

## **Transitional Administration in Bosnia**

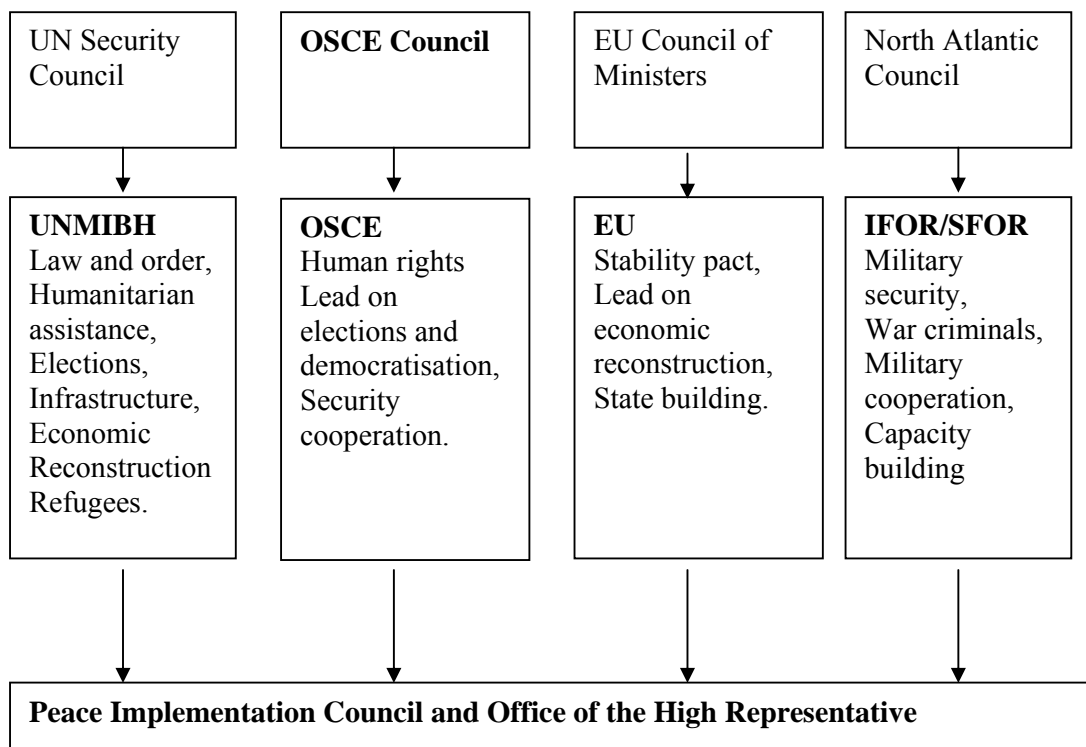
*Bosnia (1996-present)*

The Bosnian war began in 1992 when the province's Muslim and Croat inhabitants, who constituted two-thirds of Bosnia's population, voted overwhelmingly to secede from the ailing Yugoslav federation. Bosnia's Serb population boycotted the vote and, with backing from Serbia proper, launched a violent campaign of mass murder and ethnic cleansing to carve out an ethnically pure homeland for the Serbs. Around 250,000 people were killed in the ensuing war, most of them civilian victims of the Bosnian Serbs. Approximately 10,000 civilians were killed by the siege of Sarajevo and in 1995 over 7,600 civilians were killed in the Srebrenica massacre. Bosnia's agony was amplified in 1993-4 when the Croatian and Muslim communities began fighting one another as well. In 1995, however, the US brokered an alliance between the Croats and Muslims that made significant battlefield gains and NATO adopted a more robust posture, launching a concerted aerial campaign against the Bosnian Serbs in the wake of yet another attack on Sarajevo's civilian population. All this persuaded the Bosnian Serbs to negotiate, resulting in the Dayton Peace Agreement which paved the way for the establishment of a transitional administration in Bosnia (see Woodward 1997). With the assistance of NATO-led (IFOR, SFOR) and EU (EUFOR) peace support operations, the UN-led transitional administration in Bosnia has succeeded in implementing most aspects of the 1995 Dayton Peace Accords and preventing a relapse into war. However, most observers note that significant ethnic divisions remain and that the peace is not yet self-sustaining.

The Dayton Peace Agreement provided a comprehensive blueprint for post-conflict reconstruction, replete with eleven detailed annexes. Bosnia would be a federal state with two main entities – a Croat-Muslim Federation and Republika

Srpska – each of which would have its own democratically elected institutions. There would be national elections within the first six to nine months of the transitional administration (Paris 2004: 100-1). The parties requested a NATO-led peace operation and asked that international society designate a High Representative and establish a Peace Implementation Council (PIC) to oversee its implementation. The PIC comprised representatives of the four organisations (the UN, OSCE, EU, NATO) that were responsible for different pillars of peace implementation in Bosnia (see figure 1).

