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The OSCE's Contribution to the Democratization of Bosnia and Herzegovina

In the second year after the war the reconstruction élan of the international actors in Bosnia and Herzegovina is largely dissipated. The demanding programme set up by the "General Framework Agreement for Peace" that was initialled in Dayton on 21 November 1995 has been only partially realized.¹ The building of institutions, reconstruction, the repatriation of refugees and improvement of the human rights situation are moving ahead at a slow pace.² The OSCE, too, has to listen increasingly to critical questions about the prospects for success of its Bosnia Mission.

The Mandate of the OSCE in Bosnia and Herzegovina

With the peace treaty of Paris of 14 December 1995, the war of succession in Yugoslavia that had begun in 1991/92 was formally brought to an end and Bosnia and Herzegovina was confirmed as an independent and sovereign state in its pre-war boundaries. The small country was divided into two "entities" - the Federation of Bosnia and Herzegovina, governed by Croats and Bosniacs, and the Serb Republic (Republika Srpska). While the Federation is divided into ten cantons, which enjoy certain rights of self-government, the Serb Republic has a centralized structure.

The institutions with state-wide responsibilities are the two-chamber parliament, the three-member Presidency with the central government, the Constitutional Court and the central bank. The entities were given broad responsibilities and are permitted to grant their own citizenship, conclude treaties with other states and international organizations, and establish "special parallel relationships" with their neighbours, Serbia and Croatia. All competencies not expressly assigned to the federal authorities (foreign policy, foreign trade, customs policy,

1 The Dayton Peace Accords - General Framework Agreement for Peace in Bosnia and Herzegovina, 21 November 1995.

2 On the status of implementation see Marie-Janine Calic (Ed.), *Friedenskonsolidierung im ehemaligen Jugoslawien: Sicherheitspolitische und zivile Aufgaben* [Peace-Building in Former Yugoslavia: Military and Civil Tasks], unpublished manuscript, Ebenhausen 1996. Joachim Eicher, *Die Zukunftsperspektiven Bosnien-Herzegovinas* [The Future Prospects of Bosnia and Herzegovina], in: *Südosteuropa* 1-2/1997, pp. 1-17. Pedro Roseta, *The Peace Process in the Balkans*. Report Submitted on behalf of the Political Committee, Paris 1996 (WEU). Peter Schlotter, *Ein Jahr Dayton-Friedensabkommen - Eine Bilanz der zivilen Implementierung* [One Year of the Dayton Peace Agreement - A Review of the Civil Implementation], HFSK-Report 1/1997, Frankfurt/Main 1997.

immigration and citizenship issues, transportation and monetary policy) are retained by the entities, including defence policy.

Various international organizations are supposed to help make this complicated political structure, which is interwoven with arrangements for ethnic representation and rotation, capable of functioning. Of the many and varied activities involved in consolidating the peace the OSCE may well have taken on the most demanding and difficult, namely confidence-building, arms control and democratization.³ The Organization is responsible for ensuring that the provisions of the Paris peace treaty on elections, human rights and regional stabilization are fully implemented. Accordingly, both democratic institutions and an active and pluralistic civil society must be encouraged and consolidated. The aim is to create a climate in which fundamental human rights are respected and refugees and displaced persons can return to their home towns and villages. Ambassador Robert H. Frowick, Head of the OSCE Mission that was sent to Bosnia in December 1995, has described the task of democratizing the war-ravaged Balkan country as the "greatest challenge in OSCE experience since the events leading up to the Paris Summit of 1990".⁴

In accordance with the Dayton Peace Agreement the OSCE prepared and monitored elections in September 1996 to the federal and the entities' political institutions, but it had to postpone the municipal elections several times owing to technical difficulties. They were finally scheduled to take place in September 1997. For that reason the Permanent Council of the OSCE in Vienna, on 21 November 1996, extended the mandate of the Bosnia Mission until the end of 1997 and shifted the focus of its activity more towards democratization assistance. In addition to its main task - the organization of municipal elections - the OSCE will put particular emphasis during 1997 on building structures founded on the rule of law, promoting independent and pluralistic media, supporting the democratic and civil orientation of political parties, and facilitating the process of cross-border reconciliation between peoples of the entities. At the same time the human rights situation is to be monitored more closely and the system of ombudspersons shall be expanded.

