

DAYTON PEACE ACCORDS: MULTICULTURAL BOSNIA AND HERZEGOVINA UNDER MULTIPROBLEMS

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ÖZET

Etnik savaş sonrası Bosna-Hersek'deki tüm devlet sistemi Dayton Barış Antlaşması'na bağlı olarak düzenlenmiştir. Daha da önemlisi ülkenin varlığı ülkedeki uluslararası toplumun varlığına bağlı kılınmıştır. Savaş sonrası dönemde Dayton Barış Antlaşması en kötü barış en iyi savaştan iyidir mantığı çerçevesinde imzalanmıştır. Ancak günümüzde Bosna-Hersek'deki Dayton sistemi ülkede hedeflenen gelişmelerin sağlanıp sağlanamadığı konusunda tartışmaya açılmıştır. Maalesef geçen 18 yılın ardından halen Bosna-Hersek'in işler bir devlet sistemine sahip olduğunu söylemek oldukça zordur. Bu çalışma Dayton sistemini ve kurmayı hedeflediği ülke düzenini analiz etmek amacıyla hazırlanmıştır.

Anahtar Kelimeler: Dayton Barış Antlaşması, Demokrasi, Güvenlik, Çokkültürlülük

DAYTON BARIŞ ANLAŞMASI: MULTIPROBLEMLER TEHDİDİNDE ÇOK KÜLTÜRLÜ BOSNA HERSEK ABSTRACT

After the ethnic war in Bosnia and Herzegovina the entire state system is "created" based on the Dayton Peace Accords. More importantly it should be well said that the existence of the state is based on the existence of international community in Bosnia and Herzegovina. In the end of the war period the peace accords were signed based on the mentality of the worst peace is always better than the best war. Yet, in the present time the Dayton system in Bosnia and Herzegovina is opened to criticism regarding its progress towards its goals. Unfortunately even after 18 years, still it is quite hard to argue that Bosnia and Herzegovina has a properly working state system. This study seeks to analyse the Dayton Peace accords towards its goals concerning the present time.

Key Words: Dayton Peace Accords, Democracy, Security, Multiculturalism

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Introduction

On 21 November 2005, the 10th anniversary of the Dayton Peace Accords (DPA) which ended the Bosnian War of 1992-1995, is greeted with little public celebration in Bosnia and Herzegovina (BiH). Almost all of the country's rival political actors were abroad, attending several conferences and American-facilitated talks on constitutional arrangements that concluded war without significant agreement. In fact, the anniversary was a harsh reminder of the difficulties which BiH faces as a state and as well as the international community, concerning the state operational. In other words, it is quite fair to claim that DPA's general framework was "brokered" by an impatient American administration determined more to end the war in BiH than to establish the basis for a new operative system in BiH.

In this context, the country is not functioning as a democratic state and the political situation still offers a quite unstable structure which means that the existing system is incapable of governing itself under a decentralized form of government where a political disagreement exists between those that seek Euro-Atlantic integration for BiH and those that hope for a Bosnia that is disintegrated with regions belonging to its neighboring countries.

After 4 years of armed conflict which did cost almost 300.000 lives and can be considered as the worst conflict in Europe since World War 2, the DPA put a term on hostilities. The peace accords are held at Wright-Patterson Air Base in Dayton, Ohio, a breakthrough was reached after a 3 weeks negotiation marathon from 1 November to 21 November 1995.

Needless to say that DPA was a very important step at that time when the people of BiH were locked in the centre of an intense armed conflict. Even today they are various assumptions against the Bosnian politicians who were at the signing of the agreement, on the other hand more logically; the creators of the DPA are to take full blame rather than the ones signing it without having any other option. However, in my point of view it is a more realistic perspective that it was an unavoidable move and DPA was the final solution that saved BiH's honor and autonomy during the 1990s.

