

BOSNIA TO WAR, TO DAYTON, AND TO ITS SLOW PEACE

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SUMMARY

- The international community was gravely unprepared for the conflicts that followed the dissolution of Yugoslavia. In particular, it neglected the challenge of Bosnia.
- Europe alone was not enough to bring peace, and the United States went from disinterested to disruptive and finally to decisive for a credible peace process. Russia in those days was a constructive actor.
- The war in Bosnia lasted years longer than it should have more because of the divisions between outside powers than because of the divisions within the country and the region itself.
- The fundamentals of the Dayton Agreement in 1995 were not too dissimilar from what had been discussed, but not pursued, prior to the outbreak of the war. It is a solution that is closer to the reality of Belgium than to the reality of Cyprus.
- After the war, many political leaders in Bosnia saw peace as the continuation of the war by other means, which has seriously hampered economic and social progress.
- Ultimately, it will be difficult to sustain progress for Bosnia or the region without a credible and clear EU accession process.

INTRODUCTION

It was a quarter of a century ago that the most painful conflict on European soil since the second world war came to an end.

Peace agreements are rare birds. Most conflicts end either with the victory of one of the sides or some sort of ceasefire that is rarely followed by a true peace agreement.

The map of Europe shows a number of such ‘frozen conflicts’. Recent developments around Nagorno-Karabakh illustrate how easily such wars can ‘thaw’ but, even in their frozen stage, they continue to create major problems. This is illustrated by the break-away regions of Georgia, the unresolved issues of Cyprus, and the fact that not every country recognises Kosovo as an independent state.

But the conflict in Bosnia and Herzegovina – Bosnia, for short – is a rare example of a major war resolved by a landmark peace agreement that brought in not only local and regional actors but also global powers. It is in these respects fairly unique in recent European history. The Good Friday Agreement of 1998 that ended the Troubles in Northern Ireland is the only similar accord.

There are always lessons to be learnt. And here I try to look back on the painful road from the outbreak of the war, through the years of conflict, to Dayton, the different phases of international efforts at peace implementation, and the future of Bosnia and the region into which it is most integrated.

The peace agreement for Bosnia was initialled at the Wright-Patterson Air Force Base outside Dayton, Ohio, after months of shuttle diplomacy and a gruelling three-week marathon of negotiations. A few weeks later, with much ceremony, it was signed in Paris by the leaders of the day.

But the story of the search for peace in Bosnia is hardly a glorious one. The so-called international community stumbled and fumbled for years, until it found no other alternative than to come together on the only deal that was possible.

THE LEGACY OF THE COLD WAR

For decades prior to the Balkan wars, all the focus concerning security in Europe had been on averting

a full-scale conflict between the Soviet Union and NATO. It was all about the Fulda Gap, massive tank armies, and the counting of nuclear warheads. There was only one war possible in the Europe of those decades, and that war could have brought an end to Europe for all practical purposes.

But this meant that there was hardly any focus on possible smaller conflicts driven by nationalist or similar factors in or around Europe. The conflict in Cyprus had perhaps illustrated some of these issues, but this was seen as the exception rather than the rule for what was to come.

Yugoslavia had been put together after the first world war to overcome some of the divisions in the Balkans after the demise of both the Habsburg and Ottoman empires. It was torn apart in the turmoil of the second world war, and the subsequent fighting between its different nationalities during those years was more vicious and deadly than anything that has been seen since. But it was put together again by the Yugoslav communists under their leader, Josip Broz Tito.

Tito was seen by many in the West as a relatively liberal communist. But one should not forget that his regime was also a very ruthless dictatorship, particularly during its first decade or so. From his point of view, this repression was necessary in part to suppress the national tensions that had been strengthened by the tragic experiences of the second world war. The slogan “Unity and Brotherhood” was everywhere to be seen. And Tito had used force to gain control of the Albanian-dominated region of Kosovo, most of which had been united with Albania under the Axis powers during the second world war.

The international community expressed some anxiety expressed over the future of Yugoslavia as the dictator passed away in 1980. But, as the heavily federated state continued to stumble on under its complex collective leadership, those anxieties were slowly put to rest.

As the Soviet empire and the entire edifice that surrounded it started to crumble, the future of Yugoslavia was hardly uppermost in the minds of Western policy planners. Washington was focused on the collapse of the Soviet Union and what would happen with its nuclear arsenal; Bonn was preoccupied with the reunification of Germany and the withdrawal of the vast ex-Soviet presence on its soil; and neither Paris nor London had Yugoslavia particularly high on their lists of issues to pay close attention to. There was too much going on.

In October 1990, the CIA produced a national intelligence estimate entitled ‘Yugoslavia Transformed’, which was somewhat downbeat on what might lie ahead:

“Yugoslavia will cease to function as a federal state within one year, and will probably dissolve within two ... There will be a protracted armed uprising by the Albanians in Kosovo. A full-scale, inter-republic war is unlikely, but serious inter-communal conflict will accompany the breakup and will continue afterward. The violence will be intractable and bitter.”

But, somewhat reassuringly, the CIA concluded that “except for Kosovo, organized warfare arising out of chronic conflict is unlikely in Yugoslavia during the two-year span of this Estimate.”

That, of course, turned out to be wrong.

It is unclear what corresponding estimates were available in the chancelleries of what was then the European Community (EC). But, with the United States mainly concerned about the breakup of the Soviet Union and all its consequences, it was clearly felt that the challenge of Yugoslavia was up to the EC to handle.

Then US secretary of state James Baker said that “we have no dog in that fight”. And, equally famously, then foreign minister of Luxembourg Jacques Poos, occupying the rotating EC presidency, said in May 1990 that “this is the hour of Europe... if one problem can be solved by the Europeans, it is the Yugoslav problem”.

