

# Democracy and International Intervention in Bosnia and Herzegovina

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*Abstract: The article analyzes international intervention in Bosnia and Herzegovina and assesses the effects it has had on political developments and democratization in the country. The paper is especially focused on mapping the ongoing debate among policy analysts over the benefits of direct and proactive international intervention and the dangers inherent in the prolonged denial of self-government to the Bosnian people. It argues that while international intervention has often been visibly successful in pushing through major reforms and political changes, the undemocratic character in which it has been carried out is far from unproblematic. The international community in Bosnia is not accountable to Bosnian citizens, its extensive governance powers have been largely exempt from democratic checks and balances, and international action has tended to sidestep and marginalize local institutions and the local political process, thus undermining the sustainability of the achieved improvements. On the whole, the effective, if not official, protectorate has been an unsuitable way of 'teaching' Bosnians what democracy is. Finally, the article uses the case of Bosnia to draw some general lessons for international intervention in post-conflict areas.*

*Keywords: Bosnia and Herzegovina, international intervention, Office of the High Representative, OHR, political situation, democratization, legitimacy of international intervention, post-conflict management.*

The war in Bosnia and Herzegovina<sup>1</sup> (1992-1995) ended with the signing of the controversial Dayton Peace Agreement (DPA) at the end of 1995. The DPA reflected a new post-Cold War approach to international intervention that emphasized long-term involvement of international organizations in governance and institution building in post-conflict areas. (Chandler 2000: 34) A consortium comprising major international organizations, such as the North Atlantic Treaty Organization (NATO), the Organization for Security and Cooperation in Europe (OSCE), the United Nations (UN), the World Bank and the International Monetary Fund, has employed a large military and civilian staff to the task of turning Bosnia's divided society into a viable state. (Bose 2002: 3) The stated objective of international involvement in Bosnia is to establish and guarantee the irreversibility of democracy and to thus prepare the country for self-government. To fulfill these objectives, the international mission in Bosnia has been given wide-ranging powers extending beyond military matters and covering fundamental

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<sup>1</sup> Hereinafter referred to as 'Bosnia'.

aspects of governance and institution building. (Chandler 2000: 43) Bosnia thus provided a curious example of a country whose constitution (Annex 4 of the DPA, primarily the work of US lawyers) was originally written in English and translated into the native language.

The purpose of this article is twofold. First, it discusses international intervention in Bosnia and the effects it has had on politics and democracy in the country. Second, it reviews the ongoing debate among policy analysts over the benefits of intrusive international intervention and the dangers inherent in the long-term denial of self-government to the Bosnian people. International intervention has often had visible success in bringing about political change and pushing major reforms forward. Yet, these achievements do not come without a price. The international community is not accountable to Bosnian citizens and its extensive power over governance and policy-making has not been subject to democratic checks and balances or mechanisms to control its use. International intervention has tended to marginalize local institutions and bypass the local political process, thus disregarding and undermining the very democratic process and democratic culture that the international community purports to be nurturing in Bosnia.

The next section summarizes the evolution of the mandate of the international mission in Bosnia. It is followed by a review of the governance record of the international administration and a discussion of its successes and downsides. The third section addresses the issue of the legitimacy of intervention of such a scale and time span. The fourth section recaps the debate on the pros and cons of international intervention and assesses the sustainability of the international peace-building mission's achievements. The article concludes by pointing out some of the lessons that could be drawn from the Bosnian experience with international intervention.

### **The Mandate of the International Mission in Bosnia**

The transitional international administration envisioned by the DPA was initially expected to last for a one-year period of transition to a partial Bosnian self-governance. (Chandler 2000: 51) Although elections for state and entity bodies were held in 1996 and recognized by the international community, the transition period was extended for two years. (*ibid.*: 51) In these early stages, the Office of the High Representative (OHR), which has been put in charge of the civilian implementation of the DPA, could not impose decisions unilaterally and had no executive power. (Ashdown October 2004; Knaus and Martin 2003: 63) In 1997, however, the term of the international administration was extended for an indefinite period of time and OHR's powers were substantially broadened to cover key aspects of institutional reform

and legislation. (these extended powers are known as the ‘Bonn powers’) (Knaus and Martin 2003: 64; Chandler 2000: 51-55) The extension was a response to the continuing instability in Bosnia and the perception that the OHR had “spent two years locked in sterile negotiation with many of the people who had caused the war in [Bosnia] in the first place, while the people of [Bosnia] continued to suffer.” (Ashdown October 2004) In the following years, instead of the initially intended gradual transfer of government functions to the elected Bosnian authorities, Bosnia has seen the ever more direct involvement of the international community in virtually all aspects of the policy-making process.

The extension of the prerogatives of the international community has been made possible by the nature of the DPA which puts tangible limits on the power of Bosnian institutions (because Bosnia is a signatory to the DPA and is legally bound by its provisions) but is very flexible as regards the mandate of the international organizations operating in Bosnia (that are not signatories to the DPA and are therefore not bound by its provisions) (Chandler 2000: 52) Importantly, the DPA’s Annex 10 in effect granted the OHR the right to interpret its own mandate and authority and thus removed the checks and balances on its powers. (*ibid.*: 50-52; Knaus and Martin 2003: 61)

### **Overriding Local Politics: Benefits and Dangers of Governance by International Fiat**

The powers of the OHR have gradually become extensive. The OHR has been given the right to directly impose legislation, enact interim measures when Bosnian parties are unable to reach agreement, decide on the timing, location and chairmanship of meetings of the central institutions, veto candidates for ministerial positions, enact measures to ensure that Bosnian institutions and elected representatives ‘cooperate’ and implement the DPA, and take measures in case of non-compliance with deadlines set by the international community (e.g. restriction on non-cooperative politicians’ freedom of movement out of the country, imposition of economic sanctions on obstructive local authorities, dismissal of obstructionist public officials on state and entity level). (Westendorp 1997; Chandler 2000: 54; ESI 2000: 25-26) Fines and punitive measures against obstructionist politicians cannot be reviewed or challenged by courts in Bosnia. (Ashdown October 2004) Each consecutive High Representative has resorted to the High Representative’s special powers more often than his predecessor.

