

Bosnia and Herzegovina: facing the question of identity

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Bosnia's fate and stability evoke growing concerns among observers of the Balkan political scene. Out of three goals the international community set themselves in Dayton – the assurance of security, the reconstruction of infrastructure damaged as a result of the conflict and the creation of a multinational, democratic society – only the first of these appears to have been achieved. This is despite the failure to capture war criminals, the occurrence of explosive local incidents, and the need to maintain significant international peace and police forces eight years after conflict resolution¹. The lack of success in achieving the subsequent two goals means that doubts about Bosnia's future tend to arise increasingly more often, concerning two significant, related issues: perspectives for stabilisation, the reconstruction and building of a democratic society, the stability of Bosnia's² political status and, indirectly – the permanency of its borders. If the plans for social and economic reconstruction falter, this might result in making Bosnia in the further future the hotbed for many a threats, starting from illegal immigration, drugs and guns transit, and ending up with the springing of the radical islamist ideologies, terrorist militias, etc. This essay concentrates on the second of these issues. This is also due to the fact that, should worldwide public opinion recognise that Bosnia, after eight years, has become nothing other than a “common market executing a pompous foreign policy”, it would be necessary to review the hitherto policy – the route of the borders would then be considered one of the fastest and most commonly questioned elements.

The status of Bosnia and Herzegovina's legal and government system: hidden traps

Bosnia's parliament announced sovereignty back in October 1991. In spite of this, the four-year conflict, having the characteristics of a domestic war, as well as those of an international dispute, did not allow for the elaboration of permanently operating constitutional mechanisms. Bosnia's government system is regulated by the General Framework Agreement for Peace in Bosnia and Herzegovina (GFAP) entered into in De-

ember 1995 at the Dayton military base, hence the sometimes-used title “Dayton Pact” or the more widely used, “Dayton Peace Agreement”. Another derivative of this name is “Dayton constitution”, used in connection with the basic law constituting the primary element of the Peace Agreement. Furthermore, these days, it is not rare to hear opinions postulating the granting of subsequent amendments or a completely new constitutional formula³.

The basic law, drawn up in extremely atypical circumstances (under the conditions of a “weak cease-fire”, with the decisive participation of foreign experts, later ratified by the parliaments), was intended as a compromise that could be accepted by the parties in conflict with completely different political aims: for the Bosnians, this was to maintain a unitary state, whilst for the Serbs and Croats – in the maximum version, this was the annexation of controlled land to the “mother state” and the creation of a “Great Serbia/Croatia”, in the minimum version, however – maintaining the highest possible level of autonomy. As a result, the actual basic law is deeply incoherent in such a fundamental matter as the concept of a state. The very essence of contradiction is the fact that the Dayton constitution de facto acknowledges the legality of the existence (and, subsequently, the rise) of the Republic of Serbia. This is despite the fact that, at the level of values and goals announced, it declares its opposition to “ethnic self-determination” values and ethnic cleansing, which enabled the formation of the RS. In other words, due to the political and military circumstances under which it was formed, this constitution contains elements of an appeasement that does not enjoy a very good reputation in European history: it accepts territorial acquisitions carried out with the violation of law due to the impossibility of opposing them in the name of reaching a compromise⁴. At the same time, however, Bosnian Serbs still have grounds to perceive the compromise with Dayton as being imposed on them, hence the existence of the RS, with its extensive autonomy, as superior and primary in relation to that compromise.

It is also worth noting that – no matter how Bosnia’s constitution is formally superior in relation to the basic laws of both “entities” – both these constitutions, accepted prior to the si-

gning of the Peace Agreement in Dayton, are valid despite the fact they have maintained provisions referring to the concept of individual independence and statehoods⁵.

Key elements making Bosnia’s constitutional provisions so exceptional (as, let us add impractical) consist in:

A. Acknowledging that three “constitutional nations” exist on B&H territory and that they should be guaranteed the maximum protection of their rights everywhere, where they form a minority. The maximum possible development of such institutions, proportional representation, a division of standards and the veto mechanism serve this purpose.

B. A partial acceptance of the status quo from autumn 1995 (a consequence of the four-year conflict) and, as a result, acknowledgement of the fact that the Bosnian nation is formed by two “entities” or “members” (Serb/Croat/Bosnian *entiteti*): the Serbian Republic in Bosnia (RS) and the Muslim-Croat Federation (MCF), internally divided into “national” cantons. These entities are not states as understood by international law. However, from the moment the Dayton constitution was signed, they have maintained a series of their own prerogatives, including separate armed and stabilisation forces, special forces, separate budgets and, to a certain degree, also separate legislature and the right to maintain “special relations” with neighbouring countries⁶. Finally, they have separate media (television); they also have their own parliaments. The federal state (Bosnia and Herzegovina) mainly administers foreign policy and some budgetary and legislative authorisations, realised through the intermediary of the nationwide parliament. There is also a common currency (initially known as *konvertibilna marka*, equal to 1 DM and, as of 2002 – 1 euro) and a common market (lack of internal customs barriers).

