

Modelling States from Brussels? A Critical Assessment of the EU-Driven Statebuilding of Bosnia and Herzegovina

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Abstract

Scholars agree that more than ten years of highly intrusive international presence have turned Bosnia and Herzegovina into a complex laboratory of western policies and values, which so far have been moulded by an inextricable net of both International Organizations and NGOs. Approaching the work undertaken in Bosnia by foreign agencies—from the first manoeuvres for the implementation of the Dayton Peace Accords up to date—this paper reconstructs the trajectories of sovereignty determined by the international, now mostly EU-driven, statebuilding experience. References to the literatures on sovereignty and statebuilding will be traced back to the Bosnian context and to the stabilization mechanisms designed by the International Community. The core aim of the paper is to show that the process of “ownership” in BiH has passed from the International Community (namely, the UN) to the EU without a decisive involvement of the Bosnian constituent people.

The paper develops into two sections. The first one addresses the question: what approach to sovereignty is functional to justify massive interventions of statebuilding? An answer is provided through a multidisciplinary approach, with reference to the most relevant theoretical elaborations on both the external and domestic aspects of state sovereignty, which have been so far developed by both jurists and IR scholars. The contemporary discourse on the international elements of sovereignty allows framing the key legal features of externally-driven statebuilding. The analysis of the domestic characteristics instead helps to unfold the normative nuances of the recent attempts to present state sovereignty as a capacity and as an internationally shared responsibility. The second section presents a critical analysis of the emerging Bosnian political environment and addresses the question: who is actually sovereign in Bosnia today? The paper concludes with some brief policy indications.

Keywords: Bosnia and Herzegovina, EU prospect of membership, post-conflict stabilization, promotion of good domestic governance, sovereignty, statebuilding.

"We cannot allow BiH to fail, because to do so would open up ethnic fault lines and expose the whole region to de-stabilisation. [...] Can BiH ever be a proper country? The answer is equally clear".

Christopher Patten, former EU External Relations Commissioner¹

Introduction²

Since the tenth anniversary of the Dayton Peace Accords (DPA) the case of Bosnia and Herzegovina (BiH) has attracted renewed attention, from both scholars and practitioners. Precisely, the concern for the fate of this young and troubled state waiting at Europe's doorstep has grown for a combination of two factors. On the one hand, observers have developed new attention for Bosnia because of the surrounding geopolitical environment: in recent times, the season of "territorial re-adjustments" in the Western Balkans has been indeed re-opened. Croatia has been speeding up all its efforts to join Slovenia in the EU club; Montenegro has eventually formalised its secession from Serbia and equally taken the path that leads to Brussels; and most crucial, rumours from the UN offices in Vienna and New York indicate that a decision on the status of Kosovo could be issued soon, now that Ahtisaari has delivered his report and the EU decided to commit more directly to resolve the impasse (at the same time, rumours from Serbia induce to believe that the plans for a possible transition towards full independence or for an extensive autonomy of Kosovo will not be accepted so smoothly).³ And as a high-ranked Bosnian diplomat has stressed "sometimes, even little seismic activities around Belgrade, are a prelude for greater earthquakes in Bosnia. That is normal in the Balkans".⁴

On the other hand, the growing interest for the destiny of BiH is closely connected to a general trend that is currently characterizing the whole

¹ Christopher Patten, *The Western Balkans: The Road to Europe. Speech to German Bundestag* (Berlin: "European Affairs Committee" of the German Bundestag - doc. SPEECH/04/209, 2004).

² I am particularly indebted to Prof. Laura Zanotti (Virginia Polytechnic Institute) for her comments on earlier drafts of this paper. Of course, all of the remaining shortcomings and mistakes are my responsibility.

³ Among other worrying signs, the referendum launched at the end of 2006 represents an explicit message that Belgrade has tried to send to the international community. On the effects of the referendum, see Anes Alic, "Serb Constitution May Delay Kosovo Status," *ISN Security Watch*, November 10, 2006. Online, available at <http://www.isn.ethz.ch/> [last accessed July 30, 2007].

⁴ Interview with the author, December 2004.

international arena. Numerous intra-state upheavals are threatening the stability of governments and, consequently, entire regions of the world. Weak or undemocratic governments and the increased number of failing states have provided a fertile ground for the expansion of complex and well-organised international terrorist networks; actually, other than being considered font of terrorism, state-failure has been recognised as source of many other destabilizing phenomena. As an inevitable consequence, the subject of internationally-driven statebuilding is again at stake in both the academic and the diplomatic world.

In the eyes of David Chandler, statebuilding seems actually to be "increasingly becoming the dominant framework for international regulation of non-Western states".⁵ In spite of this supposed operational centrality, Western countries and relevant multilateral fora still face many uncertainties when international initiatives aiming to export democratic institutions and good governance practices are on the negotiation table. The creation of a state apparatus under intense foreign assistance/surveillance opens up a series of complex grey-areas that need careful consideration. Nonetheless, most current concerns can be summed up with a grand question, which no Western government or international organization involved in statebuilding can evade: how can we effectively sow the seeds for stable and democratic institutions in crisis areas? Providing an answer to such a dilemma implies the analysis of a great variety of technical aspects, strategic nuances, and political considerations, which would be difficult to unfold in a few lines. In very broad terms however, one could say that the present conditions in Afghanistan, Iraq, Somalia, Sierra Leone, and more recently Lebanon (unfortunately the list could be much longer)⁶ have unavoidably re-opened the debate on both the operational modalities and the theoretical pillars upon which foreign intervention in weak, collapsed, or

⁵ David Chandler, "International State-Building: Beyond Conditionality, Beyond Sovereignty" (paper presented at the Royal Institute for International Relations (IRRI-KIIB), Brussels, 2005), 2.

⁶ For instance, Ivory Coast has been defined as "a designed weak/failed state and a prime candidate for statebuilding in the years to come". Christopher J. Bickerton, "States without Souls: Contradictions of State-Building in the 21st Century" (paper presented at the SAID Workshop, Oxford, 2005), 15.

failing states should be planned and implemented. At the intersection between these two points of discussion, BiH represents a unique source for concrete data and lessons-learned.⁷

The project launched in Dayton and its first years of implementation have already been identified as a crucial experiment. Both practitioners and scholars agree that if an ideal "learning curve" of the International Community on statebuilding could be drawn, this would inevitably have its starting point in "the comprehensive institutionalisation and proportionalisation of ethnicity in Bosnia".⁸ For over twelve years, the UN, the OSCE, NATO, and the EU (as well as an impressive number of western-based international NGOs) have indeed committed an extraordinary amount of human and material resources, achieving unexpected successes but registering also striking failures. A commentator has appropriately stressed that Western governmental organizations have turned the Balkans into a "laboratory for European policies, transatlantic solidarity and Western values".⁹ So far, Bosnia has surely been the most crucial "room" of such a laboratory, or better, "a template for new experiments in international administration and external assistance in state reconstruction and post-conflict reconciliation".¹⁰ Yet, its fluid democratic stability remains still far from being accomplished. Obviously, stability is a vague term, which can be "exploited", politicised, and unfolded in many ways. This study develops from the idea that post-conflict stability in a country that has gone through civil war, ethnic cleansing, and even clear cases of

⁷ Many scholars have been looking at Bosnia trying to collect useful hints that could apply to other cases of statebuilding. Among others, see David Chandler, "Imposing the 'Rule of Law': The Lessons of BiH for Peacebuilding in Iraq," *International Peacekeeping* 11, No. 2 (2004), Marcus Cox, *State Building and Post-Conflict Reconstruction: Lessons from Bosnia* (Geneva: Centre for Applied Studies in International Negotiations, 2001), Jeremy King, *Building Peace in Bosnia: Lessons Learned in Disarmament, Demobilization, Reintegration and Civilian Police Capacity—Building* (2001), Kaoru Okuizumi, "Peacebuilding Mission: Lessons from the UN Mission in Bosnia and Herzegovina," *Human Rights Quarterly* 24 (2002), Marc Weller, and Stefan Wolff, "Bosnia and Herzegovina Ten Years after Dayton: Lessons for Internationalized State Building," *Ethnopolitics* 5, No. 1 (2006).

⁸ Wim van Meurs, "Incongruities of State and Nation Building, Regional Stabilisation and European Integration" (paper presented at the Third Balkan Forum Conference "Rethinking the Balkans", Berlin, 2004), 6.

⁹ Federico Eichberg, "The Balkans at the Mirror: Missing and Matching Deadlines," *CeMiSS Quarterly*, No. 2 (2004). My translation.

¹⁰ David Chandler, "Introduction: Peace without Politics?," *International Peacekeeping* 12, No. 3 (2005): 308.

genocide cannot be achieved until there is a reorganization of sovereign powers among domestic political authorities that: first, allows fluid interactions between well-functioning multi-ethnic institutions; and, second, provides incentives for substantial participation and responsiveness of the national society as a whole. The specific bottom-up element of this understanding of post-conflict normalization, which surely does not hide its normative edifice, could be reformulated in more synthetic terms by quoting directly from Wolfgang Petritsch. The former High Representative (HR) to BiH has indeed declared:

[o]nly once all citizens—and I stress *citizens, not peoples, or ethnic groups, or collective bodies*—only once all individuals can accept and *respect* the state of Bosnia and Herzegovina as a reality, then and only then the project of statebuilding will have succeeded.¹¹

Moving from such a background, the main concern of this paper is to show that the process of “ownership” in Bosnia has actually passed from the International Community to the EU without a decisive involvement of the Bosnian people. The analysis is developed into two sections. The first addresses the question: what approach to sovereignty is functional to justify a massive intervention of statebuilding? Since “where sovereignty is located is [still] an open question”,¹² the major issues concerning both the external and the domestic aspects of state sovereignty will be explored with an ambition of multidisciplinary. The international elements—as elaborated by both jurists and IR scholars—will allow understanding the legal features of externally-driven statebuilding. Among others, references to the idea of “verticalization” of the International Community and emergence of a “world polity” will be provided. The domestic characteristic of sovereignty will instead be explored by referring to the attempts of presenting

¹¹ Wolfgang Petritsch, ““My” Lessons Learnt in Bosnia and Herzegovina” (paper presented at the 9th International Conference of the Balkan Political Club “Bosnia and Herzegovina: Crossing from Dayton’s to Brussels Phase and the Role of the International Community”, Sarajevo, 2006), 6, emphasis added.

