

What are the effects of the Dayton Peace Agreement in contemporary civil society of Bosnia and Herzegovina?



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Executive summary

Bosnia and Herzegovina faced many problems in relation to multi ethnicities. The country was in a catastrophic situation after the Bosnian war 1992-1995. The war ended when the main parties signed the Dayton Peace Agreement. This agreement had to lead to peace, democracy and reconciliation after the war. This research examined the influence of the Dayton Peace Agreement in contemporary civil society in Bosnia and Herzegovina. In order to answer the research question primary and secondary desk research has been done. Also two personal interviews were held to obtain necessary information.

The Dayton Peace Agreement was signed in Paris on December 14, 1995. The Parties did agree that Bosnia and Herzegovina would be divided within two Entities namely: Republika Sprska and the Federation of Bosnia and Herzegovina. The current Constitution of Bosnia and Herzegovina is written in the agreement and advocates a rotating Presidency. Refugees and internal displaced persons do obtain a free passageway to return to their pre-war houses. A High Representative was appointed in order to monitor the compliance of the agreement; he has the most important role and has a lot of authority.

The consequences of the agreements can still be found in today's Bosnian-Herzegovinian society. The Inter-Entity boundary only became stronger and stronger and tensions among the Ethnicities rose. The credibility of the International judges and High Representative are questioned by Bosnian Serbs. Many refugees still did not return and a large part of the population complains about the functioning of the State. Without a revision of the agreement, Bosnia and Herzegovina will be under influence of the International Community and will not have the chance to develop as a sovereign state.

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List of Abbreviations

CPY	Communist Party of Yugoslavia
DutchBat	Dutch Battalion
EC	European Community
EU	European Union
IDMC	Internal Displacement Monitoring Centre
IDPs	Internal Displaced Persons
IFOR	Implementation Force
NATO	North Atlantic Treaty Organisation
NGO	Non-Governmental Organisation
OHR	Office of the High Representative
PIC	Peace Implementation Council
SDA	Party of Democratic Action
SDP	Serbian Democratic Party
SFOR	Stabilization Force
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNPROFOR	United Nations Protection Force
USA	United States of America
YMO	Yugoslav Muslim Organisation
YNA	Yugoslav National Army

Introduction

Introduction to the topic

If you switched on the television in the nineties, you might remember the images of a terrible war. In that time I was just a little girl who did not realise this war was close to the Netherlands, neither the reasons of this war. Fifteen years later, I worked at the Embassy of Bosnia and Herzegovina for my internship and immersed myself in this war. The Dayton Peace Agreement ended the cruellest war of the 20th century after the Second World War. The purpose of the peace negotiations was to create a multiethnic state in Bosnia and Herzegovina. Throughout the decade this agreement is discussed many times. A chance to review the agreement in 2005 remained unutilized. Over the last years less and less was spoken about Bosnia and Herzegovina. During my internship, I often heard that Bosnia and Herzegovina ‘do not make enough progresses.’ Meanwhile neighbouring countries Serbia and Croatia made significant progresses after the war and are close to membership of the European Union (EU). Questions rose as: does the current form of the Dayton Peace Agreement slow down the development of Bosnia and Herzegovina? Does the International Community have too much influence in this ‘sovereign’ state? And is the presence of the International Community still necessary? In order to obtain a clear view of the current circumstances and developments in Bosnia and Herzegovina, I wanted to analyse and examine the current situation of this country.

Research question and aim

This research will examine the current situation of Bosnia and Herzegovina, sixteen years after the Dayton Peace Agreement was signed. To discuss the current situation and the influences of the Dayton Peace Agreement the following question will be answered: What are the effects of the Dayton Peace Agreement in contemporary civil society of Bosnia and Herzegovina? After the Bosnian war the agreement was criticised by the media, politicians and scientists. To answer this question the research is divided in four different chapters. This is necessary to understand the development of the country before and after the Dayton Peace Agreement.

In the first chapter a brief overview will be given of the turbulent Bosnian history. This chapter will address the different ethnicities within Bosnia and Herzegovina and tensions between those ethnicities in historical perspectives. Also the rise of communism after the Second World War will be discussed in this chapter.

In the second part of the research, the Bosnian war will be discussed. Nationalism became more and more popular in Yugoslavia after the fall of communism; Bosnia and Herzegovina was no exception. This chapter will give an overview of the cruelties of the Bosnian war and the influence

of the United Nations (UN) within this war. The war ended in 1995 with the signing of the Dayton Peace Agreement, which will be discussed in chapter three.

As mentioned above, the third part will focus on the peace negotiations at the Wright- Patterson Airport Dayton, Ohio, United States of America (USA). The core part of this chapter will address four aspects of the Dayton Peace Agreement. At the end of this chapter a debate will be held about the critics which were given by several professors, politicians and media.

In the last part the current situation of Bosnia and Herzegovina will be examined. This will be done by comparing the agreements made in the Dayton accords with the contemporary situation of the Bosnian society. Do those accords still have influences in the Bosnian society? This is the central question of this last part of the thesis.

When all parts have been examined, a conclusion will be formed based on the research held in the chapters before. This conclusion will answer the research question, namely: What are the effects of the Dayton Peace Agreement in contemporary civil society of Bosnia and Herzegovina?

Terminology

The Balkans is a region in South East Europe in the context of this research the Balkans refers to the Western Balkans countries. A Muslim living in Bosnia is named 'Bosniac'. In the second chapter of the research the term Muslim or Bosnian Muslim will be used more often. This will be clearer to explain the complex situation during the war. The Parties and the Entities are written as in the Dayton Peace Agreement.

In the research many abbreviations will be used. The meaning of an abbreviation will always be fully written before the abbreviation will be used.

Research methods

Most desk research was done in order to answer the research question. Literature and electronic sources were used to acquire explicit and objective information. Difficulties during the research were the differences of information in different sources. The United Nations High Commissioner for Refugees (UNHCR) has been important as well. Employees of this office gave me very useful sources and advices to obtain information about this topic. In the last part of the research two personal interviews have been very important to obtain useful information. These interviews were held with the Ambassador of Bosnia and Herzegovina in the Netherlands: Mrs Miranda Sidran Kamišalić, and Deputy Head of the Western Balkans department of the Dutch Ministry of Foreign Affairs, Mr Mauritz Verheijden.

Chapter 1 Bosnia and Herzegovina a multiethnic state since ancient times

In order to answer the research question, it is necessary to give a historical overview of Bosnia and Herzegovina. This summary will provide information which is necessary to comprehend how Bosnia and Herzegovina has become a multiethnic state. Later on, it will help us to understand the developments of the past twenty years in Bosnia and Herzegovina and the current situation in the country.

From Illyrians to the invasion of the Slaveni

The first civilization in Bosnia and Herzegovina was established 3000 years ago. Warriors from Europe and Asia entered the country and developed homes out of wood and mud and spoke a language similar to modern Albanian (Domin, 2001, ch. 1). Nowadays, these warriors are called Illyrians and their land Illyria. The Illyrians lived in this region for more than 1000 years. The different clans were governed by chiefs who were selected by councils of elders. Several times the Illyrians established kingdoms but they never lasted. Due to age-old friezes which were found in the region, we know that they pirated and made war on their neighbours (Schuman, 2004).

Around 350 B.C. monarch Philip of Macedonia and his son, Alexander the Great, entered Illyria, but the Celts also invaded the land. Both civilizations influenced the cultural inheritance in Illyria. Hundred years later the Roman Empire invaded and conquered a significant part of Illyria. In A.D. 9, Illyria became an official Roman province called Illyricum. During the Roman govern period many buildings were created such as temples, coliseums and public baths. In A.D. 395 the Roman Empire was divided into a Western and an Eastern region. Both regions had their own language, religion and culture. The border of both regions was Bosnia, along the Drina River. When the Western Roman Empire fell in A.D. 476 by invading barbarians, the Eastern Roman Empire became the Byzantine Empire with its capital Constantinople, which is currently known as Istanbul (Schuman, 2004, pp. 4).

