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EES NEWS

MARCH-APRIL 2009

A Few Bumps in the Road: Obstacles to State-Building in Bosnia and Herzegovina

Douglas Davidson

Douglas Davidson is Visiting Transatlantic Fellow at the German Marshall Fund. He spoke at an EES Noon Discussion on February 4, 2009. The following is a summary of his presentation. The views expressed in this speech are those of the author, and do not necessarily reflect those of the U.S. Department of State or the U.S. Government. Meeting Report 358.

This is an interesting time in Bosnia and Herzegovina; interesting in the sense of the old Chinese curse—may you live in interesting times. Another High Representative has just resigned. The future of the Office of the High Representative (OHR) itself hangs in the balance. Will it close this summer, as many want? Or will it stick around even longer than everyone thought a few years back? I do not have the answers to these questions, but I would like to offer a few thoughts on why we are still having this debate 13 years after the war in the former Yugoslavia came to an end and why we should perhaps not slam the door on OHR quite so fast.

The main reason, of course, is that things do not seem to be going well in Bosnia and Herzegovina (BiH). Although not many people in the world's major capitals are still paying attention, those who are seem worried. Last November, for instance, the Steering Board of the Peace Implementation Council (PIC) expressed "its deep concern about the frequent challenges to the constitutional order of BiH and, in particular, to the sovereignty and territorial integrity of BiH or to the existence of the Republika Srpska as one of two entities under the Constitution of BiH." The Steering Board also stated that "addresses by BiH officials on behalf of institutions of BiH which do not reflect the agreed positions of those institutions are harmful and unacceptable. These types of behaviour, which directly impact on the political situation by making compromises even more difficult, have to stop." The following month, NATO's Foreign Ministers noted in a communiqué that: "Despite progress in some areas, we are concerned by the deterioration in the political climate in Bosnia and Herzegovina over the past few months, which puts at risk the constitutional structure of the country as well as its Euro-Atlantic integration prospects." A few days later the then-High Representative, Miroslav Lajcak, told the United Nations Security Council that "the political situation remains difficult, as the old and fundamental challenges in Bosnia and Herzegovina stay in place."

These old and fundamental challenges are the same ones that led to war in Bosnia and Herzegovina. The Dayton Accords, which ended the war, created a constitutional structure and functional governments, but they did not—and probably could not—resolve the deeper divisions in the country's political life. As Lajcak and many others have noted, these divisions are rooted in differing perspectives among the citizens of the country about who should run it and how it should be organized. These perspectives by and large correspond to the ethnicity of the person expressing them.

The problems everyone complains about ultimately derive from a single source: the lack of allegiance to a shared state. Bosnia and Herzegovina ended the war as it began it—as a country composed of three "constituent peoples." Each of these peoples describes themselves as a "nation." None agrees with the other two on how their shared state should be structured and governed.

In 2003, the International Crisis Group (ICG) produced a report entitled "Bosnia's Nationalist Governments: Paddy Ashdown and the Paradoxes of State Building." This report described Lord Ashdown, who was then the High Representative, as a man "in a hurry to accomplish what might, in better circumstances, have been attempted at the outset: to establish the rule of law; to regenerate a non-productive, aid-addicted, post-communist

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economy; to streamline and enhance the competence of public services; and to equip the virtual state inherited from Dayton with the attributes necessary for [Bosnia and Herzegovina] to aspire to EU membership." Four years later, having decided that Ashdown and his successor had failed to achieve these goals, the ICG issued another report. This one described Bosnia as in "disarray," a condition it blamed on the international community. It then called for a "new engagement strategy." But it added that, "Bosnia remains unready for unguided ownership of its own future—ethnic nationalism remains too strong."

In Bosnia, the French saying *"plus ca change, plus ce le meme chose"* is often applicable. What the ICG was attributing to Lord Ashdown in 2003 had, in fact, been the aim of the international intervention since the end of the war. In 1996, the PIC had described its goals this way: "to consolidate peace; to encourage reconciliation and economic, political and social regeneration; to take the radical steps necessary to restore a multi-ethnic Bosnia and Herzegovina to economic health and prosperity and to enable it to take its place in the region and in Europe." The real problem is not a lack of will. It is the difficulty of the task. The things that both the PIC and the ICG want have turned out to be much more easily said than done.

On paper at least, Bosnia and Herzegovina also has a model array of electoral and parliamentary rules and procedures, human rights safeguards and guarantees, and criminal and judicial structures...They should thus contribute to building what is necessary for BiH to survive and prosper as a multi-ethnic and democratic state. But, for whatever reason, they do not; the country still threatens to come apart at the seams.

During the war, many commentators (and some politicians and diplomats) liked to ascribe Bosnia and Herzegovina's troubles to "ancient ethnic hatreds." I hate to differ with so many learned and distinguished people, but I have to say that I do not think these ethnic hatreds, if that is what they are, are all that ancient. On the other hand, the presence of "ethnic and sub-State agendas" in political life is not new. Most scholars seem to think they truly took hold somewhere around the departure of the Ottomans and the arrival of the Habsburgs in the late nineteenth century.

"Nationalist" political parties prevailed in the elections held in 1910, just as they did in elections held before the war in 1991. A pre-war constitution also awarded rights to the national groupings much like those awarded in Annex Four of the Dayton Agreement. Much of Dayton's constitutional structure and many of the problems of post-war political life, in fact, simply reflect modes of thought with deep roots in the local soil.

