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Bosnia after Dayton: Year Two

SUSAN L. WOODWARD

The Dayton accord of November 21, 1995, to end the nearly four years of war in Bosnia and Herzegovina was a turning point: in the most violent and disruptive war in Europe in 50 years; in a Balkan crisis that could still destabilize the most geostrategically sensitive area of the continent; and in American leadership in the post-cold war era. Dayton established a "general framework agreement for peace" intended to consolidate the cease-fire signed October 10, 1995; it is also designed to set the conditions for a sustainable peace with international assistance and ensure a united, sovereign, and viable Bosnia and Herzegovina.

When the NATO-led force to implement the accord (IFOR) took over command from the UN Protection Force (UNPROFOR) on December 20, 1995, scholars of peace settlements emphasized that the Dayton accord's success would depend on international commitment to its implementation. The record of the first year adds two more lessons: that the terms of the accord also matter to the outcome, and that the outside powers in charge of implementation (American and European organizations

primarily) can create difficulties of their own if they are not prepared.

Much has been accomplished. The spectacular success of IFOR in separating the warring parties, demobilizing armies, and removing police checkpoints has stopped the fighting. Prisoners of war have been exchanged, and confidence-building measures among the armies of the three warring parties operate well. Elections at the national, entity, and cantonal levels took place on schedule on September 14, 1996, with minimal violence. Bosnia had joined the IMF and the World Bank before the elections, and aid for economic reconstruction had begun to flow by June. No one visiting Bosnia and Herzegovina in the summer of 1996 could fail to sense the change in mood since IFOR's arrival: the tentative hopefulness, the slow improvement in physical conditions, the willingness to admit a longing to see close relatives and friends on the other side of military confrontation lines, and the nearly universal desire for a job and normal life.

Nonetheless, the results of the September elections were disheartening to many. Far from providing a smooth transition and easy exit for IFOR, the elections predictably gave a democratic stamp of approval to the three nationalist parties that had waged the war. Irregularities in voter lists, accusations that conditions for a free and fair election did not exist, and fears of violence led the Organization for Security and Cooperation in Europe (OSCE) mission to postpone municipal elections indefinitely. The three ruling parties have continued their prewar and wartime policies of seeking total party control

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within their own community, pursuing their definition of national political and economic interests in all encounters, and collaborating with each other on a division-of-spoils principle by competing for party control of specific ministries and jurisdictions while locking competitors out.

The tight and inflexible deadlines set to allow American soldiers to leave in 12 months, and the lack of organization and funding for the civilian operation until late spring, did little to counteract the human and physical forces working for separation. The resources of the international intervention—territorial demarcations, humanitarian aid, economic assistance, electoral laws, government ministries, and population resettlements—increased the ruling parties' advantages over opposition parties. Whether one looks at communication, the settlement of refugees and displaced persons, or political power, the goal of a multiethnic, unified Bosnia was further from realization than at the time of the Dayton signing.

Despite a painfully long wait for American commitment, consensus that the departure of NATO forces without a follow-on force would see an almost immediate resumption of the war was taken to heart. On December 20, 1996, the 55,000-person IFOR handed over command to a Stabilization Force (SFOR) of 31,000 to be deployed for another 18 months under United States army General William Crouch. It plans to downsize after 12 months to a much smaller Deterrence Force (DFOR).¹ The major powers have recognized that their own lack of coordination and preparation for civilian tasks has contributed substantially to slowing the pace of the civilian aspects of the accord and allowed the parties to play one international organization or foreign power off against another. The second annual conference on civilian implementation, held in London on December 4 and 5, 1996, aimed to improve coordination under the authority of the Office of the High Representative, but not to hand it any power, and to improve enforcement through assertive, coordinated use of economic conditionality against local parties that do not comply.

Will a commitment to maintain a military presence for 18 more months, improved coordination on the civilian side, and greater willingness to

enforce the accord lead to success? Already United States officials have quietly shifted to more modest goals of preventing a resumption of war but leaving the political outcome to the parties themselves. Their European allies have long given priority to regional stability, although for some countries, such as Italy or Germany, this requires a certain political outcome in Bosnia. Officials on both sides of the Atlantic, however, remain convinced (or is it hopeful?) that the *process* of implementing the Dayton accord will work.