That did not turn out to be the case.

The initial European efforts under the Dutch presidency during the second part of 1991 were focused on trying to preserve some sort of very loose confederate structure between the different republics. A Yugoslavia-lite was seen as the possible solution.

But, as these efforts went nowhere, pressure was building up for recognition of the former republics as independent states.

EARLY EFFORTS TO SAVE BOSNIA

It remains disputed to this day whether the EC’s decision to recognise the independence of Croatia and Slovenia in January 1992 fuelled the conflicts or made it easier to rein them in. The decision was

driven to a large extent by Germany. Having just fulfilled its national dream of reunification, the country found it difficult to try to moderate the national dreams that were now bursting out all over the region. But both the United Kingdom and France were strongly sceptical of the decision, the UN secretary-general openly warned about its consequences, and the US strongly advised against it.

The controversy was hardly over the aim – by then, the fact that both Croatia and Slovenia were heading toward independence was hardly disputed anywhere, including Belgrade – but over whether a negotiated and comprehensive approach to contain and handle the different conflicts of the area would have been possible.

In his memoirs from this period, *Balkan Odyssey*, then EU negotiator David Owen talks of this recognition decision as “dangerous”. And many of those active in the day have been even harsher. Then UN secretary-general Boutros Boutros-Ghali writes that “the cataclysm that subsequently engulfed Bosnia cannot be attributed solely to foolish acts of diplomatic recognition, but recognition undoubtedly triggered the explosion.”

But Owen believes that the biggest mistake was the failure to rule out any revision of the borders of what were then the six republics that made up Yugoslavia. Negotiated border adjustments could, he argues, have paved the way for a more peaceful breakup of the region.

Yet the resistance to border adjustment was solid. And the reason for this was, to some degree, to be found in the parallel breakup of the Soviet Union. The Belavezha Accord of December 1991 had opened up the prospect of independence for all Soviet republics, but also made clear that it had to be within the then established boundaries – although the irrationality of some of them was obvious.

There is little doubt, in retrospect, that this was a wise approach to the breakup of the Soviet Union. It did not prevent fierce fighting resulting in conflicts that remain unresolved to this day in the Transnistrian part of Moldova, in the Abkhazia and South Ossetia regions of Georgia, or over Nagorno-Karabakh in Azerbaijan. But it prevented the opening up of even more difficult issues, the most notable of them being Crimea.

The Badinter Arbitration Commission of eminent legal experts set up by the EC in August 1991 eventually took the same approach in Yugoslavia. And the door that Owen would have liked to open to resolve some of the most difficult issues was then definitely closed.

Irrespective of that, there is no way that an adjustment of borders could have contributed to peace

and stability in Bosnia. Owen probably believed that some border adjustments could have sorted out some of the issues between Croatia and Serbia – which is highly unlikely – but, with the mosaic of Bosnia, there was simply no way.

An early diplomatic success was in ending the fighting in Croatia, and the deployment of UN peacekeepers in four ‘protected areas’. But efforts to move from there to a political solution went nowhere. And, in August 1995, the Croat army simply attacked the UN areas, prompting the largest single exodus of the war as a result.

It is obvious that, during this period, far too little attention was given to the situation in Bosnia. The decision to first place the headquarters of the UN peacekeeping force for Croatia in Sarajevo serves as a vivid illustration of the insufficient understanding of the complexities of the country.

Perhaps this is not surprising. Bosnia had been a fairly stagnant backwater during the Yugoslavia years. The local regime was relatively hardline, the intellectual scene fairly barren, and the economy heavy on military production to support a last-ditch defence against a possible Soviet invasion. Expertise on Bosnia was distinctly lacking in Western foreign ministries.

The Bosnian leader, Alija Izetbegović, together with Macedonian leader, Kiro Gligorov, had both opposed what they considered a premature recognition of the independence of Croatia, and had worked energetically to preserve some form of ‘light framework’ that could prevent confrontation between Croatia and Serbia – which they feared would threaten their states. In his autobiography, *Inescapable Questions*, Izetbegović expresses the opinion that “the fate of Yugoslavia, and its dissolution, was not an inevitability; and dissolution itself, when it came about, could have developed quite differently.” Perhaps.

By then, tension had already been building up in Bosnia, with the Serbs opposing independence and setting up their autonomous areas. And it reached boiling point when a referendum in early 1992, required by the EC as a precondition for recognition, had the Muslims and Croats voting for independence and the Serbs boycotting the exercise.

The danger was obvious. It fell to the Portuguese presidency of the EC in the first half of 1992 to take responsibility for a last-minute effort to prevent open conflict in Bosnia. The negotiations between the Bosnian parties undertaken by the EC, with José Cutileiro in the lead, in Lisbon and Brussels during the early months of 1992 were the last attempt to prevent the mounting tensions in the region from igniting the volatile material of Bosnia.

In March in Lisbon, the three key ethnic leaders of Bosnia signed on to a plan that envisaged an independent and sovereign country organised into three essentially ethnic ‘cantons’. But, soon thereafter, the consensus around this plan collapsed. The reasons for the failure remain unclear to this day.

If you were to ask the first EC negotiator, former UK foreign secretary Peter Carrington, he would say with conviction that it was the US that encouraged Izetbegović to walk away from that deal. The then US ambassador to Yugoslavia has strongly denied this.

However, it seems clear that Bosnian actors’ differing perceptions of the attitudes of the key international players played an important part in the collapse. Unfortunately, it is now obvious that the international community was insufficiently aware of the dangers, insufficiently united in its approach, and insufficiently determined in its efforts.

