
Resolving the Bosnian Conflict: European Solutions

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In *The Fletcher Forum's* Winter 2001 issue, Miroslav Prce, the then defense minister of the Federation of Bosnia-Herzegovina, proposed that it was time to revise the peace implementation process set in place by the General Framework Agreement for Peace in Bosnia and Herzegovina (GFA), more commonly known as the Dayton Peace Accords.¹ He reasoned that the Dayton Accords have not been able to resolve the conflict that led to the 1992 war. While Bosnia might seem stable, Prce believes this is due to the presence of NATO peacekeepers and the active intervention of international actors in Bosnia's domestic affairs.

Prce's call to modify the existing process is not new; moderate politicians and extremists in Bosnia have been making the same argument for quite some time. What is interesting about Prce's essay is that he makes the argument that Washington, rather than Brussels, has dominated the process of peace implementation. He proposes further that the interests of Bosnia's citizens and those of the European Union should lead the revision process.

Contrary to Prce's view, European interests have played an important part in shaping events in post-Dayton Bosnia. In fact, since mid-1997 the European powers have guided the process of peace implementation and have restructured the original peace-building mission according to their interests. Through the work of the Peace Implementation Council (PIC) and the Office of the High Representative (OHR), the EU has directly administered Bosnian society.

This article does not attempt to belittle Prce's observations, as many of them were made before the new non-nationalist government was in place. Rather, this investigation reviews the process that led to the Dayton Accords and its implementation, and disproves Prce's argument that Europe has not influenced

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the peace implementation process. In this way, this investigation shows the differences between American and European peace-building strategies and the interests that informed these positions. Because the OHR's work is a subject that has received little attention in academic research, this investigation devotes much of its attention to the OHR's efforts, as it has become the lead international organization in post-Dayton Bosnia.

AMERICAN POWER AND THE DAYTON PROCESS

Many recent studies have demonstrated how the Clinton administration forged the Dayton peace initiative according to its self-interests.² For the purposes of this study, it is important to underscore that U.S. officials diminished the role of European countries in the search for peace.³ This is not to say that the Clinton administration ignored European demands and ideas. While taking European proposals into consideration, American diplomats ultimately refashioned them according to the Clinton administration's more immediate needs and interests.

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For example, the International Conference on the Former Yugoslavia (ICFY), headed by European diplomats, developed many provisions similar to the Dayton Accords that were in the end rejected by the U.S.⁴

Why did the U.S. decide to spearhead the Dayton peace initiative? Had something changed in the way the Clinton administration perceived Bosnia, or did changing international circumstances force it to reconsider its decision to let the Europeans find a solution to the war? For the U.S., the problem was not necessarily the Bosnian war, but the impact it had on transatlantic relations⁵ and on President Bill Clinton's reelection bid.⁶ For better or worse, these concerns guided American foreign policy in Clinton's first term.

While worsening transatlantic relations required the U.S. to take a more preemptive stance towards the Bosnian war, the fear that America would be caught in a military quagmire in the Balkans before the 1996 U.S. presidential elections forced the Clinton administration to take charge of peacemaking efforts in August 1995. Although these two motives helped shape the American response towards Bosnia, it is important to emphasize that the U.S. solution involved a mix of diplomacy and the use of NATO air strikes.

TOWARD DAYTON

American interests heavily influenced the process leading to the Dayton peace talks. After the fall of Srebrenica and the resulting massacre in July 1995, European countries strongly voiced their conviction for the withdrawal of the European-led United Nations Protection Force (UNPROFOR). Since NATO had already vowed to extract UNPROFOR and because this operation would have likely involved 25,000 U.S. troops, the Clinton administration decided to take control of peacemaking efforts and pressure the parties to accept a settlement.⁷ Clinton's response, however, meant that the U.S. would take full control of these efforts, reducing the Europeans' ability to influence the process. For their part, the Europeans were ready to accept American leadership, as long as the Clinton administration assured them that the U.S. military would extract UNPROFOR if its peacemaking efforts failed.

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The proposed peace plan was very similar to the Contact Group peace plan of 1994.⁹ The U.S. plan reaffirmed Bosnia's unity as a country made of two entities, the Muslim-Croat Federation and the Republika Srpska. The plan also stated that the Republika would administer 49 percent of Bosnia's territory, while the Federation would control the remaining 51 percent (a 49-51 formula). Furthermore, it strongly declared that both entities were to be united by a set of common state institutions, which would be responsible for issues of common concern.

After the fall of Srebrenica, the challenge was to find a way to convince the Bosnian Serbs to relinquish part of the territory they controlled. Because the Bosnian Serbs were unwilling to give up their claim to conquered land, the U.S. argued that aerial bombardment was needed to weaken Bosnian Serb military positions and to unofficially support the Bosnian Muslim (also known as Bosniak) and Bosnian Croat offensives. While the Contact Group's European members raised ethical questions regarding this approach, they supported air strikes because they would advance the peace process by changing the map of Bosnia. NATO bombing began on August 30, 1995. Once the Federation's forces won 19.4 percent of Bosnian Serb territory, the Contact Group pressured the U.S. to stop the air strikes and to support a cessation of the hostilities in order to start the peace talks.

