

WHAT IS TO BE DONE? FOREIGN POLICY IN BOSNIA AND HERZEGOVINA

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Abstract

As a weak state, Bosnia and Herzegovina (BiH) faces challenges in achieving its foreign policy goals. BiH must strive to counter institutional constraints associated with consociationalism, ethnic politics and the Dayton Peace Accords. The path to EU membership highlights the difficulties. BiH leaders and public widely support EU membership. Yet, the EU links accession with reforms associated with good governance which BiH leaders are resistant to undertake. Thus, BiH institutional reforms remain paralyzed, state capability limited, and EU membership unrealized. This research examines the foreign policy process in BiH through various theoretical perspectives including Putnam's two-level game, Moravcsik's two-stage model, Tsebelis' nested game, and Bendor and Hammond's bureaucratic politics. All the approaches highlight the complexity of the foreign policy process in BiH, and the need for reform in order to

strengthen state capacity and achieve policy goals. The research explains elite intransigence's impact on reforms efforts and concludes comprehensive institutional changes remain unlikely, but incremental reforms can occur.

Introduction

A complex environment of contending international and domestic actors impedes the success of BiH's foreign policy. BiH still labors under the authority of the Peace Implementation Committee (PIC) and the Office of the High Representative (OHR). The OHR maintains an ultimate veto over politics and policies. The diversity of foreign influence, including Russia, Serbia, the EU, and Iran, introduces countervailing pressures and incentives. At the domestic level, the constitution creates a cumbersome decision-making process. Strong entity governments challenge central government authority while nationalist politicians block the strengthening of the state and the rationalization of the foreign policy process. Public opinion is torn and citizen disaffection is high. Citizens possess intense interest in relations with bordering states, particularly states with historic and ethnic ties.

Yet, leaders and citizens in BiH share fundamental foreign policy goals despite ethnic cleavages. Membership in the European Union (EU) consistently remains a high priority

with the government and public acknowledging integration into Europe as the best vehicle to achieve political and economic security. Public support for EU accession remains strong and significant for all ethnic groups.¹ In January 2007, the tri-partite presidency cited EU accession as the primary objective of the government. The leaders of six major political parties representing all ethnic groups endorse membership.

Related to the priority of integration, the Presidency includes among its foreign policy goals the adoption of constitutional forms to position BiH as a “functional and modern country with European standards”.² The EU only will grant membership after BiH demonstrates an ability to harmonize with Europe. The necessity to reform the foreign policy process and enhance state capability clearly exists.

¹ Oxford Research International, *The Silent Majority Speaks: Snapshots of Today and Visions of the Future of Bosnia and Herzegovina*, (United Nations Development Programme, 2007); available at www.undp.ba?PID=7&RID=413; Toal, Gerard, John O’Loughlin, and Dino Djipa, “Bosnia-Herzegovina Ten Years after Dayton: Constitutional Change and Public Opinion,” *Eurasian Geography and Economics* 47:1 (2006): 61-75; Rose, Richard, *Bosnia-Herzegovina Public Opinion: A South-East Barometer Study*. Studies in Public Policy Number 396. (Glasgow: Centre for the Study of Public Policy, 2004).

² Bosnia and Herzegovina Presidency, *Decisions and Conclusions Made during the Meeting of the BiH Presidency*. 3 January, 2007; available at <http://www.predsjednistvobih.ba/zaklj/1/?cid=10115,1,1>. Also note, the EU requires constitutional reform as a condition for accession, and accordingly constitutional change becomes a foreign policy issue.

Accordingly, Foreign Minister Alkalaj identifies rationalization of the Foreign Ministry as a priority.³

Still, ethnic competition and the foreign policy powers of the entities impede policy success. Experienced professionals in the Foreign Ministry from various ethnic groups assert diplomats’ present positions with nationalist nuances and preferences despite the shared realization they ultimately must pursue policies of cooperation with the EU and Balkans.⁴ Political leaders, including members of the Presidency and Alkalaj, remain confrontational concerning constitutional reform and bureaucratic reorganization.⁵ This paper examines the post-Dayton foreign policy process in BiH and the weakness of the central state to achieve its policy goals. The research addresses the questions why impediments to constitutional change and state strengthening exist, and what institutional reforms are possible.

The topic of weak states and state building relates to BiH as a developing, post-communist, and post-conflict state. Migdal focuses upon weak states and their development of state capability.⁶

³ Nidzara Ahmetasevic, “Bosnian Divisions leave Foreign Policy to Chance,” *Balkan Insight*, 11 April 2007.

⁴ Interviews conducted summer, 2006 and 2007.

⁵ On May 5, 2008, Prime Minister Spiric began procedures to remove Alkalaj for conflict of interest. Alkalaj contends the charges are politically motivated, and plans to appeal.

⁶ Joel Migdal, *Strong Societies and Weak States: State-Society Relations and State Capabilities in*

Like Fukuyama, he explains state building often involves conflict.⁷ Migdal's work with Schlichte emphasizes the dynamic character of the state relative to state power, its actual functioning, and its relationship with domestic and international actors.⁸ These analyses suggest the challenges BiH faces to strengthen, and particularly to gain control of its foreign policy given domestic conflicts and international pressures.

In regard to policy-making and development, Evans introduces the significance of the autonomous state and embedded autonomy.⁹ He rejects the universal superiority of a *laissez faire* state. He focuses on the fact the bureaucracy may introduce its own interests to decision making, but clarifies this can be desirable given contending interests in society. Evans also explains that homogeneity facilitates embedded autonomy.

Substantial literature emphasizes the additional state building difficulties post-communist states confront because

the Third World, (Princeton: Princeton University Press, 1988).

⁷ Joel Migdal, *State in Society. Studying how States and Societies Transform and Constitute one Another*, (Cambridge: Cambridge University Press, 2001); Fukuyama, Francis, "Liberalism Versus State-Building," *Journal of Democracy* 18:3 (2007): 10-13.

⁸ Migdal, Joel and Klaus Schlichte, "Re-thinking the State," *The Dynamics of States: The Formation and Crises of State Domination*, ed. Klaus Schlichte (Burlington, VT: Ashgate, 2005).

⁹ Evans, Peter, *Embedded Autonomy: States and Industrial Transformation*, (Princeton: Princeton University Press, 1995).

they simultaneously undergo international, political, economic and social transitions.¹⁰ Krastev discusses the weakness of Balkan states from multiple perspectives: the inability to implement policies and achieve goals, constituent dissatisfaction, and the dominance of powerful interests.¹¹ He advocates the possibility of individual paths to state building. Brunell focuses specifically upon the development of bureaucratic autonomy and institutional capital given the weakness of civil society in post-communist systems.¹² Park highlights the importance of leadership for the foreign policy success of small, post-communist states.¹³ Brunell and Park's conclusions suggest pessimism regarding BiH's transition.

Research addressing state-building in post-conflict situations generally views

¹⁰ See for example Muco, Marta, "Low State Capability in Southeast Transition Countries," *Southeast European and Black Sea Studies* 1:1 (2001): 41-54; Feilcke-Tiemann, "Albania Gradual Consolidation Limited by Internal Political Struggle," *Southeast European and Black Sea Studies* 6:1 (2006): 25-41; Bieber, Florian, "Slow Progress towards a Functional State," *Southeast European and Black Sea Studies* 6:1 (2006): 43-64; Way, Lucan, "Weak States and Pluralism," *East European Politics and Societies* 17 (2003) 454-482.

¹¹ Ivan Krastev, "The Balkans: Democracy without Choices," *Journal of Democracy* 13:3 (2002): 39-53.

¹² Brunell, Laura, *Institutional Capital: Building Post-Communist Government Performance* (Lanham, MD: University Press of America, 2005).

¹³ Park, Asura, "Starting from Scratch: The Role of Leadership in the Foreign Policymaking of the Baltic States, 1991-1999," *East European Quarterly* 39:2 (2005) 229-270.

strong states as preferable for world order.¹⁴ This literature differentiates state strength and scope, emphasizing state scope refers to the extent of state regulation and involvement in society. By contrast, state strength focuses upon the ability to provide fundamental goods, including physical and economic security. Fukuyama offers a narrow definition of state building as “the development of certain governmental capacities to provide public goods.”¹⁵ He argues emphasis must be placed on bolstering strength to achieve efficiency. He further contends the key issue is the “ability of states to plan and execute policies...what is now commonly referred to as state or institutional capacity.”¹⁶

This focus on the strength of post-conflict states generates debates concerning whether state building can be externally promoted. Some argue externally initiated and supervised state building is contrary to the avowed liberal democratic goals which the international community holds. Ramet emphasizes the critical nature of domestic political legitimacy.¹⁷ Other

authors believe the external presence evokes negative reactions which strengthen nationalist elites.¹⁸ Chandler contends international presence actually depletes state capacity.¹⁹ Conversely, Bose finds the international involvement in BiH producing more benefits than problems. He acknowledges existing impediments to state building and suggests reforms to increase institutional efficiency. Bose advocates changes in BiH to emphasize the benefits of institutionalization and counter the effects of consociationalism.²⁰

Discussion of institutional reform within BiH, however, necessitates an understanding of the policy-making process and the political impediments to change. The complexity of BiH policy-making associated with the Dayton Peace Accords (DPA) requires several models to illuminate the diverse processes and influences affecting policy outcome. At the global level of

¹⁴ Krasner, Stephen and Carlos Pascual, “Addressing State Failure,” *Foreign Affairs* 84:4 (2005); Fukuyama, Francis, “The Imperative of State-Building,” *Journal of Democracy* 15:2 (2004) 17–31.