The failure of the Lisbon deal, in combination with a declaration of independence not accepted by the Serb population, probably made war inevitable – although there is, of course, no way of knowing whether that deal would have worked at the time. Hammering out the details of it would certainly not have been easy. And, throughout the region, the forces of disintegration were gaining strength by the day.

The first phase of the efforts to save Bosnia had failed. By April 1992, the country was at war.

TRANSATLANTIC TENSIONS

In summer 1992, as conflict engulfed Bosnia and refugees streamed into other European countries, the United Nations and the EU set up a common structure for the peace effort at a conference in London. The initiative covered the entire region, but much of its work came to focus on the conflict in

Bosnia. The International Conference on the Former Yugoslavia (ICFY), with its base in Geneva, was co-chaired by former US secretary of state Cyrus Vance and Owen. By any standards, it was a formidable team.

But by early 1993 – the time when they were ready to come to the negotiating table with the ambitious Vance-Owen Peace Plan (VOPP) for Bosnia – the winds had changed in Washington. The administration of George H.W. Bush had in late January been replaced by the government of Bill Clinton.

This changed everything. In his book, Owen writes that, “if President Bush had won re-election in November 1992 there would have been a settlement in Bosnia-Herzegovina in February 1993.”

The VOPP envisaged a thin central government and nine different cantons with substantial powers – three each with Serb, Bosniak, and Croat majorities, and a Sarajevo under international administration. The implementation of the plan would have initially been secured by a massive international force with US participation.

Recently declassified documents in Washington confirm how the incoming Clinton administration wanted to question everything in the Balkan policy of the outgoing administration. Looking back, Clinton candidly writes that, “in early February, I decided not to endorse the Vance-Owen plan”.

That was the end of the VOPP. Everyone who has been involved in peace efforts of this kind knows how sensitive parties to a conflict are to any sign that international cohesion is wavering. With the US going off in a different direction, the efforts to settle the conflict in winter 1993 had virtually no chance. In addition, US military participation was seen as essential to implement the agreement on the ground.

It would not have been easy to implement the VOPP, with its complicated structure. Nor would the plan have produced a Bosnia that was easy to govern. But it would have ended the war, saved many thousands of lives, and avoided massive suffering during the years that followed.

The reason later given by Clinton for ditching the VOPP is that he feared that it would be difficult for displaced persons to return to the semi-ethnic canton. But the solution in Dayton nearly three years later was certainly no less problematic from this point of view.

The failure of the VOPP marked the end of the second phase of efforts to halt the conflict.

The years that followed, the third phase, were marked by tensions over the issue both across the Atlantic and in Washington – notably, between Congress and the White House.

That there were tensions across the Atlantic over Bosnia policy was certainly obvious at the time. And there continues to be discussion over who might have been right and who might have been wrong. But, irrespective of this, the key fact is that the tensions themselves undermined efforts to achieve peace in Bosnia during 1993, 1994, and large parts of 1995.

It remains an open question whether one or the other approach would have succeeded if it had full international backing. Yet, going over the material available now, it is clear that, while the US focused primarily on the shorter-term military issues and the territorial questions associated with them, the Europeans tended to give more weight to the political and constitutional solutions that were necessary. There was an undercurrent of belief in US policy that a military solution would be possible, while the corresponding undercurrent in European thinking was one of a compromise for peace.

This was reflected by the White House – and voices in Congress – toying with the idea of lifting the arms embargo that the UN Security Council had imposed on the region in summer 1991, in combination with launching limited US airstrikes. The belief was that this would have strengthened the Bosnian Muslims on the battlefield.

But this ran up against the perceived necessity of withdrawing the UN military presence that had been established to keep the airport of besieged Sarajevo open and to facilitate a huge humanitarian effort throughout the country. The human cost of an intensified war without a UN presence would undoubtedly have been even higher than was already the case. The policy was never adopted, although Washington decided to turn a blind eye to the not-insubstantial covert shipments of arms to the Bosnian Muslims, primarily by Iran.

After the failure of the VOPP, the peace effort stumbled on without much prospect of progress. A series of half-baked peace plans were tabled but without any one of them having much traction in view of the divisions in the international community. Vance resigned from his post due to the position the US administration took on the VOPP, and the structures of the ICFY were replaced by the so-called Contact Group of the US, the UK, France, Germany, and Russia.

In summer 1994, the Contact Group proposed the territorial division of Bosnia but, since disagreements within the group prevented this from being associated with a political or institutional structure, it was a peace plan in name only. The plan might have patched over the disputes inside the Contact Group, but it would have achieved little else. As it failed, it had the effect of further prolonging the war in Bosnia.

A ceasefire was put together during winter 1995 but, as spring approached, it was obvious that it was only a matter of time until the fighting would resume. This time, it was the Bosnian Muslims who took the initiative, convinced that they had now strengthened their armed forces sufficiently, and aware of the weariness and shortage of manpower on the Bosnian Serb side.

THE HEIGHT OF THE CONFLICT

Summer 1995 became the most intense period of the war since its initial months in 1992. There was the sense that this was likely to be the last summer of fighting: everyone was exhausted and keen to secure territory before the war came to an end. We saw an ultimately unsuccessful Bosnian Muslim effort to break the siege of Sarajevo; the Bosnian Serb capture of Srebrenica and the genocide that followed; the Croat Operation Storm offensive, which produced the single largest act of ethnic cleansing of the war; and, eventually, the subsequent offensive against the Bosnian Serbs in Western Bosnia.

There was also a sense of desperation in the international community. The UN mission was drifting as London and Paris – the two most significant troop contributors – started to question whether its presence made any sense in the absence of a coherent political strategy to end the war. And, if London and Paris pulled the plug on the UN operation, there was an agreement that NATO forces under Operational Plan 40104 would have to enter Bosnia to extract the UN forces, then leave the parties to the conflict to fight it out with new weapons supplies until further notice.

