

Association Bosnia and Herzegovina 2005

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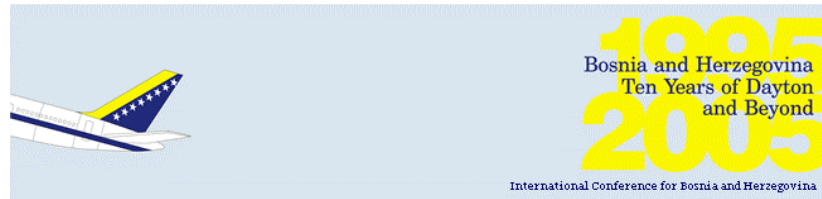
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Summary

The Association Bosnia and Herzegovina 2005 was established in the fall of 2003 as a support mechanism to facilitate domestic and international dialogue on the future of Bosnia and Herzegovina. It provides a framework for analysts, scholars, and professionals to influence the policy process through policy-relevant research and debate. The Association gathers established figures as well as emerging voices in an internally-driven process that is closely focused on promoting ownership-oriented strategies during a period that will prove critical for the country's future development and its very existence as a viable state. The Association aims to stimulate a debate based on facts, not partisanship. By facilitating informed debate rather than advocating for specific solutions, it intends to act as a catalyst for effective, policy-relevant ideas to emerge and gain influence at a time when the country is in urgent need of a vision to achieve full, sovereign statehood.

An edited volume of research papers and a major international conference in 2005 will mark ten years of peace, a milestone in any transition from post-conflict recovery to state-building and development. The process leading up to these outputs will in itself be an important achievement by steering research in a policy-relevant direction; this will be achieved through the publication of the proceedings of a research seminar (to be held in Sarajevo in May 2004) and through issue-focused roundtables involving researchers – especially of the younger generation – and policymakers in Sarajevo, Brussels, and elsewhere. Emerging voices from BiH will thereby be given an international and domestic platform to effect change in their society.

1. Background and context	p. 2
2. Problem statement	p. 3
3. Promoting partnership strategies in BiH	p. 4
4. Goals and approaches of "Bosnia 2005"	p. 5
5. Preparatory phase	p. 6
6. Activities in 2004	p. 7
7. Deliverables	p. 8
8. Monitoring and evaluation	p. 9

International Executive Council

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1. Background and context

The process of political and social reconstruction in Bosnia and Herzegovina (BiH) is at a crossroads. The massive international assistance that has supported the country's recovery after the 1992-95 war is dwindling; many international agencies, non-governmental organizations, bilateral donors and think-tanks are reducing their field presence in BiH and have begun to hand over parts of their mandates to domestic counterparts. Bosnian political and administrative structures are gradually being entrusted with many of the tasks previously assigned to international bodies under the Dayton peace accords (the "General Framework Agreement for Peace in BiH," or GFAP) but often lack the capacity to effectively manage their expanded portfolios. Effective operations are also frequently impeded by political contestation, interference, and lack of transparency. The cumbersome system of governance created by the GFAP—notably its Annex 4, which contains the country's constitution—is increasingly being recognized as an obstacle to the long-term development of BiH, and many analysts agree that the various government structures in BiH are in urgent need of fundamental reform.

The approaching tenth anniversary of the GFAP in 2005 puts these issues in sharp relief but also provides an opportunity to take stock of past achievements and future challenges. The academic literature on transition processes often includes an implicit assumption that such transitions—from war to peace, from command to market economies, from single-party systems to open societies—are essentially completed within ten years. By year ten, post-conflict settlements have either consolidated and given rise to permanent constitutional orders, or deteriorated into all-out conflict. In BiH, the picture is murkier: while any immediate security threat seems fairly remote (especially with the recently concluded defense reform and the regime changes in Zagreb and Belgrade), the institutions of government have not uniformly achieved full legitimacy, and many reform projects are only taking place thanks to continued international pressure and support. While much progress has been made—notably in the fields of refugee return, property law implementation, administrative reform, and democratization—much still remains to be done. This was most recently underlined in a Feasibility Study by the European Commission, which listed sixteen specific issues that must be addressed before BiH can conclude a Stabilization and Association Agreement with the European Union.¹

