

"There is an alternative to the paradox of establishing new protectorate powers and more invasive international mandates to bring about democracy and self-government in Bosnia, an option never advocated by policy advisers from international institutions: allow people in the region greater autonomy to develop their own solutions."

Bosnia: The Democracy Paradox

DAVID CHANDLER

The Dayton peace agreement that formally ended the Bosnian conflict in November 1995 also established the framework for the new state of Bosnia and its two component entities, the Muslim-Croat Federation and Republika Srpska (Serb Republic). Since Dayton the international community has taken a wide range of measures to strengthen Bosnia's state institutions and to marginalize the country's nationalist parties and reduce their electoral support. Despite these efforts, Serb, Croat, and Muslim monoethnic parties gave a strong showing in the Bosnian general elections in November 2000, an outcome that seemed to buck the positive political trends in neighboring Croatia and Serbia. Why has Bosnia taken this path, and why has the response to this setback been calls for strengthened international protectorate powers?

"STRONG-ARM" DEMOCRACY?

In the November elections the leading Serb nationalist party, the Serbian Democratic Party (SDS)—formerly headed by Radovan Karadzic, the Bosnian Serb wartime leader who has been indicted by the International War Crimes Tribunal for the Former Yugoslavia at The Hague—emerged as the clear victor in Republika Srpska (RS). The SDS won the republic's presidency and vice presidency and took more seats than any other party in the RS National Assembly. In the Muslim-Croat Federation, the Croat nationalist Croatian Democratic Union (HDZ) won an absolute majority of Bosnian Croat votes, and the Muslim nationalist Party of

Democratic Action (SDA) did better than expected, running a close second to the more moderate Social Democratic Party (SDP).

Many international policymakers expressed surprise that the Bosnian nationalist parties maintained such a high level of support, especially since long-ruling nationalist parties had recently been toppled in neighboring Croatia and Serbia. Norbert Schwaiger, spokesman for the Council of Europe, said the council was disappointed and mystified that people wanted a better quality of life and financial support from the West but were not prepared to vote for the Western-backed parties over the nationalists. The result of this disappointment, after five years of international regulation, has been calls for a reassessment of international policy approaches.

Tony Borden, executive director of the London-based Institute for War and Peace Reporting, argued that "paradoxically, there will not be more democracy in Bosnia until the West imposes it." His was just one voice among a growing consensus that supports stronger measures to impose democracy on Bosnia through external means. The influential International Crisis Group, a Brussels- and Washington-based policy institute, similarly demanded more overt protectorate powers and stronger restrictions on the major political parties. Borden's call for an "Iron High Representative" to establish new state institutions, without popular consent if necessary, with NATO containing any possible backlash, was echoed by Daniel Serwer, director of the United States Institute of Peace's Balkans Initiative. Serwer argued that, with the changes in Serbia and Croatia, the situation was ripe for a more aggressive effort to impose the international community's will.

Calls for more overt intervention in Bosnian domestic politics have also been voiced by international policymakers. The Clinton administration's

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ambassador to the UN, Richard Holbrooke, said that the leading international administrator of the Dayton agreement, High Representative Wolfgang Petritsch, was to blame because he had not banned the leading nationalist parties, primarily the SDS, which topped the polls in Republika Srpska. In response, Petritsch blamed Dayton architect Holbrooke for not banning all the nationalist parties from the outset. The United States ambassador to Bosnia, Thomas Miller, warned in Banja Luka in early December 2000 that Washington would no longer provide funds to Republika Srpska if the SDS was allowed to form a government. Miller explained that the United States was not interested in working with any coalition of parties, even if headed by a non-SDS prime minister, if the SDS was included in the government. Luke Zahner, deputy spokesman for the Organization for Security and Cooperation in Europe's Mission to Bosnia-Herzegovina, stated that if the RS wanted the support of donor countries, it must forgo the election process and instead install a government of experts. (In the face of this international pressure, the RS government under Prime Minister Mladen Ivanic was announced on January 12, 2001. Seven of the 18 named ministers are from the SDS, 7 plus Ivanic are from the Party of Democratic Progress, 1 is from the Socialist Party of the RS, and 3 are independents, including 1 Muslim representative.)