Needless to say, this would have been an utter catastrophe in every conceivable respect, but perhaps primarily from the United States' point of view. The country's policy since the start of the war had been guided by its determination not to get involved on the ground in Bosnia. And the humiliating US retreat from Mogadishu in 1993 had further reinforced this stance. But, through NATO, the US had committed to being part of a 'rescue force' if UN troops had to be extracted at their request.

This prospect, which was viewed with sheer horror in Washington, certainly contributed to the new urgency given to the political efforts. To this, one should add that the administration was coming under increasingly heavy criticism in Congress for its unclear Bosnia policy.

Due to the renewed focus on seeking a rapid end to the war, there were important elements to build on.

After the collapse of the half-baked Contact Group plan from earlier in summer, there was an effort to move on to what was called 'Plan B'. The idea was to push all the states to recognise one another – Croatia and Serbia recognising each other, and both recognising and accepting the territorial integrity of Bosnia – in addition to some broad principles on the internal order of Bosnia. And, if the plan succeeded, this would create momentum to address the remaining issues.

The approach nearly worked during spring but, eventually, the agreement on the draft Plan B document was shot down by familiar disputes in Washington. It was in this situation that Owen resigned as EU negotiator and I was asked to step in – initially having the task of trying to move forward on some of the parts of Plan B that, until then, had proved difficult for the parties to accept.

But, as these efforts came close to their stated goals, events on the ground took over. The fall of Srebrenica in July was only one of the events that made it obvious that the efforts would have to be turbocharged, and that difficult issues could no longer be avoided.

The fourth and ultimately final phase of the efforts then started.

THE END OF US PARALYSIS

Washington now managed to overcome its own divisions and come together on a push for peace that

combined a more European political approach with a certain amount of US kinetic thunder and diplomatic energy. This was absolutely critical.

Elements of all previous efforts were simply collapsed together into a new and comprehensive plan. A radical revision of previous US policy was hammered out in the White House. And it then fell to Richard Holbrooke to be the point man for this more consolidated effort.

The Plan B talks in spring and summer had already produced a draft agreement on a Bosnia within its recognised borders that would consist of two so-called entities, which covered 51 per cent and 49 per cent of the territory respectively. These percentages had been part of different efforts for at least two years.

But there were critical outstanding issues, one of the most important of which was the designation of the Serb entity. When, at a meeting in Ankara, Holbrooke secured Izetbegović's acceptance of the name 'Republika Srpska', a major breakthrough was made.

Immediately following this, at a meeting in Geneva in early September, the foreign ministers of the parties to the conflict formalised an agreement on all key external political parameters of a solution. And, shortly afterwards, President Slobodan Milosevic of Serbia, with means not entirely known to this day, managed to persuade the Bosnian Serb leaders in Pale – between whom no love was lost – to sign over all negotiating authority to him.

With the Geneva document having set out the key principles, and a subsequent meeting in New York securing agreement on some basic principle for governance, the three weeks at Wright-Paterson Air Force Base were spent hammering out the boundaries of the territorial delimitation, the particulars of the international peace implementation efforts, and the more detailed constitutional structures of the new Bosnian state – with that being the rough order of the priorities in the talks.

On the sidelines in Dayton were also the talks that led to the Erdut Agreement. This provided for the gradual handover of Serb-controlled Eastern Slavonia to Croat authority under the supervision of a UN peacekeeping operation.

But, in securing peace as in everything else, the devil is in the detail – and, several times, the Dayton talks hovered on the brink of failure as the various delegations wavered over the compromises necessary. There were times when disagreements within a delegation were as big a stumbling block as those between them.

Modern mythology often claims that it was NATO airstrikes that finally brought about peace. When the CIA Balkan analytical team later published its different assessments in a major publication, *Balkan Battlegrounds*, it dryly noted that “militarily speaking, the practical effect of the NATO airstrikes was approximately zero”, and that “the evidence is even less convincing that the NATO air campaign brought the Bosnian Serbs to the negotiating table in Dayton ... Ironically, the Bosnian Serbs had already made the difficult decision to accept the peace process immediately before the NATO campaign.”

That certainly does not imply that the air campaign and the related UN military operations were without importance. They were a visible demonstration of the fact the international community, after years of debate and division, had now come together in a strong, united, and credible approach. Militarily, the French and British artillery was instrumental in changing the equation around Sarajevo and breaking the siege.

In addition, the NATO air operation was probably instrumental in persuading Izetbegović to accept, with extreme reluctance, a Republika Srpska within the future Bosnia. With the US having now delivered the airstrikes he had so fervently asked for, he couldn't really block this political step.

It should not be forgotten that, throughout this period, there was also basically constructive cooperation with Russia. Moscow was certainly not enthusiastic about the NATO air campaign, and was far more understanding of the Belgrade arguments, but it stayed in the boat and played a constructive role on the political issues. This was still the Russia of President Boris Yeltsin. And First Deputy Foreign Minister Igor Ivanov was among those who spent three long weeks at the US Air Force base in Ohio.

After days and nights of diplomatic drama and turmoil, and nearly four years of devastating war, the peace agreement was hurriedly signed in the Hope Hotel of the base on 21 November 1995. It was subsequently signed in the significantly more dignified surroundings of the Elysée Palace in Paris on 14 December.

A quarter of a century later, it is natural to reflect on the lessons of both the painful process that ultimately led up to Dayton and also on the peace agreement itself.

AN IMPERFECT BUT LASTING PEACE AGREEMENT

The formal peace agreement constitutes just two pages that welcome and endorse what follows in 11 different annexes of very diverse character and importance. The first two of these annexes, and the by far most detailed and long of them, concern the implementation of the territorial agreement and the international military effort to secure this. The constitution of the new state of Bosnia and Herzegovina is only in Annex 4, and the short provisions on civilian implementation eventually follow as Annex 10.