C. An unusually wide scope of authorisations has been granted to the UN High Commissioner, appointed by Annex 10 to the GFAP; the Commissioner is authorised, among other tasks, to: nullify parliamentary and presidential election results, dismiss persons elected and appointed to higher positions in the state, and display a positive legislative initiative. Furthermore, the High Commissioner holds the right to independently construct his mandate (Art. V): “We know

what we're not allowed to do" – one diplomat commented on the situation⁷. The widely developed authorisations of the head of NATO Stabilisation Forces (SFOR) are also contained in the GFAP, as are those of OBWE representatives authorised to supervise elections. One can often hear the opinion that Bosnia differs from the classic protectorate formula through the "democratic *decorum*" and the intentions of the promoters of constitutional provisions; however, practice enables one to talk about a "para-protectorate". The paradox of the Bosnian constitution is not the last; the most democratic solutions in the history of this country have simultaneously contributed to the development of a "culture of dependency" and convincing political elites of the impossibility of influencing the country's state of affairs. Just in recent years, the High Commissioner has made decisions regarding key issues⁸ such as:

- dissolving the parliament of the Republic of Serbia in 1998;
- dismissing the RS's president, Nikola Poplasen, in March 1999;
- settling the status of the controversial Brcko enclave in August 1999;
- forbidding the representatives of a dozen or so political parties to participate in subsequent elections in 2000;
- nominating judges to the Supreme Court and the Constitutional Tribunal (last in May 2002);
- imposing common "national symbols" for all of Bosnia on political elites of the RS and the MCF (flag, emblem, national anthem⁹, identity cards and vehicle registration plates), which were supposed to become the corner stone for the new identity¹⁰.

The scale of resistance of the local elites towards imposed changes is proven by the fact that the process of revising one phrase of the constitution took more than two years. Debates on this topic began in July 2000 when the Constitutional Tribunal in Sarajevo recognised that laws should contain provisions acknowledging that all three nations constituting B&H (Bosnians, Serbs and Croats) have equal rights in all of Bosnia. The recommended amendments would guarantee a larger representation of Serbs within the government of the B&H Federation, as well as of Muslims and Croats in the RS authorities: however, in April 2002, following the acceptance of

the required amendments by the parliaments of both "entities", UN High Commissioner to Bosnia, Wolfgang Petritsch and US Ambassador Clifford Bond, decided that further steps should be taken.

A description of "centrifugal" tendencies

During the first years that the Dayton Peace Agreement was in operation, centrifugal tendencies of the Serbian and Croatian society appeared with equal intensity: in November 1998 the signing by Alija Izetbegovic's government of an agreement on "special relations" of the MCF and Croatia continued to evoke protests among numerous Bosnian groups, who saw in this a "Croatian partition"¹¹. Some experts tended to ascertain that, in the face of Bosnian-Croat incidents and the scale of centrifugal initiatives undertaken by Croatian nationalists from Herzegovina, the real threat to Bosnia is "not the Republic of Serbia but the Federation supported by the USA"¹². With the passing of time, the threat to Bosnia's unity was increasingly more commonly seen, above all, in the existence of the Republic of Serbia, due to two factors:

A. The singling-out of the RS in a constitutional and territorial scope (Croatian cantons do not form a close-knit whole within the sphere of the MCF and there are no other quasi-administrative legal structures that could unite Croats residing in Bosnia).

B. The success in Croatia of the democratic and pro-European orientation, as a result of which its political elites have been rejecting any kind of "revisionism" with respect to Dayton since the late 1990s.

As a consequence, the last significant demonstration of a "will for distinction" by Bosnian Croats took place in early 2001, when attempts were made to announce secession. In Serbia, however, the democratic breakthrough was not achieved until autumn 2000. In spite of this, events that took place over the following years (including the attack on Serbia's prime minister in March 2003) have shown the scope of influence maintained in Belgrade by circles associated with the army and special forces, opposed to in-

tegration with the West and the Dayton Agreement. Centrifugal tendencies have also been discussed in this analysis, following the example of initiatives undertaken in the RS.

As a consequence of this, both sides disputing Bosnia's future (understood here as supporters of a unitary state and [those supporting] the maximum autonomy of its constituents), declaring an attachment to the "constitutional order" and the "Dayton values", remain in agreement with the word of law; this status, however, does nothing to facilitate aspirations of reaching a compromise.

Unitarianism vs. separatism

The demand for the "unitarisation" of Bosnia (a process identified with its modernisation, democratisation, etc.) was raised by experts, as well as by international politicians committed to this sphere¹³. As time passes, it is also being raised, in an increasingly more resolute manner, by Bosnian politicians. "Unless both entities of Bosnia quickly institute significant reforms, the Constitutional Tribunal of B&H should nullify their constitutions," ascertained Sejfidin Tokic¹⁴, Speaker of the Upper House of Nations of B&H's parliament in Sarajevo, in December 2001. Even with regard to the urgent years'-long matter of unifying the armed forces, Bosnian politicians are resolute, often justifying their position in a rather demagogical manner: RS Vice President, Adil Osmanovic, representing the local Bosnian population, recently declared that "The RS's army is nothing more than one of Belgrade's subordinate formations"¹⁵.

