

## The Dayton Agreement Then and Now

The year 2015 marked the 20th anniversary of the Dayton Accords, an agreement that ended a three-and-a-half-year war between the Serbian, Croatian and Bosnian population, the worst conflict Europe has seen since 1945, with more than 250,000 deaths and two million people displaced.<sup>1</sup> It was a war of brutality, marked by imprisonment in camps, war atrocities and ethnic cleansing. In order to stop the violence, it was necessary to find a solution convenient for all three ethnicities at the same time. This effort of the international actors involved, resulted in a document, which enabled the creation of Bosnia and Herzegovina as a single state, comprised of two entities, and gave birth to a constitution, which is currently the legal basis for the country. The Dayton Agreement (Dayton) was widely seen as a compromise deal among the Balkan society and the only workable solution at the time it was brokered. However, two decades on, this agreement is outdated, ineffective for proper state-functioning needs and has to be revised. In case that a common solution is not found and the constitution remains unreformed, the country will be placed at risk of having increased ethnic tensions, a declining economy and a continuously fragmented government.<sup>2</sup>

### The dissolution of Yugoslavia

The Balkan wars broke out in the 1990s after Croatia and Bosnia and Herzegovina declared their independence, followed by the dissolution of the Yugoslav federation. These moves towards independence prompted the Serbian minorities in both states and the Croat minority in Bosnia to seek a major alteration of borders.<sup>3</sup> The possibility of a peaceful transition was precluded, when ethnic Serbs with a vision of a "Great Serbia" with the military support of Slobodan Milosevic, opposed the acts of independence and launched an armed conflict with the aim to achieve separate Serb-controlled territories in both areas and prevent the formation

of Bosnia and Herzegovina.<sup>4</sup> Croats and Bosniaks also got involved in an armed territory struggle against each other and added to the violence.<sup>5</sup> In the course of the events, rebellious Serbs declared their own *Republika Srpska Krajina* in Croatia and the nationalist Serb political party and the Serb Democratic Party declared the creation of the *Republika Srpska* in Bosnia, while nationalist Croats created their own minor state of *Herceg-Bosna*. The war in Croatia ended in January 1992, by brokering a cease-fire between the Croatian government and ethnic Serbs. Furtherly the Washington agreement put an end to the conflict between Croats and Bosniaks in March 1994, however the unrest between Croat-Bosniak forces and the Serbs continued, experiencing a turn after the first defeat of Serbs during a large-scale military operation known as the Operation Storm in 1995. This operation resulted in the recapture of previously Serb held territories in Bosnia by the Bosniak and Croat army. During the summer of 1995, Serbian forces began shelling Srebrenica the world's first United Nations Safe Area. Only five days after the attack on this Bosnian town, more than 7,000 Muslim men had been murdered.<sup>6</sup> This event of genocide, compelled the NATO forces to bomb Bosnian Serb military positions and therewith, successfully weakened them. After the US took over the lead and got Radovan Karadžić and Ratko Mladić, both leaders of the Bosnian Serbs, to sign an agreement, the peace talks set in Dayton, Ohio began on September 14. These were, preceded by several proposals from the international community, all based on a division along ethnic lines in order to create a suitable solution to the crisis. The peace conference was led by Richard Holbrooke and chaired by EU Special Representative Carl Bildt and First Deputy Foreign Minister of Russia Igor Ivanov. The negotiations of November 1995 lasted for 21 days.

The General Framework Agreement for Peace was reached on November 21, 1995 by the president of Bosnia Alija

Izetbegović, the president of Serbia Milošević and the president of Croatia Franjo Tuđman in Dayton and signed in Paris weeks later on December 14.<sup>7</sup>

### The early post-Dayton period

The Dayton Peace Agreement was an ambitious achievement, a hard-won peace plan that brought an end to a long lasting bloody conflict marked by mass rape and genocide.<sup>8</sup> It laid down the legal basis for the future development of Bosnia and Herzegovina (BiH), with its overreaching framework of eleven annexes, one of which, the Annex IV presenting the new constitution for the country.<sup>9</sup> Annex VII contains essential provisions for the victims of ethnic cleansing, regarding restitution, through pensions, compensation payments or various support programs.<sup>10</sup> Annex X, established the institution of the High Representative (OHR) aiming to establish trust between the population and tackle incorrect interpretations by one of the two entities. The High Representative is responsible for acting as the final authority and intervening immediately in violations or breaches of the peace agreement.

Dayton accords called for the full respect of sovereign equality in each state, as well as for the respect of human rights and the rights of refugees. Moreover, all concerned states were obliged to fully cooperate with the United Nations Security Council, in implementing the peace settlement and investigating, prosecuting and convicting war crimes in The International Criminal Tribunal of The Hague.<sup>11</sup> The Dayton Agreement enabled the creation of BiH as a single state comprising of the Bosniak-Croatian federation representing 51% and the Bosnian Serbian Republic resembling 49%, with Sarajevo as the capital city. A third, smaller entity, the Brcko District, was created in the late 1990s as a self-governing unit.

Bosnia had to undergo a threefold transition, starting from conflict evolving to







