

Report

The Dayton Peace Agreement, Two Decades Later: What was achieved and what to expect?

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What was achieved?(1)

One version of Balkan history views the conflict in Bosnia and Herzegovina as a civil war driven by inter-ethnic conflict between the three principal ethnic groups of Bosnia and Herzegovina: Bosniaks, Serbs, and Croats. This view is wrong, and accounts for the main source of mistrust and misunderstanding between Bosniaks, on one side, and Serbs and Croats on the other. Namely, it is necessary to emphasize that, as opposed to Serbs and Croats who arrived in the Balkans with the migration of Slavs during the second half of the 7th century, Bosniaks are an indigenous Balkan people, and as such, they are the only native nation in Bosnia and Herzegovina.

The course of the war revealed designs to occupy Bosnia and Herzegovina in order to incorporate the territory into Yugoslavia (to form "Great Serbia") and to exterminate the Bosniak nation. The intention was declared publicly in October 1991 in the Parliament of Bosnia and Herzegovina by Radovan Karadzic, who was then president of the Serbian Democratic Party. Ultimately, Karadzic's genocidal plan was halted by the Dayton Peace Agreement. Today, twenty years after the agreement was reached, we might ask: What was really achieved by the Dayton Peace Agreement? During the past twenty years, six important features are noteworthy:

1. The war was ended, but the state retains the status of protectorate;
2. The formal status of Bosnia and Herzegovina as sovereign state was regained albeit in a very peculiar and partial way;
3. The constitution (adopted as written in the Dayton Peace Agreement) still serves as the basis for the internal organization of Bosnia and Herzegovina as a federalist state with two entities governed by central institutions;
4. The protection of human rights was established according to international standards and guaranteed by a set of laws;
5. The international community pledged to support the return of refugees and help the government create the necessary conditions for this process;
6. The implementation of the Dayton Peace Agreement was and still is based on the decisive involvement of international forces, both military and civil.

Regarding the question what the Dayton Peace Agreement achieved for Bosnia and Herzegovina, there are two dominant veins of thought. The first argues that the agreement halted the bloodshed and created the basis for Bosnia and Herzegovina to restore internal integration, build democratic institutions, strengthen peace, and progress toward further integration with the Euro-Atlantic community. The second argues that because the agreement divided Bosnia and Herzegovina along ethnic lines, the creation of a truly democratic civil society is impossible. Further to this, the political fragmentation created by thirteen parliaments and governments (at the federal, entity,

and canton level) doomed Bosnia and Herzegovina to become a nonfunctional and costly state. (Well over two-thirds of GDP goes toward government salaries.)

The discussion surrounding the legacy of Dayton has given rise to the idea of abandoning, or at least, upgrading the accords in order to provide the basis for establishing a more functional state. This idea, however, is still contentious, both internationally and domestically.

A critical shortcoming of Dayton has been the status of refugees. The effort to return expelled citizens is far from being realized in satisfactory way, and it is important to bear in mind that most of the returned refugees have no economic basis for survival, especially not in towns. On the issue of population movements, the generally unfavorable economic situation has led to a great wave of emigration, especially of young people to the countries of European Union, and overseas. This exodus represents the loss of a precious resource for the country. More than 150,000 college educated youth emigrated from BiH from 1996 to 2003, a figure that has now doubled.

The Dayton Accords, Turkey, and the Office of the High Representative

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In 2010, fifteen years after the signing of the accords, the EU Special Representative for Bosnia and Herzegovina made a special visit to Turkey. The trip was in tune with wider diplomatic developments on the ground. Although conditions have changed since 1995, Turkey has made intensive efforts to help the citizens of Bosnia and Herzegovina so that the "same woes [shall] not to be lived ever again." Turkey contributes directly to stability in the region through the Turkey-BiH-Serbia and Turkey-BiH-Croatia trilateral consultation mechanisms that were established to that end. Turkish officials consider Bosnia and Herzegovina as a neighbor and the heart of the Balkans, and attach utmost importance to BiH independence, sovereignty, territorial integrity, and the prosperity and wellbeing of its people.

Five years later, this time on the occasion of 20th anniversary of the Dayton Peace Agreement, Turkey's diplomatic position remains favorable towards BiH. But now, the official position has been publicly harmonized with that of the US. An important area of Turkish-US consensus concerns the debate over the Office of High Representative (OHR) in Bosnia and Herzegovina, in which the EU insists on closing the powerful office and replace it with a European Union Special Representative (EUSR). On this issue, Turkey has followed the US saying that "the conditions have not yet matured enough to end the mission." This sentiment was echoed by another Turkish official who told Hürriyet Daily News that Turkey is not "categorically against the closure of the OHR, but we still have to wait for conditions to mature." Turkey did not block the decision made in 2007 to close the OHR, but formally noted its reservations. "We said the decision should be

reviewed according to the conditions in the country, as well as in the region," the official said.