The OSCE's mandate in Bosnia and Herzegovina is based on decisions of the Organization since 1989. Preparation and monitoring of elections and the supervision of human rights norms in Europe are covered, *inter alia*, by the Copenhagen Document and the Supplementary Document to the Charter of Paris.⁵ In the Budapest Document of 1994 the participating States reaffirmed

3 On Confidence- and Security-Building Measures (CSBM) and arms control see the article by Rüdiger Hartmann in this volume.

4 Robert H. Frowick, The OSCE Mission to Bosnia and Herzegovina, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1995/1996, Baden-Baden 1997, pp. 163-174, here p. 164.

5 Cf. Bernhard von Plate, Friedenssicherung in Bosnien. Bewährungsprobe für die OSZE [Securing the Peace in Bosnia. A Test Case for the OSCE], in: Information für die Truppe [Information for the Forces] 4/1996, pp. 40-48.

that "human rights and fundamental freedoms, the rule of law and democratic institutions are the foundations of peace and security, representing a crucial contribution to conflict prevention, within a comprehensive concept of security".⁶ The only thing that appears new is that the OSCE is to carry out its responsibilities as part of a network of "interlocking institutions" and base its work on co-operation with the stabilization forces of IFOR/SFOR, the Office of the High Representative (OHR), responsible for reconstruction, the European Community Monitoring Mission (ECMM), the UN High Commissioner for Refugees (UNHCR), responsible for repatriation of refugees, and the international police (IPTF).

Thus it is not so much the mandate worked out in Dayton that appears spectacular but the dimensions of its implementation in terms of personnel and financing. In addition to its Head Office in Sarajevo, the OSCE opened six Regional Centres (Mostar, Tuzla, Sarajevo, Banja Luka, Sokolac and Bihac) during 1996, each one with six local offices and with altogether more than 400 local and international employees. The Mission in Bosnia is the largest and most expensive one the Organization has so far had.

The Elections of September 1996

The OSCE views the holding of the September elections, which were to pave the way for the establishment of new institutions of governance, as its biggest success so far. In accordance with Annex 3 of the Dayton Peace Agreement the OSCE was to arrange for and to monitor free and fair elections in Bosnia and Herzegovina by 14 September 1996 at the latest. The organs to be decided on were the Presidency and House of Representatives of Bosnia and Herzegovina, the parliaments and municipal assemblies of both entities, the Presidency of the Serb Republic, and the cantonal assemblies of the Federation. Altogether, elections were to be held at seven different levels. In its overall approach to the elections the OSCE was charged with helping to create a "politically neutral environment", ensuring freedom of expression, association and the media, facilitating freedom of movement, promoting the exchange of political opinions, holding free and fair elections, and guaranteeing the winners' unimpeded assumption of their new offices.

Numerous objections were made against the election date, which was to be no later than nine months after the Peace Agreement's entry into force. The sharpest criticism was directed against the behaviour of the political elites and against the

6 Budapest Document 1994, Budapest, 6 December 1994, in: Arie Bloed (Ed.), *The Conference on Security and Co-operation in Europe. Basic Documents, 1993-1995*, The Hague/London/Boston 1995, pp. 145-189, p. 174.

grave violations of human rights and fundamental democratic freedoms in both entities.