¹² John Boli, “Sovereignty from a World Polity Perspective,” in *Problematic Sovereignty: Contested Rules and Political Possibilities*, ed. Stephen D. Krasner (New York: Columbia University Press, 2001), 54.

state sovereignty as a capacity and thus as an internationally shared responsibility.

Through a very interesting investigation, Charles-Philippe David has decomposed both the DPA and the post-Dayton international intervention in Bosnia, emphasising how there has been a continuous mixing of constructivist guidelines for democratic transition with realist-oriented strategies; these latter were supposedly applied to the specific initiatives for the maintenance of all hard aspects of security.¹³ Accepting the validity of David's claims, this paper nevertheless claims that, particularly at this stage of the statebuilding effort in BiH, it would be interesting to broaden the academic debate by considering also approaches that move beyond the traditional fracture-lines produced by realism, liberal institutionalism, and constructivism. For this reason, the first section is concluded by briefly presenting Foucault's lesson on governmentality, power, and politics. Presenting these ideas will allow launching a critical analysis of the emerging Bosnian political environment. Such investigation will be conducted in the second section by focusing on the question: who is actually "sovereign" in Bosnia today? The analysis of the activities of the High Representative (HR)—that since a few years has been simultaneously serving as EU Special Representative (EUSR)—will show how ten years of considerable external technocratic interference have seriously hindered the development of a genuine autochthon political environment, something that should instead be the core aim of internationally driven statebuilding. As Susan Woodward puts it, "the essence of sovereignty [should] be *domestic legitimacy*, not international decision".¹⁴

1. What sovereignty is functional to intervention?

¹³ Charles-Philippe David, "Alice in Wonderland Meets Frankenstein: Constructivism, Realism and Peacebuilding in Bosnia," *Contemporary Security Policy* 22, No. 1 (2001).

¹⁴ Susan L. Woodward, "Compromised Sovereignty to Create Sovereignty," in *Problematic Sovereignty: Contested Rules and Political Possibilities*, ed. Stephen D. Krasner (New York: Columbia University Press, 2001), 253, emphasis added.

In purely legal terms, BiH represents a different case from both Kosovo and East Timor. Formally, Sarajevo has not been given the features of a formal protectorate of the International Community as those instead established with resolutions 1244 and 1272 of the UN Security Council (UNSC).¹⁵ However, as it has been polemically emphasised by Knaus and Martin, "in BiH, outsiders actually *set* that agenda, *impose* it, and *punish with sanctions* those who refuse to implement it".¹⁶ Is this sustainable in the long term for the stabilization of Bosnia as a safe, functional, peaceful, prosperous, and cooperative multiethnic state? Sticking to the line drawn by Knaus and Martin the answer might be relatively easy: until the Western intervention/interference in BiH continues to resemble the behaviour of an "imperial power over its colonial possessions",¹⁷ the risks that the Bosnian statebuilding experiment fails remain unchallenged. In mere operative terms, it is surely positive that the international statebuilding effort in BiH has been put on the way of, so to say, "rationalization". The system of interlocking international institutions—which unfortunately have too often worked as "inter-blocking"—is eventually at dusk. Today, the keys of the Bosnian future are mostly in the hands of the EU. This actually allows two types of considerations. In a first place, it seems inevitable that the rehabilitation of BiH will only be considered as concluded if Sarajevo smoothly integrates in the EU. Yet, Brussels has already become a sort of *magnetic centre*¹⁸ that keeps the weak central organization of the Bosnian state together: the prospect of European

¹⁵ The United Nations has established two formal international administrations in Kosovo and East Timor, respectively through the adoption of resolutions 1244 and 1272. See UNSC, *Resolution 1244. On the Situation Relating to Kosovo* (New York: 10 Jun 1999). <http://daccess-ods.un.org/TMP/5321889.html>, UNSC, *Resolution 1272. On the Situation in East Timor* (New York: 25 Oct 1999).

<http://ods-dds-ny.un.org/doc/UNDOC/GEN/N99/312/77/PDF/N9931277.pdf?OpenElement>.

¹⁶ Gerald Knaus, and Felix Martin, "The Travail of the European Raj," *Journal of Democracy* 14, No. 3 (2003): 61, emphasis in the original.

¹⁷ Ibid.: 62.

¹⁸ Delivering a speech on the Europe Day, the Chairman of the Bosnian Council of Ministers emphasised: "When Jean Monnet and Robert Schuman, on 9 May 1950, suggested unifying the industries of steel and coal of the Western Europe countries, they could not know that, by doing that, they would create a community, which would have a "magnet" effect on other "old continent" countries". Adnan Terzic, *Speech by the Chairman of the BiH Council of Ministers Delivered on the Occasion of 9 May, the „Europe Day"* (Sarajevo: Bosnia and Herzegovina Council of Ministers, Directorate for European Integration, 2006).

integration apparently has so far bridled the numerous centripetal forces that characterise the Bosnian political environment. Scholars and practitioners have widely acknowledged that there has been a clear switch from the post-Dayton phase towards a so defined "era of Brussels". In a second place, it should be properly acknowledged that it is not only the mere European perspective of integration that is making the Bosnian state work. Since 2002, the EU is indeed concretely and deeply involved in the most crucial aspects of the Bosnian statebuilding process. After ten years of NATO-led missions (IFOR and later SFOR), the Bosnian military security is now almost exclusively due to Mission Althea (EUFOR);¹⁹ the European Union Police Mission (EUPM) has undertaken since almost five years the task of creating a truly multi-ethnic police force (this duty was previously handled by the UN mission); and finally, as already remarked in the introduction, the EUSR in Sarajevo is now simultaneously serving also as head of the Office of the High Representative (OHR).

If it is still early to evaluate the performances of the growing European presence on the Bosnian field, it is nevertheless possible to state that while pushing Sarajevo from the era of Dayton to the one of European integration, EU institutions should rethink strategy, modalities of intervention, and even aims. Paradoxically, this process of rethinking practical means of intervention and concrete goals can be done only by re-opening a very broad and theoretical debate: who should actually be sovereign? Sovereignty has indeed internal and international aspects. Internationally, it might be sufficient to say that "sovereignty has been and remains the cornerstone of an entire, evolving system of diplomatic practices, conferring international status and enabling states to interact and cooperate on the basis of agreed methods and common

¹⁹ In spite of the presence of Mission Althea, which was launched as the first large-scale ESDP Mission, the United States maintains its military base in Tuzla, while NATO keeps a small backup force in Sarajevo. The residual NATO personnel holds responsibilities in the area of defence reform, counter-terrorism, information sharing with the EU, and investigations against suspected war criminals. For further details on the handover between NATO and the EU, see Federico Eichberg, and Giulio Venneri, *Italy's near Abroad: The Adriatic Sea, the Aegean Sea, the Black Sea and the Danube River. Perception and Perspectives from a Geopolitical Region. A Bosnia-Herzegovina Point of View* (Rome: Centro Militare di Studi Strategici, CEMISS, 2004), 27-34.

understandings".²⁰ But internally the discourse might result more complicated. Excerpting again some considerations from Boli, it is necessary to distinguish between *the polity*, which consists in a "social unit constituted by a body politic", and the state itself, which is instead "the structure by which central authority is organised within that unit".²¹ To have a stable state, one might say, it would be necessary to have the individuals constituting the national body recognizing the legitimacy and respect, in principle, the activities of the governing authority. In an external statebuilding effort, international institutions are responsible for this "process of identification" (which in Bosnia has been dramatically arduous for the multiethnic nature of the Bosnian national population). Hence, external actors working at the reconstruction of a post-conflict society cannot avoid distinguishing between the polity and the state; neither can they escape the crucial question on whether it is the people that are the location of supreme authority, the parliaments or, more generically, the central government. Different answers would inevitably produce different evaluations on statebuilding initiatives, and provide different suggestions for future interventions of this type undertaken under the UN umbrella, or under the auspices of a regional organization. No European officer would probably claim that the people are not the ultimate location of sovereignty; nevertheless, the superficial work that sometimes has been made with regards to democratization and reconciliation shows how an idea that is normally taken for granted is sometimes dangerously marginalised.

1.1 International aspects of sovereignty

"Supreme authority within a territory". Many scholars have no doubts that such a simple but effective expression perfectly describes the system of sovereign states

²⁰ Thomas C. Heller, and Abraham D. Sofaer, "Sovereignty. The Practitioners' Perspective," in *Problematic Sovereignty: Contested Rules and Political Possibilities*, ed. Stephen D. Krasner (New York: Columbia University Press, 2001), 30.

²¹ John Boli, "Sovereignty from a World Polity Perspective," *Ibid.*, ed. Stephen D. Krasner, 54. This distinction resembles the proposal, largely agreed among jurists, to distinguish the state as a *community* from the state as an *organization*. On this distinction, see Benedetto Conforti, *Diritto Internazionale*, VI ed. (Napoli: Editoriale Scientifica, 2002).

that emerged in Europe after 1648²² and that has been surviving with marginal changes for almost four hundred years. The system emerged in the mid Seventeenth Century resembles a structure composed of relatively large territorial units internally organised under a central sovereign authority. This definition encompasses three distinctive elements, which are equally important to identify sovereignty: authority, supremacy, and territoriality. The one who is sovereign has inherently the right to exercise authority, and he is as well the one that in a hypothetical chain of authority is placed at the very top (*superiorem non recognoscent*). At this point, territoriality completes this tripartite framework, as it defines "the set of people over whom the holder of sovereignty rules".²³ As Chopra and Weiss stressed, "while authority like sovereignty, is an abstraction, its concrete forms consists of territorial boundaries".²⁴

The practice of four centuries has proved that this view of sovereignty remains valid when one considers the "international" or, so to say, the external aspect of states' sovereignty. States (at least on a metatheoretical level) are all equal because they are all sovereign entities.²⁵ However, if some jurists believe that the weaknesses and the permeability of nation states are not chronic (and thus sovereignty remains an independent variable), others have started to claim

²² A widely shared conventional view depicts the 1648 Peace of Westphalia as the origin of the modern system of sovereign states. However, it is worth noticing that some trustworthy scholars have strongly contested this idea. Among others, Stephen Krasner has tried to prove that the treaties of Münster and Osnabrück were actually "less consistent with modern notions of sovereignty" than the precedent Augsburg Peace of 1555. Stephen D. Krasner, "Westphalia and All That," in *Ideas and Foreign Policy*, ed. J. Goldstein, and R. Keohane (Ithaca, NY: Cornell University Press, 1993), 244. An interesting debate on the matter has also taken place between Charles Tilly and Joseph Strayer. The latter had indeed claimed that most of the preconditions that would have allowed the sovereign state to emerge after Westphalia as the dominant form of political organization were already traceable back to the history of the fourteenth century. Tilly counter argues that alternative forms of political organization—as the Papal state, trans-boundaries commercial federations, as well as feudal structure—were not so bounded to fail as it might seems from a superficial analysis. For further details, see Charles Tilly, ed., *The Formation of National States in Western Europe* (Princeton, NJ: Princeton University Press, 1975), 25-31.