These interconnected processes—the ongoing transfer of responsibility from international to domestic structures, the pressing reform of the institutions of government to gain legitimacy with the citizens of BiH, and the need to rethink the GFAP provisions in light of emerging challenges of long-term development—are all in need of sustained analysis and intellectual guidance. It is at precisely this moment that the international community needs to reaffirm its interest in a stable BiH, and regional stability in the Balkans more generally.

Against this background, and in light of the upcoming anniversary of the GFAP, a number of individuals have joined forces to create a process for focused analysis and advice. In the short to medium term, analysis and advice will relate to a much-needed refocusing of international assistance policies and primarily target international policy-makers and implementers in BiH; in the longer term, it will help BiH find its place as a full member of the European comity of states and primarily assist BiH policy-makers.

The framework for such an initiative was created in the form of the Association Bosnia and Herzegovina 2005, founded in September 2003 in Sarajevo following a panel discussion that was opened by the Swiss Foreign Minister, Mme Micheline Calmy-Rey. Ambassador Wolfgang Petritsch, the previous High Representative of the international community in BiH,

¹ COM (2003), 692 final, Brussels, 18 November 2003; <http://www.delbih.cec.eu.int/en/whatsnew/report-692.pdf>.

was among the panelists, and it is on his initiative that the Association was established. Many of the panelists subsequently became members of the Association. The Association was formally incorporated in October 2003 as a non-profit body according to article 60 and following of the Swiss Civil Code; its statutes, in English, are deposited in Geneva, Switzerland and available on the Association's website.²

2. Problem statement

The infusion of massive resources into BiH after 1995 has brought a measure of stability to the country and helped achieve important results in specific sectors—among them refugee return, property restitution, and administrative and judicial reform—but has failed to put the country on an irreversible course towards independent, sovereign statehood. In too many ways, BiH today is still desperately dependent on external resources, both financial and political. It has not returned to a politics of the normal, where party cleavages and policy disagreements dominate the political process, but rather finds itself stuck in interminable debate based on narrowly-defined identity politics. The most mundane issues are construed as a threat to the survival of one's own group, frequently resulting in policy paralysis and prompting the High Representative to impose a solution. While there is no reason to believe that this condition is terminal, there is also no evidence that it will change spontaneously, without an external stimulus. Such stimuli have recently emerged in the form of European integration and the incipient re-thinking of the international presence in-country, both of which will require a change in the way domestic politics function.

While a modification in the international community's approach to and in BiH seems at hand, it is by no means clear that it will not simply reproduce the division among key actors—the Office of the High Representative (OHR), which oversees peace implementation and has the power to sack elected officials and to impose or amend legislation; the Organization for Security and Cooperation in Europe (OSCE); UN agencies including UNDP and UNHCR; the European Commission, and bilateral donors and agencies such as the International Monetary Fund and the World Bank—that has afflicted their efforts over the last eight years and diminished their effectiveness. In fact, such division, ranging from operational issues to the very concept of the desirable end state of peace implementation, is a main culprit (together with domestic obstruction) for the unimpressive results that eight years of massive assistance have yielded in BiH. Many of the pressing problems BiH is facing today result from an incomplete and in places failed process of building stable, legitimate, accountable, and effective institutions of government. Support to civil service reform, tax reform, the restructuring of armed forces and the creation of new ministries and administrative structures, as well as billions of euros in reconstruction aid and assistance to returning refugees, have not resulted in a government that enjoys much legitimacy with its constituents. While the GFAP ended the war in BiH and provided security to its citizens over all these years—which constitutes a major achievement in itself—it did not create the conditions for successful post-war development and has made governance ineffective. The absence of any coherent vision on the part of the international support structures relating to the nature of the state that should be built—in other words, their inability to agree on a model of governance that goes beyond the extreme but vague federalism of the GFAP—has contributed considerably to the current situation.