The international community has also intervened in the federation, where it has diluted the influence of the leading Bosnian Croat party, the HDZ. For violations of the election silence period, 10 HDZ candidates with the highest popular vote were removed by High Representative Petritsch from cantonal assemblies in the federation and their seats left vacant.

Although calls for stronger measures such as these continue, the history of international rule over Bosnia since Dayton shows that international "strong-arm" attempts to use economic blackmail or political bans to cohere state institutions and overcome ethnic divisions are unlikely to work.

DAYTON'S BOSNIA

The Bosnian peace settlement agreed to in 1995 at the United States Air Force base in Dayton, Ohio was drawn up by United States government advisers and imposed on the parties separately, with little input from Bosnian political representatives. This imposed settlement contained far-reaching

powers for international institutions over the formally independent Bosnian state. NATO assumed control of the military implementation of the peace settlement. Final authority over civilian regulation of the economy, judiciary, and political institutions was awarded to an internationally appointed "high representative," with a special role in election and media regulation going to the Organization for Security and Cooperation in Europe (OSCE).

Dayton called for one year of internationally supervised transition, during which elections would be held and two types of joint institutions would be established: the political institutions of the new state, which were to be elected and directly accountable to the people, and the economic, judicial, and human rights institutions, which were to be supervised through the appointment of representatives from international institutions for five or six years. This year of transition to at least partial, self-governing democracy was to end with the election of state and entity bodies in September 1996. Although these state bodies were elected under internationally supervised and ratified elections, the transitional international administration was prolonged for a further two-year "consolidation period" and then, in December 1997, continued indefinitely for a variety of reasons: lack of ethnic reconciliation; need to ensure "effective governance"; and international agreement that long-term engagement was necessary. The extension of the time limits for international withdrawal and the creation of new mandates for NATO, the UN, and OSCE since Dayton have been implemented on an ad hoc basis with little regard for the wishes of Bosnian citizens or their elected representatives.

The international community has been free to redefine its mandates in Bosnia because the Dayton agreement only bound the Balkan parties to it, not the international organizations that have given themselves the responsibility for implementing it. Ad hoc international forums such as the international Contact Group, comprised of the powers most concerned with Balkan issues—the United States, Britain, Germany, France, Italy, and Russia—and the Peace Implementation Council (PIC) (formerly the International Conference on the Former Yugoslavia) meet to decide policy and then call on international institutions such as the UN, NATO, OSCE, the European Union, International Monetary Fund (IMF), and the World Bank to draw up their own plans.¹ This domination by international institutions is demonstrated by the fact that the Bosnian constitution cannot be changed by Bosnian representatives, but only by the international community itself. The Constitutional

¹PIC is composed of 55 governments and international organizations responsible for the sponsorship and direction of the peace-implementation process.

Court is dominated by internationally appointed judges who cannot be citizens of Bosnia or neighboring states, and the Central Bank is run by an IMF appointee who cannot be a Bosnian citizen. Joining the official international institutions involved in regulating Bosnia are several hundred international nongovernmental organizations that play a role on both an official and unofficial basis in implementing policy. As *London Times* columnist Simon Jenkins has noted, the small Bosnian state has become the "world capital of interventionism."

The institution whose powers have grown the most since the signing of the Dayton agreement has been the Office of the High Representative (OHR). Under the Dayton provisions, the role of the high representative was supposed to end once new government institutions were elected in September 1996. After the elections the OHR was given the authority to draw up two 12-month "action plans" for the government of the new state, which were to be approved by PIC, not the Bosnian government. In implementing these plans, the international community initially gave lip service to the democratic mandate of Bosnian politicians, stating that the high representative could offer recommendations to the government and, in case of a dispute, could also make these recommendations public. Six months later PIC gave the high representative the power to set deadlines for compliance with his recommended measures, to impose restrictions on travel abroad for obstructive Bosnian representatives, and to impose economic sanctions at local and regional levels in the case of noncompliance. At the same time, the OHR was given the authority to curtail or suspend any media network or programs that contravened "either the spirit or the letter" of Dayton.

