

# **Fifteen Years of the Human Dimension in Bosnia and Herzegovina — The Ebb and Flow of Statebuilding**

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## Introduction

The extent to which 15 years may seem like a relatively long or short period of time in international engagement depends in large part on perspective. If one considers the amount of time required for political and economic transitions, and how long it takes for democratic states to consolidate, 15 years is a quite small amount of time. Civil society, the rule of law, good governance and human rights principles are neither built nor entrenched overnight.<sup>1</sup> However, from the perspectives of organizations and agencies involved in supporting such activities, 15 years can indeed feel like quite a bit of time, far exceeding emergency response actions, quick-impact projects or preconceived exit strategy plans.

The experience of Bosnia and Herzegovina (BiH) is interesting as a case study of medium to long-term intervention, though as a divided, post-war state in transition, it is also quite complicated. The 15-year anniversary of the signing of the General Framework Agreement for Peace (the Dayton Accords) — and the recent death of Dayton’s architect, Richard Holbrooke — provides an opportunity to consider what has and has not changed, and what has and has not worked. The extended — and extensive — engagement of the ‘international community’ offers a chance to observe the long-term implementation of reforms that are at their core incremental. The anniversary allows for a consideration of the linearity of reform — whether or not reforms ‘made’ are sustainable and irreversible.

This article will consider one narrow aspect of the post-Dayton reform process in BiH — the role of the OSCE Mission to BiH in supporting reforms in the ‘human dimension’. It will not be a comprehensive review of the Mission’s activities on the ground; other such summaries have been conducted, including in the pages of this journal’s predecessor.<sup>2</sup> It will instead briefly consider the political environment in BiH 15 years after the war, the continued human dimension efforts of the Mission, and reflections on the scope and limits of such a field Mission in the broader political arena.

## The BiH Political Environment After 15 Years — Irreversible Peace?

At Dayton’s ten-year anniversary, a number of factors seemed to bode well for the country and the broader efforts in BiH to both implement a peace in a heterogeneous post-war country, and to ensure that the machinery of the state was increasingly democratic, based on the rule of law and human rights. The mood in late 2005 was rather optimistic. Defence reform had been adopted and was being progressively implemented. Intelligence sector reforms were underway. A state-wide value added tax was instituted on 1 January 2006 after years of preparation. There was a deal to move forward with police reform, which in turn allowed for BiH to open talks on European Union membership. The March 2005 Venice Commission report seemed to provide some incentive for constitutional changes widely viewed as necessary to remedy the weakness of

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1 Thomas Carothers provides an excellent overview of the challenges of multi-faceted democracy support activities in *Aiding Democracy Abroad: The Learning Curve*. Washington, DC: Carnegie Endowment for International Peace, 1999.

2 See Perry, Valery. ‘A Decade of the Dayton Agreement and the OSCE Mission to Bosnia and Herzegovina: Reflections and Prospects’. *Helsinki Monitor*. No. 4, 2005, pp. 297 – 309; Richter, Solveig. ‘How Effective is the OSCE’s Promotion of Democracy? Analytical Considerations of the Effectiveness of the Long-term Mission in South-Eastern Europe’. *CORE Yearbook*, 2008, pp. 191 – 208.

the country's Dayton constitution.<sup>3</sup> Even in the seemingly intractable realm of education, systemic reforms appeared to be making incremental progress, as blatant hate speech was removed from textbooks and efforts to bring children together — while not always openly embraced by officials — were at least not substantially obstructed. There was an increase in talk of slimming or closing down international organizations, and a significantly reduced presence of peacekeeping troops and civilians alike.

The five years since then have exposed an enormity of detours and dead-ends on the road to reform, and put previous (often shallow-rooted) reforms in perspective. BiH political life since 2006 has been dominated by an escalating public feud among the country's key ethno-national parties and leaders, which has allowed for a progressive unravelling of the reform environment. The international community has often been hesitant to engage coherently, and the stated commitment to local ownership of reform became a virtual end in itself. Mixed messages on conditionality have frustrated all sides. At the same time, there has been a near complete lack of domestic political willingness to take any steps that could be (or be perceived as) conciliatory gestures to contribute to state-building or peace with 'the other'.<sup>4</sup>

