

TO BUILD A PEACE:
RECOMMENDATIONS FOR THE
MADRID PEACE IMPLEMENTATION
COUNCIL MEETING

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TO BUILD A PEACE: RECOMMENDATIONS FOR THE MADRID PEACE IMPLEMENTATION COUNCIL MEETING

I. INTRODUCTION

Three years after the Dayton Peace Agreement (DPA) ended the war in Bosnia and Herzegovina (Bosnia), the country has many of the trappings usually associated with statehood such as a common flag, currency, vehicle licence plate and passport. However, these and other breakthroughs have generally required disproportionate amounts of time and effort on the part of the international community and have all too often been rammed through in spite of Bosnia's domestic institutions. Despite visible progress towards many of the goals contained within the DPA, therefore, Bosnia's peace still gives the impression that it is built on shifting sands. Moreover, although critical to the peace process, the scale of the international presence, which increasingly resembles a protectorate, is in some ways counter-productive to Bosnia's long-term future. On the one hand, domestic institutions and politicians have to a large extent given up responsibility for governing their own country. On the other, the massive international stake has led key international players to declare the peace process a success, irrespective of how it is actually evolving. The international presence is also extremely expensive, costing some \$9 billion a year.

When Richard Holbrooke, the principal architect of the Bosnian peace, wrote his account of the circumstances and negotiations leading to the DPA, he called it *To End a War*. The war that he wrote about has clearly ended. Now, however, it is time to build a peace, and to achieve that the process has to become self-sustaining. To coincide with the forthcoming Peace Implementation Council (PIC) meeting in Madrid on 15 and 16 December 1998, the International Crisis Group (ICG) presents a series of recommendations aimed at achieving a self-sustaining peace process. The paper examines the background to this year's PIC meeting; it considers priorities for the year ahead; and it proposes measures to boost efficiency and transparency in the international community's operations. Recommendations are indicated in italics.

II. BACKGROUND

Given where the peace process had been in June 1997, the pace of progress since has at times been impressive. The removal of the "Karadzic of Western Republika Srpska" Simo Drljaca -- an indicted war criminal who was killed on 10 July 1997 by the NATO-led Stabilisation Force (SFOR) resisting arrest -- broke the cycle of impunity which had hitherto characterised the wars of Yugoslav disintegration. Moreover, this snatch operation was followed by similarly aggressive military intervention throughout the summer and autumn of 1997, including the take-over of Banja Luka, further arrests of indicted war criminals and the seizure of broadcast towers belonging to Bosnian Serb television. Further, at its Bonn meeting in December 1997, the PIC decided to interpret the authority of the High Representative in a more robust manner in order to advance the peace process, thus enabling him both to impose binding decisions and dismiss public officials.¹

The great obstacle to implementation of the civilian provisions of the DPA in the first 18 months -- which coincided with Carl Bildt's period as High Representative -- was political obstructionism by the various ethnic leaderships. More robust SFOR intervention and a strengthened mandate for Carlos Westendorp, the second High Representative, have gone some way to breaking the impasse. Arrests of indictees, dismissals of obstructionist officials, removals of candidates from political party lists during the election campaign, and media restructuring have certainly had an impact on Bosnian political life. However, after the initial shock, the indigenous power brokers have regrouped and are again finding ways to out-manoeuvre the international community. Moreover, it is already clear that, despite short-term benefits, these measures will not of themselves create a self-sustaining peace process.

Many international officials had hoped that Bosnia's September 1998 elections would herald a sea change in attitudes. That proved naive. Despite some gains for moderates, the nationalist power structures remain largely intact and the logic of Bosnian politics has hardly changed. As a result, the Office of the High Representative (OHR) is progressively being drawn into areas which should, in a functioning political system, be the preserve of local

¹ Annex 10 of the DPA stated that: "The High Representative is the final authority in theatre regarding interpretation of this Agreement on the civilian implementation of the peace settlement." The concluding document of the Bonn PIC meeting (section XI, paragraph 2) stated: "The Council welcomes the High Representative's intention to use his final authority in theatre regarding interpretation of the Agreement on the Civilian Implementation of the Peace Settlement in order to facilitate the resolution of difficulties in making binding decisions, as he judges necessary, on the following issues: ... C) other measures to ensure implementation of the Peace Agreement throughout Bosnia and Herzegovina and its Entities ... Such measures may include actions against persons holding public office or officials who are absent from meetings without good cause or who are found by the High Representative to be in violation of legal commitments made under the Peace Agreement or the terms for its implementation."

government and is virtually micro-managing DPA implementation. Meanwhile, with plans to deploy special envoys in trouble municipalities throughout the country, the High Representative appears increasingly to be behaving like a protector.