Tough action by the OHR has thus often pushed forward stalled reforms, strengthened the constitutional order, eliminated foot-dragging by local politicians, and prevented stalemates. OHR’s engagement has been highly commended by some analysts:

“The High Representative continues to work as Bosnia’s chief reformer, moderniser, defender and promoter. It is he who sounds the alarm when insolvency looms, plots the defence, wages war on slackers and recidivists, and offers inspiring glimpses of the sunlit uplands ahead. [...] It is probably easier for Bosnia citizens to imagine their country without a Presidency, CoM [Council of Ministers] or state parliament than without OHR. The High Representative is the unwritten but functional part of the constitution”. (ICG 2003c: 10)

High Representative Ashdown even managed to press the nationalist parties that came to power in the 2002 elections to accept the reforms planned by the international community. Having acceded, even if only rhetorically, to the reform agenda, they could now more easily be compelled to live up to their promises or else be held accountable for their unwillingness to do so. (ICG 2003a: 32) Among the recent positive steps of the international community in Bosnia is the High Representative’s active engagement in improving the business climate in Bosnia, reforming taxation and unifying the customs services. (*ibid.*: 31) Arguably, it is this encouraging picture of something finally moving in the right direction in Bosnia after a long period of stalemate that prompts many policy analysts to welcome and endorse the current state of affairs and to declare their firm support for continuing international intervention.

Yet, other analysts find the situation troubling since the High Representative’s special powers have not been accompanied by rules and limitations on their use. The OHR can dismiss officials or veto candidates for political posts without having to present firm evidence and justification for its decisions; and such decisions are not reviewed by an independent body. (Knaus and Martin 2003: 61) To prevent obstructionists and politicians with a criminal record or dubious wartime past from holding office, the OHR introduced in late 2002 an extensive vetting procedure for ministerial candidates for state, entity and cantonal governments (OHR October 2002; ICG 2003a: 32) The procedure, however, did not follow strict rules and consisted in circulating the names of candidates among key international organizations and foreign embassies. In case any of these organizations objected to a candidate, the candidate was rejected without further explanation and debate. (ICG 2003a: 32-33) The procedure was met with suspicion and denunciation by the affected political parties, who accused the OHR of breaching its professed standards of transparent governance. (*ibid.*:33)

The OHR also used its vast powers to remove from office Bosnian officials deemed to obstruct the implementation of the DPA. Some of the dismissals proved to be particularly controversial. In 1999, for example, the OHR removed a well-known non-nationalist leader and active supporter of refugee return from a mayor’s office on account of his supposed unfitness to

carry out his duties. (Knaus and Martin 2003: 66; Belloni 2003) In 1998, a leading Serb politician was dismissed for allegedly inciting violence against peacekeeping troops. He was subsequently pardoned by the OHR. (Knaus and Martin 2003: 66) Officials have also been dismissed on the grounds of suspected corruption without the provision of due evidence for the accusations. (*ibid.*: 66, 68) The dismissal of the director of the Federation Intelligence Service in 2002 turned controversial due to the OHR's failure to provide a sufficiently credible explanation of its decision. (ICG 2003a: 33-34) Apart from that, the effectiveness of punitive measures has not been without limits. For example, a series of dismissals of politicians from Republika Srpska in mid-2004 led to serious clashes between the OHR and the main parties in Republika Srpska and threatened a major political and constitutional crisis. (IWPR 15 July 2004; 2 July 2004a) It did not, however, result in a more cooperative attitude from the side of Republika Srpska's leaders. Rather, Ashdown continued with further dismissals in late 2004, which provoked the resignation of the entity's prime minister. The pending new nationalist government in Republika Srpska appears even less likely to respond positively to the demands of the international community. (IWPR 14 January 2005)

Knaus and Martin (2003), of the influential international think tank European Stability Initiative (ESI), argue that it is even more troubling that the powers of the OHR have oftentimes been used for pure political or bureaucratic convenience, as demonstrated in the case of judicial reform. In order to root out corruption and partiality in Bosnia's judicial system, in 2002 the OHR decreed that all judges, including the ones that had already passed a review process and had been granted life tenure, should resign and reapply for their positions. (*ibid.*: 64-65) Under this procedure, each individual judge bore the burden of proof that s/he is indeed fit for office. (*ibid.*: 64-65) Although the Council of Europe disagreed with the reform on the grounds that it instituted "disguised disciplinary proceedings without any of the guarantees associated with such proceedings" and contravened the principles of constitutionality and legality that the international community was trying to install in Bosnia, the OHR did not take the criticisms into account. (*ibid.*: 65) More troubling even, the OHR's action was unilateral; no public deliberations accompanied the issuing of the decree and local ministries of justice were not consulted. (*ibid.*: 65)

The international community frequently resorted to unconcealed electoral engineering (especially in Republika Srpska) to assist the electoral success of moderate political actors. Such activity included disqualification of candidates and parties deemed nationalist or extremist and promotion of political actors acceptable to the international community (e.g. the 1998 coalition led by Dodik in Republika Srpska). Promotion took different forms, including financial support,

intervention to prevent rivals from running the elections or coming to power, conditioning international economic support on the election of the ‘right’ candidates, and uncharacteristically lenient attitude towards cases of failures, mismanagement and corruption involving political favorites. (see ESI 2001b: 10-11; Carpenter 2002: 21-26) In the general elections in 2002 the international community changed strategy and avoided demonstrating straightforward support for the non-nationalists. This time it got engaged in more subtle ways; the OHR attempted to prop up the moderate Alliance for Change by writing a pre-election program for them and working hard to mobilize voters in favor of reform-minded candidates. (ICG 2003a: 8, 10)

While the political appropriateness of electoral interventions can only be judged on a case-by-case basis, critical observers have pointed out problematic tendencies. First, as demonstrated in the case of Dodik’s government, relieving moderate leaders from the codes of democratic conduct for the sake of having moderates in power has compromised the democratic process itself. (ESI 2001b: 10-11) Second, interventions have been made without concern for, and frequently patently against, the expressed will of the Bosnian voters. It has been assumed that Bosnian citizens are not politically mature enough to be able to choose representatives that would promote their ‘real’ interests. The international community has thus frequently presented unilateral action to oust democratically elected Bosnian officials as an effort to make the ‘right’ choice of leaders for Bosnians. Thus, on the occasion of the dismissal of 22 elected politicians, the spokesperson of a former High Representative announced: “the dismissed officials are not the officials that Bosnia needs”. (quoted in Carpenter 2002: 27)

