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Failures of Democratization in Bosnia and a Look at Practices of CEE States.

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Abstract

When war broke out in Yugoslavia, the international community had two responsibilities: first to end the violence; second to promote democratic cooperation between the warring nations. To be sure, the first – and most important – responsibility was tenuously fulfilled. However, the second responsibility has had less than prodigious results. This paper seeks to illustrate that the failures of democratization can be found in a long standing belief that the root source of Bosnia's conflict lies in an ancient ethnic hatred, a view held by the Dayton Peace Agreement itself. The intergovernmental organizations were given unrealistic mandates that did not unify, but further divided the country. This paper concludes that the root sources lie elsewhere, and other CEE states offer greater potential for helping Bosnia, for they have similarly endured hardships of post-communist economic liberalization, thwarted ethnic conflict despite deep ethnic tensions, and secured a trajectory towards harmonization with Western norms.

1.1 Introduction

"The relationship between your loves and your hatred is the same as between your high mountains and the invisible geological strata underlying them, a thousand times larger and heavier."

Max Levenfeld, Trieste 1920¹

¹ Ivo Andrić, *The Damned Yard: and Other Stories* (Belgrade, Serbia: Dereta Belgrade, 1997), 115.

Many blame an ancient ethnic hatred for the 1992 armed conflict in Bosnia² and hold that the war was inevitable precisely because the ancient hatred between Muslims and Christians was too deep to be resolved peacefully. But upon a deeper investigation in to Bosnia's past we can see, instead of ancient hatred, a series shifting alliances, bloody battles, and peaceful joint endeavors. Ethnic tensions have divided societies. Yet a fresh look at the differences between ethnic tensions and ethnic conflict matters if we are going to understand how to solve the problems associated with Bosnia's conflict.

My analysis of Bosnia's past reveals that the conflict was a result of manipulation by political elites in the post-communist political and economic vacuum. The international community met these conflicts in the form of the Dayton Peace Agreement (DPA), which succeeded in its short term goal of establishing a ceasefire but failed to bring BiH any closer to democracy. Assumptions on ethnic conflict were built into the mandates of the DPA and have established unrealistic strategies and expectations of Bosnians. Founded upon assumptions of ancient ethnic hatred, the DPA divided BiH into two entities, established weak central governmental institutions, and thwarted any development toward independence and self-sufficiency.

Certainly democracy will struggle if the efforts to assist it are premised by a belief that culture in BiH is an immutable, everlasting ethnic conflict. Instead the challenges to Bosnia's democracy must lie elsewhere. This paper concludes with a comparison of other post-communist states and argues that the CEE region offers a better paradigm for consolidating democracy, for these states have similarly suffered economic liberalization, political transformation, and thwarted ethnic conflicts despite deep ethnic tensions. These states, similarly, can help Bosnians secure a trajectory towards harmonization with Western norms by applying the lessons learned during the past 18 years of post-communist experience. A salient example of this process, I argue, can be found in the institutionalization of human rights norms.

2.1 Ethnic tensions are not the source of war in Bosnia

Although the inhabitants of Bosnia have endured war through the centuries, it can be argued, almost paradoxically, that it is a truly multicultural territory among European states, for it has been a peaceful home to Christians, Muslims, and Jews alike. The recent armed conflicts do not find their primary cause in ethnic tensions. From the millet system of the Ottoman

² In this paper I will use "BiH" to denote the political entity of Bosnia and Herzegovina, "Bosnia" to denote the geographic region, and "Bosnians" to denote the inhabitants in general.

Empire and beyond, all three religions have enjoyed periods of peaceful cohabitation. David Campbell shows "the millet system meant that different communities not only shared the same territory, they shared the same economic life and, despite religious difference and their disparate cosmologies, also shared many aspects of social life at the most prosaic levels."³ Moreover, the Bosnians themselves began developing a common identity built around their common cause against the Ottoman oppressor.