It is worth noticing, however, that there are double motives for these types of changes: "rational" motives are exploited by politicians and foreign experts, who focus attention on the enormous costs and alarm as to the non-viability of the operation of such a mechanism as the Bosnian state in its present shape. There are also "symbolic" motives usually referred to by Bosnian politicians and publicists¹⁶, who believe that "the Serbian Republic [in its current form] came into existence as the result of genocide" and, therefore, its liquidation is absolutely necessary for moral reasons.

It is impossible to question the rational argument: the very fact of the existence, at times, of a five-level decision-making structure (city – canton – canton council – federation member – federation as a whole) must influence the growth in costs associated with running the country¹⁷, as does the support of a "double" apparatus of police, army and special forces (and, until recently, border patrols), railway system and municipal services¹⁸. The unparalleled growth of bureaucracy also favours a very high level of corruption and a paralysis in decision-making: presently Bosnia is incapable of leading an independent economic existence¹⁹.

The Serbian Republic's opinion as a "product of genocide" (its supporters refer to the fact that Serbian forces carried out ethnical cleansing on a significant part of the territory and organised resettlements, which led to an obligatory "Serbisation"), despite the existence of historical reasons justifying it, does not favour the building of a consensus. It is not to be accepted by the Serbian population of the RS²⁰. The polarization of opinions as concerns historical matters and attempt to achieve "historical justice", is also seen as one follows the history of charges, submitted by B&H authorities (the presidency) before the International Tribunal in the Hague against Yugoslavia. Serbian politicians in the central authorities loyal to Banja Luka and Belgrade white washed themselves from these charges (in which B&H authorities demand that Yugoslavia be held responsible for war crimes carried out in 1991–1995 and be subject to high compensation). One cannot doubt the impracticality and temporary character of the current state of affairs. Of growing popularity among commentators is the metaphor comparing the Serbian Republic in Bosnia to the German Democratic Republic; depending on the author, however, a solution to this situation is seen in either the unification of Bosnia and Herzegovina or in "uniting two Serbian nations".

Most of the RS's politicians have resigned over the past years from the (initially postulated) revisions of agreements with Dayton and declare their support for maintaining these agreements in their original form, acknowledging their inviolability as the most certain protection against unitarian postulations²¹. The deciding evidence of just how popular are the ideas of the RS's

right to the furthest possible degree of “separateness” [having its own, distinct characteristics] within Bosnia is visible in the fact that, on the Republic’s political scene, there are no groups that would propagate unitarianist programmes. It is also evident in the election defeats of those who declared readiness in co-operating with Croatian and Bosnian parties at a national level. Also of significance is the emotional engagement of the RS’s Serbian citizens in favour of this “separateness”²², as well as the existence of semi-legal organisations propagating over the Internet and in debit-free publishing houses the idea of the RS’s announcement of independence or its unification with Serbia and Montenegro²³. Openness towards possible secession is evident also in Art. 2 of the RS’s Constitution (of 26 September 2001), which, even following the appropriate amendments imposed by the High Commissioner, reads: “An understanding on the change of borders between the RS and the MCF may be ratified by way of a referendum among the citizens of the Republic”²⁴ or the statement made by former Prime Minister Mladen Ivanic, who even during the pre-election campaign in November 2001 declared the announcement of independence by the RS²⁵.

Among the measured propositions, worth noting is the idea of one of Serbia’s most prominent political scientists, Cedomir Antic, who deals with regional order in the Balkans and “Serbian geopolitics”, and is associated with the groups ruling in Serbia. This postulation supports the “strict integration of the economy, education and culture of Serbia with the RS”, acknowledging that this formula is admissible through the agreement with Dayton and, simultaneously, constitutes the only hope for the collapsing Serbian enclave. Antic also focuses attention on the RS’s strategic (“protection against Islamic extremism and terrorism”) and demographic role (“against the depopulation of Serbia, which can be expected over the coming decades”) for Belgrade²⁶.

The internal contradiction of the Dayton Peace Agreement

The internal division is written into Bosnia’s constitutional matter: it causes a lack of functionality and, at the same time, it’s unusually difficult to remove. Paradoxically, the government system, which was designed with the idea of conquering the causes and results of a bloody ethnic conflict, forces the existence of ethnic rifts or even strengthens them. The principle of a proportional ethnic representation means that any unethnical group interests (linked with professions, trade and territory), which could favour the levelling of the divisions, appear to be secondary in the face of ethnic affiliations. “Dayton” – as noted recently by well-known Bosnian intellectual, Ivan Lovrenovic – “is a political device serving to maintain *status quo* [and not the creation of a future]”²⁷.