The current state of affairs is clearly untenable. The simple measures, such as a uniform licence plate and common flag, which could successfully be imposed, already have been. Any further imposition, in particular of legislation, is potentially dangerous. Foreigners inevitably find it virtually impossible to acquire a sufficient depth of understanding of Bosnia to be confident that their decisions are in the best interests both of the country and its peoples. Worse still, since they tend to spend at most a couple of years in Bosnia and can always leave, they will not have to live with the consequences of their own decisions. In practice, therefore, the OHR does not have the necessary expertise to govern Bosnia.² Nor does it have the mandate. Although many of the High Representative's actions contribute to the impression that Bosnia is a protectorate, *de jure* it is not. Bosnian officials can and do undermine international efforts at every turn. Given their superior understanding of Bosnian conditions and the current political system, they cannot fail to come out on top in the long term.

Recent articles in both international and local press concerning the authority of the High Representative and the operations of the OHR are indicative of widespread anxiety about both the extent and the nature of the international involvement in Bosnia. The challenge is to harness the authority which the High Representative now wields and the economic assistance the international community has at its disposal -- the last tranche of the \$5.1 aid package to Bosnia is scheduled to be spent next year -- in such a way as to create a self-sustaining peace process and thus be in a position gradually to wind down the international presence. This can only be achieved if the fundamental causes of the Bosnian conflict are addressed and, in time, resolved. Given limited resources, it is critical that the international community focus its efforts.

III. PRIORITIES

One thing Bosnia has not been short of since the DPA came into force is action plans. The PIC has agreed a "peace implementation agenda" every six months; the High Representative submits a six-monthly assessment of his mission to the UN Secretary-General; the UN Secretary-General's Special Representative publishes a quarterly report; the World Bank issues several reports a year that chart progress and set targets for the forthcoming period; and the UNHCR and the OHR's Return and Reconstruction Task Force (RRTF) both issue annual action plans on how best to promote returns.

² Linguistic deficiencies alone have led to several embarrassing errors, including wrong case endings on the new Bosnian passport as well as mistakes on the new currency.

However, although these and other documents tend to read well, they generally fail to deal with the reality of limited resources and the absence of political will. All too often they put a fine gloss on what has been done, and state what they expect to do but without clear priorities, with the result that departments and field offices can pick and choose the areas on which to focus.

Other exercises in setting targets appear to be dropped almost as soon as they have been completed, even though they may have consumed a great deal of time. A prime example is the "109 Benchmarks" paper issued by the OHR in September 1998 in response to a request from the Luxembourg PIC meeting. It is a comprehensive three-part document, totalling 80 pages, which includes a tightly-written summary highlighting five "core themes", as well as a compendium of 12 clusters of objectives, multiple lists of achievements and strategies for the way ahead, more than 70 benchmarks, 350 indicators and comments. Yet, three months after its production, it is rarely referenced, even in the OHR.

For the PIC's Madrid document to prove more than but another excessively-long laundry list of unrealistic aspirations, it has clearly to specify both priorities and co-ordination mechanisms for achieving them. Since the major obstacles to peace implementation are invariably political, the priorities must be measures designed to change the logic of Bosnian politics and thus help create a self-sustaining peace. To this end, the key fields of political reform, economic restructuring, refugee return and SFOR strategy are considered below.

A. Political Reform

The undertakings during the past three years which probably consumed most attention and resources with least return have been the five sets of elections.³ These polls cost the international community a combined total of close to \$200 million, yet far from breaking the grip of the nationalist parties over Bosnian society, they have largely served to confer fresh democratic mandates on politicians propounding the ideologies most responsible for the outbreak of war in the first instance. At the same time, the energy expended on elections has shifted the focus of international efforts from issues which might, otherwise, have advanced the peace process. The several months preceding each poll became "no arrest seasons", for fear that arrests of indicted war criminals would jeopardise the vote. Meanwhile, in Republika Srpska, internationally-favoured politicians were allowed to put off difficult measures, such as the passing of new property legislation, so as not to harm their re-election prospects. Worse still, the frenetic focus on conducting

³ To date there have been one municipal poll in Mostar (June 1996), two country-wide, entity and cantonal elections (September 1996 and September 1998), one country-wide municipal poll (September 1997), and one extraordinary election for the Republika Srpska National Assembly (November 1997).

elections has diverted attention from the fundamental need to institute a broad-based debate on electoral reform.