In the 19th Century, however, burgeoning national identity projects -- inspired by the spirit of enlightenment and external forces such as the Franciscans and the Orthodox millet -- began to weaken and fragment cooperation under the Ottoman millet system. On the one hand were divisions among Christians. Catholic Franciscans promoted closer association to Croatia; the Orthodox community increasingly identified itself with the newly autonomous Serbia. On the other hand, the Muslim inhabitants resisted association with both groups, portending obstacles to the Serbian or Croatian annexation of Bosnia. In the years that followed, the Muslim communities were increasingly stigmatized and seen as the remnants of what was now the unwanted Ottoman oppressor. Then Annexation by the Austro-Hungarian Empire around 1875 brought new waves of political and social change. Both Serbian and Croatian groups organized resistance against Austria-Hungary; both groups claimed Bosnia was once their territory. In response, Bosnian Muslim landowners established the Muslim National Organization in 1906.⁴

For a predominant part of the 20th Century, however, the development of national identity and religious association was subjugated to communist rhetoric and ideology under the charismatic dictatorship of Tito. Yet this "brotherhood and unity," it must be emphasized, was a fragile façade and never fully crushed the extant ethnic tensions.⁵

2.2 Theory on ethnic tensions and ethnic conflict

Many theories attempt to identify the source of so much violence in Bosnia. Most point at least one finger at some concept of hatred, and yet each seems to give its own interpretation of what that hatred means. Some connect hatred with ethnicity while others hold that ethnic hatred does not exist at all; still another view correlates violence with identity, not hatred itself. From a rationalist perspective, Stephen Schwartz⁶ broadens the context of Bosnia's

³ David Campbell, *National Deconstruction: Violence, Identity and Justice in Bosnia* (Minneapolis/London: University of Minnesota Press, 1998), 212.

⁴ Campbell, *National Deconstruction*, 180-187.

⁵ Campbell, *National Deconstruction*, 217.

⁶ Stephen Schwartz, "Beyond 'Ancient Hatreds': What Really Happened in Yugoslavia." *Policy Review* 97 (Oct. & Nov. 1999), 39-51.

problems and argues that they are the direct result of economic instability and political hegemony by manipulative elites. Similarly, John Mueller⁷ denies that ethnic hatred exists as a distinguishing motivation in what he calls "ethnic violence." These views are elaborated below. From a structuralist perspective, Monica Toft's⁸ work shows how hatred can be linked to a sense of identity, specifically over territory. Alternatively, Roger Peterson's⁹ book identifies four emotions, fear, hatred, resentment, and rage as salient motivating emotions that lead to contextual behavioral patterns by following a causal chain through historical progression.

Toft seeks to explain why some ethnic tensions turn violent and some do not. She develops a theory of territorial indivisibility which holds that settlement patterns of ethnic groups and fears of precedent setting of the state pit ethnic groups against states. She argues that ethnic tensions can turn violent based on the way ethnic groups and the state view territory. If a state regards its territory as indivisible and an ethnic group within a state demands independence, then violence is likely. If either condition is absent, then a negotiated settlement might be achieved. Controlling territory, therefore, is important for both actors since it is a matter of survival for both. The violence is over turf rather than ethnic tension.¹⁰ In response to the shortcomings of the structuralist view, Peterson proposes a new perspective based on emotion. By saying "the absence of in-group favoritism has not yet been found in any culture" he suggests that the motivation to commit violence against dissimilar groups is inherent in nature and argues that people commit ethnic violence when the right emotional motivation eventually meets an absence of constraints.¹¹

2.3 Threats to the economy and political manipulation

Schwartz and Mueller similarly argue that the war in Bosnia derived from divergent economic interests and political hegemony than any notion of ancient hatred: "the economic lag between Slovenia and Croatia, to the West, and Serbia, in the East, is the real source of the Yugoslav dilemma."¹² By Schwartz' analysis, Slovenia and Croatia were poised to develop a bourgeois society and integrate with the West. They had long standing traditions of civil institutions and, in the later years, their communist leadership abandoned Marxism in favor of integrating

⁷ John Mueller, "The Banality of 'Ethnic War'." *International Security* 25 (Jan 2000): 42-70.