Debate over this feature of the Dayton Accords began almost as soon as the agreement was signed. At a conference devoted to this subject, the Steering Board of the Peace Implementation Council (the international body guiding the peace process) concluded that the OHR should aim to close by 30 June 2008, to be replaced by an EUSR. The Peace Implementation Council (comprised of fifty-five countries and agencies in which Turkey and United States are both members) strongly support the recommendation to close the OHR as soon as is feasible. "As long as the OHR exists, Bosnia cannot drive for EU membership," said Gerald Knaus, the chairman of the European Stability Initiative. "It is dangerous that Bosnia is stuck behind. It will give the wrong signal to the Bosnians." The EU believes the accession process will enable Bosnia to more quickly take full responsibility of its own affairs. Compared with its situation in the 1990s, Bosnia is far from normalization, said another European expert on BiH. "There is serious political crisis. Policy making is deadlocked."

Echoing other analysts, Gerald Knaus believes that EU accession talks will encourage all ethnic groups in Bosnia to improve cooperation. On this matter, a Turkish diplomat commented that "the Europeans have a point in drawing attention to the negative consequences of Bosnia falling behind in the EU enlargement process."

Bosnia represents a complicated situation for Ankara. On one hand, Turkey believes that the EU accession process can provide a fast-track to normalization, but on the other hand many believe the risks are too high. The concerns of Ankara were expressed by a Turkish diplomat, who said, "What happens if the conflict starts again? We will be back to square one. This is a post-conflict country in transition. There is a risk of war erupting again. What would we do? The EUSR will have less authority than the OHR."

As for rumors that the war might erupt again, Knaus believes they are just that—rumors. The last meeting of the directors of the Steering Board of the Peace Implementation Council ended without a concrete decision on the timing of the OHR's closure. "As long as we say no, the closure will not take place," the Turkish diplomat asserted. "Besides, we are supported by the United States." Gerald Knaus responded that "the US does not understand how accession to the EU could strengthen the country's statehood."

The conclusion of Gerald Knaus that the US does not understand how accession to the EU could strengthen the country's statehood, obviously is wrong. It is clear that the US understands the importance of EU membership for any European state, and especially in the case of BiH. But the US follows its own agenda, dictated by its own interests and

strategic goals. For whatever reasons, the US government concluded that closing OHR conflicted with its agenda and interests.

Conclusion

In general, two issues have been constant during the past twenty years of Dayton's implementation. The first is that although the Dayton Agreement created peace, in many aspects the document is in tension with existing standards of international law. From this point of view, the Dayton Peace Agreement represents the legalization of military aggression intended to bring about the institutional dissolution and administrative partition of a sovereign state. The nominal dissolution of the Republic of Bosnia and Herzegovina into fictive political constructions by removing the term "Republic" is in itself a dangerous precedent in international politics. (3) The second issue is that the Dayton Agreement created a cumbersome and expensive state administration that has impeded normal life. The development of civil society will remain impossible as long as the imposed political system and the constitution promote the rigid division of Bosnian society along ethnic lines. The rumors repeated by diplomats that the war might erupt again may be only rumors, but powerful ethnic tensions still do exist. The indefinite prolongation of ethnic political divisions contributes to the likelihood of renewed conflict.

The Dayton Agreement legitimized and even rewarded the most brutal aggression by giving the aggressor nearly half of BiH territory (49 percent to be exact). The legacy of the Dayton Agreement can also be seen in its negative effect on the economy, a result of the fragmented nature of the state and society.

The state of Bosnia and Herzegovina has for far too long been kept in a state of adolescence, deprived of decision making power and totally dependent on the decisions of the international community. The crippled economy, combined with defeatism, corruption accepted as *modus vivendi*, distrust in political institutions, rapidly diminishing of self-respect, and the mass migration of educated youth, is both the symptom of and the reaction to twenty years of life in a divided society controlled by outsiders.

It is, therefore, absolutely necessary to replace Dayton with a new constitution. And this will require the help of the international community. Yet, Colonel Edwin W. Larkin, a leading expert on the matter, concludes categorically that the primary reason BiH has not met the intent of the Dayton Peace Agreement lies in the failure of the citizens to find compromise as a nation. Larkin insists that the principal obstacles continue to be the same narrow issues that started the original conflict: fractured government, ethnic divide, and rampant corruption.

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References

- (1) Regarding the problems of the Dayton Accord's political arrangements, this section owes credit to Prof. Mirko Pejanovic, particularly "The Dayton Peace Agreement and the Development of Political Pluralism in Bosnia and Herzegovina" www.ifimes.org/en/7986-the-dayton-peace-agreement-and-the-development-of-political-pluralism-in-bosnia-and-herzegovina#sthash.qki4GNqD.dpuf
- (2) Press Release Regarding the Dayton Peace Agreement and Visit of High Representative of Bosnia and Herzegovina Mr. Valentin Inzko to Turkey, Press Release No: 255, 21 November 2010
- (3) Although the text of the Constitutional Charter includes three unilateral declarations on behalf of the Republic of Bosnia and Herzegovina (according to which "The Republic of Bosnia and Herzegovina approves the Constitution of Bosnia Herzegovina at Annex 4 to the General Framework Agreement"), and while the constitution of Bosnia and Herzegovina as designed by the Dayton Agreement was negotiated at the international level expressis verbis by the Republic of Bosnia and Herzegovina, this fact was totally ignored in final agreement! The term "Republic" disappears from the name of the newly created state without any explication.