



**Twenty Years After:
The Dayton Accords, Legacies and
Opportunities in Bosnia and
Herzegovina**

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This year marks two painful anniversaries for Bosnia and Herzegovina twenty years after the end of the Bosnian war: the Srebrenica massacre and the signing of the Dayton Accords. In the aftermath of the massacre in Srebrenica in July 1995 and the increasing deterioration of the military situation in Bosnia and Herzegovina, NATO bombed Bosnian Serb military targets and infrastructure. A few months later, in November 1995 US-led negotiators and mediators required regional leaders to sign the agreement they had quickly created in Dayton, Ohio. As American negotiator Richard Holbrooke noted, at their basis, the Dayton Peace Accords aimed to “turn the sixty-day cease-fire into a permanent peace, and to gain agreement for a multiethnic state.”ⁱ Twenty years later the still-in-place Dayton Peace Accords have become infamous remnants of state construction and peace building through an institutional strengthening of divisions in Bosnia and Herzegovina. This article highlights the implications of the Dayton Peace Accords in the aftermath of the war while trying to establish the ways the Accords have become lingering relics of international interventionism twenty years after the signing. Further, the article aims to glance at Bosnia and Herzegovina today and establish the ways it can seize opportunities in relation to the Dayton political framework.

The Bosnian War

The war in Bosniaⁱⁱ started in the already violent context of the early 1990s in Yugoslavia. Even before the beginning of violence in Sarajevo, parts of Southeastern and Northern Bosnia had been affected by the Croatian War of Independence. The war escalated in April 1992 when Bosnia declared independence, and continued with the intermittent siege of Sarajevo until 1995. The conflict ended when Croatian forces retook control over the Serb-held territories in Croatia and subsequently captured large areas held by the Bosnian Serb army together with the Bosnian army. At the same time, NATO, in collaboration with the United Nations Protection Force (UNOPROFOR), had engaged in the bombing of Bosnian Serb army positions in an assumed response to massacres in Sarajevo and the Bosnian town of Srebrenica. This was followed by a cease-fire and the peace negotiations in November 1994, leading to the General Framework Agreement for Peace also known as the “Dayton Peace Accords.”ⁱⁱⁱ



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Post-Dayton Bosnia

The Dayton Peace Accords, initialed in Dayton on 21 November 1995 and signed on 14 December by Bosnian President Alija Izetbegović, the Serbian President Slobodan Milošević and the Croatian President Franjo Tuđman, brought the Bosnian War to an end. The agreement initially aimed to establish international control over the military acting on the ground, as well as a long-term framework for the reconstruction of a new state and establishment of peace in the region. According to its eleven annexes the new Bosnian state was to be highly dependent on international supervision. In the immediate aftermath of the war, until the first general elections in September 1996, the transition was to be administered internationally. After this, limited formal powers were to be given to central authorities. Armed forces, as well as government institutions, were to be largely controlled by international organizations and externally appointed individuals for up to six years. These dimensions of international involvement were written into the Bosnian Constitution and the post-war reconstruction- military, political, judicial and economic- was to be overseen directly by external administrators appointed by international bodies such as the United Nations, the Council of Europe, the Organisation of Security and Co-operation in Europe or the International Monetary Fund.

Numerous commentaries since the signing of the Dayton Accords have noted the elite-driven, artificial, rigid and yet complex nature of the state it tried to establish. This article does not depart from such an interpretation. It would, however, be simplistic to ignore the underlying merits of the Dayton Accords: on one hand there is the keeping of the general peace in the region; on the other hand, there is the strengthening of the institutional state network. Despite a few local conflicts, peace has been established and maintained in Bosnia and Herzegovina for the past twenty years. From a strictly political point of view the Accords established the groundwork for an evolution of institutional infrastructure. This was implemented firstly through reforming or creating new ministries (e.g. Ministry of Foreign Affairs, Ministry of Foreign Trade and Economic Relations); these were specifically designed to perform more effectively than prewar institutional bodies. Secondly, Dayton Accords determined an increased specialization of agencies and institutions focused on human rights, refugee policies and European integration. Briefly put, the Dayton Accords marked post-war institutional development in Bosnia and Herzegovina. However, its eventual *exploitation* by external and internal political elites has proven problematic to this day.