**Figure 1 Peace implementation pillars in Bosnia**



As indicated earlier, the High Representative was granted sweeping powers, including the right to dismiss Bosnia’s elected officials and provide authoritative interpretations of the Dayton agreement (Cousens and Cater 2001: 46; Chesterman 2004a: 130). Although the High Representative was initially cautious about using

these powers, frustration over the slow pace of reform prompted the transitional administration to take a more robust approach. In the five years between 1998 and 2003, the different High Representatives dismissed over 100 elected officials at all levels of government for a range of different reasons but mainly for activities that undermined the Dayton agreement. Dismissed figures included a former Prime Minister of the Bosnian Federation (Edhem Bicakcic), a President of Republika Srpska (Nikola Poplasen) and a member of the Bosnian presidency (Ante Jelavic) (Chesterman 2004a: 131). Poplasen, for example, was dismissed for refusing to accept a moderate candidate for Prime Minister of Republika Srpska (Chesterman 2004a: 131). Unsurprisingly, such measures were criticised for their colonial character (Chandler 2000).

**Box 1 Bosnia's High Representatives**

- Carl Bildt (1995-1997), Sweden
- Carlos Westendorp (1997-1999), Spain
- Wolfgang Petritsch (1999-2002), Austria
- Lord Paddy Ashdown (2002-2006), United Kingdom
- Christian Schwarz-Schilling (2006–2007), German
- Miroslav Lajčák (2007–), Slovakia

The state-building process proceeded much more slowly than the Dayton Agreement had envisaged. The national parliament did not convene until 1997, the central bank was paralysed by sharp disagreements about its role, and the appointment of members to the new constitutional court took years rather than months (Paris 2004: 101). The principal reason for these delays was the early elections, held in September

1996. As Caplan (2002: 41) has pointed out, the tight and rigid election deadline set at Dayton did not allow sufficient time for a new political culture to emerge nor, more importantly, a realignment of political forces. The complex electoral system designed to assist the multinational parties nurture a civic state identity has, in practice, tended to fortify and legitimise the power of the nationalist parties (Bosnian Muslim, Serb and Croat) vis-à-vis the central government in Sarajevo. Consequently, voters worried about the future tended to opt for the same nationalist parties than had dominated politics during the war. In Bosnia's first election, the three main nationalist parties took 86 percent of the seats and six years into the transitional administration, Bosnians were still mainly voting for the nationalist leaders that had drawn the country into war (Cousens 1997: 811-2; Chesterman 2004a: 207; Paris 2004: 101). Once elected, nationalist officials delayed and undermined implementation of the Dayton accords, weakened the central government, opposed the return of refugees and displaced people to their pre-war homes, and resisted international attempts to apprehend indicted war criminals (Boyd 1998: 47-8; Paris 2004: 102-3).

The problem for international agencies was that it was difficult to challenge the legitimacy of results stemming from elections they had called for and organized simply on the grounds that they did not like the outcome. This meant that in the immediate aftermath of the war, indicted war criminals such as Radovan Karadžić were still able to influence Bosnian Serb politics. In such a context, early elections, far from encouraging liberal values, tended 'to reproduce and legitimise current authoritarian power structures' (Schierup 1999: 18). This pattern occurred within the Bosnian and Croat communities as well.

The transitional administration's response to nationalist successes in Bosnia's elections was threefold. First, it offered financial assistance and political support to

political parties that opposed the hardliners – one of the High Representatives, Carlos Westendorp, even insisted that these were the only legitimate parties. Second, the OSCE sometimes revised the electoral system to encourage greater representation for smaller (multinational) parties in all the tiers of government. For instance, one month before elections for the Croat-Bosnian Muslim assembly in 2000, the OSCE-led Provisional Election Commission changed the election rules so that parties would perform best if they won support in both communities (Caplan 2005: 128). While this initiative was intended to promote conflict resolution, the manner in which the rules were changed created a predictable backlash among Croatian nationalists. In the end, the OSCE-led Commission was scrapped and replaced with a Bosnian commission appointed by the High Representative (Caplan 2005: 128). Third, in line with one of Roland Paris' six priorities, towards the end of the 1990s, the UN and OSCE began cooperating with NATO peacekeepers to reduce the exposure granted to the nationalists by Bosnia's media outlets. On one occasion this resulted in the armed occupation of a broadcasting mast by SFOR troops, aimed at shutting down a Bosnian Serb television station broadcasting nationalist Serb television programmes (Clark, W. 2001: 77-130).

In some cases, the transitional administration used all three measures together. The most notable case came in 1997-8. As an indicted war criminal, Radovan Karadžić was prohibited from participating in the 1996 elections. Instead, he and his supporters backed another ultra-nationalist Biljana Plavšić. Plavšić was duly elected premier of Republika Srpska but tensions began to develop between the premier and Karadžić. International agencies and Western governments encouraged Plavšić to oppose Karadžić and provided a significant amount of financial assistance. Emboldened by this support, Plavšić dissolved the Bosnian Serb assembly and called

new elections. In addition to financial backing, NATO troops seized Karadžić-friendly television transmitters and police stations and turned them over to Plavšić. Despite this assistance, Karadžić's supporters still won most seats in the national assembly but in 1998 Plavšić secured the appointment of her preferred choice of Prime Minister, Milorad Dodik, through a political sleight of hand of dubious legitimacy, again with international support. Reportedly, NATO troops even helped engineer the parliamentary vote that installed Dodik. In return for this assistance, Dodik pledged to support implementation of the Dayton peace accords and facilitate the return of refugees and displaced people (Paris 2004: 103-4). Plavšić was later found guilty of crimes against humanity by the ICTY for her role in the ethnic cleansing of Bihać. The Dodik-Plavšić party was again defeated at the polls in 1998, this time by Nikola Poplašen. When Poplašen refused to appoint Dodik as his Prime Minister, he was dismissed by the High Representative, Carlos Westendorp.