This situation was precipitated by a number of related factors. Progress towards badly needed constitutional reform was unexpectedly scuttled by Haris Silajdzic's party in the spring of 2006 (the 'April package'), relegating to the political dustbin a remedy that was much more robust in terms of state strengthening elements than anything seen since. The autumn 2006 general elections saw Milorad Dodik rise to become Prime Minister of Republika Srpska (RS), benefitting from Silajdzic's constitutional gamble and intransigence and in turn positioning himself as the defender of the RS. The first of many Office of the High Representative (OHR) closure deadlines was made by the Peace Implementation Council (PIC) Steering Board in June 2006, with subsequent calls for imminent closure followed by extensions. Former High Representative Miroslav Lajcak's failed efforts in 2007 to make changes to the quorum and Rules of Procedure of the Council of Ministers (often hamstrung by organized absenteeism and entity boycotts or vetoes) added to the deteriorating environment and highlighted the lack of consistency or resolve in the international community.

The starkly opposite and seemingly irreconcilable visions of Dodik and Silajdzic — with the former insisting on a minimalist interpretation of Dayton, a bare-bones state structure and a highly sovereign RS, and the latter clinging to a vision of a strong state and a 'BiH without entities' — have come to define the country's 'stateness' problem.<sup>5</sup>

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3 In March 2005 the Venice Commission issued a critical report on the Constitution of BiH, emphasizing key problems at the core of the weak state. The lack of restrictions for the use of a vital national interest veto, the ethnic basis of the entity structure and the methods of electing representative to the three-person state presidency and the House of Peoples were among the noted weaknesses in need of a remedy. *Opinion on the Constitutional Situation in Bosnia and Herzegovina and the Powers of the High Representative*, adopted by the Venice Commission (European Commission for Democracy through Law), 11-12 March 2005. (Report available at [http://www.venice.coe.int/docs/2005/CDL-AD\(2005\)004-e.pdf](http://www.venice.coe.int/docs/2005/CDL-AD(2005)004-e.pdf)). High level efforts aimed at making needed constitutional changes occurred in April 2006, and then later through the Prud and Butmir processes, in an effort aimed at getting BiH's main political parties to agree on a plan for constitutional reform, including a streamlined state structure that could ensure that BiH might enter into EU negotiations like any other country. Such efforts have since been largely stalled.

4 McMahon, Patrice C. and Jon Western. 'The Death of Dayton: How to Stop Bosnia from Falling Apart'. *Foreign Affairs*. September – October 2009, pp. 69-83; Chivvis, Christopher. 'Back to the Brink in Bosnia?' *Survival: Global Politics and Strategy*. Vol. 52, no. 1, February-March 2010, pp. 97-110; Bassuener Kurt and Bodo Weber. 'Are We There Yet? International Impatience vs. a Long-term Strategy for a Viable Bosnia'. *Democratization Policy Council Policy Brief*, 31 May 2010.

5 For more on this concept, see Fukuyama, Francis. 'Stateness' First'. *Journal of Democracy*. January 2005, pp. 84-88; Linz, Juan J. and Alfred Stepan. *Problems of Democratic Transition and Consolidation*. Baltimore: The Johns Hopkins University Press, 1996.

Post-2006 constitutional reform initiatives resulted in little, perhaps even undercutting popular confidence in such efforts due to their lack of results and the visible hardening of party lines in the process. Montenegro's independence referendum in 2006, and Kosovo's unilateral declaration of independence (UDI) in 2008, reinforced by the International Court of Justice ruling in the summer of 2010 that did not find the UDI to be against international law, have not enhanced the environment for compromise in BiH.

Since February 2008 the international community's reform priorities have been summed up as the 'five plus two' requirements: five objectives and two conditions required before the OHR 'transition' to some other less post-Dayton and more pre-Europe body.<sup>6</sup> However, achievement benchmarks have often seemed vague and subjectively fluid. (Is it sufficient to agree on an action plan for reform, or must the needed reforms be actually implemented?) BiH did sign a Stabilization and Association Agreement (SAA) with the EU in June 2008 after a controversial police reform compromise, and finally secured visa-free travel in late 2010 — over a year after its neighbors. However, the general state of reform was captured in the 2009 and 2010 European Commission Progress Reports which offered pointedly negative assessments. As the EU accession process is a state responsibility,<sup>7</sup> the ability of BiH to get its job done has been increasingly in question. The number of BiH Ministers of Parliament is strikingly small.<sup>8</sup> The BiH Parliamentary Assembly (PA) adopted 239 laws in its four-year mandate from 2002-2006 compared to the adoption of 168 laws by the PA between 2006 and 2010.<sup>9</sup> In a country eager for Euro-Atlantic integration, these numbers reflect the much slowed pace of reform.

