

Status Quo in Bosnia and Herzegovina after the War

Vahid Suljic

Abstract

The Dayton Peace Agreement ended the war in Bosnia, but did not end political and ethnic tensions. Despite various attempts by the international mediators, and experts involved in the settlement process, and millions of dollars spent on peace initiatives and programs, Bosnia is still in a state of uncertainty and frozen war. The Dayton Agreement essentially became an infamous trademark of failed international involvement in state reconstruction and peacebuilding practices. During the war in Bosnia, over one million people had been displaced and around 100 000 people were killed. More than 3,000 religious buildings were destroyed or damaged, and between 50 and 60 percent of the pre-war industrial capacity was destroyed. Still, justice has not been served. The truth has three faces because each community has its own version of the truth or how they recall the narrative of the conflict. The state institutions are not functioning effectively, the economy suffers and social discontent rises.

The aforementioned concern serves as a prime motivation for this study. Therefore, this research seeks to achieve a deep understanding of the existing problem and to identify the factors that influence the stagnation of post-conflict social and economic development of Bosnia and Herzegovina. Lastly, the study will help future intermediaries, governments, NGOs, CSOs and policy makers to effectively address the problem.

Key Words: *Post-conflict Bosnia, Dayton Peace Agreement, status quo, ethnic fragmentation, peace building.*

Introduction

Bosnia and Herzegovina is a decentralized country comprising two entities (the Republic Srpska and the Federation of Bosnia and Herzegovina) and Brcko District. Unfortunately, Bosnia and Herzegovina is still in the frozen conflict. The bad economic and political situation, corruption, complex relationship between ethnicity, lack of trust, the revitalization of extremist groups and ideologies such as Chetniks movement - are constant factors that make up the whole region vulnerable to the formation of various conflicts. The three main ethnic groups of Bosnia and Herzegovina have completely different future state vision. Bosnia's Muslims (Bosniaks) want a strong, more centralized state, Orthodox Serbs are aggressively defensive of their independence and some Catholic Croats want their own entity. Bosnian Serbs are undermining territorial integrity and sovereignty. The fear of questionable future has been articulated.

After the war and the horrible genocide that took place in Bosnia and Herzegovina, it's not easy to continue to live together. Relations between members of dissimilar ethnic and religious communities remain stressed and segregated along ethnic lines. The consequences of the atrocities that were committed are not completely resolved. The displaced are still not fully returned to the places where they lived before the war. The situation is further worsened by the fact that the legislation in Bosnia and Herzegovina is insufficiently adapted to the newly situation. This means a very high amount of war and hate crimes go unpunished. By ignoring such crimes, victims feel ignored. Inadequate processing and punishing of committed war crimes creates a sense of insecurity among the victims and increasing tensions within the public. As a result, it opens the possibility for new escalation of conflict.

War Outcomes and Consequences

The 1995 Dayton Peace Agreement¹ ended the war in Bosnia, but did not end political tensions and contradictions. The impact of such aggression² devastated the country, and despite the peace treaty the internal physical, organizational and functional destruction continued with even greater human loss. The war introduced the term ‘ethnic cleansing’³ to the lexicon of war crimes. In fact some argue that Dayton Peace Agreement affected the partition of Bosnia and Herzegovina into ethno-nationalist entities that acknowledged and effectively rewarded the ethnic cleansing.⁴ Massacres, concentration camps and mass rape were used as weapons of war, to drag people from their homes. The U.N. estimate is that about 40,000 Bosnian Muslim women were raped during the war⁵. At the end of the war, approximately 100,000 people had been killed. To this day, approximately 10,000 people are still missing.⁶ The war events and the killing and destruction of the Bosniaks were established to be acts of genocide.⁷ The International Criminal Tribunal for the former Yugoslavia (ICTY) was the first international tribunal to

¹ United Nations (1995). *General Framework Agreement for Peace in Bosnia and Herzegovina*. Retrieved from: http://peacemaker.un.org/sites/peacemaker.un.org/files/BA_951121_DaytonAgreement.pdf

² Institute for Genocide (2011). *Aggression against the Republic of Bosnia and Herzegovina and Genocide against Bosniaks*. University of Sarajevo, BiH. Retrieved from <http://instituteforgenocide.org>

³ Power, S. (2007). *A problem from hell: America and the age of genocide*. New York: Harper Perennial.

⁴ Guy, M. R., & Alma, P. (2006). *Nationalism and Identity in Post-Dayton Accords: Bosnia-Herzegovina*. Tijdschrift voor Economische en Sociale Geografie, Vol. 97, No. 3, pp. 237–252.

⁵ Francis, A. B. (2016). *The Mass Rape Of The Bosnian Women Was Genocide!* University of Illinois College of Law, Women’s Law Symposium. Available at: <http://www.just-international.org/articles/the-mass-rape-of-the-bosnian-women-was-genocide/>

⁶ International Commission on Missing People (2016). *Southeast Europe*. Retrieved from www.icmp.org/icmp-worldwide/southeast-europe

⁷ Norman, C., *Genocide in Bosnia: The Policy of Ethnic Cleansing*, pp. 55–60. See also Thomas Cushman and Stjepan G. Mestrovic, *This Time We Knew: Western Responses to Genocide in Bosnia*, pp. 13–20.