Following two pre-negotiation sessions, one held in Geneva and the other in New York, Clinton invited the Bosniaks, Bosnian Croats, and Bosnian Serbs to join the Contact Group negotiators at the Wright Patterson Air Force Base in

Dayton, Ohio. Slobodan Milosevic headed the Serb delegation, Franjo Tudjman led the Croat one, while Alija Izetbegovic represented Bosnia's interests.

Learning from ICFY's efforts, Ambassador Richard Holbrooke, Clinton's chief negotiator, recognized that a settlement to the Bosnian war could only be achieved if Tudjman and Milosevic pressured Bosnian Serb and Bosnian Croat

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leaders to support peacemaking efforts.⁹ To this end, the Clinton administration informed Milosevic that once the Bosnian Serbs accepted an agreement, the UN would lift the economic sanctions that were crippling the Yugoslav economy. In turn, Tudjman was offered Eastern Slavonia, the only territory the Croat military had not been able to reclaim from Yugoslavia, in exchange for his cooperation.¹⁰

strategies with their American counterparts, but the text closely reflected U.S. interests. Pauline Neville-Jones, the British representative at Dayton, notes that the U.S. controlled the negotiations, while the Europeans were supposed to reserve their criticisms and endorse the resulting peace agreement—whether it complied with European interests or not.¹¹

The peace negotiations revolved around a set text written by American diplomats. European officials did share their own

THE DAYTON PEACE ACCORDS AND ITS WEAKNESSES

After 21 days of negotiations, the Dayton peace talks had settled the war, though not all of the participants were satisfied with the outcome. While Tudjman and Milosevic secured their immediate objectives, Izetbegovic felt that the agreement did not reflect all his interests. The Bosniak delegation attempted to derail the negotiations, but Holbrooke made it clear to Izetbegovic that failure to accept the agreement meant that the U.S. would not assist the Bosniaks if the war resumed. European leaders supported the agreement in the signing ceremonies held in Paris on December 14, 1995, but there were at least two issues that had angered them. These controversies set the mood for transatlantic relations in 1996.

The first issue of disagreement was Bosnia's constitution, included in Annex Four of the GFA. Attempting to minimize any conflicts that could derail the peace talks, the American team "proposed an extremely decentralized governmental structure creating hardly any effective central powers."¹² The constitution did not even envision the combination of the entities' military forces. As a result, rather

than creating the strong state the Europeans desired, the end product is what Carl Bildt, the EU's representative at the peace talks and the first high representative (HiRep), described as "the most decentralized state in the world."¹³

The Bosnian Serbs and the Bosnian Croats quickly endorsed this proposal, but the Bosniaks and the Europeans were outraged. As a European mediator remarked, "We were in favor of a stronger centralized power because we live on the same continent with these people, and we are going to have to deal with them over a long term."¹⁴ In his memoirs, Bildt conveys his frustration with the proposal by recounting a story of a confrontation between him and one of the U.S. negotiators: "I asked someone from the U.S. team if he would like to live in a country with a constitution of the kind which was beginning to emerge. He just laughed. Clearly not!"¹⁵

Why did the U.S. negotiators ignore their counterparts' demands on this critical matter? The U.S. believed that creating a strong central government could hold back the negotiations. Holbrooke wanted the parties to focus on the map of Bosnia, as the entities had to exchange territory in order to achieve the 49-51 formula established by the Contact Group. For Holbrooke, land was "the core issue of the war."¹⁶

The second issue of contention between the U.S. and Europe over the Dayton Accords was the American vision of the post-conflict peace-building mission and the responsibilities of the institutions that were to supervise the process of peace implementation. For the Clinton

administration, the peace-building mission was to be a military endeavor, assisted by a civilian element that would be responsible for organizing the post-war elections and helping Bosnia's officials put together the new institutions established by the Dayton Accords. Obsessed with an exit strategy, the U.S. military commanders argued that NATO peacekeepers and international civil servants were to stay in Bosnia for only a year. State-building was something that the U.S. did not want to do, so the mission's

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objective was to establish a balance of military power on the ground. This gave NATO and the Organization for Security and Cooperation in Europe (OSCE) the responsibility for the demobilization of Bosnia's two militaries and the coordination of elections that would put in place a new government.

In contrast, the Europeans wanted the peace-building mission to be dominated by a civilian element and be supported by NATO forces. The French government proposed the creation of a HiRep to direct peace-building efforts. Initially, the U.S. supported this idea. The GFA's original draft gave the

HiRep a strong mandate, but Robert Gallucci, the U.S. diplomat responsible for developing the position's responsibilities, believed that the HiRep was going to be an American. Gallucci did not know that Holbrooke had already told Bildt that a European could hold this position, as the Clinton administration wanted the EU to pay for the bulk of the peace-building mission. Fearing that "a powerful person whom Washington could not control might fumble the implementation effort or, worse still, interfere with the military effort,"¹⁷ the Clinton administration ordered Gallucci to reduce the HiRep's powers and restrict his or her mandate to only civilian affairs. Thus, the HiRep could organize the elections and help Bosnia's officials to establish the new state, but could not order NATO peacekeepers to support this objective.

In the end, the Dayton Accords settled the war, but its provisions did not establish a self-sustaining peace. The Clinton administration's formula that a balance of military power and the holding of elections would create a new government willing to implement the Dayton Accord's provisions and address Bosnia's many problems was too simplistic. Even though European negotiators reminded their American counterparts of Bosnia's complexities, the Clinton administration's number one priority was winning the 1996 presidential elections and fulfilling its wider European agenda, including NATO's eastward expansion. Eventually, Bosnia did become a problem during Clinton's second term in office, but this time around the U.S. was willing to let the Europeans head the restructuring of the peace-building mission.

