

## International Conference for Bosnia and Herzegovina

### Panel on Conditionality & Ownership

Friday 21 October 2005

at the International Conference Center Geneva (CICG)

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#### Conditionality & Ownership in Post-Dayton Bosnia and Herzegovina: Strengthening Local and International Accountability

by

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You interfere in an internal matter because you want to support a change; otherwise, there is no reason for doing so. In order to provoke effective change, certain instruments are necessary to ensure that your support (particularly if it is financial support) is well used and actually implemented in the way you want. This is a way conditionality should be understood, in *a leverage process*. As an outsider, you are not and cannot be the main actor of a local change; only local actors can be. For a change to occur, it has to be domestically supported and rooted, even though bringing in some outside resources may be necessary. In other words, if you want to achieve any progress, *conditionality and ownership absolutely need to be articulated properly from the outset*. If you don't design and apply conditionality in a way that it actually fulfills its role, its result may be absolutely counter-productive – which is what happens most of the time.

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One way of achieving this delicate balance and articulating conditionality and ownership is *to promote both local and international accountability*.

In this contribution, I would like to address two key issues that deserve specific attention in this process: the identification of the key local interlocutors/partners, on one hand; the choice of instruments to promote this accountability, on the other hand. In view of this 'ideal-type', the international support to post-conflict rebuilding in Bosnia-Herzegovina has been suffering from a major ambiguity: more than any other peace agreements, the Dayton accords intended to 'freeze' a situation, instead of aiming to 'change' it, which is what actually needs to be done now if we want to support any lasting and sustainable peace in that country. Ten years after Dayton, it is time to deal with this political contradiction.

## 1. **How are you defining who your main interlocutors should be?**

Three main dimensions need to be addressed here:

### 1.1. **A greater attention to the criteria of choice:**

Most of our interventions in BiH, as in other similar situations, are *too elitist and simplistic in their way of looking at local societies*. Not only is the 'civil society' largely marginalized in the process, but also the way it is approached shows a very poor understanding of the ongoing socio-political change in BiH. Outsiders seem to have much difficulty identifying who are the main actors in this society, which should nevertheless be the key question if they want to support an actual and sustainable rebuilding of the society as a whole.

*Too much attention is given to the 'ethnic' identity in relation to other identifications in the society.* BiH citizens (Bosnian) are not only Muslims (Bosniak), Serbs or Croats; many may even claim not to be limited to any particular so called

‘identity’. In most interviews, people claim to be able to refer to other components of their plural identities.

Another way to understand these two dimensions is to call for *a much more sophisticated and complex view on any conflict and post-conflict situation*.

**1.2. A dynamic understanding of the evolution of the situation and power relationships:**

It is equally vital to understand the evolution of local actors’ strategies. Particularly when you are using any kind of conditionality program, you absolutely need *to micro-monitor and manage the impact of your action and the way local actors (especially the most powerful ones) adapt themselves to your maneuvers*. Too often, we act in a completely blind manner – which also means without adequate knowledge or pre-assessment of the situation. Most international organizations actually have quite good analysis undertaken by their staff at the local level, but either it is not sufficiently taken into consideration in the decision-making process, or it is considered too late. Much more attention has to be paid to this ability to understand the evolutions of local situations. As for now, we too often “end up committing the dual sin of ignorance and arrogance”, to take on the words of Lakhdar Brahimi in his address to the Berlin conference on reconstruction in October 2004.

**1.3. A greater attention to the legitimization process:**

In most cases, the legitimization process is actually reversed: local leaders do not answer to their people but to the international authorities and norms; the great advantage of this situation for local leaders is that they can easily manipulate it if they are smart enough to appear to conform to the expectations of the international community. Yet, local legitimacy is crucial to guarantee the sustainable rebuilding of a state, and it is also crucial if you want any kind of conditionality to play a positive role. Otherwise, you run the risk of playing against the grounding of any democratic system and democratic

accountability, which is one of the main instruments any democratic system ultimately relies on. At a minimum, *it is urgent that outsiders re-balance the respective importance given to ‘international legitimacy’ and ‘local legitimacy’, and anticipate and manage the potential contradictions between the two processes.*

**Recommendations on § 1:**

- i. There is a need for *fundamental changes in outsiders’ intelligence-gathering and communication capacities* in order to better understand local contexts and, more particularly, identify the local actors likely to be the major motors for change.
- ii. Whereas some progress has been made in the evaluation of aid programs, much remains to be done on pre-assessment and actual monitoring of the socio-political contexts and consequences of programs based on conditionality approaches. *Comprehensive monitoring and verification systems, as well as concrete guidelines for field staff, need to be developed.*
- iii. There is a great need for better training, preparation, pre-briefing, monitoring and debriefing of staff. *More continuity* is also needed both in the negotiation and the concrete work. The high staff turnover – including at the top level – and the resulting change of approaches to these questions also greatly hinders a more effective international support.

