



## *How About We Dismiss the People?*

---

*“Wouldn't it be easier in that case  
to dismiss the people and simply choose another”  
Bertolt Brecht (The Solution - Die Loesung)*

This is an overview of the moment and circumstances in which we all find ourselves together after the failed phantom 'Butmir' process, after, yet another, 'fateful' PIC session, after delaying liberalization of the visa regime and MAP – and right before yet another, just as 'fateful' elections. The story is well known – the state does not function; it is additionally destabilized by reheated political tensions. The political ether is boiling with nationalistic rhetoric and chauvinism. The foreigners would add to this that civil society is not strong enough, that the people chose the government they deserve, and that the media are not free. We add to that the 'experts', who give speeches about BiH on gatherings throughout Europe, based on their possibly two-three year long 'expert' mandate in one of the medium-ranked functions in international organisations (with some exceptions, of course). In the end, one or more former High Representatives, enriched by the temporal and geographical distance, ruefully cry in foreign media that more and better things could have been done, or, at least that what was done so far, must be preserved. The sad thing is, however shallow and superficial assessments like these may be, all the things that people may say, which we have listed here, stand.

So, since the state is already 'irreparable', civil society lacks 'strength', media speak with ill voices, and nationalism is predisposed, is the only thing left to do to follow the Brecht's cry and 'dismiss' the people?

This question, and the remainder of this article, we address to the International Community. BiH is a rare example in the world where the International Community could be named as a single entity. Regardless of how many examples there were of un-unified actions of the International Community in BiH in the past, there were still certain common action mechanisms and common policies. That was popularly called 'state-building', and due to constant repetition, we got bored with it as much as we were bored with the sound of 'ownership'. Today, there is no more 'state-building', or the 'International Community' in singular, and no mention of 'ownership'. That is why we ask the question - what did the International Community want to do with Bosnia and Herzegovina? Considering the fact that we do not have the answer to this question (and how could we) we believe that the International Community needs to, at last, ask itself this question. We are not trying to create here the inventory of the mistakes that the International Community made in BiH. There would be far less of them than there were positive things. However, we do have the right and the intention to wonder whether these obvious mistakes were so essentially meaningful that they could easily jeopardize both stability in BiH and the entire legacy of

state-building from Dayton onwards. We feel that the situation we find ourselves in has been inflated to the point of bursting, and that the International Community needs to put the ball on the ground, re-examine its position and how far it has taken BiH in that process, and then draw some conclusions and hopefully radically change its approach. Either that, or slam the door behind itself and withdraw forever, defeated and ashamed. We believe that there is, simply, no third option. Both solutions will have great consequences. The only question is what is the greater of two evils? That is why, this time, we deliberately avoid writing about the mistakes of local policies, because it is unnecessary. People have the government they deserve, until they decide differently. Domestic authorities, or better yet, their policy, grew up within the framework imposed on it and grew with it. It has built the state and disintegrated it at the same time, under the watchful eye of the International Community. If it seems to our esteemed readers that we are trying to blame the foreigners for everything, then they fail to see our message. Then we were not clear enough, and we take the responsibility for that. We are not trying to play the 'blame-game', although that seems to have become the leitmotiv of everything that the International Community has been trying to do over the past year, starting with the liberalization of the visa regime, through (not)closing the OHR to the elusive MAP. As the BiH problem became more complicated in an unusual de facto protectorate, it is logical that the part of the blame must be carried by those who had the greatest power. The fact that they have no electoral legitimacy does not mean that they have no responsibility. Even more so now, when the International Community wants, at all costs, to treat BiH as a complete state; equally to Serbia, Croatia, Montenegro, Albania and Macedonia when fulfilling all technical preconditions for EU and NATO membership. It seems that this misapprehension of the International Community daily leads to disaster, thus increasing the panic which turns into a need to flee from BiH. This escape would have probably already happened if it wasn't for several issues that tie the fate of BiH tightly with the fate of Europe and even America:

- So much credibility, money, effort and energy has been invested in BiH so far that no European government, no matter how conservative it may be, is prepared to declare the bankruptcy of its policy in BiH;
- BiH is so geographically close that even the slightest crises leads to instability which can easily have regional repercussions, which ultimately endangers European security;
- At the ideological level, leaving BiH would confirm the idea of the inability of multiethnic states to function on Balkans, and even in Europe, right at the moment when EU is striving towards creating a large multinational über-state;
- The Americans have returned to try to repair the damage created by Dayton and thus save their legacy at the moment when the situation in Afghanistan, and in Iraq threatens to render the international interventionism senseless.