After the signing of the Accords, Bosnian leader Izetbegović interpreted Dayton as a reaffirmation of the unified, multiethnic state's sovereignty. Serbs, led by Momčilo Krajišnik, however, emphasized the creation of the Serb entity,^{iv} complete with its own army and police force. According to Holbrooke, they saw it "as a way station on the path to partition" along ethnic lines.^v Bosnian Croat leaders like Krešimir Zubak, too, anticipated that it would lead to partition. As such, the visions of an effective



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multiethnic state based on trust and collaboration were essentially dashed from the start.^{vi} In effect, the “power-sharing” arrangements that external actors saw so necessary to end violence later worked against the crucial transition to an effective government. It is for this reason that political scientist David Chandler has harshly suggested that the Dayton period is one marked by the “faking of democracy.”^{vii} Despite the maintaining of peace and the immediate strengthening of core state institutions within liberal-democratic frames, the political system that the Accords imposed on Bosnia at Dayton complicated an already difficult situation for ordinary people from areas where their ethnic group was in the minority after the war. This is because the Constitution included in Annex 4 of the Dayton Accords has determined ethnic separation and irreconcilable multi-ethnicity at an institutional level.

First of all, Bosnia consists of two entities, the Croat-Muslim Federation of Bosnia and the Republika Srpska. Through this, the major ethnic groups receive a role in governing. Accordingly, the Bosnian political system features several mechanisms that institutionalize Bosnian, Serb and Croat cleavages: the grand coalition (a collective presidency of three people, one from each ethnic group), ethnic-based federalism, a vital interest veto (Annex 4, Article V), and ethnic quotas in public institutions. Dayton’s formal political institutions have not cultivated a strong enough strategy for inclusiveness; in effect, the country was transformed from being highly intermixed in 1991 to nearly full segregation of the three nations by 1995. Secondly, institutions that were put in place to oversee the recognition and subsequent implementation of human rights and fundamental freedoms were partly staffed with internationals. In a Catch 22 situation, institutions that were supposed to be homegrown and developed from within the newly established (or re-established) state became subordinated to international bodies of decision-making, recurrently blocking promises of domestic political processes of “democratization.”

Nonetheless, a negative aspect of the Dayton Peace Accords in the past twenty years has been the diffusion of institutional shortcomings towards the “local” groups. Everyday citizens of Bosnia and Herzegovina are apathetic towards influencing political decision-making beyond their personal or local networks. This was recently evident as the low turnout in the 2014 general elections (54%) reflects widespread disenchantment. This inertia of a heterogeneous civil society is not unique in the Eastern and Southeastern European space and cannot be correlated with innate tendencies of Bosnia and Herzegovina’s citizens. But, to a large extent, this can be effectively related to the poor experiences with the Dayton-imposed political paralysis of the central government. In fact, public trust in the tri-ethnic national-level political institutions has been assessed as lower than trust in local political institutions.^{viii}

Looking Ahead

In a report published in April 2005 titled “The Balkans in Europe’s Future,” the International Commission on the Balkans called for a process of constitutional change



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in Bosnia and Herzegovina geared towards eventual EU accession.^{ix} In an apparent change of baton between international forces “responsible” for Bosnia and Herzegovina’s political development, the report argued that with the constitutional architecture set out in the 1995 Dayton Peace Agreement no longer working, there was a need for a genuine constitutional debate in the framework of an EU accession process. Ten years on, without any significant constitutional change, that assessment remains just as valid. So what lies ahead for Bosnia and Herzegovina in relation to the Dayton arrangements?

The assessment of the Organization for Security and Co-operation in Europe of the 2014 general elections in Bosnia suggested that “the lack of political will to move beyond the Dayton Agreement prevents the country from moving away from the current inter-ethnic divides and towards real progress for the country.”^x The European Commission’s 2014 Progress Report had a similar take on the “lack of collective political will on the part of the political leaders to address the necessary reforms,” and essentially confirmed the country remained “at a standstill” in the European integration process. However, the language that the EU has used in the last 10 years has been ambiguous at best, and any leverage previously employed in Slovakia or Romania in the early 1990s seems to have been absent.^{xi} For instance, EU Special Representative Peter Sorensen highlighted the complicated internal structures and a need for Bosnia and Herzegovina to address these weaknesses, noting that

