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## **POST-WAR REFORMS IN BOSNIA AND HERZEGOVINA: CHANGING ROLE OF THE OFFICE OF HIGH REPRESENTATIVE**

Bosnia and Herzegovina is one of the countries very much illustrative for processes taking place in post-Cold War Europe. While the war in Bosnia was a manifestation of tectonic movements in the post-Socialist South-Eastern Europe, the period of state-building which followed it, exhibited the evolution of international approach to the notions of conflict settlement, peace-building and sovereignty. This article deals with the role played by the High Representative as a central figure of international presence in Bosnia. It is argued in the article that by means of a new constitution created in Dayton and reinforced Office of High Representative, international actors established protectorate over Bosnia, which, however, was effectively brought down in 2006. Since then the closure of the OHR has become one of the core question occupying the minds of the Western decision-makers. We consider this to be a logical misperception on the part of the international actors as the closure of the OHR alone is unable to kickstart reforms in the country and normalize socio-economic life of Bosnia.

**Key words:** Bosnia and Herzegovina, Dayton, Office of the High Representative, former Yugoslavia, state-building.

### **Introduction**

The history of modern state of Bosnia and Herzegovina (hereinafter Bosnia or BiH) begins in 1995 when existing state structure was created in the result of the bloodiest conflict witnessed by Europe in the second half of the XXth century. Dayton Agreement which put an end to a war between three main ethno-confessional groups (Bosniaks, Croats and Serbs) provided for the framing of the decentralized state which incorporated two entities: Republika Srpska (RS) and Federation of Bosnia and Herzegovina (FBiH), inhabited by Serbs, Bosniaks and Croats accordingly, and, later, autonomous district of Brcko. Federation consists of ten cantons, all of which enjoy certain level of autonomy guaranteed by the existence of self-governing bodies. Annex 4 of 'The General Framework Agreement for Peace in Bosnia and Herzegovina' became Bosnia's new Constitution. It proclaimed adherence of the new state to democratic principles, established abovementioned entity system, created central state institutions and defined their powers and responsibilities relative to the powers and responsibilities of the entities. Thereby one of the world's most complex and large bureaucratic systems was established. At the current moment BiH state structure comprises enormous number of presidents, prime-ministers, parliaments, governments and courts which makes this country first in the world in terms of the quantity of high-ranking officials per capita.

In addition to a large state apparatus, international community represented by the Peace Implementation Council (PIC) established the Office of the High Representative (OHR), body which was endowed with the function of the observation of the peace settlement implementation. Its head was to be appointed in accordance with the UN Security Council decision. Two years after the initial settlement, in 1997, the High Representative (HR) was further entailed with broad executive powers, known as Bonn powers, which played crucial role in the period of post-war reconstruction and subsequent state-building.

One of the most sensitive and discussed issues within the context of transformation of the Dayton system is the destiny of the Office of High Representative. It has lost, as it is often argued, its legitimacy and real power and ought to be removed or rather replaced by the "reinforced" European Union Special Representative or another (presumably EU-based) institution capable of maintaining the integrity and stability of the country without outright interference. For instance, this view is being supported in the Policy Briefing on Bosnia issued by International Crisis Group in 2011 in which the dependency on the decision-making being practiced by the High Representative is considered to be one of the main obstacles for Bosnia and Herzegovina to become self-sufficient and eligible for EU membership state.

### **Immediate post-war period**

State framework constructed in Dayton is built upon the principles of the consociational democracy.

This means that it was aimed at the overcoming of wartime belligerence of the parties and at creation of conditions which would provide for the consolidation of former enemies within the borders of a unitary state. With the view of this purpose, sophisticated mechanism of power-sharing and ethnic representation (giving veto rights and high degree of autonomy to entities), i.e. checks and balances system, was introduced. According to the idea of its creators, Dayton system would have required three constituent peoples to share power and responsibility with each other rather than divide it between them. However it became evident from the scratch that the ideas of the international peace-makers and state-builders were more of idealistic rather than of realistic nature. The expectations that the system would regulate itself and that transition to peace would happen pretty fast and smoothly came to grief. It appeared that the mutual rejection of the former belligerents was deeply rooted in the conscience of the Bosnians. This was demonstrated by the prevalence of nationalistic rhetoric in domestic political discourse in the first after-war years.