Looking back, it is easy to focus primarily on what has not been achieved.

But there is another story. One could not take it for granted that Bosnia with its two entities would remain a single, sovereign state whose borders were recognised and respected by all regional and international actors. The country has not disintegrated, nor have parts of it seceded, as feared.

Inside the country, the Federation and Republika Srpska have gone from being separated by a very hard dividing line after the war to one in that a foreign visitor is unlikely to notice that he or she has crossed (if there isn't a sign to that effect).

Again, this was not something that one could take for granted. Freedom of movement, so difficult for many to support during the immediate post-war years, is now accepted by all and part of daily life.

The UK politician Paddy Ashdown, who took over as the fourth high representative in 2001, notes in his memoirs that “in Northern Ireland, 36 years after the outbreak of violence, those driven from their homes have not returned ... Unlike Cyprus, which remains divided thirty years after the peace agreement, there is completed freedom of movement for all across Bosnia and Herzegovina.” There had been, he writes, “extraordinary progress” in Bosnia – particularly if one compares it with other situations he knew well.

A critical part of the agreement was the so-called Annex 7 on refugee returns. And this was also a part

of the peace implementation process that proved very challenging in the early years.

Large numbers of refugees and internally displaced people have returned to their homes in Bosnia, especially those from the Bosnian Muslim community, in which there were high expectations for return. However, many have chosen not to return. Some young men and women from distant valleys got used to the bright lights of Sarajevo or Stockholm, and more often than not have chosen to stay. Of the close to 100,000 people who sought refuge in Sweden, only a tiny minority decided to go back after the war.

A large number of refugees or displaced persons have sold their properties, taken the money, and started a new life. In contrast to nearly every other conflict, almost all the property issues and disputes – of which there were literally millions – were sorted out after the Bosnia war. This remains a remarkable achievement.

There have been not-insignificant so-called minority returns – people returning to the other entity – but it remains a fact that the country is significantly more ethnically divided now than was the case before the war.

Of the approximately 2.2 million people in the Federation, 3 per cent are Serbs. And, of the approximately 1.2 million in Republika Srpska, 14 per cent are Bosniaks and 2 per cent are Croats. Mosques have been rebuilt in Banja Luka, Foca, and many other places. And, in Mostar, even the Serb Orthodox Cathedral is gradually being rebuilt.

But, still, Sarajevo is more solidly Bosniak than ever, Banja Luka is more solidly Serb than ever, and Mostar is as deeply divided between its Croat and Muslim parts as ever. Unfortunately, this is the pattern in large parts of the region. Croatia is today significantly more Croat and Kosovo significantly more Albanian than they were before the war.

In comparison with other conflicts in the region, and with the tragedies of ethnic cleansing in much of central and eastern Europe during the twentieth century, the overall ethnic dislocation of the war has probably been less severe in Bosnia than elsewhere.

The constitutional structure that Bosnia ended up with is certainly complex. And it has had its critics, as well as been the subject of an intense debate on whether it can be altered in any fundamental way.

The constitutional questions should certainly have been given more attention in Dayton, but it is

questionable whether anything radically different could have been achieved. Europeans argued for a more modern structure with a president and a government, but ended up with a collective presidium and something that was not allowed to call itself a government. This reflected the fact that the negotiating parties themselves were thinking more in old Yugoslav than Western constitutional terms.

Things were made more complex by the fact that, while Republika Srpska was one of the entities, the other was the so-called Federation, which had been forged in Washington in early 1994 as a way of ending the fighting between Muslims and Croats that erupted after the failure of the VOPP.

The Federation's elaborate structure, with its numerous self-governed cantons, was a solution left over from the VOPP effort, and was not addressed in any substantial way by Dayton. It consisted of five Bosniak-majority, three Croat-majority, and two mixed cantons with a common government above them.

Critics have in later years often questioned the fact that the constitutional settlement was based on ethnic and national groupings rather than on individuals and their rights. A unitary state, they claim, would have been both better and more democratic.

That certainly sounds fine in theory. But the reality is that, in states like these, particularly following an open conflict, the situation is rather different – and such solutions are easier to talk about than achieve.

The VOPP model had been rather Swiss, with its somewhat complex setup. But the constitutional settlement for Bosnia in Dayton ended up being somewhere between Belgium – with its complicated structure of Flemish, Walloon, and even some German “entities – and Cyprus, where the constitutional order broke down very soon after independence, with UN forces patrolling the ‘green line’ dividing Nicosia ever since.

Those who question the Dayton structure for enshrining ethnic and national identities might be advised to try their hand at getting the Scots to accept total integration with England, or the Catalans or the Basques to accept a completely unitary Spain. Politics in countries like these tend to be based on national identities.

One obvious challenge with the Dayton constitution is that it is a hybrid solution in which Republika Srpska and the Federation are very different. Many of the subsequent problems of governance and

political disputes have been inside the Federation, with some Croats claiming that they have not been given their rights to the same extent as others have. Among them, particularly those in Herzegovina, there is still an undercurrent of demand for a third entity.

BOSNIA'S FROZEN POLITICS

Unfortunately, the gradual process securing of peace has not opened up the politics of Bosnia as hoped. The voting pattern established in Bosnia's first free election in November 1990 (before the drums of war had started to sound), which looked more like an ethnic census, has not changed in any fundamental way in the decades after Dayton.

The hope was that the post-war politics of Bosnia, in combination with the process of European integration, would gradually move the constitution of Bosnia further from the Cypriot end of the scale and much closer to the Belgian one. Perhaps one day in the distant future, we thought, it might even move beyond it.