While the Roman Empire lost power, a group of tribesmen, called the Slavs, began to invade the Northeast into what is now known as Bosnia. In the second part of the 7th century other Slavic tribal groups entered the region, The Croats and Slovenes from the North and the Serbs from the South and East. All groups belonged to the same ethnic group called the Slaveni. For over hundred years many conflicts were occurred, until the arrival of Charlemagne in the end of the 700s. He conquered the Slavs in Bosnia. Many of the Slavs became slaves and were forced to renounce their pagan belief in many gods and to become Christians (Schuman, 2004, pp. 5). Most of them settled in the region and became the permanent inhabitants of the land which they called Slavina (Domin, 2001, ch. 1). One slowly adopted Christianity. The Croats and Slovenes became Roman Catholics

and adopted the Roman alphabet while Serbs became Eastern orthodox Christians and adopted the Cyrillic alphabet.

Although both ethnicities adopted another alphabet, they do speak the same language. In the early 1000s, there were struggles between the Eastern Byzantine church and the Roman church. This resulted in a rupture between East and West, with the Drina River as religious border. On the West side we found modern-day Slovenia, Croatia and Bosnia and on the East side Serbia, Macedonia and Montenegro (Schuman, 2004, pp. 6).

Bogomilism: a new religion

The state of Bosnia took shape in the 10th century. In the 12th century Croatia was under control of Hungary. Furthermore, they tried to obtain more and more land of Bosnia to expand the Roman church. Meanwhile the Serbs and their neighbour states were trying to obtain Bosnian land to expand Christian Orthodoxy. In 1130, Bosnia appeared as an independent state with as leader Kulin Ban, King of Bosnia. This was a very small kingdom especially in comparison to the kingdom of France and England. Ban Kulin was king until 1204, this century is known as the golden age of Kulin Ban. During his reign the inhabitants lived in peace, above all he developed an independent and internationally recognized Bosnia. One of the reasons that the people within his land were able to live in peace, was because of the medieval Christian sect called Bogomilism. According to historians this religion was popular because Bosnians and their direct neighbours wanted to be independent from the powerful Catholics on the West and the Orthodox Christians to the East. Bogomilism was considered a 'dualist' religion. They believed in two gods; one God was evil and the other God was good. Satan was a rebel son of God. He created the human body and material wealth. The God of good created the human soul (Schuman, 2004, ch. 1). Some said this religion was as much of a social movement as it was a religion. According to Catholics and Orthodox Christians, Bogomils were heretics and had to be persecuted (Schuman, 2004, pp. 6).

Pope Gregory IX (1145-1241) declared a holy war several times in the period 1235-1241 and sent Hungarian Catholics to Bosnia to invade the country. They came as far as Sarajevo but were forced to withdraw. Directly afterwards, Bosnians set up their own church called the Bosnian church, to separate their selves from the Catholic church (Schuman, 2004, pp. 7).

Under Ottoman rule

During the rule of Ban Stephan Kotromanić (1322-1353), Bosnia and Hungary became close allies. Ban Stephan supported the Hungarian war with Croatia, because lost territory resulted in him being able to claim some of this land. In 1321, the Serbian king, Stephen Uroš II, died in a

civil war (Stephen Uroš II milutin of Serbia, n.d.). Five years later, Ban Stephan took this opportunity to expand his territory with the Serbian district called Hum.

Kotromanić died in a war against Serbia in 1353, his nephew Ban Stephan Tvrtko I, became king (he was a strong leader like his uncle). During his rule Bosnian territory reached its maximum size. In 1377, Ban Tvrtko I declared himself king of Bosnians, Serbs and Croats (the title Ban is now replaced by king). Unfortunately for the king this did not last for long. On June 28, 1389 the armies of the Ottoman Turks met Serbian King Lazar in a Serbian district known as Polje or 'Plain of the Blackbirds' in Kosovo (Domin, 2001, ch. 2). In this battle the Serbian king was captured and killed. From there on Serbia was under the authority of the Ottoman Empire (Schuman, 2004). The Ottoman armies slashed into Bosnia. Meanwhile leader of Hum, Stephan Vukcic began to assert his own independence from Bosnia (Croats in Bosnia, 2009- 2010). He wore the title vojvoda, which meant that he was ranked under the king of Bosnia, but in 1448 he took the title herzeg (from the German title Herzog) of Hum and the coast. This region became known as Herzegovina (Schuman, 2004, pp. 9). Although he tried to keep Herzegovina, the Ottoman Empire made further incursions into his region and Bosnia. In 1465, Bosnia had fallen and in 1481 also Herzegovina was under control of the Ottoman Empire (Croats in Bosnia, 2009-2010).

On the other side of Europe, in Spain and France, the Jewish population was banished. The new catholic king Ferdinand of Aragon and his queen Isabella of Castile forced all Jews and many Muslims to leave Spain in order to regain control of the entire land, in addition, many non-Catholics were murdered. A large part of the Jewish population fled to Eastern Europe. Although the Ottoman Turks did not treat other religions as equals to Islam, but the Ottomans were more tolerant than Spanish Christians. Although, the Jews could practise their religion peacefully, non-Muslims were not allowed to have own property and had to pay taxes (Schuman, 2004, pp. 9-10). This group of Jews became a very active, rich and powerful community in Sarajevo (Domin, 2001). During this period, 600,000, Catholic Bosnians were converted to the Islam, while most Serbs and Croats did not convert themselves (Croats in Bosnia, 2009-2010). The Christians who converted themselves to the Islam are known by the term of Bosniacs (Domin, 2001, ch. 3).

As any other large empire, the organisational structure of the Ottoman Empire started to splinter. In the North, a powerful Christian empire was established, called the Hapsburg Empire of Austria. Continually the Hapsburg Empire and the Ottoman Empire faced several severe conflicts relating to religious matters. In 1699, a treaty between both powerful empires was signed and known as the treaty of Karlowitz. This treaty gave the Hapsburgs authority over almost whole Central Europe including most parts of Croatia, Slavonia and Hungary. Meanwhile the inhabitants of Bosnia

became dissatisfied about their Ottoman rulers, they felt left behind. Ottoman rule declined further through the 1700s. Bosnia was located in the middle of the continuing fights between the Ottomans and Hapsburg Empire (Schuman, 2004).

By mid 1800s Bosnia was the only country left in the hand of the weak Ottoman Empire. Bosnians were ready for a change. In 1875, poor Christians in Herzegovina rebelled against Muslim nobles for better living conditions. Many Orthodox Christians called for unity with Serbia, because of the many similarities between them and the Serbs (Schuman, 2004, pp. 13). This was known as Christian Rebellion and the Peasant Rebellion. In reaction, the Ottoman Empire burned peasant villages and many poor Bosnian refugees escaped to Serbia, Croatia and Montenegro, in that time a quasi independent state. In 1876, Russia, a very important empire supported Serbia in its war against the Ottomans. Serbia had only one goal; to annex Bosnia (Domin, 2001). As any other empire Russia hoped to obtain power in the Balkans. Soon Russia gain control over the Ottomans. While other countries in Europe were suspicious and concerned about an expansion of Russia, the major European countries met in Berlin. The conclusion of this meeting was that the European countries had to maintain a balance of power. This resulted in Bosnia and Herzegovina to be governed by the Kingdom of Austria-Hungary (Schuman, 2004).



figure 1.1 Dismemberment of the Ottoman Empire, (William R. Shepherd, 1923).