Only a few months after entry into force of the Peace Agreement it became obvious that the political leaders of the Serbs as well as of the Croats and Bosnians in Bosnia and Herzegovina were less interested in a functioning central authority than in stabilizing their regional power positions. As a matter of fact, Bosnia was divided not into two but three ethnically defined and homogeneous territories. Experts pointed out that it normally takes two to three years before elections make any sense in the aftermath of an ethno-political war.⁷ If the project for a new state is still in dispute between the elites at the time of the elections, there is a great risk that the trenches created by nationalism will be made even deeper and that the collapse of the state - as in Angola - will actually be accelerated.⁸

A second objection was that parliamentary traditions and the structures of civil society were weak in the successor states to Yugoslavia and that democratic forces ought to be given more time to develop.⁹ The Bosnian opposition protested that the OSCE had put only representatives of the governing nationalist parties - the Bosniac SDA, the Croat HDZ and the Serb SDS - into the Provisional Election Commission, which issued election Rules and Regulations on 22 April 1996. The opposition saw in this a favouring of the prevailing power elites who had been responsible for the war. Altogether, the Election Commission authorized 48 parties and 33 independent candidates for registration.¹⁰

Strong reservations were also expressed about the feasibility of the elections. The compilation of voter lists on the basis of the 1991 census created serious problems. Roughly half of the 2.8 million eligible voters were no longer living where they had been in 1991 and several hundred thousand were living outside the country. It was felt, however, that refugees and displaced persons ought in principle to cast their votes in their home communities - in person or by absentee ballot - in order to facilitate their repatriation. UNHCR had originally assumed that it would be able to repatriate as many as 870,000 refugees and displaced persons in the course of 1996. But in many regions people were prevented (sometimes by violence) from returning so that there was limited freedom of movement right up to election day. The fact that these "migrants" were allowed to apply to the Provisional Election Commission for permission to cast their

7 Cf. Marina Ottaway, *Democratization in Collapsed States*, in: I. William Zartman (Ed.), *Collapsed States. The Disintegration and Restoration of Legitimate Authority*, London 1995, pp. 235-249.

8 Cf. Winrich Kühne, *Winning the Peace. Concept and Lessons Learned of Post-Conflict Peacebuilding*. International Workshop, Berlin, 4-6 July, 1996.

9 Cf. *Unfinished Peace*. Report of the International Commission on the Balkans, Washington, D.C. 1996, pp. 148f.

10 On the individual parties, see Andreas Heilborn, *Die Wahlen in Bosnien-Herzegowina. Entwicklungen - Analysen - Perspektiven* [The Elections in Bosnia and Herzegovina. Developments - Analyses - Prospects], in: *Südosteuropa Mitteilungen* 4/1996, pp. 300-318.

votes "elsewhere", i.e. in their new places of residence, fuelled the criticism that the OSCE was indirectly legitimizing the policy of "ethnic cleansing".

Finally, weaknesses of democratic practice emerged clearly during the campaign phase. Observers found fault with limitations on freedom of opinion, the media, movement and assembly; with repressive actions and campaigns of intimidation against political opponents; and with disruptions of the creation of independent electoral commissions. In flagrant fashion, opposition parties were denied access to the state-controlled media. This especially affected the countryside, which for practical purposes can be reached only by television. As a result it was particularly difficult for smaller parties to put their message across. Many people found it especially outrageous that even persons indicted by the UN Tribunal in The Hague could appear in public without difficulty, although they were not allowed to appear as candidates on the ballots. For these reasons, many observers and human rights organizations demanded that the election day be postponed.¹¹

Because of all these problems the OSCE had a hard decision to make before confirming the date of the election. On the one hand it was important, with regard to the American elections, to hold to the schedule laid out in Dayton. Head of Mission Frowick, supported by American and European political leaders, insisted that only an early vote could establish democratically legitimate institutions and forestall the threatening collapse of the Bosnian state.¹² On the other hand critics argued that the most important parties were not interested in common Bosnian institutions and that the elections would only confirm powerful nationalists in their positions, thus casting ethnic divisions in stone. Moreover, an election that was not free and fair would seriously damage the credibility of the OSCE.¹³ The Chairman-in-Office of the OSCE in 1996, Flavio Cotti, finally decided on 25 June that, although the conditions for free and fair elections were not fulfilled, the majority of the parties in Bosnia and Herzegovina and the OSCE as well wanted to keep to the original schedule. There was no alternative, he felt, to carrying through with the voting.

