

## 2. Security Issues of Bosnia and Herzegovina in the Light of the Dayton Peace Accords

### I The Geopolitical Role of BIN

At the moment, it may sound quite ironical to suggest to this distinguished academic audience that a gathering similar to that of Vienna 1815 (Vienna Congress) should be organised in the near future, with the aim of declaring and then constituting a new Switzerland-like state position of Bosnia. What I want to say is simple. Although the fact that (I)SFOR, notably NATO countries with the inclusion of a number of non-members from Europe and non-European states, achieved a great deal of the aims for which was authorised — basically to establish peace via the implementation of the military aspects of Dayton agreement, and some other tasks - there are many questions to be solved before the proper achievement of the restoration of peace and order in Bosnia and Herzegovina.

Above all, overseeing and ensuring the separation of forces and their withdrawal into clearly defined areas is valuable but far from being sufficient. Unless (I)SFOR undertakes more aggressive steps in bringing war criminals like S. Milošević R. Karadžić General R. Mladić and quite a few others (V. Maksimović V. Ostojić etc.) to Den Hague, the peace cannot be saved for the future. These persons simply represent a political concept that excludes others from political life in the state of Bosnia and Herzegovina, leaving the right to that land only to people belonging to the Orthodox faith.

Greater Croatian aspirations which were exposed by the F. Tuđman regime in Croatia towards Bosnia were also an obstacle for faster implementation of the peace, reconstruction and reconciliation process between the Bosnian Croats and Bosniacs. It now seems that these intentions belong to the past as the new Croatian ruling elite show much more understanding for the sovereignty of Bosnia and Herzegovina in their public appearances. Some rightwing Bosniac politicians - mainly from the Party of Democratic Action - can also cause some delay in the implementation of the Dayton Peace Accords, simply because they believe they can be in and out of the power in the country in a fluid state of movements.

This is short-sighted from the very “political” point of view of the Representatives of Bosniacs-SDA members. Returning to my proposal of new “Vienna Conference“ - like the one of 1815, when the Swiss confederation was given the right of neutrality - for new neutral country of Bosnia and Herzegovina I believe that this is the only good long-term solution for the Balkan peninsula as the implementation of the military issues of the said Accords it is definitely not sufficient.

According to J. Solana it is evident, however, that long-term peace requires a long-term programme of economic and civil reconstruction. Without civil reconstruction the Dayton Peace Accords, according to Solana “will amount to little more than the most expensive cease-fire in history“. Construction of the new bridges and road accesses are the only long-term achievements so far — they have to be followed by interchange of their people: citizen from all constitutive nations of Bosnia and Herzegovina, from Europe and from the rest of the world. In order to achieve this, a lot remains to be done.

Bosnia and Herzegovina stands at a cross-road in a very real way. It combines territory which is at the same time deep inside Europe and still very close to most important regions of economic development of the world: the Middle East and the Caucasus region.

At the same time it is a country of multi-cultural and multi-ethnic existence of almost 10 centuries. The Bosniacs (by faith Muslim), the Bosnian Serbs and the Bosnian Croats have lived there together. It is a fact which should always be kept into mind that in different times and under different foreign rulers or external interference the atmosphere between these three was not always as harmonic as they wanted or as they could consider suitable. But the ordinary people of all three national groups could always live together without interference and - to a quite high degree - rely on each other.

After such horrible happenings as in the recent past, it is of course difficult to predict if the mutual understanding can be regained within a short period of time. This depends on the domestic politicians of all groups, on their intentions, on their readiness to co-operate for the better benefits of all: Their own people, all of the Bosnians and for the sake of Bosnia and Herzegovina. Everybody now - if not in the near past - knows whose responsibilities for what had happened are biggest. With the believe that the international community has the clear-cut intention to sanction them, there would be in a medium-term and long-term perspective a great chance to proceed with the reconciliation of the peoples.

In that regard, faster economic reconstruction, more jobs for everybody without any kind of discrimination, pragmatic education curricula in the schooling system, better health-care and all together social security for each citizen in every part of the state are of great importance. As mentioned above, Bosnia is inside Europe. It means that the European investors should be encouraged and not be hesitant to "attack that small but still important market". In the era of globalisation the only matters of importance are the size of a market and its competitive presence. That will be the best way for them to show what they really want with Bosnia. By constructing high-ways across the country according to model of B.O.T. arrangement, by investing in the productive sector of the industry, and by investing and promoting agriculture and tourism of the country they will make the entire situation more friendly and more reconciled and gain confidence between each other.