Third, electoral engineering by the international community has on occasion provoked serious political crises. In 2000, in line with the sustained international effort to create election rules that would favor moderate parties over nationalist ones, the international community unilaterally changed the rules regarding the election of representatives to the Federation House of Peoples. The decision triggered a constitutional crisis in the Bosniac-Croat Federation. (ESI 2001b: 14-15; Bose 2002: 82) Under the Bosnian constitution, the House of Peoples on the state level is created as a compromise strict-parity formula intended to ensure that the representatives of any of Bosnia’s three constituent peoples could veto legislation deemed to contradict their people’s ‘vital interest’. The House of Peoples consists of five Serb members nominated by Republika Srpska’s National Assembly, five Croat members selected by the Croat delegation to the Federation House of Peoples in the Bosniac-Croat Federation, and five Bosniac members selected by the Bosniac delegation to the Federation House of Peoples in the Bosniac-Croat Federation. (Bose 2002: 62) At the Federation level, the Federation House of Peoples is similarly

based on parity representation of Croats and Bosniacs. With the aforementioned changes in 2000, however, the international community altered the way the delegates to the Federation House of Peoples were selected by cantonal parliaments. While previously the Bosniac and Croat caucuses selected their respective representatives separately, the new rules required that all members of the cantonal parliament should vote on all representatives (ESI 2001b: 14). The change was disadvantageous to the Croats who, as the smaller group in the Bosniac-Croat Federation, could now not elect all of their representatives on their own but had to accept some delegates that were elected by the Bosniacs. (*ibid.*: 14; Hayden 2002: 75)

In practice, the amended rules meant that the number of House of Peoples delegates loyal to the dominant Croatian nationalist party – the Croatian Democratic Union (HDZ) – would decrease and the party’s control over veto rights would be undermined. (Bose 2002: 82-83; ESI 2001b: 14) The changes could thus be justified as mitigating ethnic determinism in Bosnian politics. Yet, since they were not consulted with Bosnian political actors (ESI 2001b: 14), they were bound to be disruptive. Predictably, the HDZ protested loudly against the unilateral imposition. It based its election campaign on the unjust treatment by the international community and received remarkable support from the Bosnian Croat electorate, attracting further punishment from the international community for its conduct during the elections. (*ibid.*: 14) In protest, the HDZ withdrew from participation in the convening of the Federation’s government and parliament and went so far as to declare a ‘temporary Croat self-government’. (*ibid.*: 14) The HDZ attempted to resolve the issue by constitutional means and referred it to the Bosnian Constitutional Court. The Bosnian Constitutional Court, however, replied that it had no jurisdiction to pass a judgment on the constitutionality of the international community’s decision – since the decision was taken unilaterally, and not through any constitutional process, it could not be challenged through this process either. (*ibid.*: 15) The tendency of the international administration to frequently solve such sensitive questions pertaining to basic constitutional provisions by the swift method of unilateral fiat has been seriously criticized by some policy analysts. Thus, the ESI warned against the “widely held misconception among the international community [...] [that] constitutional change to exclude the nationalist parties from power can be brought about by stealth, or by international imposition”. (*ibid.*: 15) It argued instead that the sustainability of the constitutional structures, and of the democratic process in general, depended on whether these structures would be accepted as legitimate by all major political actors. (*ibid.*: 15)

Media interventionism has been another important part of international attempts to prevent the circulation of nationalist sentiments in Bosnian society. It has centered on severing

the links between the media and the nationalist parties and on encouraging, financially and otherwise, alternative media outlets that promote multiculturalism and ethnic tolerance. (Chandler 2000: 112-113; IMC 2000) Critics, however, have argued that international attempts to create greater media diversity have in fact involved imposing serious limitations on freedom of speech. The international mission has been granted the right to shut down and penalize unacceptable media outlets or to order that they air content supervised or prepared by the international community. This right was used on a number of occasions (see Carpenter 2002: 15-19), e.g. the seizure of the transmitters of Republika Srpska's Serb Radio and Television by international peacekeeping troops in 1997. Bosnian journalists were scolded for using the same expressions that international media uses commonly, e.g. 'the Muslim-Croat Federation' or 'the Serb Entity', as these expressions were deemed to be part of the local media's 'war jargon'. (Chandler 2000: 116) In 1996 a special commission was established by OSCE's Provisional Election Commission (PEC) and tasked with monitoring the compliance of Bosnian journalists and authorities with the standards of professional conduct for the media drawn up by the PEC. (Chandler 2000: 116-118; Carpenter 2002: 13-14) However, critics note that the standards were so vague that no clear rules or checks and balances existed to prevent arbitrary judgement. (Carpenter 2002: 14)

Thus, although freedom of expression is a fundamental democratic right, its restriction in Bosnia is deemed acceptable and even necessary<sup>2</sup> (Chandler 2000: 121). Arguably, the most troubling aspect of this position is not the restriction on freedom of speech (which could be justifiable on certain occasions and given proper procedures), but the fact that the international community granted itself the right to be the arbiter that could determine when and how freedom of speech should be restricted. The Bosnian public, the Bosnian media community and Bosnian political actors were not allowed to partake in this function.

In mid-1998 the OHR established a new regulating body – the Independent Media Commission (IMC). The IMC was tasked with providing a regulatory regime for all media in Bosnia. The new body inherited the rights of intervention established earlier and acquired additional ones – it was empowered to draw up codes of practice, license broadcasters, set license fees, require media providers to publicly apologize for improper content, impose financial penalties, suspend or terminate licenses, seize broadcasters' equipment and enter the premises of

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<sup>2</sup> As Carpenter has noted, this approach has been supported by many Western journalists who otherwise consider themselves staunch defenders of freedom of speech. (Carpenter 2002:19-20) The 'exception' has usually been justified by invoking the specificity of the Bosnian situation and the alleged resemblance of Bosnia's ethnically intolerant media to that of Nazi Germany.



media outlets, etc. (OHR June 1998) It did utilize these powers amidst intense criticism from the local political elite and even admonitions of censorship from abroad. (IMC 2000) The IMC was expected to specify a tentative date after which its international supervisory element would be withdrawn, but in 1999 it decided that the situation was such that a strict deadline could not be specified and that handover would be conditioned on the achievement of certain benchmarks. (IMC 2000: 13) In 2001, a single communications regulatory body – the Communications Regulatory Agency - with jurisdiction over both broadcasting and telecommunications and headed by a specified number of local and international experts appointed by the High Representative, took over from the IMC. (OHR March 2001) By 2002, strict guidelines and fear of penalties had managed to tame Bosnian broadcasters to such an extent that their coverage of the election campaign not simply complied with the rules, but was found by both international observers and local public to be so insipid and boring that it even prompted the OSCE to recommend this time around the introduction of less stringent guidelines in order to encourage vigorous journalism. (ICG 2003a: 10-11)

The most effective tool of the international administration has undoubtedly been the High Representative's powers to 'substitute' for local authorities and impose legislation unilaterally. These powers have given the OHR substantial control over policy-making and governance. High Representative Ashdown has noted that 'substitution' has helped bring about major breakthroughs in Bosnia. (Ashdown October 2004) He has further defended OHR's legislative powers on the ground that they have actually aimed to strengthen precisely these local institutions that should, in time, replace the OHR; hence, the aggressive use of the Bonn powers is seen as necessary in order to allow for the future disengagement of the international community. (*ibid.*) In addition, OHR's legislative powers are in principle subject to judicial review by the Bosnian Constitutional Court and to the judicial remedies available under domestic law. (*ibid.*)

Yet, critics have disputed the legitimacy of these powers. They have pointed out that the OHR is not accountable to the Bosnian taxpayers and citizens, who have to bear the long-term costs and consequences of international decisions to enact policy, impose legislation and create new institutions. (Knaus and Martin 2003: 61) In addition, the lax attitude towards the accountability of the international mission stands in stark contrast to the attitude towards local politicians, who are habitually suspected of abusing their powers (*ibid.*: 64). Examples of abuse of power by Bosnian politicians abound, but this still does not justify a working assumption that

only local politicians could pose a threat to democracy and the public interest, while international officials are inherently democratic and need not account for their actions.