SILENT OCCUPATION

The peace process in Bosnia and Herzegovina is a silent occupation. Both military and civilian officials repeat almost daily that peace will not come to Bosnia unless the parties want it, and that the international community is there only to assist the parties in implementing their agreement. Nonetheless, the process is strictly governed by the document negotiated at Dayton, Ohio, and by the instructions and vigilant oversight of its international implementers.

The Dayton accord is a shopping list of compromises drawn up by the negotiators, then bargained and revised by one representative of the three warring parties (President Alija Izetbegovic) and the presidents of neighboring Croatia and Serbia, representing the other two Bosnian parties. A set of 11 annexes commits the outside powers and local parties to specific tasks for its realization. Its virtue is to legitimize an international military intervention force and civilian administration—and above all American troops—with consent, leaving intact international norms of sovereignty.

But that pledge of consent and cooperation was given by only one of the three warring parties' leaders—President Izetbegovic, leader of the Bosnian Muslims (now preferring the label Bosniac), whom the negotiators took to represent the whole of a sovereign Bosnia. The Bosnian Croat and Bosnian Serb delegations refused to sign the accord. American negotiators looked instead to Croatian President Franjo Tudjman and Serbian President Slobodan Milosevic, as imputed patrons and suppliers of political protection and military support to their Bosnian conationals, to ensure the cooperation of their Bosnian counterparts, and thus to signal that sovereignty cannot be divided or shared. For the three warring parties, the accord is only a truce while they continue to pursue their wartime goals by other means.

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¹SFOR includes 8,500 American soldiers on the ground; the 13,500 soldiers who will be part of DFOR will include 5,500 Americans.

Behind the commitment to a united and sovereign Bosnia, however, lies a complex agreement that is structured around two separate cease-fires, prescribing four competing and only partial strategies for peace, and containing no overall conception of a final political outcome. The kernel of the Dayton accord is the Washington Agreement of March 1994 between the Bosniacs of the Party of Democratic Action (SDA) and the Bosnian Croats' Party of Croatian Democratic Union (HDZ) to cease hostilities and form a federation. Dayton extends this agreement to the remaining territory of Bosnia, recognizing Serb areas as a separate entity, Republika Srpska. The state of Bosnia and Herzegovina is comprised of these two constitutional entities—the Bosniac-Bosnian Croat federation and the Serb Republic. These two bilateral agreements are, in fact, on separate tracks, the first having begun in March 1994 and the second after the formal signing of the Dayton accord in Paris on December 14, 1995, with different dynamics and separate international tutelage.

NO COHERENT STRATEGY FOR PEACE

The lists of tasks in the Dayton accord do not form a coherent strategy for peace but four implicit and partial strategies that are in conflict. First, implementation of the two cease-fires follows the logic of classic peacekeeping. Vast global experience with ending civil wars demonstrates that no matter how much parties to armed conflict desire peace and behave in a conciliatory fashion toward their former enemies, there is a vulnerable transition period between war and peace when neither side can trust the other. The belligerents need outside parties who are willing to provide a psychological bridge until individuals begin to believe that the war is over and reorient their behavior toward peace and reconciliation.

The first stage of such assistance is from foreign military personnel who oversee the separation of military forces, their demobilization, the restoration of freedom of movement for civilians, and the transfer of security functions to civilian police. The next step is economic aid and reconstruction to provide demobilized soldiers opportunities to work while international monitoring of human rights and civilian police forces continues to provide psychological security as the trust necessary to a political settlement is rebuilt.

The specific tasks of IFOR were limited to the second of the two cease-fire agreements and this first stage of peace: to separate the warring parties along

a zone of separation between the Bosniac-Croat Federation and the Serb Republic called the inter-entity boundary line (IEBL); oversee the transfer of political authority between the two Bosnian entities where the front line of October 1995 and the IEBL drawn at Dayton did not coincide; help the parties negotiate hundreds of minor adjustments in that IEBL; and monitor compliance and subsequent confidence-building measures among the three armies.