enter convictions for genocide in Europe. In April 2004, in the case of Radislav Krstic, the Appeals Chamber determined that genocide was committed in Srebrenica⁸ a Bosniak-dominated town under weak UN protection. In July of 1995, Serb General Ratko Mladic marched into Srebrenica, separated the women and children from the men, and murdered approximately 7,000 Bosniak men and boys. It was the single largest massacre in Europe since World War II.⁹ The Serbian-Montenegrin aggressor¹⁰ committed numerous crimes against children, as vital group of which the future generations depend. Many children got killed and injured. Only in besieged Sarajevo, around 1,600 children got killed or died of hunger and cold¹¹. After the takeover of the UN safe area Srebrenica in July 1995, around 800 children got killed, who were below eighteen, including around 400 of those below the age of fourteen.¹² Approximately half the population was displaced internally or fled the country.¹³ The repatriation of refugees and displaced persons was very slow in

⁸ The Srebrenica Genocide. Retrieved from: <http://www.icty.org/specials/srebrenica20/?q=srebrenica20/>

⁹ Samantha Power, "A Problem from Hell:" America and the Age of Genocide.

¹⁰ Alan. F. Fogelquist (1995). *Special Report for Global Geopolitics Net, Before the Dayton Peace Accords*. Eurasia Research Center. Retrieved from: <http://www.globalgeopolitics.net/2016/12/03/the-yugoslav-breakup-and-the-war-in-bosnia-hercegovina/>

¹¹ ICTY, Demographic department, ICTY OTP, Case Milošević (IT-02-54), E. Tabeau, J. Bijak and N. Lončarić, Number of victims in the siege of Sarajevo from April 1992 – December 1995, Study on the mortality rate based on eight sources of information. Retrieved from: <http://instituteforgenocide.org>

¹² The Hague, 18 August 2003; ICTY, Case Galić (IT-98-29), E. Tabeau, M. Zoltkowski and J. Bijak, Human losses during the 'siege' of Sarajevo from 10 September 1992 to 10 August 1995, Report on the research prepared for the case Stanislav Galic (IT-98-29-1), The Hague, 10 May 2002; ICTY, Prosecutor V. Stanislav Galic, Judgment and Opinion, The Hague, 5 December 2003. Retrieved from: <http://instituteforgenocide.org>

¹³ CIA (1991). Out of the 4.6 million people living in Bosnia and Herzegovina today, 48 percent are Bosniaks (predominantly Muslim); 7 percent are Bosnian Serbs (predominantly Serb Orthodox); and 14 percent are Bosnian Croats (predominantly Catholic). Less than 1 percent is 'other', e.g. Roma. The last

progress and their attempt of return often met obstruction by local authorities and residents.¹⁴ It is estimated that between (60%) and (70%) of the total residential units was damaged.¹⁵ According to the World Health Organization 10% of Bosnia's population, or 400 000 people, have been diagnosed with PTSD (posttraumatic stress disorder)¹⁶. Associations who help people suffering from PTSD, however, claim that the true number is close to 1.7 million people, nearly half of the country's population.¹⁷ The most vulnerable categories are demobilized soldiers, particularly war invalids.¹⁸ Nowadays, wounds from the war in Bosnia run deep, and fervent nationalism is still the dominating factor shared by the three former warring ethno-nationalist groups (Bosniak, Croat, and Serb).¹⁹ From a long term perspective, the extent of the ideology of such a war – ethnic and territorial ideology endorsed by consequential war crimes and suffering, perceived by both the aggressor and the victim, deeply disturbed the cultural and moral element of Bosnia and Herzegovina and its people and is surely the most severe consequence of war with which burden future generations will confront²⁰. The responsibility of such war crimes will be the hardest and most crucial moral resolve the society will have to

population census was carried out in 1991: these figures are later estimates. 'The World Fact Book: Bosnia and Herzegovina'. Retrieved from www.cia.gov/library/publications/the-world-factbook/geos/

¹⁴ ICG, 'Election in Bosnia and Herzegovina', IGC Balkan Report, no. 16, Sarajevo, 22 September 1996.

¹⁵ Institute for the Research of Genocide Canada. Retrieved from www.instituteforgenocide.ca

¹⁶ National Institute of Mental Health. Retrieved from <https://www.nimh.nih.gov/health/topics/post-traumatic-stress-disorder-ptsd/index.shtml>

¹⁷ IWPR's. Retrieved from <https://iwpr.net/global-voices/bosnians-still-traumatized-war-0>

¹⁸ Zemira. S. (2005), *Sociological aspects of suicide in Bosnia and Herzegovina (1985-2005)*. Retrieved from: <https://solonovpolis.wordpress.com/2015/01/17/u-rbih-400-000-obiljelih-od-ptsd-a-hodajuce-bombe-razgovor-sanja-dedic-dr-zemir-sinanovic/>

¹⁹ Ferid. M. (2015), *Is it time to revisit the Dayton Peace Accords*. Al Jazeera Centre for Studies. Retrieved from: <http://studies.aljazeera.net/en/reports/2015/12/20151216164440261609.html>

²⁰ Rusmir, M. (2012). *Harmonia Abrahamica: The Spectre of Bosnia and those it Haunts*, Volume 07 No. 3. Retrieved from: <http://www.spiritofbosnia.org/contributor/rusmir-mahmutcehajic/>

confront. Today, it's impossible to estimate with any real certainty, that a cohesive Bosnia and Herzegovina can exist without the involvement of the international community.²¹