Austro- Hungarian rule

However, Bosnia and Herzegovina was still part of the Ottoman Empire, but they were placed under the 'occupation and administration' of Austria-Hungary. The official status of Bosnia and Herzegovina during this time was 'corpus separatum', which meant that it had the freedom to govern itself and did not officially belong to Austria-Hungary (Domin, 2001, ch. 4). On July 31,

1878, 72,000 soldiers of four different Austro-Hungarian imperial military divisions marched into Bosnia and Herzegovina. After 400 years Bosnians were no longer under Muslim rule. Unfortunately, Austria-Hungary did not have a good relationship with Bosniacs, immediately they rebelled with each other. To prevent further disorders the Austro-Hungarians made few changes in the agrarian system.

Finally, in the end of the 19th century the industrial revolution came to Bosnia and Herzegovina, while in the rest of Europe the industrial revolution came earlier. Meanwhile the Austro-Hungarian Minister of Finance, Benjamin Kállay, introduced 'Bosnianism'. The ideology of this term was for the inhabitants of Bosnia to identify as one nation. Bosnian rulers and Kállay tried hard to make this idea of one nation work. Kállay hoped that Bosnianism would keep the ethnic and religious groups from fighting and discourage the growth of Croatian and Serbian nationalism within Bosnian borders. Unfortunately, Kállay's idea was unsuccessful, the ethnic identities and different religions of Bosnians were too deep-rooted to make Bosnianism work (Schuman, 2004, pp. 14).

After the death of Kállay in 1903, István Burián took over Kállay responsibilities. He allowed different religions and ethnic groups to celebrate their individual identities and gave them limited independence. In 1908, Austria-Hungary cast off the idea of 'corpus separatum' and annexed Bosnia and Herzegovina, to prevent that the Ottomans reclaim the area. This development made it possible to form a Bosnian parliament. And all Bosnians obtained complete freedom of religion. One nation did not approve this annexation. Serbs kept the idea that Orthodox Christians of Bosnia should be connected with Serbia. The leader of Serbia, had its own wish to expand his land. Together with their allies Montenegro, Bulgaria and Greece they invaded Turkey. Turkey lost most of its power and surrendered significant parts of its territory. This conflict is known as the first Balkan War. This war ended in 1913 by signing the treaty of London. An oval-shaped stretch of land South of Montenegro and North of Greece became the nation of Albania. Serbia and Montenegro almost doubled in size. Not long after, the next war broke out in the Balkans, on August 10, 1913, another peace treaty was signed (Schuman, 2004).

Meanwhile in Serbia, a secret society called 'The Black Hand' organised an event which not only affects Serbia or the Balkans, but the entire European continent. This group was composed of radical Serbians who believed that Bosnia and Herzegovina should be part of Serbia (Domin, 2001). The group was lead by Dragutin Dimitrijević, a Serbian army officer. On June 28 1914, the Archduke of Austria-Hungary, Francis Ferdinand planned to visit Sarajevo. Dimitrijević sent eight Black Hand members to this event with the mission to assassinate the Archduke. The first attack

on Francis Ferdinand failed. But not long after Gavrilo Princip, pulled his gun and assassinated Francis Ferdinand and his wife Sophie (Schuman, 2004, pp. 17).

World War I

After the assassination of Francis Ferdinand, Austria-Hungary proposed an ultimatum which existed out of 10 points. Serbia had to response within 48 hours. Almost right away the Serbs answered on almost all points, except for one. Since that moment, all diplomatic relations between both countries were cut off. Only three days after the end of their diplomatic relations, Austria-Hungary declared war on Serbia. Shortly, after the declaration other countries in Europe took a side. Russia supported Serbia while Germany supported Austria-Hungary (Schuman, 2004, pp. 18).

Germany invaded Luxembourg and the next day, declared war against France and Russia. On August 4, Germany invaded Belgium in order to motivate Britain to enter the war to protect Belgium. One day later the USA declared neutrality. Immediately after Austria-Hungary declared war on Russia, Serbia declared war on Germany. This all happened in a period of eight days (Domin, 2001, ch. 4). In this short period whole Europe was in war. Austria-Hungary, Germany and its allies were called the Central Powers, while Britain, France, Russia and their allies became the Entente Powers (Schuman, 2004, pp. 19). During that time, there was only little fighting in Bosnia. Most Bosnian men were drafted into the Austro-Hungarian army, hence a lot of them deserted to join the Serbian army (Domin, 2001). Bosnian Serbs living near the border of Serbia were often deported or sent to internment camps where they lived under terrible conditions. In 1915, Austria- Hungary invaded Serbia. On April 6, 1917, the USA reconsidered its neutral position and joined the European war on side of the Entente Powers (Schuman, 2004, pp. 19).

In July 1917, representatives of the independent nations of the Balkans met on Corfu. During this meeting they discussed the future of their inhabitants after the war. Main negotiators during this reunion were Serbian Prime Minister Nikola Pašić and Croatian leader Ante Trumbić. Pašić, desired to expand its land with territory from Austria-Hungary, after the empires expected defeat. Trumbić wish was to unify the Southern Slavs. He proposed an union of Croats, Slovenes and Serbs. At that time ally of Serbia, Russia was occupied with their Russian revolution, so Pašić consented. On July 27, 1917, Trumbić and his supporters announced the Corfu declaration. In this declaration, they emphasized to form a new nation composed of the Southern Slavic republics, the ruler would be a king. Every, religion, flag and language would be recognised. At the end of 1918, Austria- Hungary was defeated and the Austrian people did not want to live under the authority of an emperor anymore. After many demonstrations Charles I declared Austria- Hungary a republic.

On November 11, 1918, Germany surrendered and World War I had come to an end (Schuman, 2004, pp. 19-20).

The beginning of the Kingdom of Yugoslavia

Thereafter Serbian crown prince Alexander Obrenović announced the formation of a new nation: the Kingdom of Serbs, Croats, and Slovenes. He would be known as King Alexander, his capital would be Belgrade. Also Bosnia took part of this new nation. Bosnian Christians wanted to reform, they were done with their Muslim landlords. Bosniacs supported the new state but wanted as little agrarian reform as possible (Schuman, 2004, pp. 20).

Serbs started to withhold payments to Bosniac landlords and many Serbs physically attacked Bosniacs. Serbian troops had to enter Bosnia to help stop the violence. They tried to make a pan-Slavic kingdom. Political parties represented ethnicities. Bosnian Muslims formed the Yugoslav ('South Slav') Muslim Organization (YMO), Bosnian Croats organized the Croatian Peasant Party, and the Communist Party of Yugoslavia (CPY) tried to organize labourers working in factories and agricultural workers. Bosnian Serbs were split into two parties, namely The Serbian Radical Party under the leadership of Nikola Pašić. This party was the stronger one of the two and had a lot of influence in the kingdom. The other one was the Serbian Democratic Party (SDP) and had a more conservative approach to Serb leadership. On June 28, 1921, an important meeting took place at the National Assembly in order to vote for a Constitution. The Serbian Radical Party insisted to gain more power. They said they would recognize Bosnia and Herzegovina's original borders only as part of a Constitution that adopted a centralized Serbian leadership in the kingdom (Schuman, 2004). The YMO voted for the new Constitution, while the Croats and Communists thought the Constitution was unfair, for this reason they boycotted the meeting. With more representatives of the Radical Serbs and the YMO in attendance the Constitution passed. After the assassination of the King's Prime Minister and several failures to kill the king by members of the communist party, the National Assembly came together and passed a law banning the existence of the Communist Party of Yugoslavia. Due to good leadership of Mehmet Spaho (YMO), Bosnian Muslims had a steady voice in the Kingdom. They even attempted to reform the agricultural system in their districts, where Christians continued to work the land. On June 20, 1928, during a strong debate the leader of the Croatian Peasant Party, Stjepan Radić and four other Croats were shot and killed by a member of the Radical Party delegate from Montenegro. This resulted in many demonstrations on the streets and total disorders within the kingdom. Radić successor Vlatko Macek, found guilty for terrorism and was sent to prison. Finally, in January 1929, King Alexander made an end on all disorders and took control again. He declared the Constitution invalid, abolished legislature, cancelled self-government and made an end on all civil liberties. He

declared himself the absolute ruler of the kingdom, he also gave the kingdom a new name: the Kingdom of Yugoslavia (Domin, 2001, ch. 5). Many ordinary Yugoslavs supported the absolute monarchy and hoped that there would be less corruption within all parties who were in competition with each other. But even with a parliamentary system, ethnic groups within the border of Yugoslavia continued to fight for honest representation in the government. In 1931, Alexander announced that the kingdom would once more have a Constitution which allowed the existence of political parties. The king was still able to appoint government officials and ethnic or religion based organizations would continue to be banned. Meanwhile living conditions did not make progress. The Great Depression started in the USA and also passed on to Yugoslavia (Schuman, 2004, pp. 24).