The political character of these two cease-fires is different, however. The purpose of the federation for its patrons, Washington and Bonn, was to end the fighting between Bosnian Croats and Bosnian Muslims (which, at the time of the Washington Agreement, was especially vicious in central Bosnia) by reviving their anti-Serb alliance of October 1991–October 1992 and redirecting their military forces in common action against the Bosnian Serbs. The Dayton agreement preserves this attitude. Diplomatic attention, economic aid, and technical assistance have been largely directed to the federation to transform it from a tactical wartime alliance into a real federation. Economic sanctions remained on the Bosnian Serbs until they had demonstrated their cooperation with the cease-fire through its full 120 days of implementation in March 1996. World Bank aid focused solely on the federation until summer; by year's end, 98.7 percent of all public assistance had gone to the federation, with only 1.3 percent to the Serb Republic. No IFOR military assets were deployed along the Croat-Muslim confrontation line, which is not even recognized by the Dayton accord. American principals still perceive the greatest danger to the Bosnian state to be the Bosnian Serb's military capacity, and an overriding purpose of the federation and the Dayton accord was to create a military balance to deter renewed military expansion by Bosnian Serbs.

This attitude toward the Bosnian Serbs, American theories of war termination, and the view of the Clinton administration that the war was external aggression made possible by a military asymmetry (especially of heavy weaponry) yield a second strategy that is not fully compatible with the peacekeeping mission of IFOR/SFOR troops. This strategy says that the Dayton cease-fire will not become a sustainable peace until there is a military balance between the two entities and the Bosnian government has the capacity for self-defense. Annex 1-B on "military stabilization" contains elements of arms control demanded by Europeans at Dayton,

but it is premised on the prior, bilateral military balance.²

Stabilization—a primary goal of the SFOR mission in 1997—began with the staged lifting of the arms embargo on the Bosnian government (light weapons after three months, and heavy weapons and aircraft after six) and a commitment by American negotiators at Dayton to “train and equip” a Bosnian army (a united army of the federation, not a pan-Bosnian army) able to defend against Bosnian Serbs. The signatures of Presidents Milosevic and Tudjman are meant to guarantee that they have abandoned plans to partition Bosnia between them and to guarantee Bosnian sovereignty within its prewar republican borders. In October 1996 a separate agreement was signed, under French auspices, on mutual recognition between Izetbegovic and Milosevic.

More significant is the informal guarantee implied in the American military and diplomatic presence. Europeans focus instead on a regional arms control regime, negotiated at Vienna on the treaty on Conventional Forces in Europe principles of transparency, cooperation, and stable force levels for Bosnia, Croatia, and Yugoslavia, and between the parties within Bosnia and Herzegovina, and on a ratio of forces agreed at Dayton based on population (5:2:2 for Yugoslavia, Croatia, and Bosnia, and 2:1 for the federation and the Serb Republic). An important monitoring task for SFOR in 1997, this regime requires some armies (particularly in Yugoslavia and the Serb Republic) to cut their holdings of heavy weapons (tanks, artillery, combat aircraft and vehicles, attack helicopters) while permitting others to build up.³

Although Dayton is explicitly a negotiated agreement and not a victors' justice, some of the accord's

²American diplomats attribute the October 1995 cease-fire and the Dayton agreement to the success of this approach: creating a military balance between the Serbs and the federation by encouraging joint operations between the Bosnian government army and the Croat Defense Council and looking the other way at arms deliveries to the federation; nurturing military cooperation between Bosnia and a Croatia that had received outside assistance in equipping and training its army; and using NATO to bomb Bosnian Serb military targets.

³By basing the ratios on population, and not on economic capacity, the burden of defense expenditures may become a serious limit on growth; reductions in military manpower are not mentioned, which suggests an additional reason for concern about economic burden; and the wisdom of adding offensive combat equipment that none of the three parties currently holds is questionable.

tasks also reflect a moral indictment and political judgment on war guilt. This aspect, a demand for justice, represents in part the broader foreign policy goals and position of the Clinton administration to deter rogue states (as it labels Serbia) and serious violations of international humanitarian law in the future, and in part a set of conditions for signing the accord made by President Izetbegovic. For Izetbegovic, the Dayton accord is not a just peace, and without justice, there will be no peace. In the words of the negotiators, the accord “takes sides” politically with Izetbegovic's party, the SDA, on the argument that his constituency, the Bosnian Muslims, was the primary victim of aggression and genocide and that he represents the political value of multi-ethnic cooperation.