The Dayton Peace Agreement

The engagement of the United States made a significant change on the ground of Bosnia and Herzegovina, after numerous unsuccessful efforts by the European Union governments and diplomats²². The war was stopped and the Dayton Peace Agreement was dictated²³ on 14 December 1995, in Paris, France, ending three and half years of violent and bloody war in Bosnia and Herzegovina.²⁴ The Dayton Peace Agreement was designed first of all, to create new multi-ethnic and democratic institutions of a war-torn society and to ensure respect for fundamental human rights, freedoms and the rule of law. Secondly, to provide for post-conflict reconstruction toward sustainable peace for Bosnia and Herzegovina. Thirdly, to prevent the recurrence of the conflict or its potential spill over in the region.²⁵ Immediately, after the signing of the Dayton Agreement the sovereignty of Bosnia-Herzegovina remained under patronage of the High Representative, Office of High Representative (OHR) and the international

²¹ Ivan, L. (2008). *Bosnia And Herzegovina: Facing the Challenge of Independence*, Volume 03 No. 1. Retrieved from: <http://www.spiritofbosnia.org/volume-3-no-1-2008-january/bosnia-and-herzegovina-facing-the-challenge-of-independence/>

²² Kaufman, D. (2001). 'Self-Determination in a Multi-Ethnic State: Bosnians, Bosniaks, Croats and Serbs' in Džemal Sokolović and Floriam Bieber (eds.), *Reconstructing Multi-Ethnic Societies: The Case of Bosnia-Herzegovina*, Ashgate, 2001, pp 31-61.

²³ Ibid

²⁴ NATO (2010), *Dayton Peace Accords: a milestone for NATO and the Balkans*. Retrieved from http://www.nato.int/cps/en/natolive/news_69290.htm

²⁵ Annika, B. (2012). "A Gender-Just Peace," *Exploring the Post-Dayton Peace Process in Bosnia, Peace and Change*. Retrieved from <http://docplayer.net/42558195-A-gender-just-peace-exploring-the-post-dayton-peace-process-in-bosnia.html>

organizations and great powers.²⁶ The ‘Dayton Peace Accord’ (Dayton for short)²⁷ stipulates the division of power between the country’s three ‘constituent people’ (Bosniaks, Bosnian Serbs and Bosnian Croats). Seats in the bicameral Parliament, which is divided up between the main three groups, and the presidency of BiH, rotates every eight months between three members, each representing a different ethnic group. Reflecting the mutual mistrust at the time of negotiation, the system contains a set of veto options, which means that each group can block processes if it considers these to be a threat to its ethno-national interests.²⁸ Dayton outlined a complex institutional framework for Bosnia and Herzegovina, which consists of two ‘entities’ of approximately equal geographic size, each with a significant degree of autonomy: the Republic of Srpska (RS), which is predominantly Bosnian Serb, and the Federation of Bosnia and Herzegovina (‘the Federation’), which is inhabited by a majority of Bosniaks and a large minority of Bosnian Croats. The Federation is furthermore divided into ten cantons with significant powers devolved to canton level. A third self-governing administrative unit, Brcko District, was established with a special status.²⁹ In addition to being overly bureaucratic, expensive³⁰ and inefficient, the system is also in violation of the European Convention on Human Rights (ECHR).³¹ While Dayton was successful in ending the fighting, it was not intended to define a long-term political structure, and it forms an

²⁶ Victor, D. B. (2003). Democracy in Bosnia and Herzegovina: Post-1995 Political System and Its Functioning. *Southeast European Politics*, Vol. 4, No. 1, pp. 41-67.

²⁷ OHR. Retrieved from: <http://www.ohr.int/?lang=sr>

²⁸ Nansen Dialogue Centre Sarajevo and Saferworld (2010). *The Missing Peace. The Need for a Long Term Strategy in Bosnia and Herzegovina*. Retrieved from <http://www.saferworld.org.uk/The%20missing%20peace%20-%20English%20reduced.pdf>

²⁹ OHR. Retrieved from www.ohr.int/ohr-offices/brcko/history/default.asp?content_id=5531

³⁰ CIA (2007). Government spending in BiH stands at around 50 % of adjusted GDP. Retrieved from: www.cia.gov/library/publications/the-world-factbook/geos/bk.html

³¹ Human Rights House (2009). ‘*ECHR accused B&H of Discrimination of National Minorities*’. Retrieved from: <http://humanrightshouse.org/Articles/12891.html>,

unsuitable basis for a functioning state.³² Many of Dayton's intended milestones have come and gone without meeting their goals, primarily due to the lack of international enforcement.³³ 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 by saying that "we do not have, at this point of the time, any sort of designs on constitutional changes."³⁴ 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 George W. Bush and Barack Obama administrations preferred a focus on the Middle East or the Asia Pacific areas.³⁵ Despite the clear need for constitutional reform, progress on this issue has so far been limited. There was no real willingness to move beyond the creation of political crisis and thus today Bosnia and Herzegovina is no different to a localized and temporarily peaceful political disaster³⁶. Consequentially, 23 years later BiH situation can be described as a permanent political crisis and social stagnation. According to Cretu; the "Dayton Agreement essentially became an infamous trademark of failed international involvement in state (re)construction and peace building

³² Ibid

³³ Ferid, M. (2016). *Is it time to revisit the Dayton Peace Accords? (II)*. Retrieved from www.feridmuhic.com

³⁴ Oscar, F., Valery, P., & Kurt, B. (2015). *Making the Market on Constitution Reform in BiH in the Wake of the EU Initiative*, "Democratization Policy Council. Retrieved from <http://www.democratizationpolicy.org/uimages/DPC%20Policy%20Brief%20%20CR%20after%20the%20new%20EU%20initiative.pdf>