World War II

On October 1934, King Alexander was assassinated in Marseille, France. The murderer was a member of the ultra-nationalist Croatian group called Ustaša (Schuman, 2004, pp. 24).

This group was an ally of fascism Italy and Nazi Germany. Their goal was to end the Yugoslavian Kingdom and built a separate nation of Croatia (Domin, 2001, ch. 5). Shortly afterwards, Prince Pavle, cousin of Alexander was chosen to lead the Yugoslav government and kingdom. He introduced a few steps towards democracy. He named Milan Stojadinović (a Serb) as his Prime Minister. To satisfy Bosnian Muslims, Stojadinović named Mehmet Spaho, leader of the YMO, as his Minister of transportation. He developed trade relations with Italy and Germany. In this time Germany invested a lot in Yugoslavian industry. But in a short period Germany invaded neighbouring countries of Yugoslavia like Romania, Bulgaria and Hungary. Yugoslavs started to be anxious and afraid that they were next. In March 1941 members of the Yugoslav military, named Peter II, son of King Alexander's, to be the next king, even though he was just 17 years old. Yugoslavs were certain that this king would turn his back on Hitler. Almost all ethnicities supported the government. But Adolf Hitler, leader of Germany, was furious. Just a few days later bombs were dropped on Belgrade by the German air force, called Luftwaffe, in order to expand the German Empire and to defeat the king. Then Germany started a ground invasion in Yugoslavia from territories which were recently annexed, Romania and Bulgaria. On the other side of Yugoslavia, Germany's ally Italy attacked Western regions of the kingdom. Finally on April 17, Yugoslavia surrendered to Germany. Soon the Nazi's created a new district called the Independent State of Croatia consisting of both Croatia and Bosnia and Herzegovina. Ironically, there was nothing independent about it. The leader of this district was Ante Pavelić, he was also head of the Ustaša. Their enemies were all Jews, Serbs and Roma gypsies living there. A part of the Serbian inhabitants were forced to convert to Catholicism or were put to death. For Jews and Roma there

were no options, they were sent to death camps. Strangely enough Bosnian Muslims were seen as Croatian Catholics who rejected their native religion (Schuman, 2004, pp. 26). Many Muslims, including YMO supporters collaborated with the Ustaša murders and in parts of what had been Bosnia and Herzegovina-Serbia they attacked and murdered Serbs (Domin, 2001, ch. 5, para 3).

In this period two important resistance forces were born. The first group was the Serbian Chetniks, according to themselves they were the official representatives of King Peter II's government. Initially the Western allies recognized and supported the Chetniks as official representatives of the government (Domin, 2001). The other group was the Partisans, led by Josip Broz, later known as Tito. The Partisans were communists, although they were banned. Josip Broz was a skilled leader and succeed to organize this pariah party (University of Ljubljana, n.d.). Their motto was Death to Fascism; Freedom to the People. Together with his charismatic personality Tito succeeded to win a lot of followers. In the end of 1941 the Chetniks turned against the Partisans and supported Germany and Italy. According to the Chetniks, a Fascism victory would be better than a communism victory (Schuman, 2004, pp. 27).

By the end of 1942 many non-communist's supported the Partisans as the only well organized resistance force. The Partisans came together in a small town in Bosnia called Bihac. The group called itself the Antifascist Council for the National Liberation of Yugoslavia (Schuman, 2004, pp. 28). After this meeting they announced they would support democracy, equal rights for all ethnic groups and a free enterprise economic system (Domin, 2001, ch. 6, para 1). Later on Italy surrendered and the Partisans took control over the parts which were occupied by Italy. Meanwhile another meeting was held and they started to make plans for after the war. Tito would be Prime Minister and Marshall of Yugoslavia (University of Ljubljana, n.d.). As long as one did not vote about the monarchy, the king would be prohibited to enter the country (University of Ljubljana, n.d.). In the Middle East the three leaders, Franklin Roosevelt of the USA, Winston Churchill of Great Britain and Joseph Stalin of the Sovjet Union, came together and reconsidered their position. They announced their full support behind the Partisans, while in the beginning of the war they supported the Chetniks. The Partisans and their ally, the Red Army of the Sovjet Union, fought side by side and defeated the Germans in Belgrade in late 1944. On April 6, 1945, Sarajevo was liberated. Finally, on May 15, the Germans and the Ustaša gave up and surrendered to the Partisans (Schuman, 2004, pp. 28-29).

The birth of Titoism

As announced in the second Antifascist Council for the National Liberation of Yugoslavia meeting Tito was going to run Yugoslavia as a communist nation. According to the original idea of communism all businesses would be owned by the community. The only legal political party is the

Communist Party. Due to this fact there was little tolerance for people with other points of view. In the beginning of Tito's leadership many political opponents were sent to Goli Otok. This was a labour camp on an island in the Adriatic Sea. Political opponents were brainwashed and tortured at this island (van Hengel, 2006, para. 5). One of his imprisoned political opponents of that time was Radovan Karadžić (Schuman, 2004). During Tito's reign he often showed his stalinistic education, also to his political friends (van Hengel, 2006, para.5). Religions were sometimes outlawed but in general it was discouraged. Tito developed a liberalized form of communism; this approach of communism became known as Titoism. For example he held elections, but all candidates were Communists. Pre-war political parties boycotted the elections or were now member of the Communist Party (University of Ljubljana, n.d.). He tried to rebuild Yugoslavia's industry, factories were owned by the Federal Government, huge farms owned by single property owners broke up (Schuman, 2004, pp. 29). As a result many Muslim landowners moved to the cities. Another characteristic of his liberalized form of communism is the formation of workers councils. In most Communist countries factories were controlled from a distance by government officials. Those councils were allowed to hire managers which they chose themselves and to give advice in company policies. This became known as socialist self-management (Domin, 2001, ch. 6). In January, 1946, the new Yugoslavian Constitution recognized five nationalities within its borders: the Slovenes, the Croats, the Macedonians and the Montenegrins. Bosnian Muslims were seen as a separate class with no national identity. Of course Bosnian Muslims proclaimed to be a nationality as well and finally in 1968, Bosnian Muslims were formally recognized as a sixth nationality (Schuman, 2004, pp. 30). .

Also the six traditional Yugoslav Republics were established: Slovenia, Croatia, Bosnia and Herzegovina, Serbia, Montenegro and Macedonia. Two small districts were declared autonomous: Vojvodina to the North and Kosovo to the Southwest (Domin, 2001, ch. 6). Bosnia and Herzegovina was the only republic without a national majority.

Figure 1.2 Socialist Federal Republic of Yugoslavia
(University of Iowa, 2001)



After the Second World War, Bosnia got strengthened. Because of its mountains and location (in the centre of Yugoslavia) it seemed to be a safe place for defence industry and a good home for almost all nations weapons manufactories. More workers chose to work near the factories, so many areas suffered overcrowding. In 1974 Tito's supporters in the assembly elected him President for life. Of the six republics, Bosnia supported Tito the most. This was not strange because Tito had deep roots in Bosnia and Herzegovina. In the eighties, economy started to crack, this was due to a huge amount of foreign debt and weakened industry (Schuman, 2004, pp. 32).