¹⁵ Fukuyama, “Liberalism Versus State-Building,” 12.

¹⁶ Fukuyama, “The Imperative of State-Building,” 22.

¹⁷ Ramet, Sabrina, *The Three Yugoslavias: State-building and Legitimation, 1918-2005* (Bloomington, IN: Indiana University Press, 2006) 471-473.

¹⁸ Coyne, Christopher, “Reconstructing Weak and Failed States: Foreign Intervention and the Nirvana Fallacy,” *Foreign Policy Analysis* 2 (2006): 343-360; Batt, Judy, “Bosnia and Herzegovina: Politics as “War by Other Means” Challenge to the EU’s Strategy for the Western Balkans,” *Journal of Intervention and State Building* 1 (2007) 65-67; Cox, Marcus, “State Building and Post-Conflict Reconstruction: The Lessons from Bosnia,” (Geneva: CASIN, 2001).

¹⁹ Chandler, David, *Empire in Denial: The Politics of State-Building*, Pluto Press, 2006.

²⁰ Bose, Sumantra, *Bosnia after Dayton: Nationalist Partition and International Intervention*, (Oxford University Press, 2006) 274; Bose, “The Bosnian State a Decade after Dayton,” *International Peacekeeping* 12:3 (2005): 322-335.

analysis, Putnam and Moravcsik's models of foreign policy-making facilitate an understanding of the interaction between foreign and domestic actors. Putnam's two-level games addresses the notion the central government negotiates policy with both foreign actors and domestic constituents. Putnam contends the simultaneous negotiations interact, and the policy outcome is a product of this interaction.²¹ In the case of BiH, the reality is complicated and a multi-level version of Putnam's game demonstrates policy discussions occur between many different levels. The model highlights the complexity of BiH policy-making. Moravcsik's two-stage model also recognizes the influence of foreign and domestic sources, but contributes the insight the central government may not always serve as a mediator.²² Further Moravcsik's use of liberal theory highlights the reality that harmony is not automatic in a democratic state. Domestic actors often favor divergent policies. Moravcsik identifies the possibility of contending political, economic, and ideological groups within the state. This approach permits a focus upon the critical significance of ideational groups in BiH. The model also suggests the potential power of transnational networks to penetrate and influence BiH civil society.

²¹ Robert Putnam, "Diplomacy and Domestic Politics: The Logic of Two-level Games," *International Organization* 42:3 (1988): 427-460.

²² Moravcsik, Andrew, "Taking Preferences Seriously: A Liberal Theory of International Politics," *International Organization* 51:4 (1997): 513-553.

Indeed, Smith's concept of multi-level governance emphasizes the EU penetration of member states.²³ Smith explains a special relationship exists between the EU and citizens within Europe. He also discusses the need for member states to adjust their foreign policy bureaucracies to operate effectively within the EU. This research focuses upon the inadequacy of the current BiH foreign policy process from the EU perspective. Together the work of Putnam, Moravcsik, and Smith offer models to understand and examine the complexity of BiH foreign policy making given the interaction between foreign and domestic actors. These models suggest the opportunities for international actors and transnational social networks to influence policy, particularly given BiH democratization and EU integration.

Yet, political dynamics and structures within BiH remain the primary source of policy inefficacy and the major impediment to reform. Thus, analysis at the domestic level must complement a global level of analysis. An understanding of BiH policy-making requires examination of both consociational elite decision-making and bureaucratic politics. Tsebelis' work with nested games and multiple veto players provides insight into how and why consociational elites resist

²³ Smith, Michael. "Toward a Theory of EU Foreign Policy-making, Multi-level Governance, Domestic Politics, and National Adaptation to Europe's Common Foreign and Security Policy." *Journal of European Public Policy* 11:4 (2004): 740-758.

constitutional and institutional reform.²⁴ His concept of multiple veto players conveys pessimism regarding the possibility of comprehensive change of the current policy-making process. Bendor and Hammond's typology addresses the differential impact of bureaucratic politics on policy under various conditions. They emphasize the difficulty of achieving efficient foreign policy in a state with multiple decision makers. Their typology considers the possibility of multiple bureaucrats introducing varying perspectives. Bendor and Hammond provide insight into constraints on rationality in the foreign policy process, and thus complement Tsebelis' emphasis on the difficulty of strengthening the central state. These constraints then create the need to consider potential discrete reforms to improve the effectiveness of the Foreign Ministry and advance the foreign policy of BiH.

Multiple Levels and Stages: Compounding Complexity, Confounding Foreign Policy

Understanding BiH foreign policy then requires examination of relationships at multiple levels. The decision-making process occurs within a bureaucratic politics environment where representatives of varying interests favor positions consistent with

particularistic notions of welfare. This is typical of policy in most states, where for example farm interests conflict with free trade interests. In BiH, however, ethnic competition and consociational constitutional requirements further complicate politics within the foreign ministry. The commitment to balance ethnic representation within the ministry adds an ethnic politics to the existing bureaucratic politics.

Consociationalism also affects the relationships between the executive and legislative branch, and the central and entity governments. The presidency is tri-partite with representation of all three major groups; the chair rotates. In the absence of consensus, policy is not made. Additionally, the major ethnic groups within the legislature retain the right to veto policies. Majorities of all ethnic groups must approve legislation. Finally, the entity governments possess significant jurisdictions, including foreign policy powers. Entity governments sometimes initiate policies which conflict with central government goals. Thus, constitutional provisions of the DPA impede efficient decision-making.

The public is willing to move beyond politics of ethnicity and stalemate to consolidate democracy and achieve EU membership. People now express willingness to compromise on constitutional and ethnic issues in order to advance economic opportunities and EU accession. Substantial agreement exists on the major goal for BiH: 71% believe BiH should be in the EU within

²⁴ Tsebelis, George, "Decision making in Political Systems: Veto Players in Presidentialism, Parliamentarism, Multicameralism and Multipartyism," *British Journal of Political Science* 25:3 (1995): 289-325.

20 years.²⁵ Constitutional reform is very salient, but the apathy of the citizens enables leaders to disregard public opinion even on issues of relative public significance.

By contrast, a vocal minority continues to emphasize ultranationalist positions. The apathy of the majority permits the small but mobilized extremist faction to demand elites not compromise.²⁶ The heightened significance of the ultranationalist view leads to a situation in which the worst outcome for any elite is to offer concessions which are not reciprocated, and consequently be viewed as weak by supporters. Extremists reinforce the preferences of the nationalist elites, and elites then manipulate extremists to maintain a vocal opposition to concessions.

Simultaneously, international and transnational actors influence the decision-making process, so any analysis of decisions must move beyond the domestic level to include global politics. The DPA provides international actors with ultimate authority. Additionally, transnational society permeates BiH and potentially offers a vehicle for the development of civil society and social capital. Therefore, understanding BiH foreign policy-making requires an analysis of both the international and domestic level.

Putnam's two-level games demonstrate international and domestic politics exert an interactive effect upon a state's foreign policy. Putnam contends,

At the national level, domestic groups pursue their interests by pressuring the government to adopt favorable policies.... At the international level, national governments seek to maximize their own ability to satisfy domestic pressures.... Neither of the two games can be ignored by central decision-makers....²⁷

Putnam explains strategies of negotiators influence outcomes by offering side payments. The OHR and EU reward cooperative leaders; conditional terms associated with investment funds and EU accession illustrate such efforts. Conversely, the OHR retains the power to impose policies and remove obstructionist politicians.²⁸ Yet, the OHR does not make all decisions. Further, the OHR prefers to facilitate consensus rather than simply impose a position. BiH politicians do negotiate with OHR officials.

Two-level games also illustrate negotiators jeopardize deals if they guess wrong in the face of uncertainty about what domestic

²⁵ Oxford International Research 2007; Toal et al. 2006.

²⁶ Oxford Research International, 2007.

²⁷ Putnam, "Diplomacy and Domestic Politics." 434.

