat, Nikša Lolić, PDP Dış İlişkiler Sorumlusu, 6 Haziran 2006.

[22] Mülakat, Nidžara Ahmetasević, günlük Oslobodjenje'de gazeteci,30 Mart 2006.

[23] Mülakat, Nidžara Ahmetasević, günlük Oslobodjenje'de gazeteci, 30 Mart 2006.

[24] Mülakat, Lamija Tanović, LDP Genel Başkanı, 4 Mayıs 2006.

[25] Mülakat, Denisa Sarajlić-Magalić, Dış Politika İnisiyatifi isimli STK yöneticisi, 21 Mart 2006.

[26] Mülakat, Davor Vucić, Dış Politika İnisiyatifi isimli STK yöneticisi, 21 Mart 2006.

Siyasetçilere bakıldığında, SDA lideri ve üçlü Cumhurbaşkanlığının Boşnak üyesi Sulejman Tihić ülke normalleşene kadar Yüksek Temsilci'ye ihtiyaç duyulduğunu, ancak gündelik siyasete bu kadar müdahale edilmemesi gerektiğini savunmaktadır. *Republika Srpska* başbakanlarından Dragan Mikerević, Ashdown müdahaleciliğinin ulusal siyasetçilerin müzakere etme isteklerini körelttiğini saptamaktadır (Hawton-b, 2003). Aslında bu iki alıntı iki ana sorunu işaret ediyor: birincisi, özellikle de Boşnak milliyetçileri başta olmak üzere merkezi devleti güçlendirmek isteyenler YTO'yu gerekli görmektedir; ikincisi, bu amaçla olduğunda bile YTO müdahaleciliği ulusal siyasetin değerini azaltmaktadır.

Bu iki noktayı zenginleştirecek çeşitli siyasetçi görüşleri de saptamak mümkün. SDA yetkilisi Mirsad Čeman YTO'nun gerekli olduğu noktayı net olarak açıklamaktadır: Dayton Anayasası bütünleşme ile ayrışma gerginliğini yansıtmaktadır, Bosna-Hersek'i bir ve bütün görmek isteyenler bu anayasada bütünleştirici etmenleri görürken, diğerleri ayrıştırıcı yönlerini vurgulamaya çalışmaktadır. YTO'nun bu gerginliği azaltma ve anayasayı yorumlamadaki rolü hayati önem taşımaktadır. Üstelik, aynı yetkili YTO müdahalelerinin Bosna-Hersek Parlamentosu karar alamadığı zamanlarda geldiğinin de altını çizmektedir. Ancak, YTO'nun yasaları dayatmasının ülkenin egemenliğini zedelediğini kabul etmekle beraber, bunun ülkenin birliği için gerekli olduğunu söylemekten de geri kalmamaktadır[27]. Bu da, başta aktardığımız egemenlik paradoksuna yeni bir boyut eklemektedir: Bosna-Hersek ancak uluslararası müdahale sürdükçe bir ve bütün kalabiliyor, ancak bu müdahale de ülkenin egemenliğini zedeliyor. Bu anlamda, Bosna-Hersek'in açmazı gayet belirgindir: Birliğini egemenliğini kaybetmeden koruyamamaktadır.

Diğer Boşnak milliyetçi partisi SBiH, YTO konusunda kararsızlığını ifade etmektedir: Bir yandan, YTO'nun bütünleştirici rolünü ve devlet düzeyindeki işlevlerini takdir ederken; öte yandan da Bosna-Hersek (çok-etnili) toplumunu gerçekten yeniden kurma yönünde çok az çaba harcadığı ve alt birimlere merkezi devletten daha fazla ilgi gösterdiği için de rahatsız olmaktadır.[28]

Liberal Demokrat Parti lideri YTO'yu bir çeşit "paralel hükümet" diye adlandırmakta ve buna en büyük dayanak olarak da YTO dayatması olmadan bir uzlaşma üretmenin zorluğunu göstermektedir. Ancak, Yüksek Temsilci dahil

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[27] Mülakat, Mirsad Čeman, SDA milletvekili, 11 Mayıs 2006.
[28] Mülakat, Beriz Belkić, SBiH milletvekili, 10 Mayıs 2006.

olmak üzere birçok uluslararası görevlinin gerekli bilgilere sahip olmadığını, ve "gerçekten işe başlayana kadar" yılların geçtiğini iddia etmektedir. Aktarılanlar arasında özellikle ilginç olan, Uluslararası Toplum liberal demokrasi üzerine bu kadar vurgu yaparken, bu partinin küçük bir parti olarak görülerek ciddiye alınmaması, hatta Ashdown gibi kendi ülkesinde aynı isimli bir partinin lideri Yüksek Temsilci olduğunda bile bu partiyle görüşülmemesidir[29].