³⁵ Anca D. C. (2015). *Twenty Years After: The Dayton Accords, Legacies and Opportunities in Bosnia and Herzegovina*, *Papiers d'actualité / Current Affairs in Perspective*, Foundation Pierre du Bois, Geneva. Retrieved from: <http://www.fondation-pierredubois.ch/Papiers-d-actualite/twenty-years-after-the-dayton-accords-legacies-and-opportunities-in-bosnia-and-herzegovina.html>

³⁶ ICG Balkans Report (1999). *Is Dayton Failing? Bosnia Four Years after the Peace Agreement*, No. 80, Sarajevo, BiH. Retrieved from <https://www.crisisgroup.org/europe-central-asia/balkans/bosnia-and-herzegovina/dayton-failing-bosnia-four-years-after-peace-agreement>

practices.³⁷ Despite signing a Stability and Association Agreement (SAA) in 2008, there are rising ethnic tensions, nationalistic rhetoric and political disagreements, which inhibit Bosnian progress towards the EU and NATO membership.³⁸ As a consequence, the democratization process in post-Dayton Bosnia-Herzegovina, which has been carried out by the nationalist parties locked in their ethnically separated constituencies and were often obstructing return of refugees and displaced persons.³⁹

Life after Dayton

Diplomatic efforts were fruitful to end the war, but were later heavily criticized for not having laid a sufficient foundation for constructing democratic Bosnia and Herzegovina from the post-war situation.⁴⁰ After the signing ceremony of the Dayton Peace Agreement in 1995 in Paris, Bosnian President Alija Izetbegovic famously said; “This is not a fair peace, but it is fairer than the continuation of war. In this situation we find ourselves in, in this world as it is, a better peace agreement was not really achievable”.⁴¹ These words perhaps to this day best describe the moment in which the consensus for peace was agreed upon. At the time of signing, the peace agreement brought to the war torn citizens of BiH the expected and eagerly sought peace⁴². At the same time it brought

³⁷ Ibid

³⁸ Morrison, K. (2009). *Dayton, Divisions and Constitutional Revisions: Bosnia & Herzegovina at the Crossroads*. Defense Academy of the United Kingdom Research & Assessment Branch, Vol. 9, 2009, pp. 4-21.

³⁹ Victor, D. B. (2003). *Democracy in Bosnia and Herzegovina: Post-1995 Political System and its Functioning*. London School of Economics and Political Science, UK. Vol. IV, No. 1, pp. 41-67. Retrieved from: https://homepage.univie.ac.at/Vedran.Dzihic/bojkov_2003.pdf

⁴⁰ Ibid

⁴¹ Alija. I. (1995). Retrieved from <http://aa.com.tr/en/europe/bosnias-20-year-division-under-dayton-accords/477244?amp=1>

⁴² SAIS (2015). Retrieved from https://sarajevo.usembassy.gov/speech_20151116.html

a completely new constitutional organization of the country⁴³, which at the period of signing of the agreement, no one - at least not the general civilians - really comprehended the implications⁴⁴, it would have on a country in which a hundred thousand people were killed, more than a million driven from their homes or fled to other countries, while the houses, factories, schools, universities, infrastructure, cultural and historical monuments were in majority destroyed⁴⁵. The former member of the Presidency of the Republic of Bosnia and Herzegovina (1992-1996), Mirko Pejanovic argues that the Dayton Agreement divided BiH on an ethnic basis since the ethnic principle became dominant in the internal organization and functioning of the state. Bosnia and Herzegovina therefore became a nonfunctional and costly state. Two thirds of GDP is allocated for public expenses - the administration.⁴⁶ Trapped in the Dayton framework of internal political systems, the country is facing economic stagnating. - One of the indicators of particular concern is the unemployment rate that exceeds 40, 9% in November 2016. Furthermore, at 57.5%, Bosnia-Herzegovina's youth unemployment rate is the highest in the world, driven by widespread corruption, nepotism and economic stagnation.⁴⁷ According to the Guardian, Bosnia has most probably the world's most complicated system of

⁴³ Jasenka, F. (2010). *The Main Features of the Constitutional Organization of Bosnia and Herzegovina*. Retrieved

from http://bosnianbonesspanishghosts.com/bbsg_userfiles/file/Working%20Papers/Main%20features%20of%20the%20constitutional%20organization%20of%20Bosnia%20and%20Herzegovina.pdf

⁴⁴ Mulalic, M, & Korkut, H (2005) Implications of Dayton Peace Agreement on Current Political Issues in Bosnia-Herzegovina, FASS, Sarajevo, BiH. Retrieved from: <https://fass.ius.edu.ba/implications-dayton-peace-agreement-current-political-issues-bosnia-herzegovina>

⁴⁵ Institute for Genocide. Retrieved from <http://instituteforgenocide.org/?p=4018>

⁴⁶ Mirko, P. (2010). *The Dayton Peace Agreement and the Development of Political Pluralism in BiH*. IFIMES International Institute, BiH. Retrieved from: <http://www.ifimes.org/en/7986-the-dayton-peace-agreement-and-the-development-of-political-pluralism-in-bosnia-and-herzegovina#sthash.B4VFQuiY.dpuf>