²⁸ Recently the OHR threatened use of its power to force police reform after months of intransigence by ethnic leaders.

constituents will accept.²⁹ With BiH uncertainty remains a serious problem because policies require approval of three ethnic groups whose ultranationalist parties and conflict entrepreneurs often adopt hard line positions.³⁰ The failure of the April 2006 constitutional compromise demonstrates the problem. Negotiators guessed wrong about the willingness of legislators to accept the deal the major parties endorsed.³¹ Further complications arise from the foreign policy powers of entities which retain significant autonomy in the areas of foreign policy and trade.³²

Putnam focuses upon two-level games, but recognizes the existence of multi-level games in complicated situations such as BiH. Table 1 compares the BiH multi-level game with Putnam's two-level game. Policy-makers in the BiH executive negotiate with foreign states as in Putnam's Level I and deal with voters and legislators comparable to Putnam's Level II, but the total BiH

game exhibits extraordinary complexity. In the BiH multi-level game, Level I introduces the international actors and institutions of Europe as special players. The OHR and European Union Special Representative (EUSR) maintain ultimate control over decisions. The OHR can remove elected leaders, overturn laws, and ban parties. The institutions of Europe, including the European Bank for Reconstruction and Development and the Organization for Security and Cooperation in Europe, influence policy because they provide resources and clearly favor regional integration and inter-ethnic cooperation. BiH leaders are conflicted because often the interests of Europe (i.e., security through cooperation and integration) run contrary to their ethnic interests (i.e., security through ethnic segregation).

Level II in the multi-level game reflects BiH's special relations with neighbors in the western Balkans, particularly Slovenia, Macedonia, Montenegro, Croatia, Serbia and Albania. The common history of the Yugoslav era coupled with the EU's support of Balkan integration creates special ties and means of influence. Serbian politicians within the BiH leadership still appeal to Serbian voters, just as Croatian politicians within BiH appeal to Croats and Bosniak politicians appeal to Bosniaks. The fact politicians of different nationalities within the BiH government and the region act based upon ethnic interest rather than state interest affects state capacity and leads

²⁹ Putnam, "Diplomacy and Domestic Politics," 452.

³⁰ Crocker, Chester, Fen O. Hampson, and Pamela Aall, *Taming Intractable Conflicts: Mediation in the Hardest Cases*. (Washington D.C.: United States Institute of Peace, 2005), 105, 114, 124. Also note, the DPA established a consociational system so the presidency includes a representative of each ethnic group, and each ethnic group also retains a veto on legislation.

³¹ The deal failed in the legislature by two votes with the defection of extremists from their leadership position.

³² The DPA created two entities within BiH: The Federation of Bosnia and Herzegovina (FBiH) and the Republika Srpska (RS).

to a third-level game, i.e., a game between ethnic leaders within the region with the entities and internal ethnic groups in BiH.

At this third level each ethnic leader positions to produce the best foreign policy for his or her national interests understood as ethnic interest. Not only the leaders of BiH seek to satisfy BiH legislators and voters, but at times the Serbian government appeals to Serbs living in BiH and the Croatian government appeals to Croats in BiH. These relationships based on ethnicity challenge and weaken the state. External actors appeal to BiH citizens in competition with the BiH government while internal actors divide the BiH government along ethnic lines.

This third level overlaps a fourth level which occurs between the central state

leaders and the entity leaders of BiH and the entity leaders and their constituents. Leaders of the entity governments sometimes make nationalist appeals to their constituents which run counter to the attempts by some BiH central government leaders to promote cooperation. Prime Minister of Republika Srpska (RS) Dodik frequently appeals to Bosnian Serbs and links the events and independence in Kosovo to the RS. Finally, a fifth level to the BiH foreign policy game exists resembling Putnam's Level II. At the fifth level the central government negotiates with legislative parties and representatives.

Compounding complexity exists, however, due to the tri-partite nature of the presidency, the multi-ethnic

TABLE 1. COMPARISON OF TWO-LEVEL AND MULTI-LEVEL GAMES

LEVELS	TWO-LEVEL	MULTI-LEVEL
I	Foreign Actor - State Government	Foreign Actor –State Government of BiH (Global Actors: OHR, EUSR, US, NATO)
II	State Government – Constituents in Legislature, Parties and Public	Foreign Actor – State Government of BiH (Foreign Actor: Former Republics of Yugoslavia)
III		Former Republics of Yugoslavia-Entities”Governments and Population
IV		State Government of BiH – Entity Governments
V		State Government of BiH –BiH Legislature, Parties and Public

representation in the Foreign Ministry, and the legislative vetoes held by each ethnic group. Such conditions

confound attempts by BiH to pursue rational policy and achieve its goals.

While the notion of a multi-level political game provides a useful model to understand foreign-policymaking in BiH, it still fails to convey the full intricacy of the process. The members of the tripartite presidency negotiate foreign policy with one another, and then on five interactive levels. Putnam's model views the state negotiating with foreign and domestic actors, but in BiH foreign actors sometimes bypass the state and bargain directly with domestic actors. The BiH state does not necessarily occupy a pivotal role as a mediator or representative of popular interests. Foreign governments work with entity governments, and the Organization of Security and Cooperation in Europe works with domestic groups.

Putnam's model also fails to focus upon where policy initiates. Former BiH UN Ambassador Kusljagic explains policy often is reactive and frequently begins with the OHR.¹ At times, the central state remains outside the foreign policy process such as when RS sold its oil company to Russia. Thus, modeling the BiH policy process as a multi-level game conveys the interactive nature of decision-making but neglects complications associated with the weakness of the central government. Putnam's model seems to assume a strong state. To the extent the multi-level game does not fit, however, the misfit reveals the need for institutional

changes to bolster the central state capacity.

Moravcsik offers a two-stage model of policy-making which suggests the development of transnational social networks affects the preferences states selectively pursue. The focus upon transnational social networks deemphasizes the state as a mediator and recognizes societal change can lead to policy change. In these ways, the two-stage model offers insights missing from Putnam's games.

Further, Moravcsik embraces liberal theory, but "...rejects the utopian notion that an *automatic* harmony of interest exists..."² His rejection of automatic harmony and emphasis on competitive interests characterizes the situation among ethnic groups in BiH. He also contends actors tend to exhibit rationality and risk-aversion. Indeed, BiH groups portray these qualities; ethnic and economic differences exist, but most surveys confirm realistic views about the need for compromise. Seventy-five percent of Serbs state admission into the EU requires compromise and reform.³

Yet, Moravcsik warns "Deep, irreconcilable differences in beliefs about the provision of public goods, such as borders, culture, fundamental

¹ Kusljagic, Mirza, "BiH and Global Challenges," *Foreign Policy Review* 1:1 (2006): 103-14.

² Moravcsik, "Taking Preferences Seriously," 517.

³ Oxford Research International, *The Silent Majority Speaks*.

political institutions, and local social practices promote conflict....”⁴

Moravcsik focuses upon three sources of societal influence and potential conflict: ideational, economic, and republican. Each source possesses significance in BiH. The ideational “...stresses the impact...of conflict and compatibility among collective social values or identities...”⁵ In BiH diverse ethnoreligious preferences create tension between politicians especially because social identities relate to jurisdictional borders and constitutional structure. Yet, economic interests tend to create crosscutting cleavages and unify people, particularly with regard to the goal of EU membership.⁶

Finally, “republican liberalism stresses the impact of varying forms of domestic representation...”⁷ Moravcsik explains a system of representation tends to privilege certain groups. Elites often benefit in consociational systems, and in BiH elites perceive advantages to the institutional status quo.⁸ BiH’s

consociational system frustrates efforts to rationalize policy-making and negotiate constitutional change while the system’s provision of entity and ethnic powers exacerbates foreign policy incoherence. Moravcsik notes: “When particularistic groups are able to formulate policy without necessarily providing off-setting gains for society as a whole, the result is likely to be inefficient, suboptimal, policies from the aggregate perspective.”⁹ This analysis elucidates the current situation in BiH in which the public and elites favor EU membership, but yet refusal to accept constitutional reforms leaves the state weak with limited institutional capability and derails stabilization and accession.

Moravcsik explains the state determines which societal preferences to favor in foreign policy. The state may privilege some groups, and such privileging certainly occurs in BiH given the elitism and patronage associated with consociationalism. Moravcsik also anticipates some states behave in a disaggregated fashion with “...semiautonomous foreign policies in the service of disparate social

⁴Moravcsik, “Taking Preferences Seriously,” 517.

⁵ Moravcsik, “Taking Preferences Seriously,” 515.

⁶ The United Nations Development Program’s recent report confirms public receptiveness to constitutional reform and EU accession, as well as the popular frustration with elite intransigence on these matters. Oxford Research International, *The Silent Majority Speaks*, 2.

⁷Moravcsik, “Taking Preferences Seriously,” 515.

⁸Crocker, Chester, “The Place of Grand Strategy, Statecraft, and Power in Conflict Management,” in *Leashing the Dogs of War*, ed. Chester Crocker, Fen O. Hampson and Patricia Aall (Washington D.C.: United States Institute of Peace, 2007). 355-368; Fischer Martina,

Peacebuilding and Civil Society in Bosnia-Herzegovina: Ten Years after Dayton (Munster: Lit Verlag, 2006); Tsebelis George, *Nested Games: Rational Choice in Comparative Politics* (Berkeley: University of California Press, 1990); Lijphart, Arend, *The Politics of Accommodation: Pluralism and Democracy in The Netherlands* (Berkeley: University of California Press, 1968).