With these hopes in mind, the constitution included provisions that would allow for a gradual strengthening of the central powers without any revisions to the document itself.

And there were certainly provisions for changing the constitution. This requires a decision by the Parliamentary Assembly, including support from two-thirds of the House of the Peoples. Thus, it demands a broad consensus in the way that is always the case with constitutional changes, although the process is probably less complicated than that in most other European countries. The Dayton constitution set a floor – but it did not set a ceiling.

Yet these opportunities haven't been used to the extent we had hoped.

There has, however, been an evolution with central powers being strengthened – sometimes because of international interventions and sometimes because of common recognition of the need to do so. The EU process has also been driving this development.

But, while there has been an abundance of schemes to change the constitution itself, they have all come to nothing.

Two major international efforts have been made. The first was the so-called April Package in 2006, driven primarily by the US, and the second was the Butmir Process in 2009, under the joint auspices of the EU and US. But the results have been the same both times. A consensus between the main Bosnian parties was necessary to gain the votes necessary for constitutional changes but, in both cases, the process came to a halt more because of opposition from those wanting larger changes than from those initially more reluctant to accept any change at all.

A more incremental process could perhaps have been possible, but there was never enough support for such an approach – and there was even less backing for more radical revisions. At the end of the day, the constitution of Bosnia has to be agreed upon by the Bosnians themselves.

It should be added that the structures of both the Federation and Republika Srpska are laid down in separate constitutions. A major reform of the Federation – which could abolish either the federation level or the cantons – could be completed by the Federation itself.

MILITARY AND CIVILIAN IMPLEMENTATION

During the talks in Dayton, much attention was devoted to the details of the military implementation efforts, with a massive international force being primarily responsible for the separation of the different fighting armies and the establishment of what was called the Inter-Entity Boundary Line (IEBL). There were sensitivities around this – not least in the US political system, since it would involve the deployment of substantial US ground forces.

The official thesis, then, was that international efforts to help implement the peace would require an international military force for just one year and only a very light civilian implementation structure.

This proved to be wrong in both cases.

The initial NATO-led Implementation Force (IFOR) comprised no less than 60,000 soldiers. Its deployment was the largest movement of troops in Western Europe after the second world war, and it replaced the 20,000-strong UN force that had been there during the war itself.

The separation of forces of the warring parties and the establishment of the IEBL went smoothly but,

as the deadline for IFOR approached after a year, it was obvious that some stabilisation force was still needed. Accordingly, IFOR was renamed the ‘Stabilisation Force in Bosnia and Herzegovina’. And, after a number of extensions with gradually reducing numbers, it remained in Bosnia until 2004, when it was replaced by the much smaller EU force that has been there since.

EUFOR Althea today comprises no more than 600 soldiers, but still operates under a Chapter VII authorisation by the UN Security Council that is renewed yearly, and with its command structure integrated into that of NATO. This makes it possible for EUFOR to call in rapid reinforcements if needed – and there are also plans for this contingency.

The presence of EUFOR is generally still seen as important to the stability of the country.

If the international military implementation efforts were given a very strong position in Dayton, the opposite was the case with their civilian counterparts. Annexes 1 and 2 of military aspects of the peace agreement run to 14 pages, while Annex 10 on civilian implementation is little more than one page long.

The civilian structure within the Office of the High Representative (OHR) was given no powers whatsoever. This was partly due to the belief that what was needed was little more than help with establishing a local consensus on various issues. But it was also a consequence of US fears that any powers for a civilian high representative would have an impact on the authority of NATO forces.

In his memoirs, Holbrooke characterises this view and the results it had as “absurd”, blaming it on NATO and US military pressure.

The first and most difficult phase of peace implementation in Bosnia, therefore, took place with international civilian efforts having few resources and even fewer powers. While IFOR, with its vast resources, had to separate the warring armies, the high representative and his small office had the more complex task of bringing the country together and setting up its new institutions.

Accordingly, this first phase was characterised by endless negotiations to start to bring the parties together in the new structures of governance, including the organisation of elections. For too many people in Bosnia, peace was a continuation of war by other means – and this made the process in the immediate years after the conflict more protracted than most others of this kind, not least among the international community.

This notwithstanding, it was possible to set up the new structures for governing the country and slowly start their work within a year. But the process was slow and involved heavy, continuous efforts at international mediation.

After the war, the ICFY was abolished. And in its place for Bosnia came an unwieldy so-called Peace Implementation Council (PIC), consisting of no less than 55 nations, with its more limited Steering Board becoming a somewhat enlarged version of the old Contact Group.

When it met in Bonn in late 1997, the PIC declared – in a radical departure from the previous approach – that the high representative had the power to make binding decisions on any issue he chose to address.

This initiated the second phase of civilian peace implementation.

With the so-called Bonn powers, the implementation process rapidly went from one based on local consent to one based on external imposition. The legal basis for this was questionable in the extreme, but it undoubtedly made it possible to accelerate numerous important implementation efforts during the years of the semi-protectorate that followed.

Ashdown, who used the powers on numerous occasions, later wrote that “by any standards these powers, which are not subject to appeal or review, are extraordinary”. They could only work so long as they were broadly accepted in Bosnia itself, as the OHR lacked any real enforcement instrument.

More than 1,000 different decisions – 1,049 to be precise – were taken by the high representative on everything from enacting laws to removing elected officials seen as ‘anti-Dayton’ in their views or behaviour during this second phase. The last decisions of this kind were made in 2011 (although they related to the annulment of previous ones).