²³ David L. Sills, ed., *International Encyclopaedia of Social Sciences*, vol. 18 (New York: Free Press, 1979), 80.

²⁴ Jarat Chopra, and Thomas G. Weiss, "Sovereignty is no Longer Sacrosanct: Codifying Humanitarian Intervention," *Ethics & International Affairs* 6 (1992): 102.

²⁵ Art. 2.1 of the UN Charter (signed in San Francisco on the 26th of June 1945) clearly stresses that "the Organization is based on the principle of the sovereign equality of all its Members". See UN, *Charter of the United Nations and Statute of the International Court of Justice* (New York: UN Department of Public Information, reprint, 2005), emphasis added.

that the International Community would instead be changing drastically, and not only marginally, since an ineluctable erosion of state sovereignty is taking place. According to the supporters of the latter theoretical strand, the praxis of most governments, as well as of most influential international organizations, would be sufficient to demonstrate that a process of inevitable *verticalization* of the International Community has started since the end of World War II. Even if not fully implemented, the provision adopted by the San Francisco Conference would have sowed the seeds for—paraphrasing Philpott—a “revolution in sovereignty”²⁶ in the near future. Such *verticalization* would be inevitably changing the life and most interactions at international level. This process should culminate in the integration between the “organised” International Community and the “material” community of nation states.²⁷ Stealing from the jargon of constitutional law, this could be seen as a slow convergence between the “living” and the “formal” constitution of the international society, which would be integrating each other precisely at the expenses of certain pillars of states’ sovereignty.

Scholars who acknowledge this phenomenon as being inexorable have emphasised several evidences to support their theory. Firstly, they tend to identify the UNSC, the General Assembly, and the International Court of Justice as the three key *community agents*, which would have developed certain powers even beyond the formal limits of the UN Statute, thus improving means of *shared governance* that dismantle most of the pillars on which the traditional notion of sovereignty stands. Secondly, they underline that the concept of *domestic jurisdiction* as formalised in the UN Charter²⁸ has been drastically eroded, given the rise of some specific principles and needs that “belong” to the International Community as a whole; among others, these include human right protection,²⁹

²⁶ Daniel Philpott, *Revolutions in Sovereignty. How Ideas Shaped Modern International Relations* (Princeton, NJ: Princeton University Press, 2001).

²⁷ See Giuliana Ziccardi Capaldo, “The Law of the Global Community: An Integrated System to Enforce “Public” International Law,” in *The Global Community - Yearbook of International Law and Jurisprudence* (New York: Oceana Publications, Inc. / Dobbs Ferry).

²⁸ According to the letter of art 2.7 of the San Francisco Charter, the United Nations cannot “intervene in any matters which are essentially within the *domestic jurisdiction* of any state”. See *Charter of the United Nations*, 6.

²⁹ See Conforti, *Diritto Internazionale*.

defence of people's right to self-determination, and the eradication of the use of force in international relations.³⁰ This series of norms would encompass obligations *erga omnes*, which coincide with common interests of the International Community and that states and International Organizations would be legitimated to protect with any mean, acting *uti universi*, and thus going beyond the traditional limits of states' sovereignty and the defensive walls of the *domestic jurisdiction*. The verticalization of the International Community or—as Boli puts it with a more sociological jargon—the “intensification of the world polity”,³¹ are very fascinating concepts, widely used to analyze cases like BiH or Kosovo, in which international agencies are literally “babying” communities that lack stable self-governing structures. Nonetheless, these discourses do not tell us what means of statebuilding should be concretely put at work on the field; moreover, they might even seem to contrast with the idea that a foreign intervention should actually aim at “strengthening sovereignty rather than undermining it”.³²

1.2 The idea of domestic sovereignty as a capacity

Sovereignty has been defined as “a vague formula, with shifting components and uses, arrived at over centuries of experience, and reflecting the complex situation in which nations currently function in the world order”.³³ In spite of its apparently vague character, in recent times, most scholars working on the definition of new modalities for external intervention in failing states have identified the need to rethink sovereignty as an inevitable starting point. Such a trend has to be traced

³⁰ Art. 2.4 of the UN Charter specifies that “all Members [of the UN] shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state”. This expression formally breaks the connection between sovereignty and effectiveness, which previously was a pillar of classic international law. The elimination of this connection has been slow but ineluctable; actually, it might be traced back to the early thirties and the American decision to launch the “Stimson Doctrine” against the illegitimate Japanese occupation of Manchuria. Today, the consolidation of a territorial occupation obtained with the use of force is no longer seen as producing legitimacy. In situations like the one in Golan Heights, for instance, the military presence does not produce full sovereignty, thus effectiveness turns to be a merely “informative” principle.

³¹ Boli, “Sovereignty from a World Polity Perspective,” 63-64.

³² Chandler, “International State-Building: Beyond Conditionality, Beyond Sovereignty”, 2.

³³ Heller, “Sovereignty. The Practitioners' Perspective,” 24.

back to the dramatic crises that spread in every continent in the early 1990s, which then stimulated the debate on humanitarian intervention and, consequently, paved the way for further attacks against the *domaine réservé*.³⁴

Holzgrefe defines humanitarian intervention as

the threat or the use of force by a state (or group of states) aimed at preventing or ending widespread and grave violations of the fundamental human rights of individuals other than its own citizens, without the permission of the state within whose territory force is applied.³⁵

If the debate on humanitarian intervention remained mostly confined within the boundaries of international law, the emergence of the concept of *sovereignty as responsibility* can be truly identified as a watershed, which induced scholars from different disciplines to rethink even their most basic assumptions regarding the interactions at international level. It is this normative innovation that would allow practitioners to surmount the rigid and static scheme that, at least on a formal basis, has been respected for decades. According to the novel formulation, the exercise of national sovereignty should be recognised as "a privilege" that governments enjoy; a concession that is dependent on the fulfilment of a set of responsibilities. This view allows emphasizing simultaneously the international and the domestic accountability of national governments. In the eyes of Etzioni, with this re-characterization of sovereignty, nations would have become less and less "free agents, [as] they will increasingly be treated as members of one community".³⁶

³⁴ On humanitarian intervention, see Mario Bettati, *Le Droit d'Ingérence. Mutation de l'Ordre International* (Paris: Éditions Odile Jacob, 1996), Chopra, "Sovereignty is no Longer Sacrosanct: Codifying Humanitarian Intervention.", Gene M. Lyons, and Michael Mastanduno, ed., *Beyond Westphalia? State Sovereignty and International Intervention* (Baltimore: The John Hopkins University Press, 1995). For more recent analyses, see Mohammed Ayoob, "Humanitarian Intervention and State Sovereignty," *The International Journal of Human Rights* 6, No. 1 (2002), Jens Bastian, "Humanitarian Intervention: Ethics and Legal Aspects," *Southeast European and Black Sea Studies* 5, No. 1 (2005), Alex J. Bellamy, "Humanitarian Intervention and the Three Traditions," *Global Society* 17, No. 1 (2003), J. L. Holzgrefe, and Robert O. Keohane, ed., *Humanitarian Intervention. Ethical, Legal, and Political Dilemmas* (Cambridge: Cambridge University Press, 2003).

³⁵ Holzgrefe, ed., *Humanitarian Intervention. Ethical, Legal, and Political Dilemmas*, 18.

³⁶ Amitai Etzioni, "Sovereignty as Responsibility," *Orbis* Winter (2006): 83.

The discourse on *sovereignty as responsibility* was originally inaugurated by Francis M. Deng *et al.*, who focused on the various issues related to conflict management and peacekeeping undertaken under the auspices of the International Community in several African states. In the opinion of Deng and its co-editors

[t]he locus of responsibility for promoting citizens' welfare and liberty, for organizing cooperation and managing conflict, when not exercised by the society itself, remains within the state. Until a replacement is found, *the notion of sovereignty must be put to work* and reaffirmed to meet challenges of the times in accordance with accepted standards of human dignity.³⁷

Paraphrasing Deng *et al.* we might now ask: how can sovereignty be eventually "put to work"? In 2001 an International Commission on Intervention and State Sovereignty (ICISS) promoted by the Canadian government, unfolded Deng's farsighted claims. In its final report, the ICISS indeed argued that

[t]hinking of sovereignty as responsibility, in a way that is being increasingly recognized in state practice, has a threefold significance. First, it implies that the state authorities are responsible for the functions of protecting the safety and lives of citizens and promotion of their welfare. Secondly, it suggests that the national political authorities are responsible to the citizens internally and to the international community through the UN. And thirdly, it means that the agents of state are responsible for their actions; that is to say, they are accountable for their acts of commission and omission. The case for thinking of sovereignty in these terms is strengthened by the ever-increasing impact of international human rights norms, and the increasing impact in international discourse of the concept of human security.³⁸

How did other scholars react to these clarifications? Offering classifications or generalizations is often a useless exercise. Nevertheless, as soon as the principle of *sovereignty as responsibility* has gained worldwide visibility two contrasting

³⁷ Francis M. Deng, Sadikiel Kimaro, Terrence Lyon [et al.], ed., *Sovereignty as Responsibility: Conflict Management in Africa* (Washington, DC: Brookings Institution, 1996), xi, emphasis added.