Government institutions and mechanisms formed with the idea of securing this state of affairs and, as a result, consolidating the “division in two” (alongside the actual “separateness” of the state’s two constituents) include the following:

- subordination to the ethnic divisions of the parliamentary representative system on a nationwide level: in the Lower House (the House of Representatives), as in the Higher House (the House of Nations) there are separate “representations”, i.e. groups of MPs (Serbian, Croat and Bosnian), the number of which is established up front and who are chosen, accordingly, in a common vote or by the parliaments of both constituents. The ethnic composition of the MPs is also significant during each election: the principle of a majority of votes is not enough; it is also mandatory to have a consensus of “ethnic representations”²⁸.

- the application of the “proportional ethnic representation” principle to the selection of members of certain central institutions, beginning with the three-person “presidency” performing the role of a “joint head of state”, by the Constitutional Tribunal, the Military Issues Committee (a substitute for the federal defence department) and the central bank. A longer dispute also took place in 1999–2000 about the position of Chairman of the Council of Ministers (Prime Minister): initially, this position was transferred on a rota-

tional basis (at weekly intervals) between three “virtual prime ministers” representing the three constitutional nations; eventually this period was increased to six months. This principle also binds on the lower levels of the state administration hierarchy – in such manner, for example, two vice-ministers are obligated to represent two other “constitutional nations” (if the minister is Serbian, his substitutes are a Bosnian and a Croat, etc.) – and it binds on both entities of the B&H, as well as within legislative and executive power structures.

– the veto mechanism, which plays a key role in the legislative system (those with the right to veto include national representations in the federal parliament, club leaders and, under specified conditions, members of the presidency as well). The intention of its designers was for this mechanism to secure the rights of minorities and it appears to be fulfilling this task. Simultaneously, however, as noted by Robert M. Hayden, the veto mechanism serves well to protect threatened rights, yet it does not serve in reaching any kind of compromise. In other words – as noted by this analyst – “It must be a surprising fact that the deciding move, which is currently being experienced by Bosnia, is of exactly the same nature as the one that led to its breakup in 1992. The proposed preventative mechanisms, therefore, are identical to those that authorities attempted to apply in the former Yugoslav Federation”²⁹.

Directions of unification undertaken by the High Commissioner

Among the most important and successful unification initiatives of the High Commissioner’s Office are, from among those cited above, the appointment of uniform border patrols for all of Bosnia and the introduction of uniform identity cards³⁰. However, these reforms have failed to alter the actual state of affairs being the profound “division in two” of Bosnia.

The scale of divisions is evident in the lack of success of subsequent measures intended to unify armed and special forces within Bosnia. Pressure to move in this direction began in the late 1990s, when two military structures were formed on Bosnian territory: “Vojska Federacije

BiH” active in the MCF and “Vojska Republike Srpske” (VRS), differing with regard to weapons, military principles, training procedures and forming, in an obvious manner, a backup for revisionist forces³¹. For the first time Carlos Westendorp resolutely demanded the integration of the armed forces under a common leadership back in February 1999³². Appeals in this matter were also directed repeatedly by SFOR leaders, including General John Sylvester (December 2001), stressing that this is an absolute condition in Bosnia joining the “Partnership for Peace” structure and trying for membership in NATO. EU Commissioner Chris Patten spoke out in the same spirit during his last visit to B&H (September 2002), as did General Secretary of NATO, George Robertson (November 2002). An additional incentive (played off excellently through propaganda) was the revelation by SFOR in spring this year that VRS units carried out surveillance of NATO armies and Western politicians³³. Bosnian politicians recently joined in “unification” attempts, their main point of interest being the stabilisation of Bosnia. Last August, the expansion of the competencies of the Common Military Issues Committee (a sub-organ of the collective “presidency” constituting a substitute for the federal Ministry of Defence) was supported by Boris Belkic, a Bosnian member of the presidency³⁴. SFOR Commander General William Ward appealed in this regard, for the last time, in May this year, calling on leaders and Bosnian politicians to speed up work on creating a common army for both “entities”³⁵. Such endeavours are invariably faced with resistance from both entities and members of the potentially united formations. The operation of such type of institution requires such a high degree of integration that a “mock”, exhibitiv and fictional integration would not achieve its intended goal. What’s more, it is highly probable that it would lead to un-constitutional activities (the rise of secret, “national” military and intelligence formations).

Politicians of the Republic of Serbia have repeatedly acknowledged similar postulates as “impermissible”³⁶. In recent years, Zivko Radisic (a Serbian member of the presidency), former president of the RS, Mirko Sarovic, or the National Defence Council heading the VRS have been protesting against any types of initiatives aimed

at unifying the armed forces, including Belkic's initiative. The successive High Commissioner, Paddy Ashdown has, thus far, taken the most determined step by dissolving this last body in early April; this step, in the short-term perspective, is more likely to lead to a growth in anarchisation than to any real integration of armed forces.