EUROPE AND THE REVISION OF THE PEACE-BUILDING MISSION

The international peace-building operation included only a small role for the UN. The UN was sidelined in the peace-building phase because the Clinton administration and Republicans in the U.S. Congress were irritated by UN criticism of NATO air strikes and U.S. policies. The Europeans were upset with this predicament, but the marginal role played by the UN presented Europe with an opportunity to gain more influence over the peace-building mission. With more wiggle room to assert itself, the Europeans formed a new ad hoc body to control the implementation phase of the Dayton Accords. This new body, called the Peace Implementation Council (PIC), was created on December 8, 1995, to oversee the GFA's implementation and to create new strategies to fulfill the peace accord's goals. The PIC replaced the ICFY and retained the ICFY's members. The PIC's power rests in its executive arm, the Steering Board, which is chaired by the HiRep. Holbrooke's decision to permit a European to hold this position gave the Europeans a chance to restructure the original peace-building operation if it did not achieve its objectives.

Although the Clinton administration's conception of peace-building shaped the international community's work in Bosnia for the first year, the OHR's reports

and Bildt's dissatisfaction with aspects of the Dayton Accords and the peace-building strategy led to a new program, built mainly on European interests. In the end, Washington was interested in the cessation of hostilities, not in making the peace agreement self-sustaining. Having won a second term in office, the Clinton administration started to cede more power to Brussels. Since mid-1997, the Europeans have firmly controlled the PIC and increased the HiRep's powers, and NATO's commanders have been more willing to support the OHR's work.

In many ways, the PIC's revisions of the original peace-building program have been informed by weaknesses inherent in the diplomatic process that produced the Dayton Accords.¹⁸ Two weaknesses are especially important in the context of this investigation. First, the GFA legitimated the leaders that started the war. The Clinton administration did not invite leaders of Bosnia's non-nationalist parties—who actually supported the ideals of multiethnic democracy and market economics—to the peace talks.¹⁹ Second, the Dayton Accords produced a weak central state. The strength of the entities vis-à-vis the central government meant that Bosnia was more separated than united. Thus, the Dayton Accords actually guaranteed both the unity and partition of Bosnia. Many in Bosnia strongly believed that NATO's departure would allow them to continue the dissolution of Bosnia and the annexation of parts of its territory to Croatia and Serbia, leaving in the middle a small Bosniak-dominated state.

To comprehend why the OHR's mandate was strengthened and how its peace-building strategies have attempted to make the Dayton Accords self-sustaining, it is important to briefly review the work carried out by Bildt and his successors, Carlos Westendorp and Wolfgang Petritsch. This review will focus on the efforts by the PIC and the OHR to correct the GFA's shortcomings, as mentioned above.

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FROM MILITARY TO CIVILIAN CONCEPTIONS OF PEACE-BUILDING

The divergent American and European visions of peace implementation hampered Bildt's first weeks of work as HiRep. It is important to underscore that the OHR's mandate was vague and consequently required the OHR to work on more issues than those addressed by the IFOR commander. This is significant because military officials in the Clinton administration started to criticize the OHR in mid-January 1996 for not implementing important provisions of the peace agreement.²⁰ This criticism angered Bildt and complicated matters for the OHR. While IFOR had the resources to impose its will on the parties, Bildt

lacked the resources or the mechanisms to coerce the parties to implement the peace agreement's civilian provisions. The public criticism by the Clinton administration and by U.S. military officials for something that was not necessarily Bildt's fault undermined the little authority the OHR originally had.

The OHR and the IFOR commander sometimes contradicted each other on important issues. These differences had a negative impact on the implementation of the agreement's civilian elements. While this conflicting relationship is responsible for the many setbacks the PIC experienced in the first year, most of the blame rests with the Clinton administration's preoccupation with ending the operation in Bosnia by the 1996 presidential elections and avoiding any "mission creep." In fact, the Clinton administration's decision to deploy IFOR for only a year deterred the parties from working with Bildt to construct the structures of the new state or from amending the entities' constitutions so they were in line with the country's new constitution, created at Dayton.

The biggest problem facing the OHR was staging democratic elections in Bosnia. The OHR and the OSCE were responsible for organizing and conducting elections. According to the Dayton Accords, elections had to be held no earlier than six months and no later than nine months after the signing of the agreement.²¹ The Dayton Accords also stipulated that elections could only be held if social conditions could guarantee a free and fair process. As previously mentioned, the elections were the most important element in the peace-building agenda, because it was the only way to establish a government that would continue implementing the Dayton Accords, while permitting the international community to decrease its responsibilities in Bosnia.