³⁸ ICISS, *The Responsibility to Protect. Report of the International Commission on Intervention and State Sovereignty* (Ottawa: International Development Research Centre, 2001), 13. Online, available at <http://www.iciss.ca/pdf/Commission-Report.pdf> [last accessed July 30, 2007].

visions of international relations emerged: a libertarian/neoconservative position has been opposed by a communitarian/idealistic view. Advocates of the former approach to international affairs emphasise that, other than the *responsibility to protect*, intending *sovereignty as a capacity* would also allow recognizing an ideal *duty to prevent*, which would justify initiatives by single states or group of states aiming to prevent any possible sources of insecurity from threatening the international environment. In a clear opposition, supporters of the latter idea have argued in favour of strong external involvement in failing or collapsed states only in cases in which manifest humanitarian emergencies occur. Providing arguments for the neo-communitarian view, but also trying to stretch some of its claims, Etzioni has stressed that "when a state acts irresponsibly, some international body will rule that the state has defaulted on its responsibilities and thus call for *corrective international intervention* by an international or regional body".³⁹

With a more pragmatic focus, Stephen Krasner has emphasised the importance to operationalize the distinction between international legal sovereignty, Westphalian/Vattelien sovereignty, and domestic sovereignty. Krasner's core concern has been that there are many cases in which "domestic sovereignty has faltered too badly [in spite] states still enjoy internationally legal, and sometimes even Westphalian/Vattelien, sovereignty".⁴⁰ On this basis, Krasner openly argues against the inadequacy of transitional administrations and programmes of governance assistance—the two policy instruments mostly utilised by the regional organizations and "coalitions of the willings" under the legitimizing umbrella of UNSC resolutions; hence, he proposes to broaden the menu of policy instruments for international action in failed/failing states by formalizing two new mechanisms: *de facto* trusteeships and partnerships. This latter option implies the reorganization of core domestic authorities of

³⁹ Etzioni, "Sovereignty as Responsibility," 82, emphasis added. For further details, see Amitai Etzioni, *From Empire to Community: a New Approach to International Relations* (New York: Palgrave Macmillan, 2004).

⁴⁰ Stephen D. Krasner, "Sharing Sovereignty New Institutions for Collapsed and Failing States," *International Security* 29, No. 2 (2004): 88.

weak/failed states on the basis of “shared sovereignty” formulas.⁴¹ If libertarian/neoconservative scholars and neo-communitarian academics are trying to stretch the vision of *sovereignty as responsibility* in two opposite directions, it is equally true that they both agree on most of the normative innovations introduced by the new understanding of sovereignty.⁴² However, in very recent times, some scholars have taken a step back and started to elaborate a certain criticism precisely on the theoretical pillars of the *sovereignty as responsibility* edifice. Cunliffe has for instance warned that “subordinating the supremacy of state sovereignty to the higher authority of the international community undermines the project of making power more accountable, and restrains the exercise of political agency in international politics”.⁴³ A more articulated critique, equally focused on the problem of accountability, has also been proposed by Chandler, according to whom the centrality of statebuilding in the international political debate perfectly serves the rationale of an *Empire in Denial*. Chandler’s reflections on sovereignty turn into a critical assessment of contemporary statebuilding initiatives. Moving from Laïdi’s ideas—according to which power in the post-ideological era is exercised with the purpose of escaping responsibility and accountability—Chandler assesses that contemporary statebuilding projects

are driven less by the desire to extend and enforce Western power than they are by the desire to deny it ... The new international institutional focus on the non-Western state ... is driven by western elites’ desire to avoid political responsibility for their relationships with large areas of the world.⁴⁴

⁴¹ See Ibid.: 105-17.

⁴² It should not be disregarded that the idea of sovereignty as an internationally shared responsibility has been widely encompassed also in the work of the UN. Following the 2005 Millennium Summit, the new normative understanding of sovereignty has been routinely referred to in most UN documents on statebuilding and peacekeeping. See UN, “Resolution 60/1 Adopted by the General Assembly: 2005 World Summit Outcome,” September 16, 2005.

⁴³ Philip Cunliffe, “Sovereignty and the Politics of Responsibility,” in *Politics without Sovereignty: a Critique of Contemporary International Relations*, ed. Christopher J. Bickerton, Philip Cunliffe, and Alexander Gourevitch (New York: UCL Press, 2007), 40.

⁴⁴ David Chandler, *Empire in Denial. The Politics of State Building* (London: Pluto, 2006), 18, 30.

The blame on the elites from the developed world is clear: “[r]ather than grasping the opportunities to reshape positively a new international order in the wake of Cold War division—Chandler continues—Western states and international institutions would appear to be *embarrassed by their power and influence*”.⁴⁵

Having explored some of the most crucial points of discussion related to the theoretical features underpinning the *sovereignty as responsibility* idea, it might be appropriate to ask: what has actually happened in the Bosnian field? Maintaining the jargon proposed in the previous pages, we might say that the International Community has been able to rehabilitate Bosnian international legal sovereignty by legitimately suspending its Westphalian/Vattelien sovereignty.⁴⁶ Nonetheless, after ten years of highly-intrusive statebuilding, a lot remains to be done to truly sow the seeds for fluid and democratic domestic sovereign relations. A clear example of lacks of achievements can be found by looking at the effectiveness of the various human right regimes imposed by the international community in the Bosnian constitutional arrangement. Domestic sovereignty is normally defined as an attribute of national political institutions; these would have to “ensure a society that is peaceful, protect human rights” but they would also develop “consultative mechanism, and honours a rule of law based on a shared understanding of justice”.⁴⁷ Formally, the DPA ensured to all Bosnians the “highest level of internationally recognised human rights and fundamental freedom”.⁴⁸ Annexes 4 and 6 have indeed incorporated 16 human rights treaties in Bosnian law; unfortunately, the Bosnian central authorities seem still dramatically weak and unable to truly enforce those treaties without a

⁴⁵ Ibid., 73, emphasis added.

⁴⁶ Rather than defining the intrusiveness of the International Community in BiH as something that “suspended” domestic sovereignty, a more drastic view would allow talking of sovereignty on “stand-by”. The analysis of the institutional inheritance of 1992 and the pre-war experience is central to prove that the implementation of the DPA was a case of so to say “starting-from-scratch” statebuilding. This view would leave unaltered the validity of the considerations on the so-called “passive state” that encompassed all the technocratic bureaucracy developed in BiH during the communist experience. See “The cult of the expert and the passive state,” in European Stability Initiative, *Governance and Democracy in Bosnia and Herzegovina. Post-Industrial Society and the Authoritarian Temptation* (Berlin, Brussels, Sarajevo: 2004), 2-4. Online, available at <http://www.esiweb.org> [last accessed July 30, 2007].

⁴⁷ Krasner, “Sharing Sovereignty New Institutions for Collapsed and Failing States,” 88.

⁴⁸ David Chandler, *Bosnia. Faking Democracy after Dayton*, 2 ed. (London: Pluto Press, 2000), 92.

resolute foreign guidance. For instance, even if apparently there has been domestic consensus for the creation of a Bosnian unified authority for the return of displaced people, the newly launched institution has been literally bridled by different types of boycotts.

1.3 Governmentality, politics, and power in the eyes of Foucault

In one of his most recent work, Francis Fukuyama has pointed out that “while we know a lot about statebuilding, there is a great deal we don’t know, particularly about how to transfer strong institutions to developing countries”. According to the American scholar, “well-functioning public institutions require certain habits of mind and operate in complex ways that resist being moved”.⁴⁹ Such a picture suggests that the procedures, the practices, and the modalities designed to build institutions (that constitute the operational dimension of the discourse on statebuilding) deserve renewed consideration. Scholars have stressed that “for critical, post-structuralist and normative theorists of international relations and international security, the political sphere is the problem to be addressed, not the sphere where solutions are to be found”.⁵⁰ In spite of this warning, this paragraph will collect some concrete suggestions on how to re-think statebuilding by exploring Foucault’s ideas on governmentality, power, and politics. This is primarily intended to be a, so to say, “semantic exercise”. Foucault’s ideas would bridge between the highly theoretical nuances of sovereignty previously discussed and the critical analysis of the emerging Bosnian political environment, which will be presented in section two.

Dealing with the work of the French philosopher, Lemke has x-rayed the idea of governmentality and used it to criticise neo-liberalism. More specifically, by examining this invention based on “the semantic linking of governing and ...mentalité”,⁵¹ Lemke identified two keys features. Firstly, Foucault used

⁴⁹ Francis Fukuyama, *State Building. Governance and World Order in the Twenty-First Century*, 2nd ed. (London: Profile Books, 2004).

⁵⁰ Chandler, “Introduction: Peace without Politics?,” 313.

⁵¹ Thomas Lemke, “Foucault, Governmentality, and Critique” (paper presented at the Rethinking Marxism Conference, University of Amherst (MA), 2000), 2.

governmentality to push the analysis of power beyond its juridical dimension. Governmentality gives indeed a clear methodological indication: "it is not possible to study the technologies of power without an analysis of the political rationality underpinning them".⁵² Foucault clarified that the Hobbesian-juridical theory of sovereignty aimed at "draw[ing] the line between the power of the prince and any other form of power, because its task is to explain and justify this essential discontinuity between them".⁵³ Secondly, one of the most important characteristic of governmentality is that it sheds sharp light on "the integral link between micro- and macro-political levels".⁵⁴ As Lemke stressed, the strategy of taking as focal point the macro-aspects of the state might be reversed to develop a more useful approach that starts from investigating *the microphysics of power*. In spite of their highly theoretical focus, the two methodological indications emerging from Foucault's lectures on governmentality could be both very useful if applied to a state like BiH, which is dramatically "under construction" and produces *microphysics of power* that cannot be disregarded. In BiH, central authorities are weak and hindered by both the *de facto* ethnical partition of the state and the *de jure* repartition of responsibilities between Sarajevo, the governments of the entities, and two asymmetric local institutional arrangements.⁵⁵

To understand the Bosnian reality, and thus intervene to mould its institutions, it might also be appropriate to follow another suggestion emerging from Foucault's production: in particular, the idea of interpreting politics as "the continuation of war by other means".⁵⁶ This advice leads to a view of the modern state as a space in which power coincides—as Neal emphasised in his analysis of the Foucauldian philosophy—with "a multiplicity of force relations ... in a perpetual

⁵² Ibid.

⁵³ Michel Foucault, "Governmentality," in *The Foucault Effect. Studies on Governmentality*, ed. Burchell [et al.] (Chicago, IL: The University of Chicago Press, 1991), 91.

⁵⁴ Lemke, "Foucault, Governmentality, and Critique", 13.

⁵⁵ For a detailed analysis of the institutions, the procedures and the balances designed at Dayton for the Bosnian state, see Giovanni Ridinò, "Per Capire la Bosnia," *Rivista Militare* 5 (2001): 125-32.