These reasons are sufficiently powerful to make the escape out of BiH impossible, but not motivating enough to lead towards radical change of policy towards BiH. This can be observed from numerous international academic debates on the topic of BiH. The conferences on BiH are common again, but they all end without concrete conclusions, stretched like BiH itself, between the need for the OHR to stay or go; to make transition before the conditions are created or to impose conditions before the transition; etc.

***Where is the problem? – In the impatience to untie this knot***

---

We completely understand that, from the perspective of the international representatives, it is difficult to place BiH into 'time machine and to think in a manner their predecessors have thought in 1996, 1999, 2000...up to 2005. People have changed, and policies with them, and 'legacy' slowly got watered down. Fifteen years of international presence in politics and military; dozens of imposed laws and removed politicians (from municipal heads of office, to heads of state); billion and a half (more or less) of direct help. Three armies were united into one. Professional civil service is under construction. State boundaries have been placed under the control of local institutions. A very modern system of personal data has been developed (CIPS and now IDDEEA) with personal identification documents that even developed EU countries, like Germany, do not possess. The state has received unified passports, licence plates for personal vehicles, a flag, anthem; judicial reform, Bulldozer Commission (including the roses planted in the botanical garden), fiscal reforms and introduction of VAT, 'Jobs and Justice'. There was even an initiative to promote the tourist potential of BiH. Without even going into the motives here – form very banal to substantial.

After ten years of complete interventionism, the International Community without any god reason got swayed by political correctness, out of which grew a strong feeling of guilt. So now - 'gloves on' and earplugs in for all the matters that would have been the most blatant violation of the Dayton Agreement only five years ago. There are no priorities any more, other than those that will provide convincing excuses to wothdraw. Thus, Butmir became the mother and father of a functional state, and Prud a 'happy' arranged marriage.

From Dayton, through Prud and all the way to Butmir, the negotiating table holds all the same dilemmas, almost all the same actors, same fears of war, separation, collapse. BiH state is getting further away from those that it should serve and it is getting closer to the point of complete implosion. Just like in predictable crime series, just like fifteen years ago, think-tanks and analysts write detailed scenarios of BiH collapse, and then elaborate possible responds for that collapse. Out of complete desperation they create and spread viruses and anti-viruses at the same time. The difference now is that the taboo of ethnic separation, as the fastest and the simplest solution, has moved centre stage, lit up by the media stage lights and encouraged by some experiences from the neighbourhood. Simply, everything became politically incorrect other than divisions which have become acceptable because they were the only thing left untested.

We risk being boring, but it would be incorrect, after all, not to admit, that the problem lays in the fact that BiH phenomenon has become so complex in its 'insolvability'; the status quo is taking too long, and it is hard to find even the greatest friends of BiH who have the patience to unwind the ball to the end. Political correctness and real-politics have banished morality and justice from the discourse, and all who dare to try and unwind the ball of guilt back to Dayton, or, God forbid, 1992, is considered to be backwards and boring. Uncooperative. It mo longer matters whose fault it was. It doesn't matter what happened. What is important is that the war was stopped and that a compromise is reached within what's possible. Preferably, by the end of this year.

The implementation of the Dayton Agreement, particularly minding the equidistance, was left to the same policies that lead to it. The Constitution has imposed a semi-presidential system where the executive power does not have any real power at all, and the power that is available to it is blocked by the veto system. Even though BiH Constitution is written in a manner which completely opposes all existing conventions on human rights, it is now being politically derogated because it fails to respect the human rights. The

legislative power is trapped within the ethnic consensus. The state is now left on its own, without clearly defined competencies which are shared with the entities. Dayton has, in fact, created a ring in which the state, with the help of the High Representative must fight for its competencies. However, as the role of the High Representative has weakened, so have the chances of the state to win the minimum requirements to function. The way it is now, we are not allowed to travel, or to integrate any further. And rightfully so. But, we do ask the question of the general responsibility for the situation we find ourselves in. BiH governments are irresponsible and inefficient. But the people did elect them. But who designed the system that can not function without the intervention of the International Community? And who kept it alive for ten years? And what did it do in the meantime to enable the system to function without such interference. We ask ourselves, and we ask you – if five or more years ago, it was necessary and justified to remove a head of office for housing in a municipality in order to fully implement certain provisions of the Dayton Agreement, why is it suddenly less important to have foreign judges and prosecutors that could finalize the processes they begun? Those same judges that were brought and given legitimacy by the International Community in the first place.