In his book Empire Lite, Michael Ignatieff argues that the purpose of "nation-building" is to extend "free elections, rule of law, democratic self-government to peoples who have only known fratricide." This was clearly the intention of those who fashioned the Dayton Accords, too. It remains the intention of all those foreigners and foreign institutions still at work in the country today. Thanks to the Dayton Agreement, Bosnia and Herzegovina has the institutions characteristic of a modern constitutional democracy. Subsequent "reforms" to Dayton have added to them, primarily by building a stronger "state"—that is, central—government. (Bosnian-Herzegovinian terminology is the opposite of ours—the state is above the federal level, the latter referring to the government of one of the two entities, the Federation of Bosnia and Herzegovina. If this does not confuse you, then you are clearly ready for life in the Balkans.) These reforms have had a dual purpose: both to prepare the country for membership in the European Union; and, perhaps more important in the short term, to overcome ethnic divisions by forcing the three constituent peoples to cooperate in a central governmental structure larger and stronger than the one established by Dayton.

On paper at least, Bosnia and Herzegovina also has a model array of electoral and parliamentary rules and procedures, human rights safeguards and guarantees, and criminal laws and judicial structures. All these, because they both protect individual rights and prevent the tyranny of the majority, should reassure the sometimes fearful inhabitants of the country. They should thus contribute to building what is necessary for Bosnia and Herzegovina to survive and prosper as a multi-ethnic and democratic state. But, for whatever reason, they do not; the country still threatens to come apart at the seams. The Serb entity, the Republic Srpska, is progressively walling itself off from the other half of the country and is even now trying to take back competencies it had, in more cooperative days, awarded to the central government. The Croats, who have repeatedly been thwarted in their attempts to create a "third entity," are now calling for a new "federal" structure with four parts, one of them being Sarajevo, which would amount to the same thing. The Bosnian Muslims, the Bosniacs, who are numerically the largest group, meanwhile, say they want a unitary and "civic" state without entities and with "one person, one vote" as its guiding democratic principle—or they did until last week, when the leader of the largest Bosniac party agreed with the leaders of the largest Serb and Croat parties on a division of the middle level of government into four parts. Typically, though, they all immediately disagreed about what this agreement meant, with the Bosniac Suleiman Tihic arguing that it meant the abolition of entities and the Serb Milorad Dodik proclaiming that the Republika Srpska is eternal. Typically, their Croat counterpart seems to have decided for the moment that discretion is the better part of valor.

A civic or civil state is actually a goal to which all three nations say they aspire. In two cases, however, they also argue that the time is not yet ripe for such a

thing. This is because, in Bosnia and Herzegovina, the idea of "assimilation" is anathema. Political leaders of the two smaller constituent peoples justify their actions by claiming to be acting to prevent assimilation by the third and largest. This then leads them to argue for the necessity of systems of government that enshrine and protect the rights of "peoples." Group rights, in other words, must necessarily take precedence over individual rights.

Such reasoning makes it difficult to build a modern, liberal democracy. This is perhaps why, over time, the international community has tried almost every conceivable approach, from heavy-handed intrusiveness to hands-off "local ownership," to overcoming these difficulties. None of these have fully succeeded.

A number of commentators have argued in recent years that these approaches—and with them the whole international post-war intervention—have somehow ultimately done more harm than good. They conclude that the only solution now lies in the international community pulling back and allowing the locals to go on together without the foreigners. There may be virtue in this, though it seems to me that the experiment with a hands-off approach and an encouragement of "local ownership" two years ago may have called this line of argument into some question. Those who prefer this approach also tend to describe Bosnia and Herzegovina as an "international protectorate," usually in a sort of disparaging tone of voice. Such a protectorate it may be, but I think it is fair to ask what it would be like today if internationals had not tried to protect it.

I also do not believe that this protectorate has been all that malign in its intent. I have the feeling that the length of the international presence has had less to do with some hidden desire to run an international protectorate for life than with trying to turn Bosnia and Herzegovina as quickly as possible into a secure and stable democratic state. This has not gone as quickly or as smoothly as we might have hoped. When, for instance, the U.S. first deployed its troops into Bosnia and Herzegovina in December 1995, they were expected to stay only for one year. Elections were to take place as quickly as possible, thus leading to the successful creation of a multi-ethnic democracy, and the need for the troops would very soon be gone. As we all know, it did not quite work out that way. People did not return to their pre-war homes and so restore the ethnic balance—and presumed harmony—that existed before the fighting began. The nationalists won the elections instead of those we would all have liked to see come to power, and our troops stuck around for eight years.

From this experience and others like it, people have drawn many different lessons. There are those, for instance, who argue early elections are bad and that we should wait to hold them until we establish security first. I suspect there is some validity in this. But my experience in Kosovo and my distant observations of Afghanistan and Iraq suggest that this, too, is easier said than done. In such situations, especially those with the goal of building or restoring democracy, it would seem, you almost inevitably run up against strong popular will and pressure for the most visible expression of democracy—elections. Unfortunately the good guys—or at least those whom we view as the good guys—do not always win those elections.

Of course, as our new president and secretary of state have recently noted, there is more to democracy than just holding elections. It also requires the establishment of things we take for granted, not the least of which are a law enforcement and judicial system that works and a nexus of citizens' organizations and civic associations that we lump under the catch-all term "civil society." Something as simple as a willingness to obey laws you do not like and to follow judicial and executive decisions you do not approve of are also important. At the moment, Bosnia and Herzegovina falls short in almost all these categories.