⁸ Monica Duffy Toft, *The Geography of Ethnic Violence: Identity, Interests, and the Indivisibility of Territory* (Princeton University Press, 2003).

⁹ Roger Peterson, *Understanding Ethnic Violence: Fear, Hatred, and Resentment in Twentieth-Century Eastern Europe* (Cambridge Studies in Comparative Politics, 2002).

¹⁰ Toft, *Geography*, 10-120.

¹¹ Peterson, *Understanding Ethnic Violence*, 46.

¹² Schwarz, "Beyond 'Ancient Hatreds'," 42.

with Austrian and Italian economies. The problem, for Schwartz, quickly appears to be not one of "ancient hatred" but rather one of misplaced Serbian domination over other nations for the sake of preserving their economic ties to Croatia.¹³

Serbia fought not for some ethnic hatred but for its very survival. Instead of a prosperous and unified group of southern Slavs, the "Slovenes, Croats, and Bosnians were ruled by a parasitical and anti-entrepreneurial Serbia."¹⁴ While these groups could survive alone, Serbia grew entirely depended on them. For the Serbs, "the loss of power meant the loss of everything."¹⁵

Spain's civil war in 1936, exemplifies a "disturbing precedent" for Serbia's violence. Schwartz points out that the "industrialized Basque Country and Catalonia groaned under the statist, taxing regime of the economically stunted Castile -- a Castile which, like Serbia, had historically exalted military careers over commerce."¹⁶ And yet, "the distance from cultural divergence to mass murder remains a long one for most societies, no matter how backward....the prospective loss of tax revenue, with the prospect of greater Slovenian, Croatian, and Bosnian autonomy, was as much a stimulus to Milosevic and his men as any ethnic or religious issue."¹⁷ The conflict directly corresponds to Serbia's effort to protect its hegemony, therefore "ancient hatred" played no greater roll than political propaganda.

Mueller argues further that the conflict in Yugoslavia was a string of irrational violence orchestrated by small, manipulative, self interested groups: "well-armed thugs and bullies encouraged by and working under rough constraints set out by official security services, gangs, or thugs... Rather than reflecting deep, historic passions and hatreds, the violence seems to have been the result of a situation in which common, opportunistic, sadistic, and often distinctly non-ideological marauders were recruited and permitted free reign by political authorities."¹⁸ By Mueller's estimate, the conflict in Bosnia derived from the fact that thugs were given free reign by nationalist elites who did not represent the will of the majority. For example, nationalists in Croatia won 69 per cent of seats with only 42 per cent of votes because of their well funded and efficient campaigning schemes, with similar statistics from Bosnia.¹⁹ Moreover, prior to the outbreak of war, opinion poles say that 61 per cent "do no agree at all" with dividing up the union.²⁰ These statistics indicate that the common people of Bosnia and elsewhere did not agree with the objectives of the elites and that the conflict was

¹³ Schwarz, "Beyond 'Ancient Hatreds'," 10.

¹⁴ Schwarz, "Beyond 'Ancient Hatreds'," 48.

¹⁵ Schwarz, "Beyond 'Ancient Hatreds'," 40.

¹⁶ Schwarz, "Beyond 'Ancient Hatreds'," 40.

¹⁷ Schwarz, "Beyond 'Ancient Hatreds'," 49.

¹⁸ Mueller, "The Banality of 'Ethnic War'," 43.

¹⁹ Mueller, "The Banality of 'Ethnic War'," 45.