Republika Srpska'da yorumlar değişiyor. Sırp milliyetçisi SDS, YTO'nun müdahaleci rolüne en büyük muhalif olagelmiştir, çünkü genelde Uluslararası Toplum'un, özelde de bu kurumun partisine özellikle karşı olduğunu düşünmektedir. Dahası, YTO her reformda ülkenin daha merkezileşmesini sağlayarak *Republika Srpska*'dan ziyade Federasyon yanlısı olarak yorumlanmaktadır. SDS temsilcileri Bosna-Hersek'in ancak ademimerkeziyetçi bir ülke olarak yaşayabileceğini öne sürmektedir. Nihayet, onlar bile YTO'nun bazı yasalar konusunda Bosna-Hersek'e yardımcı olduğunu, bu anlamda da olumlu bir katkısı olduğunu belirtmektedirler[30].

Diğer siyasi partilerin bu konudaki görüşleri de özünde farklı değildir. Bir diğer Sırp milliyetçisi PDP, YTO'nun zamanla daha da kötüye gittiğini, her gelen Yüksek Temsilci'nin bir diğerinden kötü olduğunu, özellikle de Ashdown'un – özellikle savunma reformunu dayattığı için- tam bir diktatör olduğunu iddia etmektedir[31]. Sosyal demokrat ama aynı zamanda da milliyetçi olan SNSD yetkilisi ise Ashdown'un müdahalelerinin Uluslararası Toplum'un halktan kopuşu anlamına geldiğini belirtmekte, ancak, bu kuruma hala ihtiyaç duyulduğunu, sadece daha işbirliği odaklı bir anlayışla hareket edilmesi gerektiğini savunmaktadır[32].

STK temsilcilerinin görüşleri de benzer bir çeşitlilik arz etmektedir. Bir Boşnak STK yöneticisi YTO'nun anti-demokratik yöntemlerle demokratikleşmeyi simgelediğini tespit etmekte ve Bonn yetkilerinin – herhangi bir ulusal kurumun YTO'ya hükmünü geçirememesi nedeniyle- sorunlu olduğunu belirtmektedir[33]. Bir Sırp temsilci ise aynı noktaya olumsuz bir vurgu yaparak, bu yetkilerin

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[29] Mülakat, Lamija Tanović, LDP, 4 Mayıs 2006.

[30] Mülakat, Milovan Stanković, SDS, 6 Haziran 2006.
[31] Mülakat, Nikša Lolić, PDP, 6 Haziran 2006.

[32] Mülakat, Danijela Injac, SNSD, 6 Haziran 2006.

[33] Mülakat, Dino Abazović, akademisyen, Siyaset Bilimi Fakültesi, Saraybosna Üniversitesi, 8 Haziran 2006.

demokratik gelişmeyi durdurduğunu öne sürmektedir[34]. Saraybosna merkezli bir STK'nın Hırvatistan'lı Hırvat bir temsilcisi de YTO müdahaleciliğinin Uluslararası Toplum'un Bosnalıların ülkenin kontrolünü tamamıyla ellerine almasına izin vermediği anlamına geldiğini saptamaktadır[35]. Bu yorumlardan bütün STK temsilcilerinin YTO'dan şikayetçi olduğu sonucu çıkartılmamalıdır; Tuzla merkezli bir STK'nın Boşnak temsilcisi, son Yüksek Temsilci Schwarz-Schilling'in müdahaleciliğe karşı sözlerinin milliyetçi siyasetçilere gene istedikleri gibi at oynatma şansı verdiğini belirtmektedir[36].