Why, after so much investment from the outside and so many years of trying, this remains so is somewhat of a mystery. I can only ascribe it to two things. One was best put by Prime Minister Harold Macmillan of Great Britain years ago. Asked what was most likely to blow government off course, he replied, "Events, dear boy, events." The same, I think, goes for international interventions. The other I would describe simply as "human nature." I will return to this in a minute.

But first I want to take a moment to chart the ever-changing course of the intervention in Bosnia and Herzegovina. It is worth doing, I think, if only because Bosnia has been something of a trail-blazer and theory-generator for subsequent such ventures.

The international community has poured in so much money per capita in Bosnia and Herzegovina—far more, I gather, than we have spent in Afghanistan—that the results to date would tend, I would guess, to bear out the thesis that money is perhaps not the key in such situations.

As far as I can tell, even after, or perhaps despite, the early elections, the first few years after the war were spent largely on establishing—or, perhaps better put, maintaining—security and on reconstructing the country's houses and schools and buildings and roads and the like. Then the international overseers began to grow alarmed that the country was not exactly coming together—that people, as I noted a moment ago, were not returning to their pre-war homes and that politics was not working for the common good. They therefore turned their attention to practical remedies such as

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the restitution of property, the establishment of regimes that would regulate and reduce hate speech in the media and bring together the ethnically-based public broadcasting services under a common roof, and the creation of a common currency, a common automobile license plate, and even a single border service. Most important, perhaps, meeting near Bonn in late 1997, the PIC added muscle to the High Representative, awarding him the powers to remove recalcitrant officials who were impeding the implementation of the Dayton Agreement and imposing legislation that would also add to that implementation. Finally, especially in the first half of this decade, all sorts of state-building began to take place. This resulted, among many other things, in a single bank account into which all tax revenue flowed, a whole host of new ministries and other central institutions, a new state court to prosecute war and organized criminals, and perhaps, most amazingly, a military formed out of two previously hostile ones. Necessity had actually proven to be the mother of invention.

Bosnia and Herzegovina clearly needs to develop habits of conflict avoidance and cooperation (or at least coexistence) if it is to survive, much less prosper. But, it is probably going to take time for this to happen.

All this, unfortunately, more or less ground to a halt in early 2006. The attempt to follow the military model and unify the country's police forces seems to have been a bridge too far. So did, for different reasons, attempts to enact mild reforms to the country's Constitution. Although the constellation of forces arrayed against both attempts at change was different, the expressions of protest were strangely similar: Some thought these changes went too far, and others that they did not go far enough. In this, as in so much else, these voices of support and opposition simply mirrored the larger, underlying political debate.

This, I think, is where human nature comes in. But to explain why requires another slight detour. The international community has poured in so much money per capita in Bosnia and Herzegovina—far more, I gather, than we have spent in Afghanistan—that the results to date would tend, I would guess, to bear out the thesis that money is perhaps not the key in such situations. In Bosnia and Herzegovina today, religious and ethnic ties are, unfortunately, still predominant. This goes as much for the Bosniac community, which is normally the staunchest advocate of a unitary and multiethnic state, as for the Serb and Croat. The refusal of the Sarajevo authorities to allow "Father Frost," the traditional local version of Santa Claus, into local kindergartens and pre-schools at Christmas-time last year as well as the attempt earlier to mandate Islamic religious instruction in those same pre-schools suggests that even "Europe's Jerusalem," a city for so long a symbol of multi-ethnicity and religious tolerance, is not immune to such backward sources of authority. It is probably no coincidence that Sarajevo is now overwhelmingly Muslim. Nor is Sarajevo unique in this ethnic and religious one-sidedness. In many places across the country, the return of refugees and displaced people to their pre-war homes has largely ceased; members of all three constituent peoples are now settling instead in communities where the members of their ethnicity predominate. In those few communities where substantial numbers of two ethnic groups still live side-by-side, tensions remain high, divisions stark, and reconciliation largely absent.

In their book, The War In Bosnia-Herzegovina: Ethnic Conflict and International Intervention, Steven L. Burg and Paul S. Shoup refer to what they call "the profound 'reality gap' … between the Western model of what Bosnia ought to be … and what Bosnia has become in the aftermath of catastrophe." Almost a decade has passed since they wrote this book, but their words unfortunately remain as pertinent and applicable today.

I am therefore led to conclude that ceasing the attempt to build a state on the "Western" model by dispensing with the OHR and other such institutions would be an act fraught with peril. Granted, OHR is not what it was a decade ago. The peace-keeping forces, which now belong not to NATO but to the EU, are also a shadow or at least a fraction of their former selves. But if nothing else, their presence indicates a continued outside interest in the successful creation of a liberal democracy in Bosnia and Herzegovina. Keeping both there, along with related international organizations, and particularly those representing the EU, might at least help hold Bosnia and Herzegovina together long enough to allow the kinds of civic and other institutions necessary for a functional liberal democracy to develop.

Bosnia and Herzegovina clearly needs to develop habits of conflict avoidance and cooperation (or at least coexistence) if it is to survive, much less prosper. But, it is probably going to take time for this to happen. If history is any guide, then, it seems likely that without the continued and intense involvement of "external factors," the multi-ethnic and democratic society that the international intervention has sought to create in Bosnia and Herzegovina for the past 13 years may remain something of a chimaera. ■

Romanian Parliamentary Elections: New Alliances and Challenges

Vladimir Tismaneanu

Vladimir Tismaneanu is Professor of Political Science at the University of Maryland-College Park and currently a Wilson Center Fellow. He spoke at an EES Noon Discussion on December 3, 2008. The following is a summary of his presentation. ***Meeting Report 357.***

In December 2008, a friend in Bucharest sent me a message quoting a recent statement by an influential political commentator from the Romanian media. This columnist reminds me of the former spokesman for the Polish military junta in the 1980s, who has since become a very successful capitalist: Jerzy Urban. Urban is the editor of the weekly magazine *Nie*, which irreverently makes fun of everybody. In my mind, Urban is no hero, but is a former Communist Party lackey who turned into the transition's profiteering buffoon. So, I am referring here to somebody who is the equivalent of Urban in Romania, and his name is Ion Cristoiu.