²⁰ Mueller, "The Banality of 'Ethnic War'," 46.

the result of opportunistic "thugs" coordinating with manipulative elites using propagandistic claims of hatred to push groups into violent action.²¹

For example, Slobodan Milosevic, who saw an opportunity for the creation of a Greater Serbia, presented a speech in 1989 in Pristina that was a clear indicator of the disaster yet to come. In front of several hundred thousand Serbs, who assembled in order to celebrate the six – hundredth anniversary of the Battle of Kosovo, Milosevic initiated animosity between Serbs and non-Serbs, thus rekindling a sense of nationalistic hatred that assured his popularity among Serbs while safeguarding his power. During the celebration, he exclaimed, "we are again engaged in battles and quarrels. They are not armed battles, but this cannot be excluded yet."²² It was only two years later that Bosnia would follow suit with similar nationalistic rhetoric.

2.4 Disintegration of Yugoslavia into nationalist parties

In 1989 Soviet communism collapsed, the cold war ended, and a new political and economic order began to take shape throughout Europe. The secession of the Eastern European countries from Soviet control had a "snowballing effect" on Yugoslavia.²³ Communism itself, however, had lost its strength and legitimacy over Yugoslavia long before 1989. Tito's death in 1980 signaled the loss of a political figure head who could have saved Yugoslavia from falling apart. Milosevic, who was at that time the head of the Communist Party of Serbia, mounted a campaign that exploited discontent among Serbian civil servants and intellectuals by claiming that after Tito's death Serbia had succumbed to a second-class status. The skyrocketing foreign debt and the economic crisis in the 1980's combined with political instability created an environment receptive to nationalistic rhetoric.

In 1990, under constant pressure from Serbia and Croatia, which were establishing nationalistic parties such as SDS and HDZ, the Bosnian population found representation in a new nationalistic political party, the Party of Democratic Action (SDA). "Placed between the hammer and the anvil of Serbian and Croatian nationalism, the Bosnian Muslims reacted in two different ways: they strengthened their own Muslim nationalism by giving greater emphasis to the most distinctive thing about it, its religious component, and they also emphasized that they stood for the preservation of Bosnia's character as a multi-national,

²¹ Mueller, "The Banality of 'Ethnic War'," 46.

²² Misha Glenny, *The Fall of Yugoslavia: The Third Balkan War* (New York: Penguin Books, 1996): 35.

²³ Juan J. Linz and Stepan Alfred, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe* (Baltimore/London: The Johns Hopkins University Press, 1996), 28.

multi-religious republic."²⁴ From 1990, new parties began forming at a tremendous pace. The journal *Yugoslav Life* offers an example: "new parties appearing almost daily and there may well be nearly 100 by the end of the year. Almost all parties registered so far are nationalistic in name and even more so in nature."²⁵

Thus an important question arises: Why did the disintegration of Yugoslavia not lead to a political liberalization and democratization? There are several reasons why. First the elections were held state wide instead of nationally, thus encouraging the emergence of narrow ethnically-based parties. Also there was the lack of democratic institutions; the population had no previous experience with democracy and could not prepare for democratic governance on its own. Further, there was no democratic culture present or civil society strong enough to build opposition parties capable of offering a viable alternative to the nationalistic parties. Vesna Petic, a Serbian civic activist writes, "liberalism offered only uncertainty and little in the way of identity. It identified itself with an unfamiliar civic culture, which would take a long time to gather strength after having been pulverized under communism. Nationalists, who offered disoriented or alienated workers a social category within which they could locate themselves, obviously were in a much stronger position."²⁶

3.1 The failures of Dayton to democratize

The 1995 Dayton Peace Agreement (DPA) was designed to "establish security and rebuild a functioning Bosnian state."²⁷ This first objective was tenuously fulfilled with the establishment of a cease-fire, yet the second responsibility has proved more troublesome. The efforts to democratize Bosnia have for the most part failed because the policies built into the annexes were based on assumptions of an immutable ancient hatred that prevented cooperation among the different groups, and these assumptions established unrealistic expectations and methods of effecting cooperation.

