

**The Bosnian precedent:  
Insights About Iraq From a Previous Experience  
of Nation Building**

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Recent developments in Iraq show how a difficult business Peace Building can be. The objective of Iraqi Freedom, after the toppling of Saddam Hussein, is the construction of a stable, prosperous and democratic Iraq. But it seems obvious that if, in the full display of its freedom, the Iraqi people would take a decision which is contrary to the basic guidelines of American design for Middle East (that provides for a secular pro-western regime in an united Iraq), this decision will be never implemented. In other words, it appears difficult that such a decision would ever be allowed to be taken. The American approach is based on the attempt to conciliate a geopolitical design with a democratic order. This may create a contradiction.

In the constitutional agreement, which lays at the very fundament of every State, a limit to the full display of political community's will is always present. For example, the Italian Constitution does forbid the re-establishment of the Fascist Party in any possible form. If the majority of the people would ever feel that this limitation to the full display of its will is unbearable, the constitutive pact of the State will be changed. Every constitutional agreement implies a winning coalition of social forces, which drives the losers to the margins of political life (banning its ideas and interests from the ones that are

accepted as legitimate). When the winning coalition changes (or simply times change, making the constitutional agreement out of date), the rules that define legitimate ideas and political choices (winners and losers) also change.

In the Nation Building process an external force tries to set up a constitutional agreement in Countries that are ripped apart by long-lasting civil wars or by ferocious dictators, considered intolerable by the International Community. It is the International Community that sustains a coalition against another one.

In Iraq or in Bosnia Herzegovina (from which case we will draw some insight to apply to Iraq itself), the International Community has decided to accelerate the establishment process of a constitutional agreement, after eliminating the former causes of disorder. Problems arise if the International Community, in influencing the formation of the constitutional agreement, promotes ideas and interests that are perceived as intolerable or unfamiliar by the majority (or by a strong minority) of the population, i.e. if it promotes the power of a coalition which enjoys little support amongst the local population.

A feeble sense of ownership over the basic norms of social living is obviously to diminish their strength. In a worse hypothesis, the solution may be imposed against the interests and the ideas of the majority of the political community: if every constitutional agreement creates winner and losers, it means that losers will be the majority. The result is that International Community must stay on the ground until "times are changed" and the basic norms of social living are accepted.

In the Bosnian case, International Community was not prepared to stay

on the ground for a long period and it was somehow convinced that the solution proposed would demonstrate its validity and would be accepted very rapidly. A big disillusion followed.

**THE CONSTITUTIVE AGREEMENT OF BOSNIA AND HERZEGOVINA:  
THE DAYTON AGREEMENT**

Under the constitutional provisions of the Dayton Agreement lies a concept of society and of group relations that can be formulated through words and concepts familiar to an International Relations' scholars. Those who have formulated the territorial, institutional and ideological design, which should guarantee the peace in Bosnia and Herzegovina, seem to believe in some "institutional" and "functionalist" principles. As a matter of fact, peace is in the first place assured by the military and territorial equilibrium of nations: separated territories, different institution and different armies. They seem to be realist principles, but those are only starting conditions: the presence of an international peace keeping force should have sterilized the security dilemma, paving the way to the flourishing of agreements in every field of associate life. Bosnian nations have had no hope to prosper if they have remained divided: the search for a better economic environment should have paved the way for the free movement of people and goods, moving people away from ethno-nationalistic attitude.

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*Without a sense of  
ownership over the  
constitutional agreement  
the creation of a functioning  
State is more difficult*

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The recreation of a common economic space, through the construction of common infrastructures and through market reforms, should have strengthened common institutions (which are established by the Dayton Agreement, but which are of little impact in the political life, because they are deprived of effective governing powers and financial means) and created common political processes. Moreover, a return of ethnical minority refugees should have re-created multiethnic areas, that should have constituted a common or reciprocal problem, to be faced together.

These institutional and functionalist hypotheses are openly contemplated in the Dayton Agreement. Art. III, Annex 4, in the last paragraph, provides that the Central government could take over from the Entities further duties, if they do not oppose an overt dissent (Dayton Agreement, Annex 4, Constitution). Two topics are cited as an example: the common usage of energetic resources and cooperative economic projects. They are exactly the kind of matter that are commonly considered able to prompt the “functional integration” on which the creation of the European Community is based.

In the Dayton Agreement, peace is not only dependent on the “natural” interdependence of social groups and on the imperatives of economy. The Dayton Agreement sets up also a precise model of social harmony, which is based upon a liberal democratic vision. The governance of difference is based upon the civil rights, administrative decentralisation and protection of minorities. When the Western World realized that it could not solve the Bosnia problem without a military engagement, it has proceeded to provide a solution based upon its values, convinced that the former warring parties could live

together in the framework of liberal guarantees. But they were on the verge of a bitter disillusion.

The Preamble of the Constitution states that the objective of the peoples of Bosnia and Herzegovina is the search for peace, justice, tolerance and reconciliation “[they are convinced] that democratic governmental institutions and fair procedures best produce peaceful relations within a pluralist society, [and they desire] to promote the general welfare and economic growth through the protection of private property and the promotion of a market economy.” (Dayton Agreement, Annex 4, Constitution) Was it theirs, or international community’s desire and resolve?

