

# BOSNIA AND HERZEGOVINA - FIVE YEARS AFTER DAYTON

Martin Raguž

former Chair of the Council of Ministers of Bosnia-Herzegovina

## **ABSTRACT**

*An analysis of the present situation in Bosnia-Herzegovina five and a half years after the signing of the Dayton Accord reveals that the accord "has yet to secure the constitutional, legal, political and other prerequisites for a stable peace and a functional state." The Dayton formula - one state, two entities and three constitutive nations, a compromise solution reached under pressure, especially from the Americans, "does not provide a guarantee of peace, stability or the survival of the Bosnian state." The contradictions inherent in the accord are self-evident. While the international community actively supports a strong sovereign state, it has through the accord divided Bosnia-Herzegovina into two entities with significant powers, Republika Srpska and the Federation. Rather than implementing Dayton as intended and correcting fundamental mistakes, the international community is quietly revising Dayton. Through manipulation of the electoral process it has engineered a situation where, in effect, there are two constitutive nations (Serbian and Bosnian). Bosnia's Croats have been relegated to the status of an ethnic minority. In order to achieve the prerequisites for stability and security in Bosnia and the region as a whole, the international community must aim to achieve equality among nations, especially in Bosnia. Dayton must therefore be supplemented if not completely revised.*

In evaluating the achievements of Dayton, I would like to refer to this oft-repeated fact: the Dayton-Peace Agreement (DPA) stopped the war in Bosnia and Herzegovina (BiH), which was unprecedented in the recent history of Europe. That is its greatest achievement. But now, five years after Dayton, we can evaluate not only this element, but many others as well, and can conclude that the DPA has thus

---

NATIONAL SECURITY AND THE FUTURE 1-2(2) 2001, pp.97-101

far failed to secure constitutional, legal, political, and other pre-conditions for a stable peace and a self-sustainable state.

DPA is an international peace agreement and represented a reasonable compromise between all the parties to the conflict and their goals, as well as the interests of the international community; at that time, primarily the American administration. The agreement occurred as a result of the mutual dissatisfaction of the representatives of the three constitutive peoples in BiH and represented a compromise in which no party was able to attain its overall and final political goals. This, of course, has resulted in continuing dissatisfaction of differing intensities, which among the different peoples arises from their unequal constitutional position. Five and a half years after the Agreement was signed, BiH is no more democratic or unified than it was at the beginning of 1996. Progress has been made in some fields, but as a result of pressure applied by the international community and not due to genuine support for and belief on the part of key local political forces in the implementation of the Agreement.

### ***Why has the DPA not been fully embraced?***

It is obvious that the Dayton formula - one state, two entities and three constitutive peoples with fully asymmetrical constitutional and legal structure - is not a guarantee for peace, stability, and the survival of BiH. DPA has created a schizophrenic situation. On the one hand, it endowed the two entities which practically symbolize the division of BiH (the Federation and Republika Srpska) with enormous powers, and on the other, demands a unified and sovereign state. The main aim of the additional decisions on the implementation of the Agreement made by the Steering Board of the Peace Implementation Council at its regular conferences (held in Sintra, Paris, Bonn, Madrid, London, Brussels) was to find a formula for a democratic and self-sustainable BiH by strengthening the common institutions without redefining illogical constitutional and legal structures. The effort has not borne fruit.

The main reason is the above-mentioned constructional flaw of the DPA: the existence of two asymmetrical entities, the Republika Srpska, which is mono-national and was ethnically cleansed during the war, and the other, the Federation of BiH, a bi-national entity dominated by the Bosniak majority nation over the Croats, which suffer from an unequal constitutional position within the entity. The most recent decisions and moves on the part of the international community have promoted the maintenance and solidification of the existing position, according to which BiH would remain a country of two entities and two peoples – Serbs and Bosniaks - with the Croats, the smallest community, reduced to the status of a national minority.

Instead of opting for a necessary and transparent revision of the DPA, the international community has begun a process of unilateral silent revision of the Agreement, which will ultimately deprive the cantons in the Federation of BiH of their powers and lead to greater centralization and unitarization. At the same time, the status quo in Republika Srpska is being preserved, while the Federation, established by the Washington Agreement as a bi-national unit of Croats and Bosniaks, is transforming itself into a dominantly Bosniak entity. Republika Srpska remains exclusively Serbian, and has failed to implement one of the most significant Annexes to DPA, Annex 7 (Return of Displaced Persons and Refugees). The Croats, which comprise one of three constitutive peoples, feel endangered and disenfranchised and continue to leave the country in large numbers.