⁹ Moravcsik, “Taking Preferences Seriously,” 530-531.

interests.”¹⁰ Such characterization well describes BiH where entities maintain individual foreign ministries and conduct autonomous policy, thereby countering the central state capacity. The tri-partite presidency and central foreign ministry also exhibit disaggregated behavior as representatives of ethnic groups sometimes pursue particularistic policies. Thus various “powerful domestic groups enfranchised by representative institutions and practices”¹¹ differentially conceive and seek economic and political security.

The two-stage model also acknowledges the significance of interdependence and notes foreign actor preferences can constrain state behavior.¹² Indeed, the extraordinary powers of the EUSR in BiH create the opportunity for the international community to veto policies of decision-makers. Currently deadlock characterizes EU - BiH relations as EU preferences demand constitutional change but BiH ethnonationalist elites hesitate to compromise because of differing perceptions of sovereignty and security. Leaders eventually must consider their power to achieve their goals in relation to foreign actors. The power and determination of the PIC and EUSR likely trumps the ability of BiH to achieve its goals. BiH cannot

simultaneously resist constitutional reform and achieve its foreign policy goal of EU membership.

Across time transnational societal interaction affects societal preferences so leaders’ priorities change. Domestic groups internally determine state’s preferences, but transnational networks can prompt changes in these preferences.¹³ EUSR, EBRD and FDI contacts with business promote rational economic behavior and interethnic ventures. Raffi Gregorian, deputy OHR, states business must organize and push for reform while “Bosnia’s political elite must be put under pressure to abandon their populist and nationalistic rhetoric.”¹⁴ Gregorian’s comments suggest his faith in transnational society.

Additionally, Serbia maintains contacts with Serbs in the RS and Croatia influences Croats in the Federation. Many leaders in Serbia and Croatia dissuade ultranationalist preferences. Some leaders seek to avoid relations with RS which antagonize the EU. Serbian parliament speaker Oliver Dulic rejects RS irredentism and argues economics and “realism not emotions” determine policies.¹⁵ Thus, ethnic elites

¹⁰ Moravcsik, “Taking Preferences Seriously,” 518.

¹¹ Moravcsik, “Taking Preferences Seriously,” 519-520.

¹² Moravcsik, “Taking Preferences Seriously,” 520.

¹³ Moravcsik, “Taking Preferences Seriously,” 513-523.

¹⁴ Gardner, Andrew, “Bosnian Business Urged to Push for Reform,” *RFE/RL Newslines*. 13 September 2007; available at <http://www.rferl.org/newsline/2007/09/4-SEE/see-130907.asp>.

¹⁵ Gardner, Andrew, “Serbia Says Economics Key to Ties with Bosnia,” *RFE/RL Newslines*, 18 July 2007; available at

probably will encounter increasing pressure from foreign actors and domestic groups as transnational society nurtures and supports BiH civil society.

Moravcsik's two-stage model responds to Putnam's analysis which seems to assume the state shares society's preferences and mediates all external and internal contacts. Moravcsik emphasizes society-state relations, potential bias within the state's representation of interests, and the dynamic influence of transnational contacts. He allows for disaggregation in beliefs and interests at the domestic level while acknowledging the power of foreign actors. These factors figure prominently in the foreign policy process of BiH and affect its efforts to strengthen state capacity.

The requirement of reform to meet EU criteria is not unique to BiH. Smith explains the EU's Common Foreign and Security Policy requires constitutional and institutional changes of many states. He notes the need to reorganize "ministries toward "Europe""¹⁶ and to expand diplomatic offices to serve the member states of Europe. Professional bureaucrats in the BiH Foreign Ministry voice similar recommendations. Smith also highlights the conditions under which states resist EU policy. Federal states with anti-EU ideologies and

coalition governments addressing issues in the security realm (*domaine reserve*) exhibit recalcitrant behavior.¹⁷ BiH fits this case.

Smith, like Moravcsik, also acknowledges transnational connections and contends publics often become sympathetic toward EU policies and push their elected leaders to weigh the demands of Europe in policy-making. Smith's conclusions concur with the notion BiH relations with the EU transcend a two-level game.¹⁸ Multi-level governance rather than multilevel games better conceptualizes the relationship between BiH and the EU. The concept of multi-level governance compensates for the missing piece in the application of two-level games and two-stage models to BiH. The state is not merely a mediator, nor the EUSR a typical external actor. The EUSR penetrates state and society. Further, the EU and domestic society are not necessarily at odds; EU and BiH societies share preferences. Thus, the EU influences policy but the effect is mixed: the EU demands good governance while adding another factor into an already complex policy process.

Decision Making Theories: Nested Games, Veto Players and Bureaucratic Politics

<http://www.rferl.org/newsline/2007/07/4-SEE/see-180707.asp>.

¹⁶ Smith, "Toward a Theory of EU Foreign Policy-making," 747.

¹⁷ Smith, "Toward a Theory of EU Foreign Policy-making," 752.

¹⁸ Smith, "Toward a Theory of EU Foreign Policy-making," 748.

Tsebelis' work with nested games and veto players targets consociational systems as impediments to both policy-making and institutional reform. His work offers important insight into the problem of reforming decision-making in BiH. Tsebelis contends the multiple veto players in consociational governments lead to "cumbersome bureaucratic procedures."¹⁹ With reference to the consociational system in Belgium as a "constitutionally required super majority" he concludes, "they give veto powers to particular coalitions of players and consequently increase the stability of the status quo."²⁰ The participation of all parties in policy negotiations tends to increase ethnic cohesion at the expense of interethnic cooperation. Elites prefer the institutional stability, and reform becomes difficult.

BiH labors under similar constraints with each major ethnic group holding a veto within the presidency and the legislature. Even when Serbs, Croats and Bosniaks share similar policy goals, they often favor different strategies. It is interesting that one recent initiative – the removal of some ambassadors – occurred without consulting with all parties. Such reforms become unlikely when all parties share in decision-making and seek to maintain bureaucratic influence and patronage relationships.

¹⁹ Tsebelis, "Decision making in Political Systems," 324.

²⁰ Tsebelis, "Decision making in Political Systems," 307.

Tsebelis contends, "...political elites engage in a parliamentary game that is embedded or nested inside an electoral game."²¹ "Short-term discrepancies between elite behavior and mass aspirations are not infrequent... However, such a discrepancy cannot exist for a long time.... Elites have to explain their behavior and persuade the masses or they will be replaced by more competitive elites."²² Indeed, in the BiH case, the voters rejected the ultranationalist incumbents in 2006. Yet, Tsebelis proposes elites avoid compromise in some instances because they believe their counterparts under pressure will concede, giving the intransigent elite the best outcome.

In other cases elites initiate conflict due to power considerations rather than ethnic differences.²³ This seems consistent with Fischer's notion of BiH politicians as conflict entrepreneurs who perpetuate the system because of the benefits associated with patronage.²⁴ Crocker concurs and generally identifies peace-building and constitutional change as a threat to the careers of ultranationalist politicians.²⁵ In BiH, Deputy OHR Raffi Gregorian specifically perceives Dodik and Silajdzic as obstreperous politicians. In September 2007, in light of a stalemate

²¹ Tsebelis, *Nested Games*, 160.

²² Tsebelis, *Nested Games*, 163.

²³ Tsebelis, *Nested Games*, 163-164.

²⁴ Fischer, *Peacebuilding and Civil Society in Bosnia-Herzegovina*, 450.

²⁵ Crocker, "The Place of Grand Strategy, Statecraft, and Power in Conflict Management," 363.

on police reforms he said, “It seems to me that they have an interest in preserving the status quo.”²⁶

Tsebelis explains decisions about institutions are more critical and fragile than decisions about policies for consociational leaders. In BiH, constitutional reform is more consequential to decision makers than EU accession and economic policy-making. With reference to failed constitutional reform efforts in Belgium, Tsebelis states “...paradoxically, the adoption of measures that reduce the consequences of disagreement (qualified majorities, postponement of conflict) increase the frequency of disagreement.”²⁷ “Concerning issues of asymmetric importance, institutions assign exclusive jurisdictions and delegate complete authority to the concerned group.”²⁸ Likewise, the DPA’s constitutional arrangements decrease the likelihood of political violence and rights violations, but the arrangements also increase political stalemate and impede the rationalization of foreign policy.

The problem further compounds because the difficulty of changing the status quo increases as the number of veto players increases and the cohesion within ethnoreligious groups

increases.²⁹ Accordingly, the attitude of nationalist elites toward constitutional and institutional reform makes sense. Members of extremist Croatian and Serbian factions recognize the ethnic veto protects their rights and interests. Ethnic leaders in BiH identify a need to maintain existing institutions precisely because these practices limit state capability, and even if these arrangements constrain rationality.