The international community hoped Bosnia's citizens would elect moderate politicians that were willing to carry out the OHR's work. But conditions in Bosnia were not conducive for free and fair elections. Threatened by the election procedures, nationalist parties restricted freedom of movement, freedom of the press, and used intimidation and propaganda to rally their respective communities against the implementation of the Dayton Accords. Alarmed by these developments, the OSCE chairman, Flavio Cotti, wanted to postpone the elections for a year. Bildt did not agree with Cotti's proposal and instead sided with the Clinton administration by proposing a strategy to challenge the nationalist parties' platforms and increase the chances of moderate, civic-minded political parties' winning the elections.²²

This strategy included the creation of independent media outlets, IN-TV (also known as the Open Broadcast Network) and Radio FERN (or the Free Elections Radio Network). The OHR had to get licensing rights for the operation of these outlets in each entity. Because leaders of the nationalist parties controlled these institutions, they denied the OHR's request. The OHR finally secured the required permits, but it was too late, as they went on air only a week before the

elections.²³ In the end, national elections were held in September 1996, but the OSCE and the OHR decided to postpone the municipal elections until 1997.

Months before the elections were held, opinion polls were showing that the nationalist parties would win. Indeed, the results of the national elections confirmed these polls' forecasts. The international community agreed that it could not leave Bosnia in the hands of the same people that had driven the country to war. The problem now was not implementing the GFA's military provisions, as IFOR and the OSCE had completed most of these requirements, but—as the Europeans had predicted at the Dayton peace talks—the carrying out of the GFA's civilian components, which were being blocked by newly elected officials.

A new coercive strategy was needed, the first element of which Bildt provided before he stepped down as HiRep. If Bosnia's nationalist parties were not willing to implement the Dayton Accords, the international community would have to dominate the country politically and impose its provisions. At the PIC's Sintra meeting in May 1997, it was decided that all international financial assistance earmarked for Bosnia would be made contingent on Bosnia's implementation of the Dayton Accords. This measure strengthened the OHR's mandate. Due to

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the fact that the media organizations actively supported the nationalist agendas, the Sintra meeting also gave the OHR the power to "curtail or suspend any media network or program whose output is in the persistent and blatant contravention of either the spirit or letter" of the Dayton Accords.²⁴

The OHR's new responsibilities signalled a power shift from Washington to Brussels. The Clinton administration not only approved the extension of the NATO peacekeeping force, but it also instructed General William Crouch, who succeeded Admiral Smith, to support the OHR's work. With this decision in place, the peace-building operation became a civilian undertaking, strongly supported by NATO's peacekeeping force, the name of which was changed to Stabilization Force (SFOR).

STATE-BUILDING AND ITS UNINTENDED CONSEQUENCES

Having changed the nature of the peace-building mission, Bildt retired as HiRep in June 1997. The PIC elected Carlos Westendorp, a Spanish diplomat, to succeed him. A new round of obstacles greeted Westendorp's arrival in Sarajevo. In September 1997, the nationalist parties won the municipal elections,

further hampering the implementation of the Dayton Accords. Intransigent Bosnian Serb leaders, rising corruption, and the general ineffectiveness of the central government threatened to unravel the Dayton Accords. In response, Westendorp lobbied the PIC to extend the mandate of the HiRep.²⁵

The PIC meeting in Bonn in December 1997 unanimously decided to extend the OHR's mandate by conferring the HiRep two new powers. First, the OHR was given the power to write and implement legislation when the Bosnian government did not or could not do so. According to this provision, the HiRep

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could also rewrite existing laws that conflicted with the Dayton Accords. Second, the PIC authorized the HiRep to dismiss public officials that obstructed the peace agreement's execution or hindered the OHR from fulfilling its mandate.²⁶ Moreover, the PIC's Bonn conclusions re-emphasised that SFOR would actively support the work of the OHR and enforce its decisions.²⁷

The PIC's *Bonn Conclusions* were pronounced against the backdrop of two important debates: the Bosnian national elections, which were held in September 1998, and SFOR's scheduled exit in June 1998, which never took place because the Clinton administration eventually decided to keep NATO peacekeepers in Bosnia for an undetermined period of time. The PIC's *Bonn Conclusions* reflect the international community's frustra-

tion with the slow pace of peace implementation and the low levels of inter-ethnic cooperation. Because many diplomats feared that Bosnia's officials would continue hindering the international community's agenda, the PIC instructed Westendorp to propose a new approach if in the months following the Bonn meeting the situation had not changed for the better.²⁸

In early 1998, central government officials met to consider a legislative package put together by the OHR. Many of the proposed bills were designed to strengthen the Bosnian state and enhance the integration of the two entities into a single unit. Westendorp wanted Bosnia's parliamentary assembly to adopt a new flag, a single currency, common license plates and passport, citizenship laws, and a permanent law on customs. The OHR also required the government to consider legislative projects dealing with foreign investment laws, property laws that enabled refugees and internally displaced persons to return to their homes, and an election law to organize and hold municipal elections following the 1998

national elections.²⁹ The Bosnian government, however, still under the control of nationalist politicians, failed to pass the legislation. In response, Westendorp utilized his Bonn powers and imposed all of the legislation except the election law. He also dismissed a number of public officials for obstructing the process of peace implementation.

While Westendorp preferred that Bosnia's politicians adopt this legislative package, he believed that his actions would reform existing governmental practices and would secure the country's economic recovery. In fact, for the first time since 1992, the Bosnian economy experienced growth. Against the backdrop of rising productivity, declining unemployment, and improving living standards, Westendorp believed that Bosnia's citizens were going to elect a new wave of politicians who wanted to cooperate with the international community to implement the Dayton Accords. Unfortunately, Westendorp's judgment was incorrect. The nationalist parties won the 1998 national elections, despite increased logistical and financial aid to civic parties from the international community.