### The Work of a Field Mission — Reform at the Grassroots

Against this background, the OSCE Mission to BiH has continued to work on its broad post-Dayton mandate, as the largest civilian organization in BiH, with the most extensive field presence.<sup>10</sup> Since its establishment, the Mission has pursued a range of human dimension activities — democratization (including elections, good governance, civil society development and public administration reform), media, human rights, the promotion of the rule of law, and education reform.<sup>11</sup>

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6 Declaration by the Steering Board of the Peace Implementation Council, 27 February 2008. The five objectives are (in brief): state property; defense property; completion of Brcko final award; fiscal sustainability (through the establishment of a permanent ITA methodology and a national fiscal council; entrenchment of the rule of law (including the adoption of a National War Crimes Prosecution Strategy, the adoption of a National Justice Sector Reform Strategy, and the passage of a Law on Aliens and Asylum). The conditions are the signing of an SAA and a positive assessment of the situation in BiH by the PIC Steering Board based on full compliance with the GFAP.

7 See 'Beyond Wait-and-See: The Way Forward for EU Balkan Policy', by Heather Grabbe, Gerlad Knaus and Daniel Korski, *European Council on Foreign Relations Policy Brief*, May 2010, for an explanation of the state-strengthening potential of the technical EU access process.

8 The Parliamentary Assembly of Bosnia and Herzegovina consists of a 15-member House of Peoples (upper House) and a 42-member House of Representatives (lower House), and is the smallest bicameral state legislature in Europe. Many functions often held by the state are in BiH decentralized, accounting in part for this discrepancy. For comparison, Serbia and Croatia have 250 and 153 MPs respectively, and Montenegro with a population one-fifth of BiH has a larger unicameral Parliament with 81 MPs. The Mission provides technical support to the state Parliament, ranging from IT development initiatives to strategic planning to support to committees.

9 78 laws were rejected in the PA from 2006- 2010 due to the entity vote provision.

10 The Dayton Agreement mandated tasks for the OSCE in Annex 1B, Article II (Regional Stabilization), Annex 3 (Elections), and Annex 6, Article XIII (Human Rights). The 5th Ministerial Council, Budapest (8 December 1995) reiterated these goals. In addition, the annual unified budget preparation and approval process serves as an opportunity for reinforcement of the Mission's mandate, as the Permanent Council requires consensus to ensure that all participating States are in agreement with proposed plans.

11 The OSCE's approach to comprehensive security is loosely organized according to three baskets or dimensions: political-military; economic and environmental; and the human dimension. The Mission to BiH used this framework and terminology in the restructuring exercise.

These various components have evolved, waxed and waned in terms of focus and approach, with substantial election work being essentially completed by the end of 2002, direct support to media reform ending in 2001, and technical public administration reform being largely phased out in 2005.

In 2005, initial steps were taken to prepare for what was then seen as an inevitable downsizing of staff and presence, and few would have then anticipated that in 2010 the Mission would still have over 500 people.<sup>12</sup> The complementarity among the various reform areas (can human rights exist without good governance or education reform?) led to a more significant restructuring in 2010, when the democratization, human rights, education programmes were merged into one 'Human Dimension Department' to implement projects in a more cohesive way.

Over the past five years, in spite of the broader political environment, the emerging fatigue and/or declining resolve of the international community, and the acknowledged need for constitutional reform, the Mission continued its human dimension work through projects and dialogue –often focusing on the grassroots level of politics and society in the absence of a stronger state-level reform environment. In the field of good governance and local capacity strengthening, over 95% of BiH's 143 municipalities have participated in the Mission's municipal support initiatives. These efforts have sought to build basic capacities of municipal governments through the use of the Freedom of Information Act, Boards of Ethics, Codes of Conduct and basic capacity building in strategic planning, community outreach and networking among municipalities throughout the country. Civil society initiatives continued, both through work with NGOs and informal citizens' groups, as well as through capacity building among local community units (mjesne zajednice), marginalized and hard to reach groups (rural, women, youth, etc.), and student and parent school councils.