In December 1997 the high representative's powers were expanded to deciding the time, location, and chairmanship of government meetings; enacting measures that had not been accepted by Bosnian authorities; and dismissing noncompliant elected officials at every level of government. The high representative himself, Carl Westendorp, demonstrated the flexibility of international institutional powers over Bosnia, claiming that "You do not [have] power handed to you on a platter. You just seize it; if you use this power well, no one will contest it. I have already achieved this." The lack of barriers to

the extension of international regulation means that the high representative has more autocratic control than even the colonial administrators of the past. Westendorp noted in a November 1997 interview that "If you read Dayton carefully . . . [it] gives me the possibility to interpret my own authorities and powers." Today the OHR has headquarters both in Brussels and Sarajevo, one for developing policy with other international bodies and the other for implementing policy on the ground. The Sarajevo office, nicknamed "The Presidency," is staffed by over 200 international policymakers with units responsible for elections, economic reconstruction, humanitarian issues, legal and media issues, refugee return, and political affairs.

Far from facilitating autonomy, the transformation of the Dayton mandates has led to the creation of a United States-run international protectorate in Bosnia. The United States president and the United States Defense Department have, in practice, established the framework of international engagement in the Bosnian state; the UN, OSCE, the European Union, the World Bank, the IMF, and other international bodies operate their own empire-building projects within this. Compared with the vast international bureaucracy of approximately 40,000 international troops and administrators, Bosnia's elected institutions have little capacity for policy making or implementation.

IMPOSING DEMOCRACY?

The constantly expanding role of international organizations has inevitably restricted the capacity of the Bosnian people to discuss, develop responses to, and make decisions about vital issues. At the state level, the Bosnian Muslim, Croat, and Serb representatives can discuss international policy proposals under the guidance of the OHR but can make only minor amendments or delay the implementation of externally prepared rules and regulations. Even this limited accountability has been diminished by the high representative, who has viewed democratic consensus-building in Bosnian state bodies such as the tripartite presidency, the Council of Ministers, and the state parliament as creating unnecessary delays in imposing international policy.² Compared to the swift signature of the chief administrator's pen, establishing democratic accountability through the joint institutions was seen as "painfully cumbersome and ineffective."³ At the Bonn PIC summit in December 1997, the "cumbersome" need for elected Bosnian representatives to assent to international edicts was removed, and the high representative was

²The Bosnian presidency is composed of three members: a Muslim and a Croat directly elected from the federation, and a Serb directly elected from the RS.

³*Office of the High Representative Bulletin*, no. 62 (October 11, 1997).

empowered to dismiss elected representatives who obstruct policy and to impose legislation directly. The international community thereby assumed complete legislative and executive power over the formally independent state. Since then not one law placed before the Bosnian Parliamentary Assembly has been drafted and ratified by Bosnian representatives themselves.

Dayton divided the Bosnian state into two entities, the Muslim-Croat Federation and Republika Srpska, but provided little autonomy for elected representatives at either entity level. In the Muslim-Croat Federation, which encompasses 51 percent of the country's territory, policy has been devised by the OHR in close cooperation with United States officials. The ad hoc Federation Forum, cochaired by the principal deputy high representative and the United States assistant secretary of state, has met on a monthly basis with Muslim and Croat representatives to present international proposals; "special groups" have been set up on a similar ad hoc basis to circumvent elected forums and develop policy in different areas. The lack of support by both

sides for imposed federation policies was dismissed in 1998 by the senior deputy high representative, Hanns Schumacher: "I don't care. I am simply not interested in who does not want the Federation: this is a concept that we will implement. . . . We dictate what will be done."

In the Republika Srpska, the international regulation of policy making was even more disputed. The seat of government was moved from Pale to Banja Luka, and IMF and OHR economic packages prevented the RS regime from raising revenues independent of the international community. In July 1997 the international community supported the dissolution of the RS Parliamentary Assembly and overruled the RS constitutional court to force new elections. The international community then organized the selection of a governing coalition that excluded the largest party, the SDS. In March 1999 the high representative took international interference in entity politics further by dismissing the newly elected RS president, Nikola Poplasen, and preventing the vice president, Mirko Sarovic, from assuming his duties. Poplasen's Serb Radical Party and a smaller Serb nationalist party were subsequently banned from competing in the local and then the state and entity elections in 2000.