Compelling local politicians themselves to implement decisions made by the international community has become one of the most common alternative to unilateral imposition by the OHR. The strategies used have ranged from setting deadlines and imposing financial penalties for failure to produce the required decisions in time, to utilizing rhetorical figures such as the country's endangered European prospects or its image in the eyes of a putative 'Europe' (ostensibly symbolizing the affluent 'civilized' world).<sup>3</sup> For example, in order to achieve the ethnic integration of the divided city of Mostar, the High Representative asked the city council to form a commission comprised of representatives of the main political parties, who had to agree on a new statute for the city. He provided the commission with an 8-point guideline on how Mostar's new city statute should look like and set a deadline for reaching an agreement in mid-2003. (BRR 11 August 2003) The deadline was not met due to opposition by the dominant Bosniac party. Since registered Bosniac voters in Mostar are outnumbered by Croatian voters, the Bosniac side feared that the party's position would be weakened if Mostar were to become a single municipality (and a single election unit), and insisted instead on retaining the separate Bosniac and Croat municipalities and on guaranteeing equal representation of the two nationalities in the city council. (*ibid.*; BRR 21 August 2003; ICG 2003b: 6-7, 9-10)

In response, High Representative Ashdown made it clear that the problem would again have to be solved by international action and retorted that the failure to reach an agreement "sends a negative signal about BiH [Bosnia and Herzegovina] to Europe. The European countries want to see that BiH's elected representatives are capable of resolving their own problems". (quoted in BRR 11 August 2003)

In all fairness, the elected representatives in question provoked the statement primarily because they failed to accept OHR's preferred solution and not because they failed to resolve their own problems. The OHR, however, played down the rhetorical trick by the argument that the international administration was serving the *real* interests of Mostar's citizens, who shared its own impatience to see the issue resolved. (*ibid.*) The OHR organized a new commission - this time one with an international chairmanship and active international participation - and requested that agreement on a new statute was reached by the end of 2003. (ICG 2003b: 7-9;

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<sup>3</sup> Bosnia's endangered prospects for becoming a 'normal European country' and integrating in the EU have been used on a number of occasions as a rhetorical strategy for scolding Bosnian politicians' resistance to reform (see for example the case of the international community's attempt to move on with tax reform, BRR 3 September 2003; BRR 5 January 2004).

Commission for Reforming the City of Mostar 2003: 56) A new city statute was imposed by the High Representative in early 2004, regardless of the failure of the participants in the new commission to reach an agreement on two major issues. (OHR January 2004; Commission for Reforming the City of Mostar 2003) The point of the discussion here is not whether ethnic integration of Mostar is desirable or not. It undoubtedly is, but, in order to be viable and sustainable, it should be based on an agreement between the representatives of the two ethnic groups and not on external imposition.

Financial penalties and loan conditionality have been one of the international community's most potent strategies for pushing desired reforms through. For instance, when trade unions and the management of the Bosnian Public Broadcasting Service (PBS) resisted a restructuring plan promoted by the international community, they were warned that the PBS would lose a life-saving loan from the EU in case of failure to implement the required reforms by a tight deadline (BRR 6 November 2003) The restructuring plan, which required a 40% workforce cut, had sparked substantial controversy as the PBS management argued that Bosnian laws did not allow a workforce cut higher than 10% without permission from the trade unions and without an accompanying social package for the fired workers. In addition, despite professions to the effect that the plan had been developed in cooperation with local people, Bosnian media experts argued that they had not been consulted on the matter (*ibid.*).

Financial penalties have been used on a number of occasions, often with apparent success. Imposing substantial fines on political parties in the Federation has, for example, proved to be an effective way of 'persuading' them to promptly commence the process of unification of schools segregated along ethnic lines (BRR 1 September 2003). In 2003, the High Representative imposed substantial financial penalties on the two political parties that were still blocking the formation of a local government in the Herzegovina-Neretva canton eight months after the general elections. In addition, he cut the salaries of ministers and deputy-ministers in the canton down to the average wage in the Federation to reflect their reduced workload and planned further financial penalties for every working day until a government was formed (OHR June 2003). The local government was formed on the next working day (BRR 11 August 2003).

The efficacy of such direct and proactive intervention notwithstanding, it is doubtful that during the long period of international governance local politicians and the three ethnic groups have come closer to being able to voluntarily reach consensus among each other and whether they would be able to work together when the international community withdraws. This indicates a substantial problem for the international administration, which has emphasized that its "job is

to work itself out of a job” (Ashdown 2003). Part of the job involves the promotion of interethnic tolerance and power-sharing (Chandler 2000: 89). However, the representatives of the different ethnic groups have rarely, if ever, come to a mutual agreement on the basis of joint problem-solving and decision-making. Rather, solutions have been either directly imposed or have been accepted by the parties after considerable arm-twisting from the side of the High Representative. It is very debatable if external imposition with little local collaboration could result in the promotion of mutual trust, tolerance, joint decision-making capacities, and durable problem-solving habits (*ibid.*: 89).