Comprised of 11 annexes, the DPA delegated institutional and legal authority of Bosnia and Herzegovina (BiH) to specific intergovernmental organizations (IGOs) and local authorities. Two levels of local government were established: a central government with its capital in Sarajevo and two regional entities, one in the Croat-Muslim federation with 51 per

²⁴ Rory Keane, *Reconstructing Sovereignty: Post-Dayton Bosnia uncovered* (Burlington/Hampshire: Ashgate, 2002), 64.

²⁵ Keane, *Reconstructing Sovereignty*, 61.

²⁶ Tom Gallagher, *The Balkans in the New Millennium: In the shadow of war and peace* (London/New York: Routledge, 2005), 94.

²⁷ Elizabeth M. Cousens and Charles K Cater, *Towards Peace in Bosnia: Implementing the Dayton Accords* (Boulder/London: Lynne Rienner Publishers Inc., 2001), 33.

cent and the other existing as Republika Srpska with 49 per cent representation.²⁸ The political structure of BiH includes a rotating presidency among the representatives of all three ethnic groups with the Council of Ministers and a bicameral Assembly that does not exercise national authority over the two entities. The Federation has two de facto armies, two divided communities, and is governed by an appointed Entity Presidency, a bicameral Parliamentary Assembly, and at local level a Cantonal and Municipal assembly.²⁹ Defined as such, the Federation is decentralized and greatly fragmented, and the real power lies in the hands of the ethnically based local governments.³⁰

Coupled with a deep suspicion about the presence of an international community that had failed to intervene in the past, Bosnians felt that they should have had a firmer voice in how to govern their own country. Many Muslims also were equally disappointed that BiH be divided since it was precisely a war for one Bosnia and not a divided western Bosnia; the region around Banja Luka is just one example, for it was a mostly Muslim community before the war but now a capital of Republika Srpska. The irony turns to frustration when one considers that the Croatian Defense Council (HVO) and Army of Bosnia and Herzegovina (ABiH) were on the verge of conquering the Serbian territory in the North-West of Bosnia when they were ordered to stop by the U.S. mediators.³¹

3.2 Towards and away from democracy through political representation, civil society, free-market economy, and rule of law

Nine months after the DPA were signed, elections were held under the supervision of the OSCE in order to legitimize the new power-sharing government by the BiH population. The country, however, was in the midst of chaos. The procedure for the indictment of war criminals had not been established, leaving many opposition groups to be intimidated. Security and protection for minorities was still under development. People did not have the confidence to vote for parties other than the nationalistic ones dominating the political stage during the war. The results were as expected with all three nationalistic parties claiming victory.³²

Until 1996 the powers of the international community were not clear; however, after 1997 the authority of the international administration was extended indefinitely, giving more power to OHR and the High Representative over civilian matters. Further, the creation of a

²⁸ David Chandler, *Bosnia Faking Democracy after Dayton* (London/Sterling: Pluto Press, 2000), 10-45.

²⁹ Keane, *Reconstructing Sovereignty*, 71.

³⁰ Gallagher, *The Balkans in the New Millennium*, 133.

³¹ Keane, *Reconstructing Sovereignty*, 72.

³² Keane, *Reconstructing Sovereignty*, 79.

highly decentralized government prevented the purging of uncompromising nationalist in the two entities, especially in Republika Srpska, where "hardline nationalists rejoiced to see that the DPA did not represent a fundamental challenge to their rule."³³ Thus the DPA failed to open up the opportunity for the building of multi-ethnic political parties and suggested that it was now "too easy for those who had built a clandestine political economy in wartime to refine their operations in peacetime...wartime political figures were banned from assuming positions in customs, banking, telecommunications, and tax administration posts, which gave them the means to create a shadow state of parallel structure which fed both their party and clandestine activities."³⁴

Juan Linz and Alfred Stepan argue that without a free and lively civil society, rule of law, and institutionalized economic society, democracy can neither be established nor consolidated.³⁵ The importance of building a civil society was acknowledged by the DPA in Annex 3, which gave more power to OSCE to engage in building grassroots organizations that could eventually provide an alternative or even opposition to nationalistic parties. The OSCE's framework to stimulate and build political participation contained a three-stage process: 1) identifying targeted individuals or groups who are more receptive to international community and its NGOs; 2) provide training and building a civil society agenda together with the groups and individuals and lastly; 3) mobilizing newly established NGOs as political actors, which, in turn, would be the political voice domestically and internationally.³⁶