Why is it less important today to introduce the mechanisms of Constitutional unblocking, then it was to get rid of tourist associations at the municipal level because that was proposed by the Bulldozer Commission, or even to set tariffs for electricity five years ago. These are all real examples, even though they show the surreal aspect of the International Community's role today compared to the near past. They are also an illustration of a complete lack of vision.

When the situation nearly got out of control, the International Community, instead of using its protectorate authorities and, essentially, building up the Constitution and 'waking up' the knocked out state, and sobering up the sleepy people, it actually made a decision to enter the ring itself and act as state by imposing laws and institutions and removing politicians. New institutions were built on an unfinished and undefined constitutional frame and extremely weak state structures, while the BiH state was falling apart under the weight of constitutional vagueness. The EU, weak and incoherent, was constantly running away from the essence – Dayton – finding it to be the American achievement, while the Americans, under the Bush administration, lead wars in Afghanistan and Iraq. And then came another mistake; the international representatives heavily exhausted themselves while creating new conditions, trying to make bait out of Euro-Atlantic integrations, in order to entice the political leaders to create a state which the foreigners were mimicking not so long ago. They refused to see that the politicians they thought were the leaders were negotiating with fingers crossed in their pockets, and they refused to place the EU goals before their own. Then new regional crises occurred, and the fatigue from BiH became ever more apparent, and thus strengthened the idea of leaving BiH to 'boil from the inside'. This is an approach that can, by all means, be compared to shock treatment: we are leaving you, you no longer present an interest for us, we have other problems, local politicians need to reach a consensus, and we will be helping them. One of the familiar victims of such an approach is the famous police reform which the International Community pushed into the conditions for the SAA, and then, for years, exhausted itself on shifting around sentences in their proposals and playing with names of the institutions. Who can even remember the police reform in BiH today?

Within this constitutional frame of a knocked out state grew a completely different political elite which inaugurated the blocking system into the means for defence of particular political goals. Together with it grew the electorate which understood that Dayton is the only given thing; there is no other. Politicians took the vagueness of the BiH

Constitution as an invitation to define it themselves, the way it suits them, and to sell it to the frightened people as the ultimate remedy for regulating national pressure. People remain frightened, while politicians rule. After all, people bought the concept of ethno-policy as the only possible way to keep their fear under control. It seems that only the common people understood the very essence of the Dayton Agreement, while the insignificant minority, including ourselves, still refuse to come to terms with what came upon us. Even among the pro-Bosnia oriented citizens, Serbs, Croats and even Bosniacs, it is no longer hard to find those who say that things cannot continue like this, that perhaps it is better to try a solution that hasn't been tried out yet – separation, decentralization, confederation, consociation. That is the very implosion point which BiH is slowly, but surely sliding towards right before the eyes of the International Community who swore and made a commitment in Dayton and Paris that it will not allow this to happen. Thus the state got further away from the people, while the voters tried to find their identity in their nationalistic icons, thus, out of sheer fear, supporting the attitude of a firm hand – who throws a pebble at you, you throw a rock at him. Balanced policy was completely shot down as a possibility. Out of pure inertia and in the midst of this attack of political correctness, the International Community benevolently tolerates such local policies and politicians. It invites them to visit thinking it can entice them; instead of isolating and sanctioning them.

### ***The road to Brussels is paved with good intentions***

---

It is a great mistake to think that instead of intrusive involvement, it is better to threaten with non-acceptance to the EU. Even more so due to the fact that it is left to the local policies to construe what needs to be done, and who needs to take whom into the EU – entities lead the state, or state the entities. How can it be any different in a structure where there are no defined jurisdictions and in which the veto system is a key democratic lever. Neighbouring states have caught the trains for NATO, EU and visa liberalization, while BiH is pressed at the bottom by magnetic forces of a Bosnian, really Dayton, triangle, and was left waiting on a train platform to nowhere. The answer of the International Community is bureaucratically precise, but morally very painful: Local politicians failed to meet the conditions and that is why BiH was left out from the European Commission suggestion for visa liberalization, and ultimately from MAP.