At city and local levels the international community has similarly had a free hand to overrule elected representatives and impose policy under the rubric of multiethnic governance. The divided city of Mostar provides a good example of how this works in practice: seats are allocated in advance on the basis of ethnicity, and then, under international guidance, "consensus" politics are enforced against the Croat representatives from West Mostar and the Muslim representatives from East Mostar. International regulation thus marginalizes Mostari voters and removes any local accountability for policy making. In the disputed Brcko region, an international administrator, Robert Farrand—appointed by the United States—regulates the composition of the consultative assembly and issues binding regulations. As the *Washington Post* described it on October 8, 1998, his "kingly powers" extend "right down to determining who will live in which house, the list of required attendees at meetings of the local police chiefs, the ethnic com-

position of the local municipal council and the pace at which privatization will proceed."

At the municipal level the powers of the international commu-

nity also have grown since Dayton. In the two years after the agreement was signed, international pressure at this level was limited to the threat of withdrawing reconstruction aid. By the end of 1997 the international community developed two new approaches. First, using new powers, the high representative began to dismiss local mayors who were considered obstructive. This has been an ongoing process; for example, in November 1999 the high representative dismissed nine mayors along with other local officials from Serb, Croat, and Muslim national parties. Second, with the regular extension of OSCE powers, the international community has openly disregarded municipal election results and imposed power-sharing administrations—in some cases suspending local assemblies and replacing them with executive boards run by international appointees.

Dayton promised the decentralization of political power and the creation of multiethnic administrations in Bosnia to cohere state institutions and provide security to ethnic minorities and safeguard their autonomy. Minority protections promised to the three constituent peoples under Dayton, however, have not been delivered under the international administration. At state, entity, city, and municipal levels, a clear pattern has emerged in

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which elected majorities have been given little control over policy making. This power has not been decentralized to give minority groups security and a stake in government, but has been transferred to international institutions and recentralized in the hands of the high representative. The high representative's imposition of new constitutional commissions in January 2001 well illustrates this process. Under the guise of promoting political equality for the three constituent peoples and those who do not consider themselves members of these groups, new internationally selected commissions have been established to vet policy decisions by elected bodies in both entities. These commissions further undermine majority decision-making processes and give the high representative, who has the final say if the commissions fail to reach a consensus, new powers of regulation.

Today the international community regulates Bosnian life down to the provision of local community services, employment practices, school admissions, and international competitive sports. Multiethnic administrations exist on paper, but the consensus attained in these forums is imposed, not autonomously negotiated. Compliance with international edicts accompanied by the threat of dismissals or economic sanctions for noncompliance does little to give majorities or minorities a stake in the process, nor does it encourage the emergence of a negotiated accountable solution that could be viable in the long term.

THE PAPER STATE

Bosnia has more external institutional regulations to safeguard democracy and rights than any other country in the world. But scant evidence exists that this level of international oversight can effectively unify the new Bosnian state and overcome the divisions of the war. Instead of strengthening the central institutions of the new state and facilitating compromise and negotiation, the international administration has removed policymaking capacity from all popularly accountable Bosnian institutions. This has weakened the state and entity bodies that are central to unifying society and has reinforced ethnic identification.

The fragmented nature of the Bosnian state, after more than five years of international bureaucratic regulation, is highlighted by the desperate nature of the November 2000 European Union bid, worth 1.8 million euros (\$1.7 million), for a private international contractor to provide technical assistance in consolidating the central institutions of the Bosnian

state. The high representative has declared that 2001 will be the year of state building, but little new is on offer. Since 1996 the European Union has committed to spending over 26 million euros (approximately \$25 million) on the external management of Bosnian government institutional capacity, including 3 million euros (nearly \$3 million) for strengthening the presidency, the Council of Ministers, and State Parliament since October 1998.

The European Union is not the only organization purchasing administrative training and capacity building. Other bilateral donors and international organizations concerned with providing technical assistance, policy advice, training, equipment, and cofinancing in support of institution building include OSCE, the Council of Europe, the UN, the United States Agency for International Development, and the National Democratic Institute.