While this analysis explains why elites hesitate to support various constitutional and institutional reforms, it does not explain why elites continue to oppose reform under pressure from voters. Indeed, Tsebelis contends “...leaders must take their followers’ preferences into account because of the existence of the electoral arena; ...political elites who have lost their monopoly will accurately reflect the feelings of their constituents.”³⁰ A number of possible reasons exist for the unexpected outcome in BiH. The atypical attitude of the BiH public offers one explanation. Tsebelis argues most voters in consociational systems are more polarized than their elites.³¹ The rejection of the ultranationalist candidates and the recent public opposition to elite intransigence on the constitution in BiH appears contrary to the typical mass ethnic behavior. The ability of BiH elites to ignore the public then seems to depend upon the general

²⁶ Gardner, Andrew, “US Vows to Do ‘Anything to Save Bosnia’,” *RFE/RL Newswire*, 26 September 2007; available at: www.rferl.org/newswire/2007/09/4-SEE/see-260907.asp.

²⁷ Tsebelis, *Nested Games*, 181.

²⁸ Tsebelis, *Nested Games*, 186.

²⁹ Tsebelis, “Decision making in Political Systems,” 289.

³⁰ Tsebelis, *Nested Games*, 185.

³¹ Tsebelis, *Nested Games*, 164-165.

political disaffection of the voters. *The Silent Majority Speaks* finds in

„no other transformation country are there more voters who say they are not at all interested in politics....BiH does not emerge as a country where voters are actively involved in the shaping of political decisions. In fact, people appear mistrustful of political structures, and, beyond voting, do not seem ready to participate.“³²

The apathy of the citizens enables leaders to disregard public opinion even on issues of relative public significance. As Moravcsik suggests, BiH leaders engage in selective representation of interests. Public disaffection facilitates this behavior. Yet, transnational contacts and the development of societal preferences portend change. Mo considers nested games, emphasizes the possibility the state does not represent the public, and explains when the political power of the public increases from a point of weakness, the state will need “to make more concessions to her domestic constituents....”³³

A second factor limiting public influence of elites relates to issue salience and information access. Tsebelis states: “If information costs are high, elites will possess a substantial degree of freedom from mass

control.”³⁴ Emotional costs remain high in BiH – weariness characterizes the popular attitude toward politics. Under these conditions elites engage in invisible politics and operate away from public scrutiny.³⁵ Secrecy limits the influence of public opinion, the participation of civil society, and the pressure these institutions place on negotiators. Belloni and Deane argue people have no role in legitimating the process in BiH; citizens are discouraged from participating while veto players block change.³⁶ Thus, despite popular support for EU accession and constitutional reform, disaffection and secrecy constrain the electorate’s influence while elites find security and personal benefits in current constitutional arrangements.

Although the overwhelming majority of the public favors institutional change, a small but mobilized extremist faction demands elites not compromise.³⁷ The heightened significance of the ultranationalist view leads to a game in which the worst outcome for any elite is to be perceived weak or naive, i.e., to offer concessions. EUSR Lajcak concurs, “according to local political culture, compromise is not considered a

³² Oxford Research International, *The Silent Majority Speaks*, Conclusions, Lessons Learned and Policy Advice, 3.

³³ Mo, Jongryn, “The Logic of Two-Level Games with Endogenous Domestic Coalitions,” *Journal of Conflict Resolution* 38:3 (1994): 415.

³⁴ Tsebelis, *Nested Games*, 168.

³⁵ Sartori, Giovanni, *Parties and Party Systems* (Cambridge: Cambridge University Press, 1976), 143.

³⁶ Roberto Belloni and Shelley Deane, “From Belfast to Bosnia: Piecemeal Peacemaking and the Role of Institutional Learning,” *Civil Wars* 7:3 (2005): 219-43.

³⁷ Oxford Research International, *The Silent Majority Speaks*, Conclusions, Lessons Learned and Policy Advice, 3-5.

victory but a defeat.”³⁸ Extremists reinforce the preferences of the elites, and elites manipulate extremists to maintain a vocal opposition against concessions. Currently ultranationalist Serbs do not wish to concede, and their elites wish to maintain images as strong leaders. This reinforcing cycle impedes constitutional reform and foreign policy coherence. Dodik replies to criticism from the international community “the Republika Srpska is a permanent category [while BiH is] an interest category” that only exists as long as international community maintains it.³⁹ Thus, elites hold constitutional reform and EU accession captive to the preferences of political entrepreneurs and ultranationalists and the outcome disrupts foreign policy rationality, blocks institutional reform, impedes state capability, and seems suboptimal from the general public’s perspective.

Yet, the PIC, OHR and EUSR constitute ultimate veto players and this reality combined with the power of transnational society supports the premise of eventual reform. Recently the PIC reaffirmed its support of the OHR’s use of strong tactics to push reform, and after substantial

maneuvering the elite leaders conceded to the EU’s terms for police reform. These developments suggest elites will continue to resist reform, but change ultimately is likely to extend from the police to other ministries. Further, nested game theory explicates the claims of some members of the BiH Foreign Ministry that they agree on issues and goals but must speak a certain ethnic language. Diplomats discuss and implement many policies away from the public eye so foreign policy is less visible than domestic policy. In this invisible environment, ministry officials can pursue bureaucratic, pragmatic, ethnic or personal interests.⁴⁰

Bendor and Hammond’s typology of state foreign policymaking also raises insights about the BiH Foreign Ministry and its need for institutional reform. Their typology includes a model for the BiH case of multiple decision makers, sometimes with shared goals and sometimes with conflicting goals, but generally imperfectly rational due to the limits of bureaucracy.⁴¹ Coordination problems exist under ideal circumstances in the absence of ethnic or policy disagreements. In the charged environment of BiH consociational elite politics, problems of policy-making multiply. Bendor and Hammond relate Thompson and Tuden’s conclusion: “When stakes are high, outcomes

³⁸Supova, Tereza, “Without Police Reform, the Door to the EU will be Closed,” *Lidove Noviny*, 21 September 2007; available at http://www.ohr.int/ohr-dept/rule-of-law-pillar/prc/prc-articles/default.asp?content_id=40560.

³⁹Gardner, Andrew, “International Envoy Warns Bosnian Serb Premier,” *RFE/RL Newsline*, 23 August 2007; available at <http://www.rferl.org/newsline/2007/09/4-SEE/see-100907.asp>.

⁴⁰ Tsebelis, *Nested Games*, 167.

⁴¹ Jonathan Bendor J and Thomas Hammond, “Rethinking Allison’s Models,” *APSR* 86:2 (1992): 301-322.

uncertain, and beliefs deeply held, debates over how to reach a common end may become rancorous; passionate disagreements need not indicate goal conflict.”⁴²

Disagreement about beliefs despite agreement on goals often plagues BiH policy-making. When goals do conflict, then consociational bargaining processes compound information limitations and coordination issues. Alkalaj, Kusljagic and Hadziahmetovic identify many of these problems in the BiH Foreign Ministry.⁴³ Additionally, unlikely participants sometimes bargain with one another because of support outside the executive.⁴⁴ The decentralized system in BiH opens opportunities to many politicians for influence. The conflict between Alkalaj and Dodik illustrates this complexity; each accuses the other of nationalistic prejudices. Dodik’s ability to mobilize support impedes Alkalaj’s proclaimed intention to rationalize policy and policy-making. Without reforms to strengthen state capability, BiH’s government will continue to flounder rather than achieve foreign policy priorities.

The Possibility of Reform

These insights highlight the complexity and deficiencies of BiH foreign policy-

making. Accordingly, desirable reforms fall into three categories: comprehensive constitutional reform, discrete constitutional change, and targeted improvement of the Foreign Ministry. The research shows, however, that comprehensive reforms, and in fact any constitutional change, encounter serious impediments and opposition. Thus, current efforts to enhance efficiency and effectiveness necessarily focus upon the Foreign Ministry.

In the long term, comprehensive constitutional reform remains essential in order optimally to facilitate policy-making. Moreover, at least discrete constitutional change must occur before EU accession. Under the DPA, the central government and entities both operate foreign ministries. This leads to three foreign ministries for a country of three to four million people. This practice of bureaucratic redundancy translates to personnel costs which are seventy percent of BiH’s budget. The Council of Europe estimates the government budgets of BiH account for 60% of the GDP.⁴⁵ Furthermore, the policies of the various ministries sometimes contradict and consequently the overlap of central government and entity jurisdictions impedes foreign policy coherence and contributes to inefficiency and corruption within the state.

⁴² Bendor and Hammond, “Rethinking Allison’s Models,” 314.

⁴³ Ahmetasevic, “Bosnian Divisions leave Foreign Policy to Chance.”

⁴⁴ Bendor and Hammond, “Rethinking Allison’s Models,” 315.

⁴⁵ Europa, “Summaries of Legislation: European Partnership with Bosnia Herzegovina,” *Council Decision 2006/55/EC*, 30 January 2006; available at <http://europa.eu/scadplus/leg/en/lvb/r18012.htm>.

Kusljugic contends only after BiH establishes a coordinated foreign ministry will the OHR permit BiH to control its own foreign policy.⁴⁶ Indeed, The Commission of the European Communities reports that it cannot successfully negotiate an agreement with BiH until it “presents a single, coherent national position.”⁴⁷ While the international community does not mandate the elimination of the RS and FBiH as part of reform,⁴⁸ the central government eventually must control foreign policy. The central government must occupy an intermediary position between external and domestic actors as Putnam’s model suggests. BiH eventually reached agreement on military and police reform. Movement to a coordinated foreign ministry seems consistent with these accomplishments.