Change accelerated, but there was a distinct downside to it. The extensive use of the Bonn powers during the period undoubtedly strengthened the tendency of politicians in the country to evade their own responsibilities and to focus their attention more on influencing the policies of the OHR than on sitting down and hammering out painful compromises. There was sometimes talk that Bosnia risked becoming a protectorate of the international community rather than an independent and sovereign state.

Eventually, the parties began to recognise that this was not a sustainable approach. And the use of the Bonn powers stopped at the same time as discussions began on closing down, or at least reducing, the size and the importance of the OHR.

Then, civilian implementation moved from its semi-protectorate phase to a third one that emphasised local ownership of the process. The political forces of Bosnia were to have ultimate responsibility for the country.

As part of this, there was in 2006 an initial agreement among international actors to close down the OHR. But, in 2007, the decision was reversed, only to be brought back in 2008 provided that a number of conditions, labelled the '5+2', could be fulfilled.

These conditions primarily related to some of the issues of property ownership that have been subject to endless and highly detailed controversies, and that increasingly related far less to the substance of the disputes than to some actors' efforts to retain the OHR. But the conditions also included a vague clause that there must be a "positive assessment of the political situation" in the country.

So far, that has not been the case. Accordingly, a quarter of a century after Dayton, the OHR is still there, albeit significantly reduced in size. The Bonn powers are still there as a final political weapon of the international community – at least in theory – and, as usual, subject to endless speculation about their future.

THE 'PULL' OF BRUSSELS

For 11 years, Bosnia has been in a kind of limbo between the approaches of the second and the third phase of Dayton peace implementation.

The idea had been that the 'push' of Dayton would be gradually phased out as the 'pull of Brussels' started to set in.

Immediately after the war, the possibility of EU membership was certainly not high on the agenda. But implicit in the Dayton deal was that the future of the country was intimately linked with future relationships in the region – notably, that between Serbia and Croatia. And it gradually became

apparent that this critical relationship was dependent on the larger structures of European and, to some extent, Atlantic integration.

It was after the end of the Kosovo war in 1999 that regional integration perspectives came more sharply into focus, with a major international summit in Sarajevo setting up new structures for that purpose. Then, in 2003 in Thessaloniki, EU leaders took the key steps and opened the door to EU membership for all countries in the region.

The idea was that the EU accession perspective would become the main instrument for both driving internal reform in the respective countries and for regional reconciliation and reintegration.

In 2002 the high representative became double-hatted as the EU special representative. But, in 2010, the EU created a separate special representative function and office, as it sought to significantly strengthen its presence and role in Bosnia. The plan was for an augmented EU special representative to gradually take over the role that the high representative played, with EU integration demands driving policies far more than the Dayton implementation provisions – which had been largely superseded.

But it has been a very slow process. The pull of Brussels hasn't been as strong as hoped, and the continued existence of the OHR as the custodian of the push of Dayton has often tended to dilute the impact of the EU efforts.

Numerous EU initiatives since then have certainly made significant progress, but much has still been bogged down in inter-ethnic squabbles.

In February 2016, Bosnia was deemed ready to take the step of formally applying for EU membership. And, in accordance with the procedures, this led the European Commission to make a detailed evaluation of the situation in the country and its readiness for an EU accession process.

In its extensive report in May 2019, following a dialogue with the authorities of Bosnia, the Commission concluded that the country wasn't ready and that, accordingly, it could not yet recommend the opening of talks. However, the Commission identified 14 key priorities for the country to fulfil to be recommended for opening EU accession negotiations. These 14 priorities for reform provide a comprehensive roadmap for incremental reforms, with the key points covering the areas of democracy, state functionality, the rule of law, fundamental rights, and the reform of public administration – the fundamentals of an EU accession process.

While the EU agenda for Bosnia is by far the most comprehensive, there are also substantial recommendations from the International Monetary Fund, the Organization for Security and Cooperation in Europe, and the Council of Europe that together make up a roadmap for necessary reforms.

However, since the Commission made its recommendations, progress has been slow. It took 14 months to set up the Bosnian government after the latest election, and the Federation still has no government after more than two years. Local governance in Mostar has been blocked for a long time, although an agreement paved the way for a local election in late December 2020, the first in no less than 12 years.

The most recent report by the European Commission, published in October 2020, notes only very marginal progress on the 14 priorities and, in parts, makes for rather grim reading on the situation in the country:

“Corruption remained widespread and is a serious concern, with all levels of government showing signs of political capture directly affecting the daily life of citizens ... As regards the economic criteria, Bosnia and Herzegovina has made limited progress and is at an early stage of establishing a functioning market economy. The public sector remained oversized and inefficient.”

The state of the economy is an obvious concern. Bosnia registered a 3 per cent annual growth rate between 2014 and the start of the pandemic, despite massive international aid. But it has still only been able to achieve a level of GDP per capita that is 31 per cent of the EU average – although these figures are uncertain, with 25-35 per cent of the economy estimated to be in the informal sector.

The public sector is bloated, with inefficient state-owned industries and agencies consuming resources while the provision of essential public services is suffering. This is a reflection of the fact

that Bosnia hasn't made a genuine transition from the dysfunctional economic system of Yugoslavia. When serious social unrest broke out in Bosnia in February 2014, it started in Tuzla – which is in some ways the most 'Yugoslav' part of the country – and its focus was on social and economic rather than national issues.

Of particular concern is the fact that skilled and educated individuals, particularly younger people, are migrating to core EU countries. There are signs that this trend is accelerating, although – unfortunately – the situation is fairly similar throughout the region.

A quarter of a century after Dayton, the peace is secure but Bosnia's reforms have been far too slow, and its politics remains too divided. The country hasn't yet come out of the shadows of either the war or the system that preceded it.

Accordingly, it is a regrettable fact that – apart from Kosovo, where the lack of diplomatic recognition from five EU countries is also a brake on progress – Bosnia is the country in the region that has made the least progress on the long-term path to European integration.