The Mission has continued to pursue its rule of law objectives with a view towards incremental improvement and consolidation. Justice sector reform includes continued support to an emerging independent judiciary, and ongoing support to the implementation of the National War Crimes Prosecution Strategy and the National Justice Sector Reform Strategy – both elements of '5 plus 2' that to date are far from meaningfully implemented. Years of trial monitoring (with a focus on trafficking, corruption, domestic violence and juvenile justice, among other issues) to ensure the consistent implementation of the criminal procedure code provides the basis for reform recommendations and capacity-building seminars to enhance the training of judicial stakeholders.

Efforts to plant seeds of reconciliation have endeavoured to bring together divided communities in places like Gornji Vakuf – Uskoplje, Stolac and other polarized towns. Together with ODIHR (the Office for Democratic Institutions and Human Rights), officials are being trained to recognize hate crimes, and community representatives and leaders brought together to determine how to create an environment in which hate crimes are not an acceptable norm. Teams have worked to promote the rights of national minorities, with national minority councils formed, and educational materials developed to teach the diversity that remains in BiH. Efforts to work with the Roma to ensure that they can enjoy political, economic and social rights have continued, including through the Roma Decade initiative.

In education reform, there has also been a focus on field-level, apolitical projects over the past several years in the absence of political will for the implementation of systemic reforms. Supplementary school textbooks and

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<sup>12</sup> At the time of writing the Mission staff is approximately 15% international staff and 85% BiH national staff, located in the Head Office and 14 field offices.

workbooks have been developed to provide additional materials for the classroom outside of the generally mono-perspective materials approved for use by the various Ministries of Education. Alternative subjects to confessional religious instruction are being developed by local experts in parts of the country where there is the will to fulfil this legal requirement. There have been no changes in the status of BiH's two-schools-under-one-roof since 2005, and education broadly remains fragmented and flavored according to dominant ethnic groups in any given place. However, a state Education Agency is slowly becoming operational, offering a potential tool to ensure some consistency in educational quality and learning standards. Student cultural exchange trips to meet the 'other' are organized in cooperation with schools — efforts welcomed by participants though not often organized in the absence of Mission or other international nudging and funding.

Human rights work continues through monitoring and activities aimed at ensuring an effective systemic framework for rights protection. The establishment of a social protection framework continues to be a priority — a task made more difficult by the financial crisis and the strained budgets of the country at all levels, as well as by the limited capacities of social welfare centers and the disproportionate influence of political lobbies (most notably, war veterans).

It would not be an exaggeration to say that in the past five years thousands of such activities have been funded by, organized by and driven by the Mission. These activities range from small school meetings, to inter-municipal roundtable discussions to state-level conferences — engaging many thousands of individuals in discussions and workshops on everything from local community garbage disposal, to parental involvement in school policy development, to the need for the state to have a plan to hasten the country's entry into the EU.<sup>13</sup> Increasingly, train-the-trainer and peer-to-peer education methods are used to promote sustainability. At the micro-level, these efforts certainly affect the individuals and organizations involved, building their skills, engaging these actors and offering tools and opportunities otherwise not available. However, their broader impact is more difficult to discern. The ability of civil society to effect policy change at higher levels of government remains limited; many people feel a sense of apathy or resignation that prevents more robust civic engagement. There remains a fairly pessimistic attitude among the bulk of citizens, as seen for example in the annual UNDP Early Warning Surveys as well as in pre-election polls commissioned by the National Democratic Institute (NDI).<sup>14</sup> While the OSCE has contributed to countless micro-level efforts, at the macro, systemic level reform has more or less stalled.

One reform issue has defied this trend. The establishment and consolidation of the BiH Ombudsman has been a clear example of the need for multi-year patience and dogged determination in reform. The OSCE's role in this body is noted in the Dayton Accords (Annex 6, Article IV). However, even with this explicit mandate the process has been slow. The Law on a Human Rights Ombudsman was adopted and the Entity Ombudsman offices should have been closed by the end of 2006; however, the appointment of three BiH Ombudsmen did not occur until late 2008 (primarily due to political differences over appointment choices), and the Entity Ombudsman offices were not finally closed down until 2010. Throughout this process since 1996, the OSCE spent upwards to € 10 million to support the various Ombudsman Institutions in BiH. The establishment

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13 One recent peer education effort in schools across BiH alone resulted in over 500 individual training workshops being held by student council peer trainers.