But what is a most urgent question? It is a final and ultimate implementation of the Annex 7 of the Dayton Peace Accords, the annex dealing with refugees and displaced persons. Unless they are allowed to return to their homes safely, together with the implementation of the rest of the basic Human rights - free movement, free access to any place in the country without discrimination, free right to return to their previous work places - there will be no substantial improvements in the country at all.

But how can refugees be expected the return in a country where three armies, three police forces, two (in fact three) entities exist with different political standards, aspirations etc.? In these entities different legal system have been established, such as in the Republika Srpska., where the legal system of Federal Republic of Yugoslavia is valid. On the other side the cantons where the Bosnian Croats have the majority use the legal rules and procedures of their neighbour country, the Republic of Croatia.

The refugees are not safe and protected unless the armed forces as well as the police become a unified institution with the equal representation of all three entities. Furthermore, the refugee return is not realistic unless the educational system is being harmonised with the contemporary curricula in Europe. The situation at the moment is still far away from that goal. Under such a situation it is not possible to expect the parents to be happy to let their children be educated with some topics not agreed upon as a national standard of the education all over the country. In this regard it is urgent to establish basic rules for the education system at state level. How can someone falling ill (but of different nationhood) be expected to be hospitalised without discrimination? The basis for all this should be the implementation of the European Convention of Human rights as a minimum.

The rest of what should be achieved very soon are the harmonisation of the legal system, the starting of a relevant and transparent privatisation process, legal security, above all a professional and independent court system, proper prosecutors, correct behaviour of the police and administration, etc. With the relevant harmonisation of the laws and regulations as requested by the Council of Europe in order to become a member there would be some positive movements towards improved investment climate and the creation of an environment desired for the necessary inflow of foreign direct investment.

## II The Dayton Peace Accords and the Beginning of Redefining Balkan Security

The Dayton Peace Accords laid down not only the principles, rules and regulation which are important for Bosnia and Herzegovina, but also for the shaping of the political, military, economic, cultural and any other side of the life of the whole region of Southeast Europe. This implies that this region - according to the historical events — is being considered as very unstable, vulnerable and a part of the world, where many not only positive, but mainly negative influences have prevailed and caused big trouble of which most dangerous and tragic one was the Bosnian example. The message of Dayton to other players in region is that the only proper way to solve the numerous problems and disputes of the past is to do it in a peaceful way by ways of conciliation and other non-violent steps. This implies that the use of international conventions should be a base on which they can rely. Using these means, they can speed up their intention of becoming members of the Euro-Atlantic institutions, which would bring integration in civil, economic and military institutions (NATO, Partnership for Peace), inclusion in the European military forces, which are now in stage of establishment and in their first deployment in the Kosovo etc.

Here once again the bulk of the problems are left to be settled by the direct (domestic) players with good services of the international community. Realisation is possible on the one hand through intensive co-operation between the countries on a bilateral level, or on the other hand, on the multilateral stage of the Pact for Stability for Southeast Europe. Within this pact, the matters of economic co-operation are by far the most urgent and applicable topics. The experience of each participating country and all others through co-operating in meeting the terms and conditions for the membership are of some value for integration. Besides, a country like Bosnia and Herzegovina needs very close co-operation as prerequisite to any integration — above all with its neighbours countries (including, once the democracy becomes reality, with the FR of Yugoslavia) as well as with Turkey, Austria, and particularly with the United States, which were the moving force for the final making of the peace in Bosnia. Turkey and Austria also have big impact on Bosnia and Herzegovina, as in former times our country was part of them.

Without the active involvement of the United States in European security affairs it is difficult to believe that the peace in the region of Balkan will be a lasting matter. Indeed, the SFOR operation is a resounding confirmation of the transatlantic link and of NATO as the most stable international and regional force.

## III Bosnia and Herzegovina and its Security through Possible Integration in the NATO Structure

In its own way, NATO is world-wide success in many ways. Although the Washington Treaty of 1949 by which this most gigantic international military-political organisation is established proposed its existence for a short-period of time, as just to inject self-confidence

into a weak and fragmented post-war Europe, it developed in fact of far more and long lasting nature. The last 50 years of its existence proved this fact in a very clear way, if not for any other example and experience but for the establishment of lasting peace in Bosnia and Herzegovina and for preventing another disaster in the Kosovo issue.