Ion Cristoiu, who recently turned 60, was one of the chief propagandists of the Ceausescu era and the former editor of the student weekly *Viata Studenteasca* (Student Life), which was sponsored by the Communist Youth Union. Soon afterwards, he became the first deputy editor of *Scanteia Tineretului*, which was the Romanian Communist Youth newspaper, much like Komsomolskaya Pravda in the Soviet Union. In this capacity, he was very close to the late leader of the Communist Youth Union, the dictator's son, Nicu Ceausescu. He was well-known, not only as a sycophant to the father but also to the son. After the collapse of Ceausescu's regime in December 1989, Cristoiu made a spectacular career. He started a number of magazines and is now an influential voice in Romanian printed media and television. In a statement he made last December to the journalist Marius Tuca, Cristoiu declared that he hoped to experience during his lifetime the end of capitalism and the return of communism.

I will preface my presentation with the conclusion: in spite of many skeptical assessments, the elections of November 8, 2008 were relatively good news for Romania. This may explain why there has not been much press coverage of these elections in the Western media. Some of you may remember an event that made front page of *International Herald Tribune*, and was covered by the *Washington Post* and the *New York Times*. On December 18, 2006, President Traian Basescu of Romania, relying upon the over 600-page report authored by the Presidential Commission (which I had the honor to chair and to coordinate), officially condemned the communist dictatorship between 1945 and 1989 as illegitimate and criminal. Later, Ukrainian president Viktor Yushchenko tried to go along the same line, other people have tried as well, but this is the only case of a postcommunist country where such a condemnation took place at the highest state level. We have a similar case of the condemnation of the communist regime by a law adopted by the Czech parliament in 1993, there is a law also passed in Bulgaria, but they are not official state documents unequivocally stipulating the condemnation of the old regime and apologizing to the victims in the name of the new democratic state.

I emphasize this link to the elections because the president was opposed in a most outrageous way by a demonstration organized by the then-vice president of Romania's Senate and head of the Greater Romanian Party, Corneliu Vadim Tudor. Once a minstrel of the Ceausescu court, Vadim Tudor reemerged after the 1989 revolution to become the editor of a toxic weekly magazine *Romania Mare* (Greater Romania). His magazine specializes in xenophobic, anti-intellectual and anti-democratic stances. The magazine's name is itself a kind of blasphemy, because Greater Romania is something sacred to the Romanians, since it refers to the 1918 incorporation of Transylvania, northern Bukovina and Bessarabia, and the southern part of Dobrudja, based on the Versailles treaty of 1919-1920. This former champion of Ceausescu's cult made a career in post-1989 Romania and by capitalizing on the phobias, frustrations and rage Romanians faced during their painful political and economic transition. He is the embodiment of the kind of prophetic, tribune-type demagogue that has poisoned the Romanian public space. He has fraternized publicly with Jean-Marie Le Pen of France and various fringe groups of the European Parliament's far right, and has indulged in a discourse of hatred, resentment, exclusion and intolerance. In the elections

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of 2000, Vadim Tudor obtained enough votes in the first round to be a candidate against former president Ion Iliescu. In the second round, Iliescu defeated Vadim Tudor with the support of critical intellectuals who had opposed him during his first six years in power (1990-1996). In a public letter, Iliescu's reluctant supporters defended their actions by stating that given the choice between a fascist-communist demagogue and an ex-communist involved in many unpleasant things, they chose Iliescu because he was not a dictator. Vadim Tudor is a combination of Jean-Marie Le Pen and Zhirinovsky and a little bit of the late Jorg Haider.

...the real watershed is that the fourth actor, the Greater Romanian Party, which in 2000 had mobilized between 15 and 18 percent of the electorate was evicted from Parliament. I believe that this reflects that Romania is now a consolidated democracy.

Despite the fact that Cristoiu and Vadim Tudor continue to be fixtures in Romanian politics, the 2008 elections were good news—not fantastic, not great, but a clear sign that Romania has become a 'normal' democracy. The most obvious evidence of this was that the Greater Romania Party did not make it into Parliament, and other ultra-nationalist formations failed to pass the threshold as well. This means that there is nothing disquieting to report about Romania at this moment. Yes, there will be new coalitions that may allow former communists to join with the Social Democratic Party and enter the government that way. But this situation does not threaten the democratic process or the country's alliances and commitments to NATO and the EU. As I revised this text on December 18, 2008, a new government will be soon sworn in: the designated prime minister is Emil Boc, a center-right politician. This government brings together the center right and the left in a coalition that seems more pragmatically than ideologically driven.

Let me now focus on the three major parties. One is the left-wing party, the Social Democrats (PSD), which is the successor party to the first post-1989 ruling party, the National Salvation Front. It has gone through a number of incarnations and is now a member of the Socialist International. In the recent elections, PSD garnered 33.6 percent of the national vote, probably due to the very low turnout.

