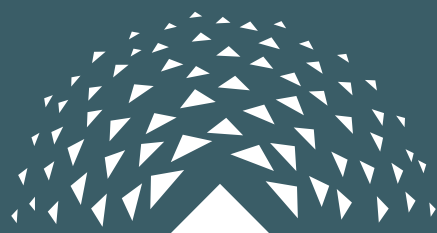


**Will High Representative Christian Schmidt
be Able to Untie the Bosnian Knot?**

Képes lesz-e Christian Schmidt Főképviseelő feloldani
a boszniai patthelyzetet?

CINTIA VIOLA



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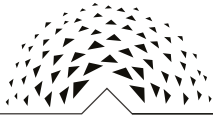
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Abstract: The nomination and eventual appointment of the new High Representative (HR) of Bosnia and Herzegovina, Christian Schmidt, explains Germany's support, given his experience and knowledge of the region. However, the HR is facing the same challenges as his predecessors: a lack of consensus among international actors, rising nationalism, the impossibility of constitutional reforms, and an unstable internal political situation.

Keywords: Bosnia and Herzegovina, Germany, High Representative, political crises.

Absztrakt: Az új bosznia-hercegovinai Főképviseelő, Christian Schmidt jelölése és megválasztása – tekintve régióbeli tapasztalatát és jártasságát – megmagyarázza Németország támogatását. A Főképviseelőnek azonban ugyanazokkal a kihívásokkal kell szembenéznie, mint elődjeinek: a nemzetközi szereplők konszenzusának hiánya, az erősödő nacionalizmusok, az alkotmányos reformok kivitelezhetetlensége és az instabil belpolitikai helyzet.

Kulcsszavak: Bosznia-Hercegovina, Németország, Főképviseelő, politikai válságok.

INTRODUCTION

On 1 August, 2021, Christian Social Union in Bavaria (CSU) politician Christian Schmidt replaced Valentin Inzko, who had held the position for 12 years, as High Representative (HR) in Bosnia and Herzegovina (BiH). BiH is facing [‘the greatest post-war existential threat of the post-war period’](#), and it is unlikely that the new HR can handle the Bosnian crisis without adequate international support. Schmidt must face not only Bosnia's structural problems but also growing nationalism. In addition to the domestic challenges, the lack of broad international support, with Russia and China refusing to recognise the new High Representative, is a major difficulty.

This analysis focuses on three topics. It examines the circumstances and reasons for HR Schmidt taking office, explores Germany's ambitions in BiH, and provides an insight into the main challenges facing the new HR at both the international and the local level.

WHY DID GERMANY PUSH SCHMIDT INTO THE POST OF THE HIGH REPRESENTATIVE?

On 25 January, 2021, Germany [announced](#) the nomination of Christian Schmidt as High Representative. The German politician's name was not entirely unknown in BiH: Schmidt had been sent to [Sarajevo in 2016](#) to negotiate with Milorad Dodik and Dragan Čović, the Serbian and Croat members of the Presidency of BiH, regarding the implementation of the Stabilization and Association Process. At the time, Schmidt was agriculture minister in Chancellor Angela Merkel's federal government.

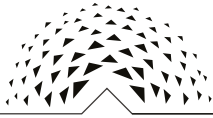
In addition to his role in the federal government, Schmidt is referred to as a ['Russia-understander'](#) (*Russland-Versteher*) by the Bosniaks because of his considerable knowledge of Russia. This claim is based on the fact that former CSU President and German Interior Minister Horst Seehofer cultivated a [positive relationship](#) with Putin and Russia, and Schmidt, as Seehofer's right-hand man, was a frequent member of the [CSU delegation](#) to [Moscow](#). Chancellor Merkel may have hoped that Schmidt, as he knows Moscow well, would be more successful in developing a common policy in Bosnia with Russia. On the other hand, the Russian ambassador voted against Schmidt's election in the Steering Board of the Peace Implementation Council (PIC SB),¹ and the High Representative is still facing strong Russian opposition. For this reason, there is probably no Berlin-Moscow compromise behind Schmidt's nomination, even if several [analysts](#) have emphasized its existence.

In addition, the High Representative also has an excellent [knowledge](#) of the Croatian national interests, and he has been [awarded](#) the highest-ranking Croatian state honour, the Order of Ante Starčević for the promotion of the German-Croatian relations and Croatia's accession to the EU. Schmidt is therefore well-versed in Balkan politics, has extensive knowledge of Croatia and the Croatian ambitions in Bosnia, and he is no stranger to Russia's foreign policy behaviour in the region, either. He also enjoys Merkel's trust, so his nomination was understandable on the German side.

GERMANY'S AMBITIONS IN BOSNIA AND HERZEGOVINA

There was, however, one factor that drove Schmidt's appointment: maintaining Germany's leading role in its Balkans policy. Angela Merkel had already turned her attention to BiH after winning the German parliamentary

1 The Steering Board members are Canada, France, Germany, Italy, Japan, Russia, the United Kingdom, the United States, the Presidency of the European Union, the European Commission, and the Organisation of the Islamic Conference (OIC), which is represented by Turkey.



elections in 2005, when she campaigned for the appointment of CDU politician Christian Schwarz-Schilling as HR. Moreover, Germany as a PIC SB member state decided at the 2008 Brussels meeting to abolish the institution of the OHR in BiH. Although the termination of the office is subject to certain conditions set out in the [5+2 agenda](#), Germany [has taken steps](#) to ensure that these conditions are met as soon as possible.