The dismantling of Yugoslavia

At the end of his life Tito did little to correct his nation's financial situation. After his death in 1980, various ethnic groups called for autonomy. Together with the economic situation and the call for more autonomy among the nations, tensions were rising in the region. In 1986, Slobodan Milošević, a Serbian nationalist, became leader of the Communist Party of Serbia (Domin, 2001, ch. 6, para. 3). At the end of the eighties Ante Marković was Prime Minister of Yugoslavia (Samary, 1998, para. 9). In order to improve the economic situation within the Federal Republic, Marković announced economic reforms in order to stabilize the currency and privatization. He also implemented a program of limited trade liberalisation. Only for a short period Marković's reforms had positive effects on the financial status of Yugoslavia (Chossudovsky, 1996). Not only the financial situation was the problem but also the differences in the degree of development between the republics, the opportunity to choose for liberal economics and the prospect to join the EU encouraged the dismantling of Yugoslavia. The situation aggravated when the Western countries decided not to give financial support to Yugoslavia (Samary, 1998). Elections were held in 1990, the Communist Party of Slobodan Milošević won in Serbia and Montenegro. Out of fear of an increasing Serbian influence in the region, nationalistic parties gained power in the other four Federal Republics (Domin, 2001, ch. 6, para.4).

Chapter 2 the cruelties of the Bosnian war 1992-1995

In the first chapter an explanation was given about the turbulent history of Bosnia and Herzegovina. To understand the accords of the Dayton Peace Agreement it is necessary to give an overview of the start and the cruelties of the Bosnian war. The Siege of Sarajevo and the fall of Srebrenica will be discussed. At the end of this chapter the role of the United Nations in this war will be addressed.

The beginning of the Bosnian war

At the end of the eighties, fear for an increasing Serbian influence frightened the region. President of Serbia, Slobodan Milošević, adopted a change in the Constitution which gave permission to annex the autonomous states of Vojvodina and Kosovo (Schuman, 2004, pp. 34). After a rough fight both states were under Serbian control and their governments were eliminated (van Gils & Klep, 2000). During a meeting in 1990, Slovenia demanded more autonomous power. The mainly Serbian influenced Communist Party refused to give this autonomous power to Slovenia and Slovenian representatives left the meeting. A few days later the conference was officially ended and the League of Communists of Yugoslavia decided never to meet again (Schuman, 2004, pp. 39). In 1990, each state held its own elections, also multiethnic Bosnia and Herzegovina. The three main parties existed mainly out of the three ethnicities within the country. Although, Bosnians were proud on their own ethnicity, they had no problems to live together within one building. In that time, roughly 40% of Bosnian marriages were mixed. In November 1990, elections were held in Bosnia; Alija Izetbegović a non communist from the Muslim dominated party (Party of Democratic Action, SDA) became president. The second party became the Serbian Democratic Party (SDP), led by Radovan Karadžić. The six presidents of the Yugoslav Republics met often, in order to keep their nation whole. Croatia and Slovenia favoured total control over themselves. Serbian President Milošević desired a powerful 'Greater Serbia' and threatened to invade parts of Croatia and Bosnia where Serbs were the majority population. Izetbegović came together with the Macedonian representative, with a four-point compromise in order to preserve Yugoslavia, all six presidents accepted it. Unfortunately, this four-point compromise was never implemented (Schuman, 2004). Croatian President Franjo Tuđman and Milošević met secretly. Tuđman was a nationalist, like Milošević, after his elections he took control of the media and adopted a Croatian national flag which was similar to the ultra-nationalist group Ustaša (Historyplace, 1999, para. 9). This frightened the Serb minority in Croatia; it took a short time before gun fights started in Croatian streets. In March 1991, Serb minorities in Krajina (Croatia) declared an independent Krajina, which was only recognized by Milošević. However, there were tensions in Croatia. Serbia and Croatia had a common enemy namely: Bosnia. Both countries desired to obtain land from

parts of Bosnia and Herzegovina where Bosnian Croats and Bosnian Serbs were the majority. During this meeting they decided to divide Bosnia and Herzegovina between their two countries. But, on June 25 1991, Croatia and Slovenia declared their nations independent. Soon The Yugoslav National Army (YNA), controlled by Slobodan Milošević, directly opened fire on Slovenia. This war only lasted thirteen days, with help of the European Community (EC) a cease-fire was declared and a postponement of three months of the Slovenian and Croatian independence. But within three months the YNA had already left Slovenia (Schuman, 2004). The war in Slovenia did not take long due to the homogeneous population composition. Unlike Slovenia, the situation in Croatia was far more complicated. Serbs in Krajina were supported by the YNA, who was led by Ratko Mladić in that region. Croatia lost significant parts of the country to the Serbs. On January 2, 1992, a cease-fire was declared. Only two weeks later the EC recognized Croatia and Slovenia as independent states (van Gils&Klep, 2000, pp. 267).

The YNA used Bosnian territory to attack Croatia. Meanwhile, Bosnian Serb President Radovan Karadžić developed Serb Autonomous Regions with their own legislature within Bosnia and Herzegovina. In December 1991, both the Serbs and Croats living in Bosnia and Herzegovina announced they were forming their own separate republics (Schuman, 2004, pp. 42). In January 1992, Bosnian Serbs declared their autonomous state which consists out of six territories apart from each other. Bosnian Serbs desired to connect those territories and finally are willing to find the connection with Serbia. Only two months later Bosnia and Herzegovina asked for recognition as an independent state. Initially, the EC refused this, but at the end of March, the United States of America gave their support for an independent republic. Out of fear of being controlled by the Muslims, Bosnian Serbs started to blockade roads to the major cities of the country (Zoephel, 1997, para. 4). Since the industrial revolution more Muslims lived in the cities while Bosnian Serbs lived mainly on the countryside. Muslims living on the countryside were forced to leave their homes and arrived as refugees in the main cities (Schuman, 2004). Ethnic cleansing and rape were no longer a rarity. On April 6 1992, the EC and the USA recognized Bosnia and Herzegovina as new independent nation (Daan123, 2009, para. 4).

The siege of Sarajevo

The attacks on Sarajevo officially started on April 6, 1992, when Bosnian Serbs attacked thousands of peace demonstrators in the centre. Daily residents of Sarajevo were under attack of Bosnian Serbs, all roads leading in and out of Sarajevo were blocked and the airport was closed. Around 400,000 inhabitants were captured in their own city. The inhabitants were cut off from water, food, and medication. During the siege thousands of civilians were killed and every offense against human rights was committed, from ethnic cleansing and rape to mass executions and

starvation. During a soccer game in June 1993, fifteen people were killed and over 80 people were wounded. Red Cross trucks which were allowed to enter Sarajevo were often under attack and got destroyed. Frequently maternity wards were hit, mothers and newborns were often killed in those attacks in order to continue ethnic cleansing (Zoephel, 1997, para. 5). One of the most shocking events during the siege of Sarajevo was the attack on a market. 67 people died and over 200 people were injured. After this attack the USA, under leadership of President Bill Clinton, EU and North Atlantic Treaty Organization (NATO), demanded the Serbs to withdraw their artillery, and threatened with air attacks if the Serbs did not withdraw (van Gils & Klep, 2000). Hope arrived in 1995 with the embarking of a cease-fire, but on May first, Bosnian Serbs raided an UN-monitored weapons collection site. Three months later, 37 Muslims died on the Merkala market due to an attack from Bosnian Serbs (Cater & Cousens, 2001). This raised tensions to such an extent that NATO jets attacked Serb ammunition depots. Finally, on October 11, 1995, there was a decisive cease-fire. However, it still took four months before the siege of Sarajevo came officially to an end. After the siege, the number of population has decreased from 650,000 before the war, to 220,000 in 1997 (Zoephel, 1997, para. 6). Nowadays, the number of inhabitants is 392,000 (CIA the world factbook, 2011).

