It’s not just about the economy: Bosnia and Herzegovina needs a Loya Jirga

This year, Bosnia and Herzegovina (BiH) will mark two anniversaries that will evoke painful memories of its tortured past. It will be twenty years since the tragedy of Srebrenica and the signing of the Dayton Peace Agreement. The best way for the country to honour the memory of those who died and to pay its respects to history would be to launch an EU-facilitated constitutional reform process. If the EU itself does not take the initiative, the country’s leaders will continue to fiddle, while the fundamental economic and political weaknesses in the country will remain. Rather than relying on the political elites to work through the dysfunctional state structures, which they have abused for years, the reform should take the form of a national dialogue process involving all sectors of society – a Balkan version of Afghanistan’s Loya Jirga (Pashto for grand council).

The shortcomings of the EU’s ‘renewed approach’ towards BiH

It was thanks, not to the EU, but rather to a joint British-German initiative in November of last year that a way out of the standstill towards EU integration was devised in return for a solemn commitment from the country’s leadership to undertake substantive reforms. This initiative was subsequently endorsed by the EU, with the December Council inviting both High Representative/Vice President Federica Mogherini and the Commissioner for European Neighbourhood Policy and Enlargement Negotiations Johannes Hahn “to continue engaging with the BiH leadership to secure at the earliest its irrevocable written commitment to undertake reforms in the framework of the EU accession process”.

That it took several weeks before the solemn commitment was agreed and subsequently endorsed by the Bosnia and Herzegovina Parliament on February 23rd during the visit of the HR/VP to Sarajevo, her second visit since taking up office last November, is a reflection of the difficulties that continue to challenge the country’s leadership in consensus-building.

Nevertheless, at its meeting on March 16th, the Foreign Affairs Council welcomed this development and called on the leadership “to fully uphold its commitments and obligations, including those relating to the adaptation of the...
The legitimacy and effectiveness of a national dialogue process for Bosnia and Herzegovina will be strongly influenced by its design. In this respect, it is crucial for the EU to arrive at the right answers to the following questions:

1. What is the relationship of the national dialogue to the existing federal and de-centralised state institutions? What is its mandate and what are its decision-making powers?
2. How large should the national dialogue be? Which constituencies need to be included and how should their representatives be selected?
3. Should the decisions of the national dialogue be ratified by the existing institutions or should its decisions be final?*

These questions should be answered by the key political actors through negotiations facilitated by the EU. After all, the main political figures must be persuaded to buy into the national dialogue mechanism, in order to preempt them from trying to wreck the ongoing process and/or its outcome. Also, in cases where the dialogue assumes greater powers than originally envisaged, the risk of backlash is all too real. Therefore, to the extent possible, agreement on the mandate should precede the commencement of the dialogue. Thus, the parties need to agree on a set of principles that should govern the transition, which the key political actors and the EU should then seek to consolidate through an inclusive and participatory process.

The preliminary talks will no doubt be messy and difficult. Therefore, it is essential that the EU, actively supported by the US, stays the course and reminds the political elite of the solemn declaration they made in February. An all-inclusive dialogue with the active participation of civil society throughout the country is the only way to restore confidence in the country’s capacity to resolve the political and economic challenges facing it.

Erwan Fouéré
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