The second party is the National Liberal Party (PNL), which until the elections of November 2008 was the governing party. It was a minority government that ran the country with the tacit but real support of the PSD. The liberals had the support of something between 15 and 18 percent in the 2004 elections and they maintained more or less the same score in the elections of 2008 with 18.5 percent.

The third party is the Democratic-Liberal Party. It resulted from the unification of the Democratic Party (PD), which is President Traian Basescu's party, with a faction that broke away from the PNL, headed by two influential politicians, former Prime Minister Theodor Stolojan and former Minister of Justice Valeriu Stoica. This party won 33 percent of the vote. The party is a member of European Popular Party (PPE), which is a right-of-center, Christian-democratic party, which includes Angela Merkel, Nicolas Sarkozy and other prominent European leaders. I call them liberal-conservatives, but these labels should be very carefully used in order not to get lost in an ideological quicksand.

These are now the three major political actors in Romania, but the real watershed is that the fourth actor, the Greater Romanian Party, which in 2000 had mobilized between 15 to 18 percent of the electorate was evicted from Parliament. I believe that this reflects that Romania is now a consolidated democracy. It is not simply moving towards the consolidation of democracy, because it is now very hard for anybody to imagine that there might be an authoritarian backlash. In his wonderful book *Reflections on the Revolution in Europe*, Sir Ralf Dahrendorf was concerned with military dictators that could take over power, and in 1990 many such unsavory things appeared to be possible. If you look at the current situation in Romania and compare it to what was in place in 1990—with the riots by the miners of the Cluj valley, the ethnic clashes in Targu-Mures, the viciousness of the anti-dissident campaigns and all the rest—then the difference is more than striking. I would say that the public space is still inhabited by all kinds of ghosts. But leaving this aside, as a whole the picture is relatively uplifting. I would say this needs to be taken into account.

How do I define democratic consolidation? I compare Romania with other countries such as Ukraine, Serbia, Croatia, Russia, Albania and Bulgaria. Some of you will remember an article that appeared only a few months ago on the front page of the New York Times, describing the rampant political crime and corruption in Bulgaria. In Romania, the system cannot be considered to be criminal while in Bulgaria it seems to be moving in the direction of criminalization, which is very disturbing. In a consolidated democracy, political behavior is rationally organized with the populist fringe is unable to subvert institutions. Political parties organize campaigns; elections take place in a free and fair way; and people discuss the nature of the electoral law. Ideological choices in consolidated democracies are significantly delineated, even if not very strong, but we know them (that is why I made the distinction between the three major parties at the beginning). In consolidated democracies, outcomes

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Building an Effective EUSR Mission in Bosnia and Herzegovina: Three Key Characteristics

Nida Gelazis

With the resignation of Bosnia's High Representative Miroslav Lajcak in late January 2009, there has been much speculation about the future of the Office of the High Representative, the ad hoc institution responsible for overseeing the implementation of the Dayton Accords in Bosnia and Herzegovina. Since 2007, the international community has endeavored to close the OHR, in the hope that giving Bosnians full control over their country's sovereignty would accelerate Bosnia's integration into European institutions. Progress on reforms has stagnated since then, however, and the closure of the OHR has been postponed, while the international community struggles to find the right policy for the country.

One option that has been tabled is to close the OHR and transfer its authority and obligations to the European Union Special Representative (EUSR). Currently, the High Representative is also the EUSR, and this so-called "double hat" allows the High Representative to play both roles. In a perfect world, the double hat would give the High Representative broader powers to assist Bosnian leaders in the on-going process of state-building, while his role as EUSR would give him the authority to ensure that the new state institutions comply with EU norms, thus facilitating Bosnia's seamless passage to the next stage in its development: as a candidate for EU membership. The political climate in Bosnia, however, is far from a perfect world, and rather than empowering him, the two roles seem to have restricted Lajcak's room for maneuver.

Closing the OHR is certainly not the only option available to help Bosnia out of its current stagnation. And it is a decision that will be vigorously debated among the steering board of the Peace Implementation Council (represented by Canada, France, Germany, Italy, Japan, Russia, United Kingdom, United States, Turkey, the EU president and the European Commission), which is responsible for the OHR. As the international community debates the future policy on Bosnia, I offer three characteristics that a post-OHR EUSR should have—in a perfect world. Rather than advocating for the OHR's closure, I present a vision of a new EUSR with the hope that it will help inform a policy on Bosnia that is grounded in international law and a good understanding of how the EU enlargement process works.

No Bonn Powers for the New EUSR

Currently, the High Representative has been endowed with the so-called Bonn powers, which allow him to impose and veto legislation and dismiss and appoint political leaders. The Bonn powers have been criticized widely, especially in Europe, because they are fundamentally undemocratic, impede local ownership of political reforms and limit local political accountability. More recently, Bonn powers have been pronounced "dead," as there seems to be a growing consensus that they simply no longer work, perhaps owing to the growing political power of domestic politicians and the fact that the European Commission sees their use as thwarting the perception of Bosnia as a sovereign democratic state. The Commission's progress reports are always careful to point out that no important legislation has been adopted or vetoed by the High Representative.

Despite these criticisms, it is rumored that after the OHR is shut down, the EUSR will be reorganized, its mandate will be expanded, and its powers would increase and include the Bonn powers. However, transferring Bonn powers to a post-OHR EUSR would be tantamount to retaining the OHR, under a new name.

An EUSR endowed with Bonn powers could raise questions about the EU's right to interfere in the domestic politics of a sovereign state. This may mean that the United Nations would need to be involved, which would make the situation more complex than it is now.