In light of the election results, the OHR presented a new peace-building strategy at the PIC's Madrid meeting held in December 1998. The new strategy was intended to fix one of GFA's weaknesses, namely the weak nature of the central state. The strategy presented a bold state-building program focused on strengthening the central government's capacity to order society according to its vision. This process hinged on increasing citizen dependence on state structures and the monopolization of legitimate forms of violence. By increasing their dependence on the state, citizens will feel that their interests can best be secured by supporting the work of state institutions. In a democratic society, this means that citizens will elect candidates that support the state and are willing to improve or extend the services provided by the state.

To this end, Westendorp's state-building strategy listed eight key objectives including reforming the military, creating an apolitical civil service, and destroying the financial bases of the nationalist parties.³⁰ Westendorp wanted Bosnia's parliamentary assembly and its Council of Ministers to implement this program in 1999, but the controversial decision on the town of Brcko³¹ and NATO's military operation against Yugoslavia slowed the strategy's execution. These events forced the OHR to pay more attention to preserving internal stability rather than implementing Westendorp's strategy.³²

Westendorp stepped down in 1999 and was succeeded by an Austrian diplomat, Wolfgang Petritsch, who vowed to continue his predecessor's efforts. Immediately after taking office, the PIC instructed Petritsch to devise a new strategy that would fulfill the objectives set out in the Madrid Declaration and also reduce Bosnia's increasing dependency on the international community. There was growing concern among international organizations, leading news magazines, and scholars that the strengthening of the HiRep's mandate contradicted

the GFA's objective of making Bosnia an independent nation-state. In other words, the unintended consequence of the PIC's strategy was that Bosnia was becoming a *de facto* protectorate of the international community.

By mid-1999, the PIC concluded that it was necessary to reduce political and economic assistance to Bosnia. Financial assistance for Bosnia was drying up, as the UN started to divert funds to post-conflict peace-building efforts in Kosovo and East Timor. To adjust to these new realities, Petritsch had to introduce a number of new incentives to increase citizen participation in the political process. Greater participation by the public was needed to ensure that Bosnia's officials would assist the OHR and other international agencies to translate the Dayton Accords into a self-sustaining peace. This was known as Petritsch's "ownership approach."

MAKING BOSNIA'S CITIZENS OWNERS OF THE PEACE PROCESS

The ownership approach, as captured in the PIC Steering Board's *Communiqué* of September 1999, sought to make Bosnia's citizens and officials "owners of their progress in implementation of the [Dayton] Accords and the eventual entry of Bosnia-Herzegovina into European institutions."³³ If Bosnia's leaders cooperated with the OHR, the EU would push for the country's integration into Western European political and economic institutions, ultimately leading to full entry into the European Union. This incentive was proposed to convince Bosnia's citizens to change their political alliances in order to strengthen non-nationalist political parties that supported multi-ethnicity, market economics, and democracy.

Petritsch called on international agencies in Bosnia to decrease the scope of their activities in order to let local institutions independently address country's problems. This did not mean that Petritsch would not use his powers. In fact, shortly after announcing his intentions to put in practice the ownership approach, he dismissed 22 officials for hindering the peace process and imposed a package of property and housing legislation to harmonize the laws of Bosnia's entities and to allow returnees to reclaim lost property. For Petritsch, these actions were necessary because they would, in his words, "level the playing field" before the OHR started to decrease its role.³⁴ Furthermore, these decisions, while controversial, served as a reminder that the OHR's willingness to diminish its role did not mean that Bosnian politicians could openly contradict the GFA's implementation. In the end, the OHR would be forced to intervene in Bosnia if the international agenda's goals were not achieved.

The international community never embraced Petritsch's ownership approach wholeheartedly. In fact, on several occasions he was forced to defend his approach in international policy circles. But it was not until the disappointing

results of the April 2000 municipal elections that the PIC directed the OHR to increase the scope of its activities in Bosnia. The PIC met in May 2000 in Brussels and adopted a stronger state-building program, similar to Westendorp's strategy, to substitute Petritcsh's ownership plan.³⁵

The new forceful agenda was aimed to continue leveling "the playing field." The strategy's key objectives were to strengthen the capabilities of Bosnia's state institutions and undermine the nationalist political parties' activities to give civic-minded parties a chance to win the November 2000 parliamentary elections. To achieve the former, the OHR actively interfered in Bosnia's affairs. A number of officials were dismissed and new laws were imposed to continue the process of peace implementation.

Petritcsh's actions clearly contradicted the tenets of his own ownership approach, but he was convinced that international intervention was needed to support civic-minded parties in the future parliamentary elections. With the end of Milosevic's regime in Serbia, the election of a moderate government in Croatia after Tudjman's death, and Izetbegovic's retirement, Petritcsh believed that the people of Bosnia were more inclined to support younger leaders and the platforms of non-nationalist parties. The non-nationalist campaigns were also boosted by a series of reports that linked a number of corruption cases to nationalist party leaders. More importantly, the country's citizens were frustrated with the nationalist parties' inability to tackle many of Bosnia's socioeconomic problems, such as high unemployment, budget deficits, and cuts in pension plans.³⁶

To capitalize on public sentiment, the OHR (with the assistance of the OSCE and other international bodies) established public information campaigns that explained how the nationalist political parties were responsible for Bosnia's ills. These information campaigns were supplemented by financial and technical assistance to moderate, civic-minded parties. Additionally, the World Bank, IMF, and EU bolstered non-nationalist parties after they declared that future levels of financial assistance for Bosnia would be dependent on the election results.³⁷

The 2000 parliamentary elections produced a victory for non-nationalist political parties. By February 2001, Petritcsh created a 10-party coalition of non-nationalist parties, led by the Socialist Democratic Party, to run the national government and

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administer the Federation. To strengthen these coalitions, Petritsch imposed key aspects of the Brussels Declaration and actively opposed the nationalist parties' challenges to the election results, especially those of Croatian Democratic Union (HDZ), which wanted to create a separate entity for the Croat population.