Election day, with about 2,000 monitors present, went off peacefully although it uncovered a number of organizational inadequacies. Rather than several hundred thousand, only about 14,000 refugees crossed the borders of the entities to vote at their former places of residence. To avoid violence the OSCE had limited travel and directed the refugees to polling stations on the borders of their respective communities. Thus, visits to their former places of residence were for

11 Cf. International Crisis Group, Elections in Bosnia and Herzegovina, 13 August 1996.

12 Cf. Carl Bildt, The Bosnian Elections Must Proceed as Planned, in: IHT of 13 June 1996, p. 8. Warren Christopher, Without Elections There Will Be No Unified Bosnian State, in: *ibid.* of 15 June 1996, p. 6.

13 Cf. International Crisis Group, cited above (Note 11).

the most part prevented.¹⁴ Almost 30,000 displaced persons who wanted to vote in the Republika Srpska were unable to cast their votes owing to lack of transportation and the unfavourable location and technical problems of the polling stations.¹⁵ As many as 20 per cent of eligible voters had not been included in the voter registers. An unascertainable number of "dead souls" - names of those missing or dead - had not been expunged in time from the registers so that some voted more than once.¹⁶ And when the votes were counted it was found that the rate of participation was over 100 per cent.

The three national parties tried, moreover, to exploit for their own purposes the exceptional rule on voter registration that permitted refugees to vote elsewhere than their place of origin. For example, functionaries of the HDZ called upon Croatians to register in central Bosnian towns and villages in order to expand the area of Croatian rule from Herzegovina towards the north. The SDS, for its part, had Serbian refugees register in the northern part of the Posavina corridor while the SDA asked Bosniacs from eastern Bosnia to do so in Sarajevo.¹⁷

As expected the September elections confirmed the ruling national parties in their dominant position. In the election to the Presidency Alija Izetbegovic (SDA) received 80 per cent, Kresimir Zubak (HDZ) 89 per cent and Momcilo Krajisnik (SDS) 67 per cent. The prominent opposition candidate of the Bosniacs, former Prime Minister Haris Silajdzic, managed 13 per cent, the Croatian candidate, Ivo Komsic, about 10 per cent. The Serbian candidate of the opposition alliance, Mladen Ivanic, got almost 30 per cent but this was not because Serb opposition to the SDS was particularly strong; rather, it was because the Muslims who wanted to return and who had not put up a candidate of their own for the Presidency in the Serb Republic had been called upon by their own parties to cast their votes for the Serb opposition candidate. The old parties were also able to carry the day in the elections to the Federal Parliament and the organs of the entities.¹⁸

Despite serious criticism from various human rights organizations Ambassador Frowick, before the end of September, declared the elections valid.¹⁹ The Elections Appeals Commission had previously expressed the view that the irregularities had not, in the final analysis, influenced the outcome of the elections. But

14 Cf. Peter Hazdra, Die OSZE-Mission in Bosnien-Herzegowina [The OSCE Mission to Bosnia and Herzegovina], in: Österreichische Militärische Zeitschrift 6/1996, pp. 695-699.

15 Cf. UNHCR, General Repatriation Information Report, November/December 1996, p. 6.

16 Cf. Hazdra, cited above (Note 14).

17 Cf. Matthias Rüb, Manipulationen bei der Wählerregistrierung in Bosnien [Manipulations in Voter Registration in Bosnia], in: Frankfurter Allgemeine Zeitung of 14 August 1996, p. 2.

18 For an analysis of the election results, see Heilborn, cited above (Note 10), pp. 308ff., and Joachim Eicher, Die Wahlen in Bosnien-Herzegowina und ihre Durchführung [The Elections in Bosnia and Herzegovina and Their Carrying Out], in: Südosteuropa 3-4/1997, pp. 146-157.