This third strategy has two separate elements. One assumes that without a sense of justice, there will be no end to the cycles of retribution and revenge. Bosnian citizens must be persuaded that there is a universal standard the international community is willing to enforce, however belatedly; Muslims must feel vindicated; and Serbs must have the indictment of collective guilt removed by holding individual political and military leaders responsible for the war. “Ethnic cleansing” must therefore be reversed, giving all persons the right to return to their prewar homes or receive compensation.

The International Criminal Tribunal for the former Yugoslavia, set up at The Hague in 1994, will judge serious violations of international humanitarian law in addition to improving the institutional capacity and obligation of the international community to intervene in the future. Those indicted by the tribunal are prohibited from running for or holding public office, and a conditionality clause bars any community not cooperating with the tribunal from receiving economic aid. All members of the international force are prohibited from contact with those who have been indicted and are obliged to arrest and hand over to the tribunal any they encounter. Congressional legislation prohibits American economic assistance to any community that does not cooperate with the tribunal (which is interpreted to mean the entire Serb Republic as long as Bosnian Serb leaders Radovan Karadzic and General Ratko Mladic are not at The Hague) and to projects that do not promote multiethnic cooperation.

The other element of the just peace strategy is a political process aimed at removing radical

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nationalists and freeing the vast majority of innocent civilians to reconnect and reconcile. In the American version of this strategy, the removal from any influence and power of Karadzic and Mladic through their arrest would enable more moderate leaders to win in elections and lead the Bosnian Serbs on a path toward reintegration. The September elections were thus to be an essential step in completing the defeat of Karadzic's party, a defeat that had begun with the Croatian military offensives and NATO bombing campaign of the summer of 1995, and Milosevic's concessions on territory made at Dayton.

The Bosnian government version, presented at Dayton by then-Foreign Minister Mohamed Sacirbey, is to counteract the concessions it made to obtain American military support for Bosnian sovereignty—accepting the right of Bosnian Serbs to self-governance within their 49 percent of Bosnian territory (the Serb Republic) and relinquishing military plans for further territorial acquisitions—with a political strategy to regain control over the entire territory of Bosnia and Herzegovina. This would begin with the immediate “liberation” of Sarajevo and continue with the right of all Bosnian citizens to return to their prewar homes and vote in their localities of residence in 1991.⁴ Thus, while international actors remove radical Serb nationalists from above, the right of all displaced persons and refugees to vote in their home locality of 1991 and the international commitment to monitor human rights and supervise elections would initiate a process from below that ensnares Serb politicians in a maze of human rights obligations and changes the social composition in favor of voters who will be loyal to Sarajevo. In the long run, majoritarian principles would win out in both the federation and the Serb Republic.

ECONOMIC REVIVAL

National elections had an additional purpose for the international force: to enable IFOR to exit Bosnia. Elections would create a government (the “common institutions” of the two entities) able to provide civilian security and restore normal life before the staged withdrawal began, and the military balance created by a trained and equipped federation

army would deter a new war. Essential to this process of normalization, however, is a fourth element of peacebuilding: the strategy Americans liken to the Marshall Plan.

There is a widespread recognition in the United States government and among Europeans that a devastated economy, destroyed infrastructure, and demobilized soldiers without a chance of employment provide miserable prospects for peace. Economic revival following close on the heels of a cease-fire can reincorporate demobilized soldiers into society, wean leaders from war by enriching them through commercial rather than war profits, and bring people from all sides of the war back into contact through markets and trade. The cease-fire becomes anchored in society and political solutions can emerge. In the language of peacekeeping strategy, which it complements, the revival of economic activity is a confidence-building measure and the essential follow-on to end a war definitively.

DAYTON'S ACHILLES' HEEL

The Dayton agreement stopped the war before any of the three warring parties had achieved their political goals. It recognized the nationalist goals of all three governing parties, legitimized the ethnic principle of rule, and completed the aim of the war—to change the geographical distribution of the population to make national control over territory irreversible—with the transfer of the one remaining exception, the Serb-held suburbs of Sarajevo, to federation control in February 1996. By expecting these political party leaders with nationalist goals to act with the accountability of governments in implementing their agreement, the international community appears to support their ambitions to create separate party-states in which each dominates and none becomes a minority. But the accord does not affirm the irreducible element for each of the three parties—external recognition of their national right to self-governance—nor does it choose among their conflicting political views of a Bosnian state. The Dayton accord is not a political settlement.