Even without constitutional reform, however, considerable rationality can develop in the foreign policy process by targeting the operation of the Foreign Ministry. Every audit of the Foreign Ministry since 2001 identifies professionalization of personnel and

rationalization of the budget as essential to efficient and quality operations.⁴⁹ Current Foreign Ministry hiring practices permit each ethnic group to appoint a third of the employees. Such a system favors nationalist loyalty over expertise. Kusljugic explains that “...the BiH Ministry of Foreign Affairs functions mainly through its parallel/separate “ethnic communication channels””, which result in ethnic interests dominating state interests.⁵⁰ Further the present system does not guarantee representation of individuals or groups who do not fit into the categories of Bosniak, Croat, or Serb. Additionally, no explicit controls for merit exist. To the contrary, efforts to build good will sometimes include promising political appointments in exchange for cooperation.⁵¹ To date this tactic fails to nurture domestic consensus, and instead politicizes negotiations,

⁴⁶ Kusljugic, “BiH and Global Challenges,” 104.

⁴⁷ Commission of the European Communities, “Report from the Commission to the Council on the Preparedness of Bosnia and Herzegovina to Negotiate a Stabilisation and Association Agreement with the European Union,” Brussels: 18, November 2003; available at http://eur-lex.europa.eu/LexUriServ/site/en/com/2003/com2003_0692en01.pdf.

⁴⁸ Toal et al., “Bosnia-Herzegovina Ten Years after Dayton,” 70.

⁴⁹ Audit Office of the Institutions of BiH, “Audit of the Financial Operations of the Ministry of Foreign Affairs of BiH,” Sarajevo, 2007, available at <http://www.revizija.gov.ba/hr/audit-rep/arhiva04.asp>.

⁵⁰ Kusljugic, “BiH and Global Challenges,” 107.

⁵¹ The EUSR guaranteed the RS a position on the EU negotiating team as a quid pro quo for police reform. See Foreign Policy Initiative of Bosnia and Herzegovina, “Readiness for Stabilization and Capacity for EU Association: Institutional and Social Capacity to Negotiate the SAA.” (Sarajevo, Bosnia and Herzegovina, 2006), 6; available at <http://www.vpi.ba/doc.aspx?title=Political%20Analysis>. Police reform still languishes while entity and ethnic power challenge the sovereignty of the central state.

deprofessionalizes the civil service, and exacerbates the problem of ethnic identity.

Former Yugoslav President and Foreign Minister Raif Dizdarevic explains politics dominate the operation of the ministry and patronage drives appointments. Each ethnic group demands representation and problems extend far beyond rhetoric to incompetent personnel. He believes ethnic criteria and partisan representation impede foreign policy. Dizdarevic suggests a professional civil service removed from ethnic interests is necessary to improve the ministry.⁵²

Alkalaj concurs and complains about the lack of a law on diplomatic service and appointments.⁵³ He supports reform, advocates job requirements, and endorses employment based upon expertise. Likewise, the most recent available audit of the Foreign Ministry concludes major personnel problems exist which could negatively influence efficiency and effectiveness. The audit specifies the lack of professional bureaucrats as a source of miscommunications, financial irregularities, embassy inefficiencies, and inadequate planning.⁵⁴

In fact, the European Commission currently funds efforts to build administrative capacity, and depoliticize the ministry.⁵⁵ The Commission believes professional bureaucrats frame questions differently than elected national elites who perceive conflict as intractable, and perhaps desirable. Qualification criteria create a foreign ministry with foreign language, diplomatic and technical skills. Shared expertise establishes a potential basis for cooperation that transcends ethnic affiliations. The professionalization of the ministry also generates the type of institutional capital and embedded autonomous state analysts deem desirable to strengthen the state and its capability.⁵⁶

In fact, the ministry does include talented professionals from the Yugoslav era who possess significant expertise, knowledge, and a history of working together. Although ethnic identities currently define and divide the staff, some diplomats share decades of common experience. A few bureaucrats confide they share goals, but also must embrace the nationalist rhetoric which dominates political life. Yet, these diplomats already successfully pursue relations and implement policies on technical issues, typically related to cooperation within

⁵² Interviews conducted summer and fall 2007. Raif Dizdarevic served as Chairman of the Presidency of Bosnia and Herzegovina from 1978-82, Yugoslav Foreign Minister from 1984-1988, and Chairman of the Presidency of Yugoslavia from 1988-1989.

⁵³ Ahmetasevic, "Bosnian Divisions leave Foreign Policy to Chance."

⁵⁴ Audit Office of the Institutions of BiH, 18-26.

⁵⁵ European Commission Delegation to BiH, "Public Administration Reform Fund Established;" 2007; available at <http://www.europa.ba/?akcija=vijesti&akcija2=prehled&jezik=2&ID=84>.

⁵⁶ Brunell, *Institutional Capital*; Evans, *Embedded Autonomy*.

the Balkans, where the interests of BiH as a state are uncontroversial. This pool of professional civil servants creates a foundation for strengthening the ministry's capabilities.

Essential reform then must relax the emphasis on strict quotas, while emphasizing appropriate qualifications, civil service exams, and a sensitivity to ethnic balance. Lijphart encourages flexible quotas with a target range for divided societies. He further suggests states often only need "an explicit constitutional provision in favor of the general objective of broad representation."⁵⁷ BiH then should abandon the practice of appointing equal numbers of Serbs, Croats, and Bosniaks to each office, and instead should favor a rough balance throughout the whole ministry. Appointments should focus upon skills rather than nationality quotas. Additionally if BiH considers the total ethnic balance within the whole ministry rather than the exact representation at each office, the Foreign Ministry gains flexibility to station bureaucrats where need exists. Audits and interviews suggest the current system leads to excess personnel in some embassies while other embassies operate with inadequate staffing.

Moreover, the BiH Foreign Ministry must begin to welcome the talented

⁵⁷ Arend Lijphart, *Constitutional Design for Divided Societies*, *Journal of Democracy* 15:2 (2004): 106.

"others"⁵⁸ who offer both skills and a different (i.e., non-nationalist) view of policy. Often members of the émigré community, the "others" possess a broad world-view and reject the identification of problems and issues in nationalist's terms. These émigrés offer a potential advantage compared to many weak and transitioning states, but current BiH practices ignore the brain drain. Indeed, the "others" often are perceived as threats, not because they threaten any particular national community, but because they challenge the very foundation of a system justified by ethnic divisions.⁵⁹ In fact, Dodik's fierce opposition to Alkalaj's proposals relates to these issues of identity and interests.⁶⁰ Likewise, Croatian

⁵⁸These include Jews and Roma as well as individuals (often from multi-ethnic, multi-religious backgrounds) who refuse to select an ethnicity. They are often excluded from job consideration because they do not fit into the quota system for institutionalized ethnicities. Yet, because of their objective characteristics and subjective identity they are inclined to set aside ethnic interests and embrace the notion of a BiH state interest.

⁵⁹ Eide, Espen Barth. *Between Rationalism and Reflectivism – Constructivist Security Theory and the Collapse of Yugoslavia* (Oslo: Institute of Political Science, University of Oslo, 1998), 76.

⁶⁰ Generally Serbian politicians express concern due to Alkalaj's opposition to an independent foreign policy for RS including RS's close relationship with the Serbian Orthodox Church and the RS sale of the oil industry to Russia. Serbs also reject Alkalaj's position as Foreign Minister because he does not represent any of the major nationality groups. Spiric claims Alkalaj disrupts smooth functioning of foreign policy. See Gardner, Andrew, "Bosnian Premier threatens Reshuffle," *RFE/RL Newswire*, 8 August 2007; available at <http://www.rferl.org/newsline/2007/08/4->

criticisms of Komsic relate to his identity as an “other.”⁶¹

These nationalist laden attitudes and behavior illustrate Bendor and Hammond’s point about the additional complexity introduced when unlikely participants bargain. Such behavior further impedes rational policy-making. Thus, professionalization of the Foreign Ministry, while perhaps easier to achieve than constitutional change, encounters impediments. The system of patronage creates “winners” who hold an interest in the continuation of the conflict. The beneficiaries of the war

are not willing – not because of ideological limitations but based on rational economic calculation – to transform themselves into actors in a modern...bureaucratic state.”⁶²

Discrete reform of the Foreign Ministry also must address resource allocation and financial accountability. BiH’s Audit Office advises resource distribution must be assessed.⁶³ Again, dropping a strict interpretation of quotas would facilitate resource flexibility. Kusljagic suggests that BiH must consider fully staffing the Research and Planning Department of the Ministry so that policies can be based upon sound analyses.⁶⁴ Smith discusses the need for EU members to invest resources to support the relationships associated with integration. Some members of the foreign ministry anonymously agree and complain BiH currently establishes embassies to appease ethnic and religious affiliations. Embassies exist

SEE/see-080807.asp. In fact, accusations of Alkalaj’s incompetence or corruption continue to grow in BiH. Croatian and FBiH media also voice criticism about excessive spending. Some members of the Foreign Ministry suggest barriers proved too great to Alkalaj’s desire to reform, and that Alkalaj now appreciates the political and ethnic pressures on the office require compromise.