Dayton Accords conclusively confirmed results of the war in Bosnia: the compromise between three parties was achieved. The end of the war saw no outright winners and losers as each of the parties had somewhat fulfilled its purpose. Bosniaks had managed to defend independence of BiH but they were forced to accept heavily decentralized state instead of a unitary one. Serbs had protected their right to broad autonomy but not to joining a renewed Yugoslav Federation. Croats, while they had been fighting to establish federal relations with Bosniaks, virtually attained their goal, however, comparatively small number of Croat citizens in BiH put them into particularly vulnerable position. Furthermore new constitution didn't provide for any special relations between Bosnian Croats and Croatia.

Main dispute over the territory between Serbs and Bosniaks was not resolved by the Dayton Agreement. Most dangerous was the unclear delimitation of internal borders which threatened to provoke new outbreaks in violence over the Muslim-dominated cities of Goražde and Sarajevo. The borders between the two entities were also blurred. As a result, the possibility existed that one of the parties could return to military means. In general, one of the gravest defects of the Dayton Agreement was that it didn't provide clear solution to the all-Yugoslavian problem – the borders still didn't match the ethnic territories<sup>1</sup>.

Post-war internal order in Bosnia was based on the monistic approach to the issue of interrelation between international and national law. According to this approach international and internal law are regarded as parts of a single legal framework. Therewith, pieces of legislation adopted in Bosnia must be compliant with the principles of international law and international obligations taken by Bosnia. This leads to the de-facto primacy of the provisions of international conventions, statutes and customary international law, which together comprise the fundamentals of the international law, over the provisions of internal law<sup>2</sup>.

The Dayton Peace Agreement – its provisions, wording and the very initiative of its conclusion – was inspired by the international actors taking part in the settlement of the conflict. The nature of this Agreement and the abovementioned peculiarities of Bosnian legislation secured by the new constitution, are all indicative of partial loss of sovereignty by Bosnia in favor of international community. That's why subsequent internationalization of the state-building in BiH does not come as a surprise. All this explains the logic beyond the activities of the international community in the first post-war period including the appointment of the High Representative and reinforcement of the OHR with the Bonn powers.

However, the broadening of OHR's powers didn't bring instant results and true improvement of situation in the country had to be awaited for several years. In 1999 the Kosovo crisis distracted attention of the concerned actors from Bosnia and made the work of international agencies even more complicated, especially in Republika Srpska. By 2000 there were practically no decisive changes introduced. Strengthened OHR together with peacekeeping forces were able to maintain the status-quo and prevent the country from backsliding into war but implementation of the principal provisions of the Dayton Agreement was very protracted<sup>3</sup>.

#### **Reforms of mid 2000-s**

It was the turn of two centuries which witnessed the breakthrough in the state-building in BiH. At that time the OHR repeatedly played crucial role in situations of political stalemate. Most significant changes were introduced under the auspices of the two most prominent High Representatives: Wolfgang

<sup>1</sup> Boyd, Ch. (1998). Making Bosnia work. *Foreign Affairs*, 77, 1, 44.

<sup>2</sup> Policy analysis. The Myth about the Closure of OHR. *Foreign Policy Initiative BH*  
<[http://www.vpi.ba/upload/documents/eng/The\\_Myth\\_about\\_the\\_Closure\\_of\\_OHR.pdf](http://www.vpi.ba/upload/documents/eng/The_Myth_about_the_Closure_of_OHR.pdf)> (2016, January, 27).

<sup>3</sup> Chivvis, Ch. (2010). The Dayton Dilemma. *Survival: Global Politics and Strategy*, 52, 5, 53.