For some, Dayton is “the last will and testament of Bosnia,” providing a cover for its effective partition, while for others it initiates a workable process to reintegrate Bosnia. American officials honestly represented their diplomatic objectives as a compromise between the realistic and moralistic goals of the Clinton administration. To stop the war they would accept that Bosnia had been effectively partitioned and make no guarantees of a political turnaround, but they would do as much as possible

⁴Bosnian Prime Minister Hasan Muratovic first referred to the Serb exodus as “liberation.” The term “liberation” has come to be applied by Bosniac politicians, including President Izetbegovic and former Prime Minister Haris Silajdzic, to the entire territory of the former republic; for example, it was the theme of Izetbegovic's first public appearance since Dayton, at an election rally in Gorazde on May 4, 1996.

during one year to assist the Bosnian government leadership of Alija Izetbegovic and the multiethnic goal. What the Bosnian government made of this assistance would be up to it.

The political dilemma of integration or partition tends to focus attention on recalcitrant Serbs, but it is relations within the Bosniac-Croat federation that pose the greatest threat to the Dayton accord and the peace operation. The political positions of the federation's two parties have grown further apart now that the strategic shifts favoring Croats and the cessation of hostilities with Serbs shift the two parties' objectives from territorial to economic and political goals. The Bosnian Croat HDZ, which faces no political opposition in the territory it controls, has no intention of abandoning what it considers to be its national rights to territorial sovereignty and economic assets within or moving through that territory. It views unification with Bosnian Muslims to be a threat to those rights, the federation commitment to unity a facade that can drop with the end of hostilities, and the political independence of the ministate the Croats have created called the Croat Republic of Herzeg-Bosna within the Bosnian union to be legitimated by the recognition of a Serb Republic of Bosnia-Herzegovina.

But the Bosniac SDA also claims national rights to sovereignty and territory—for the Muslim nation—and has no intention of abandoning its internationally recognized position as the legitimate government over the entire territory in Bosnia's recognized borders. It has worked hard to overcome its strategic and economic dependence on the Croats by monopolizing as much international military and economic aid as possible; it has also insisted on the right of Muslims to return home to escape its current confinement to less than 25 percent of Bosnian territory. Croat demands for national parity in federal offices and for divided ("separate but equal") municipalities have been countered by an insistence on majoritarian rule. Unfortunately, each party can find justification for its own position in the constitution that was a part of the Dayton accord.

In essence, the three Bosnian parties do not feel the political compromise engineered at Dayton to be their agreement. They will cooperate with representatives of the international community insofar as it suits their party and national interests, but they are not committed to making it work beyond that. Their method is to fasten onto particular rights granted in the accord that suit their long-term political goals and challenge outsiders to make a clearer

commitment and recognition of those particular rights and against another party or interpretation.

The ambiguity of the agreement is increased by the contradictions among its peace strategies: between the essential impartiality of the military forces and the political support for the Izetbegovic government; between the federation and the Serb Republic; between the trade and cooperation essential to the survival of all three communities and the programs for military balance that encourage parties to maintain troop deployments and raise police checkpoints around points of dispute or vulnerability on internal frontiers; between the slow timeline of peacekeeping and the security necessary for refugee return and reconciliation, and the quick timeline of deadlines and the political process designed to allow an early troop exit. The burden of these contradictions fell on IFOR commanders during 1996, and they reacted by raising the specter of "mission creep" to resist pressures to perform any task that could be seen to compromise their impartiality.

The Dayton answer to the political dilemma about whether the accord partitions or unifies Bosnia is contained in a constitutional balancing act that combines a single country with substantial devolution of power and jurisdictions. The Dayton constitution's construction of a Bosnian state actually resembles the European Union, with a common market (based on a customs union with exchangeable but separate currencies); a parliament representing the three nations (in two entities); a shared, large-scale infrastructure; and a bureaucracy to staff these foreign and economic functions that is financed by equal (not proportional) contributions from the three communities.