Despite of the fact that after the DPA, BiH became a country of ethnic lines, looking beyond the ethnic division and the weak points of the agreement, it was significance after a chaotic period when one had to do any attempt possible to save at least the life of innocent Bosnian population being killed. From one approach, the agreement can also be considered that not only stopped the war in BiH, but also served to establish peace, stability and integration of BiH in Southeastern Europe.

The agreement was achieved as a result of the USA's diplomatic intervention as a final text on 14 December 1995 by reaffirming the legality of BiH's statehood, as it was first declared in April 1992. Representatives of the Contact Group nations that witnessed the DPA were from: USA, Great Britain, France, Germany, Russia and the EU Special Negotiator. The 3 leaders of the 3 ethnic groups that fought in the war, BiH, Croatia and Federal Republic of Yugoslavia (FDR), agreed to fully respect the sovereign equality of one another and to settle the disputes by peaceful means. The presidents who signed the agreement were: Alija Izetbegovic, Slobodan

Milosevic and Franjo Tudjman. Bill Clinton was the peace deal initiator and his Secretary of State, Warren Christopher. These 3 presidents had first come up with a general framework in which the parties agreed to fully respect and support the completion of the commitments made in a variety of annexes. As a result of long negotiations, finally it is decided that BiH should be united, but nevertheless divided into a Bosnian-Croat Federation and a Serb Republic.

DPA's Progress Towards Its Goals

For the first time, since November 1995, when the DPA ended almost 4 years of bloody ethnic conflict, till today Bosnians and the international community continuously examining the progress of DPA towards its goals. After the mass destruction of the country during the war period, BiH is "entrusted" to international organizations' and USA's experiences towards rebuilding the collapsed state systems. Shortly after the end of the war, the country was flooded with attention and over 14.000.000.000 USD in international aid, making it a laboratory for what was arguably the most extensive and innovative democratization experiment in history. By the end of 1996, 17 different foreign governments, 18 UN agencies, 27 intergovernmental organizations, and about 200 NGOs, needless to mention tens of thousands of troops from across the globe, were involved in reconstruction efforts of BiH. On a per capita basis, the reconstruction of BiH's less than 4.000.000 citizens', made the post-World War 2 rebuilding of Germany and Japan look modest.

It is very true that none of the peace drafts was as successful as DPA at ending the violence; on the other hand, DPA also sowed the seeds of instability by creating a decentralized political system that undermined the state's authority. In the past 3 years, ethnic nationalist rhetoric from leaders of the country's 3 founder ethnic groups, Muslims, Croats, and Serbs, have intensified towards bringing some serious reforms. The Bosnian economy is quite far from showing positive signals, unemployment is over %27, about %25 of the population is living in poverty, and BiH remains near the bottom of World Bank rankings for business development.

In this quite complicated/difficult context, it is possible to consider the goals of DPA in the framework of progress in providing a secure environment, progress in developing a unified and democratic BiH, progress in returning refugees and displaced people and progress in rebuilding the economy.

Progress in Providing a Secure Environment

Definitely, Bosnian people are living in a more secure environment today than before the DPA was signed. All the 3 parties of the war and their military units did follow the cease fire and what is more to the point, they allowed IFOR and later on SFOR, to monitor their weapon supplies and troop actions and have reduced their military force levels to a combined total of 300.000. The American led "train and equip" program aimed to help stabilize the military balance in the territory and integrate the military forces of Bosnian Muslims and Bosnian Croats into a unified federation army which has been in any moment accomplished.

On the other hand, it has to be admitted that Bosnian Serb political leaders have not fully lived up to arms reduction agreements. According to a USA State Department official, USA could increase assistance under the BiH train and equip program to provide a military balance if the Bosnian Serbs do not correspond to the arms control agreements. As a quite positive development, Bosnian Croat and Bosnian Muslim political leaders have made some serious progress in reforming their civilian police, thus they provide security for all Bosnian ethnic groups and they do not commit human rights abuses; yet, Bosnian Serb political leaders have refused to cooperate with the International Police Task Force (IPTF) in reforming their police force in accordance with democratic policing standards. Many international observers, including the USA State Department, still believe that keeping an international military force in place is the only deterrent against major conflicts in BiH.