Unfortunately, local NGOs were never allowed to be independent and thus have become indifferent towards the OSCE's approach to establish indigenous organizations which reflects the belief that the Bosnian population is 'damaged' or traumatized by the war and the transition from one-party state regulation; thus, they are not capable of acting independently or making choices between "right" and "wrong."³⁷ Even when the local NGOs, such as a youth group in Prijedor made sustainable progress to bridge the ethnic division, the frequent turnover of the officials impeded continuity and thus, undermined all the efforts to reach long-term goals. Youth development specialist Mayer Amy confirms that "just when one leaves, the next comes and completely changes the approach of his predecessor. Over the course of four years, we could start four new projects and finish none of them with this kind of turnover."³⁸

³³ Gallagher, *The Balkans in the New Millennium*, 132.

³⁴ Gallagher, *The Balkans in the New Millennium*, 133.

³⁵ Linz and Alfred, *Problems of Democratic Transition*, 7.

³⁶ Chandler, *Bosnia Faking Democracy*, 45.

³⁷ Chandler, *Bosnia Faking Democracy*, 148.

³⁸ Amy Meyer, *Perceptions of Bosnia: Herzegovina Youth of the International Community*, (MA dissertation, Budapest: Central European University, 2001), 45.

With respect to the economic transition, the DPA functioned under a neo-liberal economic agenda, but lacked an adequate economic reform strategy, for it turned privatization into a thriving black market economy rife with corruption. Control of the economy remained in the hands of the nationalistic parties. In Republika Srpska the SDS party reassumed its control of the economy by buying off state companies at a very low price and privatizing them. While political leaders grew richer by acquiring private title to the former socially owned companies, the population in the Federation, but more prominently in Republika Srpska, had barely enough to survive; in 2002 67-68 per cent of the populace in RS had insufficient income to acquire basic foodstuffs.³⁹

And still by 2001, the indigenous economy had no infrastructure. Little was produced in Bosnia. There were few factories, few investments made in rebuilding the industry combined with high unemployment rate, Bosnian economy was fragile and it still relied heavily on international aid. By mid-2001 industrial output had reached only one-third of its pre-war level.⁴⁰ When compared to other twenty seven central and eastern European countries, in 2001 Bosnia ranked twenty first in GDP, seventeenth in GDP per capita, seventh in consumer inflation, and first in GDP growth per year.⁴¹ The biggest obstacle that DPA created was the division of state, thus it is almost impossible to build a nationally autonomous economy from two entities reflecting three different ethnic interests.

Rule of law, finally, has been the top spending priority of the UN administration, but they have failed to build a strategy to eliminate the constant control through bribes and intimidation of "well-connected criminal networks" over the judiciary and the judges.⁴² Besides the fact that the judicial system is not independent and is very susceptible to bribes, there is also weak law enforcement that has little credibility among the Bosnians. International Task Force (IPTF) established a mandate to reform the existing police force rather than creating a new one, 'a tragic mistake' in the view of Richard Holbrooke,⁴³ for the IPTF was the weakest component of the DPA. Many UN police officers have come to Bosnia to make profits and their moral and ethical commitments seem to many Bosnians to be less than trustworthy. Receiving high salaries and enjoying the immunity has encouraged low standards. There is also evidence that they are engaged in corruption, human trafficking, and other criminal activities. In 2001 Human rights watch claimed that eighteen IPTF monitors had 'engaged' in illegal activities, either as customers of trafficked woman or as outright

³⁹ Gallagher, *The Balkans in the New Millennium*, 140.

⁴⁰ Gallagher, *The Balkans in the New Millennium*, 140.

⁴¹ Cousens and Cater, *Towards Peace in Bosnia*, 141.