The fall of Srebrenica

While residents of Sarajevo were captured in their own city, something very cruel happened on the East side of the country. Bosnian Serbs surrounded several Muslims cities, one of those cities was Srebrenica. In March 1993, the situation in Srebrenica started to get worse. Philippe Morillon, a French army general, decided to visit the city. When Morillon wanted to leave Srebrenica, inhabitants of the enclave refused his departure. At that moment Morillon has put Srebrenica on the international agenda when Morillon said “You are now under the protection of the United Nations. I will never abandon you (van Gils & Klep, 2000, pp. 110)”. Short after Morillon’s statement an improvised evacuation plan was stopped due to attacks from Serbian side on UN helicopters. In April, 1993, the UN Security Council declared Srebrenica as a ‘safe area’. Bosnian Serb commander, Ratko Mladić, claimed to disarm the enclave. Otherwise he would not leave the direct environment of Srebrenica and he would not allow the arrival of UN peacekeepers (Schuman, 2004, pp. 48). The UN did agree because they did not want to take the risk to disturb the peace negotiations. Unfortunately, those negotiations failed. At that moment the UN asked for ground forces to protect this territory. In March 1994, Dutch Battalion (Dutchbat I, II, and III) arrived in Srebrenica and took the tasks over of the Canadians (van Gils & Klep, 2000). According to van Gils and Klep (2000, pp. 113), Srebrenica was the greatest open-air prison of the world. Over 40,000 Muslims were surrounded by the Bosnian Serb army, under control of Ratko Mladić. The Dutch forces had difficulties with disarming the Muslim prisoners. Bosnian Serbs had far

more and better weapons than Muslim men. The biggest cruelty of the war took place in 1995, when Dutchbat III was ready to leave Srebrenica. Dutchbat II took over the position of Dutchbat III. The reason they left was because of the decision of the Dutch Minister of Defence, Joris Voorhoeve, to not extend the mission in Bosnia and Herzegovina with another six months. It was very difficult to find a successor for Dutchbat III. No country wanted to take the risk to protect the Muslims in the enclave of Srebrenica. Finally, Ukraine decided to replace Dutchbat III. Unfortunately, general Mladić took his chance to attack Muslims in Srebrenica, before Dutchbat soldiers could handover their tasks to the Ukrainians. Dutchbat soldiers did not have enough weapons to scare off the Bosnian Serbs. To obtain more help from the air force's Dutchbat needed to have an approval from the UN and the NATO (van Gils & Klep, 2000). Due to this system and administrative mistakes on the Dutch side, the British-French-Dutch Rapid Reaction Force arrived too late in Srebrenica (Schuman, 2004, pp. 49). Srebrenica was now under control of the Bosnian Serbs and the Dutch soldiers were hopeless and went to their army base in Potočari together with Muslim refugees (Cater & Cousens, 2001). On July 13st, 1995, Ratko Mladić came to Potočari and promised the Dutch soldiers to evacuate Muslim men. The soldiers of Dutchbat helped Mladić's army by separating men and women from each other (van Gils & Klep, 2000). Five days later, the biggest and most cruel tragedy of the Bosnian war was announced. Thousands of Muslim men were systematically killed; women were raped and together with their children transported to Central Bosnia (Historyplace, 1999). Many Bosnian Muslims believe that the soldiers of Dutchbat are guilty due to their help to separate men and women from each other (van Gils & Klep, 2000, pp. 131).

The role of the UN

In resolution 743 of 21 March 1992, the UN found the United Nations Protection Force (UNPROFOR). Initially, this mission was only meant for Slovenia and Croatia. The UN expanded UNPROFOR to Bosnia and Herzegovina in June 1992. Its main target was to re-open the airport of Sarajevo for humanitarian aid. Meanwhile Bosnian Serbs won significant parts of the country. Especially in Eastern Bosnia the situation went out of control (van Gils & Klep, 2000). The UN set up six 'safe areas' namely Srebrenica, Sarajevo, Tuzla, Zepa, Gorazde en Bihac. Those cities were under siege of the Bosnian Serb army, they were now forced to withdraw from the direct environment of above mentioned cities (Daan123, 2009, para. 5). To protect the people within the safe area's 34,000 soldiers were necessary, but only a few thousand arrived. The UN armies did not have heavy weapons. Their main aim was to protect the people and to give humanitarian aid, so only limited action was allowed (van Gils & Klep, 2000). UN Secretary- General, Boutros-Ghali, stated (1994) "The intention of safe areas is primarily to protect people and not to defend territory" (van Gils & Klep, 2000, pp. 112). The blue helmets of the UN peacekeepers had to keep

Bosnian Serbs from fighting. Many times Serbian attacks remained unpunished, this gave them the opportunity to threaten UN soldiers and to use them as human shield. This happened very often, UN soldiers were kidnapped and some were killed (Historyplace, 1999). In 1993, peace-enforcement elements like operation 'Deny Flight', and the blockade of the Adriatic Sea, were added to the peacekeeping mission (van Gils & Klep, 2000). Also Bosnian Croats made it difficult for the UN to give humanitarian support. Over the years many fights between Muslims and Bosnian Croats were fought, they desired to annex the South-West part of Bosnia, where the majority is of Croatian ethnicity (Schuman, 2004). But under pressure of the USA, the Bosnian Croats and Muslims formed a coalition to regain territory from the Serbs (van Gils & Klep, 2000).

The communication between the UN, NATO and the national governments of the member states was really poor (Cater & Cousens, 2001). This resulted in failures of the UN for example what happened in Srebrenica. Karremans, chief of Dutchbat III, had asked for air force four times in order to protect Srebrenica. Only the fourth time this request was approved by the UN. Although the communication between the UN, NATO and national government was far from perfect, also the Non-Governmental Organisations (NGO's) did make it difficult for the UN mission. The NGO's were impulsive and did depend on donations. Their aim was to help people and rebuilt the country without military influences. This made it difficult for the UNPROFOR to collaborate with NGO's (van Gils & Klep, 2000, pp. 118).

During the Bosnian war the UN made terrible mistakes in order to prevent their own soldiers and to avoid risks. At the end of the war Boutros-Ghali confessed that the UN was unable to manage a complex peace operation and it is better to occupy with traditional peacekeeping operations in quite areas (van Gils & Klep, 2000, pp. 127).

The end of the war approached

After the genocide in Srebrenica, the USA raised pressure on the countries of the former Yugoslavia to negotiate for a peace treaty (Schuman, 2004, pp. 50). Before an official cease-fire was declared the USA and NATO gave the Croats the permission to regain Krajina. In Bosnia and Herzegovina the Bosnian Serbs lost much territory due to a Croat-Bosniac coalition. In a few weeks, the Bosnian Serbs occupied less than fifty percent of the country instead of almost 70% a few weeks earlier (van Gils & Klep, 2000). On October 10, 1995, the first real cease-fire was declared. The leaders of Croatia, Serbia and Bosnia went to the USA to negotiate for a peace treaty (Schuman, 2004, pp. 50). The war left many scars in Bosnia and Herzegovina. Before the war Bosnia had a total population of 4 million people. After the war this amount changed drastically. Over 200,000 Muslim civilians were murdered; over 20,000 were missing and over 2,000,000 had become refugees (Cater & Cousens, 2001, pp. 25). Not only Bosnians had to fled also 540,000

What are the influences of the Dayton Peace Agreement in contemporary civil society in Bosnia and Herzegovina?
Anneroos Blok

Serbs were registered as refugees after the war (European Council on Refugees and Exiles, 2010). According to Richard Holbrooke, former USA Assistant Secretary of State, it was “the greatest failure of the West since the 1930s” (Historyplace, 1999, para. 27).