The election outcome stimulated new optimism of Bosnia's reform efforts and provoked a change in attitude from the international community. In a November 2001 report, for instance, the International Crisis Group stated that the international community "has come out of 'war mode' and now stresses commitment to 'partnership' with the Bosnian authorities: communicating, negotiating, and bargaining, rather than conspiring, commanding or imposing."³⁸ Seeing light at the end of the tunnel, the PIC asked Petritsch in June 2001 to draft a new plan that would set "the stage for the final phase of peace implementation."

The new plan, as captured by the PIC's Brussels Communiqué of September 13, 2001, reaffirms the main objectives of the Brussels Declaration and strongly supports Petritsch's ownership approach. The new plan also invited Petritsch to propose a new structure for the international presence in Bosnia in order to fulfill the GFA's full implementation before 2007.

Enjoying strong diplomatic backing, Petritsch expanded his ownership strategy and created a Consultative Partnership Forum and a Civic Forum. The objective of the Consultative Partnership Forum is to bring together members of Bosnia's Council of Ministers and the HiRep's advisors "to discuss and resolve urgent issues, mainly related to the agenda" set by the PIC.³⁹ The Civic Forum was created to "promote active citizenship" and increase the ability of civil society groups to play "a more active role in the public policy discourse."

These new mechanisms have strengthened Bosnia's nascent civil society and reinforced the new spirit of partnership between Bosnian officials and international diplomats. Petritsch was not only willing to hear the concerns and proposals of civic leaders invited to Forum meetings, but to also "follow up on some of them with policy initiatives."⁴⁰ The new institutions have promoted inter-ethnic reconciliation as communal leaders come together to share their views of the future. The making of a strong multicultural civil society—an objective the EU has supported in Bosnia since 1995—can become a reality through this mechanism.

Support for the current agenda is still not as strong as the PIC wants, and while Petritsch was forced to impose and rewrite legislation to continue the reform process and the GFA's implementation, Bosnia's state institutions have taken more responsibility for their own affairs. The coalition government, for instance, approved the election law that nationalist officials opposed since an earlier version of the bill was introduced in the parliament in 1998. The national government also passed legislation protecting civil liberties, as well as other laws that helped Bosnia obtain membership in the Council of Europe.

Petritsch left Sarajevo in May 2002 and was replaced by Lord Paddy

Ashdown, former leader of United Kingdom's Liberal Democratic Party. Ashdown has vowed not only to continue his predecessor's strategy, but also to extend it. One of his first decisions as high representative was to appoint a prominent Bosniak law professor, Zoran Pajic, as head of the OHR's legal reform unit.⁴¹ The widespread support for this decision convinced the OHR to announce on September 12, 2002, that Bosnia's citizens can apply to any advertised job, including those for senior staff. These decisions demonstrate Ashdown's faith that Bosnians are capable of implementing the GFA not only at the local level, but also at the international level.⁴²

Although this is a positive development, many of Petritsch's accomplishments—including the coalition that has administered Bosnia since February 2001—have been undone. The coalition government was not able to tackle Bosnia's economic problems or curb corruption. Consequently, in October 2002, voters elected a new government led by the nationalist parties.⁴³ Many commentators and decision makers in Europe and the United States have expressed their concern that the new government will not successfully carry out the PIC's agenda.⁴⁴ Thus, a new strategy may be in the making. What should be this strategy's objective? Should Washington and Brussels play a leading role? Answers to these important questions will conclude this study.

Economic difficulties, political instabilities, social divisions, and even conflicts between the current Bush administration and its European counterparts could undermine the international community's recent successes in Bosnia.

CONCLUSION

A review of the making and implementation of the Dayton Accords shows that Prce's argument that Washington has controlled peace-building efforts since the GFA's signing is inaccurate. EU members have played a dominant role in peace-building since the PIC's Sintra meeting in 1997. European diplomats have been deeply involved in the implementation of the Dayton Accords, constantly adjusting the mission's civilian component to correct Dayton's most crucial weaknesses. HiRep Petritsch, for instance, helped create a coalition government to reform Bosnian society according to EU standards and to implement key elements of the Dayton Accords.

But Bosnia's future is still uncertain. Economic difficulties, political instabilities, social divisions, and even conflicts between the current Bush administration and its European counterparts could undermine the international

community's recent successes in Bosnia. Due to the poor performance of the non-nationalist parties in the recent elections, the PIC will likely request Ashdown to construct a new program that allows the international community to finish its work before 2007. Even though Ashdown will be tempted to take a stronger stance in Bosnia, it is important for him to give the new government an opportunity to present its agenda and administer Bosnia. The results of the elections, while not in line with Western expectations, should not force Ashdown to take drastic measures. After all, it is Petritcsh's ownership strategy that has been the

In the end, it should not be Washington or Brussels that dominates the process of peacebuilding, but Sarajevo.

most successful in aligning Bosnia's interests with those of the international community. Ultimately, Ashdown should only use his authority if the new government attempts to promote more division in Bosnia or if it tries to pursue policies that could challenge the reform process.