⁴² Gallagher, *The Balkans in the New Millennium*, 140.

⁴³ Gallagher, *The Balkans in the New Millennium*, 138.

purchasers of trafficked woman and their passports.⁴⁴ IPTF with such dismal records hardly earn any respect from the local citizens or the local police forces.

Despite its good intentions to democratize BiH, the IGOs have failed. Even after ten years the DPA has consolidated little more than free elections. In this brief examination of multi-ethnic administration, civil society, free market economy, and rule of law, it can be seen that the incoherent assumptions of ethnic hatred are embedded in the annexes and often represent misguided strategies for post-conflict management. These assumptions have established unrealistic expectations, influenced the implementation of their mandates, and prevented the development of better policy. As long as the strategies of the IGOs are grounded in assessments of Bosnian culture as an immutable, everlasting conflict rooted in ethnicity, the international community will fail to democratize Bosnia.

4.1 A better democratization paradigm from CEE States: analogues of post-communism

The main actors given mandates in DPA are IGOs dominated by influence from Western governments with vested interest in BiH but little first hand experience in post-communist transition. "IGOs reflect, rather than effect, world politics."⁴⁵ If problems with democratization are not because of the ethnic hatred, what are the other sources? One might look at specific economic or political reasons in the post-communist vacuum instead of relying on the theories of ethnic hatred. The literature on post-conflict management and post-communist transitology in BiH is vast and daunting. Every identified source of conflict unfolds simultaneously into myriad proposed solutions. It is not my objective to make such proposals. Rather, my examination points to a shift in approach.

If we identify in aspects of Bosnia's post-communist economic and political transitions, for example, then we can find analogous struggles in other CEE states. "They had all shed this system between 1989 and 1991 in order to build liberal democracies and market economies, where human rights, political pluralism, economic prosperity, and a cleaner environment would blossom in conditions of national independence."⁴⁶ Therefore it follows that states with analogous experiences in post-communism and democracy consolidation offer better paradigms and higher potential for assisting BiH. States with specific competencies can play a greater roll in their area of experience. Below I will examine how certain aspects of other CEE states might contribute.

⁴⁴ Gallagher, *The Balkans in the New Millennium*, 138.

⁴⁵ Charles Boehmer, Erik Gartzke, and Timothy Nordstrom, "Do Intergovernmental Organizations Promote Peace?" *World Politics* 57 (Oct 2004): 1-38, 2.

⁴⁶ Milada Vachudova, *Europe Undivided: Democracy, Leverage, and Integration After Communism* (Oxford University Press, 2005), 1.

4.2 The role of human rights in post-communism

Among the many problems associated with post-communist development, human rights plays a crucial roll in the consolidation of democracy⁴⁷ and has been shown to be valuable in other post-conflict areas.⁴⁸ Human rights challenge totalitarian thinking because they institutionalize Western norms and, perhaps more valuable, to "abandon the intellectual baggage of Marxism" that gave shape to the last century of communist expansion and authoritarian rule.⁴⁹

Institutionalizing human rights would quell Bosnia's ethnic tension and offer great opportunities for disparate groups to cooperate democratically. Institutionalization of human rights includes development and respect for "human security,"⁵⁰ effective human rights watch groups and mechanisms for reporting abuses, and a civil society capable of standing up against human rights transgressions. Many states offer examples, such as Belgium, The Czech Republic, Poland, Estonia, and more. Despite deep ethnic tensions, one might argue that these states cooperate due to the presence of institutionalized human rights. The Flemish-French tension, for instance, appears to be incommensurable with Bosnia, for it has a long standing liberal democracy and resolved power sharing strategies. But upon closer examination we see that Belgium is a divided society with deep ethnic tension in the presence of institutionalized human rights.