⁶¹ Tensions between Croatian parties and politicians also highlight the difficulty of reform. Croatian HDZ leaders accused Komsic of patronage following the Tri-partite Presidency’s decision to remove three Croatian diplomats. HDZ politicians assert Komsic wishes to replace the diplomats with supporters of his SDP. Additionally, some HDZ politicians view Komsic as an ‘other’ because he is not Croatian. While unclear whether the SDP or HDZ is playing politics, evidently at least one of the parties’ statements are politically inspired. Finally, Bozo Ljubic, head of the HDZ-1990 contends, “The diplomatic service cannot belong to a party; it has to belong to the state...If we are committed to the principles of professionalism, the dismissal of an ambassador prior to the expiration of his term has to be explained with sound arguments.” In Gardner, Andrew, “Removal of Bosnian Ambassadors splits Croatian Politicians,” *RFE/RL Newslines*, 26 September 2007; available at <http://www.rferl.org/newsline/2007/09/4-SEE/see-260907.asp>.

⁶² Fischer, *Peacebuilding and Civil Society in Bosnia-Herzegovina*, 450. Also Deputy OHR and senior US diplomat Gregorian suggests with reference to Dodik and Silajdzic, “It seems to me that they have an interest in preserving the status quo.” In Gardner, “US Vows to Do ‘Anything to Save Bosnia.’” OHR Lajcak concurs and promises to increase pressure upon both leaders. See Gardner, Andrew, “Bosnia’s High Representative ups Pressure for Reform,” *RFE/RL Newslines*, 26 September 2007; available at <http://www.rferl.org/newsline/2007/09/4-SEE/see-260907.asp>.

⁶³ Audit Office of the Institutions of BiH, 15, appendix 2:18.

⁶⁴ Kusljagic, “BiH and Global Challenges,” 107.

throughout the Middle East including Qatar, Kuwait, Iran and UAE. BiH could administer affairs in the region from one of these locations.

Alternatively, BiH could act cooperatively with other Balkan states to represent one another's interests. At the same time ministry officials contend BiH understaffs and underfunds essential embassies in Brussels, New York and throughout the Balkans. According to one official in the UN mission, the ability to cast votes in UN committees is complicated because diplomats lack cell phones to contact the ambassador and laptops to research issues.

Likewise, efforts to develop state capacity require BiH institute practices to ensure financial accountability. The 2006 Audit emphasized the Foreign Ministry's lack of response to four years of warnings regarding financial affairs and the lack of controls within the system. Accounts are not separate so that utility bills, salaries, and entertainment draw from the same fund. In the past three years, major financial irregularities were identified in fifteen embassies. The Audit Office concludes that unprofessional bureaucrats feed the problems of poor fiscal planning and financial mismanagement that impede foreign policy implementation.⁶⁵ While a ministry free of ethnic politics might not be sufficient to solve all problems, the issue of ethnic politics within the

ministry necessarily must be addressed to increase efficiency and capability.

Conclusions

A variety of theories and models suggest intractable complexity seems a reality of the foreign policy process for BiH. International actors and transnational networks already penetrate BiH while the OHR maintains a policy veto. BiH citizens and leaders accept these relationships to the extent they relate to political and economic security. Foreign contacts associated with EU integration remain particularly significant. Consequently, the external environment will continue to influence BiH foreign policy.

Furthermore, the post-Dayton constitutional structure of BiH complicates decision-making. The DPA institutionalizes a consociational system that impedes efficient policy making. Elites, however, benefit from the current structure and consequently resist efforts to reform the system. Moravcsik identifies factors which contribute to disharmony, and indeed such ideational and representative conditions exist in BiH. Ethnic tensions persist and leaders tend to respond to extremist interests. Tsebelis' work raises similar considerations: BiH ultranationalists prefer the consociational system, and the moderates of the silent majority remain apathetic. Moreover, multiple veto players decrease the likelihood of reform.

⁶⁵Audit Office of the Institutions of BiH, 15, appendix 2:18.

Yet, Tsebelis and Moravcsik's models suggest eventual change seems likely given public attitudes. Tsebelis focuses on elections and Moravcsik on transnational networks. Tsebelis cautions that eventually disgruntled citizens will defeat unrepresentative elites. Moravcsik highlights the process by which transnational networks build an active civil society. Tsebelis and Moravcsik's focus and analyses are very different, but both suggest eventually BiH citizens will demand responsive leaders.

The BiH public favors a future in the EU, but membership necessitates a rational state. Reform is essential for BiH to legitimize itself as a capable and functioning state vis-à-vis the OHR, the entities and other states. BiH efforts to integrate into Europe cannot occur under the current fragmented and decentralized foreign policy process. Given the commitment of the forces opposing change, the comprehensive reforms to facilitate the foreign policy process seem unlikely. Yet, the enduring presence of contending international and domestic actors cannot be ignored. Pressure for change will remain, so that incrementalism likely will characterize reforms in BiH. The immediate possibility for increasing state capability centers on the professionalization of the Foreign Ministry. The most important change in this regard is a shift from a ministry based upon ethnic political appointments to a meritocracy. The substitution of a general sensitivity for ethnic balance for the current strict

quotas will facilitate professionalization and efficiency while circumventing the contentious issues of constitutional change.

This research utilizes a variety of models to illustrate the complexity of the BiH foreign policy process. While some areas of reform are highlighted, the specific and detailed changes are not discussed. Future comparative research must expand the analysis to other weak, post-communist states. Macedonia shares BiH's problems of ethnic balance. Kosovo experiences comparable external pressures and constraints. From a comparative perspective further consideration must examine how to balance considerations of ethnic balance with expertise, how to develop state capability given ethnic division, and how to assert state authority given international presence. Additionally, a comparative approach might begin to examine how states emphasize foreign policies and relationships deemed critical. These issues are central to the effective execution of BiH's foreign policy. If BiH and other Balkan states hope to capitalize on the opportunities of their foreign relations they must appear as functional and modern states; they must effectively employ the resources available for foreign policy.

Bibliography

Ahmetasevic, Nidzara. "Bosnian Divisions leave Foreign Policy to Chance." *Balkan Insight*, 11 April 2007.

- Audit Office of the Institutions of BiH, "Audit of the Financial Operations of the Ministry of Foreign Affairs of BiH," Sarajevo, 2007. Available at <http://www.revizija.gov.ba/hr/audit-rep/arhiva04.asp>.
- Batt, Judy. "Bosnia and Herzegovina: Politics as "War by Other Means" Challenge to the EU's Strategy for the Western Balkans," *Journal of Intervention and State Building* 1 (2007) 65-67
- Belloni, Roberto and Shelley Deane. "From Belfast to Bosnia: Piecemeal Peacemaking and the Role of Institutional Learning," *Civil Wars* 7:3 (2005): 219-43.
- Bendor, Jonathan and Thomas Hammond. "Rethinking Allison's Models," *APSR* 86:2 (1992): 301-322.
- Bose, Sumantra, *Bosnia after Dayton: Nationalist Partition and International Intervention*, Oxford University Press, 2006.
- _____. "The Bosnian State a Decade after Dayton," *International Peacekeeping* 12:3 (2005): 322-335.
- Bosnia and Herzegovina Ministry of Foreign Affairs. "Bosnia and Herzegovina and the United Nations." Available at www.mfa.gov.ba.
- _____. "South East European Cooperation Process." Available at www.mfa.gov.ba.
- Bosnia and Herzegovina Presidency. "Decisions and Conclusions Made during the Meeting of the BiH Presidency, 3 January 2007. Available at www.predsjednistvobih.ba/zaklj/1/?cid=10115,1,1.
- Brunell, Laura. *Institutional Capital: Building Post-Communist Government Performance*. Lanham, MD: University Press of America, 2005.
- Chandler, David. *Empire in Denial: The Politics of State-Building*, Pluto Press, 2006.
- Commission of the European Communities, "Report from the Commission to the Council on the Preparedness of Bosnia and Herzegovina to Negotiate a Stabilisation and Association Agreement with the European Union," Brussels, 18 November 2003. Available at eur-lex.europa.eu/LexUriServ/site/en/com/2003/com2003_0692en01.pdf.
- Covell, Maureen. "Ethnic Conflict and Elite Bargaining: The Case of Belgium," *West European Politics* 4 (1981): 197-218.
- Cox, Marcus. "State Building and Post-Conflict Reconstruction: The Lessons from Bosnia," Geneva: CASIN, 2001.
- Coyne, Christopher. "Reconstructing Weak and Failed States: Foreign Intervention and the Nirvana Fallacy," *Foreign Policy Analysis* 2 (2006): 343-360.
- Crocker Chester, Fen.O. Hampson, and Pamela Aall. *Taming Intractable Conflicts: Mediation in the Hardest Cases*. Washington D.C.: United States Institute of Peace, 2005.
- Crocker, Chester. "The Place of Grand Strategy, Statecraft, and Power in