A specific sub-set of this general problem is the failure of international bodies to strategically engage with domestic actors in any meaningful way and to responsibly manage the process of gradual disengagement and transfer of authority. Some international agencies have initiated projects that are based on partnership with local government, while others continue in their

² <http://www.bosnia2005.org/organization/doc/asbo05stat.pdf>.

customary top-down approach. This again diminishes the effectiveness of sectoral interventions and sends mixed signals to domestic institutions. It is only in the most recent period that coherent partnership approaches have been adopted in key areas of development, approaches that have not received sufficient attention on the part of analysts and policy-makers.

These problems are compounded by the recent and projected reduction in donor financing for the post-conflict rehabilitation of BiH. Many international bodies are phasing out specific activities less because of any objective determination of “mission accomplished” but because of their own, institutional concerns and imperatives. It is of critical importance, therefore, that the process of transferring authority in BiH receive strategic guidance, and that analytical capacities in-country be preserved or strengthened to assist the process of handover and of longer-term development.

While the failure of international support to build a viable state in BiH is not entirely of a conceptual nature, the lack of a coherent vision relating to the ultimate goal of the international presence in-country has rendered even well-designed and ably executed sectoral programs somewhat haphazard when considered as a whole. For example, the process of refugee return—especially so-called “minority” return—has over the years resulted in considerable return to pre-war residences, many of them reconstructed by international NGOs with international funding. However, the perceived responsibility of the international community more or less ended once the house keys had been turned over to the beneficiary: beyond the provision of overall security by international peacekeepers, fairly little thought was given to the long-term viability of such returnee communities. In other words, while the technical aspects of support programs were often implemented well, there existed no clear concept of how this fit with the overall goals of the international community in BiH—the creation of a fully sovereign and independent BiH that enjoys legitimacy with its citizens. It is in this respect that forward-looking analysis may prove most useful.

3. Promoting partnership strategies in BiH

The decline in financial resources has prompted a re-assessment of the effectiveness of past and ongoing assistance by international bodies, including whether it has resulted in enhanced capacities of local structures; the balance is not favorable, and more innovative mechanisms must be found to complete the process of refugee return, to jump-start strategic economic development, and to improve governance more generally. A number of recent initiatives recognize that necessity and have been designed to achieve better results by systematically working with local structures in the articulation of sectoral needs, the design of relevant interventions, and their funding, implementation, and evaluation. For example, the SUTRA³ partnership between UNDP, the European Commission, and the BiH Ministry for Human Rights and Refugees has employed a co-financing model whereby funds for return are contributed from international and domestic sources (mostly the entities), based on the principle of additionality. Priority municipalities are selected according to quantitative indicators adopted by domestic authorities, and develop project proposals with strong community involvement. Such approaches constitute a logical step in the gradual shift from post-emergency recovery under international supervision towards development-oriented programming that is locally owned, with civil society participation. Sectoral activities—for example, in the return sector—must not only achieve their immediate objectives but simultaneously develop cross-cutting competencies on the part of local structures and promote the values of good governance, including transparency, accountability, responsiveness, efficiency, and effectiveness. The Association believes that by conducting

³ Sustainable Transfer to Return-Related Authorities, a UNDP project funded by the European Commission.

research into such understudied models, their applicability across the board (as well as in other instances) will become evident.

4. Goals and approaches of “Bosnia 2005”

The main goal of the Association is to assist the necessary process of social and political development and transfer of authority in BiH by *providing solid analysis and strategic advice* to both international and domestic stakeholders in government and civil society. The main vehicle for such analysis and advice will be an *international conference* on and for BiH, to be held 20-21 October 2005 in Geneva under the title “Bosnia and Herzegovina 1995-2005: Ten Years of Dayton and Beyond.” The conference is scheduled to mark the tenth anniversary of the GFAP. At the same time, a book will present the most innovative and thought-provoking research emerging from this project.