Democratic elections are all too often simplistically put forward in the West as a panacea. It is as if any violence-free vote will produce leaders who are freely chosen even where those leaders control the media, the police, and most voters' jobs and benefits. Here is it worth bearing in mind that both Bosnia and the rest of the former Yugoslavia had already held democratic elections when they fell apart in war. Indeed, their disintegration can, in part, be attributed to the nature of the democracy which emerged. In Bosnia, the 1990 election amounted to a poor ethnic census and as politicians exclusively represented the narrow interests of their own ethnic group and not the entire electorate, Bosnian society polarised and politics degenerated into a "zero-sum" affair. The many further rounds of voting have failed to reverse this trend and the resulting political impasse has created a situation in which most public offices have to be filled simultaneously by three Bosnians (a Serb, Croat and Bosniac).

Bosnia's unfortunate experience of democracy to date may be interpreted in two ways. It may be viewed as proof that Bosniacs, Croats and Serbs cannot live together and that therefore Bosnia should be partitioned into ethnic ghettos. Or, more reasonably, it may be considered the result of a flawed political system. If one accepts the latter argument, the way to get the country on its feet is to reform the political system itself in such a fashion that Bosniacs, Croats and Serbs can live together.

The fundamental flaw in the existing system is that politicians only have to seek support from one ethnic community and that the support of 50 percent of the electorate plus one vote means absolute authority. When, for example, Americans vote for their political representatives, it is never clear which party or candidates they have supported, and, in any case, elected office-holders automatically work on behalf of the entire electorate in the hope that in future polls they will also win the support of voters who did not back them last time around. In Bosnia, by contrast, politicians know by the clearly-distinguishable names of Serbs, Croats and Bosniacs who has not voted for them. Moreover, under the current system they are aware that they will never win the support of members of ethnic communities other than their own.

The current electoral system can be reformed in various ways to ensure that politicians secure support from the entire electorate and thus represent all Bosnians, and not just their own ethnic group.⁴ Yet despite the expressed desire to boost multi-ethnicity in the conclusions to last year's PIC meeting in Bonn,⁵ elections went ahead in September 1998 under the flawed system, with predictable consequences. In effect, 1998 was wasted.

⁴ See ICG paper *Changing the Logic of Bosnian Politics: Discussion Paper on Electoral Reform* of 10 March 1998.

⁵ The Bonn PIC concluded (section VI, paragraph 4): "The Council considers multi-ethnicity a fundamental goal for the consolidation of a stable and democratic Bosnia and Herzegovina. It therefore recognises the need to support the establishment of new multi-ethnic parties and to

A permanent electoral law is currently being drafted by a group of Bosnian and international experts under OHR supervision. To date this group has worked largely in secret. This has to change. The debate over the electoral system goes to the very heart of the Bosnian conflict and must, therefore, be discussed widely throughout the country. Most Bosnians remain unaware of the power of the electoral system and its potential to create a very different political climate and provide ethnic security. Moreover, the political debate must now go beyond the electoral system to examine the very structure of Bosnian society. For the current structure of government, in particular in the Federation, is simply too expensive and cumbersome for Bosnia to function in the absence of a massive international presence, let alone afford.

Given the sensitivity of opening any discussion of Bosnia's political architecture so soon after the end of the war, the debate should, in the first instance, focus on education, including an examination of the very concept of democracy in a divided society. There is no rush. What is important is to find a durable solution which reconciles the legitimate interests of all of Bosnia's peoples within a political framework and to get Bosnians to accept it as their own settlement. Municipal elections, which are scheduled for September 1999, should therefore be postponed until a more appropriate system has been designed. Meanwhile, the town of Brcko, whose status was not defined in the DPA and is subject to binding international arbitration, could be used as a test case for a reformed electoral system with extraordinary elections under a system obliging candidates to seek support from all peoples.