Bosnia and Herzegovina has a complex constitutional structure. (...) Despite this complexity we believe-based on our experiences-that there are ways that Bosnia and Herzegovina can withstand the economic, social and political and other pressures that eventual membership will bring upon the country. However it requires that Bosnia and Herzegovina steps up to the challenge and addresses some of the current apparent weaknesses in the way that governance and reforms are conducted.^{xii}

The involvement of the EU has seemed relatively limited, or even at a loss, in relation to constitutional reforms exceptionally needed in the country, as Sorensen was later quoted as saying that “we do not have, at this point of the time, any sort of designs on constitutional changes.”^{xiii} A change seems to have appeared in November 2014 through a German-British Initiative that, on paper, offers an opportunity to make progress towards EU membership. The conditionality remains a set of substantive reforms that Bosnia and Herzegovina’s politicians would have to sign up to. Issues of minority rights and coordination mechanisms, stabilization and stimulation of economy, strengthening the rule of law, reducing bureaucracy or cutting the costs of government are just a few of the proposed reforms.^{xiv}

The other key international actor involved in political transformations in Bosnia and Herzegovina, the United States, has also sent mixed signals regarding the reform potential or imminent maintaining of the Constitution included in the Dayton Accords. Without a doubt US foreign policy has had a clear shift in the past 20 years, as the



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George W. Bush and Barack Obama administrations preferred a focus on the Middle East or the Asia Pacific areas. Nonetheless, while US involvement in Bosnia and Herzegovina has systematically been transferred to the EU and its “accession” processes, a joint op-ed written in 2011 by Hillary Clinton and British Foreign Minister William Hague and published in newspapers throughout Bosnia, noted that “there must be no doubt about the resolve of the international community to stand by the settlement agreed at Dayton which ended the conflict. Our message is crystal clear: we are committed to Bosnia Herzegovina as a single state, with two vibrant entities and three constituent peoples.”^{xv} In fact, nowadays, the US Embassy in Bosnia and Herzegovina constantly underlines the benefits brought about by the Dayton Accords, while also acknowledging that its provisions have often acted as an obstacle to wider reform that has been mandatory for Bosnia and Herzegovina to join the EU.^{xvi}

Nevertheless, the kind of change necessary in Bosnia and Herzegovina cannot come from another external, elite-dominated, constitutional convention. Without a doubt, an opening of the constitutional reform process may indeed give a sociopolitical and even economic “boost” that the country so urgently needs. What is necessary however is a switch of a broadly defined civil society from a passive position to one of direct agency. The divisive and fragmented character of the Dayton order has meant that the kind of collective mass mobilization, organized or ad-hoc, to challenge the state mechanisms has been especially difficult to appear and develop. Nonetheless, the last few years have shown a timid, yet important participatory reaction among citizens. The beginning of 2014 was marked by a series of demonstrations and the creation of “plenums” of debate following a series of protests of factory workers in Tuzla. In many ways, this was a remarkably “outlandish” practice of democracy for the Bosnian context. As the number of such plenums grew, there was an evident rejection of ethno-nationalist divisive discourse. “We are hungry in three languages,” which began to spread through the protests and social media was a response to the politicians who have tried to argue that the protests were on ethnic lines, feeding themselves from the framework of division found in the Dayton Constitution. Indeed, many of the demands of the plenums focused on privatization processes or corruption scandals. These concerns do not directly relate to Dayton Accords and the associated sociopolitical and economic developments in Bosnia and Herzegovina. However, while short lived, the platforms of citizen participation in the face of the closed Dayton structure and its stagnation are an assertion of a vision of social justice. In the end, the plenums had a function for people to express their grievances (unemployment, poverty, corruption victimhood, just to cite a few) without any direct external involvement so prevalent in the past 25 years.

Conclusion

Dayton has essentially become an infamous trademark of failed international involvement in state (re-)construction and peace building practices. The framework of divisive institutions put in place to establish peace in a war-torn zone was perhaps a logical decision at the time. The *Longue durée* rigidity and the sociopolitical and



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economic stagnation rooted in divisive institutional politics in Bosnia and Herzegovina however have led to acerbic criticisms from policy makers and scholars alike. International actors, so prevalent in the political domain of the state, have either started a slow departure from Bosnia and Herzegovina (as seen in the case of the US) or have had mixed responses to the needs of a new constitutional order (as seen in the case of the EU). In this context, this article suggests that the underlying solution does not come from international and domestic elites. It *could*, however, come from an organized civil society that has to be able to build a genuine cross-ethnic movement or an overall agenda that would challenge both domestic and international elites.