Petritsch (1999-2002) and Paddy Ashdown (2002-2006). Interventions of the OHR very often appeared necessary for adoption and enactment of a law, implementation of a reform and other actions which were previously blocked by the resistant domestic politicians. Instead of being an observational and advisory platform, the OHR spearheaded international presence in BiH and turned it into a protectorate. Externally promoted reforms gave domestic politicians a feeling that they can dissociate themselves from unpopular decisions and leave them instead to the OHR, and thereby to preserve their political weight without departing from nationalistic discourse. This way dangerous trend of the domestic political powers feeling no accountability for the adoption of critical decisions was established.

Open infringement of sovereignty of Bosnia by the international community was very much in the spirit of the Dayton Agreement which from the very beginning was at the odds with the traditional norms of international law. For example, out of three constituent ethnicities of Bosnia only Bosniaks were represented by their own envoy during the signing of the Agreement in Paris, while Serbs and Croats were represented by the presidents of independent Serbia and Croatia respectively. Annex 4 to the Dayton Agreement became new constitution of Bosnia and Herzegovina although its provisions were neither subject to the preliminary discussion by the parties, nor they were legitimized in the Parliament or via referendum.

Dramatically large scale of atrocities during the war explains the use of radical measures for stabilization of situation in Bosnia. In the same manner, intervention into the internal affairs of Bosnia and breach of its sovereignty by the activities of the reinforced OHR represent an extraordinary measure. It can be justified for, if viewed within the context of post-modern understanding of the notion of sovereignty. In accordance with this understanding, sovereignty is a broadly treated notion that does not authorize a government of a given state to exercise its power over the territory of this state in full without respecting the interests and rights of its citizens. Beyond the existence of powers, sovereignty envisages the existence of obligations on the part of a state government. In broad, they include the responsibilities to prevent, to protect and to reconstruct<sup>1</sup>. This view is an evident reference to the principle of humanitarian intervention, which stipulates the freedom (sometimes outgrowing into an obligation) of international community to intervene into domestic situations in which the inability or unwillingness of the lawful government to intervene causes mass violation of human rights.

The war in Bosnia was definitely a case in which the international intervention aimed at the suspension of violence was used. Nonetheless after the hostilities were stopped formally there was no reason left to create some kind of international protectorate over Bosnia. According to Wolfgang Petritsch: "Whereas the immediate objective of the intervention in the summer of 1995 was by nature humanitarian – to stop the carnage, the rationale behind Dayton was much broader: to rebuild

– in its fullest sense of the word – a collapsed state and a deeply divided society, based on democratic principles...a task never undertaken in history before in such a comprehensive fashion"<sup>2</sup>.

Uncertainty about the goals of a prolonged international presence was accompanied by uncertainty about the exact limits of powers of OHR and other international institutions. Areas and limits of applicability of international mandates as well as the mechanisms with which Bosnia had to be governed weren't clearly defined in the Dayton Agreement. "The Dayton agreement was rigid where it concerned the limits to Bosnia self-rule but extremely flexible in relation to the powers that international actors could exercise over this nominally independent state"<sup>3</sup>. As it was very accurately put by the High Representative Carlos Westerndorp at the time of his entry into office: "if you read Dayton very carefully... Annex 10 even gives me the possibility to interpret my own authorities and powers"<sup>4</sup>.

At the same time, HR and representatives of the Peace Implementation Council had repeatedly proclaimed gradual transition to the so-called principle of "local ownership" to be one of the most important goals of the state-building in Bosnia. This principle involves gradual transition of power leverages to the hands of local politicians and civil society, granting them an access to the mechanisms of

<sup>1</sup> Venneri, G. (2007). Modelling states from Brussels? A critical assessment of the EU-driven state-building of Bosnia and Herzegovina. *Cyprus Center of European and International Affairs*, 2007/07, 26.