This would lend credence to the recently observed trend that the EU is papering over problems in Bosnia, rather than really addressing them, which discredits the EU and undermines the functioning of the conditionality tool, which is, for better or worse, the strongest leverage the international community has in the Balkan region.

On the surface, giving the EUSR Bonn powers seems like folly simply because it undermines the main argument for closing the OHR: if the Bonn powers no longer work, what value would Bonn powers bring to a post-OHR EUSR? But there are also deeper problems with the EUSR having Bonn Powers, which could undermine the current project of European integration.

With the closure of the OHR, the Peace Implementation Council (PIC) would presumably disband as well, and along with it, the legal basis for the Bonn powers. Perhaps the EUSR could keep the Bonn powers by maintaining links to the PIC. But, retaining the PIC in order to keep the Bonn powers would seem to undermine

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one of the main reasons for closing the OHR. Currently, the PIC increases complexity because it includes countries that are not EU member states (including the United States and Russia, among others) which makes it more difficult to decide on the mandate of the OHR. Closing the OHR, it is believed, would reduce that complexity, since the EUSR would need to answer only to the European Council. Keeping the PIC in the post-OHR EUSR would be tantamount to keeping the same old OHR in place, but under a new name.

An alternative to retaining the PIC might be for the European Council to act as the 'new PIC': a vote in the Council might offer the legal framework for allowing the EUSR to hold legislative and veto power, as well as have the power to dismiss democratically-elected leaders. It is unlikely, however, that all 27 members of the Council would agree to this arrangement, as many would argue that such powers would represent a fundamental shift in the role the EU has played in past enlargements. An EUSR endowed with Bonn powers could raise questions about the EU's right to interfere in the domestic politics of a sovereign state. This may mean that the United Nations would need to be involved, which would make the situation more complex than it is now.

The EU and US should now focus on burden-sharing, based on a deeper understanding of the various abilities of all the actors involved. This joint policy should be based on the fact that the EU accession process is as good as it gets in terms of fostering democratic change through external means.

The EU has always been very careful about distinguishing its actions from those of empires: rather than impose its norms on third countries, the EU requires that the countries themselves determine if they want to adopt those norms, through legitimate, democratic means, according to their own legal culture. The Bonn powers would change the nature of the enlargement process, and thus undermine it. For this reason, it is likely that the European Council would find it difficult to achieve consensus on Bonn powers.

Perhaps the idea of maintaining the Bonn Powers in a post-OHR EUSR is simply a tactic to ease fears about closing the OHR, to get people in Bosnia and in the US to go along with the EUSR take-over: that is, the EUSR would have the Bonn powers, but no one would ever consider using them. Given the legal underpinnings of the Bonn powers and the complicating factors they would introduce, it seems like far too much trouble simply to silence dissenters. It would be more prudent to consider those dissenting voices prior to finalizing the policy on closing the OHR. If it appears that the Bonn powers are indeed still necessary, then it would be far easier to retain the OHR in the short term.

The new EUSR as *the* interpreter of EU policies

A new EUSR's mandate from the Council should include a clear statement about the Special Representative's role as the voice of the EU, in terms of delivering Council decisions and interpreting Commission documents and priorities. The EU is a complex system of institutions, state and non-state actors, and it is often seen and heard as a cacophony of contradictory voices. Indeed, in the imperfect world of Bosnian politics, it seems that certain embassies, NGOs, and European officials have contradicted the HR/EUSR, which has at times undermined his success. It is important, therefore, for all parties involved to be able to identify the source of all goals, opinions and priorities of the so-called "EU," in order to be able to correctly weigh their relative importance. I do not suggest that ambassadors from EU member states in the region carry no weight: surely their opinion is important to consider. However, theirs is just one voice in an on-going debate on EU policy, which is ultimately determined by the Council and the Commission. Therefore, despite the myriad of actors that are involved in it, the EU does speak in one voice through Council decisions and through the Commission's reports, which continue to evaluate Bosnia's pitfalls and progress. In a perfect world, these documents should be used by the EUSR to guide the work of Bosnia's politicians, rather than allow them to be distracted by the EU cacophony.

Of course, the EU, which is an amalgamation of opinions and views, sometimes issues documents with rather contradictory or opposing messages. This is an unfortunate, but seemingly unavoidable, reality and interpreting these confusing documents as they pertain to Bosnia should be the primary role of the EUSR. For example, in the summary note on the joint report by Javier Solana (EU High Representative for the Common Foreign and Security Policy) and Olli Rehn (EU Commissioner for Enlargement) on *EU's Policy in Bosnia and Herzegovina: the way ahead*, the final point in its strategy is to create "Clarity on the EU's position on constitutional evolution: Constitutional Reform is neither a requirement of OHR closure nor for BiH's further journey towards the EU. Nevertheless, the constitutional framework must evolve to ensure effective state structures capable of delivering on EU integration, including the requirement to speak with one voice. The EU can support constitutional reform with expertise and funds, but the process must be led by BiH itself." No doubt many would find this confusing, but based on an understanding of Bosnia and the EU accession process, the Commission's 2008 Progress Report, this statement ought to be interpreted as follows: Bosnia needs to undertake constitutional reforms but the EU will not undertake this as an EU-sponsored project.

That Bosnia needs to undertake constitutional reforms is clear from the Progress Report, which refers not only to the tri-partite presidency (which clearly violates European human rights standards and does not allow BiH to speak with one voice) but also refers to the fundamental

problem in Bosnia, which is that the decision-making structures do not function at the level that is required in order to adopt the EU's *acquis*, and the judiciary cannot guarantee that those laws would be universally applied. Therefore, it is not simply a question of not having the right number of state ministries, but rather, the fundamental decision making-process in Bosnia that is flawed.