Through its activities, the project will help overcome the contradictions and inadequacies that have marred international support policies from their very inception, many of them implicit in the Dayton accords. The Association’s founders, however, believe that the debate on a hypothetical “Dayton II” are of purely academic interest and will not contribute to an effective solution of the most pressing problems facing BiH today. In fact, they might divert attention from workable options to a discussion that would only raise the stakes and encourage political posturing. Instead, the Association wants to take up the challenge of overcoming Dayton’s shortcomings by implementing its provisions to the fullest extent possible wherever appropriate, and by providing longer-term options for effective political, social, and economic development within the considerable space provided by the GFAP, which would include, in the medium term, a debate on BiH’s constitution. This can only happen through a forward-looking analytical approach that deals resolutely and pragmatically with the conditions needed for the success of international support policies and with the challenges the state of BiH will face in the future. Such a targeted and strategic approach must be based on solid analytical work. The Association believes that sound scholarship is ultimately the most effective advocacy, and will therefore refrain from any direct involvement in politics. This also includes the ongoing debates about the tenure of the current High Representative.

A related goal that will be achieved through the proposed project is to strengthen the policy-relevance of academic research in BiH and to link emerging young scholars with the global academic community. All too often, young researchers lack the means and opportunities to contribute to the development of their communities; often, they also lack an understanding of the mechanisms of influence in the policy process. By partnering with established international scholars and providing access to a network of analysts working on the same issues, the Association hopes to maximize the impact of the research undertaken in the framework of this project. In the formation of the Association’s Senior Advisory Board, special care was taken to include individuals who are in a position to assist this networking function, notably Mr Ramesh Thakur, the Vice-Rector of the United Nations University in Tokyo, and Sir Marrack Goulding, warden of St. Antony’s College in Oxford. On the technical side, preliminary consultations were held with an information technology consultant affiliated with the Center for International Conflict Resolution in New York to explore options for IT-supported collaboration and networking. A demonstration of Microsoft’s Sharepoint technology—an affordable, off-the-shelf solution with considerable user configurability—suggested that the technology for networking local and international researchers could be deployed with minimum cost and training, and the Association will continue to assess different models.

In addition, the officers of the Association are currently conducting negotiations with a number of organizations to establish partnerships that will enhance the program's impact. While such partnerships may also contribute funding (possibly in-kind, for example by distributing the proceedings of the methodological seminar to be held in Sarajevo in 2004), the focus is on their intellectual contribution to the project. Therefore, the Association has approached several research institutes and universities to explore the possibility of co-sponsorship and other forms of cooperation. The first, modest example of this approach was the sponsorship by the Political Science Department of the Graduate Faculty at the New School University in New York of the Association's seminar on December 6, 2003. This sponsorship allowed the Association to use the Graduate Faculty's Machinist Conference Room free of charge.

5. Preparatory phase

In preparation for the Association's activities, its founders had wide-ranging, in-depth consultations—both formal and informal—with a number of practitioners, diplomats and analysts in Sarajevo, Geneva, New York and elsewhere between September and November 2003. These consultations resulted in the project design summarized in this document, in the Association's statutes, and in a membership that at present includes more than sixty individuals (about equally international and Bosnian), many of whom will directly contribute to either the conference or the book. The consultations were also useful in testing the validity of the approaches described here as well as the implementation arrangements foreseen in the Association's statutes and other documents.