The conviction that with the change of regimes in Zagreb and Belgrade came true and fundamental dismissal of policies that, among other things, lead to Dayton, is the next big mistake of the International Community in BiH. Serbia became the factor of stability, because at any given moment it was prepared to generate regional instability, from Kosovo, to Montenegro and ultimately to BiH. Croatia, on the other hand, got Europeanized and took great leaps towards the EU. Essentially, both of these countries, though with different intensity, remain deeply involved in crises (mis)management in BiH. They far more often abuse rather than use their influence. Croatia maintains the practice of Croats in BiH not just owning its passports and citizenships, but the right to vote in Croatia. It gave them the opportunity to completely identify themselves with Croatia as their mother state, and to consider BiH as a spare or temporary state. Serbia has so deeply integrated Republika Srpska that is not even noticed when its President crosses the state line with BiH. And, instead of recognising the obvious and reaching for the standards it has inaugurated itself and conditioning the European road of Zagreb and Belgrade with a true good-neighbourly cooperation, the EU continues to make new mistakes. Serbia and

Croatia have been promoted into the pillars of stability in the Balkans, and BiH was made into their mere reflection. That is why every High Representatives has flown to Zagreb and Belgrade for consultations, and the European leaders called the presidents and prime ministers of the neighbouring countries to ask them for their opinion on BiH. The local leaders, and quite deservedly so, could have only reached some third grade officers who used them to practice their negotiation skills. The Kosovo issue caught the EU off-guard in the step between going and staying in BiH. Kosovo independence opened the Pandora's box, and allowed Belgrade to take the position of a victim who threatens 'to trade' the BiH territory. Fear, indecisiveness, and unpreparedness of the EU to deal with this problem could have been smelled all the way to Tirana. Belgrade, Moscow and Banja Luka decided to manoeuvre and wave the card of instability before the eyes of such EU, that couldn't even gather the strength to unanimously acknowledge Kosovo's independence.

Animated by the weakness of the EU, and absence of USA, politicians in BiH, grown within the Dayton framework, were saying to hell with the international representatives, while sending planes and granting state honours to war criminals who have served their sentence. Verbally, in a most cruel way, they have played with the credibility of the International Community, or with what was left of it. They were cheered by the crowd like gladiators while they were ripping apart the Dayton Agreement before the eyes of those who still sit there to preserve it. The role of the High Representative, especially after the departure of Paddy Ashdown, became weak, while the power of the Peace Implementation Council increased; power of a body so heterogeneous that even the Dayton Agreement makes more sense than any of the PIC communiqués.

### *So where are we now?*

---

In Butmir. Without consulting with state institutions, NGO sector, even without the consultations within the International Community, a package arrangement is made and offered to the leaders of political parties in a 'take it or leave it' principle. The starting point again, like in Dayton, is the actual state, and not the essence of the problem. The same mistake is being made like with the April package of Constitutional reform in 2006. Instead of publishing to the BiH citizens what is being offered, EU and USA close the political leaders into a military base in Butmir and allow each of them to publicly interpret the proposals that the International Community has offered. So, everybody told their own version of the story, and the public remains confused. Due to impatience, and pours of pragmatism, what is placed in the same basket are minimal changes of the Constitution, and offering visa regime liberalization, closing the OHR, MAP and maybe even the EU candidate status. BiH has almost completely fulfilled the conditions for the visa liberalization. MAP has nothing to do with Butmir, even though the communique of the Foreign Affairs Ministers of the NATO member states demonstrated that it does have something to do with essential constitutional reforms?! But shouldn't this have been said earlier, and not less than a year before the elections and at the peak of constitutional reform. In the end, the candidate status, and this is quite clear to all, BiH will never get with the OHR, and the OHR will never leave until the infamous conditions (5+2)<sup>1</sup> are

---

<sup>1</sup> Five goals for closing the OHR: 1. Solving the issue of state property; 2. Solving the issue of military property; 3. Status of Brčko; 4. Fiscal stability (Fiscal Council); 5. Rule of law. Two conditions: 1. Signing the SAA; 2. Positive assessment of Dayton implementation. Having observed itself that it has insufficiently clear defined the goals and conditions, the key representatives of the International Community have redefined the second condition into: that there are no more calls to secession; no more calls to abolish the RS and no more anti-Dayton activities (whatever that may mean).