Perspectives for the development of the situation

At present, three factors appear to be constant³⁷:

1. the determination of the international community to unify and stabilise Bosnia;
2. acceptance, by a decisive majority of residents and political elites, of the intentions and initiatives of this community as characterised above, being a resultant of "passive resistance" and opportunism, which may be labelled "political mimicry *par excellence*"³⁸;
3. the actual (and not only declared, as in the first few years following Dayton) lack of interest among new, democratic political elites appearing in Croatia and in Serbia in changing of the post-Dayton territorial *status quo* and the acknowledgement in any "state-legal" form of the "separateness" [autonomy] of the Serbian Republic in Bosnia or of Croatian cantons constituting the MCF³⁹. This is due to the risk of an absolute and long-lasting break-up in relations with West or the outright armed intervention thereof to protect the Dayton Pact.

In the foreseeable future, the first of these elements, namely the determination of the international community, may prove to be the most susceptible to change. Its leaders, as well as opinion-forming circles, have repeatedly assured of their intention to maintain and strengthen the Dayton Peace Agreement, and the resoluteness with which representatives of the community opposed "centrifugal" aspirations appear to be evidence and a guarantee of this fact. At the same time, however, international public opinion was constantly aware that this Agreement is an attempt to bring into force a voluntary project, a type of "order by choice", for which alternatives exist – at least in theory.

Two elements, above all, may influence the weakening of the determination to maintain this order (in the literal and metaphorical sense):

- A. an evaluation of the costs (material, human and political) borne thus far by the international community (or its respective entities) and recognising that it cannot continue to offer stabilisation aid in the hitherto form;
- B. the appearance of new tasks or challenges, which would force the community (or its respective entities) to dislocate forces and/or redistribute resources to a degree that would render impossible the fulfilment of its hitherto role in Bosnia, including what is most significant within the context of this analysis – "cohesive" (concentric) activity through the strengthening of central institutions and limiting of centrifugal forces.

It seems that presently, in summer 2003, the above-cited perspective, though still within the realm of possibility, is more likely now than at any time over the past seven years⁴⁰. The statements of politicians and leading experts of Western powers attest as to the rising concern in the face of the necessity of constant military, financial and political engagement in Bosnia⁴¹. What's more, the opinion-forming circles of the West, which cannot be suspected of sympathy towards Serbian nationalism, have not entirely rejected the concept of a "Dayton revision" (scil. a division of Bosnia along ethnic border lines)⁴². This is constituted by a series of factors:

- poor results of almost all stabilisation initiatives undertaken (unification of the country, development of democratic elites, privatisation of the economy) and the high costs associated therewith;
- the fact that the donor programme has already absorbed almost USD 6 billion;
- the failure of the privatisation programme in a situation where the progressive decapitalisation of companies intended for this purpose renders it less profitable and less possible to execute from year to year.

Simultaneously, the attack of 11 September 2001 caused a resolute transfer of US priorities with regard to goals for building national protection, as well as directions of engagement. Despite the fact that a considerable part of the US's European allies distanced themselves, to a greater or lesser degree, from this over-evaluation (an expressive example of this has been the controversy surrounding US intervention in Iraq in

spring this year), it cannot be ruled out that, in the case of continuing terrorist activities by the al-Qaida also within Europe, European countries wouldn't react in a similar manner. Even if this were not to occur, the ability and determination of Western European NATO members or EU states to independently stabilise Bosnia's military and economic situation might falter.

Additional variables that should be taken into account when considering the perspectives for preserving Bosnia's integrity include:

- a constant improvement in the economic situation (the development of infrastructure and the free-market economy, a fall in unemployment) in Bosnia and neighbouring countries;
- a calendar and dynamics of expanding EU structures to the Western Balkans;
- Bosnia's demographic situation.

Three basic directions of the development of the situation may be outlined, with respect to the above, without deciding in advance what their detailed development should look like:

A. "Optimistic": the international community finds resources enabling it to continue its stabilisation activities in Bosnia, including the modernisation of the economy and the construction of the state's central structures. Simultaneously, democratisation processes are taking place in neighbouring countries (Serbia, Croatia), as well as the expansion of EU and NATO structures to the Western Balkans and, as a consequence – the opening of the borders between countries in the region and the involvement of the region's citizens, on a previously incomparable scale, in the Europe-wide circulation of goods and resources.

In this situation one can hope that the older generation of Bosnian residents and politicians would realise the anachronism of the hitherto division and the occurrence of a gradual loss of the significance of the former determinants of the collective identity for the younger generation⁴³. In the optimum variant, the "inter-Bosnian" border could recall, for example, the border between the Flemish and Walonian communes in Belgium or between the various cantons of Switzerland. They would actually divide societies belonging to different ethnic backgrounds and regions with a separate historical identity. At the same time, however, they would constitu-

te a relic with practically no significance to the daily operation of the state. In these circumstances it would also be possible to change the content of the Dayton constitution⁴⁴. Such a scenario is also spoken for by a growth in the number of people returning to their former place of residence, which means that the RS and MCF are becoming "less monoethnic".