19 Cf. International Crisis Group, cited above (Note 11).

for the forthcoming municipal elections the OSCE has undertaken a thorough revision of the voter registers and has promised to make every effort to enable citizens to cast their votes in their home municipalities. Refugees and displaced persons who want to remain in their new places of residence or settle in another region may only vote there if they can demonstrate close ties, e.g. house or land ownership. In this way, it is hoped to avoid manipulations of voter registration. And in every one of the 2,300 polling stations there is to be a supervisor named by the OSCE to monitor voting activity on the two days of the elections. Still, even though the OSCE wants to avoid the earlier mistakes it is not clear how it can effectively avoid the central problems: intimidation of opposition parties, restriction of freedom of movement, and having voters settle in places determined by electoral strategy.

On the Road to Municipal Elections: New Tasks - Old Problems

The municipal elections scheduled for September 1997 are considered the most important part of the democratic legitimation process but at the same time the one most likely to produce conflict. There are many who take the municipal elections much more seriously than the ones for the entities and the Republic, these being rather distant from the average citizen. Yugoslavia had a strong tradition of local self-government in which citizens and social interest groups participated. Thus the Yugoslavs were accustomed to taking personal responsibility for certain political, economic, social, cultural and military tasks. For most refugees it is obvious that in the first instance the local authorities will decide on their options for returning. Thus, of the 800,000 refugees and displaced persons eligible to vote, a significantly larger proportion than in 1996 will probably try to vote, either personally or by mail, in their place of origin. Special trouble is expected in Brcko, Mostar, the eastern Bosnian enclaves and other "hot spots". Restricted mobility remains the core problem as the local elections approach. Even in the summer of 1997 the return of refugees and displaced persons has, for political reasons, only been possible in those regions where their ethnic group has a majority.²⁰ In the communities they control, all three ethnic parties know how, by the threat of force and settlement of people belonging to their own ethnic group, to prevent displaced persons from returning home. Even "sounding out visits" by migrants, aimed at getting information on the situation in their home areas, have been blocked by local authorities or outraged residents.

20 Cf. UNHCR, General Repatriation Information Report, November/December 1996, as well as the more recent regional reports of UNHCR.

A further problem is that many refugees have for all practical purposes been expropriated by the laws passed during and after the war on abandoned property in the Federation and in the Republika Srpska. Because the authorities have in the meantime assigned the houses to other people, returnees generally find new legitimate residents in their former flats and houses. Not only the Bosniacs who have been driven out of Brcko or the Serbs from Drvar but the vast majority of migrants have little chance of living at home again in the foreseeable future.

But even if one assumes that the majority of migrants do succeed in voting in their places of origin, would that change the prevailing power relationships? How could an electoral result be implemented if it reflected not the present but the former ethnic composition of a community, thus contradicting the real power relationships? Would the local authorities in areas which have been ethnically homogenized by force - e.g. in Brcko, Mostar or the eastern Bosnian enclaves - give up their offices? Or would the newly elected community councils have to live in exile?

There are, in any event, complicated "technical questions" such as the laying out of municipality boundaries which must still be solved. The Inter Entity Boundary Line established in Dayton cuts through 49 of 109 Bosnian communities - a fact which has made voter registration more difficult. And in a variety of regions within the Federation the Croats and Bosniacs, who are interested in ethnic separation rather than cohabitation, have not been able to agree on new community boundaries. Hence municipal elections will not be held everywhere - not in the part of Brcko, for example, which belongs to the Federation.²¹

Efforts to Improve the Human Rights Situation

The Framework Agreement for Peace and the Constitution of Bosnia and Herzegovina give first priority to establishing and maintaining the highest human rights standards. The OSCE, in particular, is to assist in this process. On the basis of Annex 6 of the Peace Agreement the parties have created a Commission on Human Rights, consisting of the Human Rights Chamber and the Office of the Ombudsperson, a kind of arbitration office to which the citizens of Bosnia can turn. The Chamber is made up of 14 members, eight of whom are appointed by the Council of Europe, four by the Federation and two by the Republika Srpska. They are to take action in the event of "alleged or apparent violations of human rights and fundamental freedoms" and in cases of discrimination based on sex, race, skin colour, language, nationality, origin, religion, convictions, or any other status. The OSCE has appointed Gret Haller, the Swiss envoy to the Council of Europe, as Ombudsperson for a period of five years. In addition, the OSCE has designated three Bosnian Ombudspersons in the