⁵⁶ Michel Foucault, *"Society Must Be Defended": Lectures at the College de France, 1975-1976* (New York: Picador, 2003), 48.

underlying war".⁵⁷ Quoting again from Neal, Foucault's lesson is that "instead of considering modern political spaces and institutions as the victory of order, rationality, progress, and liberty over war, anarchy and religious premodern strife, these modern achievements merely mask a continuing substratum of war that underlies all established political structures".⁵⁸ Such a hint should be taken more into consideration, particularly today that the statebuilding effort in Bosnia could be re-orientated, under EU guidance, towards higher aims. In BiH—as well as in other states of the Western Balkans—the statebuilding project has produced a complex situation: "elites and constituencies throughout the region increasingly share a European orientation, but indigenous political and structural constraints tend to run counter to European priorities and conditionalities".⁵⁹ This shows that while the EU works on "the strenuous project of functional stabilisation",⁶⁰ micro-types of relations and socio-political reconciliation remain dangerously ignored. For instance, international state-builders cannot avoid dealing directly with the fact that "the fear of becoming a minority in someone else's nation-state was exactly what was (and still is) motivating each community fight, from Croatia to Macedonia".⁶¹

Having explored Foucault's approach to governmentality and power, it is now possible to move to the more general idea of politics that emerges from the production of the French philosopher. Foucault stressed that "the finality of government resides in the things it manages and in the pursuit of the perfection and intensification of the processes which it directs".⁶² The analysis of the interference of the HR in the Bosnian political life will show how the key external actor dominating the Bosnian political scene has been instead guilty for using too often practices that were not functional to long-term stabilization, precisely

⁵⁷ Andrew W. Neal, "Cutting Off the King's Head: Foucault's Society Must Be Defended and the Problem of Sovereignty," *Alternatives* 29 (2004): 375.

⁵⁸ *Ibid.*, 380.

⁵⁹ van Meurs, "Incongruities of State and Nation Building, Regional Stabilisation and European Integration", 5.

⁶⁰ *Ibid.*, 6.

⁶¹ Susan Woodward, "Resolving the Security Dilemma in Bosnia and Hercegovina: Regional and Local Tasks After Dayton;" as quoted in David, "Alice in Wonderland Meets Frankenstein: Constructivism, Realism and Peacebuilding in Bosnia," 14.

⁶² Foucault, "Governmentality," 95.

because they were hindered under the burden of short-term necessities and thus, they were not truly oriented towards the processes they aimed at directing in the long-term run.

The international (now EU-lead) statebuilding effort in BiH seems to respect the traditional view of both sovereignty and power. The Bosnian stabilization process is attempted by contrasting the un-bundling of sovereignty originated by the DPA. The problem with this approach is that it tries to build a state starting just from the very top of it and privileging interaction just with certain bureaucratic elites. While the work with the "bottom" is left to NGOs and only sometimes, in the best case scenario, to the OSCE, the dialogue with political elites is not properly structured. This "random" division of labour is source of inevitable tensions between the bottom of the state (and the micro-conflicts underpinning it) and the very top of it; the two dimensions are indeed approached in absence of a coherent planning. Moreover, there is another critique that could be moved against EU policy planners. Skimming through the EU official documentation on BiH, and interviewing both officers from the EU Commission and Council as well as diplomats from the member-states permanent representations in Brussels, it seems that the only shared thought on BiH is that a recollection of sovereign prerogatives from the entities to the central government would be somehow fundamental for the definitive normalization of BiH. But is a stronger central government truly necessary/possible for the institutional stabilization of BiH? Moreover, to what degree sovereignty can be transferred from the Entities? While these dilemmas remain mostly unanswered, a crucial suggestion for the EU might be launched: today, Brussels should probably let BiH walk more with its own feet. This would inevitably let the Bosnian environment show all the tensions, the contrasts, and the power relations of the post-Dayton era, only knowing which, the EU will be able to better organise its statebuilding effort, its aid policies and, eventually, organise a true process of reconciliation that ends up with the adoption of a new constitution.

2. What sovereignty is functional to stability? A critical analysis of the emerging Bosnian political environment

The main empirical aim of this paper is to show that process of “ownership” in Bosnia has passed from the International Community to the EU without both a decisive involvement of the Bosnian constituent people and the implementation of proper reconciliation strategies at political and societal level. With a quite pessimistic opinion on these matters, Susan Woodward has emphasised that actually

the only force in favour of Bosnia as a whole is the international community. While that does not mean that there are no domestic constituents of a sovereign Bosnia, the way in which this international operation is taking place gives free rein to those who are opposed. It appears to provide no sanctuary or platform for those who are committed to Bosnia.⁶³

The following pages address three sets of problems that might have so far undermined the emergence of both a political class and a national base that could be truly, paraphrasing Woodward, “committed to Bosnia”; these problems coincide with the residual discontents of the DPA, the negative impact that the protracted technical intrusiveness of the HR has produced, the dangers of weak democratization, and the absence of a clear strategy for reconciliation.

2.1 Dayton between criticism and appreciation

Dayton’s flexibility has been very important as it has allowed lots of changes and developments in BiH. Most scholars refer to it as “the most impressive example of conflict resolution” of the post-Cold War era.⁶⁴ Wolfgang Petritsch has argued that the framework created by the DPA has efficiently allowed the International Community to move “from statebuilding via institution and capacity-building to identity building”, and also to put Bosnia “on the road to Brussels”.⁶⁵ Even assuming that all this is true, evaluating the successes of this complex and

⁶³ Woodward, “Compromised Sovereignty to Create Sovereignty,” 258, emphasis added.

⁶⁴ David, “Alice in Wonderland Meets Frankenstein: Constructivism, Realism and Peacebuilding in Bosnia,” 8.

⁶⁵ Petritsch, ““My” Lessons Learnt in Bosnia and Herzegovina”, 7.

ambitious settlement requires weighting separately the achievements related to short-term objectives from all long-term—most of the time, unintended—consequences produced by the implementation of the normalization project.

When the terms of the agreement were agreed upon, the immediate purpose was to freeze military confrontation and prevent at all costs a rebound of the dramatic hostilities. With a formula lying in an ideal mid-way stop between Clausewitz and Foucault, an observer stressed that the DPA and its very first implementation phases were indeed “the continuation of the conflict by other means”.⁶⁶ Its architecture was also defined as a “construction of necessity”,⁶⁷ which proved of being useful throughout the first aftermath of the end of the civil war. However, other than allowing the International Community to bring peace to BiH, the agreement has showed two negative aspects, which still today impact the difficult democratization process of the country. Firstly, as stressed by Chandler, the DPA “has enabled international actors, *unaccountable to the people of BiH*, to shape and reshape the agenda of post-war transition”.⁶⁸ Secondly, the treaty has left each ethnic group with several (dangerous) points of discontent. Unfolding this latter point we might first stress that, formally, the Serbs always looked at the agreement as to a negative imposition, even though the territorial partition disposed through Dayton was, at least in statistical terms, clearly favourable for them. Dayton indeed awarded 49% of the territory to the Bosnian Serbs and 51% to the Croat/Muslim Federation, while pre-war data clearly show that the Serbs were not more than 31.4% of total population of Bosnia. Not happy for the favourable territorial redistribution, Serb elites based in the RS have also firmly protested against the decision to put the city of Brcko under the administrative umbrella of the Bosnian Federation. This urban district, perceived of clear strategic importance from both sides, remained in Serb hands from the end of the hostilities until 1999; then, an international arbitration called for its

⁶⁶ David, “Alice in Wonderland Meets Frankenstein: Constructivism, Realism and Peacebuilding in Bosnia,” 10.

⁶⁷ Rory Keane, *Reconstituting Sovereignty. Post-Dayton Bosnia Uncovered* (London: Ashgate, 2001), 61.

⁶⁸ David Chandler, “From Dayton to Europe,” *International Peacekeeping* 12, No. 3 (2005): 336, emphasis added.

demilitarization and also attempted to transfer the formal control over Brcko to the FBiH. As far as the Muslim side is concerned, it was clear that the text negotiated in Ohio and signed in Paris was particularly disappointing. Bosniaks found unacceptable that the gross violations of human rights and the ethnic cleansing initiatives committed by Serbs and Bosnian Serbs against the Muslim communities (like in Srebrenica and Prijedor) were totally ignored, as well as the cruel repressions undertaken by the Croats.⁶⁹ The reactions to the recent pronouncement of the Hague Tribunal for the Former-Yugoslavia are a striking proof that the profound scars left by the Srebrenica massacre are still very far from being completely healed.

Going back to the DPA, it should be finally stressed that the peace settlement was unsatisfactory also for the Croats. In the aftermath of the negotiations held in Ohio, their main complaint was related to the Entity status, which was granted only to RS and not to the FBiH. Soon, Croat and Muslim minorities living in RS would have also shared a substantial fear of marginalization; often, Serbs political elites have indeed not refrained from the temptation of increasing their control over the various Entity institutions. The Bosnian constitution incorporated in the DPA lacks indeed any regulation of a cantonal level of governance, hence Muslim and Croat minorities in RS sense a potential threat to their integration in the life of the respective communities. However, the marriage of convenience between Bosniaks and Croats stops here; international observers report that unfortunately, the latter has sometimes worked for the marginalization of Muslims with the same intensity that the Serbs have devoted to such an aim in RS.

2.2 The High Representative and the Bonn Powers

The role of the High Representative and his intrusiveness in the Bosnian political life could be justified referring to those emerging theoretical approaches that

⁶⁹ The Croat army was particularly active against Muslims especially in Central Bosnia. For instance, reports from the cruellest months of war made sadly famous the bloody actions around Vitez, a village not far from the town of Zenica.

present sovereignty as “conditional”, in the widely discussed sense that sovereignty implies a duty to prevent, protect, and rebuilt.⁷⁰ When national authorities are unable to undertake on their responsibilities, they can be legitimately confined by international intervention.⁷¹ However, for how long can international institutions exercise their intrusiveness without creating permanent damages to the autochthon political environment? Schmitt stressed that “sovereign is who decides on the exception”.⁷² Paraphrasing from this well-known statement, we might say that the HR has been, so to say, source of exceptions for years, thus he has been handling a great part of the Bosnian domestic sovereignty. Due to the DPA and the so-called “Bonn-Powers”,⁷³ the HR has affirmed himself as a dominant figure in the Bosnian political firmament. Since his first years in office, he has intervened firmly and repeatedly in the institutional life of the country. In Annex 10 agreed upon at Dayton, the HR was given the responsibility for the sole civilian implementation of the peace settlement, and he was asked to act as a “father figure”.⁷⁴ A few years later, taking his office as HR, Carlos Westendorp openly admitted: “[a]nnex 10 even gives me the possibility to interpret my own authorities and powers”.⁷⁵

Among many others examples, one striking case of the HR’s massive intrusiveness can be found by looking at the defence reform, which was launched in April 2003 through the adoption of a series of measures of deep impact on the pillars of the various Bosnian military structures. In order to reduce the well-known weaknesses of the civilian control over the two entities armed forces and strengthen state-level command and control, the HR opted—with great autonomy and virtually no cooperation of the Bosnian political authorities—for the suppression of the Supreme Defence Council of RS (the HR motivated this

⁷⁰ See par. 1.2

⁷¹ See Etzioni, “Sovereignty as Responsibility.”