14 A poll of 2000 citizens commissioned by NDI in the summer of 2010 revealed that 87% think that BiH is moving in the wrong direction. Further, 23% responded that they expect their lives to improve, with 39% thinking their lives will remain the same and 37% responding that they expect their lives to deteriorate. Public Opinion Poll Bosnia and Herzegovina August 2010, National Democratic Institute.

of the BiH Ombudsman and the closure of the entity bodies in 2010 were welcomed by the international community; optimism was further boosted by the start of the implementation of the state-level Law on Prohibition of Discrimination (adopted in 2009), which will strengthen the Ombudsman's potential. However, the Ombudsman institution has yet to be fully tested, and staffing/budget problems remain a concern — as with all state-level bodies. Further, the continued existence of the RS Ombudsman for Children — and the lack of modalities for liaising with the state-level Ombudsman — requires cautious optimism and continued monitoring.

How was this reform possible in the difficult environment of the past five years? There are two key reasons: dedicated and continued support (political, technical and financial) of the OSCE as well as the Council of Europe, and, even more important, the incentive provided by conditionality: both the establishment of the Ombudsman Institution and the Law on Prohibition of Discrimination were requirements in the EU Visa Liberalization Roadmap (within block 4). In some ways, the slow pace of reform is even more surprising in light of the link to visa-free travel. However, in this case conditionality eventually worked.

### Lessons at the 15-Year Anniversary

In such a fluid environment, it can seem difficult and premature to offer recommendations on the future of BiH or of the OSCE's work in the country. However, some broad themes can provide food for thought at this anniversary, to inform thinking about BiH, OSCE field missions and the role of external actors in state-building or peace-building activities.

#### *The Non-linear Nature of Transition*

As assessments of BiH's post-war recovery made in 2005 and again in 2010 make clear, progress in democratization and socio-economic transition is not necessarily linear. Successes that seem to have taken root may not be sustainable, and reform efforts that may have seemed 'good enough' (e.g., media reform) can suddenly reappear on the radar screen.<sup>15</sup> Constitutional reform compromises possible in 2006 can be off the table a mere few years later. Environments change. There has long been an understanding among academics that democratization and transition processes are not linear; they can have stops and starts, reversals, gains and losses. There is an element of unpredictability and uncertainty in this process.<sup>16</sup> In 2002 Carothers ushered in a debate on what he called 'the transition paradigm', challenging the notion of 'transitology' itself, as it had been based on the assumption that all of these so-called transitions are moving away from authoritarian or dictatorial rule and towards democracy.<sup>17</sup> He argued that this simplistic notion of a natural and linear process had shaped the literature and, as a result, had an influence on the policy of organizations such as USAID (and, arguably, the OSCE). However, such an approach fails to reflect the nuances, shades of grey and tangents that countries in various stages of transition have experienced. BiH — a post-war country in transition with a stateness problem — bears out the non-linear nature of state consolidation. All external actors — the OSCE, bilateral donors and NGOs alike — would do well to recognize this reality in their planning and work, be prepared to respond to reform reversals and remain patient enough to ensure reforms take deep, rather than shallow root. Decision-makers, participating States and donors should not necessarily see such reversals as an

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15 For example, the OSCE Mission to BiH is increasingly looking at freedom of media issues after having closed its media support program. USAID will also be re-engaging in media reform in 2010/2011, after having ended a media reform effort several years earlier.

16 Huntington, Samuel P. *The Third Wave: Democratization in the Late Twentieth Century*. Norman: University of Oklahoma Press, 1991; see also O'Donnell, Guillermo and Philippe Schmitter. *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies*. Baltimore: Johns Hopkins University Press, 1986.

17 Carothers, Thomas. 'The End of the Transition Paradigm'. *Journal of Democracy* 13.1 (2002): 5-21.

aberration or a sign of failure, but a natural part of working in a changing and sensitive political environment.

### *Civil Society – a Long-term Investment*

One element of post-war engagement that has been consistently implemented has been civil society promotion, and the notion that by engaging citizens in the daily social, political and economic life of a country, democratic pillars of participatory governance can be built, and authoritarian societies broken down. However, in spite of 15 years of capacity-building workshops, training, networking, project management classes and fund-raising and budgeting seminars, civil society in BiH is still fragile. While it is able to make some changes at the grassroots community level, civil society has still been unable to effect systemic policy change more broadly.