The former Soviet states and satellites offer closer examples, for long standing ethnic tensions can be found to have posed grave risks during their post-communist transition. Yet in specific cases, human rights played a significant role in producing democratic participation and cooperation despite these tensions. The Helsinki Process, for example, established norms for interstate co-operation as well as follow up meetings to assess the implementation of the Final Act.⁵¹ The Helsinki Process provided the very linguistic and political ammunition needed by the dissidents of Czechoslovakia and Poland. The institutionalization of human rights mandated by the Helsinki Process survived secession from the Soviet system and tough economic reforms despite long standing ethnic tensions, such as with Germans and Russians.

⁴⁷ See Tony Judt, "The Dilemmas of Dissidence: The Politics of Opposition in East-Central Europe," *Eastern European Politics and Societies* 2 (Feb. 1988): 185-240; Daniel C. Thomas, *The Helsinki Effect: International Norms, Human Rights, and the Demise of Communism* (Princeton: University Press, 2001); and Daniel C. Thomas, "Human Rights Ideas, the Demise of Communism, and the End of the Cold War," *Journal of Cold War Studies* 7 (Feb. 2005): 110-141.

⁴⁸ Michael O'Flaherty, "Sierra Leone's Peace Process: The Role of the Human Rights Community," *Human Rights Quarterly* 26 (2004): 29-62.

⁴⁹ Judt, "The Dilemmas of Dissidence", 192.

⁵⁰ As understood by the "Human Dimension" within the OSCE.

⁵¹ Arie Bloed, *The OSCE Handbook* (Vienna: OSCE, 2000), 8.

Bulgaria and Romania, after 1989, have found economic benefits of institutionalizing human rights norms through EU association agreements and eventual accession; in these cases Turkish and Hungarian minorities, respectively, have been succeeding in cooperating with the majority ethnic groups. Bosnia also faces deep ethnic tensions, but lacks institutionalized human rights. If the groups in Bosnia analogously found motivation for institutionalizing human rights, they could begin to cooperate *democratically* as in the above examples without the fear of violent retribution. Bosnia needs a Jan Patočka and Václav Havel, or a Polish Labor Union around which to unify itself, and the CEE states who have produced such movements are in the best position to share their experiences and offer support to Bosnia the way Helsinki supported them.

4.3 Why should CEE states assist today?

CEE states stand to gain as well by playing a greater role in democratization assistance, and in some cases the advantages of democratization assistance are already being exploited. The economic benefits are well covered, such as the assistance offered by Poland to Ukraine and by Romania to Moldova. A realist would observe that if BiH wants help, it would need to have something valuable to offer in return. For a state like The Czech Republic, BiH offers exactly that.

The Czech Republic has throughout its modern history consistently leaned West. In order to reaffirm its position as a member of the Western European tradition, Havel and the other political elites even favored cooperation with NATO and the EU over their regional partners.⁵² Since then, The Czech Republic has struggled to be accepted as a legitimate member of the West. Having reached a degree of economic and political stability, The Czech Republic would be benefited by reaching out to other troubled areas and applying its experiences of post-communist transition and institutionalization of human rights, for to do so would legitimize its position as a middle power and member of Western norms.

5.1 Conclusions

This paper has examined the history of Bosnia's ethnic tensions, its recent armed conflicts, and the attempts at consolidating democracy through the Dayton Peace Agreement. The conclusions drawn from this analysis show that the DPA has failed to democratize BiH

⁵² Heather Grabbe, "The Sharp Edges of Europe: Extending Schengen eastwards," *International Affairs* 3 (2000): 519-536, 64.

because it was founded upon misguided assumptions that the source of conflict lay in a belief in ancient ethnic hatred. Rather, the sources of its conflict can be shown to be manifold, but more closely aligned with its post-communist transition and manipulation by political elites. This paper concluded with a challenge to CEE states to offer assistance to other post-communist states, specifically BiH, and share experiences where they hold competencies. They have endured many hardships of post-communist transition first hand and are now in a more stable position to extend help by sharing their experiences. The example I have illustrated is how The Czech Republic might offer help institutionalizing human rights norms in Bosnia because they share a legacy of authoritarian communist rule.

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