The tasks of NATO for this new century should be wider and deeper: long-term peace and dose and mutual co-operation in both the civil and military field in the Balkans must be established, for which the role and importance of NATO is not to be questioned.

The next role for which NATO is indispensable is that of further acceleration of the process of globalisation. That means that the whole world will become more transparent, more open and creative, as J. Solana., the former Secretary General of NATO, has pointed out quite often over the past years. But globalisation is not just a direct road to success: on the way there, specially for small countries (one of which BiH definitely is), there will be many casualties and pains. This, however, is the price which has to be paid if someone want to go in the direction of globalisation. At least it is seems like that for quite period of time ahead.

To adapt it self to globalisation, BiH needs more and more efforts – first from inside and then from the outside world.

On that way Bosnia and Herzegovina, together with the countries of directly bordering it – the SR of Yugoslavia and the Republic of Croatia – and with them the other countries of the region of Southeast Europe will have to keep in mind that improving security inside and outside would also result in disarmament of the entire region (and not just BiH) and preventing any cause for a future regional conflict. It is true that with the end of the Cold War, regional conflicts have not stopped, especially in countries which have been living for a long period under the experience of a totalitarian regime of one or the other model – Yugoslav or Soviet. Under the circumstances of not giving the same quality of life and of human rights to all the people of the country, without equal rights in sharing the results of the development and with the large number of privileges and benefits for mainly just one or two nations (and not even for majority of them but for a small elite), the conflicts could become reality as happened in a most disastrous way in BiH.

These regional conflicts are closely followed by forced and unforced migration of the most capable inhabitants of a nation, something which is especially difficult for a small state. NATO is the last station on the way towards integration of BiH into the Euro-Atlantic institutions. To get there, BiH has to improve the internal conditions of the state and to gain attraction through applying for membership in the Partnership for Peace group first. In order to manage these issues, political stability as well as full implementation of the Dayton Peace Accords are the first tasks to be achieved. But with the help of international community it can be achieved - for the benefit of BiH. of the region and also for a prosperous and unified Europe from the Atlantic ocean to the Ural, as was predicted by the late president of France, General de Gaulle, a long time ago.

#### IV The Pact of Stability for Southeast Europe and its Impact on Speeding up the Process of Integration of BiH in EU and NATO

At least three groups of questions deserve to be taken into deep consideration when analysing this topic. They are:

##### **1) Political Issues**

These questions comprise:

The application of human rights, the implementation of a democratic multi-party system with free and transparent elections, an independent judicial system, a well organised administration and the police. One of the most significant characteristics of the Dayton Peace Accords is the acceptance by all relevant political players of the highest international standards regarding human rights, freedom liberty and other rights. 15 most important conventions and international covenants, including the European Human Rights Convention, the Covenant on the Social, Political and Economic Rights and the like, as indicated in Annex 1 to the Constitution of BiH constitute the legal system of BiH. The European Convention for human rights and basic freedom has the priority over all other laws and regulations of the country and is to be implemented directly. The BiH Constitution also contains the provision of preventing anybody to restrict the use of these rights. In that regard the Constitution of BiH serves to provide the foundation for the Court for human rights, consisting of distinguished domestic and foreign lawyers, as well as the institution of ombudsmen. It is also anticipated the application of different international mechanism as specified in those conventions and/or covenants.

But in practice this informative and institutional frame is considered as not sufficient and not effective for the protection of human rights. The main reasons for this are: BiH is a country undergoing a transition process. This will cause painful effects at first because of the huge devastation done by the aggression and war in Bosnia. Moreover, this will also mean that be heavy discrimination out of reasons of national status or religious faith. It is already the case in many examples when refugees and displaced people intend to go back to their homes, property, or apartments. This situation is increasing tensions and may cause severe social conflicts, unless both the national politicians of all the nations and the international community prevent it.

Concerning the other basic human rights and freedom like free multi-party elections, the fresh experience with the municipality election (April 2000) shows some sign of moves towards non- national parties, which means bringing together of all the national groupings. This is just a first sign. One has to be very careful in analysing its real effects. For more serious conclusions one is bound to wait for this year's coming general election when that or some other feeling could be of more value. Suggestions to organise an election for presidency at the same time should also be analysed seriously.