B. Economic Restructuring

When the DPA was signed, \$5.1 billion of international aid was earmarked for Bosnia's economic reconstruction, to be spent over four years. In relation to the country's size and population, both the scale of the aid and the time-frame for its disbursement are without parallel. As a result, Bosnian growth rates have been impressive for the past three years. However, with 1999 scheduled to be the last year in which Bosnia benefits from international largesse, it is increasingly clear that the Bosnian economy requires massive restructuring, if the recovery is to continue and become self-sustaining.

Privatisation may appear to be a panacea. But it is not. There are no economic quick fixes and the transfer of ownership alone does not address the structural deficiencies which currently cripple most Bosnian enterprises. Rapid privatisation in the absence of economic restructuring is potentially extremely damaging and could have long-lasting consequences. It is, for example, pointless to privatise the banking sector without first dismantling the existing payments' system, a process which may take as long as two years.

strengthen the existing ones. It invites the High Representative, the OSCE and the Council of Europe to take due account of this need when reviewing the draft Election Law."

While the framing of laws on privatisation and the financial sector are vital elements in the transition process, it needs to be acknowledged that of themselves these do not amount to a deep restructuring of the economy. In order to limit the development of the type of crony capitalism which has emerged in several other transition countries, it is vital that laws on banking regulation are applied strictly, so as to prevent politically-connected business tycoons from using their connections to abuse banks in their efforts to finance the building of their business empires. Ensuring that banks operate correctly is not just a matter of passing good laws: it is about a culture of professionalism and sound business practices, and ultimately it is about officials, especially in the central bank, having the will to ensure that regulations are adhered to, even if it means standing up to political pressure.

Privatisation needs to be accompanied by real restructuring of enterprises if Bosnia's economic recovery is to be sustainable. This involves more than changing ownership structures; management techniques need to be changed, up-dated and improved; and new investment is required. The consultancy role of the international community needs to go well beyond the privatisation process itself, in order to train and equip Bosnian managers to face the challenges of a market economy. As much as possible, direct, private sector involvement needs to be encouraged. The extension of existing guarantees to potential foreign investors, to counter the perception of Bosnia's high political risk, would thus have great benefits, both in building a healthy economy, and in limiting the development of the type of crony capitalism which has brought such discredit to economic reform elsewhere in Eastern Europe.

Strenuous efforts need to be taken to crack down on criminal elements in the economy. This means, where necessary, arrests and legal proceedings. It means that efforts need to be stepped up to ensure the independence of police and judiciary. It also means undermining the sources of criminal wealth, especially through measures to ensure payment of taxes and customs duties, and to crack down on smuggling. In this regard strong support needs to be given to the EU's Customs and Fiscal Assistance Office to Bosnia (CAFAO), including the provision of security by SFOR, to enable CAFAO and the local authorities to go about their work effectively and without fear.

C. Refugee Return

This time last year 1998 was proclaimed the year of minority returns. In the event, it failed to live up to its billing. In the entire year the office of the UN High Commissioner for Refugees (UNHCR) has registered only 14,515 minority returns to the Federation and 2,004 to Republika Srpska.⁶ Nevertheless, in the course of the past year more efficient structures have been developed to assist the process. The Return and Reconstruction Task

⁶ These figures do not include Brcko.

Force (RRTF), which in contrast to the UNHCR has adopted an aggressive political approach, has become especially critical.⁷

The RRTF plan for 1999 aims to assist the return of 120,000 minorities. While it should be supported, it should also be revised to spell out more clearly how precisely its ambitious targets will be accomplished. As currently drafted, the plan essentially urges the international community to continue what it has been doing, but with more staff, more resources and more co-ordination. It does not, however, make a persuasive case as to why this process should be successful, when efforts this year were so disappointing. In addition, therefore, it needs to explain what steps will be taken to improve RRTF co-ordination and develop new strategies. The RRTF will also need stronger support from the NATO-led Stabilisation Force (SFOR) and the International Police Task Force (IPTF) than hitherto, and will need to engage in more public education, lobbying and use of economic conditionality in order to broker linked returns.⁸