⁷² Carl Schmitt, *Political Theology* (Cambridge: MIT Press, 1985).; as quoted in Neal, “Cutting Off the King’s Head: Foucault’s Society Must Be Defended and the Problem of Sovereignty,” 374.

⁷³ At its meeting in Bonn in December 1997, the Peace Implementation Council (PIC) requested the HR: (a) to adopt binding decisions when local parties seem unable or unwilling to act; (b) to remove from office public officials who violate legal commitments or, in general, the DPA.

⁷⁴ Keane, *Reconstituting Sovereignty. Post-Dayton Bosnia Uncovered*, 74.

⁷⁵ Chandler, *Bosnia. Faking Democracy after Dayton*, 52.

decision pointing out the Council's failure to prevent the violation of some UN resolutions in RS) as well as for the adoption of numerous decisions amending articles of the RS Laws on Defence, the Army and the Federation Law on Defence, and even effecting some provisions of the constitutions of both entities. Furthermore, in view of respecting a series of guidelines proposed by the Council of Europe (CoE), the HR intervened meticulously on all military matters for the harmonization of the entities constitutional provisions with the state constitution.⁷⁶

This example allows emphasizing the influence, the intrusiveness, and the powers developed by the HR in the recent years. But what do locals think about this situation? Observers have claimed that most Bosnians share the same criticism against the HR: "unelected [and] with the right to legislate and remove officials without any right to appeal".⁷⁷ This report from RFE/RL can be clearly connected with Chandler's warning on the risks of avoiding accountability, previously discussed. What would not be acceptable by autochthon politicians and intellectuals are the immediate executive effects of the HR's decisions regarding removals or suspensions of civil servants or elected politicians.⁷⁸ These decisions are adopted and implemented regularly, but always without a preliminary hearing of the person accused; furthermore, once they are adopted, they cannot be appealed before any court in BiH, neither internationally, and even if in some cases removals implies a life-ban from holding any public office in the country. But the HR does not just send "inappropriate" officers at home. After the 2002 general elections—then it was still the turn of Lord Ashdown—the HR also decided to submit all candidates proposed by the political parties for major ministerial positions, both at entity and state level, to an *ad hoc* evaluation process, designed from scratch by the international personnel working at the OHR.

⁷⁶ See CoE, *Honouring of Obligations and Commitments by Bosnia and Herzegovina* (Brussels: CoE Parliamentary Assembly - doc.10200, 2004).

⁷⁷ RFE/RL, "Bosnia-Herzegovina: The Dayton Debate Revisited," *Balkan Analytical Report* 8, No. 39 (2004).

⁷⁸ Until mid-2004, during seven years of *Bonn Powers*, the HR has dismissed from office a total of 139 individuals including judges, ministers, civil servants and even elected parliamentarians or mayors both at entity or State level. These firing were all usually accompanied even by decisions to freeze individual bank accounts.

Moreover, it should not be disregarded that Ashdown has often also nominated high-rank officers for key judicial functions, including at state prosecutor level.

This brief list of interferences determined by the HR with his all-embracing activity allows understanding more easily why local politicians have been “upset” since the first implementation of the *Bonn Powers*. Actually, it is worth noticing that in most recent times the main assaults against the practices of the HR have not only come from local elites or NGOs, but even from the Parliamentary Assembly of the CoE. Since BiH has joined the Strasbourg-based club,⁷⁹ the Parliamentary Assembly has moved several complaints against the powers exercised by the HR. The criticism coming from the CoE has mostly concerned the supposed incapacity of the HR to give away responsibilities in favour of Bosnians authorities as rapidly as possible.⁸⁰ Prior to the arrival of Miroslav Lajčák, some encouraging signs induced to believe that the pressures coming from Strasbourg, combined with the growing EU involvement in BiH, were producing some positive effects: slowly, the HR seemed to be little less invasive. The number of laws and reforms directly imposed by the HR, circumventing completely the Bosnian law-making process, had started to be contained. Actually, also the number of dismissed official had sensibly diminished, while many started to be rehabilitated. However, the events of the last months make clear that the apparent decreased intrusiveness was mostly due to the weak personality of Schwartz-Schilling and that, while experiencing an evident “Bosnia fatigue”, the International Community is still lacking an exit strategy.⁸¹

⁷⁹ BiH joined the Council of Europe on April 2002.

⁸⁰ It is interesting that already in 2004 Strasbourg was claiming that “[m]ore than two years after accession to the Council of Europe, the time has come to define a clear strategy for transferring responsibilities from the High Representative to domestic authorities. The question indeed arises as to the extent to which the current role of the HR is compatible with membership of BiH in the Council of Europe. Full ownership is crucial for the country becoming a credible candidate for further integration into European structures”. See CoE, *Honouring of Obligations and Commitments by Bosnia and Herzegovina*.

⁸¹ Some non-governmental organizations and part of the population were surprisingly disappointed when the EU had initially announced its decision to shut down the OHR by June 2007. According to the ISN Security Watch correspondent in Sarajevo a substantial part of the Bosnian population, members of NGOs, and even some Bosnian politicians expressed concerns on the matter and declared that they would prefer the OHR to keep its presence and activities in Bosnia at least “until the EU accepts Bosnia as a member candidate”. Anes Alic, “Bosnia Faces

2.3 Participation and re-emergence of nationalist parties

Turning the attention to the democratization process of BiH some good news can be found. Many progresses in efficiency and practicability have been made since 1997 (it was in that year that Bosnians were allowed to vote for the first time after the signature of the DPA). Surely, the OSCE⁸² and the CoE—also supported by the expertise sent by the UN—have invested lots of energies and resources in this field. However, what matters today is that since October 2002 the Bosnian authorities have been put in the position to organise and run electoral competitions entirely by themselves.⁸³ When this transfer of responsibilities took place, it was welcomed as “a great success for the democratic institutions of Bosnia and Herzegovina”, especially because—as the Ambassadors of the Peace Implementation Council’s Steering Board then commented—the Bosnians “performed that role with commendable competence and professionalism”.⁸⁴ Practically speaking, things went even better at the 2004 Municipal Elections. Actually, these were the very first elections completely organised, run, and even financed by domestic means. The municipality commissions enjoyed a great deal of autonomy, since the OSCE limited its intervention in the pre-electoral phases, asking its expertise to work on increasing citizens’ trust and participation in the elections.⁸⁵

Another, Predictable Poll," *ISN Security Watch*, July 2, 2006: 5. Online, available at <http://www.isn.ethz.ch/news/sw/details.cfm?id=16450> [last accessed July 30, 2007].

⁸² Implementing Annex 3 of the DPA, the OSCE has given a decisive contribution to set the Bosnian voting system up. Given the institutional and structural complexity of the Bosnian context, the rules issued by the expertise sent from Vienna and from the Warsaw-based ODIHR created a quite complicated system. For instance, refugees hold the right to vote in their original communities and maintain their representatives there.

⁸³ As a report of the CoE specified: “[t]he 2002 general elections were the first to be organised mainly by the Bosnians themselves and not directly by OSCE. This was a major development in the so-called ownership process. They were also the first to provide for a 4-year term of office at every level. General elections took place on 5 October 2002. Elections were conducted for the BiH Presidency, BiH House of Representatives, Republika Srpska (RS) Presidency, RS National Assembly, Federation House of Representatives, the 10 Cantonal Assemblies, and Žepče Municipal Assembly”. CoE, *Honouring of Obligations and Commitments by Bosnia and Herzegovina*, 21.

⁸⁴ OHR, “BiH Must Properly Fund Municipal Elections, Sarajevo,” (2003). Online, available at http://www.ohr.int/pic/default.asp?content_id=31054 [last accessed July 30, 2007].

⁸⁵ OSCE, “*Municipal Elections Went Unbelievably Smoothly*”. Interview with Ambassador Douglas Davidson (Sarajevo: OSCE Mission to BiH, 2004).

Did the personnel of the ODIHR succeed in this specific task? Unfortunately people's participation and, more generally people's confidence in the Bosnian political environment remain sources of worrying signs. Observers have warned that "low voter turnout in the country's most recent round of elections ... signals a growing *disillusionment among voters* with the political process, and a growing *popular disgust with political leaders of all stripes*".⁸⁶ It is with this judgement that in 2003 Donais and Pickel introduced their very tough position on the problem of participation in BiH. Actually, if one wants to look for statistics rather than value-statements the picture does not change much. At the 2004 municipal elections there were two millions and few hundred thousands voters registered. Among them, only 45.52% actually went in the electoral cabin to exercise their right. To be precise, this percentage goes tremendously down if only the participation of young people is taken into account. Surveys show that among the million of people that went to vote only 7-10% were between 18 and 30 year old.⁸⁷ The whole International Community hopes that this above trend is going to fade. The recent 2006 general elections have actually registered a rise in participation, which went up to 54.48%.⁸⁸ However, independently from the detailed statistic that will be elaborated on the electoral turnout of the past October, over ten years of very low participation show that something in the outside-in democratization effort has not properly worked. Surely, one might find several disincentives that are not directly connected with the activity of the International Community in BiH. For instance, it cannot be overlooked that elections in post-war BiH are repeated very frequently, thus becoming a routine of which people have probably got tired.⁸⁹ Moreover, according to a local analyst "nobody elected so far has managed to solve any of the problems poisoning

⁸⁶ Timothy Donais, and Andreas Pickel, "The International Engineering of a Multiethnic State in Bosnia: Bound to Fail, yet Likely to Persist" (paper presented at the CPSA Annual Conference, Halifax, NS, 2003), 3, emphasis added. Online, available at <http://www.cpsa-acsp.ca/paper-2003/pickel.pdf> [last accessed July 30, 2007].

⁸⁷ Alic, "Bosnia Faces Another, Predictable Poll," 2.

⁸⁸ See OSCE, "International Election Observation Mission, Bosnia and Herzegovina - General Elections, 1 October 2006. Statement of Preliminary Findings and Conclusions," (2006).