In 2012, in Banja Luka, the second largest city in Bosnia and Herzegovina, a small protest emerged as a response to the attempts by city authorities to bulldoze a local park. In a so-called “Declaration,” the organizers made their position clear: “When fear disappears, tyrants, dictators, autocrats and false authorities fall. The authorities have shown that they are afraid of ‘the walkers’ and we insist that they have reason to be: we are Change because we are the voice of ever citizen whose rights have been denied.”^{xvii} This was a short-lived, yet important sign of civic self-consciousness and acknowledgement of the “power of the street” to change the existing institutional framework. Without a doubt, even for the more optimistic analysts, it is hard to imagine a national political movement that could successfully transform the way the country is governed. However, without one, such change unfortunately remains unlikely for Bosnia and Herzegovina.

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- ⁱ Richard Holbrooke, *To End a War* (New York, NY: Random House Publishing Group, 2011), 232.
- ⁱⁱ This article does not focus on the large narrative of the multiple Yugoslav Wars of the 1990s.
- ⁱⁱⁱ Florian Bieber, *Post-War Bosnia: Ethnicity, Inequality and Public Sector Governance* (New York, NY: Palgrave Macmillan, 2006), 26-27.
- ^{iv} Terminology used in the text of the Dayton Accords. See Annex 2, Inter-Entity Boundary Line.
- ^v Holbrooke, 352.
- ^{vi} See Paula Pickering, *Peacebuilding in the Balkans: The View from the Ground Floor* (Ithaca, NY: Cornell University Press, 2007).
- ^{vii} David Chandler, *Bosnia: Faking Democracy After Dayton* (London: Pluto Press, 1999).
- ^{viii} See Bertelsmann Stiftung, BTI 2014, *Bosnia and Herzegovina Country Report* (Gütersloh: Bertelsmann Stiftung, 2014). Accessed at http://www.bti-project.de/uploads/tx_itao_download/BTI_2014_Bosnia_and_Herzegovina.pdf
- ^{ix} International Commission on the Balkans, *The Balkans in Europe's Future* (April 2005). Accessed at www.cls-sofia.org/download.php?id=44
- ^x Organization for Security and Co-operation in Europe, "Elections in Bosnia and Herzegovina held in competitive environment, but inter-ethnic divide and mistrust remain key factors, international observers say," *Press Release* (13 October 2014). Accessed at <http://www.osce.org/odihr/elections/bih/125488>
- ^{xi} Milada Anna Vachudova, "The Leverage of the European union on Reform in Postcommunist Europe," Paper presented at Workshop 4, "Enlargement and European Governance," Turin 22-27 March 2002. Accessed at <http://ecpr.eu/Filestore/PaperProposal/0171f7e2-349c-4dfb-a368-adb8ce1c23de.pdf>
- ^{xii} Taken from Oscar Fernandez, Valery Perry and Kurt Bassuener, "Making the Market on Constitution Reform in BiH in the Wake of the EU Initiative," *Democratization Policy Council* (March 2015), 4. Accessed at <http://www.democratizationpolicy.org/uimages/DPC%20Policy%20Brief%20-%20CR%20after%20the%20new%20EU%20initiative.pdf>
- ^{xiii} Ibid.
- ^{xiv} Elvira Jukic, "UK, Germany Launch Joint Initiative on Bosnia," *Balkan Insight*, 5 November 2014. Accessed at <http://www.balkaninsight.com/en/article/uk-germany-propose-bosnia-s-renewed-eu-perspective>
- ^{xv} "Joint OP-ED on Bosnia and Herzegovina by Foreign Secretary William Hague and Secretary of State Hillary Clinton," Embassy of the United States Bosnia & Herzegovina, 8 June 2011. Accessed at http://sarajevo.usembassy.gov/speech_20110608.html
- ^{xvi} Fernandez, "Making the Market on Constitution Reform in BiH in the Wake of the EU Initiative," 5.
- ^{xvii} Elvira Jukic, "Banja Luka Park Protesters Demand Regime Change," *Balkan Insight*, 8 June 2012. Accessed at <http://www.balkaninsight.com/en/article/banja-luka-protests-over-park-show-regime-resistance>