BOSNIA'S PLACE IN EUROPE

Looking ahead, it is difficult to sustain progress for Bosnia or the region without a credible and clear EU accession process. It is only within the context of such a process that the still-existing issues between the different states can be sorted out, and it is only within the framework of this process that the reforms necessary to promote economic growth, the rule of law, and stability can be taken forward.

The EU accession path has proved to be longer than many hoped. And, with the prospect of membership far away, the transformative powers of the accession process tend to weaken.

The last country to join the EU is Croatia, which did so in June 2013 after having applied for accession in 2003. North Macedonia applied in 2004, but 16 years later has not yet started accession talks. Montenegro applied in 2008 but, after eight years of negotiations, only three of the 35 chapters of the talks have been completed. Serbia applied in 2009, started talks in 2015, and has so far completed only two of the chapters. Albania applied for accession in 2009, and Kosovo is – as discussed – blocked by non-recognition from five EU member states.

There is an obvious risk that the pull of Brussels that is so important to the region as a whole, and to Bosnia in particular, will weaken as the accession process is prolonged. The new approach to these negotiations, begun in 2020 after primarily French objections that the process was too speedy, risks making this problem even more acute.

Were this process to falter or fail, the risks for Bosnia and the region would rise – in terms of both economic stagnation and the return of grave political tensions. History has certainly not ended in the Balkans.

Looking back over the nearly three decades since the war started to engulf Bosnia, could things have been done differently?

Before the descent into all-out conflict – perhaps.

The EU was clearly unprepared and the US was distinctly unwilling. Yugoslavia was probably beyond salvation, despite the efforts made to preserve it. Whether the Lisbon principles could have saved Bosnia, we will never know – but we should not exclude the possibility.

In the years leading up to Dayton – certainly.

The delay to the peace process was caused as much by divisions within the international community as by divisions within the country and the region itself. And these divisions were primarily transatlantic. The United States' role was at first disinterested, then disruptive, and finally decisive.

By the time it came to Dayton itself – hardly.

The basic political principles of the deal, which had been settled in Geneva and New York, were not significantly different from those negotiated and discussed in other plans much earlier. The details could well have been changed, but no fundamentally different deal was possible – and prolonging the war was neither politically nor morally defensible. The essence of the peace was not dissimilar from what had been on the table in the Cutileiro peace plan nearly four years earlier, albeit with the three cantons having been replaced by the two entities. But the suffering in the intervening years had been of a magnitude Europe had not seen since 1945, and has not seen since.

In Bosnia in the years since Dayton – yes, by the Bosnians themselves.

For too many of them, peace was a continuation of the war. No significant political leader stepped forward and tried to bridge the divides – all played primarily on their own nationalities. The phase of imposed international decisions brought some progress but, at the same time, reinforced this destructive trend in the politics of the country. Essentially, only the various Bosnian actors can make the compromises necessary to take the country forward. And, far too often, they failed to do so.

In the region during these years – yes.

The international community should have moved forward aggressively on the Kosovo issue immediately after Dayton. Instead, it waited until things were sliding out of control, and then ended up in a situation that remains messy to this day. Would an earlier deal on Kosovo have been possible? Perhaps not – but no effort was made to arrive at one.

A more forward-looking EU approach to reintegration and enlargement could also have helped Bosnia make progress. But, for a long time, EU enlargement procedures manifested in a country-specific rather than region-focused effort. And this undoubtedly delayed the economic reintegration and political reconciliation that could have helped Bosnia.

For a prolonged period, the forces of disintegration were dominant across the region, and it took too long for the EU and other international actors to focus sufficiently on the need to promote the forces of integration.

But the region – and not least Bosnia – is and will remain an important part of our Europe. When the wounds of war and dissolution finally heal, and integration is seen as natural by all, there is no doubt that the country has substantial potential to make its contribution to our common future.

ABOUT THE AUTHOR

Carl Bildt served as both Prime Minister and Foreign Minister of Sweden. Under his leadership, the government initiated major liberal economic reforms and negotiated Sweden's accession to the EU. A

renowned international diplomat, he also served as EU Special Envoy to the Former Yugoslavia, High Representative for Bosnia and Herzegovina, UN Special Envoy to the Balkans, and Co-Chair of the Dayton Peace Conference. Bildt was Chair of the Global Commission on Internet Governance, and is a member of different boards, among them a Trustee of the RAND Corporation in the US.

ANNEX

Address of the Chairman of the Presidency of Bosnia Herzegovina, Sefik Džaferović, on the occasion of the 75th session of the UN General Assembly:

“For the past twenty-five years Bosnia and Herzegovina has been living in peace, which is of irreplaceable significance having in mind our experience of the 1990s, as well as the experience of the numerous crisis areas which have emerged throughout the world.

When we are talking about the shortcomings the Dayton Peace Accord, we should never forget that this is a peace accord, whose primary goal was not to secure the implementation of sophisticated constitutional standards, and it is quite natural that it requires an update which is only possible through a wide political consensus.

It is of high significance that all relevant political subjects in our country are deeply aware of the facts that the foundations of the Dayton Peace Accord can only be changed through a wide consensus and agreement of all.

Of course, this situation means that there can be no quick and simple changes, and, therefore, there can be no quick and simple progress that many expect and demand. At the same time, this situation guarantees to all in Bosnia Herzegovina, that they have a significant level of security and protection.

There is a general consensus in Bosnia Herzegovina about the irreplaceable significance of preserving peace, and thus, the Peace Accord on which it is based upon. This gives hope that in the future, the society of Bosnia and Herzegovina will be increasingly more preoccupied with issues of development, as it enters in a new phase of its historic road.”

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