The EUSR needs to make this point time and again in order to ensure that this message is heard and understood, not only by the political leaders in Bosnia, but also their constituents. The EUSR should be staffed with people who understand not just the nuts and bolts of EU accession chapters, but also how that process fits into a larger state-building agenda—which is a brand-new challenge for the EU. The EU has never had to build states before to the same extent that is required in Bosnia, and the EU's tools and processes have not been tested against this new challenge. The role of the US, individual EU member states and other international actors should be to whole-heartedly support this first attempt by stepping in when the reach of the EU is insufficient to the task—as it is on constitutional reform.

The EUSR as campaign headquarters for the SAA agenda

Recent Council and Commission reports indicate that there seems to be a growing consensus on the fact that the normal EU accession agenda will not work in Bosnia, and the EU is anxious to succeed by bolstering the EUSR. How to do it, while maintaining the integrity of the enlargement process, is a puzzle.

Indeed, Bosnia is not Bulgaria, Latvia or any of the other new EU member states. Over the last few months, there have been a number of reports and op-eds that testify to a heightened risk of violence in Bosnia. Bosnian politics suffers from at least two fundamental problems: 1) politicians indulge in symbolic politics rather than engaging in leadership and governance; and 2) their constituents feel as though there is no way that they can influence politics. This combination is frightening because people turn to violence when they have no other option and when they have nothing to lose.

The promise of EU accession seems to be universally embraced by Bosnians, but since they do not feel that they can influence this process, this promise begins to resemble a taunt, in which the EU dangles accession in front of them, while Bosnians believe that they will never be able to grasp it. In order to change this dynamic, the new EUSR should undertake a campaign to bring this promise closer to the people. Like any political campaign, the EUSR should evaluate public opinion, conduct focus groups, and be able to respond to and relentlessly inform the public of their options in terms of legal and political means to achieve the goals that have thus far eluded them.

The EUSR should also enlist the support of state and non-state actors in Bosnia, especially the United States and the World Bank, to coordinate their efforts and publicize when Bosnian leaders fail to deliver on their imperative to govern. There have been many opportunities for funding (offered by the World Bank, the EU and other institutions) that have been missed by Bosnia because its government could not come up with a workable oversight and implementation plan. These incidents should be brought to the public, with the hope that Bosnians can use democratic means to nudge their leaders away from the current culture of inaction and complacency.

Finally, it is important to stress that the United States and the EU should view this as a joint project. Earlier assertions that the Western Balkans is a "European" problem and should therefore be the sole responsibility of the EU now seem callous given the stagnation in recent years. The EU and US should now focus on burden-sharing, based on a deeper understanding of the various abilities of all of the actors involved. This joint policy should be based on the fact that the EU accession process is as good as it gets in terms of fostering democratic change through external means. It offers us the best hope of compelling Bosnia to fix its problems democratically. After all, it is not the case that Bosnia is Europe's problem and therefore Europe needs to fix it, but that European integration really is the best hope for reconciliation in the region. And it is the responsibility of the United States to be prepared to step in where the EU cannot in this complex process.

JSTS 2009

Junior Scholars' Training Seminar 2009

Call For Applications

Deadline: April 13, 2009

East European Studies and the National Council for Eurasian and East European Research are soliciting applications for the 22nd annual Junior Scholars' Training Seminar (JSTS) for scholars working in East European studies, to be held August 7-10, 2008, for the first time at a conference center in Seattle, Washington. All domestic transportation, accommodation and meal costs will be covered by the sponsors.

These scholarships are available to American citizens or permanent residents. Graduate students enrolled in a doctoral or masters program and recent graduates working on Eastern Europe are encouraged to apply. **While Southeast Europe remains a priority, projects on Central Europe and the Baltic States are again eligible.** Projects should focus on fields in the social sciences and humanities including, but not limited to: Anthropology, History, Political Science, Slavic Languages and Literatures, Economics and Sociology. All projects should aim to highlight their potential policy relevance.

JSTS, funded by Title VIII, combines formal and informal meetings to promote a variety of intellectual exchanges in order to support the work of younger scholars. Activities include: individual presentations; constructive feedback and question and answer sessions; one-on-one meetings for Junior Scholars with Senior Scholars; advice regarding publishing; and discussions about the state of the profession and obtaining employment in the field.

Application guidelines and forms are available on the EES website:
www.wilsoncenter.org/ees/
under "Grant Opportunities"
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(continued from page 6)

of elections are reasonably predictable, within a margin of error of between 3 and 4 percent (which is quite big). Prior to elections in Romania, the polls predicted the results of the elections quite well. Let me also mention another important actor, the Hungarian Democratic Union of Romania, which is an umbrella movement rather than a party. It has itself a left, a center, and a right and has been a subscriber to all the governments since probably 1996 in Romania. They did not join the government because of ideological issues they have and, let us say, their ethnic-political party agenda.

In terms of distribution of the mandates, the PDL has the plurality of the mandates in Parliament, which can be accounted for by the urban electorate and the vote of the diaspora. The diaspora vote was fundamentally for the PDL then PNL, the Liberal Party, PSD, the Social Democratic Party. So it goes from right to center-right, since PDL is what I consider to be a conservative liberal party.