⁸⁹ Tanja Topic, as quoted in Associated Press, *Nationalist in the Led in Bosnia's Municipal Elections* (Sarajevo: 2004).

people's everyday life, and in the eyes of the average citizen, all parties have become the same".⁹⁰

In general, low people's confidence in political parties might have been exasperated by three other factors. Firstly, it cannot be disregarded that politicians have been opportunistically circulating from one party to another: 370 out of 450 top party list leaders have changed their "position", even up to four or five times. Secondly, the presence of young people in the electoral competition is virtually non-existent, since the same old political class has succeeded in preventing young candidates from running in the elections and holding a more active and direct role in the political life of the country.⁹¹ Thirdly, there are no concrete alternatives to the three nationalist parties. Bosnian nationalist parties have so far "managed to remain the central points of reference for the security and political identities of the sections of the population they represent".⁹² All these negative trends seem very contingent and intrinsic to the Bosnian environment; nonetheless, observers continue to claim that international authorities are also responsible for low participation. Among others, Chandler has recently emphasised that basically all the international institutions involved in the reconstruction of the Bosnian state have dangerously "separated statebuilding from politics". In Chandler's view, "there is a tendency to see statebuilding as a technical or administrative process, one which does not require building a popular consensus for policy-making".⁹³ In line with this explanation, Krastev has complained against the tendency—spread among international institutions and Western states in general—of dangerously perceiving democracy "less as a matter of relations between leaders and led than as a set of institutions whose existence and effectiveness can be measured in concrete ways that are

⁹⁰ Ibid.

⁹¹ For further details, see Alic, "Bosnia Faces Another, Predictable Poll," 2.

⁹² Berit Bliesemann de Guevara, "External State-Building in Bosnia and Herzegovina. A Boost for the (Re-) Institutionalisation of the State or a Catalyst for the Establishment of Parallel Structures?" (paper presented at the 7th International Seminar on Democracy and Human Rights in Multiethnic Societies, 2005), 4-5. Online, available at <http://www.kakanien.ac.at/beitr/theorie/BBliesemanndeGuevara2.pdf> [last accessed July 30, 2007].

⁹³ Chandler, "Introduction: Peace without Politics?," 308.

commensurate across cases". For Krastev, such technocratic approach to democracy would be weak for "ignore[ing] the internal logic of politics and the ways in which citizens view their governments".⁹⁴ In more critical terms, Roland Paris has shown serious concerns on the opportunity of using international resources to organise elections in realities that are still not, so to say, ready for democracy. In Paris' eyes, peace-builders should actually refrain from running elections until they have clear evidence that moderate parties enjoy sufficient support "to prevail over immoderate parties at the polls".⁹⁵

Conclusions

The Dayton agreement was designed to promote peace and stability in BiH, and to endorse "regional balance *in and around* the former Republic of Yugoslavia".⁹⁶ The efforts for its implementation have ineluctably shown that—together with the resolution of the delicate impasse in Kosovo—the definitive stabilization of BiH is perceived by the International Community as a key-factor for the normalization of the whole Western Balkans; but also as an achievement that should prevent Western Europe from being too exposed to new security risks. However, in spite of the gigantic amount of human and financial resources deployed in over twelve years of international presence, still today, BiH remains too weak under several aspects. In the introductory section of this essay, its stabilization has been normatively identified with a reorganization of sovereign powers that would allow fluid interactions among efficient and democratic multi-ethnic institutions, and that would provide incentives for substantial participation and *responsiveness* of the national society as a whole. The analysis further developed has instead shown that multi-ethnic institutions remain weak, sometimes minority

⁹⁴ Ivan Krastev, "The Balkans: Democracy without Choices," *Journal of Democracy* 13, No. 3 (2002): 43.

⁹⁵ Roland Paris, *At War's End: Building Peace after Civil Conflict* (Cambridge: Cambridge University Press, 2004), 189-90. As quoted in Chandler, "Introduction: Peace without Politics?," 311.

⁹⁶ Government of the United States of America - Department of State, *The Dayton Peace Accords – General Framework Agreement for Peace in Bosnia and Herzegovina, Dayton/Paris (14 December 1995)* (Washington, DC: US Foreign Affairs Network, 1995), Art. V (Annex 1-B), emphasis added. Online, available at <http://dosfan.lib.uic.edu> [last accessed July 30, 2007].

marginalization in the entities can still take place, and, speaking in functional terms, the asymmetries within the Bosnian fractured state structure remain dangerously unsolved. It is emblematic that after the last general elections, it has taken almost six months to put together a government in the FBiH, while some Cantons are still lacking a political guidance. In the words of a practitioner who serves in Brussels at a permanent mission of an EU member state "2006 has been the year of a dangerous stagnation: while we [Europeans] have pretended to be assisting the Bosnians to reform and improve their state, they have pretended that they were reforming".⁹⁷ In synthesis, BiH still suffers from social, political, as well as technical tensions. In this paper, these series of inefficiencies and dysfunctions have been mostly traced back to the prolonged technical interference of the HR combined with the low will to cooperate—both domestically and internationally—shown by most Bosnian political elites. To complete the picture, light has been shed on the tendency of the Bosnian civil society to show political reactivity and confidence in the autochthon political environment.

Looking at such a complex context, with all its precarious balances, an inevitable question arises: who will save BiH then? BiH still requires drastic reform plans and also, a relatively large amount of external financial resources. As shown, the burden of "babying" the country is now almost entirely in the hands of the EU, which has formally identified BiH as a "potential candidate country".⁹⁸ While steering Sarajevo towards Brussels, the EU should intensify the efforts for the democratization process—obviously in closer coordination with its most relevant partner for this delicate field of intervention, the OSCE—and also create a better link between economic development and political stabilization. Various observers argued that a drastic renewal of the Bosnian political class should be somehow attempted and more incentives to moderate political formations have to be in some way provided. The problem with this narrow view is threefold. Firstly, ambitious (and almost revolutionary) goals like this cannot be achieved with an overnight transition, since there are no magic sticks

⁹⁷ Interview with the author, March 2007.

⁹⁸ For further details, see http://ec.europa.eu/enlargement/index_en.htm

available in the statebuilding toolbox. Secondly, by simply condemning local parties for their nationalist tendencies, observers seem to forget how these parties are actually the expression of political traditions, beliefs, environmental constraints, and social clashes. Furthermore, parties are the product of affiliations that can be difficult to unhinge, especially if they are approached with manoeuvres aiming at short-term goals. Thirdly, a drastic and rapid marginalization of nationalist political actors in BiH would mean a brusque and dangerous alteration of the identification process between constituent people and representative actors—this without being sure that the result will be definitive and substantial.

The idea here proposed is that the Bosnian statebuilding process needs to be readdressed by designing policies that keep into account the complex of all *micro-physics of power* underpinning the Bosnian environment. While doing so, more attention to long-term aims and economic development should be devoted. The construction of a state implies intense work at institutional, elites, and societal level, always with full awareness that giving attention to the latent micro-conflicts and tensions characterizing the bottom of the national stratus is crucial. As far as the specific interactions with local elites are concerned, the EU should define a more conscious and strategic use of its perspective of membership. The idea that the prospect of membership merely implies a *non facere* obligation on the side of Brussels might be wrong, if not dangerous. Other than its concrete commitment “on the ground” with EUPM and Mission Althea, Brussels should exploit more the presence of its EUSR, and also develop more awareness of its volatile, but nevertheless crucial, modes of intervention. Using the prospect of membership with more awareness means turning a vague expression of soft power into a truly-effective moral political authority that could make the Bosnian elites converge and cooperate (autonomously but within a given framework) for more responsible initiatives. As a US general attentively stressed, “only Bosnia itself ... can heal its own wounds”⁹⁹ and, we might add, only Bosnians are entitled

⁹⁹ Gen. Charles Boyd, as quoted in David, “Alice in Wonderland Meets Frankenstein: Constructivism, Realism and Peacebuilding in Bosnia,” 6.

to choose the constitutional arrangement through which Dayton can be overcome. Nonetheless, Europe should make more efforts, for the Bosnians, and for its own future.

List of abbreviations

BiH	Bosnia and Herzegovina
CoE	Council of Europe
DPA	Dayton Peace Accords (signed in Paris, December 14, 1995)
ESDP	European Security and Defence Policy
EU	European Union
EUFOR	European Force (Mission Althea)
EUPM	European Union Police Mission
EUSR	Special Representative of the EU to BiH
ICISS	International Commission on Intervention and State Sovereignty
IFOR	Peace Implementation Force (NATO)
FBiH	Federation of Bosnia and Herzegovina
ODIHR	Office for Democratic Institutions and Human Rights (OSCE)
OSCE	Organization for Security and Cooperation in Europe
PIC	Peace Implementation Council
RFE/RL	Radio Free Europe – Radio Liberty
RS	Republika Srpska
SFOR	Peace Stabilisation Force (NATO)
UNSC	United Nations Security Council

References

- Alic, Anes. "Bosnia Faces Another, Predictable Poll." *ISN Security Watch*, July 2, 2006. Online, available at <http://www.isn.ethz.ch/news/sw/details.cfm?id=16450> [last accessed July 30, 2007]
- . "Serb Constitution May Delay Kosovo Status." *ISN Security Watch*, November 10, 2006. Online, available at <http://www.isn.ethz.ch/> [last accessed July 30, 2007]
- Associated Press. *Nationalist in the Led in Bosnia's Municipal Elections*. Sarajevo, 2004
- Ayoob, Mohammed. "Humanitarian Intervention and State Sovereignty." *The International Journal of Human Rights* 6, No. 1 (2002): 81-102
- Bastian, Jens. "Humanitarian Intervention: Ethics and Legal Aspects." *Southeast European and Black Sea Studies* 5, No. 1 (2005): 145-50
- Bellamy, Alex J. "Humanitarian Intervention and the Three Traditions." *Global Society* 17, No. 1 (2003): 4-20
- Bettati, Mario. *Le Droit d'Ingerérence. Mutation de l'Ordre International*. Paris: Éditions Odile Jacob, 1996
- Bickerton, Christopher J. "States without Souls: Contradictions of State-Building in the 21st Century." Paper presented at the SAID Workshop, Oxford, 2005.
- Bliesemann de Guevara, Berit. "External State-Building in Bosnia and Herzegovina. A Boost for the (Re-) Institutionalisation of the State or a Catalyst for the Establishment of Parallel Structures?" Paper presented at the 7th International Seminar on Democracy and Human Rights in Multiethnic Societies, 2005. Online, available at <http://www.kakanien.ac.at/beitr/theorie/BBliesemanndeGuevara2.pdf> [last accessed July 30, 2007].
- Boli, John. "Sovereignty from a World Polity Perspective." In *Problematic Sovereignty: Contested Rules and Political Possibilities*, edited by Stephen D. Krasner. New York: Columbia University Press, 2001