In the absence of fundamental political reform (discussed above), it is difficult to visualise breakthroughs next year. In Sarajevo, fewer than 2,000 minorities returned this year instead of the anticipated 20,000. Very few homes in Sarajevo were freed up for minorities despite passage in April 1998 of property laws consistent with the OHR's guidelines; despite high level pressure and the efforts of at least a dozen international staff; despite a leadership which claims to support the DPA; despite the virtual absence of security concerns; and despite the huge amount of money that has poured into Sarajevo (through direct aid, investment and the expenditure of some 15,000 internationals based in or around Sarajevo). The RRTF plan, even if fully funded, would not mobilise as many staff and resources for areas outside the Bosnian capital than this year were focused on Sarajevo. It is thus questionable whether the RRTF will be able to achieve substantial progress in 1999 in municipalities where there are more serious security concerns, fewer employment opportunities, and generally greater obstruction than in Sarajevo.

Other logistical problems are also likely to bedevil implementation of the RRTF plan. First, it will require several months to recruit and deploy new staff, and then additional months before they understand the dynamics of their regions. Second, it is likely to take several months for the new government in Republika Srpska (once it is formed) to adopt and implement property and citizenship legislation compatible with OHR guidelines, let alone 14 other laws which the UNHCR deems necessary for minority returns. And third, because most large-scale return movements are inter-linked, with returns to one place possible only after temporary occupants move on to their homes elsewhere, returns to most of the Federation will be blocked until returns to Republika Srpska begin.

⁷ See ICG paper *Minority Return or Mass Relocation?* of 14 May 1998.

⁸ See ICG proposal *Minority Return Principles* of 1 December 1998.

D. SFOR Strategy

The shift in US policy towards Bosnia, from a strategy focused on a pre-determined exit date for its armed forces to one linked to “concrete and achievable benchmarks,” clearly gave the peace process a much-needed psychological boost early in 1998. Moreover, the decision to maintain SFOR at its current strength of 30,000 soldiers for the next year prevents the resumption of full-scale hostilities and enables the peace-keepers to become more involved in DPA implementation. Man-power and resources of themselves, however, are insufficient to create the necessary pre-conditions for minority returns. While certain armies in SFOR, in particular the British, have already taken a pro-active role to create a secure environment for minority returnees in their sector, most have so far chosen to stick to an extremely rigid and restricted interpretation of their mandate.⁹ This has to change. *The continued liberty of leading indicted war criminals is a stain on NATO’s copy book which, for the sake of the dignity and self-respect of the alliance, if for no other reason, must finally be addressed.* Despite prophecies of doom, the arrests carried out to date, including most recently that of an active general, have not led to reprisals against the international community or negative repercussions of any sort. If the most powerful military alliance in history is genuinely unable to pick up a handful of indictees in Bosnia, taxpayers must ask themselves why they are funding SFOR’s mission to the tune of \$7 billion a year.

IV. EFFICIENCY IN THE INTERNATIONAL COMMUNITY

When the international civilian mission was launched in Bosnia, it was not envisioned that it would grow to its current size, nor that it would need to stay as long as responsible predictions now suggest. In part, the miscalculation was based on an underestimation of the power of the obstructionists, in part, on the assumption that the key indictees would be arrested early on and their influence neutralised. Whatever the reason, the international community has acquired enormous powers in Bosnia. While they still do not add up to a protectorate, the mission in Bosnia is without doubt the largest international mobilisation of military, civilian and economic resources since the occupation of Germany in the immediate aftermath of the Second World War. It is also expensive. The anticipated budgets for the four largest civilian agencies, the OHR, UN, UNHCR and the Organisation for Security and Co-operation in Europe (OSCE), next year amount to nearly \$350 million, excluding salaries of seconded officials. Moreover, as the international community responds to conflict elsewhere in the region with further large-scale diplomatic missions, the resources available for Bosnia will inevitably diminish. It is therefore now already critical to rationalise the international presence in Bosnia to minimise cost and maximise efficiency. The following section considers the nature of

⁹ See ICG paper *The Western Gate of Central Bosnia: The Politics of Return in Bugojno and Prozor-Rama* of 31 July 1998.

the international deployment, examines problems with the current situation and proposes a radical restructuring of the international community within the country.