Another drawback of the international community’s approach in Bosnia is that although direct international intervention has indeed speeded up reforms, in many cases it has also been counterproductive. Many local politicians exploit the OHR’s broad powers for their own political interest, wait for the ‘foreigners’ to solve the problems, or offload responsibility for developments in Bosnia on the ‘ruling’ High Representative (Knaus and Martin 2003: 68; ICG 2003a: 35). The ESI has listed several cases in which international intervention has had negative unintended consequences – the dismal performance of the actively promoted Dodik’s government in Republika Srpska; the determination to exclude the nationalist Serb Democratic Party from government following the 2000 elections, which left the party with a strong parliamentary position and a controlling stake over the government but relieved it from electoral responsibility; the conflicts between the international community and the HDZ in 2001, which were instrumental in strengthening the party’s unity and public support by shifting the focus away from its failure to address pressing social and economic issues (ESI 2001a: 7-8). OHR’s direct intervention distorts the incentives facing local politicians, spares them the need to make hard and unpopular choices, and allows them to concentrate instead on symbolic issues of little relevance to the pressing problems of Bosnian society (ESI 2003). On the other hand, incentives for independent policy-making and policy deliberation are suppressed as Bosnian leaders who disagree with the international community are intimidated by vetting procedures and the threat of being removed from office on charges of obstructionism. (*ibid.*) Last but not least, direct intervention produces tangible short-term successes but fares worse when it comes to long-term sustainability. Reforms would be successfully implemented and local institutions would be sustainable beyond the international presence only on condition that they have the commitment of local authorities and the support of local constituencies. (ICG 2003a: ii; ESI 2001a: 5; ESI 2001b: 22-27)

While some Bosnian political actors have found in OHR's visible grip on governance a good excuse for denying responsibility for policy outcomes, many moderate or reform-minded local politicians have relied on the international community to impose their preferred solutions. The non-nationalist coalition Alliance for Change that was in power between 2000 and 2002 was dependent on the international community to initiate the reforms that it could not or did not dare initiate itself. (ICG 2003a: 6-7) In 2000 the international community strategically imposed pension and labor law reforms in order to spare the coalition parties the risk of adopting measures unpopular with their constituencies. (ICG 2001: 17-18) International intervention is also liable to encourage moderate parties to believe that their opposition to the nationalists is unconditionally supported and that they need not bother with searching for political compromise. (ESI 2001a: 8) In such cases, ensuring the support of the international community might effectively replace the usual way of policy-making, namely building support among parties' constituencies or forming coalitions among like-minded political actors.

### **The Question of Legitimacy**

Undemocratic decision-making poses difficult questions about legitimacy. The use of authoritarian methods is a conspicuously inappropriate method to teach the Bosnian people what democracy is, which is the proclaimed goal of the international mission in the first place. High Representative Ashdown has insisted that his powers are subject to international supervision since he is accountable to the Peace Implementation Council (PIC).<sup>4</sup> (Ashdown 2003) However, given that the High Representative chairs the PIC's Steering Board and that the Brussels Secretariat of the OHR proposes policy to be discussed at the PIC (Chandler 2000: 56-57), it is not clear to what extent the PIC could be regarded as an independent reviewer of OHR's activity. Neither has the PIC established rules to control the use of the Bonn powers. (ESI 2003)

More importantly still, even if one accepts that the High Representative is accountable to the international community, he is still not accountable to the Bosnian citizens who are the ones most affected by OHR's policy. As Bieber has noted, the High Representative owes no justification to the Bosnian public, "he does not report annually to, let's say, the two chambers of the Bosnian parliament in a "State of the Nation(s)" address, nor does he justify the rejection of candidates for ministerial positions, as happened recently in the Herzegovina-Neretva canton." (Bieber 2003) Human rights institutions and domestic courts in Bosnia have no jurisdiction to

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<sup>4</sup> The PIC is an ad hoc body that consists of all states and international organizations responsible for overseeing the implementation of the DPA.

review punitive measures - removals, suspensions, fines and blocking orders - enacted by the High Representative. (Ashdown October 2004; ESI 2003)

Ashdown has also stressed that opinion polls show that Bosnians support his work and think his powers are being used properly or even too little. (Ashdown 2003) Other observers have even gone as far as to argue that the absence of massive resistance among the citizens of Bosnia suggests that they are in tacit agreement with the policy of the international community. Since there have been “no riots, protests, or strikes, [n]o petitions, [n]o serious calls by citizens to stop these practices”, OHR’s approach is held to be perfectly legitimate. (Perry 2003)

However, neither opinion polls nor lack of resistance are unproblematic indicators of legitimacy. For one, opinion polls favorable to the international mission are conspicuously at odds with the popularity and frequent electoral success of the same nationalist parties that the international community is ceaselessly criticizing, punishing, and bypassing in the decision-making process. While one could speculate about the reasons for this seemingly schizophrenic public attitude, its presence clearly suggests that the legitimacy of the international community needs evidence stronger than opinion polls. As for the lack of outward resistance, it does not automatically indicate tacit agreement. While no serious research has been done on the issue so far (also because the opinion of average Bosnians has only recently started to be paid closer attention to), at least two other potential reasons for lack of resistance are plausible. Lack of resistance, just as the low voter turnout in elections, could be the result of the general sense of disillusionment with politics and the perceived lack of alternatives among Bosnian citizens consumed in daily struggle with economic and social hardships. (Chandler 2000: 175) It could also be the result of fear to voice criticism. Some critics within Bosnia have complained that the international community has not been particularly open to criticism, that it has not encouraged broad debate over its conduct, and that Bosnian intellectuals and politicians refrain from criticizing international decisions for fear of retribution. (quoted in *BRR* 17 September 2003)

More generally still, presupposing legitimacy as long as there is no resistance is particularly indefensible in view of the proclaimed goals of international intervention. The international community has loudly professed to work for the installment of peace and democracy. It has declared, and acted on the presupposition, that it is the guarantor of democratic values in Bosnia, in opposition to the self-interested behavior and nationalist intolerance common among Bosnian politicians. Thus, the suggestion that it should start worrying about the legitimacy of its policy or open up for criticism only when riots and strikes break out is ostentatiously awkward. If democratic values are the foundation of the international

community's involvement in Bosnia, they should determine its conduct all the way through, with or without resistance on the part of the recipient society.

Instead, the legitimacy of the international experiment in Bosnia has implicitly or explicitly been secured by passing normative judgements about Bosnian society. The starting point of the Western-led democratization project in Bosnia has been the identification of Bosnia as an ethnically organized culture adverse to democratization. Thus, the spokesman of one of the High Representatives characterized Bosnia as “a deeply sick society, ill at ease with even the most basic principles of democracy”. (quoted in Chandler 2000: 162) The outgoing Head of the OSCE mission in Bosnia concluded that after eight years of deep engagement in Balkan affairs he was particularly concerned with the entrenchment of nationalism in Bosnia and “the continuing absence of alternative poles of attraction or organising principles in Bosnia and Herzegovina's political life”. (Beecroft 2004) He further suggested that due to a “quintessentially Balkan mixture of obstinacy and spite [...] those not consumed by fear, envy, pain and poverty fall victim to despair and cynicism”; hence Bosnian citizens' “crippling malaise”, lack of leadership, and inability to take their own destinies in their hands. (*ibid.*)

Such normative assessments have not only legitimized but also, in the first place, given shape to the policy approach the international community has chosen to pursue in Bosnia. Democratization in a culturally unfit society cannot be based on popular decision-making and self-government, as it is in ‘normal’ countries; in a place like Bosnia it means above all the *installment* of democratic values. Because Bosnian society is deemed to be sorely lacking in those values, as opposed to the democratic nature of international institutions and Western countries, democratization in Bosnia is easily equated with the implementation of decisions made by the international community. (Chandler 2000: 162-163) The characterization of local politicians as ‘nationalist’, and the tendency among many in the international community to equate ‘nationalist’ with ‘fascist’ (ICG 2003a: 15) has provided further justification for sidestepping and marginalizing the local political process. Finally, while international officials ostensibly protest against the passivity of Bosnian citizens in matters of politics and against their allegedly engrained habit of relying on outsiders to solve difficult problems, this professed public apathy in Bosnian society in fact lends justification to more intrusive international intervention.