Progress in Developing a Unified, Democratic Bosnia and Herzegovina

Definitely, a united, democratic state that respects the rule of law and adheres to international standards of human rights was the most important goal of DPA when it was signed. Elections for institutions of BiH's 2 entity governments were held in September 1996 and many national joint institutions intended to unify BiH's ethnic groups have met at least once. On the other hand, unfortunately even today BiH's ethnically based sociopolitical state approach sustains the wartime's goal of establishing ethnically pure states separate from BiH. Moreover, the situation of human rights worsened in the months after the approval of DPA, particularly in Bosnian Serb controlled areas. In this respect, ethnic intolerance remains quite strong throughout BiH based on the controlled media by the political leaders who discourage the reconciliation among the ethnic groups.

Needless to say that this controversy concerning the future of BiH is stemming from the inability of the leading political parties to agree on a basic political structure for the country. The Bosnian Serb leader Milorad Dodik is openly stating the prospect of separation for the Republika Srpska (RS) which is doing better than the federation in terms of economic growth and stability. On the other hand, many Bosnian Croats are pushing for more autonomy within the federation. Meanwhile, Haris Silajdzic, the Bosnian Muslim representative to the country's collective presidency has called for a more centralized state and the dissolution of the RS, which he regards as an undeserved reward for Serbian orchestrated genocide.

Despite of the fact that DPA has stopped the hot war in BiH, dissatisfactions of the all 3 parties and suppressed ethnic nationalism might propound a quite unsure future for BiH's people and also to the international public opinion at least in 3 senses:

In the first place, the current trends towards fragmentation might end up peaceful environment in BiH, worse, under the guidance of history, none of the ethnic conflicts which started within BiH did remain within its borders. Second, the isolation of Bosnian Muslims gives wrong message to the Muslim world at a time

when Brussels and Washington are trying to re-establish the broken relationships with Iraq and Afghanistan based on the global war on terror. Finally, if the international community, in particular EU and NATO, cannot fulfill its promises and achieve its goals in BiH, given the country's location in the middle of Europe, after massive amount of money investments, the further prospects for international state building elsewhere can be perceived extremely futureless.

Progress in Returning Refugees and Displaced Persons

The return of refugees and IDPs have been important components of peace agreements since the early 1990's, posited by donor governments and international organizations as a vital precondition for post war reconstruction in countries such as BiH. Indeed, refugee return and reintegration have often been used as an indicator of the well being and maturity of a state signaling the success of a political process underpinned by reconciliation and movement in the direction of justice and a western style democracy.

Despite of the guarantees in the DPA and extensive international efforts to resolve this issue, the return of refugees and internally displaced person (IDP)s to their homes has barely begun in BiH. The returns which took place in 1996 and 1997 were mainly people going back to areas controlled by their own ethnic group because returns across ethnic lines were almost impossible at that time. Of the estimated 2.000.000 people who were forced to leave their homes during the war period, in 1996 about 252.000 returned back to home (88.000 refugees and 164.000 IDPs), while at the same time over 80.000 were driven from their homes. Almost all of these people returned to areas in which they would be in the ethnic majority. In 1997, The United Nations Refugee Agency (UNHCR) decided to give priority to majority returns and projected that 200.000 refugees would return back to their homes. Only in March 1997, 17.000 refugees returned to their homes.