In the early 2010s, international attention was mainly focused on the Belgrade-Pristina dialogue in the Western Balkans, and the reform process in Bosnia was stalling. The 2014 [Bosnian protests](#) brought BiH back to Merkel's attention, and Germany sought to give new impetus to the reform process. Through the German-initiated Berlin process, the EU has maintained an EU perspective for BiH, although with little real progress.

Although Germany has taken steps to promote the reforms, Merkel has pursued a pragmatic foreign policy in the region and has taken little real action against politicians who threaten Bosnian integrity. The institution of the OHR in Bosnian politics has been empty in parallel with the repression of the Bonn Powers. However, it is a conscious process because there is no doubt on the part of the PIC countries that the institution of the OHR should be abolished, and Bosnia should take responsibility for itself. The disagreements are about when the time should come for this change. Germany's position is that Bosnia is not yet ready to take responsibility for its own affairs, which is why a stronger High Representative is needed to implement reforms. Berlin wants to secure the EU's direction in BiH and through High Representative Schmidt push back against the nationalist voices and the secessionist aspirations.

NEW HIGH REPRESENTATIVE, OLD CHALLENGES

The new High Representative is facing the same challenges as his predecessors. As [Inzko points out](#), the international community must change its policy towards Bosnia, equipping the HR with larger political leeway to implement the 5+2 agenda. It is precisely this challenge for the HR to achieve the goals set out in the 5+2 agenda by leaving the preparation and implementation of the reforms to the joint institutions of the state, in line with the '[less Dayton, more Brussels](#)' principle. This section will outline what support the HR can count on internationally and locally to achieve the goals set out in the 5+2 agenda.

INTERNATIONAL LEVEL

The support of international actors is essential for addressing the domestic policy challenges. Although Schmidt has repeatedly [stated](#) that he is ready to use the Bonn Powers, giving the impression that he has the necessary international

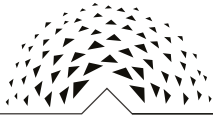
support, there is little chance that he will use them. The HR is the executor of the policy of the great powers in Bosnia and Herzegovina, and his political leeway is limited to working in areas of common strategy for the PIC countries.

The common strategy is hampered by the fact that decision-makers often come into conflict with each other over their conflicting interests. For example, Russia typically blocks unanimous decision-making in the PIC SB and makes the HR's decisions impossible to implement by supporting Serbian (and more recently Croatian) separatist aspirations. Russia [is demanding the closure of the OHR](#), but it continues to block attempts to meet the conditions for its abolition. Due to the Russian attitude, it has been decided in the PIC SB not to refer Schmidt's appointment to the UN Security Council (UN SC) for approval, in order to avoid a Russian (and Chinese) veto. Due to the circumvention of the UN SC, [Moscow does not consider Schmidt a legitimate](#) High Representative, despite the fact that PIC is not a UN body, so there is no technical significance for a UN SC approval. The PIC countries have not only avoided the Russian veto on Schmidt's appointment, on 3 November they even managed to [push through](#) the extension of EUFOR's mandate in the UN SC. In any case, the continued presence of EUFOR in Bosnia is also to Russia's advantage: if EUFOR Althea were to be withdrawn, NATO would take over the role of military peacekeeper. This would be unacceptable to Russia, who is not opposed to destructive nationalist aspirations in Bosnia, precisely in order to keep BiH as far away from NATO as possible. It is in the foreign policy interests of Moscow to have an inoperative Bosnia in existential crisis rather than another NATO member in the Balkans.

It is not only Russia but also Serbia and China who could cause a headwind for the High Representative. Serbia is, in fact, in a situation of duress on the Bosnian issue. Vučić has no interest in the secession of Republika Srpska because then the independence of Kosovo could be legitimised. At the same time, he cannot openly oppose the Bosnian Serb aspirations, as this would mean a significant loss of popularity and regional influence. Therefore, Serbia's resistance is more symbolic than a stand based on real interests. As far as the Chinese position is concerned, China has traditionally abstained from the Bosnian issue, which is quasi silent support for the status quo in BiH.

As expected, the 'traffic light' coalition (Ampelkoalition) has agreed to form a coalition government in Germany. In the government of Social Democrat Chancellor Olaf Scholz, the Greens' co-chair, Annalena Baerbock has been appointed foreign minister. The coalition agreement also partly envisages a [political agenda](#) for the Western Balkans. On this basis, the new German government will support the efforts to build lasting peace in Bosnia and Herzegovina based on preserving territorial integrity and overcoming ethnic divisions, as well as the EU accession process. Chancellor Scholz is also expected to support HR Schmidt in promoting the reforms in Bosnia.