## **2) Military Issues**

When Bosnia is concerned it is not any longer enough to consider only good co-operation of the high representatives of the military forces prevailing during their meetings, mainly in the presence of an SFOR representative. If there is any serious sign of real implementation of Annex 7 one must consider that it can only be really done under the condition of one joint military and police force. Without that it is hard to believe in a very positive impact of the Peace Accords.

The Dayton Peace Accords have defined the existence of three military formations and during the cease-fire they were considered as three enemy parties. But the Accord has also moved in the direction and the establishment of some specific institutions and the relationship between them on new concept and for whole country. This process was started in the Federation of BiH earlier including the foundation of the Armed forces of the Federation.

According to the Constitution of the Federation of BiH, and more specifically according to the document well known as Blair House, there is a developed procedure and defined plan of integration of the Army of BiH and the Croatian Council of Defence into united armed forces of BiH. In creating the unified defence and security system of BiH, the Constitution of BiH has established some basic principles. They are defined as follows:

1. All military forces in BiH will function in accordance with the sovereignty and territorial integrity of BiH.
2. No entity will be under the threatened use of force or by the actual use of it from any the other entity,
3. The armed forces of one entity must be under no circumstances on the territory of any other entity without permission, not only from its government but also from the Presidency of BiH,
4. Every member of the Presidency, according to his official authorisation, is functioning as the civil supreme commander of the armed forces.
5. A permanent military committee is to be established with the task to co-ordinate the functioning of military forces of BiH. Members of presidency are the members of the permanent military committee. The Presidency is the body which has the right to nominate all other members of this committee. The members are the Ministers of Defence of the Entities and the Chiefs of General Staff of the entity armed forces.

This is the current situation. But although Bosnia and Herzegovina, or to be more specific, most of the main political players in the Federation and at a smaller number politicians in the Republika Srpska are willing to be included in the Euro-Atlantic military institutions, full integration is still far away. For an integration in the Partnership for Peace programme and NATO Bosnia has too many military forces. The international institutions are - among many other conditions - certain to insist on joint military forces with a joint command.

It is important to say that the activities of the OSCE, as far as regional security and the steps towards the implementation of the Pact for Stability in Southeast Europe are concerned are important steps into this direction, but will definitely have to progress further before an application for closer inclusion in the European institutions can be submitted.

### **3) Economic Issues and the Pact for Stability**

The situation concerning the economic integration of the Southeast European region in the Euro-Atlantic economic group in near or more distant future is far from being clear. There are two groups of suggestions or proposals of how that might take place:

As to the countries of former Yugoslavia, the first group predicts that a new structure of the former country should be established in the form of a new community, flexible in its organisation and decentralised in its structure. Bearing this in mind, some of the sovereignty of the newly established states will have to be delegated to that new community, including: foreign policy, security, defence policy, monetary policy and joint supreme and constitutional court.

Second group proposes a so called Balkan Federation based on the principle that the passage to Europe goes via the Balkan countries.

Both of these hypotheses are not realistic. The suggestion of founding of a new joint country is almost ironic after what was done above all to Bosnia and Herzegovina, to some smaller extent to the Republic of Croatia, and most recently to the Kosovo. Under the aspects of the genocide, often committed in combination with rape (mainly) on the Bosniac population, the high number of refugees and displaced persons and their hurt feelings, in combination with hardly any of the indicted war criminals arrested and a lack of strictly democratic opposition to the regime in the SR of Yugoslavia, this proposal must be considered a humiliation and disgrace by the ordinary man. One should add that all the former country (mainly consisting of Serbs and Montenegrinians) wanted was to continue with their huge amount of privileges and incentives for their obedience to their superiors. With a few exceptions (in the last couple

years of the former country only the companies from BiH had a positive account in doing the business with foreign partners), the economy was able to compete on the world market for the simple reasons of heavy tax burdens, levies, etc being imposed on companies when establishing the production costs.

What is more unrealistic about this proposal is that it will have to integrate countries who have already made some steps on their approach to membership in European institutions: Slovenia, Croatia and recently Bosnia and Herzegovina though a specific arrangement with the European Union on non-tariff barriers for Bosnian products without time limitation. On the other side you have the economy of the SR of Yugoslavia which is still institutionalised within an outdated system, showing no aspiration for transition into the market economy system at all.

The second initiative of forming a Balkan Federation bears similar contra productive consequences, which in fact will make the national, cultural and religious differences more acute and lead to a higher level of animosity among the states.