Needless to say that the minority returning (the returning of the persons to their homes where they are not ethnically majority) do form the most part of the total returning. According to the estimations of 2001, throughout the country, %29 of the entire population's returning issue has been solved. Definitely, there are number of factors which create an obstacle in front of the returning, such as fear stemming from lack of personal security, violence triggered by attempted cross ethnic returns, poor economical conditions and lack of suitable housing. On the other hand, political leaders of all ethnic parties have used all the nonviolent instruments to hinder returning, including the uphold of existing discriminatory property laws and continuing other policies that set an obstacle against the progress of returning. For instance, according to the officials of UNHCR, Bosnian Croat political leaders, as directed by Croatia, have moved 5.000 up to 6.000 IDPs, including Bosnian Croat Army members and their families, into the formerly Serb populated city of Drvar. This policy is designed to prevent Serbs from returning and to strengthen their ethnic separation from BiH. This state policy has been implemented by all 3 ethnic parties during and after the war in BiH.

Recent efforts of the Bosnia peace operation have many aspects concerning the returning problems. In this context, in spring 1997, UNHCR, with assistance of U.S government, did announce the “Open Cities” project which is designed to provide economic betterments to those areas that welcome and actively integrate refugees and IDPs into local communities. In this context, in April, BiH’s Refugee Minister provided UNHCR with a list of 25 cities and towns for participation in the project. As of mid-June 1997, UNHCR was investigating the commitment level of those 25 cities and other communities which might have an interest in this project. According to UN, in early June, RS’s Minister of Refugees was going to submit a list of 9 cities in RS which wanted to take a part in this project, on the other hand, at the last minute; the Minister changed his mind as a result of Radovan Karadzic’s indoctrinations that were a very strong political figure in RS.

Public surveys clearly show us that %61 of the IDPs within the entire BiH want to return back to their homes. This percentage reaches up to %76 within the Federation of Bosnia and Herzegovina (FBiH), on the other hand, concerning the RS, just %34 of the IDPs intend to return back to their homes. In details, %76 of the displaced Muslims, %73 of the displaced Croats and %36 of the displaced Serbians want to return back to their home within the entire BiH.

According to the latest statistics, in 2008, there were still 125.000 IDPs living in camps and majority of the ethnic minorities was integrated in different places, inside our outside of BiH, but not in their original homes. On the other hand, the return of refugees and IDPs to their areas of origin is progressing very slowly. UNHCR registered the return of only 181 refugees and 177 IDPs during the first 6 months of 2010. As of June 2010 there were more than 113.465 registered IDPs (including some 7.000 in collective centers): 48,659 in FBiH, 64,560 in RS and 246 in Brcko District. There are no reliable estimates of the number of refugees outside of BiH.



1. Illustration

Today, BiH and international community are facing with some serious difficulties concerning the returning and the situation of IDPs. Obviously, BiH's ethnically separated sociopolitical formation is the biggest handicap against the proper operation of the returning process. Especially, the number of the minority returns has been less than anticipated. In this particular, much more national/international efforts and the elimination of the people's sociopolitical concerns are extremely vital.

Progress in Rebuilding the Economy

By all means, economic conditions have improved remarkably since the end of the war period, particularly in FBiH. Economic reconstruction has begun and in this sense, about 1.100.000.000 USD in international assistance was canalized in 1996 as part of the 3 to 4 years reconstruction program. Most of this economic assistance has gone to FBiH. The U.S. Government, primarily through for USAID, committed 294.400.000 USD during the program's first year. Important amount of this money went to repairmen of municipal infrastructure and services provide small business loans and technical assistance for the development of national economic institutions. As a result of this economic injection, there were many positive signs of economic recovery by the end of 1996. The following table shows the USAID's Bosnia Reconstruction Program summary.

Services Amount

Emergency Shelter Repair Program	29.000.000 USD
Municipal Infrastructure and services	70.000.000 USD
Bosnian Reconstruction Finance Facility	68.000.000 USD
Economic Transformation	17.500.000 USD
OSCE Activities/Democratic Reforms	13.500.000 USD

Table -1

On the other hand, despite of the positive developments concerning the economy of BiH, at the end of 1996, economic activities in BiH were still very low level and much reconstruction work remained to be done. Moreover, many of the key national and international economic institutions such as Bosnia Central Bank were not fully functioning. It is very possible to say that the biggest obstacle to progress in economic reconstruction and the establishment of economic institutions has been the lack/reluctance cooperation among BiH's political leaders in implementing the necessary applications which might unite the ethnic groups within the entire country.