A. Nature of International Deployment

Given the nature of the Bosnian war and the entrenched and opposed positions of the various factions, international involvement was always intended to be a fundamental part of the DPA. As a result of a perception of UN failure in Bosnia during the war, whether justified or not, the Contact Group chose not to assign to the UN a leadership role, either in peace-keeping or in civilian implementation. Instead, the UN's role was cut back to the civilian arm of peace-keeping, a task force of unarmed international police (1,700 strong at the start of 1996, now grown to 2,500). The UN's armed peace-keeping mission (UNPROFOR) was turned over to NATO, which led an initial Implementation Force (IFOR) of 60,000, now reduced to 30,000.

The OSCE, which had never deployed a field mission, was tasked with organising and supervising elections, assessing human rights conditions, and monitoring regional disarmament. Initial projections of staffing needs quickly grew from between 25 and 100 internationals in early 1996, to more than 200 today.

A High Representative was appointed to "mobilise and, as appropriate, co-ordinate the activities of the organisations and agencies involved in the civilian aspects of the peace settlement".¹⁰ The High Representative was explicitly not given authority over the military operation. Consistent with initial plans for a small staff, he asked the UN to retain its 50 or so Civil Affairs officers, who had been political advisers to UNPROFOR, so that they could advise his office. However, once the UN decided to keep a significant number of non-uniformed civilians, it also decided it needed a Special Representative to the Secretary-General, with the proliferation of top posts which that appointment entailed. UN Civil Affairs increasingly served the role of keeping the UN in New York informed. The OHR now receives from Civil Affairs only a compressed and sanitised weekly report. The European Community Monitoring Mission (ECMM) retained some 300 of its monitors from the war, who write daily reports on political developments throughout the country. These daily reports are sent to the OHR, but the High Representative has no authority to task the monitors to focus on matters of greatest need. However, as the High Representative acquired additional authority, so his office grew. Today the OHR employs 602 people in Bosnia -- 369 locals and 233 internationals -- which is almost three times as many as when Carl Bildt was High Representative. Moreover, the OHR has a presence in nine different locations across the country,¹¹ not just in Sarajevo.

¹⁰ DPA, Annex 10, Article I, paragraph 2.

¹¹ These locations are Sarajevo, Banja Luka, Brcko, Mostar, Travnik, Tuzla, Drvar, Derventa and Prijedor.

The UNHCR now has about 125 international staff, down from the numbers deployed during the war, and has remained largely independent from both the OHR and the UN. The donor community is also extensive. The World Bank has an in-country staff of some eight internationals. The European Commission is aiming to have 40 internationals employed within Bosnia by the end of the year. And USAID, the third largest donor after the World Bank and the EC, giving annually more than \$240 million in aid, grants and subsidised loans, has fielded, together with its contractors, more than 200 staff. Bilateral donor agencies contribute several dozen more people to the mix.

B. Problems with the Current Situation

The proliferation of organisations with overlapping mandates has led, predictably, to duplication of effort, and more senior officials than would otherwise be necessary. The disproportionate number of top-level people is compounded by the strong interest of both Europe and the US in the mission's success, leading to an excess of diplomatic secondments. Duplication, to some extent, is inevitable. A bigger problem, however, are the gaps, the crucial areas that fail to receive the necessary attention and expertise because the duplication of functions discourages specialisation. Moreover, rapid staff turn-over costs organisations continuity, institutional memory and expertise.

Inevitably, some people working on issues have information gaps that easily could be filled by colleagues in other organisations, if they were aware of the need. For instance, economic issues (which entail corruption, banking, payments systems, privatisation, parallel institutions, agreements with neighbouring countries, business development and foreign investment) are being addressed by the economic and political departments as well as the anti-fraud unit of the OHR, the World Bank, CAFAO, USAID and its several contractors, and various US government units (including the Embassy, the Treasury Department, and the Office of Ambassador Robert Gelbard).

Until recently, dozens of people in at least four organisations (SFOR, OHR, UN and OSCE) monitored the media, made transcriptions and translations, and wrote regular, sometimes daily, media analyses. The organisations would not routinely share information with each other. The greater problem, however, was the gaps: for instance, several times during election campaigns, when the OSCE had powers to punish broadcasts that incited hatred or violence, such broadcasts -- even on stations the OSCE was ostensibly monitoring -- were called to their attention by people (usually Bosnians) outside of any of the monitoring organisations.

Most of the diplomats who hold senior positions arrive in Bosnia with the expectation of staying for only a year (although indeed most have stayed for closer to 18 months to two years). In practice, this means that they arrive without the language or other training they might have if they expected a

longer posting; they require several months in country before they are up to speed; and then before the year is over, they are seen as lame ducks, paying as much attention to getting their next assignment as they do to their current position.