US support also seems assured for Schmidt, since President Joe Biden seems to prefer to work with the EU. Some European Balkan-experts [have predicted](#) that Biden will take strong action in BiH. However, apart from a



significant number of vaccine donations and a visit by Deputy Assistant Secretary of State Gabriel Escobar, Biden is not present in the Western Balkans. In fact, the health crisis caused by COVID-19 and the President's plummeting approval ratings in the US take priority among the problems the President must address, and he has no capacity to pursue an independent Balkan policy in BiH.

Moreover, at the November UN SC meeting about Bosnia, most of those present (except Russia, Serbia, and China) [agreed](#) with the High Representative's report that BiH is in a serious crisis and that the implementation of the reforms is essential for the stability of the country. On this basis, HR Schmidt seems to have sufficient support from the EU and most NATO members, although he is facing considerable political headwinds from Russia, Serbia, and China.

LOCAL LEVEL

In addition to the structural problems (i.e. high unemployment, corruption, weak institutions) there are three significant, interrelated problems facing the High Representative at the local level, necessitating to find ways to: (1) repress nationalism, (2) promote minimal constitutional reforms (such as an electoral law), (3) and stabilize the domestic political situation.

The High Representative's greatest challenge is to suppress the conflicting nationalisms in the country. The most significant domestic political headwind is caused by Milorad Dodik, the Serb member of the Presidency, who uses hardline nationalist rhetoric in the Republika Srpska. The Bosnian Serb politicians want [to abolish the OHR, do not recognize](#) Schmidt as the new HR, and their [separatist activities](#) render the federal state inoperative. As part of the secession efforts of the RS, Milorad Dodik often threatens to [dissolve the country](#), which makes it impossible for the federal state to function, which finds support from Serbia, Russia, and China. The lack of willingness on the part of the RS to cooperate is a problem for HR Schmidt, which he is not expected to be able to handle effectively, considering the circumstances. The RS has been ignoring the decisions of the federal Constitutional Court since 2015, and it often boycotts the work of the central institutions. In July, HR Inzko criminalized the [denial of genocide](#) in the country, prohibiting Bosnian Serbs from glorifying Bosnian war criminals, the violation of which is punishable by imprisonment. Inzko's action has been counterproductive, as it has forced all the parties in the RS, including Dodik's opposition, to rally behind Dodik, thereby increasing his popularity and influence.

The growing [Croatian nationalism](#) has a negative impact on the stability of the state as well. Both [Croatia](#) and Bosnian Croats are demanding the designation of a third Croatian national entity in Bosnia and Herzegovina, which is supported by China and Russia. Although HR Schmidt has a functioning

relationship with Croatia, Gordan Grlić-Radman, Minister of Foreign and European Affairs of Croatia [has stated](#) that there is little chance of achieving the creation of a third entity or a favourable amendment to the electoral law through the new HR.

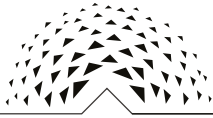
Constitutional reforms are essential for Bosnia to function, and they are a prerequisite for the country's EU integration process. In principle, the HR has the power to prescribe these reforms. However, as explained above, broad support is needed for Schmidt to act on his own competence. The power elite and the nationalist aspirations at the local level, as well as Russia and China at the international level make it almost impossible for the HR to act effectively. All have an interest in maintaining the crisis in Bosnia for various reasons.

Among the constitutional reforms, the reform of the electoral law is high on the political agenda. The European Court of Human Rights has [ruled](#) that the electoral law should be amended so that it is not only the three constituent peoples who are eligible to run for the presidency. The parallel Croatian demands (by Croatia and by the Bosnian Croats) seek to ensure that only Bosnian Croats can vote for the Croatian Presidency member. On the part of the Croats, this claim is justified because in the last two elections Željko Komšić was elected as the Croatian member of the Presidency, but he was voted in by the Bosniaks rather than the Croats. Considering the incompatibility of the two aspects of the amendment, any change will inevitably cause a domestic political crisis. The [indirect election](#) of the Presidency through the state parliament could be a solution, but Bosnia's political culture is not yet adequately developed to make this alternative possible.

CONCLUSION

Christian Schmidt is facing a serious internal political crisis in Bosnia and Herzegovina, and the effectiveness of his office may be adversely affected by the disagreement among the PIC SB countries over the competence of the OHR. It is not yet possible to determine what policy will be pursued by the HR. Schmidt is [open](#) to arranging meetings with anyone, even RS politicians who consider him illegitimate. In the meantime, he has made strong statements in the international press on the need for action supporting the democratisation of Bosnia, including through exercising the Bonn Powers. Although sometimes Schmidt's opinions [contradict](#) those of the German foreign ministry, he generally follows the Berlin guidelines.

Considering that the political leeway of the HR is determined by the PIC, the effectiveness of the OHR solely depends on the international community. The positions of the great powers are mostly irreconcilable, so a common strategy is still a long way off, and the crisis in Bosnia is spreading at all levels of



the state structure. The 2022 general elections are approaching, and everyone agrees that without a reform of the electoral law, elections are unlikely to be held next year. High Representative Schmidt and his supporters are facing a great challenge regarding the task of untangling the crisis-knot in Bosnia and making some minimal progress towards a functioning state.