21 Cf. NATO/SFOR, LANDCENT Transcript of Press Briefing, 8 May 1997.

Federation. This institution of ombudspersons goes back to the Washington Agreement of 13 March 1994 which founded the Federation and put an end to the Muslim-Croat war. In the meantime, there are also ombudspersons on the territory of the Serb Republic.

The OSCE Ombudspersons and the UN Special Rapporteur on human rights in the former Yugoslavia, Elisabeth Rehn, report, however, that even in mid-1997 human rights were still being grievously violated in Bosnia and Herzegovina. Some observers say that since the second half of 1996 the situation has actually got worse.²² Acts of violence and arbitrary behaviour, expulsions, the burning down or mining of houses stimulate fear and facilitate "ethnic cleansing". That is one reason why the instruments of the OSCE are insufficiently used. Many people fear revenge if they turn to the Commission on Human Rights or the Ombudspersons.

In both entities the police are not only incompetent but actually appear to be the institution most heavily involved in criminal activities and violations of human rights. The security forces are generally regarded as the long arm of the nationalist parties and the local authorities. In many areas the police have been ethnically homogenized during recent months and persons belonging to minorities have been dismissed.

One reason why the work of the Ombudspersons is difficult is that even a year after the elections many of the state institutions in Bosnia and within the Federation are still not working. It is true that the cantonal parliaments and the two houses of the Federation parliament have now been constituted and a new federal government has been confirmed in office. But these institutions are still not fully functioning. Quasi-governmental structures such as the "Croat Community Herzeg Bosna", which exercise the real power, continue to exist. Co-operation with the authorities of the Republika Srpska and the Federation, which do not even react to questions, is turning out to be very unsatisfactory.

The biggest deficiencies and opportunities for abuse are offered by the system of justice, which is subject to "purgings" similar to those visited on the police. At the beginning of 1997 there were *de facto* still three separate law systems, one Bosniac, one Croat and one Serb. Laws created in the entities and cantons are often not compatible or are in violation of the Bosnian constitution. To some extent, pre-war laws are still in use and in other areas there is a complete lack of legal norms. Owing to the complicated constitutional structure the two entities handle the building of their legal systems differently. In the Republika Srpska laws and ordinances are produced centrally by the Ministry of Justice but in the Federation this task is divided amongst the ten cantons. In both partial states the legal system is subject to strong political pressures, a situation that manifests

22 Cf. Institution of the Ombudsmen of the Federation of Bosnia and Herzegovina. Annual Report on the Situation of Human Rights for 1996, Sarajevo, March 1997.

itself particularly in the appointment of judges and prosecutors. There is practically no separation of powers.

The Building of Civil Society

Along with the democratic institutions of the state, an active and pluralistic civil society constitutes the second pillar of democracy. Political parties, human rights and other interest groups and a democratic public thus enjoy particular support and assistance from the OSCE.

The establishment of free and pluralistic media is regarded as one of the most urgent tasks because modern mass communication was misused for propaganda purposes during Yugoslavia's war of succession.²³ Following the peace settlement most of the media retained their function as the voice of the nationalist parties and governments or of local potentates.

One of the most important objectives of media work which not only the OSCE but numerous NGOs are pursuing is the strengthening of media pluralism which allows alternative print media and radio stations to operate and in which political parties and social interest groups are appropriately represented. Second, the reporting on the election campaign must be monitored. A commission of media experts should make sure that the democratic character of the elections is not compromised. Third, it is important to train a new generation of professional journalists familiar with the standards of Western democratic reportage. Many journalists, after all, left the country during the war or for economic reasons are using their language ability to work for one of the numerous international organizations or NGOs rather than for the media. Fourth, communication between journalists from the two entities should be promoted, both by personal contacts and by the exchange of media products.²⁴ The OSCE plans to spend more than 1 million US-Dollars on media work in 1997.