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*Only the idea of  
“access in Europe”  
that keeps Bosnia  
together*

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This ambitious attempt has had to confront for a long time with the reality of a Country, that went through three and half years of civil war, that before the war had a population almost completely employed in the agricultural sector (if we exclude some big state-owned enterprises of the defence sector) and that lived for fifty years under a communist regime.

The presence of a nationalist leadership which controls local politics had, for a long time, forbidden any evolution that could have hampered its basis of consensus: for example, minority returns of ethnical minority refugees have been strongly opposed (ICG 2000, Balkan Report n. 78). Economy have been stagnant for a long time and still relies on the foreign aid and presence, because, among other factors, political and economic culture of the nationalist

leadership was opposed to the establishment of a free market without barriers. Politicians and managers had their formation in the period of the communist regime. The absence of a market culture and the peculiarities of the Yugoslav communism (based upon the concept of “self management”), let politicians and managers acquainted with an exclusively local market and made it a slow process the emergence of an entrepreneurial class, able to compete with national and international economics (Arbitrio 1998, p. 137-138).

Economics and politics have still a predominantly local dimension and follow logics of patronage: parallel and informal power structures retain a big influence. Corruption and nepotism have hampered for a long time the effort of the International Community of using the tool of financial aid to create a self sustained development (Miles 2000, p. 91-98).

Local politicians have not been involved in the drafting of the normative framework of political and economic life: the result is that minority protection, minority returns and the functioning of the central institutions could have been opposed very easily. If there is no sense of ownership over the constitutional agreement, the creation of a functioning State is much more difficult. The idea of the drafters of the Dayton Agreement was to set the conditions for the creation of a territorial nation, where no sense of common belonging was still alive – after the war – amongst the majority of the population. It is a harsh reality that the ethno-nationalistic political discourse has satisfied identity needs of the Bosnians better than the unitary rhetoric promoted by the International Community. This is, in my opinion, the main obstacle to the creation of a functioning State in Bosnia, in place of the three

mini-States that exist now. The result is the consolidation of an international protectorate that is going to remain in place until the pattern toward a full integration in the Euro-Atlantic space of the Country will be precisely defined: it is the idea of the “access in Europe” the only thing that keeps Bosnia together. An external tutorage will be, to sum up, always necessary.

#### THE IRAQI CASE

The Iraqi case shows similar features. The removal of Saddam Hussein’s regime has opened the door for a period of instability in the country. Different communities inside Iraq are likely to follow different geopolitical objectives, which could lead, in a worst-case scenario, to the splitting of the country in different entities. In the South, the large Shiite community is looking for a greater autonomy and it could be willing to establish a regime inspired by religious principles; in the North, the Kurds are already enjoying *de facto* independency, from which they are unwilling to move away; the Sunni Muslims are unlike to accept a State in which they constitute a minority, without the privileged position they enjoyed during the passed regime. In the design of the coalition which has taken the lead of Iraq after the end of the war, the creation of a regime inspired by the principles of liberal democracy, decentralisation, respect of minority rights and religious freedom, should be the answer to centrifugal forces.

But, on one hand, – as we have seen in the Bosnian case – a democratic regime requires a long time to start functioning efficiently; on the other hand, different communities may agree to live separated.

Allied forces in Iraq have already started to select the new political leadership of Iraq. They implicitly give patents of legitimacy to the political elites they prefer, but if these ones have little influence in the country and if the final constitutional solution does not address political and identity needs of the population, it is very likely that a prolonged presence of multinational

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military forces will be necessary to keep the country together.

The result will be a regime which affirms the principles of unity and liberal democracy in its fundamental norms, but that will keep out of the sphere of legitimacy the basic attitudes of the majority of the population. That will require a sort of tutorage. We have seen the same in Bosnia and Kosovo. In both cases the International Community tried to impose from the above a constitutional agreement that adheres to the geopolitical needs and ideological imperatives of great powers, without a real ownership of the process by the

population.

This created a strong potential for organised groups to exploit the rhetoric of the armed resistance against occupying powers and the rhetoric of the risk - for the ethnic/religious community - to be annihilated. It could establish the basis for "legitimate" parallel power structures, which can deprive official institution of the real control of the country.

#### CONCLUSIONS

The recent change in the U.S. Administration's approach to an Iraqi settlement seems to acknowledge what we have suggested in this article. The speeding up of the process of giving the Iraqi people a say in the constitutional process, responds exactly to the need of creating a sense of ownership about it in the population. The intrinsic contradiction we have indicated, however, is by no way eradicated and there is the strong possibility that Americans should remain on the ground for a very long time. The result may be another Western protectorate, which will claim a lot of economic resources and many lives.

What I would like to emphasise is that there is very little hope that "institutional" and "functional" latent forces could drive Iraqi society toward democracy, unity and market economy, by themselves. Both Western ideas and American geopolitical design are not "natural". The basic point is that past similar Peace Building experiences leaves us little hope that this kind of operations are easy, inexpensive and doomed to success.

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