Chapter 3 The Dayton Peace Agreement: a criticising peace treaty

In chapter two an overview of the Bosnian war was given. This chapter will discuss the Dayton Peace Agreement officially named The General Framework for Peace in Bosnia and Herzegovina. This agreement brought peace in Bosnia and Herzegovina and neighbouring countries. Although peace returned there are also several criticisms on this treaty. In this chapter the preparation of the negotiations will be briefly discussed. In the second part of this chapter the agreements of Dayton will be addressed. At the end of this chapter the critiques on the treaty will be discussed. This chapter will give a clear view on the Dayton Peace Agreement, this will help to answer the research question.

Preparation of the peace negotiations

After the genocide in Srebrenica in July 1995 and the attack on the Merkala market in Sarajevo, the International Community was shocked and the pressure among the International Community rose to negotiate about a successful cease-fire and peace in Bosnia and Herzegovina. On October 5, 1995, President Clinton of the USA announced a cease-fire which would take effect in five days (Holbrooke, 1999, pp. 199). Diplomat Richard Holbrooke was appointed by President Clinton to lead the peace negotiations. At that moment Richard Holbrooke was in Zagreb to convince Tudjman to regain more territory. As Richard Holbrooke stated (1999, pp. 199) "You have five days left, that's all, I said. What you don't win on the battlefield will be hard to gain at the peace talks. Don't waste these last days." When Holbrooke left the region they laid down three conditions for the negotiations (Holbrooke, 1999, pp. 200):

1. Each President comes to the USA with full power to sign agreements, without recourse to the national parliaments.
2. The Presidents stay until an agreement is achieved, without threatening to walk out.
3. The Presidents are not allowed to talk to the press and other outsiders.

Fortunately, all three presidents did agree on the above mentioned conditions. Europe accepted the decision of America to host the peace negotiations, except France. To calm down the French Holbrooke and his team kept the possibility open to organise a signing ceremony in Paris (Holbrooke, 1999). In the meantime, USA Secretary of Defence, met with sixteen NATO Defence ministers to establish the first peacekeeping force in NATO's history. This peacekeeping force will be known as the Implementation Force (IFOR). The IFOR exits out of fifty to sixty thousands troops, including NATO troops and non-NATO troops. The main task of IFOR was to ensure that the Dayton Peace Agreement was properly implemented.

Another step in the preparation towards the peace negotiations was the search for a suitable location. This location had to host nine delegations, namely the Balkans countries (Bosnia and Herzegovina, Croatia and The Federal Republic of Yugoslavia), the five Contact Group Nations (USA, Russia, Germany, France and Great Britain) and EU representative Carl Bildt. Another important characteristic of the location was that there was the possibility to seal the location off from the press and outsiders. Soon one found out that a military base would be the best location for the peace negotiations. From three different locations that met the requirements the Wright-Patterson Air Force Base in Dayton, Ohio (USA) did fulfil the needs the most (Holbrooke, 1999, pp. 204).

The ambitious main aim of Richard Holbrooke was to turn the cease-fire into a permanent peace and to establish a multiethnic state (Camisar et al, 2005, pp. 18). At the moment that a suitable location was found and all parties did agree and accept the three above mentioned conditions of Richard Holbrooke, the peace negotiations could start on November 1st, 1995, in Dayton, Ohio (Holbrooke, 1999, pp. 232).

The Dayton Peace Agreement

After three weeks of negotiations the parties did find a consensus on many areas. This agreement was signed in Paris on December 14, 1995. The current peace of Bosnia and Herzegovina is arranged in the Dayton Peace Agreement (Camisar et al, 2005). This research will discuss four aspects of the Dayton Peace Agreement namely: Constitution with the Constitutional Court, High Representative, reunification and refugees and internal displaced persons (IDPs). The Parties mentioned in the Dayton Peace Agreement refers to the Republic of Bosnia and Herzegovina, the Republic of Croatia, the Federal Republic of Yugoslavia, the Federation of Bosnia and Herzegovina and Republika Srpska (Office of the High Representative [OHR], 1995). The reason to discuss only those aspects of the agreement is due to the current influence and developments they have in contemporary Bosnia and Herzegovina. In the following chapter those four aspects will be discussed again.

- The Constitution and Constitutional Court

The Bosnian Constitution is established in the Dayton Peace Agreement to be precise in Annex four. The Constitution learns that the negotiators decided to split Bosnia and Herzegovina into the Federation of Bosnia and Herzegovina with mostly Bosniacs and Croats living in this area. The other part is called Republika Srpska, which is mainly inhabited by Serbs. The Federation of Bosnia and Herzegovina and Republika Srpska are also called the Entities.



Figure 3.1 Inter-Entity boundary Bosnia and Herzegovina (Embassyworld, n.d.)

Both Entities have their own government with their own president. The Federation is composed out of ten cantons with their own Ministers. At the highest level of bureaucracy one finds the National Government with a parliamentary Assembly which exists out of two chambers namely: the House of Peoples and the House of Representatives. The House of Peoples has fifteen members, two third from the Federation (five Bosniacs and five Croats) and one third from Republika Srpska. The delegates of the Federation are selected by the House of Peoples of the Federation. The delegates of Republika Srpska will be selected by the National Assembly of Republika Srpska. The House of Representatives has 42 members, two third from the Federation and one third of Republika Srpska. They are selected by democratic elections within the Entities. New legislation needs the approval of both chambers. The head of the state of Bosnia and Herzegovina is a President. A difference with other countries is that the Dayton Agreement argues a rotating Presidency with three members one Bosniac, one Croat and one Serb. The Presidency will be selected by direct voting in each Entity. Republika Srpska elects the Serbian representative of the Presidency and the Federation elects the Croat and Bosniac representative of the Presidency. As stated in the Dayton Peace Agreement the term of the Presidency will be after the first elections two years, thereafter the Presidency will be chosen for four years. The President has the power to appoint the Council of Ministers and need at least a Foreign Minister, a Minister of Foreign Trade and other Ministers if appropriate. All members of the Council of Ministers need the approval of the House of Representatives (OHR, 1995, annex 4).

Another important part of the Constitution as written in the Dayton Peace Treaty is the composition of the Constitutional Court. This court is composed out of nine members each member is selected for a term of five years. Four members are selected by the House of Representatives of the Federation and two members by the National Assembly of Republika Srpska. The remaining three members are selected by the President of the European Court of Human Rights after consultation with the Presidency. The remaining three judges may not be a citizen of Bosnia and Herzegovina or neighbouring countries. The decision of the Constitutional Court is final and binding (OHR, 1995, annex 4).

- **High Representative**

The Dayton Peace Agreement appoints a High Representative who supervises the implementation of the peace settlement. Main activities of the High Representative which are addressed in the agreement are (OHR, 1995, annex 10):

- Maintain close contact with the Parties to promote their full compliance with all civilian aspects of the peace settlement and to ensure high level cooperation between them and the organizations and agencies in Bosnia and Herzegovina participating in those aspects.
- The High Representative also has the responsibility to coordinate activities of the civilian organizations and agencies in Bosnia and Herzegovina, to ensure efficient implementation of the civilian aspects of the peace settlement.
- He has to send periodical reports on progress of implementation of the Peace Agreement among others to the UN, EU, USA, Russian Federation and all other interested governments.
- He is the chairperson of the Joint Civilian Commission. If necessary he is allowed to establish subordinate Joint Civilian Commissions at local levels in Bosnia and Herzegovina.
- He will meet from time to time with the IFOR commander. And they will stay in close contact.
- The High representative is allowed to establish other civilian commissions within or outside Bosnia and Herzegovina to facilitate the execution of his or her mandate.
- He shall have no authority over the IFOR.