### ***Where has the international community erred?***

Instead of eliminating the constructional flaws of the DPA project, the international community had been seeking new political forces within BiH which are willing to implement the project in conformity with the wishes of the international community, even if this is in violation of the Constitution. Blame was laid on the "nationalistic" parties in power for the lack of progress, and, therefore, attempts were made to change the situation by electoral manipulation and the installation of "multiethnic" parties, which is what occurred during the last elections.

This represented another mistake by the international community. The "multiethnic governments" made a bad situation worse; there has been no progress, and BiH is currently facing its deepest institutional and political crisis since Dayton. Problems have not been resolved, since the sources of the crisis persist. They can be found, as I previously mentioned, in the DPA itself.

### ***What must be done?***

It is clear that the weak points of the DPA must be eliminated: the entities, their asymmetry, and the fact that the exclusive right to one's own entity has been given to one nation only, the Serbs. Furthermore, many governmental institutions which render the state apparatus inefficient and expensive must be replaced. It is illogical and indefensible that equal rights have not been ensured to all three peoples. If our aim is a democratic and self-sustainable BiH, the solution is a uniform federalization of BiH into three federal units or a larger number of cantons, which implies the dis-mantling of the existing entities.

Both models of BiH internal structure have their pros and cons. It is the responsibility of the political representatives of the three

constitutive peoples to accept one of them, with the help of the international community. The model chosen must be consistent, self-sustainable, and capable of securing the constitutional equality of all citizens and constitutive nations. There must also be fewer levels of governmental (currently there are five), with strictly defined powers, which will provide a smaller, cheaper and more efficient administration, since the current BiH administration is one of the most expensive and least efficient administrations in the world. The state institutions must be strengthened by principles applied to multiethnic states (parity, rotation, and consensus) and the political structure balanced between civil and national principles, i.e. individual and ethnic principles.

The standardization of rights of the nations and citizens in BiH and the entire region is a pre-condition for the stability of the region. Since that pre-condition has not been secured, and new burning issues have developed in the region, the initiation of a new international conference in this part of Europe is necessary.

### ***The role of EU and NATO***

It will not be possible to bring harmony to BiH and attain self-sustainability for the state without the further active role of the EU, the USA, and NATO. Their role in preserving peace and stability is too important, not only for BiH but for all of Europe. The principle which should be applied in the region should be the standardization of ethnic rights, the rights of national minorities, and civil rights. The future of the country lies in its integration into Euro-Atlantic associations, but an individual approach for each country must be the guiding principle. No country should be held hostage by another country, nor should there be an insistence on associations among the countries of the region as a precondition for joining Europe. Wide cooperation through bilateral agreements between individual countries is desirable and necessary, and the EU and NATO should support this concept.

### ***Conclusion***

BiH is currently faced with numerous challenges (economic and social reforms, finalization of the transition process, return of more than a million people, implementation of international conventions on human rights and freedoms, and membership in Euro-Atlantic associations), which cannot be successfully met unless a consistent constitutional-legal model is established.

Only full equality for all the peoples in a complex state such as BiH and social and economic stability can create the pre-conditions for stability and elimination of radicalism and extremism. Five and a half

years after Dayton, this equality has not been secured, and the internal constitutional-legal and administrative-territorial structure, as defined in Dayton, is completely asymmetrical. Should it be maintained, it will be a constant source of instability and injustice.

Nothing but a serious revision of DPA can establish the structure and relations in BiH which will enable the implementation of human rights, rights of nations, and the establishment of a state prepared for integration into Europe. Such revision will lead to stability and a self-sustainable BiH, which plays a key role in the stability in Southeastern Europe.

One issue which should be immediately addressed is the non-transparent protectorate role of the international community, in which official responsibility rests with local political structures, and genuine powers with the international community and its representatives. A partnership between the legitimately elected political representatives and the international community must be established. Local legitimately elected political structures should be responsible for that process.

The practice of installing political parties in power in BiH through electoral manipulations and the removal of other parties and individuals who are "inappropriate", regardless of the fact that they enjoy great support among the people and electorate, will further exacerbate the situation, and must be abandoned. The international community must show greater courage and willingness to make genuine changes in DPA.

An important member of the Council of Europe said recently that the only good thing about the DPA is that it can be changed. Let us change it in order to eliminate the injustices, which are the major source of instability.