Since only the international community can bring about democratic values in Bosnia, the beneficial effect of its conduct is rarely questioned, even when international intervention is carried out in an undemocratic fashion. Thus, according to Ashdown, concerns about the apparent incompatibility between punitive measures against Bosnian politicians and recognized

human rights norms can be put aside since these measures are enacted on an exceptional basis “in order to achieve a legitimate goal”, namely, “the implementation of the peace agreement – an incremental process, which has proceeded frustratingly slowly, and which has remained fragile and prone to slide backwards.” (Ashdown October 2004) High Representatives have disregarded criticisms of their actions by referring to the ‘real’ interests of Bosnian citizens that they assume to serve better than do Bosnian politicians (or maybe even to know better than do Bosnian citizens themselves). Former High Representative Westendorp declared: “I have to take decisions now and in the future with your best interests in mind, should your leaders fail to take them”. (quoted in Chandler 2000: 157) Former High Representative Petritsch complained that “politics [in Bosnia] is too slow, too inefficient. It has not achieved what the country and the people need” (quoted in Carpenter 2002: 27); accordingly, he felt free to bypass the local political process whenever he deemed useful. Having announced in his inaugural speech that he is going to use the Bonn powers “from time to time [...] on behalf of the people of Bosnia” and do “what [he] think[s] is right for the country as a whole” (Ashdown 2002: 4), High Representative Ashdown absolved his and his predecessors’ work in a similar fashion:

“When I look back, I think it’s a waste that the OHR did not have the type of mandate that it had in the Bonn conference. If we had that powerful a weapon in our hands, many things would be better now. I’m not apologizing for my mandate - it’s only beneficial to the Bosnian people”. (quoted in BRR 29 July 2003)

There has not been much hesitation whether declared good intentions and best efforts by international administrators are really sufficient to guarantee the beneficial effects of international powers exempt from democratic checks and balances. Ashdown, for example, admits the draconian nature of his powers but appears to believe that his own efforts to ensure their proper use should suffice (until the time comes when the international community can responsibly allow Bosnian self-government):

“I do not claim blithely that the aim, however laudable, justifies the means. I am very much aware of the impact of the decisions I take on people’s lives, which is why I weigh these decisions very carefully indeed”. (Ashdown October 2004)

Needless to say, no local authority can realistically expect that similar arguments would be accepted as conferring sufficient legitimacy on its conduct.

At any rate, the international administration’s assumptions of unlimited legitimacy are coming under scrutiny of late. The Venice Commission, the Council of Europe’s advisory body on constitutional matters, is currently reviewing the legality of the Bonn powers. There are



indications that it is likely to find these powers to be in violation of the European Convention of Human Rights, especially as regards punitive measures not subject to appeal. (TOL 13 December 2004) The irony is that since 2002 the High Representative is also acting as the EU Special Representative in Bosnia.

Apparently undisturbed by legitimacy issues, the OHR has been slow in ceding decision-making powers to local institutions. One might expect that as the situation in Bosnia has been gradually normalizing, the international community would have to bypass local institutions less and less often. In reality, the opposite has happened. (the OHR has shown serious intentions to scale down international intervention only as late as 2004) The number of decisions imposed by the High Representative tripled between 1997 and the early 2000s. Initially, the OHR justified unilateral imposition with the inability, indeed the reluctance, of Bosnia's nationalist politicians to do the job themselves. (Knaus and Martin 2003: 67) However, the OHR did not give up unilateral action when in 2000 the non-nationalist Alliance for Change replaced nationalists in government. (*ibid.*: 67) Although declarations of 'partnership' between the international community and the Alliance gave the latter the possibility to occasionally block, or protest against, international decisions, High Representative Petritsch by and large kept the initiative in his hands and frequently resorted to imposition. (ICG 2003a: 1, 6-7; ICG 2002: 7-8) This dynamics suggests that imposition might have been preferred as a way to do the job quickly and painlessly without waiting for the long and tiring, although routine and unavoidable in a democratic polity, discussions in local state institutions.

### **Exit and Sustainability**

On the whole, there has been an open disagreement among major policy analysts on the overall assessment of OHR's active involvement in the governance of Bosnia. While conceding that, eventually, disengagement of the international community is the only productive strategy to make local political authorities assume due responsibility for the governance of the country, the influential think tank International Crisis Group (ICG) has welcomed the OHR's use of undemocratic methods in the short-term as a necessary evil on the road to successfully completing the international peace-building mission. According to the ICG, disengagement *in the future* actually necessitates that the international administrators act tougher *now* and cast aside guilty neo-colonial conscience:

"In order to do away with the Bonn powers, they will have to be used more intensively. In order to accustom BiH [Bosnia and Herzegovina] politicians again to take responsibility for

their country, the High Representative will have to seek to hold them to the pledges he has extracted. In order to inculcate the rule of law, make democratic governance possible, and free the peoples of BiH from their fears and obsessions, the High Representative will need occasionally to ride roughshod over the norms of legality, transparency and democracy". (ICG 2003a: 41-42)

Thus, in ICG's view, the return of the nationalist parties to power in the 2002 elections should not be evaluated as a danger to Bosnia's future. It can actually have positive consequences since it has given the High Representative a free hand to act without the need to worry about and pay lip service to political correctness, expectations for 'partnership' between the international community and local politicians, and promises of transferring responsibilities to local authorities. (ICG 2003a: 1) In the view of some analysts, international concerns about depriving Bosnians of 'ownership' of the governance process have only undermined the efforts to limit the power and advantages of nationalists. (USIP 2000: 3)