⁴⁷ World Bank. (2016). Retrieved from <http://data.worldbank.org/indicator/SL.UEM.1524.ZS>

government.⁴⁸ In continuity with these reflections, professor Filandra said that: Bosnia's progress towards European integration is dictated by the pace of its internal political, social and economic integration, which is still strongly influenced by the ideologies and movements of the last war. Bosnia is still undergoing a dual transition: from communism to capitalism and liberal democracy, and from war to peace. This differentiates Bosnia from the rest of the Balkan region.⁴⁹ Furthermore, he argued that: in the minds of many of its people, the last war against Bosnia and Herzegovina is not yet over. The country is still in the phase of post-war transition, which is lasting an unusually long time. Many features of the war remain present in Bosnia's post-war social and political structures to this day⁵⁰. Different views of the past are typical of the Bosnian society which, according to Professor Mile Lasic from University of Mostar, even more than 20 years after the war was not able to cope with its causes and consequences. That is, according to Lasić's opinion, one of the key problems that still burdens the country. "Twenty years after international recognition of Bosnia and Herzegovina, the beginning of the war and its dissolution, some parties are working towards fortifying divisions created in the war. Ethnic nationalistic revolutions of the distant past are being completed in front of our eyes, and we suffer because we cannot objectively judge these processes."⁵¹ One of the few officials who have faced the consequences of war crimes is the president of the Democratic Party and former President of the Republic of Srpska (RS) Dragan Cavic.

⁴⁸ The Guardian (2014). *Bosnia and Herzegovina: the world's most complicated system of government*. Retrieved from <https://www.theguardian.com>

⁴⁹ Sacir, F. (2009). *Bosnia And Herzegovina and Euro-Atlantic Integration: The Present State of Affairs*. Retrieved from http://www.tasam.org/en/Icerik/3809/bosnia_and_herzegovina_and_euro-atlantic_integration_the_present_state_of_affairs

⁵⁰ Ibid.

⁵¹ Samir, H. (2012, April). BiH nije u stanju suočiti se s uzrocima i posljedicama rata. Deutsche Welle (DW). Retrieved from : <http://www.dw.com/bs/bih-nije-u-stanju-suo%C4%8Diti-se-s-uzrocima-i-posljedicama-rata/a-15863538>

When the Government committee published a report⁵² on the crimes in Srebrenica, Cavic said in the RS Parliament in 2004 that "the Srebrenica tragedy is a black stain in the history of the Serbian people".⁵³ Cavic claims that "continuous revival of nationalist rhetoric that deals with the past and not the future is what the political elites daily serve its citizens. This is a very good cover for usurpation of public funds. This country is one of the most successful in the world in terms of corruption, and successful in a sense that corruption is used as a method of governance."⁵⁴ This statement had a strong response among Bosniaks. According to my assumptions, if several tens of the Bosnian Serb politicians did the exact same thing, reconciliation would go faster. Something like that would encourage all parties to follow the same example. On the other side, mutual understanding of people from different ethnic backgrounds has an important role in strengthening the Bosnian state. To achieve this, political consensus and compromise play a central role in building democratic structures. Reports on the situation in Bosnia and Herzegovina and Human Rights mentioned very strong nationalist rhetoric⁵⁵, the lack of interest of government to make decisions that would lead to reconciliation and respect for human rights, and an extremely high degree of social exclusion. According to Esad Bajtal, today in Bosnia there is a Dayton deceptive peace, i.e., peace of silenced weapons, but not the peace of political passions. Such peace represents an image of the cold war⁵⁶.

⁵² Delpla, I. (2012). Investigating Srebrenica: Institutions, Facts, and Responsibilities. 1st ed., Berghahn Books, NY. Retrieved from www.jstor.org/stable/j.ctt9qczcd

⁵³ Reuters (2005, July). Famous quotes about Srebrenica massacre. Retrieved from www.aljazeera.com/archive/2005/07/20084101354675721.html

⁵⁴ Ibid

⁵⁵ UN Security Council (2015). High Representative for Bosnia and Herzegovina Calls on National Leaders to Seize Opportunities Presented by European Commitment, Advances in Governance, SC/11886. Retrieved from <https://www.un.org/press/en/2015/sc11886.doc.htm>

⁵⁶ Cold War History. Retrieved from: <http://www.history.com/topics/cold-war/cold-war-history>

In such situation, only the weapons are on a standstill while secret political passions are patiently waiting for their chance, to continue where they stopped in Dayton. Hence there is a need for trust as an inner essence and the only guarantee of true peace. Unreconciled, disjointed and hate-poisoned citizens can be thrown in another war.⁵⁷ Everyone should find their place in the reconciliation process, from academics to ordinary workers, because it is not an exclusive process like some would like to present it” said Aleksandar Trifunovic from Nansen Center for Dialogue Banja Luka⁵⁸. At this time, it is important to mention the role of the interfaith dialogue; it plays or could have played in the process of reconciliation which is the main idea of the research paper that will be discussed in more detail in the subsequent chapter. The political environment in Bosnia and Herzegovina still has political resistance when it comes to the process of reconciliation. There were some strong efforts by political leaders to preserve national boundaries, keep the fear of other ethnicity in order to easier rule the masses. It is logical that the process of reconciliation and reduced ethnic tensions would lead to a decrease in power of national political leaders; hence this is certainly one of the reasons why some politicians opposed the idea of tolerance, trust and co-existence in Bosnia. The process of reconciliation in Bosnia and Herzegovina is not happening fast enough. First of all, the blame falls on the Dayton Peace Agreement that did not address national issues in the right manner, said in an interview for “Avaz” portal Marko Atilla Hoare, a historian and professor at the Faculty of Arts and Social Sciences Kingston University in London.⁵⁹ However, after the war, democracy, human rights and harmony cannot be felt in the right way until every

⁵⁷ Fairpress.eu RSS (2017, May). Retrieved from: <http://www.vesta.ba/en/node/338>