Ashdown must also remember that Petritcsh's work produced a sense of empowerment among Bosnia's citizens and officials. Therefore, Ashdown should nurture this feeling of partnership by making use of the Civic Forum and the Consultative Partnership Forum to establish communication mechanisms between the OHR and Bosnia's officials and citizens. These sessions must enable participants from Bosnia to realign their interests with those of the international community. Thus, the key objective should not be the GFA's full implementation. Instead, it should be to give people in Bosnia the opportunity to influence new peace-building efforts.

In doing so, Ashdown should also try to help strengthen the position of moderate leaders in Bosnia's nationalist parties to make sure that the new government will carry out the reforms needed to move Bosnia closer to Europe. This will increase the chances that Bosnia will be administered by leaders who believe that reforming Bosnia according to the PIC's standards is the only path to political stability, economic growth, and a self-sustaining peace. In the end, it should not be Washington or Brussels that dominates the process of peace-building, but Sarajevo.

BOSNIAN ELECTIONS TIMELINE

- September 1996:** National Election (Parliamentary, Presidential, and Entity-Level)
- September 1997:** Municipal Elections (Note: municipal elections were scheduled to take place in 1996, but they were postponed by the OSCE and the OHR because the political environment was not conducive to holding a free and fair vote.)

- October 1998:** National Elections (Parliamentary, Presidential, and Entity-Level)
- April 2000:** Municipal Elections
- November 2000:** National Elections (Parliamentary Elections and Entity-Level)
- October 2002:** National Elections (Parliamentary, Presidential, and Entity-Level)

*Other entity-level elections have taken place in the Republika Srpska and Bosnian-Croat Federation due to varying events which forced early elections. However, these elections are not relevant to this article. ■

NOTES

- 1 Miroslav Prc, "Revising Dayton Using European Solutions," *The Fletcher Forum of World Affairs* 25 (1) (Winter 2001): 149.
- 2 See, for instance, Ivo Daalder, *Getting to Dayton: The Makings of America's Bosnia Policy* (Washington, D.C.: Brookings Institution Press, 2000); Wayne Bert, *The Reluctant Superpower: The United States' Policy in Bosnia, 1991-1995* (New York: St. Martin's Press, 1999); and James Gow, *Triumph of the Lack of Will: International Diplomacy and the Yugoslav War* (New York: Columbia University Press, 1997).
- 3 Richard Holbrooke, *To End a War* (New York: Modern Library, 1999), 236.
- 4 Paul Szasz, "The Protection of Human Rights Through the Dayton/Paris Peace Agreement on Bosnia," *The American Journal of International Law* 90 (2) (April 1996): 301-316.
- 5 Daalder, 36; and Mark Danner, "Marooned in the Cold War," *World Policy Journal* 14 (3) (1997): 4.
- 6 Holbrooke, 338, 345.
- 7 Daalder, 79-80; and Steven Burg and Paul Schoup, *The War in Bosnia-Herzegovina: Ethnic Conflict and International Intervention* (Armonk, NY: M.E. Sharp, 1999), 323-324.
- 8 For a detailed review of the creation of the Contact Group and its 1994 plan, see David Owen, *Balkan Odyssey* (New York, NY: Harcourt and Brace, 1995), 274-316.
- 9 Holbrooke, 105-106.
- 10 *Ibid.*, 236.
- 11 Pauline Neville-Jones, "Dayton, IFOR and Alliance Relations in Bosnia," *Survival* 38 (4) (1996-1997): 48.
- 12 Anthony Borden and Drago Hedl, "How the Bosnians were Broken: Twenty-One Days At Dayton," *War Report* 39 (February/March 1996), <http://www.iwpr.net/index.pl?archive_warreport_39.html> (accessed November 18, 2002).
- 13 Carl Bildt, "Response to Dr. Henry Kissinger's Article in the Washington Post of 8 September Entitled - In the Eye of a Hurricane," *The Washington Post*, September 14, 1996, <http://www.ohr.int/ohr-dept/presso/prensa/default.asp?content_id=3168> (accessed November 18, 2002).
- 14 *Ibid.*
- 15 Carl Bildt, *Peace Journey: The Struggle for Peace in Bosnia* (London: Weidenfeld and Nicholson, 1998), 145.
- 16 Borden and Hedl.
- 17 Daalder, 157.
- 18 For a good review of these weaknesses, see Richard Caplan, "Assessing the Dayton Accord: The Structural Weaknesses of the General Framework Agreement for Peace in Bosnia and Herzegovina," *Diplomacy & Statecraft* 11 (July 2000): 213-232.
- 19 Jaminska Udovicki and Ejub Stirkovac, "Bosnia and Herzegovina: The Second War," in Jaminska Udovicki and J. Ridgetaway, eds., *Burn This House: The Making and Unmaking of Yugoslavia* (Durham, NC: Duke University Press, 1997), 199.
- 20 Louis Sells, "The Serb Flight from Sarajevo: Dayton's First Failure," *East European Politics and Society* 14 (1) (2000): 185.
- 21 OHR, "General Framework Agreement for Peace in Bosnia and Herzegovina," Annex 3, Article II.4, <http://www.ohr.int/dpa/default.asp?content_id=380> (accessed November 18, 2002).
- 22 For more on this controversy, see Bildt, *Peace Journey*, 259-264.