YTO'nun müdahaleciliği üzerine var olan eleştirileri arttırmıştır. İlk geniş çaplı eleştiri, Ashdown'un atanmasından da önce, Almanya merkezli bir STK olan Avrupa İstikrar İnisiyatifi (European Stability Initiative-ESI) tarafından sunulmuştu. Eleştirileri Uluslararası Toplum'un milliyetçi partilere karşı giriştiği "ilan edilmemiş savaşın" Dayton Anlaşması'nın uygulanmasını engellediği ve ana amaca aykırı olduğu savına dayanmaktaydı. Temel anlayışın Bosna-Hersek'i güçsüz ama sonuçta egemen bir devlet olarak ele almak olması gerektiğini belirttiler. Milliyetçi partilerin eliminasyonunun Bosna-Hersek'te sağlam bir demokrasi yaratmak için ne anlamlı ne de gerçekçi olmadığını savundular. Bunun yerine, Uluslararası Toplum'un bu siyasi partilerin anayasal düzene ve hukuğun üstünlüğüne saygı duymalarını sağlaması ve denetlemesi gerektiğini ileri sürdüler (ESI Raporu, 2001:7).

ESI'nin eleştirilerine bu yönden yaklaşan uluslararası memurlar savaşın etkilerini göz ardı ettiklerini belirterek[37] iddialarında haklı yönler olsa da durumun önerilerini uygulamaya müsait olmadığını savunmuşlardır[38]. Bu anlamda, eğer savaş suçluları, başta meşum önderleri Radovan Karadžić ve Ratko Mladić olmak üzere, yakalanmış olsaydı; milliyetçi partilerin ekonomik güç kaynağı olan çeşitli organize suç çeteleri yok edilmiş olsaydı ve bu partiler suça ve savaşa bulaşmamış kişiler tarafından yönetilseydi; mültecilerin ve yerlerinden edilmiş insanların evlerine dönmesi ve normal bir yaşamı kurabilmesi suretiyle etnik temizlik geri çevrilmiş olabilseydi, belki bu öneri daha inandırıcı olabilirdi.

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[34] Mülakat, Miloš Solaja, Banja Luka'da STK yöneticisi, 5 Haziran 2006.

[35] Mülakat, Zoran Kulundzić, Dış Politika İnisiyatifi isimli STK yöneticisi, 7 Şubat 2006.

[36] Mülakat, Muris Bulić, Tuzla merkezli Sivil İnisiyatif isimli STK'nın yöneticisi, 13 Haziran 2006.
[37] Mülakat, YTO'da çalışan bir Bosnalı memur, 20 Mart 2006.

[38] Mülakat, YTO'da çalışan bir uluslararası memur, 14 Mart 2006.

Bunların yapılması da elbette Uluslararası Toplum'un sorumluluğundaydı, dolayısıyla, Uluslararası Toplum kendi yapmadığı işlerin sorunları kalıcılaştırdığı bir ortamda seçici bir doğrudan müdaheleciliği tercih etmiş oldu.

3.2. Seçimler

Uluslararası Toplum Bosna-Hersek'i ulusötesileşen dünya düzenine eklemlerken önündeki en büyük engel olarak milliyetçi siyasi partileri görmüştür. Bu nedenle de onların güçlerini seçimler yoluyla kırmak istemiştir. Bu şekilde ilk altı yılda dört ve toplamda 10 yılda beş tane genel seçim düzenlenmiştir. Bütün bu seçimleri milliyetçi partiler kazanmışlardır, dolayısıyla Uluslararası Toplum hedefine ulaşamamıştır. Bunun temel nedeninin, yukarıda açıklandığı gibi Dayton Anlaşması'nın uygulanmasındaki sorun ve eksiklikler olduğu söylenebilir. Dahası, demokratik bir siyasi ortam için gereken reformlar da yapılmamıştır. Örneğin, seçim yasası çok geç çıkmıştır ve ilk üç seçim ilgili yasa olmadan gerçekleştirilmiştir; siyasi partiler yasası son seçim olan 2006 seçimleri itibarıyla da yoktur.

Bosna-Hersek siyaseti ciddi bir meşruiyet krizi yaşamaktadır. Siyasi partilere ciddi bir güvensizlik vardır. Bu durum ekonomik sıkıntılar ile de pekişmektedir. Seçmen davranışlarına gelince, korkunun hala yerleşik olduğu ve milliyetçi olmayanların bile ötekinden korku ile milliyetçi partilere oy verdiği görülmektedir.[39] Bu anlamda, Bosnalıların iyi temsil edilmediği de ülkedeki genel yargıdır. Siyasi partilerin sadece liderliğin çıkarı için varolduğu, ve Uluslararası Toplum'un halkın ihtiyaçları ile ilgilenmediği söylenmektedir. [40] Nihayet, Bosna-Hersek himaye rejimi altında kaldığı sürece bir demokratikleşmeden bahsetmenin güç olduğu da söylenebilir.[41]

Sonuç

Bu tez Uluslararası Toplum'un Bosna-Hersek'te demokratikleşme sürecindeki rolünü çalışmıştır. Uluslararası Toplum ulusötesi elitin hegemonyası temelinde tanımlanmıştır. Eleştirel kuram çerçevesinde, Uluslararası Toplum'un

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[39] Mülakat, Emina Keso-Isaković, akademisyen, Siyaset Bilimi Fakültesi, Saraybosna Üniversitesi, 6 Mart 2006.