The primary jurisdiction of the common (state) government is foreign policy, not relations that tie politicians to domestic issues and constituents. It thus risks having the same "democracy deficit" as the European Union and similar obstacles to political integration from jealously guarded national sovereignties. No powers or functions of this common government exist to inspire loyalty or identity among all Bosnian citizens (with the possible exception of the Commission on Human Rights). The accord creates few rewards for power, status, or wealth in the center and in common institutions that would nurture centripetal over centrifugal forces or instill a sense of protection for people who wish to choose nonethnic identities (against pressures from their own group to conform). Even the responsibility for defense has been handed to the two entities.

It is clear that radical decentralization does not resolve the dilemma. All aspects of the implementation process in the first year (as they will be in 1997 as well) were dominated by the electoral motives of the three political parties and their view of elections as the current alternative to war, securing further or expanding their control of territory. Negotiations over foreign aid and technical assistance have dragged on while the parties fight over who has authority to sign public contracts, who gains which government portfolios (and the jurisdiction, the patronage, and the funds they bring), and whether they will form a central bank and common customs regime.

The bureaucratic rules of the EU, the IMF, and the World Bank—the leaders in economic reconstruction—require them to work with counterparts who can guarantee that they will eventually repay the loans. There cannot be aid without a country program, and there cannot be a country program without a country. If each of the three parties to the Dayton agreement has authority only over a part of Bosnian territory, who is that counterpart? Even more complex are the obstacles to resettlement and to economic revival that have arisen where ownership rights to housing or firms have been divided by new borders between municipalities or entities.

The case of Mostar is particularly instructive of the difficulties facing the Dayton implementation. Beginning in July 1994, the European Union Administration in Mostar (EUAM) fielded a civilian administration in the city that would replace the United Nations peacekeepers with a massive infusion of financial and administrative assistance and a multinational police force. The strategy of the EUAM was to use economic incentives and reconstruction to bring Croats and Muslims together again. Much has been accomplished: water, electricity, public transport, and fire brigades have been restored, all schools repaired and opened, the medical system revived, new apartments built to entice refugees to return, and some bridges rebuilt. But the city remains as divided as ever, violence erupts frequently, expulsions continue, and the EUAM was unable to push the parties to cooperate or fulfill their commitments.

BOSNIA'S ITALIAN FUTURE?

As SFOR begins its 18-month deployment, the World Bank reorients its program toward sustainability through macroeconomic structural reform, and the Office of the High Representative tries to use its enhanced authority for greater compliance to the Dayton accord through assertive conditionality, the prospects for Bosnia are murky. The reality of the

country's separation into three ethnically homogeneous parastates is countered by the enthusiasm of the international operators that the Dayton accord "will work." It is too soon to predict a favorable outcome along the lines of the accord or whether there will be a progressive reconstitution of a Bosnian state in a civic direction, beginning with greater success for non-nationalist parties in the 1998 elections.

The primary tasks in 1997 are to get the common institutions working, hold the postponed municipal elections, and repatriate refugees being expelled from northern Europe. But the process of elections and the right of return will, as in 1996, continue to exacerbate the political contest of wills between the three parties, each obstructing the return of displaced persons and refugees of other groups who would dilute their electoral base and are perceived as threats to territorial sovereignty and national control.

If the economic situation remains bleak and stagnation sets in, refugees will not return and the remaining moderates, professionals, and members of the skilled younger generation will leave. High unemployment will reinforce ethnic partition, prevent return, and delay resettlement through real or imagined job discrimination. If the masses of unemployed, aimless young men now roaming city streets—many still armed—do not find employment, conditions will grow for violent incidents that could spark escalation, criminal gangs and mafia-like rackets, drug and arms smugglers, and extremist organizations and militia. Western concerns about Iranian ambitions, or a West Bank/Gaza hothouse, could be self-fulfilling in the social conditions of cities overwhelmed by displaced peasants and an urban underclass.

The most likely compromise between the current reality in Bosnia and the goal of Dayton is an extremely weak, fragile, and relatively unstable country—a country in name and international recognition only without a central capacity to manage trade and finance, one that might continue to demand external assistance and protection for a long time. There is a more worrisome scenario. There could be a repetition of the Italian experience with post-World War II reconstruction that transformed local crime families into an international criminal network based on control of construction activities and transport-related operations, foreign assistance channeled through public corporations and a dominant political party, state corruption, rapid "privatization" for those with ready cash, and continuing insecurity that favors protection rackets. This is not the usual view of the Marshall Plan, but it cannot be ignored. ■