OSCE employees are proud of the fact that the Bosnian media have grown more varied in the last year and, in particular, that the number of radio stations independent of state control continues to grow. There are in fact well equipped local radio and television stations in many communities. But human rights observers and ombudspersons report that many of these small stations are in the service of local politicians and send programmes and talk shows in which intolerance and racial hatred are preached. Even calls for violence are occasionally broadcast.²⁵ With projects like the Free Election Radio Network (FERN) and the

23 Cf. United Nations/Commission on Human Rights, Situation of Human Rights in the Territory of the Former Yugoslavia. Special Report on the Media, 13 December 1994 (E/CN.4/1995/54).

24 Cf. OSCE, Media Development. Strategies and Activities for 1997, Sarajevo 1997.

25 Cf. Institution of the Ombudsmen of the Federation of Bosnia and Herzegovina, cited above (Note 22), p. 22.

magazine Ogleđalo (Mirror) which is jointly produced by journalists from both entities, the OSCE has supported media organizations which are not controlled or mainly influenced by the ruling parties.²⁶

The media assistance programme is part of a more broadly conceived strategy of democratization intended to improve relations between the entities, strengthen democratic institutions and provide a firm anchor for pluralism and multi-ethnicity in political and social life. Among the objectives are to promote the dialogue among intellectuals, artists, women, religious leaders, journalists and youth; to support the establishment of NGOs; and to communicate to public officials the principles of the rule of law and democratic values.

There have been mixed results from confidence-building measures aimed at bridging ethnic and administrative barriers to bring people together and promote dialogue between them. The shortage of communications and transport equipment sometimes makes the meetings difficult. But not all obstacles are of a technical kind. The farther a group of people is from power the easier it is for its members - say, women or artists - to establish contacts across entity borders without interference. The closer a target group is to the levers of power, however, the harder it is to make contact. One example is that Croat and Serb judges were prohibited by their Ministers in December 1996 from participating in a country-wide conference of judges organized by the OSCE and the Council of Europe.

Possibilities available for the development of civil society are also extremely varied from one region to another. Human rights groups and citizens' initiatives were located almost exclusively on the territory of the Federation, and their activities mainly concentrated in Sarajevo and Tuzla. Relatively important organizations are the Serb Citizens' Council, the Helsinki Committee for Human Rights in Bosnia and Herzegovina, located in Sarajevo, and the Human Rights Office and Citizens' Forum in Tuzla. In other regions, especially in eastern Bosnia (Republika Srpska) and in the Herzegovina being under the control of Croat military forces (Federation), NGOs and alternative media are subjected to massive obstruction and intimidation at the hands of the local authorities. In these areas, the activities of initiatives and groups are limited almost completely to humanitarian projects.²⁷

The OSCE has nonetheless made a successful beginning at setting up a network between these NGOs. At the beginning of 1997 it was in contact with more than fifty local groups and organizations, among them citizens' initiatives, unions and women's groups in Sarajevo, Tuzla, Banja Luka, Bijeljina, Bihac, Livno, Gornji Vakuf, Travnik, Mostar and Zenica. Many human rights groups still do not have adequate knowledge of the legal situation and a sound grasp of the financial

26 Cf. Elena Drozdik, *Medien auf dem Weg in die Demokratie* [Media on a Course towards Democracy], in: Calic (Ed.), cited above (Note 2), pp. 106-111.