C. International Restructuring

Priorities and action plans will only have an impact if accompanied by an efficient mechanism to implement them. The level of co-ordination necessary to achieve this, however, is much greater than currently exists and requires a clearly defined hierarchy among the inter-governmental organisations or, preferably, the merger of many activities in a single organisation. Since the OHR has the greatest powers within the country, it should, at the very least, be given the authority and responsibility to co-ordinate activities of the other inter-governmental organisations, via tasking; in turn its work should be seen to meet the standards of transparency and accountability that are expected of Western governments. Alternatively, the OHR should rationalise the work of the inter-governmental organisations by expanding its own operations and winding down many of the activities of the UN, OSCE and ECMM.

Given the limited nature of the UN's mandate in Bosnia under the DPA, there is no need for the Secretary-General to have his own Special Representative on the ground. Moreover, it is more important that UN Civil Affairs officers report to the OHR in Sarajevo than that they keep the UN in New York informed of local conditions in Bosnia. Further, if municipal elections are postponed in 1999, the focus of the OSCE's work in Bosnia during the past three years disappears. In such an event, its field presence and human rights monitoring and democratisation activities could be transferred to the OHR. Even if municipal elections do go ahead, the potential conflict in interest between human rights monitoring and democratisation, on the one hand, and organising and supervising elections, on the other, suggest that the former activities would be better located within a different agency. Meanwhile, ECMM, which has been a fish out of water since the war ended, could easily be wound down without anybody noticing its demise. Armed with the combined resources and selected, high-calibre personnel from UN Civil Affairs, OSCE field officers and ECMM, the OHR would have the capacity to establish both a country-wide presence and efficient political reporting and analysis units.

If the OHR is to take on a greater role, it must provide more vision than hitherto, and lines of responsibility and authority within the organisation must also be clarified. Given that the High Representative is in-country on average only two to three days per week, the Principal and Senior Deputy High Representatives should have clearly delineated responsibilities and authorities to direct and co-ordinate the work of the other deputy high representatives and department heads, who in turn should have clearly stated responsibilities and authorities for directing their staffs. The High

Representative and all of his deputies should designate people who can act for them in their absence.

A new approach is required to build continuity, preserve institutional memory and develop expertise. Assignments, especially for senior officials, should be for longer, say between two and four years as with regular foreign service postings. Training programmes, including language instruction, should be institutionalised and briefing booklets prepared for new staff explaining the work of each department and providing a directory of other organisations, with explanations of what they do. New employees should also receive briefing packets tailored to their jobs, including key information about the country, its political structures, political parties, and basic elements of the constitutions and laws.

The OHR should also build an information/analytical unit to act as a data repository and to develop new, well-conceived strategies. A data-base on public officials dismissed by the international community, for example, would prevent such individuals being nominated or appointed to another public office. Otherwise, it is all too easy for the hard-liners of yesterday temporarily to assume the mantle of moderation, once their international interlocutors change. The OHR should also formally institutionalise a system of consultation with some local non-governmental body to review proposed legislation and initiatives and thus avoid potentially embarrassing mistakes.

One of the most visible and intrusive powers exercised by the international community is the power of the High Representative to dismiss public officials from their posts. The granting of the power to dismiss public officials was justified by the extreme measures to which some officials went to obstruct DPA implementation. But the process clearly suffers from being ad hoc, and from not involving Bosnians in the decision-making process. Given that one of the constant themes of the OHR has been to hammer home to Bosnian leaders the need for due process and the rule of law, it may appear hypocritical for the High Representative to exercise so much authority without providing a transparent process. It may indeed be that the cases against those who have been removed to date were airtight, but then, all the more reason to provide a process which allows Bosnians to scrutinise the evidence and participate in the decision-making. If the OHR is to have credibility it must be seen to apply the same rules to its own processes of decision-making as it insists the Bosnians should apply in theirs. One means to achieve this goal is via the creation of a DPA Implementation Council, staffed by Bosnians and internationals, with powers to investigate and sanction along similar lines to the Election Appeals Sub-Commission (EASC).¹²

¹² For a description of the potential workings of a DPA Implementation Council, see ICG paper *Aid and Accountability* of November 1996.