<sup>2</sup> Petritsch, Wolfgang. "My" lessons learnt in Bosnia and Herzegovina. *Bosnia Daily*.

<[http://www.wolfgangpetritsch.com/images/articles/2006/2006\\_05\\_05\\_bosnia\\_daily.pdf](http://www.wolfgangpetritsch.com/images/articles/2006/2006_05_05_bosnia_daily.pdf)> (2016, January, 27).

<sup>3</sup> Chandler, D. (2006). State-building in Bosnia: the limits of 'informal trusteeship'. *International Journal of Peace Studies*, 11, 1, 25.

<sup>4</sup> Chandler, D. (2006). State-building in Bosnia: the limits of 'informal trusteeship'. *International Journal of Peace Studies*, 11, 1, 25.

decision-making and, consequently, shifting the full responsibility for maintaining stability in the country.

After fulfilling its initial tasks in Bosnia, international community moved on to the next phase of state-building “in accordance with the democratic principles”. The OHR was the main instrument to be used during this phase. At this moment a very important question arose: where is that brink till which the use of extraordinary powers of the OHR is still necessary, i.e. for how long can the breach of sovereignty be justified and legitimized? Apparently, there was found no clear-cut answer to this question and an official goal of state-building in Bosnia continued to be worded in a vague manner suggested by the following example: “The High Representative is working with the people and institutions of Bosnia and Herzegovina and the international community to ensure that Bosnia and Herzegovina evolves into a peaceful and viable democracy on course for integration in Euro-Atlantic institutions”<sup>1</sup>.

In the middle of 2000-s Paddy Ashdown took up the post of the High Representative and started to vigorously promote reforms. Main achievements of that period include the reformation and centralization of the Bosnian armed forces under the joint command; reformation of tax system including introduction of the state-wide VAT and establishment of the Indirect Tax Administration; police reform, though it didn't meet the initial expectation of the state-builders and was weakened by the strong opposition of the Serbian side. All these reforms were dual by the origin, i.e. first, their implementation was among the most fundamental goals of the state-building process, which was needed to promote cooperation between the entities and, second, under the Stabilization and Association Process (SAP) launched in the early 2000-s, signing of the Stabilization and Association Agreement (SAA) was made conditional on the wide range of domestic changes and thereby reforms became an integral part of the European integration process.

Success of the aforementioned reforms is usually explained via the positive impetus provided by the active role of the OHR. Indeed, the figure of Paddy Ashdown, his personal qualities, his knowledge of Bosnia and his ability to directly tackle the most crucial issues were among the most important factors. Also existence of the Bonn powers in the disposal of the HR allowed him to influence the situation at critical points and this way to avoid the pitfalls. Awareness spread among the Bosnian politicians of the fact that the OHR is capable of pushing its initiative through, even despite any strong opposition, being allowed to displace destructive opposers. This raised the level of domestic compliance with the reform agenda, though in the most critical and sensitive situations, biased politicians still preferred to take neutral position setting their faces against the internationally imposed solutions as this allowed them to save their electoral support.

On the other hand, “top-down” approach to reforms, i.e. via the international representatives, had a lot of remarkable shortcomings. First of all, legitimacy of the OHR powers, in particular after their broadening in 1997, was called in question by Bosnian politicians on numerous occasions. Second, there was developed no mechanism to hold the OHR accountable as well as there was no procedure prescribed to limit its powers, which made him look as a semi-authoritarian ruler. In general, the process of state-building in Bosnia acquired controversial traits – its goals and its methods were in discord. The main question was: could a democratic state be built by undemocratic means? Unstable post-war environment and unsatisfactory results of the first years of transformation revealed the need for new forms and methods of international presence in the country. These new forms were found and they proved their effectiveness, however, their implementation resulted in the phenomenon of so-called “European Raj” in Bosnia<sup>2</sup>.