The problem of institutional capacity cannot be addressed without considering the paradox of imposing democracy through external regulation. The institutions of the Bosnian government are hollow structures, incapable of operating autonomously—not because of Bosnian incapacity but because of the imbalance of power between Bosnian and international policymakers. Small wonder that the Bosnian Council of Ministers, with only the nominal role of assenting to preprepared policy, has few staff or resources and has been described by the OHR as “little more than an extended working group.” The dangers of overregulation are not new. Muslim, Croat, and Serb representatives have argued for greater political autonomy in policy making and have attempted to uphold the rights protected according to the “letter” of the Dayton agreement against the ad hoc reinterpretation of international powers under the “spirit” of Dayton. As an adviser to former long-time Bosnian President Alija Izetbegovic noted, there is a contradiction between the stated aims of the international protectorate and its consequences: “A protectorate solution is not good, because the international community would bring all the decisions which would decrease all the functions of Bosnia-Herzegovina institutions. The high representative's mandate is actually an opposite one, to strengthen the Bosnia-Herzegovina institutions.”

The artificial nature of these collective forums has meant that limited political space is available for a negotiated solution between accountable political representatives. With little influence over, or relationship to, the decision-making process, there is widespread concern that entity boundaries or rights to land, employment, and housing can easily be

brought into question. Without a locally accountable and stable settlement at the regional or state level, much narrower political relations have been institutionalized as security has been sought in individual and local links to those with influence and power. The narrowing of the political sphere and reliance on individual survival strategies have assumed a generalized pattern across society. The “new feudalism” noted by some commentators and the continued existence of weak parastate structures in Muslim and Croat areas of the federation are symptomatic of the vacuum of integrative institutional power at state and entity levels rather than the strength of national, ethnic, or regional sentiments.

The dynamic of the Dayton process has been to award greater mandates to international institutions, increasingly disempowering the Bosnian people and their representatives. But the dilution of mechanisms of popular accountability apparently has done little to broaden the Bosnian people’s political outlook. The marginalization of elected political bodies, which bring together Muslim, Croat, and Serb representatives, has merely reinforced and institutionalized fears and insecurities, providing a solid groundswell of support for nationalist parties. The Bosnian Croats and Serbs feel more insecure today than at any previous point since Dayton. The Croatian nationalists gained popular support from the international decision to change the electoral system before the November 2000 ballot, which gave Croatian voters less say in the federation parliament. Similarly, the Serb nationalist SDS gained support from the banning of the Serb Radical Party and further threats to disfranchise Serb voters. The more the international community has sought to impose unity by bans and economic blackmail, the more fragmented Bosnian society has become.

DENYING DEMOCRACY

The powers of the international community in Bosnia have expanded with little criticism. Indeed, the most vociferous critics of international policy are those who have argued that Bosnia still has too much democracy and political autonomy. Ironically, given the stultifying effect of extensive international regulation, critics continue to assert that international institutions have failed to intervene fully in the domestic political sphere. This consensus has facilitated the outright denial of democracy under Bosnia’s international administration. The historically understood meaning of democracy—legitimacy through popular accountability to the electorate, the demos—has been replaced by a new meaning: adherence to

regulations laid down by external institutions. This trend toward law making by international edict has made it impossible for any negotiated compromise to arise between Serbs, Croats and Muslims. This has meant, in turn, that there is little capacity for Bosnian institutions to overcome societal divisions.

The extended mandates of the international institutions have undermined the power of the main political parties and their elected representatives but have not created the political basis of a unitary Bosnia, except insofar as it is one artificially imposed by, and dependent on, the international community. The predominant response to the failure of international regulation in Bosnia has been to call for more of the same policies in the mistaken belief that democracy and Bosnian unity can be externally imposed if the international community would allocate more resources such as troops, police supervisors, judges, media regulators, civil-society builders, psychosocial counselors, and democracy and human rights trainers. But there is an alternative to the paradox of establishing new protectorate powers and more invasive international mandates to bring about democracy and self-government in Bosnia, an option never advocated by policy advisers from international institutions: allow people in the region greater autonomy to develop their own solutions. Recent experience in Bosnia suggests that relying on more of the same—the development of further protectorate powers—can only intensify and institutionalize ethnic and regional divisions. ■

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