It is a fact all those different state economies are caught in varying stages of transition and privatisation and are unable to meet the requirements which the EU has already laid down for potential new members from Central Europe (Hungary, Poland and Check Republic). The EU will not change these conditions in near future, however, they may only become more complex for new potential members.

Concerning BiH, first and foremost harmonisation and implementation of the Dayton Peace Accords will be a long way to go. Some international representatives, with whom I fully agree, consider that the most suitable way for BiH when considering membership in EU is to accept it without delay and apply all the laws and regulation as all the other members have done right away. The other way can only be a very elongated approach.

## V Instead of a Conclusion: What are the Prospects of Bosnia and Herzegovina in the Future?

Bosnia and Herzegovina is small state if one counts the number of people. Recent estimates consider that today, just about 3.5 million people live in Bosnia and Herzegovina. Before the war, this figure stood at 4.4 million. The GDP per capita is about less then 1000 \$ in mid-2000. Moreover, Bosnia and Herzegovina is a small state in geographic terms with just about 51.000 sq. km. In all other respects, it must be considered a small country, too.

In addition, there is a huge devastation of about more than of 60 billion USD. Some analyser would not consider it correct as to count the inflow of the direct foreign investment as most active driving force for faster reconstruction and development. When observing the de facto political situation - which could be evaluated as not yet up to the standards of today's Europe — all this conveys a very depressive picture of the country.

But I do not think that this is the right impression. Not if the country — looking towards the future, but starting right at this moment - is prepared to do quite a few things: first and foremost, it will be necessary to persuade domestic politicians of all national groups to stick to more co-operation between each other and accept the help of Office of High Representative whose task is nothing but that.

If this is going to happen, everybody can expect the coming general election (November, 2000) will bring more light to Bosnia and Herzegovina, under which new political driving forces together with a more realistic approach of the national parties can run the country on the path to transition.

This will mean more democracy, full implementation of the Dayton Peace Accords, specially of the Annex 7, and the readiness to establish joint armed and police forces. This can be starting point concerning internal security, including the right of each individual to move wherever he or she intends and to be, allow for full execution of the full spectrum of human rights but at least to those specified in the European Convention on basic human rights.

Besides, the Parliament should become more capable of promulgating quite a number of the laws and regulations, on the level of the state as well as on entity level, especially concerning a more transparent approach to the implementation of the privatisation process. These should also include more strict considerations of all possible ways to prevent corruption of the relevant bodies and institutions in the country and at all levels.

In this regard a very fresh decision by the OHR-Representative to promulgate a new law concerning the judiciary institutions, such as the election of the judges, their replacement, their salaries and the like will help to let things move in the right direction.

Other laws like those on foreign direct investments, specially those which are under the umbrella of the authorities of entities, have to be brought into the line with the laws of the state of Bosnia and Herzegovina. Today there is paradoxical situation that on the one hand, the laws on the state level have been implemented in updated versions. On the other hand, the laws of the same content on the level of the entities do not comply at all with the corresponding state legislation. Everybody in the judicial profession knows that lower level laws must always comply with those of the higher level.

Other laws like those on custom duties are impossible to apply, no matter how good they are, unless the borders of the state are protected by appropriate police forces, as is the case all over the civilised world. Today, with no borders to the SR of Yugoslavia and with no well organised border controls to the Republic of Croatia, law and order in these regards are a very weak point. There is a high level of expectation that these nuisances will be removed soon as something which does not correspond to a well organised state.

With the above mentioned serving as examples for into which directions the further activities of the institutions in Bosnia and Herzegovina should be moving, there is some real hope that we will be able to meet the requirements of what expected by the international community in the medium term. It is not true as mentioned in some quotes inside and outside BiH that in order to achieve these and many other objectives as soon as possible, the state should be placed under protectorate. This does certainly bear not truth for one reason: given a referendum asking whether the voters liked to see Bosnia and Herzegovina as a protectorate or not, only the Bosniacs would vote in favour. It is my believe that the majority of the Bosnian Serbs and quite a number of the Bosnian Croats would vote against any protectorate. These parts of the population still dream of being included in Serbia or Croatia.

Quite to the contrary, it is my strong believe that BiH should be taken in and treated as a member of the Euro-Atlantic institutions without delay. The rest of the issues to be dealt with could then be managed much faster from the position of a member of those institutions and organisations.

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