[40] Mülakat, Svetlana Broz, Medeni Cesaret isimli STK'nın yöneticisi, 1 Haziran 2006.

[41] Mülakat, Nidžara Ahmetasević, günlük Oslobodjenje'de gazeteci, 30 Mart 2006.

Bosna-Hersek'teki üretimin ve dünya düzeninin ulusötesileşmesinin gerektirdiği devlet tipini ve sınırlı egemenliği yerleştirdiği söylenebilir. Bosna-Hersek'in açmazı gayet belirgindir: YTO'da somutlaşan uluslararası müdahale merkezi devletin birleşmesi ve ülkenin birliği için vazgeçilmez görünüyor; oysa bu müdahale ulusal karar alma süreçlerinin ve ulusal kurumların önemini azaltarak bu ülkenin egemenliğini yıpratarak meşruiyetini zedeliyor.

Bosna-Hersek'te demokratikleşmenin önünde engel olan otoriterlik üçlü milliyetçi yapı üzerinde uluslararası himaye rejimi olarak ortaya çıkmaktadır. Fareed Zakaria illiberal demokrasilerin liberal demokrasinin meşruiyetini zedelediğini iddia etmişti. Bosna-Hersek'te Uluslararası Toplum illiberal demokrasinin uygulayıcısıdır denilebilir.

Bosna-Hersek'teki savaş ülkenin çokuluslu yapısını yıkmaya yönelik bilinçli bir çabanın sonucu olarak görülebilir. Savaş sonucunda Bosna-Hersek'in devlet kurumları ciddi biçimde yıkılmış, nüfus yapısı ciddi tahribata uğramış ve nüfusun coğrafi dağılımı etnik temizlik diye adlandırılan vahşi şiddetle homojenleştirilmiştir. Bu büyük yıkımın yarattığı hasar ne yazık ki hala giderilmiş değildir. Bütün bu yaşananların ağırlığı da etnik kökeni ne olursa olsun Bosna-Hersek vatandaşı sıradan insanların üzerine kalmıştır. *Hajde bre…*

APPENDIX B

CURRICULUM VITAE

PERSONAL INFORMATION
Surname, Name: Rüma, Şadan İnan
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EDUCATION

Degree	Institution	Year of Graduation
M.Sc.	METU International Relations	2000
M.Sc.	Paris 1 Panthéon-Sorbonne	2005
B.Sc.	METU International Relations	1997
High School	Ankara Tevfik Fikret Lisesi	1992

WORK EXPERIENCE

Year	Place	Enrollment
1998-2005	METU Department of International Relations	Research Assistant
2002 Aug.-Oct.	OSCE Mission in Kosovo	International Trainer
July-Nov. 2001	OSCE Mission in Kosovo	Voter Services Supervisor
Nov.2000	OSCE Mission in Bosnia-Herzegovina	Polling Supervisor
Sept. 1998	OSCE Mission in Bosnia-Herzegovina	Advanced Polling Supervisor

FOREIGN LANGUAGES
French, English, Serbo-Croatian-Bosnian (intermediate).

RESEARCH EXPERIENCE
1. December 2005-July 2006, Field research in Bosnia-Herzegovina, supported by the Turkish Academy of Sciences.

2. September 2005, Field research in Bulgaria, supported by Jean Monnet Scholarship provided by the European Commission.

3. April- May 2000, Field research in Macedonia, supported by Turkish International Cooperation & Development Agency

PUBLICATIONS
"External Pressure and Turkish discourse on 'the recognition of Armenian Genocide', Journal of Southeastern Europe and Black Sea Studies, vol.3, No.7, 2007, 449-465.

"Uluslararası Toplum ve Egemenlik : Bosna-Hersek Örneği", forthcoming Ankara SBF Dergisi, vol.63, no.1.