⁵⁸ Aleksandar, T. (2007). Retrieved from www.nansen-dialogue.net

⁵⁹ Delvin, K. (2015, May). British historian warns in BiH war could break out again! Retrieved from <http://www.avaz.ba/clanak/177473/12?url=clanak/177473/12>

citizen of Bosnia and Herzegovina does not experience the basic human and cultural rights and values such as freedom of movement, right to language, personal and property security, the right to have a job at the state level. At present, the Republic Srpska is constituted as the Serb national administrative-political unit, and this criterion is systematically applied to all aspects of public and social life, with discrimination against non-Serb and non-Orthodox collectivities, especially Bosniaks.⁶⁰ Freshly, Bosniak officials, teachers and parents expressed anger after schools in Bosnia's Serb-dominated entity of Republika Srpska changed the name of their language without consultation. The Republika Srpska (RS) education ministry instructed all primary schools in the entity to officially change the name of one of Bosnia's three constituent languages from 'Bosnian' to 'Bosniak'. Bosniak officials complained that this was an attempt to drive the remaining non-Serbs from RS by humiliation and the denial of their basic human and cultural rights.⁶¹ Also some security concerns remain among the Bosnia citizens. Perhaps initial extreme security concerns faded over the years but the continuation of segregating policy to contain potential violence resulted in preserving the divisions in the societies and depriving opportunities for reconciliation.⁶² Most of all, as time goes on, the role and position of the aggressor and the victim are equalized in the court cases that are pending at local and international courts for crimes committed in Bosnia and Herzegovina during

⁶⁰ Ibid.

⁶¹ Balkaninsight (2015). Bosnian Serbs' Renaming of Language Angers Bosniaks. Retrieved from: <http://www.balkaninsight.com/en/article/bosnia-s-serb-entity-change-of-language-name-upsets-bosniaks>

⁶² International Crisis Group (1999). 'Is Dayton Failing? Bosnia Four Year after the Peace Agreement', IGC Balkan Report, no. 80, Sarajevo, BiH.

the aggression. Destroyers of the country are unhindered in their attempt to destroy that little faith that is left for the people of Bosnia.⁶³

Bosnia's Political System and Current Issues

Today, at the first glance the situation in Bosnia and Herzegovina is quite complex and difficult to understand. The different views of the past are dictating the different national outlooks on the future vision of Bosnia. The three main ethnic groups in BiH are Bosniaks/Muslims, (50, 11%), Croats /Roman Catholic (14, 6%) and Serbs /Eastern Orthodox (30, 78%).⁶⁴ Bosnia and Herzegovina is a republic with multi-level governance⁶⁵, as stipulated in its Constitution (DPA's Annex IV⁶⁶). It comprises two entities: the Federation of BiH (FBiH) and Republic Srpska (RS), which have shared sovereignty over Brčko District (created by a 2009 constitutional amendment⁶⁷). Each entity has its own distinctive ethnic composition, political system, legislative, administrative and judicial bodies. FBiH is a federation of Bosniaks and Croats, split into ten relatively autonomous cantons. RS is a unitary federal entity of Serbs with seven regions and 64 municipalities. The state-level (joint) institutions function on the basis of ethnic quotas⁶⁸ (2/3 for FBiH (1/3 Bosniaks, 1/3 Croats) and 1/3 for RS) and consensus al decision – making. They include a collective Presidency (a Bosniak, Croat and Serb,

⁶³ Zijad. B. (2016), *Dejtonska Srpska of Seselja do Dodika*, ORBUS, Belgium. Retrieved from: <http://www.orbus.be/aktua/2016/aktua4340.htm>

⁶⁴ Agency for Statistics of Bosnia and Herzegovina (2016). *Census of Population, Households and Dwellings in BiH, 2013, Final Results*. Retrieved from <http://www.popis2013.ba/popis2013/doc/Popis2013prvoIzdanje.pdf>

⁶⁵ Directorate for European Integration (2012). *Schematic overview of levels of governance in Bosnia and Herzegovina* retrieved from <http://www.dei.gov.ba/>

⁶⁶ DPA (1995). Retrieved from http://www.ohr.int/dpa/?content_id=372

⁶⁷ *Official Gazette of BiH*, 25/09. Amendment to the Constitution of Bosnia and Herzegovina. Retrieved from <http://www.ohr.int/ohr-dept/legal/laws>

⁶⁸ Nermin, O. (2014), *How to regulate Politics in Bosnia, The Centre for Southeast European Studies*. University of Graz, Austria. Retrieved from <http://www.suedosteuropa.uni-graz.at/biepag/node/88>

with the chair rotating every eight months), a bicameral Parliament and a Constitutional Court.⁶⁹ The predominance of the ethnic principle in public life is preventing society from reintegrating.⁷⁰ In recent years, politicians had not reached any compromise on proposed constitutional amendments. The political disputes between the political representatives in connection with the amendments to the constitutional order of Bosnia and Herzegovina were reflected in all spheres of life.⁷¹ While, Bosnian Serbs see the constitutional changes as a "potential threat to the existence" of the Bosnia and Herzegovina's entity Republika Srpska by opposing the possible centralization of power, Bosniaks believes that the territorial reorganization of the country would be the best solution.⁷² The political establishment of the Republic of Srpska as one of the biggest advocates of the "Dayton Agreement" is at the same time the main opponent to any kind of revisions or modifications referring to the Dayton Treaty.⁷³ Bosnian Bosniaks interpreting it as an attempt to disable any institution that would make Bosnia and Herzegovina a functioning state⁷⁴. A very strong warning was issued in 2014 in the assessment of BiH elections by the Organization for Security and Co-operation in Europe, which insisted that "the lack of political will to move beyond the Dayton Agreement prevents the country from moving away from the current inter-ethnic divides