B. "Pessimistic", which may be accomplished through one or several destabilising factors: the resignation of the international community from conducting the stabilisation mission in Bosnia, the failure of economic and political reforms in the region, the break-up of the process of expanding the EU and NATO to the Western Balkans, a demographic boom in Bosnia, etc. A situation of weakening cohesive forces and attractive incentives in the form of a speedy perspective of EU membership and an improvement in living standards would lead to the activation of groups supporting maximum federalisation or the division of the Bosnian nation.

The increase of inter-ethnic tensions (Serbo-Bosnian, Serbo-Croatian), which it is impossible to rule out in such situation, would lead to the mobilisation of public opinion in "mother" states, the activation and rise of popularity of presently marginalised groups, demanding the revision of the agreement with Dayton and the annexation of "historically Serbian/Croatian lands"⁴⁵. In the best-case scenario, they would contribute to the unsettlement of the stable political situation in these countries, in the worst case – to attempts at an open "incorporation" of Bosnian lands. Bosnia's experience in this case would comply with that of Cyprus, the South Caucasus (the Karabach region) or Lebanon: the "freezing" of conflicts and ethnic divisions mostly does nothing to protect against the opening of old lines of division the instant the control system is weakened. Such tensions might eventually lead to the growth of the above mentioned negative tendencies, beginning from illegal transit of people and materials, ending up with making Bosnia the cornerstone for the radical Islamism in Europe.

C. The intermediate variant linking the conditions and consequences of both of the above-cited variants is also probable: the progressive autonomisation of Bosnia and movement of its

constituents (in particular the RS) in the direction of the “mother states”, taking place with the permission or even support of the West. Speaking out against this scenario is the fact that it would be linked with the prestigious defeat of the West, which would be forced to acknowledge the failure of its earlier plans. However, given the change in priorities cited above, it would be impossible to rule out such solution. In recent months many experts and publicists have supported such solution (which was hitherto taboo): next to the already quoted William Pfaff, particular attention should be paid to the analysis prepared by A. Ross Johnson, an expert of the Woodrow Wilson International Center, which summarises the ten-year experience of stabilisation efforts in the Balkans⁴⁶. Johnson notes a lack of the expected breakthrough in relations between the nations that were previously in conflict and a growing disproportion between the costs associated with maintaining Balkan “protectorates” and the possibilities of the international community. In his contemplations of Bosnia, Johnson supports the acceptance of one of two variants: strengthening the basic functions of the central government in Sarajevo (the defence system and foreign policy) with the simultaneous “delegation” of the remaining spheres to the benefit of both entities or – in the face of a lack of threat, which was the annexation of the RS and Croatian cantons to the “mother states” in 1995 – the relinquishment of costly unification efforts and expressing agreement for the furthest advanced autonomy even if it were to lead to the formal declaration of independence.

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¹ I.H. Daalder, M.B. Froman, “Dayton’s Incomplete Peace”, *Foreign Affairs* No. 6, Vol. 78 (1999), pp. 108–109.

² Well-known German analyst, Ch. Zoepel, stresses that Bosnia’s problem, which could become the most serious interruption on its road to the EU, and the strengthening of its international status, is the issue of its unresolved political status. RFE Balkan Report, 17 January 2003.

³ Mark Thompson, Head of the Balkans Programme at the influential International Crisis Group (ICG) declared that, facing the deadlock of reforms in Bosnia the “international community must be ready to bring into force a model that will be more successful than the Dayton Pact” (RFE Newsline, 7 December 2001).

⁴ W. Bass, “The Triage of Dayton”, *Foreign Affairs* No. 5, Vol. 77 (1998), p. 102.

⁵ The MCF’s constitution was accepted on 30 March 1994; the basic law in the RS dates 14 September 1992. Upon the order of the High Representative several dozen amendments were introduced, however, it is still viewed as “potentially separatist” by Bosnians and Croats.

⁶ This formula was supposed to constitute an additional guarantee for maintaining, in the Serbian and Croat part of Bosnia, close relations with the “mother states”. Belgrade was the last to resign from these (unilaterally, within the scope of military co-operation): on 14 May 2001, Serbian Defence Minister Slobodan Bilic announced that he was withholding the payment of salaries to the officers’ body of the RS’s armed forces. Almost a year later (1 March 2002) Serbian authorities decided to cease granting financial aid to RS armies.

⁷ “Europe: The Protectorate”, *Economist*, 14 February 1998, G.T. Dempsey, Fool’s Errands, Cato Institute, Washington, 2001.

⁸ Everyday practice also includes dozens of minor legislative and personnel decisions, such as the dismissal by Wolfgang Petritsch of Croatian mayor of Mostar, Ivan Mandic in January 2002, or the dismissal by Paddy Ashdown of Kemal Terzic, the mayor of Donji Vakuf, six months later.