There have been numerous reviews and assessments of the strengths and weaknesses of civil society in BiH.<sup>18</sup> A number of similar recommendations are repeated: build on local strengths; let local needs drive donor decisions; build up systems rather than individuals; build capacity and sustainability rather than rely on external skills. Perhaps the most important issue to keep in mind, however, is the need for long-term perspective and investment in this element of human capital. Short-term ‘deliverables’ and quantifiable outputs (much favored by donors) do not always provide a real picture of what does and does not work in civil society promotion. This is particularly the case in civil society efforts rooted as well in reconciliation or hearts and minds activities.

There is room for some optimism. The 2010 general election campaign season included strong get out the vote efforts by a number of BiH’s larger NGOs, many using alternative (Internet) media as a tool to bypass often biased media outlets. This led to more voices than in the past, and at 56.3%, the highest voter turnout since 2002. However, based on the experience of the past 15 years it is difficult to imagine civil society single-handedly tackling the biggest of BiH’s policy challenges. Based on a number of cases studied by Ottaway and Carothers, the authors conclude that while at the micro level individual NGOs can benefit greatly from external support, such support is unlikely by itself to lead to breakthrough political change in the absence of a number of other conditions.<sup>19</sup> This is not to say that the OSCE and others should slow or stop their support to civil society. However, such interventions should not be seen as a silver bullet for the broader structural, constitutional and political challenges in the country. Civil society will likely be a necessary, though not sufficient, part of BiH’s post-war reform and state consolidation.

### *The OSCE Field Mission as a Progress Multiplier?*

An additional, broader issue that merits consideration is whether OSCE field Missions simply reflect and enhance the existing political potential of a targeted area; making the most of opportunities when the political environment is conducive, or slipping into benign humanitarianism when the macro-political environment seemingly allows little else. This is not necessary bad, or a reflection of failure. As a consensus-based

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18 Sebastian, Sofia. ‘Assessing Democracy Assistance: Bosnia’. FRIDE Project Report, May 2010, available at <http://www.fride.org/publication/775/bosnia>; Pickering, Paula M. *Peacebuilding in the Balkans: The View from the Ground Floor*. Ithaca: Cornell University Press, 2007; Smillie, Ian. ‘Reconstructing Bosnia, Constructing Civil Society: Disjuncture and Dilemma’. *Patronage or Partnership: Local Capacity Building in Humanitarian Crises*. Kumarian Press/IDRC, 2001; Belloni, R. and B. Hemmer. Bosnia-Herzegovina: ‘Civil Society in a Semi-Protectorate’. *Civil Society and Peacebuilding: A Critical Assessment*. Thania Paffenholz (ed.). Boulder: Lynne Rienner, 2010, pp. 129-152.

19 ‘Although it cannot on its own ensure democracy, a strong civil society clearly can contribute by increasing the pluralism of the political system’. Ottaway, Marina S., and Thomas Carothers, eds. *Funding Virtue: Civil Society Aid and Democracy Promotion*. Washington DC: Carnegie Endowment for International Peace, 2000, pp. 303-304.



organization that is politically (not legally) binding, has few cash incentives (carrots), and no real conditionality (carrots/sticks), it is perhaps not possible for a field mission to spur or catalyze significant political changes in an otherwise hostile political environment. In a pre-Astana Summit brief examining the OSCE's role in crisis management in regions in which the principles of territoriality and self-determination can clash (as in Kosovo, the Caucasus, or, I would argue, BiH), it is suggested that perhaps 'the OSCE's main added value is to keep conflicts frozen'.<sup>20</sup>

The OSCE Mission to BiH, through work in the human dimension, has been able to move structural and systemic reforms forward on many levels when the political environment was conducive, very likely hastening progress through its presence and ability to allocate people and resources relatively quickly. The Mission has been at its best in contributing to reform when the country has been at its best in supporting a proactive reform of state-strengthening. In this sense it has made incremental and consistent contributions to cultivating basic elements of comprehensive security — human rights, the rule of law, active citizenship — elements which also contribute to a sense of stateness. Large-scale efforts such as the elections or the return of property to pre-war owners would likely not have progressed as they did in the absence of such a large and dedicated body to help to move the process along. This momentum in itself helped to build momentum, as other organizations, such as legal aid centers and NGOs, were able to ride in the wake of the OSCE and its partners. The limits of the role of progress multiplier are clear: at the end of the day the Mission is dependent on the will of officials to support a reform agenda. This is not unique to BiH. A 2007 review of the broader role of OSCE Missions in South-East Europe summed up this challenge well: 'Another important lesson tells us that even the strongest endeavours to assist in building more democratic and just societies do not yield results if political will among those who are on the receiving side is lacking. Unfortunately, a shortage of political will continues to blight many states of South-eastern Europe'.<sup>21</sup>