27 Cf. Jasna Malkoc, *Der Aufbau der Civil Society in Bosnien-Herzegowina* [The Building of Civil Society in Bosnia and Herzegovina], in: *ibid.*, pp. 97-105.

opportunities for their projects. "(...) Not infrequently planned projects fail owing to inability to present a project proposal to the appropriate institutions and organizations. Further education seminars abroad cannot be taken owing to difficult entry and visa regulations or, as in the case of the representatives from the Serb Entity, because the necessary travel documents were missing."²⁸

Although civil society is beginning to put down roots here and there, the political climate is on the whole hostile to democracy. High-ranking officials, representatives of political parties, members of the military and police forces only occasionally show any willingness to accept the rules of democratic behaviour. Still, almost everywhere party membership is not only the best protection against intimidation and discrimination but also the only real channel for a career and social security.

Thus it appears that the challenges for the OSCE are continuing to grow in the second year of its Bosnia Mission. Progress in maintaining human rights, supporting the rule of law and freedom of the media are urgently needed if the Dayton process is not to collapse completely. For this purpose, the parties on the scene will have to provide more help. Without the co-operation of the elites and the citizens the brittle peace in Bosnia and Herzegovina cannot be consolidated.

Bosnia - An Important Test Case for the OSCE

The OSCE, whose reputation had suffered badly from the failures of crisis and conflict management during the war, attached great hopes to its Bosnia Mission but also had some doubts.²⁹ Does the Organization have the capacity and the competence to take over responsibilities that used to belong to the United Nations? Can the division of labour between the UN and the regional organizations, which Boutros-Ghali called for in his "Agenda for Peace", prove itself in Europe with the help of the OSCE? Will the division of responsibilities between international organizations decided upon at Dayton perhaps even become a model for a future European security architecture, resting on the pillars of NATO and OSCE?

Expectations have in the meantime become more modest. Enthusiasm for the reconstruction work in Bosnia has waned and both the interest and the contribu-

28 Ibid., p. 102 (own translation).

29 On the role of the CSCE/OSCE in the Yugoslavia conflict, see, *inter alia*, Konrad Klingenburg, Das OSZE-Krisenmanagement im Balkankrieg [OSCE Crisis Management in the Balkan War], in: OSZE-Jahrbuch [OSCE Yearbook] 1995, cited above (Note 6), pp. 147-158. Marcus Wenig, Möglichkeiten und Grenzen der Streitbeilegung ethnischer Konflikte durch die OSZE - dargestellt am Konflikt im ehemaligen Jugoslawien [Possibilities and Limitations in the Settlement of Ethnic Conflicts by the OSCE - Illustrated by the Conflict in the Former Yugoslavia], Berlin 1996.

tions of the international participants are becoming smaller. But also criticism is growing. Were the problems assessed correctly on the spot? Was the time plan realistic? Were the appropriate instruments chosen? How strongly have the power interests of individual countries influenced the Dayton model and the division of roles in the "network of interlocking institutions"? Why are we not able to co-ordinate rationally the innumerable programmes and initiatives of governmental and non-governmental organizations?

The longer the political process in Bosnia stagnates, the more doubts will arise about the sense and the purpose of international efforts. Moreover, it has long seemed obvious that the case of Bosnia is too individual to permit us to draw far-reaching conclusions from it about the future role of the OSCE and other international organizations. What other crisis region exists in Europe where such extensive intrusions into the sovereignty of a state would be permitted as in Bosnia? Where else does the United States have such a strong interest in successful intervention that it would again be prepared to take over the leadership role both on the military side (IFOR/SFOR) and in one of the central civil areas (OSCE)? Where else in Europe would Russia - which is firmly tied into the Bosnian reconstruction work, although in a subordinate position - allow this?³⁰

No international organization would emerge unscathed from a failure of the Dayton process. The OSCE, too, would suffer a serious loss of credibility. Thus there is presently no alternative to a continued engagement in Bosnia and Herzegovina.

30 On this see, especially, the articles of Karl-Peter Stratmann and Bernard von Plate, in: Dayton: Perspektiven europäischer Sicherheit [Dayton: European Security Perspectives], Ebenhausen. Unpublished manuscript 1996.