All in all, proponents of this position conclude that while international imposition has its drawbacks, there is currently no alternative to it in Bosnia. They argue that progress in the country is entirely dependent on the activities and the initiative of the High Representative since local political authorities, most notably the Council of Ministers, typically act only reactively and fulfill reforms designed by the international community but fail to proactively participate in the reform process. (ICG 2003a: 15, 38-39) Aggressive action by the OHR to limit the control of nationalists over public resources and to punish obstruction of either the DPA or OHR's decisions is welcomed. (USIP 2000: 6) Furthermore, supporters of intrusive international intervention tend to consider the situation in Bosnia still unstable. The ICG has agreed that a return to explosive nationalism and interethnic conflict is unlikely given the radically changed environment in the region (e.g. the absence of aggressive nationalism in neighboring countries and the disappearance of crudely nationalist media). (ICG 2003a: 15) Nevertheless, an ICG analyst has stressed that as long as war criminals are at large in Bosnia it is premature to call off the emergency situation that has justified the continuing presence of the international community. (IWPR 2 July 2004b) Others have similarly argued that since small criminalized groups of extreme nationalists opposed to European standards of democracy pose a threat to peace, the international community and the High Representative should be provided with all the military, police, investigatory, and legal tools necessary for defeating extremists.<sup>5</sup> (USIP 2002: 2-5)

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<sup>5</sup> These analysts have noted in passing that the High Representative should also be made more accountable to the Bosnian public but this side of the issue has not been elaborated upon and is apparently not considered to be an urgent policy objective. (USIP 2002: 3)

On the other side of the argument, the most vocal critics have found the international community's activities harmful to democracy in Bosnia. They have suggested that the international presence appears dangerously set to be extended indefinitely, to the detriment of Bosnian citizens and in direct contradiction to basic democratic principles. (Knaus and Martin 2003) The basis of these criticisms is the observation that there are no clear benchmarks that would indicate when it would be possible and necessary to scale down international intervention. Initially, the Bonn powers were used sporadically and largely reactively in response to specific obstacles and threats to the implementation of the DPA. (*ibid.*: 64) Since then they have been used more and more frequently and their deployment has been justified with reference to solving abstract problems like corruption and the need to advance with reforms, rather than with reference to concrete identifiable threats. (*ibid.*: 64) The goals pursued by the international community have been so fluid that it has always been possible to legitimize further involvement. Knaus and Martin argue that the initial goal of establishing law and order gave way to the elimination of obstructionist behavior by nationalist parties, which, once nationalists lost power, was further redefined as fighting crime and corruption; thus, "every time it appears to have been defeated, the problem with Bosnia changes shape." (*ibid.*: 69) Each metamorphosis has in turn lent legitimacy to further and expanded international intervention to cope with what appears to be a persistent state of emergency, (*ibid.*: 69)

Yet, the critics argue, the current conditions in Bosnia are far from the emergency situation characteristic of the immediate post-Dayton period. They recommend accordingly that the international community renounce its special powers, transfer decision-making and governance powers to the local political institutions, and replace the current arrangement with a EU-driven pre-accession process (IWPR 2 July 2004b; IWPR 12 November 2004).

On the one hand, such criticisms appear justified when one considers the international community's typical framing of Bosnia's peace-building and democratization project. High Representative Ashdown has stated that the international community is still "working to make peace irreversible" and that, while significant progress has been made, "dangers still remain" (Ashdown 2003). This position is tricky inasmuch as there are notably few concrete measurements that could unequivocally indicate that 'peace has been made irreversible' and 'no dangers remain'. The vagueness of measurement is compounded by the wide currency of representations of Bosnian society as alien to democratic culture and of Bosnia as a country in a state of perpetual emergency and not yet capable of self-government, which allows the definition of Bosnian reality to remain persistently gloomy even as it changes so often. Thus the targets that

the international community is pursuing could theoretically be pursued indefinitely and further international intervention can be made to appear indispensable even as the changing realities on the ground indicate the opposite.

On the other hand, it is clear that the international community is neither capable nor willing to sustain its current engagement in Bosnia for a long time in the future, given the changing priorities in global affairs and the drying out of financial resources. Since 2003, the OHR has introduced a phase-out plan that seeks to establish clear priorities for international intervention, as well as transition points at which international programs could be considered completed or could be handed over to Bosnian institutions for completion. (see OHR March 2004) In mid-2004, the OHR underwent major downsizing and restructuring, ostensibly in response to the significant progress on the ground in Bosnia. (OHR August 2004) It is generally expected that the PIC would revoke the Bonn powers in 2005. (TOL 13 December 2004)

In contrast to the international mission's earlier approach, the OHR currently stresses that its role in the future would be to support Bosnian institutions in their efforts, rather than carry out reforms on their behalf. (OHR March 2004; Hays 2004) Indicatively, the international community has of late rejected ideas that it could intervene to keep the nationalists out of power or impose internationally designed constitutional changes in Bosnia (through a kind of a second 'Dayton'). Spokesperson for the OHR Braithwaite has recognized that such interventions are counterproductive and unsustainable. (Braithwaite September 2004; see also Ashdown October 2004) International officials in Bosnia thus seem to be rediscovering the idea that the legitimacy and effectiveness of reforms depend on the consensus among elected Bosnian representatives and the agreement of Bosnian citizens, and that democratization and peace-building is undermined by the marginalization of local institutions in favor of swift international solutions, however enlightened they might appear to be.

High Representative Ashdown is currently stressing his advisory role as the EU's Special Representative in Bosnia and has stated that the High Representative's Bonn powers would be used less and less frequently in the future. (Ashdown October 2004) The idea that appears to carry the day is that "the pull of the Euro-Atlantic institutions gradually replaces the push of the High Representative's emergency powers". (Ashdown December 2003) Diplomats in Bosnia are predicting a transition to a 'Bonn-lite' version of OHR's powers, which would mean that while the High Representative would not completely withdraw, he would gradually surrender his special authority. (IWPR 12 November 2004) Former High Representative Petritsch has admitted that the situation in Bosnia has been by now sufficiently stabilized to permit the gradual reduction of

OHR's powers and the introduction of mechanisms to control these powers and increase the accountability of the international administration. (IWPR 12 November 2004) In addition, the closer Bosnia is moving towards starting negotiations on a Stabilization and Association Agreement with the EU, the more necessary it becomes that the country move towards effective self-government and the less justified it is to delay this transition (unless the EU is planning to negotiate the agreement with its own Special Representative in Bosnia). Yet, despite the trend towards declining engagement, it remains unclear when the international mission would completely hand over government powers to Bosnian institutions. The OHR has refused to set up concrete exit schedules and has insisted that the speed of disengagement would depend on the OHR's assessment of the situation as regards basic, albeit difficult to measure, criteria, such as the entrenchment of the rule of law, the viability of the Bosnian state, or the presence of habits of reform and compromise (OHR March 2004).<sup>6</sup>