### *The OSCE and its Partners*

The OSCE has a number of partners playing a similar supporting role — most notably in BiH, the EU. This can prove useful in terms of ensuring multiple and supporting voices for reform. It may also complicate reform efforts.<sup>22</sup> When looking at the case of BiH in comparison to other seemingly frozen conflicts, the promise of EU membership is something that should be a concrete incentive for political compromise, moderation and EU-minded reform — as well as compliance with OSCE principles. The example of Ombudsman reform noted above demonstrates that specific and qualified conditions can lead to reforms even in an environment in which reforms are otherwise stalled. (Lasting consolidation of reform is another matter). After all, other conflict spots (Moldova, the Caucasus) do not even have the promise of membership — seemingly all but certain for the Western Balkans now, with only the timing in doubt.

Are there limits to the influence of conditionality? What will happen in BiH now that the most immediate and tangible fruits of progress (e.g., visa-free travel) has been secured, and the long period of working through thousands of needed reforms in the SAA begins? How to keep the country's leadership and people focused on the prize — particularly in a highly decentralized country with a stateness problem? Will the allure of Europe be sufficient to press the continued state-building reforms needed in BiH? Some believe it will be, even

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20 Kemp, Walter. 'Issue Brief: Reaching the OSCE Summit in Astana'. International Peace Institute, October 2010, p. 3.

21 Salber, Herbert and Alice Ackermann. 'The Future of the OSCE Presence in South-Eastern Europe'. *CORE Yearbook*, 2007, p. 148.

22 Kemp notes the potential for 'competition': 'The OSCE is no longer the primary organization for the peaceful settlement of disputes within its region. On the one hand, this dilutes resources and attention. On the other, it enables states to play one organization off another (as Russia did with the EU, OSCE and UN in Georgia), or for organizations to compete for the most tractable situations'. p. 4.

suggesting that BiH's stateness problem poses few hurdles by arguing that EU membership does not require a strong state, using Belgium's highly decentralised and complicated structure, constitution and reality as an example.<sup>23</sup> However, one must wonder how a weak, poor, post-war state recovering from violent ethno-national conflict can possibly make it when the inordinately wealthier Belgium — the heart of the Brussels infrastructure and European experiment — itself has been in governmental turmoil for the past several years.

EU officials make no secret of their view of the accession process as purely technical and bureaucratic, no different for BiH as it was for Hungary or Malta. While one can certainly argue that it is precisely the weaker states that have the most to gain from EU membership, one must wonder whether there is a need for a certain elemental sense of shared future vision — something BiH still seems to lack. One can also wonder about the future role of the OSCE in a country in which so much is tied to EU membership ambitions, and the pros and cons of OSCE Missions linking or aligning their own programs to the EU membership process.

### *The Next Five Years*

What is the future of a field Mission such as the OSCE Mission to BiH? The answer to this question is linked to a broader question: what is the role of the OSCE in the post-Cold War, post-9/11, multi-polar world? Hopmann considers this question while reflecting on related trends and issues (including, in particular, the war in Georgia,) noting, 'since 2000 the OSCE has been forced to retreat from its enthusiastic endorsement of liberal democracy, individual human rights, and the rights of persons belonging to national minorities. The normative position that these were universal principles associated with good governance everywhere has been replaced in some quarters by a reversion in the principle of absolute state sovereignty and the right of each state to manage its own internal affairs free of any external oversight'.<sup>24</sup> He considers various aspects of the Organization's agenda in this light, concluding that the war in Georgia and the continuing large South-East European missions demonstrate a real and practical role for the multilateral OSCE in areas entrenched in frozen conflicts. However, he cautions that the OSCE 'must reaffirm and revitalize its normative core and its unique sets of activities that link security, good governance and human rights within a single comprehensive framework'.<sup>25</sup> This reminder that the normative core that creates the foundation for comprehensive security must be continually strengthened and reaffirmed is critical for all Missions. It is particularly critical for a country with many human rights and governance challenges, such as BiH.