⁹ The artificiality of the “constructed identity” is proven by the fact that the melody of anthem (accepted by the parliament in February 1999) still has no lyrics: its composers also ensured this so that “no motives arose that could be linked with either Serbian, Croat or Bosnian folk music” (*Oslobodjenje*, Sarajevo, 11 February 1999).

¹⁰ Only in April this year, the government of B&H undertook work on the project to unify the education system. Until now, three separate education systems operated in Bosnia, created by the “constitutional nations”, offering different interpretations of the past and various social values.

¹¹ E.g. Sefer Halilovic’s declaration of 13 November 1998.

¹² W. Bass, *op.cit.*

¹³ “The Peace Implementation Council, international institutions, the ambassadors of foreign countries and SFOR leaders have been repeating for at least two years that the condition for integrating Bosnia with Europe is the creation of efficient state institutions on a central level” – Experts of the prestigious ICG have summarised these efforts in the text titled “The Sovereign Republic of Serbia or a European Bosnia?” in

The Wages of Sin: Confronting Bosnia's Republika Srpska, ICG Balkans Report No. 118, 8 October 2001, p. 42.

¹⁴ RFE Newline, 28 December 2001.

¹⁵ *Nezavisne Novine* (Sarajevo), 13 May 2003.

¹⁶ E.g. numerous statements of Haris Silajdzic and other politicians of the SDA party, which won the last parliamentary elections in 2002.

¹⁷ Costs of maintaining the state and municipal administration apparatus in Bosnia equal 13 percent of the GDP; these usually do not exceed 3 percent elsewhere in the world.

¹⁸ One of few national railway lines in operation, between Zvornic and Metkovic, is a frequently cited, expressive example of the difficulties created in practice by the division of competencies among B&H Federation members. Over a distance of almost 300 km the locomotive is changed three times (when the train crosses the jurisdiction of one district railway headquarters to another).

¹⁹ The opinion of the head of Bosnia's Academy of Sciences, Bozidar Matic, [in:] *Dani*, No. 143, 25 February 2000, Sarajevo.

²⁰ Its members often "reverse the argument", indicating that the "ethnic recomposition" of Bosnian land constituting the Croat-Muslim Federation was carried out with the use of force.

²¹ The decision of former RS delegate to the Bosnian presidency, Mirko Sarovic, was of significance. In February this year, Sarovic resolutely opposed changes aiming to confiscate from the "entities" the right to independently collect taxes, recognising them as "unconstitutional". What is interesting is that this position was supported by Serbia's Finance Minister, Bozidar Djelic (Radio b02, 19.02.2003, www.b92.net).

²² W. Stanislawski, "Serbska Bośnia: pocztówka z postmodernistycznego protektoratu", *Rzeczpospolita*, 3–4 May 2003.

²³ E.g. <http://www.slobodnaSrpska.org> [The site's main slogan is: "A movement for the liberalisation of the Serbian Republic and the uniting of all Serbian lands"]; www.Srpska.com

²⁴ <http://www.ohr.int/const/rs/> Art. 2 (also the Preamble to the constitution contained therein).

²⁵ Formerly performing the functions of Prime Minister, Ivanic rejected, among others, the idea of integrating B&H, and stressed that "the independence of the Serbian Republic continues to constitute an attractive political concept", whereas "the absolute takeover of the republic's lands is in the interest of Serbs residing in the RS". RFE Newline, 18 October 2001.

²⁶ C. Antic, "Nezavisna Srbija u Evropskoj Uniji", <http://www.nspm.org.yu>

²⁷ I. Lovrenovic, "Partitioning Bosnia all over again", Bosnia Report, November 2002, www.bosnia.org.uk

²⁸ The opponents of the proposal subjected to voting can consist in no more than 2/3 of MPs belonging to one of the constitutional nations (Art. IV.3.d). If this is the case then (fearing the violation of the rights of minorities) the decision shall be suspended until a decision is made by the High Committee (close in its role to the Seniors Convent) or the Constitutional Tribunal, to which it can be denounced. Also, any of the parliamentary ethnic clubs has the right to

block the acceptance of this law, calling on the necessity to protect "the nation's vital interest" (Art. IV.3.e).

²⁹ R.M. Hayden, Bosnia ten years after "Independence": the Dictatorship of the Protectorate, May 2002, p. 1, 5.

³⁰ This last operation was initiated in May 2002; the first "Bosnian" identity cards were distributed in September last year yet the entire operation won't end until at least winter 2004/2005; almost ten years after Dayton. Despite this, outgoing UN High Commissioner Wolfgang Petritsch did not hesitate in admitting that the commencement of this operation was "the corner stone of the modern, sovereign and civil Bosnia".

³¹ AIM Newline, 3 February 1999.

³² RFE Newline, 23 February 1999.