The Association established its various bodies—notably the International Executive Committee and the Senior Advisory Board, chaired by Ambassador Petritsch—during October and November 2003 and is organizationally functional as of now. At the time of this writing, members of the Senior Advisory Board are Wolfgang Petritsch, Sonja Biserko, Erhard Busek, Jovan Divjak, Daniel Cohn-Bendit, Marrack Goulding, Sonja Licht, Bozidar Matic, Jose-Maria Mendiluce, Tadeusz Mazowiecki, Vreni Müller-Hemmi, James O'Brien, Jasmina Pasalic and Ramesh Thakur.

The months of November and December 2003 were devoted to reflection on the future direction of the project, both in a strategic and a methodological sense. To that end, a workshop was held at the New School for Social Research in New York, whose Department of Political Science co-sponsored the event. The seminar was moderated by Susan L. Woodward, Professor of Political Science at the Graduate Center of the City University of New York, a well-known scholar of the Balkans, and attended by 14 individuals from institutions including Harvard University, Columbia University, the New School, the UN, and the International Rescue Committee, including the three current members of the Association's International Executive Council. The seminar's lively debate generated preliminary proposals regarding mechanisms, approaches, and topics for activities during the coming period. Five key areas were identified in which additional research is especially desirable:

- economic development;
- regional stability and cooperation (including in the cultural field);
- governance (state institutions and decentralization);
- security (including military reform);
- rule of law.

These broad issue areas will be further developed during a second seminar to be held in Sarajevo in May 2004, which will consider these topics at greater length and in more concrete terms in order to articulate a full research program (see below). The New York event has therefore helped establish the programmatic outlines of the project's 2004 activities.

6. Activities in 2004

January 2004 will mark the beginning of a process that will culminate in the October 2005 conference in Geneva and in the book to be published around the same time. In preparation for these two events, a single research program—consisting of various individual and joint research projects—will be developed during the first half of 2004 and based on the preliminary conclusions of the New York seminar. Preparations for the conference and the book will proceed simultaneously, but the editorial standards for the selection of contributions to the book will be somewhat different (and, in an academic sense, stricter) than the selection standards for inclusion in the conference. The Association intends to publish only the very best, sound, and innovative papers to create a volume that will be useful to researchers and practitioners for years to come.

At the same time, it is of the utmost importance to understand that while stringent procedures and standards of selection and validation will be applied to the research projects, the Association and its officers will in no way set any policy direction or interfere in the substance of research. The proposed project simply creates a framework that allows such research to become more relevant and visible, and to engage in an informed debate about the future of peace implementation in BiH. A main reason behind this approach is to allow a variety of viewpoints to emerge from a locally-driven process, especially also involving voices that may at present not be part of the debate on BiH's future.

In that sense, the project's key activities for 2004 flow directly from the specific character and aim of the planned conference and book. Key objectives are to gather a variety of approaches and outlooks to present a nuanced analysis of ten years of Dayton implementation, and to identify the conditions—including those created by international stakeholders—that will allow BiH to perform its functions as a fully sovereign state towards its citizens and the world community. In other words, *research will be both descriptive and forward-looking*. The transition from a post-conflict situation to a situation where international support and domestic governance are firmly aimed at the country's longer-term development will entail policies to transfer authority from international to domestic bodies in accordance with a strategy of responsible disengagement. Such a strategy does not exist at present, though its contours and elements are certainly visible on the ground. The project aims to bring these elements into the open and to discuss the implications of various approaches. This could include, for example, an in-depth analysis of the impact of BiH's extreme federalism on economic development, identifying openings for a strategic development policy, in light of the recent establishment of Regional Development Agencies. It could also include a discussion of scenarios for systems of social protection in BiH, for example, a unified (but locally administered) social housing policy, for which some capacity may already exist at the State level. Any proposed solutions need to be realistic and relevant, as the project aims to be of direct utility to policy-makers in and on BiH.