In this context, the international community has made many attempts to use economic assistance to encourage compliance with DPA. For instance, during 1996, according to a State Department official, all major bilateral donors had excluded

Bosnian Serb controlled areas on the grounds that Bosnian Serb political leaders failed to comply with key human rights and other provisions of DPA. Moreover, on 30 May 1997, the Steering Board of the Peace Implementation Council, the organization which provides political guidance for the civilian aspects of the reconstruction program gave priority to “Open Cities” project and tied assistance for housing and local infrastructure to acceptance of returning.

On the other hand, an international donors’ conference, originally scheduled to be held at the end of February 1997, was postponed on the grounds that Bosnia’s Council of Ministers had not yet adopted key economic laws. On 19 June 1997, the donors’ conference was again postponed because the government, although it had made progress in passing economic laws, had not made sufficient progress towards developing an economic program with the IMF.

Some international officials in BiH have questioned the effectiveness of threatening to withhold economic assistance from Bosnian Serbs and Croat controlled areas in this conditional manner, partly because these areas have received less international assistance. According to a State Department official, when the U.S government decided on its conditionality policy towards RS, it knew from analysis that there would be no quick results from the denial of this assistance. On the other hand, recently it is believed that RS is under pressure for making the necessary implications to qualify for reconstruction assistance. In March 1997, BiH and United States for International Development (USAID) officials informed USA that RS had shown a willingness to accept economic assistance that includes conditions such as employing multiethnic work forces. It is well known that the leaders of RS are willing to accept conditional assistance because they see the growing gap in economic recovery between FBiH and RS.

Trial of the War Criminals

In May 1997, USA President Bill Clinton stated his intention concerning the appointment of former ambassador David J. Scheffer regarding the war crimes issue in former Yugoslavia. By this means, Scheffer took on this universal humanitarian responsibility in the framework of ICTY.

As is known, International Criminal Tribunal for Former Yugoslavia (ICTY) is a UN court of law dealing with war crimes that took place during the conflicts in the Balkans in the 1990s. Since its establishment in 1993 it has irreversibly changed the landscape of international humanitarian law and provided victims an opportunity to voice the horrors they witnessed and experienced. In its precedent setting decisions on genocide, war crimes and crimes against humanity, the Tribunal has shown that an individual’s senior position can no longer protect them from prosecution.

Here is the list of the war criminals that were detected by the ICTY in the first place and charged with crime against humanity:

Prosecuted	Criminal Offense and Place
Radovan Karadzic and Ratko Mladic	Genocide in Srebrenica and Vicinity
Radovan Karadzic and Ratko Mladic	Genocide Throughout BiH
Dusko Tadic	Kozarac, Prijedor-Area Concentration Camps
Goran Jelusic and Ranko Cesic	The Brcko-Luka Concentration Camp
Vlatko Kupresic, Dario Kordic, et.al.	Vitez and the Lasva Valley
M'Mico Kovacevic, S.Drljaca and M.Stakic	Prijedor Municipality, Omarska and Karaterm
Ivica Rajic	Stupni Do
Zoran Marinic	Busovaca
M.Naleticic and V.Martinovic	Mostar Municipality
Dragan Gagovic, et.al.	Foca

Table-2

In the process of time, big name suspects brought to court. In other words, we can easily say that the tribunal has made huge progress over time. Its first trial, which opened in May 1996, was only including concentration camp war criminals. Since then very important names including a Bosnian Serb general who helped organize the Srebrenica massacre, leading Serb and Croat nationalists who were involved in the slaughter of Muslims, and Milosevic's senior aides such as the chief of the Yugoslavia Federal Army (JNA). In particular, the arrestment of Karadzic and Mladic who are the most important war criminals in BiH, constitute the most basic success of the tribunal.