What does the future hold for BiH? In January 2011 it is difficult to be confidently optimistic. The results of the general elections in October are not likely to lead to rapid reform and progress; a relative status quo is likely, a continued plodding stalemate, with no imminent improvement on the horizon but with lasting peace and democratic consolidation still out of reach.<sup>26</sup> The 2009 European Court of Human Rights' Sejdic-Finci decision provides an opportunity to address the need for constitutional reform, but intransigent political leaders will likely require outside support if they are to deviate from long-entrenched and mutually exclusive positions. A 'Dayton 2' is not likely, and an incremental process of constitutional reform must not simply skirt the edges

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23 European Stability Initiative Newsletter, 29 September 2009, available at [http://www.esiweb.org/index.php?lang=en&id=67&newsletter\\_ID=42](http://www.esiweb.org/index.php?lang=en&id=67&newsletter_ID=42); 'Understanding Belgium', European Stability Initiative Newsletter, March 2010, available at [http://www.esiweb.org/index.php?lang=en&id=67&newsletter\\_ID=47#2](http://www.esiweb.org/index.php?lang=en&id=67&newsletter_ID=47#2).

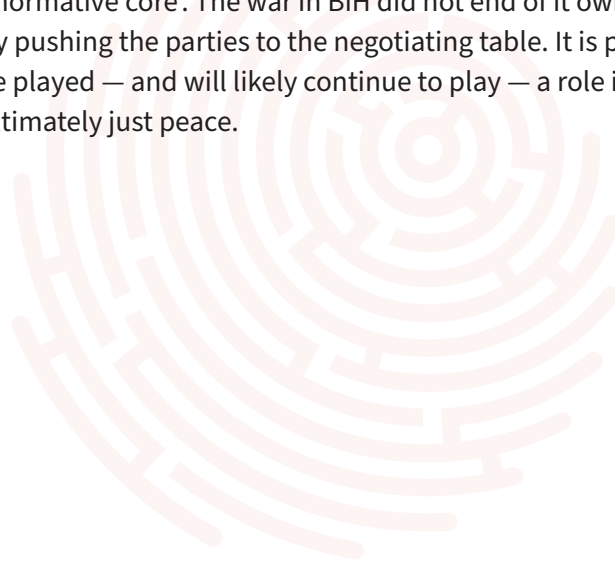
24 Hopmann, P. Terrence. 'The Future Impact of the OSCE: Business as Usual or Revitalization?' *CORE Yearbook*, 2008, pp. 79-80.


25 Hopmann, p. 90.

26 The Social Democratic Party (SDP) made gains in the election, and will likely play a greater role in governing coalitions in several parts of the Federation. Republika Srpska remains dominated by Dodik's Alliance of Independent Social Democrats (SNSD). At the time of writing there is no deal on establishing the state government, and coalition options remain under consideration.

of the key structural and existential problems of the status quo. Reforms and efforts that do not address the stateness problem will not contribute to a lasting and independently sustainable peace in the country. While the OSCE could in theory play a role in constitutional reform discussions — particularly at the grassroots, community level — the dynamics of a consensus-based organization that includes neighboring kin states and other countries with different visions for the country make it unlikely that it could get into the fray.

Perhaps it is indeed the case that a young country in which citizens learn from different curricula, reference different kin-states, cheer for different football teams, have learned to expect little domestic economic mobility, and do not jointly vote for the state presidency can achieve enough stateness to join the EU. Perhaps escalating and continuous rhetoric about RS secession prospects, a third entity or other matters of divisive politics have no real effect on the political environment, and are just made for popular media consumption and short-term political gain. Perhaps EU membership and its thousands of pages of legal frameworks and harmonization can in itself build a secure and stable state structure. This is of course possible. But is such a process likely to lead to the strong and irreversible environment of comprehensive security so central to the OSCE's key principles? This is the main contribution the Mission can make to this process — an unwavering commitment to Hopmann's 'normative core'. The war in BiH did not end of its own accord; external forces played a key role in ultimately pushing the parties to the negotiating table. It is perhaps therefore not surprising that outsiders have played — and will likely continue to play — a role in pushing for a lasting, sustainable, and hopefully, ultimately just peace.





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