⁶⁹ European Parliament (2015). Bosnia and Herzegovina: Political parties. Retrieved from http://www.europarl.europa.eu/RegData/etudes/ATAG/2015/568324/EPRS_ATA%282015%29568324_EN.pdf

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² Crisis Group Europe Briefing (2012). Bosnia's Gordian knot: Constitutional Reform. Retrieved from <https://d2071andvip0wj.cloudfront.net/b068-bosnia-s-gordian-knot-constitutional-reform.pdf>

⁷³ Timothy, W. W. (1999). *The Naked Land: The Dayton Accords, Property Disputes, and Bosnia's Real Constitution*. Harvard International Law Journal, Vol. 40, No. 2, p. 517.

⁷⁴ Radio Free Europe (1999, April). Milorad Dodik - One Foot in Bosnia, But His Heart in Serbia. Retrieved from

http://www.rferl.org/a/Milorad_Dodik_One_Foot_In_Bosnia_But_His_Heart_In_Serbia/1617635.html

and towards real progress for the country.⁷⁵ Within the ruling structures in the country there is a “fragile agreement” on the continuation of the fulfillment of conditions and the membership in the European Union, but not the country's membership in NATO. Western diplomats urged Bosnian leaders to continue moving toward NATO membership, saying it could bring security and improve people's lives. But a Bosnian Serb leader Milorad Dodik says Serbs will not let Bosnia join until the alliance resolves its differences with Russia.⁷⁶ According to security analyst Denis Hadzovic, he sees “no alternative to Bosnia's NATO membership”, explaining that for small countries such as Bosnia it is dangerous not to be part of a bigger military alliance in a world threatened by nationalism, terrorism, the migrant crisis and the rise of populist forces. Continuing to argue about it can lead to Bosnia's violent dissolution, he said, recalling that Ukraine lost a part of its territory because of its internal dispute over EU membership.⁷⁷ On the other hand, citizens are still waiting for economic and social progress by concrete steps.⁷⁸ Still, the question of the future organization of BiH is the key concern. According to Srecko Latal, an accomplished analyst and journalist; the international community never made the effort to have the Dayton Agreement officially adopted by the state and entity parliaments in BiH, a fact which is used by Milorad Dodik as one of the arguments to negate the existing legal framework in BiH. The BiH society enters its 22nd year of peace with at least three visions of BiH, four perceptions on what possibilities the Agreement

⁷⁵ OSCE Press Release (2014). Retrieved from www.osce.org/odihr/elections/bih/125488

⁷⁶ Cerkez, A (2016, June). Western diplomats urge Bosnia to join NATO; Serbs say 'no'. NewOk. Retrieved from <http://newsok.com/western-diplomats-urge-bosnia-to-join-nato-serbs-say-no/article/feed/1028173?articleBar=1>

⁷⁷ Ibid.

⁷⁸ Ibid.

offers, and a devastated economic and social basis.⁷⁹ Furthermore, Dodik has obstructed efforts to make Bosnia's central government more effective. He has repeatedly asserted the RS's right to secede from Bosnia, although he has so far refrained from trying to make this threat a reality.⁸⁰ In recent times, the Office of Foreign Asset Control, part of the U.S. Department of the Treasury imposed sanctions on September 2016 on Milorad Dodik by blocking access to any of his properties or assets that are under U.S. jurisdiction. He called for independence for Republika Srpska, questioned the legitimacy of the judiciary, threatened to hold a referendum on the status of the court system as well as withdraw Republika Srpska soldiers from the country's unified military.⁸¹ Indeed, some observers believe that RS President Milorad Dodik's strategy has been to obstruct the functioning of Bosnian institutions so much that the Bosniaks, Croats, and the international community will eventually agree to let the Republika Srpska become independent.⁸² In regard to this matter, Dr. Haris Silajdžić, the former President of Bosnia and Herzegovina said: this is something that will not be achieved. Much stronger players have not achieved this. We know this from the long history of Bosnian statehood; hence it will not be achieved by the current government. I believe in international law, the Dayton Agreement, and after all, Bosnia was in a very difficult situation at one point in time but defended itself. The story of a peaceful dissolution is hence impossible. It will be as peaceful as it was between '92. And '95, and perhaps even worse, and that is in no

⁷⁹ Srecko. L. (2015), *The Legacy of peace: Bosnia and Herzegovina 20 years after the Dayton Peace Accords*, Friedrich-Ebert-Stiftung, Sarajevo, BiH. Retrieved from <http://library.fes.de/pdf-files/bueros/sarajevo/12104.pdf>

⁸⁰ Steven, W. (2013). *Bosnia and Herzegovina: Current Issues and U.S. Policy*. Retrieved from <https://fas.org/sgp/crs/row/R40479.pdf>

⁸¹ Dado, R. (2016, September). U.S. imposes sanctions on Bosnian Serb nationalist leader Dodik. Reuters. Retrieved from <http://www.reuters.com/article/us-usa-sanctions-bosnia-dodik-idUSKBN1512WI>

⁸² Ibid.