- Conflict Management” in *Leashing the Dogs of War*, ed. Chester Crocker, Fen O. Hampson and Pamela Aall. Washington D.C.: United States Institute of Peace, 2007.
- Eide, Espen Barth. *Between Rationalism and Reflectivism – Constructivist Security Theory and the Collapse of Yugoslavia*. Oslo: Institute of Political Science, University of Oslo, 1998.
- Europa. “Summaries of Legislation: European Partnership with Bosnia Herzegovina,” Council Decision 2006/55/EC of 30 January 2006. Available at <http://europa.eu/scadplus/leg/en/lvb/r18012.htm>.
- European Commission Delegation to BiH. “Public Administration Reform Fund Established.” Available at <http://www.europa.ba/?akcija=vijesti&akcija2=pregled&jezik=2&ID=84>.
- European Union Special Representative in Bosnia and Herzegovina. “European Security Strategy – Bosnia and Herzegovina,” 17-18 June 2004. Available at <http://www.eusrbih.eu/policy-docs/?cid=1,1,1>.
- _____. “Integration or Isolation,” 6 September 2007. Available at <http://www.eusrbih.eu/media/speeches/1/?cid=1929,1,1>.
- Evans, Peter. *Embedded Autonomy: States and Industrial Transformation*. Princeton: Princeton University Press, 1995.
- Fischer, Martina. *Peacebuilding and Civil Society in Bosnia-Herzegovina: Ten Years after Dayton*. Munster: Lit Verlag, 2006.
- Foreign Policy Initiative of Bosnia and Herzegovina*. “Readiness for Stabilization and Capacity for EU Association: Institutional and Social Capacity to Negotiate the SAA.” Sarajevo, Bosnia and Herzegovina, 2006. Available at <http://www.vpi.ba/doc.aspx?title=Political%20Analysis>.
- Fukuyama, Francis. “Liberalism Versus State-Building.” *Journal of Democracy* 18:3 (2007) 10-13.
- _____. “The Imperative of State-Building,” *Journal of Democracy* 15:2 (2004) 17-31.
- Gardner, Andrew. “Bosnian Business Urged to Push for Reform,” *RFE/RL Newline*, 13 September 2007. Available at <http://www.rferl.org/newsline/2007/09/4-SEE/see-130907.asp>.
- _____. “Bosnian Premier threatens Reshuffle,” *RFE/RL Newline*, 8 August 2007. Available at <http://www.rferl.org/newsline/2007/08/4-SEE/see-080807.asp>.
- _____. “Bosnia’s High Representative ups Pressure for Reform,” *RFE/RL Newline*, 26 September 2007. Available at <http://www.rferl.org/newsline/2007/09/4-SEE/see-260907.asp>.
- _____. “Ethnic-Croatian Parties Unite on Bosnian Constitution,” *RFE/RL Newline*, 24 September 2007. Available at <http://www.rferl.org/newsline/2007/09/4-SEE/see-100907.asp>.

- _____. "International Envoy Warns Bosnian Serb Premier," *RFE/RL Newslines*, 23 August 2007. Available at <http://www.rferl.org/newsline/2007/09/4-SEE/see-100907.asp>.
- _____. "Removal of Bosnian Ambassadors splits Croatian Politicians," *RFE/RL Newslines*, 26 September 2007. Available at <http://www.rferl.org/newsline/2007/09/4-SEE/see-260907.asp>.
- _____. "Serbia Says Economics Key to Ties with Bosnia," *RFE/RL Newslines*, 18 July 2007. Available at <http://www.rferl.org/newsline/2007/07/4-SEE/see-180707.asp>.
- _____. "Support Creation of Croatian Entity and Continue to Use Stronger Rhetoric." *RFE/RL Newslines*, 4 September 2007. Available at <http://www.rferl.org/newsline/2007/09/4-SEE/see-040907.asp>.
- _____. "US Vows to Do 'Anything to Save Bosnia'," *RFE/RL Newslines*, 26 September 2007. Available at <http://www.rferl.org/newsline/2007/09/4-SEE/see-260907.asp>.
- Krasner, Stephen and Carlos Pascual. "Addressing State Failure," *Foreign Affairs* 84:4 (2005).
- Krastev, Ivan. "The Balkans: Democracy without Choices," *Journal of Democracy* 13:3 (2002) 39-53.
- Kusljagic, Mirza. "BiH and Global Challenges." *Foreign Policy Review* 1:1 (2006): 103-114.
- Lijphart, Arend. "Constitutional Design for Divided Societies," *Journal of Democracy* 15:2 (2004) 96-109.
- _____. *The Politics of Accommodation: Pluralism and Democracy in The Netherlands*. Berkeley: University of California Press, 1968.
- Mayer, Frederick. "Managing Domestic Differences in International Negotiations: The Strategic Use of Internal Side-Payments," *International Organizations* 46:4 (1992): 793-818.
- Mazower, Mark. *Balkan, Central Europe*. Zagreb, 2003.
- Migdal, Joel. *State in Society. Studying how States and Societies Transform and Constitute one another*, Cambridge: Cambridge University Press, 2001
- _____. *Strong Societies and Weak States: State-Society Relations and State Capabilities in the Third World*, Princeton: Princeton University Press, 1988.
- Migdal, Joel and Klaus Schlichte. "Re-thinking the State," in *The Dynamics of States: The Formation and Crises of State Domination*, ed. Klaus Schlichte. Burlington, VT: Ashgate, 2005.
- Mo, Jongryn. "The Logic of Two-Level Games with Endogenous Domestic Coalitions," *Journal of Conflict Resolution* 38:3 (1994): 402-422.
- Moore, Patrick. "Croatian President Discusses Balkan Conflict," *RFE/RL Reports: Balkan Report*, 11 November 2006. Available at <http://www.rferl.org/reports/balkan-report/2006/11/11-281106.asp>.

- Moravcsik, Andrew. "Taking Preferences Seriously: A Liberal Theory of International Politics," *International Organization* 51:4 (1997): 513-553.
- Oxford Research International. (2007) *The Silent Majority Speaks: Snapshots of Today and Visions of the Future of Bosnia and Herzegovina*. United Nations Development Program, 7 July 2007. Available at
- Park, Asura. "Starting from Scratch: The Role of Leadership in the Foreign Policymaking of the Baltic States, 1991-1999," *East European Quarterly* 39:2 (2005): 229-270.
- Putnam, Robert. "Diplomacy and Domestic Politics: The Logic of Two-level Games," *International Organization* 42:3 (1988): 427-460.
- Ramet, Sabrina. *The Three Yugoslavias: State-building and Legitimation, 1918-2005* (Bloomington, IN: Indiana University Press, 2006).
- Rose, Richard. *Bosnia-Herzegovina Public Opinion: A South-East Barometer Study*. Studies in Public Policy Number 396. Glasgow: Centre for the Study of Public Policy, 2004.
- "Row between Bosnian Premier, Foreign Minister Escalates," *RFE/RL Newswire*, 3 August 2007. Available at <http://www.rferl.org/newsline/2007/08/4-SEE/see-080807.asp>.
- Sartori, Giovanni. *Parties and Party Systems*. Cambridge: Cambridge University Press, 1976.
- "Serbian President Says Balkan Borders Should Not Be Changed," *RFE/RL Newswire*, 30 June 2007. Available at <http://www.rferl.org/newsline/2006/06-4SEE/see-300606.asp>.
- Sergi, Bruno. "Understanding the 'EU factor': The Balkans Regions as Recipients of FDI and Industries," *South-East Europe Review* 4 (2004): 7-20.
- Smith, Michael. "Toward a Theory of EU Foreign Policy-making, Multi-level Governance, Domestic Politics, and National Adaptation to Europe's Common Foreign and Security Policy," *Journal of European Public Policy* 11:4 (2004): 740-758.
- Supova, Tereza. "Without Police Reform, the Door to the EU will be Closed," *Lidove Noviny*, 21 September 2007. Available at http://www.ohr.int/ohr-dept/rule-of-law-pillar/prc/prc-articles/default.asp?content_id=40560.
- Thompson James and Arthur Tuden. "Strategies, Structures and Processes of Organizational Decisions," in *Comparative Studies in Administration*, ed. by James Thompson. Pittsburgh: University of Pittsburgh Press, 1959.
- Toal, Gerard, John O'Loughlin and Dino Djipa. "Bosnia-Herzegovina Ten Years after Dayton: Constitutional Change and Public Opinion," *Eurasian Geography and Economics* 47:1(2006): 61-75.
- Tsebelis, George. "Decision making in Political Systems: Veto Players in Presidentialism, Parliamentarism,

Multicameralism and
Multipartyism,” *British Journal of
Political Science* 25:3 (1995): 289-
325.

_____. *Nested Games: Rational
Choice in Comparative Politics.*

Berkeley: University of California
Press 1990.