³³ Statement by SFOR spokesman Dale McClaren of 1 April 2003. RFE Newline, 2 April 2003.

³⁴ The favourable disposition of Bosnians towards the idea of unifying the army is limited and conditional; a few months later (7 May 2003) RS Vice President, Adil Osmanovic, declared that Bosnians residing in the republic do not intend to participate in the VRS's military service. *Nezavisne Novine* (Banja Luka), 12 May 2003.

³⁵ Almost a week earlier, on 30 April 2003, High Representative of the international community, Paddy Ashdown, the, appealed to the MPs of the National Council of the Republic of Serbia to form a common intelligence service that would be uniform in all of Bosnia.

³⁶ RFE Newline, 9 May 2002.

³⁷ Placing the matter in such a light does not take into account the plurality of options and divisions within the sphere of the "international community" and "local political elites". In the case of both these bodies, it is possible to speak of a considerable range of attitudes. I decided to use this simplification, however, to clarify the argument.

³⁸ "For most Bosnian leaders of the older generation" – according to Carl Bildt – "the [present] peace constitutes only a continuation of war with the help of other resources". Carl Bildt, "Second Chance in the Balkans", *Foreign Affairs* No. 1, Vol. 80 (2001).

³⁹ Theoretically, a series of solutions could come into play: from recognising Bosnia's "Serbian" (or Croatian) autonomy and linking it with "particular relations" (a reminder: in its rudimentary form, this formula was binding in Belgrade-Banja Luka relations until 2002) to the incorporation of terrain bordering with the "mother state".

⁴⁰ The declaration of two influential US analysts from 1999: "The Balkans are presently at a crossroads. European and US readiness to help Kosovo [and Bosnia] will not last forever. Only two or three years remain until the West turns its attention elsewhere" (B. Steil, S.L. Woodward, "A European New Deal for the Balkans", *Foreign Affairs* No.6, Vol. 78 (1999), p. 96). The attack of 11 September 2001 has contributed to the fact that this announcement is beginning to come true.

⁴¹ E.g. the statement of Mark Wheeler, Head of the Bosnia Project, within the ICG: "I can't say just how useful the Stabilisation Pact is [and the maintenance of present solutions] – I am wavering between deciding whether or not it is use-

ful to an insignificant degree or that it should be recognised as completely useless"; RFE Balkan Report, 17 January 2003. Also the article of negotiator Carl Bildt: "The biggest defeat [in Bosnia] turned out to be the issue of social and economic development", *Foreign Affairs* No. 1, Vol. 80 (2001). In essence, out of three levels of reforms (post-war reconstruction, a departure from a government-owned ["commanded"] socialist economy, the construction of a competitive economy), Bosnia was only able to achieve the first (I.H. Daalder, *op.cit.*, p. 109).

⁴² E.g. the position of the CIA's long-term chief, Stephen Mayer (I. Lovrenovic, *Dani*, 18 October 2002) or the essay of well-known commentator William Pfaff ("Time to admit Bosnia's Defeat"), published in the *International Herald Tribune*, 10 October 2002.

⁴³ The figure who seems to constitute evidence that such evolution is possible, is the enfant terrible of RS political life – former prime minister and leader of the Independent Social Democrats party, Milorad Dodik. Independently of the motives steering him in his "pro-Western" and "pro-Bosnian" orientation, he has remained faithful to these from the moment he formed his first cabinet in 1998. In spring this year he once again surprised observers of the Bosnian political scene by revealing significant facts attesting to links with the mafia in the RS and Serbia and then stating he supported the unification of Bosnian armed forces (Radio b92, 10 March 2003, www.b92.net).

⁴⁴ The creators of the constitution took care to incorporate into it mechanisms enabling (in the case of entering into a true consensus by the three constitutional nations) a relatively easy reform of the political system: in order to change the constitution a majority of 2/3 of votes from both houses of the federal parliament will suffice (sub. X, paragraph 1) without the need for it to be proclaimed by the Legislative Assembly, or the need to convene the Assembly or ratify the changes made through a universal referendum.

⁴⁵ In the case of Serbia, an additional incentive could be the further weakening of the control Belgrade has over Kosovo, which is highly likely within the context of present events. The concept of compensation ("The Republic of Serbia behind Kosovo!") that was called on several times in the past by influential politicians could gain popularity; in August 2002 and in February this year, the possibility of bringing into force such a scenario was suggested, among others, by Serbia's current prime minister, Zoran Djindjic.

⁴⁶ A.R. Johnson, "An Assessment of the Decade of Western Peace-Keeping and Nation-Building in the Balkans", Woodrow Wilson International Center (WWIC), May 2003 (also the discussion of this analysis in: RFE Balkan Report, 16 May 2003). Also another study published by the WWIC: R.M. Hayden, *op.cit.* and G.T. Dempsey, *Rethinking the Dayton Agreement: Bosnia Three Years Later*, Cato Policy Analysis No. 327, Cato Institute, Washington, 1998.