one's interest.⁸³ In addition to this comment, the former President of the Republic of Croatia, Mr. Stjepan Mesic share his views: it is my firm belief that it is the Dayton structure the main obstacle on the path to transform Bosnia and Herzegovina into a normal, functioning state. Dayton was needed at the time when it happened, because it ended the war, but its structure is the root of constantly generated new potential disputes and conflicts, and that prevents Bosnia and Herzegovina from functioning normally.⁸⁴ What's more, he added: to point out that the entity divisions established in Dayton agreement cannot guarantee the future of Bosnia and Herzegovina. Entity division somewhat cemented the results of the war, and thus the results of ethnic cleansing, which was - to be clear - on all sides of the conflict. So, if you ask me, the order is as follows: first change the way of political discourse, then change the internal structure of the constitution of Bosnia and Herzegovina, and after that conditions will be created for coexistence of all citizens, regardless of nationality and religion.⁸⁵ Above and beyond, incompatible views on BiH's future remain a permanent source of crisis: the Bosniaks aspire to a central government, the Serbs to greater autonomy for the entities, and the Croats to a third Croat entity.⁸⁶ Milorad Dodik is encouraging the leader of the biggest Croatian party Dragan Covic, who complain of being outvoted by Bosniaks in the Federation, to found a third, Croat-dominated entity.⁸⁷ According to Mr. Stjepan Mesic, this would mean a definitive break up of Bosnia. I never supported the initiative for the creation of a third, Croatian entity. Equal justice is not achieved by putting peoples of

⁸³ Suljic, V. (2017, February 14). Personal interview.

⁸⁴ Suljic, V. (2017, February 16). Personal interview.

⁸⁵ Ibid.

⁸⁶ Ibid.

⁸⁷ Ibid.

different ethnic backgrounds in national ghettos.⁸⁸ This, among other things, was the cause of the war that was stopped by the NATO⁸⁹-led international military force. Nowadays, people of BiH are at risk of poverty, social instability, security and nationally in some cases. According to Ilija Sagolj; we are confronted with illegal enrichment, obstruction, destruction, nepotism, institutional crime, and distrust in institutions. All cause problems and discomfort for people, which are reflected on the process of reconciliation and confidence. Moreover, the key obstructers of the reconciliation process are so-called 'guardians of the national interest', who actually keep personal privileges and interests.⁹⁰ This should also be an important lesson for the international community which, until now, has not put in an intellectual and political effort to truly understand Bosnia and Herzegovina as a multiethnic community and all of the problems stemming from that.⁹¹ This can best be seen in case of the so called; “the April package on constitutional reforms (2006), the Butmir Process (2009). It turned out that the main purpose was to maintain the current status.”⁹²

To cut the long story short, Bosnia and Herzegovina needs a new constitution that will allow functioning normally. However, the question is how to do that, especially given the current constellation of political relations. Space for co-existence and human rights has to be in every corner of Bosnia and Herzegovina, both in the Republic of Srpska, as well as in the Federation. Despite the negative image portrayed by political situation, there are

⁸⁸ Ibid.

⁸⁹ NATO (2015). Peace support operations in Bosnia and Herzegovina. Retrieved from http://www.nato.int/cps/en/natohq/topics_52122.htm

⁹⁰ Sagolj, I. (2014, September). Political and religious coalition. Republika. Retrieved from <http://www.republikainfo.com/index.php/kolumna2/14771-politicko-vjerska-koalicija>

⁹¹ Ibid.

⁹² Ibid.

many examples in business, sport, natural disasters, and neighborly relations showing that the coexistence is possible. When it comes to the security situation there is no need for “major concerns” at the moment, but in the near future there is a possibility of an outbreak of a new war according to the available literature research and field work. If the Republic of Srpska (RS) tries to separate or even Croats, that would certainly lead to new conflicts. Obviously, Dayton agreement suits only the aggressors. The war wounds are apparent. It takes more than time to heal.

CONCLUSION

Diplomatic efforts were fruitful to end the war, but were later heavily criticized for not having laid a sufficient foundation for constructing democratic Bosnia and Herzegovina from the post-war situation. The Dayton Agreement essentially became an infamous trademark of failed international involvement in state reconstruction and peacebuilding practices. The state institutions are not functioning effectively, the economy suffers and social discontent rises. Bosnia has to make progress in reforms and become a more functional state. Furthermore, the future of the country depends on an appropriate reconciliation process.

This research identified several factors that affect the stagnation of post-conflict social and economic development of Bosnia and Herzegovina. The forgiving and reconciling are difficult, especially when the other side shows no remorse, or when there is absolutely no post-war consensus about the causes and consequences of war. As long as there is no kind of consensus on the war, which still provokes and cause many disagreements, it becomes very difficult to leave the past behind and focus on the future. The country remains divided into two entities among the three ethnic groups, obviously the government “cannot provide” its citizens with true justice and peace. This primarily refers to the victory of truth, to punish those responsible for the war crimes (it has not been done yet by ICTY), and to facilitate the safe return of all refugees and displaced persons to their homes of origin in all parts of the country (or compensation for expropriated properties).

This research contends that despite the negative image portrayed by the political situation, there are many examples showing that coexistence is possible between regular people

while impossible between the ethno-nationalist parties, which are trying to alienate people from each other. Moreover, the political elites do not pay enough attention to matters related to reconciliation, because they gain formal positions of power on ethnic tensions and divisions sown in the pre-election period, which keep them in power.

In the end, it is important to understand that the success of the Bosnia as a functional state is tantamount to a European success. Bosnia and Herzegovina is not only a challenge for the Bosnians. The idea of Bosnia and Herzegovina as a functional state in a multicultural society is a major challenge for Europe, who should see its own face, beautiful and ugly, in the mirror of Bosnia, which Europe owes, just because it insists on the unity of the state and society in diversity, as European ideal and reality.

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