Although the installation of Dodik made it easier to implement some aspects of the Dayton agreement, these tactics contributed to the creation of a democratic deficit within Bosnia, delegitimizing the peace process and central government, especially in the eyes of Serbian nationalists. What is more, even with the employment of such tactics, political forces in Bosnia have not undergone the sort of fundamental realignment that the UN and other external agencies had hoped for. If anything, the tactics described in the previous paragraphs only helped strengthen the nationalists. Although Milorad Dodik's premiership was secured, institutional and financial power remained in the hands of the more nationalist parties. This raises one of the most difficult questions for transitional administrations: if liberal democracy is a core foundation of stable peace, what should international agencies do when people use the democratic process to legitimize the ideologies and actors that caused and

perpetrated violent conflict in the first place? In Bosnia, the electoral process has helped entrench national divisions, damaging efforts to forge a strong multinational state. In hindsight, senior officials have recognised that the transitional administration held elections in Bosnia too early. This strengthened the nationalists, delayed implementation across a range of areas and forced the administration to adopt what could only be described as anti-democratic measures to forestall the power of the nationalist parties. As Paddy Ashdown confessed in 2002,

We thought that democracy was the highest priority, and we measured it by the number of elections we could organize. The result seven years later is that the people of Bosnia have grown weary of voting. In addition, the focus on elections slowed our efforts to tackle organized crime and corruption, which have jeopardized quality of life and scared off foreign investment (Ashdown 2002).

The problem, of course, is that transitional administrations have to perform a difficult balancing act. On the one hand, Bosnia demonstrates the problems associated with early and frequent elections. On the other, delaying the people a voice in elections gives transitional administrations the character of colonial administrations and can undermine their legitimacy.

Although the Croats and Bosnian Muslims share an entity within the federation (the Federation of Bosnia and Hercegovina), they have different financial systems, different newspapers and television channels, different education systems and even their own components of the armed forces. The central government's relationship with the Serb part of the federation is even more fractured. Although, over successive elections, the Bosnian Serbs have distanced themselves from their wartime leaders – to the extent that Republika Srpska's premier, Milorad Dodik is a

fierce critic of wartime leader Radovan Karadžić – Dodik has pursued a policy of distancing Republika Srpska from the Sarajevo government and, according to the UN's former High Representative in Bosnia, Paddy Ashdown (2008: 17), has 'used the autonomy granted by the Dayton peace agreement to undermine the Bosnia Dayton envisaged'. The Bosnian Serbs maintain their own police, institutions, laws and enjoy many of the other facets of statehood, possibly as a prelude to declaring their own independence once again (Ashdown 2008: 17). Thus while international actors such as the UN and EU have focused on augmenting the capacity of the central government in Sarajevo, the power and authority of the nationalists has also been institutionalised through structures of local government. This raises difficult questions about what the UN should do when the institutions it creates are not used for their intended purposes.

Despite the large size of international society's engagement with Bosnia, it has suffered from critical shortfalls in key areas – delaying progress and leaving the peace process hostage to spoilers. This was perhaps most evident in relation to policing. Despite the centrality of the rule of law in building stable peace, the administration's policing component suffered from a distinct lack of resources. The International Police Task Force (IPTF) had a maximum mandated size of 2,015 officers (Dziedzic 1998: 136). This was less than one-twentieth of the size of the international military effort in Bosnia. Shortfalls in the IPTF were qualitative as well as quantitative and many officers were poorly trained and lacked basic policing skills (Hansen 2002).

How, then, are we to judge progress in Bosnia? There is no doubting that progress has been slower than expected, despite a large international commitment. Yet there are clear signs of progress: there has been no relapse into war despite major crises prompted by external events such as the war in Kosovo; there is heightened

cooperation with the pursuit of war criminals – crowned by the establishment of a tribunal in Sarajevo itself and by the 2008 arrest of Radovan Karadžić; although opposed at every step, the return of refugees and displaced persons has progressed; and Bosnia today has many of the outward signs of statehood. But major problems and challenges remain. Not least, nationalists remain the most powerful political actors and many of them still pursue dreams of independent statehood for Bosnia's Serb and Croatian communities and the state remains deeply fractured. Although guaranteeing early elections and national autonomy might have been essential components of the Dayton peace accord they have made it very difficult to build self-sustaining peace in Bosnia.

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