2.

### **Which instruments do you use to promote local accountability?**

Three main dimensions need to be addressed here again:

#### **2.1. A greater attention to the criteria chosen to apply conditionality:**

The choice of the criteria selected to measure the fulfillment of the conditions designed by outsiders is usually quite revealing of the kind of processes they want to support: *political vs. financial and technocratic criteria* (the process towards European integration is very revealing of such a misguidance, putting aside any debate about the substance of European project and values); *outside vs. locally driven* (supply vs. demand driven). In most of the cases, and certainly in most of the current aid programs for BiH, the trend needs to be reversed so that the substantial and local issues may manifest themselves and be considered first.

Another important aspect in the actual practice of the international community in BiH is *the total absence of continuity and consistency in the application of criteria*: the donors themselves are not coherent (between themselves, at times...) and often change the rules of the game (an extreme illustration being, in the case of BiH, the frequent changes in electoral law). Of course, this is generally linked to a larger incoherence – for instance, the fact that the desired end state of state-building in BiH has never been properly articulated either by domestic actors or by Bosnia's international administrators – but it also reflects a lack of articulated politics on a more daily, functional basis. The combination of the two results in a mixture of authoritarianism and laxity, particularly clear at the level of the High Representative. As a consequence, it is very difficult for average people to understand and follow up with what outsiders are doing and demanding. This is reinforced by the usual lack of explanation and communication with local public opinion, generally not considered as important enough to be dealt with properly.

Finally, if all the criteria of action but also the models are decided and imposed from the outside, if international action replaces local decision-making processes or

substitutes for the role of the parliament, it will continue to be difficult to make the rules of the game understood and assimilated locally. *The rules of the game also need to be discussed locally in order to begin to support a local accountability process.*

## **2.2. Less formality in the application of the criteria:**

It is quite revealing that in most international reports, BiH appears as an apparent good student: the country has fulfilled almost all major formal commitments – though slowly and only under constant pressure by the international community – but there is a lack of follow-up with concrete implementation and effective ownership. The main reason for that situation is that these are *highly formal processes*, with two major consequences.

First, the international community is contributing to *the building of ‘ghost institutions’* or the drafting of elaborate laws that may have very little substance in reality.

The related aspect of this is *a lack of substance in the meaning associated with political processes*. Again, this is very linked to that fact that because the models are coming from outside and imposed, there is no room for local debates about the choice of models and, even in the best circumstances (which is not the case now in BiH), very little room to maneuver for local parliaments to actually discuss about the future of the country and the different options in the conflict’s aftermath.

## **2.3. The definition of new targets in terms of accountability:**

We need to redefine accountability in two ways: first local leaders ought to be accountable to local populations, not only international actors; second, outsiders ought to also be held accountable for their actions, including in the area of corruption.

**Recommendations on § 2:**

- i. ***We need to take concrete steps in order to improve outsiders' actual accountability towards local peoples and partners;*** for the moment, it is close to zero. Such reforms need to be vigorous, and include an effective performance assessment and sanction system, in order to end a sense of impunity at all levels. It is too easy to say that we have been doing a lot and auto-congratulate ourselves. Dag Hammarskjöld, former UN Secretary-General, defined the ethics of the public official as the commitment to do the best in any circumstances; it is time to put such a maxim into practice. It would be a signal that outsiders should cease to consider the local people either as passive recipients of their largesse or as potential obstacles to the smooth progress of their work.
  
- ii. We also need ***to put politics back at the center of what peace building and state building are about.*** This entails putting more emphasis on education, public opinion awareness, and support to 'citizens to citizens' initiatives inside Europe. Towns to towns, schools to schools, associations to associations... citizen exchanges and alliances need to be supported so that people can share their experiences and stories and appropriate politics again.