fulfilled. Those conditions, on the other hand, were defined by PIC in order to create a clear benchmark for the departure of the OHR. However, now they understand that there has been deterioration with almost each of the proclaimed conditions and goals. They have decided to close the OHR, but are not sure how to do that now. Local governments have proved themselves unprepared to fulfil the listed conditions and goals, and PIC proved to be unprepared to impose them. Thus the OHR remains not as a necessity, but as a victim of a wrong assessment, on both ends of the negotiating table. Keeping such OHR, as a collateral damage of overall relations, represents the victory of Milorad Dodik's policy, and a grand defeat of Bosnia and Herzegovina. Next on the menu will be the BiH Court. We wrote the previous sentence before the High Representative made the politically correct decision on reaching for the Bonn Authorities. As it is well known, it was decided that the mandate of the foreign judges and prosecutors will be prolonged only in the Department for War Crimes in the BiH Court. What this move, that came from a difficult compromise in the PIC, is telling us, is that the International Community truly has no intention to change its 'politically correct' mandate in BiH. That a half of the BiH Court is ready to make a transition and that the other half is not?! That, for processing war criminals, the presumption of local biasness is problematic, but that for fighting against organized crime, especially one cloaked by politics, this same presumption is irrelevant?! So they helped Dodik to seriously question the status of BiH Court. Now, it is only a matter of time before Dodik brings into question even the BiH Constitutional Court, and after that one by one, all other BiH state institutions. Can the International Community provide an answer to such paralysation of state institutions? No it can not, and that is what its highest representatives demonstrated to us on Monday, 14 December 2009. The High Representative imposed a partial decision, and even as such, the RS government declared it to be illegitimate and was set not to implement it. What else can the OHR do? We suggest for it to leave right away, because it can cause no greater damage than it staying in capacity it has now. We offer further options to be considered, forming a bit of a vicious circle:

- If the OHR was to leave right now, Dodik will understand that as his victory and gradually he will claim back all jurisdictions that were stripped from him until he completely disempowers the state, which will also, sooner or later, lead into secession;
- If the OHR stays with its present capacity, with divided PIC at its back, Dodik will keep sending them to hell, and again, slowly but surely, continue to pave his way towards secession;
- If Dodik decides to proclaim independence of the RS, no one will acknowledge his creation, but no one, at least not in the EU, will do anything to reintegrate it, and possibly arrest Dodik and find him guilty of crime. Local judges will not be able to do that. Local police and military are not able to do that. Thus one gets a new Cyprus in the heart of Europe;
- A spiral of violence will be provoked in BiH which the existing EUFOR contingent will not be able to control. There will not be a new war due to the fact that BiH is thoroughly demilitarized, but there can certainly be violence and instability. Sending additional troupes will be necessary, and with them a stronger mandate of the International Community, both military and political. And we are back at the beginning.
- So why closing the OHR in the first place? Perhaps that is the reason why the Althea mission is prolonged, while there is constant talk of closing the OHR?

These dilemmas are not fiction; they are real and burning. Unfortunately, the International Community will consider all of the scenarios, just not the ones which will

require its patient, long-term and very intrusive involvement in BiH. That is why we are listing all of these examples from the vicious circle the International Community finds itself in. Now, when even the Butmir process is slowly dying, and when BiH is flying towards another crises which will most certainly be worsened by the preelection rethoric throughout the next year, we would like to suggest to the International Community to consider some of the concrete suggestions:

- To give up trying to find a quick fix to the BiH crises - Mission is not Accomplished!
- To create its exit strategy by using all available, including local, knowledge. But also, not to buy its return ticket yet until BiH becomes an outright stabile and functional state.
- To gradually close the OHR while transferring some of its authorities to BiH institutions (Constitutional and Supreme Court – but first establish one, of course) and some on specially created EUSR Mission which will, in the future, have the ultimate power to interpret the criteria of the BiH European road;
- To not allow further politicization of the EU conditions, and to remain principled with criteria.
- In the PIC, EU Council and NATO Council communiqués, threaten with severe international sanctions and international isolation of individual politicians for each attempt of secession; not just in Republika Srpska, but also in the neighbouring countries that support or acknowledge that kind of secession. And with principle, apply them where necessary.
- Prolong, until further notice, the EUFOR mandate with conclusion that they will monitor the situation and if necessary increase the mission in BiH.
- Clearly state to the citizens of BiH that the International Community is staying, and that it is not leaving until the country becomes self-sustainable, and that until that happens, there will be no membership in the EU and NATO, no secession and no integralization.

At the end of everything we have said, we can clearly picture the resigned rejection of our suggestion, and even calling our suggestions naive in order to justify the internal feelings of superiority. The situation is too difficult, especially for us who perceive this state as our own, in order for us to waste time by making unnecessary accusations. This is only an invitation to learn from our mistakes together, both the International Community and those of us who are destined to BiH. Just as it is destined to us. By learning from our own mistakes and flaws, we have founded the FPI and keep trying to figure out what lays ahead of us. We spared no criticism of domestic politics and politicians, and we will continue to do so whenever we feel there is a need. That is where we derive from our moral right and the obligation to publicly call the International Community to accept and acknowledge its own responsibilities. This is done solely for the purpose of re-examining the current position and recomposing the 'strengths' and ideas in order to find some viable solutions. Our only fear is that it would be easier to change the people, than to change this system and attitudes of those who created it.