The main results of the elections are of the elimination of extremist, nationalist, jingoist and xenophobic parties. I mentioned the Greater Romania party with Vadim Tudor. Compared to the 2000 elections, when the final round opposed the ex-communist ideologue Ion Iliescu to the ex-Ceausescu sycophant Vadim Tudor, we now have a situation in which neither Iliescu nor Vadim Tudor is a Member of Parliament. This is unprecedented. This is something that Romania has not yet experienced. I have many friends who are in their early 30s or late 20s and they all agree that they want a parliament without Iliescu and Vadim Tudor and that they are tired of seeing these same faces. And now they succeeded in forming exactly such a parliament.

At this moment, many of these old faces have disappeared from Parliament as well as a few others who are quite well-known. The elections held last November are indeed the end of an era. The postcommunist cycle has ended with full democratic consolidation, predictable political behavior and the end of continuity with the communist regime. Although Iliescu is not a believer in communism anymore, he was still not a man of consensus. Now, a younger generation has taken over, and I think even in the Social Democratic Party, they are going to be increasingly assertive. Becoming part of the new coalition government may offer a chance for the rejuvenation and genuine modernization of the Social Democrats. At the moment, the left appeals predominantly to the disenfranchised. The poorest areas in Romania voted for the left: the southern part of Moldova, the rural population and so on. The problem of the left in Romania is that it is deeply rooted in the clientelistic legacies of the communist and post-communist eras. It was for the left (not the Liberals or the Liberal Democrats) that the term baronocracy was created. Those barons are still in the government because the Social Democratic president of the Senate, Mircea Geoana, failed to reform the PSD. He still runs the Social Democratic Party with many of the old faces, who have become politically compromised.

One of President Traian Basescu's highest priorities now is the regeneration of the political class. In this respect, I think the elections have opened the door for this project: since there are many new faces in Parliament, there is new hope for a transformation of the political class. Some of the compromised people who tried to enter Parliament did not make it. Second, the Presidential Commission for Political Reform focuses on the Romanian political system and on rewriting the Constitution. The president would like to avoid a second moment like the suspension that took place in 2007, which paralyzed the Romanian political system. The Constitution has problems, and the president would like to move the country in the direction of a Third Republic (the first being the communist republic, and the second being the postcommunist republic). The third would be the republic as member-state of the EU and NATO. The first one was a pseudo-republic, the second was a quasi-republic and the third one should be the substantive republic. There is a commission made up of lawyers and constitutional experts, headed by University of Bucharest political science professor, Ioan Stanomir, which has been working for the president to propose a set of guidelines for the reform of political system. Finally, the priority of decommunization remains important, and the government should continue the implementation of the 23 proposals of the Final Report, of which only four or five have been implemented thus far.

An article by the historian and commentator Armand Gosu in the weekly magazine 22 published by the Group for Social Dialogue highlights the meaning of these elections. The title of the article is "Balanced and Reasonable Electorate." He emphasizes two elements of this election: the first is rationality and the second is moderation. The elections were dominated by rationality, since people voted according to what they thought would be in their interests. The second element, moderation, is evident because people are tired with vociferous radicalism and charismatic posturing, and therefore penalized the extremists. One can only hope that the new government which brings together parties of the right and the left will be able to act both rationally and imaginatively in times that may confront Romania with daunting economic and social challenges. Precisely because it is based in a large parliamentary majority, such a government can implement urgent reforms and act convincingly against corruption. It remains to be seen if the Social Democrats will finally engage in a long-delayed soul-searching and support President Basescu's decommunization agenda.

Calendar of Events

Please Note: Events are subject to last minute changes. For the most up-to-date information on events please visit our website at http://www.wilsoncenter.org/ees.

Wednesday, 4 March: Noon Discussion, 12:00-1:00
Transnational Integration Regimes as Development Programs
6th Floor Auditorium
Gerald A. McDermott, Associate Professor, Sonoco International Business Department, Moore School of Business, University of South Carolina

Wednesday, 18 March: Noon Discussion, 12:00-1:00
Central and Eastern Europe and the Global Financial Crisis: Heightened Risks and Rising Vulnerabilities
5th Floor Conference Room
Sharon Fisher, Senior Economist, IHS Global Insight

Wednesday, 25 March: Noon Discussion, 12:00-1:00
The Gatekeepers of Christendom? Religious Politics and the Challenge of Islam in Eastern Europe
6th Floor Boardroom
Patrick Hyder Patterson, Assistant Professor of History, University of California-San Diego

Thursday, 2 April: Book Launch, 3:30-5:00
Yugoslavia: Oblique Insights and Observations
5th Floor Conference Room
Presentations and discussion with the late author's wife, **Mary Rusinow; A. Ross Johnson,** Woodrow Wilson Center Senior Scholar; and **Gale Stokes,** Professor Emeritus of History, Rice University

Wednesday, 8 April: Noon Discussion, 12:00-1:00
Masaryk on Hegel's Role in the Political Culture of Russia and Germany
5th Floor Conference Room
Zdenek V. David, Woodrow Wilson Center Senior Scholar

Wednesday, 15 April: Noon Discussion, 12:00-1:00
Changes in the Structure of Belgrade and Sofia since the End of Socialism: Some Problems and Opportunities
5th Floor Conference Room
Sonia Hirt, Associate Professor, School of Public and International Affairs, Virginia Tech-Blacksburg

Wednesday, 29 April: Noon Discussion, 12:00-1:30
Embracing Democracy in the Western Balkans: A Progress Report
5th Floor Conference Room
Lenard Cohen, Professor of Political Science, Simon Fraser University; **John Lampe,** Professor of History, University of Maryland-College Park

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