Despite the failure to fully implement all initial provisions of the police reform, the reforms of mid-2000-s showed that Dayton system was not a “once and for all” ideal state structure, but that the need for its amendment was high on the agenda. What is more important, it proved that the cooperation between constituent peoples is possible though with certain limitations. Thus, reforms of the armed forces, taxation and police provided an important stimulus for further changes, namely they created the basis for the discussion of more fundamental revision of constitution.

#### **Crisis of 2006 and emergence of the OHR closure idea**

In the post-Dayton period domestic politicians and international actors managed to obtain many important results such as political stabilization, gradual economic recovery, reforming of separate sectors etc. However, 2006 became critical for state-building in BiH as it was the last year of successful introduction of reforms. The main reason for this was the weakening of the High Representative's figure and respectively the institutional weakening of the OHR. It happened against the background of worsening political atmosphere caused by the failed attempt to adopt a constitutional reform.

<sup>1</sup> OHR General information. *Office of the High Representative* <[http://www.ohr.int/?page\\_id=1139&lang=en](http://www.ohr.int/?page_id=1139&lang=en)> (2016, January, 27).

<sup>2</sup> Knaus, G., Martin, F. (2003). Travails of the European Raj. *Journal of Democracy*, 14, 3, 64.

Upon the resignation of Paddy Ashdown from the HR position, German politician and diplomat Christian Schwarz-Schilling became his successor. His period in office was characterized by considerable diminishing of the OHR political influence in Bosnia. Contrary to Ashdown, whose constant use of the Bonn powers was widely criticized, Schwarz-Schilling tried to maximally reduce his activities and bring down the number of interventions into Bosnia's internal politics. This approach appeared to be flawed. Positive momentum in the reform domain was lost exactly after the substitution of Ashdown with Schwarz-Schilling. The OHR eventually lost its executive powers and permanently lost its high status. Bosnian political leaders returned to protection of their interests and nationalistic rhetoric has since then dominated the political discourse.

In June 2007 Schwarz-Schilling gave up the HR position in favor of the current foreign minister of Slovakia Myroslav Lajcak. In spite of the fact that the OHR powers underwent no de-jure reductions, de-facto it no longer had any levers to influence the real-life situation in Bosnia. Bonn powers were also no more legitimate, first and foremost, because the politicians of Republika Srpska refused to further recognize them. In 2007 in the face of the Police reform crisis Myroslav Lajcak attempted to fully restore his powers by exerting pressure on Serbs. By one of his decrees he tried to limit the ability of entities to obstruct the work of the Council of Ministers and Parliamentary Assembly. In response to these hostile actions president of RS Milorad Dodik completely blocked up the work of the Council of Ministers by withdrawing Serbian representatives from the government. International community had nothing to do but to look for a compromise. This virtually demonstrated to Bosnian political powers that the era of the OHR supremacy was over<sup>1</sup>.

The face-off between the HR and Dodik ended up with the adoption by the National Assembly of Republika Srpska of the declaration advocating for the return of all powers (as of 1995 and later) transferred from RS to the central state government. The list of the powers in question included 68 points embracing such spheres as customs duties, judiciary, foreign trade and others<sup>2</sup>. Newly appointed HR Valentin Inzko, who had right from the start adopted harsh position against the Serbian obstructionism, abolished the declaration of the RS National Assembly by means of using Bonn Powers<sup>3</sup>. The conflict continued till 2010 elections, when it came to nothing. Nonetheless, since then there were no instances of the Bonn Powers use. Their usage if compared to the beginning of 2000-s has become far more counterproductive.

Sharpening of interethnic nationalism during political crises, constant threats from RS to hold referendum on secession etc. indicate the lack of will among the Bosnian politicians from both entities to seek political compromise. In these conditions and given the absence of real power with the OHR, it is very important for international community to make it clear for politicians inclined towards nationalism and separatism that the main priority of internationals in BiH is to maintain the country integral and stable.