Lastly, it has to be noted that the ICTY prosecutor has recently reported improved cooperation with BiH and BiH's current leadership supports in principle the arrest of any of the remaining war criminals. ICTY has also praised the work of BiH and its institutions in its proceedings with war crimes trials that has been transferred from ICTY.

On the other hand, Croatia also had a largely positive record of cooperation with ICTY since 2001, except for one high profile case involving indicted Ante Gotovina. In March 2005, EU members indefinitely postponed the opening of membership negotiations with Croatia and imposed a special task force to increase Croatia's level of cooperation with ICTY. In this respect, the Croatian government adopted an Action Plan to increase its efforts. ICTY Prosecutor Del Ponte reported full cooperation with Zagreb on 3 October which started EU's negotiations with Croatia. In particular, Gotovina's capture largely resolved the matter of ICTY cooperation for Croatia, with the exception of some important issues on access to government documents.

Despite of the high cooperation level of BiH and Croatia with ICTY, even though Serbia's notable achievement of extraditing Slobodan Milosevic to The Hague in 2001, Serbia's and Montenegro's level of cooperation with ICTY had remained limited in recent times. Beginning in late of 2004, the Kostunica government increased efforts to encourage the voluntary surrender of indicted persons, leading to the transfer of over 15 indicted accused concerning the Serbia's integration with EU. Nevertheless, the government remained indecisive about Mladic issue for a very long time. In particular, it was believed that Serbia's security services were actively resisting efforts against the capture of Mladic. In 2007, after the formation of a new Serbian government which is headed by President Tadic's Democratic Party, Belgrade has stated the need to resolve the war criminals issue. In this context, by midyear, the ICTY prosecutor reported notable progress in Serbia's level of cooperation, including political commitment, new governing structures to facilitate capture, and more responsiveness to tribunal requests for documentation. It had been also noted that the 2007 judgment by the International Court of Justice, in which Serbia was charged with not preventing genocide during the 1995 Srebrenica Massacre, has emphasized Belgrade's obligation to cooperate fully with ICTY in bringing those charged with genocide to justice.

Preserving of the National Monuments

In accordance with Annex 8 of DPA, the law concerning the protection of properties designated as national monuments of BiH by decision of the Commission to Preserve National Monuments, passed by the Parliament of FBiH at a session of the House of Representatives held on 13 December 2001 and at a session of the House of Peoples held on 14 December 2001.

The Commission had 5 members and in this sense, FBiH appointed 2 members for 3 years employment, on the other hand, RS appointed a single member for 5 years employment. Rest of the members were appointed by the UN Educational, Scientific and Cultural Organization and one of the appointed member by the UN was elected as the president of the Commission. After the inauguration of the Commission, immediately detection and preserving activities started and the fund for the renovation of the national monuments in BiH are compensated by the UN.



2. Illustration

Conclusion

Under the light of this information, it must be fair to claim that still BiH face with my problems regarding the consolidation of democracy, human rights and the unification of BiH in the frame of ethnic tolerance.

A strong tolerance and unification between the ethnic groups seem the most important step of this reconstruction process. Yet, the Dayton system which divided the country according to the ethnic lines can hardly be considered as a solution receipt for the following years of BiH. We should not forget that the main reason of this war was based on the territorial dissociation according to ethnicity.

In the second place, despite of the fact that the international community transfers huge amount of money for the reconstruction of the country's system; the durability of these financial aids remain as a huge question mark in the people's mind. More importantly, what happens if the international community withdraws from BiH comes in front of us as a beyond belief question.

At least, the arrestments of the war criminals can be counted as a positive progress for making a new start for the future of BiH however still the country has a lot to do in order to be a self-contained state.

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