Based on the preliminary debate during 2003, the critical first step in 2004 is to take time for reflection in order to define a framework and methodology that will allow the Association to achieve its goals. To that end, the Association will convene a *seminar* in May of 2004 in Sarajevo with a number of concrete objectives, building on the debate during the December 2003 New York seminar. The Sarajevo seminar will reaffirm the existing consensus with regard to the priority objectives of the overall project and determine expected outcomes of the 2005 conference. The seminar will further try to achieve a number of procedural and substantive goals:

- To determine the format and topics to be covered by the 2005 conference;

- To establish a conceptual and methodological framework that will allow participants to go beyond a simple “lessons (not) learned” exercise and adopt a forward-looking approach;
- To form specific research projects, both joint and individual, and define the networking dimensions to such projects;
- To identify ownership approaches that will facilitate the transfer of responsibility and various transition processes, including the establishment and development of the rule of law in BiH;
- To assess practical (political, financial, institutional, legal and administrative) aspects of the current situation in order to enable the rapid implementation of recommendations emerging from this process.

The second half of 2004 will be devoted to:

- Coordination of research and other activities, including start-up of individual and joint research projects and networking activities;
- Communication with members and contributors;
- Preparation of the 2005 conference;
- Preparation of the 2005 book.

These activities will also involve the International Executive Council, whose task it is to stimulate and guide the conceptual work undertaken by individual contributors to the book and the conference and members of the Association. In addition to organizing the workshop and seminar, this will include outreach and coordination activities vis-à-vis international agencies, domestic authorities in BiH, and academic institutes and think tanks. This will mobilize the largest number possible of individuals and organizations for the purpose of this project and create a truly diverse network of researchers. The Association will in essence provide a framework and a space for a variety of viewpoints to coalesce around certain issues of common concern.

From mid-2004 onwards, the International Executive Council will, through its Scientific Committee, initiate concrete individual and joint research projects and coordinate similar relevant activities as may be undertaken by partner organizations. The Association will also publish proceedings of the 2004 seminar as a working document that should be of practical value to the various research projects.

In summary form, the schedule of activities for 2003-2004 looks as follows:

Date	Location	Activity
6 December 2003	New York	Workshop to develop preliminary methodologies and approaches and identify priority topics. Attended by 14 scholars and practitioners. Summary report and transcript published electronically.
5-6 May 2004	Sarajevo	Seminar on methodologies, topics and approaches, publication of seminar proceedings
Summer-Fall 2004	Geneva, New York, Sarajevo	Various coordination activities, research trips, outreach initiatives; preparation of conference and book; ongoing communication with members and contributors; start-up of concrete research projects.

7. Deliverables

The main deliverables of this project are the Geneva conference and the book, both planned to coincide with the tenth anniversary of the Dayton accords. Additional outputs, of more

instrumental value, will be the published proceedings of the New York and Sarajevo seminars. Both the book and the conference will be a major contribution to our understanding of post-conflict recovery in BiH, with implications beyond this particular case. What distinguishes this initiative from past and planned endeavors, however, is that it aims to provide a solid intellectual and analytical foundation for pragmatic and concrete approaches to the process of transferring authority. In that sense, the planned book may become a manual for state-builders, for the numerous men and women who are dispatched to foreign countries to implement peace agreements; but more immediately, it should enhance our understanding of this last phase of international intervention in BiH and contribute to better policies to guide it, as well as to better policies by domestic authorities to meet the challenges of full statehood.

8. Monitoring and evaluation

The International Executive Council will be responsible for ongoing monitoring of project activities and for quarterly interim evaluations. The June 2004 evaluation will provide indicators on the design quality of the project and its potential for development, allowing funding agencies to determine the level of their support for the second phase of the project (i.e., the year 2005). This will be an internal evaluation; however, funding permitting, the Association will commission an external evaluation as well. The International Executive Council may request, at any time, written reports from the Association's executive officers on any aspect of the Association's operations. The Association's accounts will be audited by an independent auditor (Partner SA Geneva) accredited with the State of Geneva.

Christophe Solioz
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Geneva, 13 January 2004