At the end of 2000-s the idea of closing the OHR spread among principal international players in BiH. It was proposed not just to close the Office but to pass its authority to the so-called "reinforced" EU Special Representative (EUSR), which, nonetheless, wasn't supposed to have the full power of the OHR. Supporters of the suggestion to transform OHR into strengthened EUSR motivate this step by the necessity to bring an end to prolonged political crises which have been plaguing Bosnia for almost a decade already. In their opinion it is important to give into hands of national leaders of Bosnia full responsibility for the future of their country as this would teach them to come to terms with each other and thus reforms would be implemented faster. It happened in many cases that politicians in Bosnia fully relied on the OHR and at the same time boycotted his decisions if they were against the interests of their party. The other argument in favor of the OHR closure is that it had de-facto lost its legitimacy and therefore became ineffective<sup>4</sup>. Whereas the Bonn powers have basically become non-applicable, existence of the High Representative yet having a right to use them serves as a source of political contentions and instability.

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<sup>1</sup> Bosnia's incomplete transition: between Dayton and Europe (2009). *International Crisis Group. Europe Report*, 198, 13.

<sup>2</sup> Belloni, R. (2009). Bosnia: Dayton is Dead! Long Live Dayton! *Nationalism and Ethnic Papers*, 15, 3-4, 367.

<sup>3</sup> Decision Repealing the Conclusions of the Republika Srpska National Assembly No. 01-787/09 and No. 01-788/09 adopted on 14 May 2009. *Office of the High Representative*. <<http://www.ohr.int/?p=64587&print=pdf>> (2016, January, 27).

<sup>4</sup> Bosnia's incomplete transition: between Dayton and Europe (2009). *International Crisis Group. Europe Report* 198, 15.

Closure of the OHR was first officially announced at the meeting of the PIC Steering Board in 2006, at that time it was planned to end up the HR's mission in Bosnia in 2007. Consequently, the date of closure was postponed two times and after that, the very approach to this issue was changed cardinally. Instead of setting deadlines for the termination of the OHR, it was decided to make it conditional upon fulfillment of a number of requirements<sup>1</sup>. Therefore in 2008 the so-called "5+2" agenda was introduced. Its essence is that the OHR will not be closed until the political leadership of Bosnia reaches five objectives and fulfills two conditions. Five objectives include an adoption of a series of laws tailored to guarantee the rule of law and fiscal sustainability, as well as to resolve disputes over the district of Brcko and over the distribution of state property and defence property. Two conditions are: signing of the Stabilization and Association Agreement and "a positive assessment of the situation in BiH by the PIC Steering Board based on full compliance with the Dayton Peace Agreement"<sup>2</sup>.

Till now the "5+2" agenda has not been fulfilled. Protracted political turmoil, which followed the 2010 elections, social unrest of 2014 and stillborn elections of the same year, failing to bring about fresh ideas and new faces, are all indicative of the chronic problems in BiH and they all distracted attention of local politicians from the OHR issue. In these circumstances, the OHR has not been closed due to the lack of political will. The other explanation considers not simply the unwillingness to get rid of the OHR because of the difficulty of "5+2" fulfillment, but the latent intent to preserve it. To the date, it stays clear that the sides are not yet politically mature enough to be fully accountable for the situation in their country. Domestic leaders got used to the situation in which there was always an international power, which could be counted on as the one to carry the responsibility at critical points. "...the 'autocratic' OHR has likely played an important stability-enhancing role since Dayton as, with the assistance of the Bonn powers, it has been able to remove contentious decisions from the hands of domestic political actors"<sup>3</sup>.

Assessments of the OHR profile and its activities during the last 15 years are very ambivalent. Supporters of its closure, among other motives, point out undemocratic nature of this institution. Inherent despotism of the methods exercised by the former High Representatives did not promote democracy in the country, while their radicalism pushed Bosnian political powers towards nationalism as a primary mean of protection of their national interests. Thus, the Bonn powers overuse eventually worked in favor of radical politicians, who gained their political weight through opposition to the HR<sup>4</sup>. It was possible to ignore negative effects till mid. 2000-s as the OHR was all but only really effective tool of transformation of Bosnia. But nowadays the OHR effectiveness stays low and hence there are no more reasons to preserve it. That is why it is often considered that its closure will be helpful for lowering the conflict potential.