- 23 For more information, see OHR, "3rd Report of the High Representative for Implementation of the Bosnian Peace Agreement to the Secretary-General of the United Nations," October 1, 1996, <http://www.ohr.int/other-doc/hr-reports/default.asp?content_id=3666> (accessed November 18, 2002).
- 24 PIC, "Communiqué: Political Declaration from Ministerial Meeting of the Steering Board of the Peace Implementation Council," May 30, 1997, para. 70, <http://www.ohr.int/pic/default.asp?content_id=5180> (accessed November 18, 2002).
- 25 Mirko Klarin, "Interview with the High Representative," *Nasa Borba*, December 12, 1997, <http://www.ohr.int/ohr-dept/preso/pressi/default.asp?content_id=3409> (accessed November 18, 2002).
- 26 PIC, "Bosnia and Herzegovina 1998: Self-sustaining Structures. Conclusions," December 10, 1997, Article XI.2.b-c, <http://www.ohr.int/pic/default.asp?content_id=5183> (accessed November 18, 2002).
- 27 *Ibid.*, Article IX.1.e
- 28 Klarin.
- 29 OHR, "8th Report of the High Representative for Implementation of the Bosnian Peace Agreement to the Secretary-General of the United Nations," January 16, 1998, paras. 17-28, <http://www.ohr.int/other-doc/hr-reports/default.asp?content_id=3671> (accessed November 18, 2002).
- 30 PIC, "PIC Madrid Declaration: Annex," December 16, 1998, <http://www.ohr.int/pic/default.asp?content_id=5190> (accessed November 18, 2002).
- 31 Brcko is a small town in northeastern Bosnia. The Bosnian Serbs and Bosniaks hotly contested it during the war. Before the war it was predominantly Bosniak, but the town connected the two parts of the Republika Srpska, thus it was of geostrategic value to the Bosnian Serbs. During the Dayton negotiations, Brcko became a sticking point that almost derailed the signing of the peace agreement. Milosevic and Izetbegovic, understanding the importance of achieving peace in Bosnia, agreed that an international commission would arbitrate the fate of the town. The decision, which was supposed to be issued in late 1996, was postponed until March 5, 1999. The commission decided that Brcko is a neutral town part of both entities.
- 32 OHR, "14th Report of the High Representative for Implementation of the Bosnian Peace Agreement to the Secretary-General of the United Nations," July 16, 1999, <http://www.ohr.int/other-doc/hr-reports/default.asp?content_id=3678> (accessed November 18, 2002).
- 33 PIC, "Communiqué by the Foreign Ministers of the Steering Board of the Peace Implementation Council," September 22, 1999, <http://www.ohr.int/pic/default.asp?content_id=5192> (accessed November 18, 2002).
- 34 Wolfgang Petritsch, "High Representative's speech to the UN Security Council," November 8, 1999.
- 35 For more details, see PIC, "Declaration of the Peace Implementation Council, Brussels May 23-24, 2000," May 24, 2000, <http://www.ohr.int/ohr-dept/preso/pressp/default.asp?content_id=3341> (accessed November 18, 2002).
- 36 Zeljko Cijanovic, "Bosnia Poll Sparks International Row," *Balkans Crisis Report* 197 (November 21, 2000), <http://www.iwpr.net/index.pl?archive/bcr/bcr_20001121_1_eng.txt> (accessed November 18, 2002).
- 37 *Ibid.*
- 38 ICG, *Bosnia: Reshaping the International Machinery* (Washington, D.C.: ICG, 2001), <<http://www.crisisweb.org/projects/showreport.cfm?reportid=499>> (accessed November 18, 2002).
- 39 OHR, "Press Release: Cooperation Through the Partnership Forum Agreed," August 2, 2001, <http://www.ohr.int/ohr-dept/preso/bh-media-rep/round-ups/default.asp?content_id=5722> (accessed November 18, 2002).
- 40 OHR, "Press Release: First Inspiring Session of the Civic Forum," October 12, 2001, <http://www.ohr.int/ohr-dept/preso/pressr/default.asp?content_id=6052> (accessed November 18, 2002).
- 41 "Our Take: Selling Bosnia to Bosnians," *Transitions Online* (June 3, 2002), <<http://www.tol.cz>> (accessed August 2, 2002).
- 42 OHR, "Press Release: OHR Opens All Positions to BiH Citizens," September 12, 2002, <http://www.ohr.int/ohr-dept/preso/pressr/default.asp?content_id=27901> (accessed November 18, 2002).
- 43 For an excellent analysis, see Anes Alic and Dragan Stanimirovic, "Childs Play?," *Balkan Reconstruction Report* (October 11, 2002), <<http://balkanreport.tol.cz>> (accessed October 23, 2002).
- 44 See William Pfaff, "Time to Concede Defeat in Bosnia-Herzegovina," *International Herald Tribune*, October 10, 2002, <[http://www.iht.com/ihsearch.php?id=73230&owner=\(IHT\)&date=20021011124119](http://www.iht.com/ihsearch.php?id=73230&owner=(IHT)&date=20021011124119)> (accessed November 18, 2002).