On a more general level, there are still no clear signs of retracting on the asymmetrical relationship between the international mission and the local institutions. For one, welcome as their new attitudes might be, international officials still remain curiously undisturbed by the question why such basic elements of democratic governance like accountability and mechanisms of control of international powers could not have been introduced much earlier than 2004. Much more importantly, however, even as the OHR is now talking about leaving matters to Bosnian politicians, the division of labor in policy-making remains explicitly set – the reforms designated for the future are those promoted by the international community and prescribed by EU and NATO conditionality, while the role of local politicians is to complete or implement them or else pay the high price of delayed EU and NATO integration. (see for example Braithwaite September 2004; Ashdown December 2004) In fact, the very termination of international regulation is held to depend on the willingness and ability of local politicians to implement the prescribed policy agenda:

“The sooner the [Bosnian] authorities take the steps that are required, by themselves, including constitutional reform that will ensure a fully functional state applying basic European human rights standards, the sooner this moment [withdrawal of the High Representative] will arrive”. Ashdown (2004)

The point is not to argue whether the international community's policy agenda is the best policy agenda for Bosnia or not. The point is that the style of dividing roles, drawing lines of

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<sup>6</sup> In 2002, when appointing a new High Representative, the PIC had planned that the handover to domestic institutions should happen in 2005; however, in 2003 it approved the OHR's Mission Implementation Plan that set no concrete deadlines. (ICG 2003c: 10-11)

authority, and specifying who is entitled to determine the direction of the policy process shows few signs of changing in the direction of more Bosnian ‘ownership’ or self-government. The point is that Bosnians are still not given much say in determining the best policy agenda for their country.

The pending withdrawal of the international community brings to the fore the question of the sustainability of the Bosnian democratic process. Unfortunately, taking stock of the past record of international intervention presents a rather mixed picture that is not unequivocally flattering to the international community. Bosnia has indeed been stabilized. The ruling nationalist parties have tolerated the reforms initiated by the High Representative either because such reforms have been necessary for EU integration and for progress in negotiations with NATO, or because of the threat of punishment for obstructionist behavior. (ICG 2003a: 38) At the same time, the effective, if not official, protectorate has demonstrated to the future Bosnian political leaders the convenience of single-handed action, personalized political style, and occasional disregard of the democratic process and the constitutional order. (ESI 2003) This side effect has been doubly unfortunate because it has served to affirm the tradition of top-down governance characteristic of Bosnia’s socialist past and has done little to alter the perception that policy is best formulated by way of imposition by experts and outsiders who are presumed to know the best public interest, rather than by way of broad and participatory political process based on debate, bargaining and compromise. (ESI 2004: 48-50)

### **In Lieu of Conclusion: Lessons Learned (and Not Learned) in Bosnia**

There is a general agreement that the Bosnian experience should be used to draw lessons for post-conflict management in other areas of the world. (e.g. Kosovo, Afghanistan, Iraq) (see for example Ashdown December 2003; Hays 2004) Concretely, international officials engaged in Bosnia have concurred on the desirability of acquiring broad-ranging executive power, preferably already in the early stages of international intervention. The OHR has recently also recognized that the sidelining of local institutions is an unfortunate side effect of such broad international powers. It has accordingly stressed the importance of strengthening local institutional capacity:

“Had we known then what we know now, we would have funded and trained personnel inside domestic structures, [...] working with them and thus building government capacity instead of [International Community] capacity”. (Hays 2004)

This latter recognition is undoubtedly appropriate. However, it begs the question why it has taken the international mission in Bosnia such a long time to come to this conclusion

and start tackling the problem of institutional dependency, given that analyses of international intervention and democracy and development assistance to democratizing countries have long been discussing the benefits of strengthening local institutions and avoiding crude top-down solutions. One response to this question would be to draw a further lesson from the Bosnian case, namely that international peace-building missions should try to learn from past experiences rather than learn the hard way in each new case. The record of international intervention in Bosnia, however, could well support another interpretation. Rather than being the (unfortunate) result of lack of experience, the sidelining of the burdensome local institutions in favor of swift international interventions appears to have been chosen as a convenient and effective way of achieving visible change and progress on the ground. Peacekeeping and state-building missions thus need to carefully weigh the desire to achieve fast progress and please donors against the need to ensure long-term sustainability through developing local institutional and governance capacity.

The central importance of legitimacy is undoubtedly another lesson for international intervention, as witnessed also by current experience in Iraq. The lack of outward resistance appears to suggest that this is not an issue in Bosnia. Thus, the legitimacy of international intervention among Bosnian citizens has been pointed out as a key to the success of the Bosnian peace-building mission. (Ashdown December 2003) Yet the preceding analysis suggested that the quest for legitimacy should encompass more than ensuring the mere absence of violence or resistance. It should be based instead on ensuring that the practice of international intervention is guided by the same values of democratic politics, public debate, consensus and accountability that the international community purports to nurture in Bosnia. In this understanding of legitimacy, the resort to undemocratic methods of intervention, on the basis of stated or unstated presuppositions that the recipient society is not yet mature for self-government or not yet prepared for democratic culture, is impermissible.

The international community is also not justified in assuming that the identification of a clear 'destination' for Bosnia – namely 'Europe' and the West, in the form of EU and NATO integration – automatically confers unlimited legitimacy to what effectively amounts to an international protectorate. European integration is typically sold to the Bosnian public in idealized terms - as 'arriving in a better place', as the only way to guarantee Bosnia's prosperity, peace and stability. It is true that European integration enjoys wide legitimacy with Bosnians and so can serve to encourage reforms. However, most of the reforms prescribed by EU conditionality have been pushed through with the help of the 'soft' or 'hard' power of the High

Representative, who has been actively engaged in carrying out the EU reform agenda. In this way, neither the setting of policy priorities pertaining to EU integration, nor the decisions whether to follow them, have been truly subject to debate and negotiation in the framework of Bosnia's political process.

The EU prides itself on its ability to stabilize its neighborhood through the power of attraction embodied in the persuasiveness of its values and norms rather than through imposition and force. Bosnia most emphatically does not fit this idyllic picture. In Bosnia, the 'pull' of the Euro-Atlantic institutions has been rather conspicuously entangled with the 'push' of the High Representative's emergency powers. The experience of past international intervention thus provides an important lesson for the increasingly more substantial EU engagement in Bosnia. If European integration is to enjoy lasting legitimacy, if reforms are not to stall once the issue of the concrete costs they entail finally enters public debate, and if the process of Europeanization is to lead to sustainable improvement on the ground, the EU should avoid imposing externally-determined policy priorities and reinforcing the passivity of local institutions, and should strive instead to end Bosnia's dependency on external actors.

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