The OHR protectors usually call it one of few factors bringing stability to BiH. Despite its growing ineffectiveness and illegitimacy the OHR is still an element of interethnic deterrence as it represents an international presence<sup>5</sup>. At the same time, the HR should not be synonymous to the EU representative as he reports directly to the UN Security Council and PIC, which encompasses all the parties concerned with the future of Bosnia. This way, it is important to preserve the OHR (or other international institution endowed with the same powers) as a symbol of international community's concern over the situation in BiH. The Bonn Powers, though not applied on a daily basis any more, are still potent of guaranteeing security and stability.

### Conclusion

Thus, in our opinion international players should, first of all, pay their attention to the effectiveness of their mission in Bosnia, instead of making efforts to curtail it at any price. If the existing tool (i.e. OHR) has exhausted its constructive potential, it must be replaced or gradually transformed. However, the basic principles of the Dayton Accords must not be abandoned until the state system based upon them is reformed – until it becomes sustainable and effective. Downsizing of international presence and substitution

<sup>1</sup> Policy analysis. The Myth about the Closure of OHR. *Foreign Policy Initiative BH* <[http://www.vpi.ba/upload/documents/eng/The\\_Myth\\_about\\_the\\_Closure\\_of\\_OHR.pdf](http://www.vpi.ba/upload/documents/eng/The_Myth_about_the_Closure_of_OHR.pdf)> (2016, January, 27).

<sup>2</sup> The "5+2" Agenda. *Office of the High Representative* <[http://www.ohr.int/?page\\_id=1318&lang=en](http://www.ohr.int/?page_id=1318&lang=en)> (2016, January, 27).

<sup>3</sup> Domm, R. (2011) Next steps on Bosnia–Herzegovina: key elements to a revised EU strategy. *Southeast European and Black Sea Studies*, 11, 1, 58

<sup>4</sup> Juncos, A. (2012). Member state-building versus peacebuilding: the contradictions of EU state-building in Bosnia and Herzegovina. *East European Politics*, 28, 1, 69.

<sup>5</sup> Policy analysis. The Myth about the Closure of OHR. *Foreign Policy Initiative BH* <[http://www.vpi.ba/upload/documents/eng/The\\_Myth\\_about\\_the\\_Closure\\_of\\_OHR.pdf](http://www.vpi.ba/upload/documents/eng/The_Myth_about_the_Closure_of_OHR.pdf)> (2016, January, 27).

of the OHR with the reinforced EUSR under the conditions of instability and overarching ambiguity is a premature and ill-considered step.

The shape, which the new international institute or modified OHR will take in future does not have primary importance. The greatest concern of international community currently is to preserve its presence in the country. At the present stage it is definitely preferable to refrain from outright and nondemocratic interventions. Any forceful imposition of legislature and decisions may lead to discrediting of the strengthened EUSR or any other alternative institution – just the way it happened to the OHR. At the same time there must exist an instrument for situations of emergency, although the list these situation must be strictly limited.

To the date, regardless of the outcomes of the dispute over the OHR closure or transformation, there have been virtually no progress achieved in this domain. Objectives and conditions put forth in the “5+2” agenda have been almost completely ignored by the Bosnian political powers. Amid achievements we can recall only a formal signing of the SAA (hasn’t yet come into force) with the EU in 2008 and separation of the EUSR from the OHR and the former’s transformation into a separate institution, as of 2011. Meanwhile the PIC continues at each of its meetings to ascertain absence of progress with objectives and conditions of “5+2”, and calling unto the authorities of Bosnia to take measures necessary for resolving of the outstanding issues.

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