- Chandler, David. *Bosnia. Faking Democracy after Dayton*. 2 ed. London: Pluto Press, 2000
- . *Empire in Denial. The Politics of State Building*. London: Pluto, 2006
- . "From Dayton to Europe." *International Peacekeeping* 12, No. 3 (2005): 336-49
- . "Imposing the 'Rule of Law': The Lessons of BiH for Peacebuilding in Iraq." *International Peacekeeping* 11, No. 2 (2004): 312-33
- . "International State-Building: Beyond Conditionality, Beyond Sovereignty." Paper presented at the Royal Institute for International Relations (IRRI-KIIB), Brussels, 2005.
- . "Introduction: Peace without Politics?" *International Peacekeeping* 12, No. 3 (2005): 307-21
- Chopra, Jarat, and Thomas G. Weiss. "Sovereignty is no Longer Sacrosanct: Codifying Humanitarian Intervention." *Ethics & International Affairs* 6 (1992): 95-118
- CoE. *Honouring of Obligations and Commitments by Bosnia and Herzegovina*. Brussels: CoE Parliamentary Assembly - doc.10200, 2004
- Conforti, Benedetto. *Diritto Internazionale*. VI ed. Napoli: Editoriale Scientifica, 2002
- Cox, Marcus. *State Building and Post-Conflict Reconstruction: Lessons from Bosnia*. Geneva: Centre for Applied Studies in International Negotiations, 2001
- Cunliffe, Philip. "Sovereignty and the Politics of Responsibility." In *Politics without Sovereignty: a Critique of Contemporary International Relations*, edited by Christopher J. Bickerton, Philip Cunliffe, and Alexander Gourevitch, 39-57. New York: UCL Press, 2007
- David, Charles-Philippe. "Alice in Wonderland Meets Frankenstein: Constructivism, Realism and Peacebuilding in Bosnia." *Contemporary Security Policy* 22, No. 1 (2001): 1-30

- Deng, Francis M., Sadikiel Kimaro, Terrence Lyon [et al.], ed. *Sovereignty as Responsibility: Conflict Management in Africa*. Washington, DC: Brookings Institution, 1996
- Donais, Timothy, and Andreas Pickel. "The International Engineering of a Multiethnic State in Bosnia: Bound to Fail, yet Likely to Persist." Paper presented at the CPSA Annual Conference, Halifax, NS, 2003. Online, available at <http://www.cpsa-acsp.ca/paper-2003/pickel.pdf> [last accessed July 30, 2007].
- Eichberg, Federico. "The Balkans at the Mirror: Missing and Matching Deadlines." *CeMiSS Quarterly*, No. 2 (2004)
- Eichberg, Federico, and Giulio Venneri. *Italy's near Abroad: The Adriatic Sea, the Aegean Sea, the Black Sea and the Danube River. Perception and Perspectives from a Geopolitical Region. A Bosnia-Herzegovina Point of View*. Rome: Centro Militare di Studi Strategici, CEMISS, 2004
- Etzioni, Amitai. *From Empire to Community: a New Approach to International Relations*. New York: Palgrave Macmillan, 2004
- . "Sovereignty as Responsibility." *Orbis* Winter (2006): 71-85
- European Stability Initiative. *Governance and Democracy in Bosnia and Herzegovina. Post-Industrial Society and the Authoritarian Temptation*. Berlin, Brussels, Sarajevo, 2004. Online, available at <http://www.esiweb.org> [last accessed July 30, 2007]
- Foucault, Michel. "Governmentality." In *The Foucault Effect. Studies on Governmentality*, edited by Burchell [et al.], 87-104. Chicago, IL: The University of Chicago Press, 1991
- . *"Society Must Be Defended": Lectures at the College the France, 1975-1976*. New York: Picador, 2003
- Fukuyama, Francis. *State Building. Governance and World Order in the Twenty-First Century*. 2nd ed. London: Profile Books, 2004
- Government of the United States of America - Department of State. *The Dayton Peace Accords – General Framework Agreement for Peace in Bosnia and Herzegovina, Dayton/Paris (14 December 1995)*. Washington, DC: US Foreign Affairs Network, 1995. Online, available at <http://dosfan.lib.uic.edu> [last accessed July 30, 2007]

- Heller, Thomas C., and Abraham D. Sofaer. "Sovereignty. The Practitioners' Perspective." In *Problematic Sovereignty: Contested Rules and Political Possibilities*, edited by Stephen D. Krasner. New York: Columbia University Press, 2001
- Holzgrefe, J. L., and Robert O. Keohane, ed. *Humanitarian Intervention. Ethical, Legal, and Political Dilemmas*. Cambridge: Cambridge University Press, 2003
- ICISS. *The Responsibility to Protect. Report of the International Commission on Intervention and State Sovereignty*. Ottawa: International Development Research Centre, 2001. Online, available at <http://www.iciss.ca/pdf/Commission-Report.pdf> [last accessed July 30, 2007]
- Keane, Rory. *Reconstituting Sovereignty. Post-Dayton Bosnia Uncovered*. London: Ashgate, 2001
- King, Jeremy. *Building Peace in Bosnia: Lessons Learned in Disarmament, Demobilization, Reintegration and Civilian Police Capacity—Building*, 2001
- Knaus, Gerald, and Felix Martin. "The Travail of the European Raj." *Journal of Democracy* 14, No. 3 (2003): 60-74
- Krasner, Stephen D. "Sharing Sovereignty New Institutions for Collapsed and Failing States." *International Security* 29, No. 2 (2004): 85-120
- . "Westphalia and All That." In *Ideas and Foreign Policy*, edited by J. Goldstein, and R. Keohane, 235-64. Ithaca, NY: Cornell University Press, 1993
- Krastev, Ivan. "The Balkans: Democracy without Choices." *Journal of Democracy* 13, No. 3 (2002): 40-53
- Lemke, Thomas. "Foucault, Governmentality, and Critique." Paper presented at the Rethinking Marxism Conference, University of Amherst (MA), 2000.
- Lyons, Gene M., and Michael Mastanduno, ed. *Beyond Westphalia? State Sovereignty and International Intervention*. Baltimore: The John Hopkins University Press, 1995
- Neal, Andrew W. "Cutting Off the King's Head: Foucault's Society Must Be Defended and the Problem of Sovereignty." *Alternatives* 29 (2004): 373-98

OHR. "BiH Must Properly Fund Municipal Elections, Sarajevo." (2003). Online, available at http://www.ohr.int/pic/default.asp?content_id=31054 [last accessed July 30, 2007]

Okuizumi, Kaoru. "Peacebuilding Mission: Lessons from the UN Mission in Bosnia and Herzegovina." *Human Rights Quarterly* 24 (2002): 721-35

OSCE. "International Election Observation Mission, Bosnia and Herzegovina - General Elections, 1 October 2006. Statement of Preliminary Findings and Conclusions." (2006)

———. "*Municipal Elections Went Unbelievably Smoothly*". Interview with Ambassador Douglas Davidson. Sarajevo: OSCE Mission to BiH, 2004

Paris, Roland. *At War's End: Building Peace after Civil Conflict*. Cambridge: Cambridge University Press, 2004

Patten, Christopher. *The Western Balkans: The Road to Europe. Speech to German Bundestag*. Berlin: "European Affairs Committee" of the German Bundestag - doc. SPEECH/04/209, 2004

Petritsch, Wolfgang. "'My' Lessons Learnt in Bosnia and Herzegovina." Paper presented at the 9th International Conference of the Balkan Political Club "Bosnia and Herzegovina: Crossing from Dayton's to Brussels Phase and the Role of the International Community", Sarajevo, 2006.

Philpott, Daniel. *Revolutions in Sovereignty. How Ideas Shaped Modern International Relations*. Princeton, NJ: Princeton University Press, 2001

RFE/RL. "Bosnia-Herzegovina: The Dayton Debate Revisited." *Balkan Analytical Report* 8, No. 39 (2004)

Ridinò, Giovanni. "Per Capire la Bosnia." *Rivista Militare* 5 (2001): 125-36

Schmitt, Carl. *Political Theology*. Cambridge: MIT Press, 1985

Sills, David L., ed. *International Encyclopaedia of Social Sciences*. Vol. 18. New York: Free Press, 1979

Terzic, Adnan. *Speech by the Chairman of the BiH Council of Ministers Delivered on the Occasion of 9 May, the „Europe Day*". Sarajevo: Bosnia and Herzegovina Council of Ministers, Directorate for European Integration, 2006

- Tilly, Charles, ed. *The Formation of National States in Western Europe*. Princeton, NJ: Princeton University Press, 1975
- UN. *Charter of the United Nations and Statute of the International Court of Justice*. New York: UN Department of Public Information, reprint, 2005
- . "Resolution 60/1 Adopted by the General Assembly: 2005 World Summit Outcome." September 16, 2005
- UNSC. *Resolution 1244. On the Situation Relating to Kosovo*. New York, 10 Jun 1999. <http://daccess-ods.un.org/TMP/5321889.html>
- . *Resolution 1272. On the Situation in East Timor*. New York, 25 Oct 1999. <http://ods-dds-ny.un.org/doc/UNDOC/GEN/N99/312/77/PDF/N9931277.pdf?OpenElement>
- van Meurs, Wim. "Incongruities of State and Nation Building, Regional Stabilisation and European Integration." Paper presented at the Third Balkan Forum Conference "Rethinking the Balkans", Berlin, 2004.
- Weller, Marc, and Stefan Wolff. "Bosnia and Herzegovina Ten Years after Dayton: Lessons for Internationalized State Building." *Ethnopolitics* 5, No. 1 (2006): 1-13
- Woodward, Susan L. "Compromised Sovereignty to Create Sovereignty." In *Problematic Sovereignty: Contested Rules and Political Possibilities*, edited by Stephen D. Krasner. New York: Columbia University Press, 2001
- Ziccardi Capaldo, Giuliana. "The Law of the Global Community: An Integrated System to Enforce "Public" International Law." In *The Global Community - Yearbook of International Law and Jurisprudence*, 71-136. New York: Oceana Publications, Inc. / Dobbs Ferry