- **Reunification**

According to Mrs M. Sidran Kamišalić (Personal interview, May 27, 2011) this process was also called re-integration. The most important part of the reunification and aim of Dayton was to make the Inter- Entity boundary invisible and to provide freedom of movement throughout Bosnia and Herzegovina (personal communication, May 27, 2011).

The first steps made after Dayton in this process were mostly symbolic, for example the creation of a national flag, composition of a national anthem and the appointment of international ambassadors (Cater & Cousens, 2001, pp.105). Other steps toward reunification were more concrete like common passports, common currency and common licence plates. During and before the war you could recognize on the license plates on vehicles from which city a person was coming from. This was enough to know whether this person was a Serb, Croat or Bosniac. This resulted in violence and discrimination.

- Refugees and internal displaced persons
After the war there were 1.2 million refugees and 1 million IDPs (Cater & Cousens, 2001, pp. 71). This was half of the population before the war. Annex seven of the agreement addresses the consensus reached in Dayton about the return of refugees and IDPs to their pre-war homes. As stated in the Dayton Peace Agreement (OHR, 1995) “The parties confirm that they will accept the return of persons who have left their territory, including those who have been accorded temporary protection by third countries” (Annex 7, pp. 1). The Entities are not allowed to interfere the refugees on their decision on the place of return. The United Nations High Commissioner for Refugees (UNHCR) will develop with the countries involved a repatriation plan that will allow an early, peaceful and orderly return of refugees and internal displaced persons (OHR, 1995, annex 7).

Critics on the Dayton Peace Agreement

After the signing of the Dayton Peace Agreement many professors, journalists and politicians criticised the agreement. In this last part of the third chapter some of those critics will be mentioned. Most critics said that the Dayton Peace Agreement is too ambitious; they wanted to obtain too much. Richard Holbrooke wrote (1998, pp. 233) “What we didn’t get at Dayton we would never get later.” Later on in his book he argued: “While some people criticized us for trying to do too much at Dayton, my main regret is that we did not attempt more” (Holbrooke, 1998, pp. 223).

Elizabet M. Cousens and Charles K. Cater stated (2001, pp. 44) “Perhaps most problematic, Dayton effectively offered no clear, single political outcome for the country. In this respect, it should more accurately be considered an ‘interim’ than a final agreement.” They also address that the Dayton Constitution did not fully address the constitutional balance between Bosniacs and Croats within the Federation. Among others this weak balance within the Federation and the earlier mentioned composition of the Bosnian government after Dayton, makes the single state at the top as weakest level of government (Cater & Cousens, 2001, pp. 103).

Like Cater and Cousens, David Chandler also criticised the function of the State government. Chandler (2000, pp. 65) stated in his book “The cut and thrust of democratic consensus-building, at the level of the tripartite Presidency, Council of Ministers and Parliamentary Assembly, was often seen as an unnecessary delay to vital policy implementation.” He even goes further criticizing the Dayton Peace Agreement. According to Chandler (2000) the influence of the international community written down in the Dayton Peace Agreement is far too large. It does not make an independent and sovereign state of Bosnia and Herzegovina. “The Dayton Agreement was rigid where it concerned the limits to Bosnian self-rule but extremely flexible in relation to the powers which the international community could exercise over this nominally independent state” (Chandler, 2000, pp. 52). Also from the following statement of Chandler he condemns the international influence in Bosnia and Herzegovina “The ‘cumbersome’ need to acquire the assent of elected Bosnian representatives was removed when the Bonn PIC summit gave the High Representative the power to impose legislation directly, giving the international community both executive and legislative control over the formally independent state” (Chandler, 2000, pp. 65).

Chapter 4 the legacy of the Dayton Peace Agreement in contemporary Bosnia and Herzegovina.

In chapter three a brief overview of the content of the Dayton Peace Treaty was given. In this last chapter the influence of the Dayton Peace Treaty in contemporary Bosnia and Herzegovina will be discussed. This last chapter will be crucial for the research and to give an answer on the central research question. In this part the same aspects of the agreement will be discussed as in chapter 3, namely the Constitution and Constitutional Court, High Representative, reunification and refugees and internal displaced persons.

Constitution and Constitutional Court

For Bosnians the Constitution directly refers to the Dayton Peace Agreement. Bosnia and Herzegovina was at time satisfied with the constitution. As Mrs Sidran Kamišalić stated (Personal interview, May 27, 2011) “In that time we were satisfied, it stopped grenades, it stopped shelling and it stopped bombs. We were helpless; we did not have strength anymore. We lost the hope that we will survive.” After the signing of the Agreement everybody was optimistic. According to Mrs Sidran Kamišalić the legacy of Dayton is that Bosnia and Herzegovina survived as nation. At this moment, the Constitution cannot be considered as an efficient Constitution (M.Sidran Kamišalić, personal interview, May 27, 2011). Two years ago the Bosnian government lost a case, known as the Sejdic-Finci case, considering a discriminatory clause in the Constitution. The European Court of Human Rights decided that Bosnia and Herzegovina has to change their Constitution (Amnesty International, 2011). Right now in 2011, over fifteen different minorities live in Bosnia and Herzegovina, but according to Dayton those minorities are not allowed to vote or to be elected for the parliament. Even two years after this judgement this is still not changed within the Constitution (M. Sidran Kamišalić, personal interview, May 27, 2011).

Another reason to review the Constitution is because of the many levels of bureaucracy. In chapter three the Constitutional State of the country was briefly discussed. Both Entities have their own ‘government’ with their own Ministers. Above that, the Federation is composed out of ten cantons with each their own presidents and Ministers. All ministers and presidents have diplomatic privileges. This costs a lot of money for the country. The Venice Commission wrote in their report of 2005 that more than 50% of the Bosnian GDP goes into financing the bureaucracy. Expenses for payment of civil servants are growing, for a poor country as Bosnia and Herzegovina this will be impossible to finance (The Venice Commission, 2005, pp. 13). Also Mrs. Sidran Kamišalić (personal interview, May 27, 2011) mentioned the complexity of the Constitution and the desire to review it.

Another difficulty of the Bosnian Constitution is the composition of the Constitutional Court. As mentioned in the previous chapter the Constitutional Court has nine members, four from the Federation, two from Republika Srpska and three international judges who were appointed by the President of the European Court of Human Rights (OHR, 1995, annex 4). Current President of Republika Srpska Milorad Dodik called a referendum with the following question: Do the citizens of Republika Srpska support imposed decisions of the Office of the High Representative (M. Sidran Kamišalić, personal interview, May 27 2011)? Dodik sticks by the Dayton Peace Agreement, but decisions made concerning the Constitutional Court by several High Representatives after Dayton are not part of the Agreement according to Dodik (M. Verheijden, personal interview, May 31, 2011). He also does not trust the Bosnian and international judges (M. Sidran Kamišalić, personal interview, May 27, 2011). Under pressure of the UN and EU, under leadership of Mrs. Ashton he postponed this referendum (M. Verheijden, personal interview, May 31, 2011). According to Mr. Verheijden of the Dutch Ministry of Foreign Affairs this situation was very unfortunate. A referendum of this nature damages the sovereignty of Bosnia as a state (M. Verheijden, personal interview, May 31, 2011). Mrs. Sidran Kamišalić (Personal interview, May 27, 2011) stated that the presence of the international judges is very important for continuity, involvement and expertise. Their mandate is prolonged some cases are still not finished. On the question what Bosnian citizens think of the presence of the international judges in Bosnia and Herzegovina, Mr. Verheijden (Personal interview, May 31, 2011) and Mrs. Sidran Kamišalić (Personal interview, May 27, 2011) both answer that people of the Federation are glad with the presence, while the main part of Republika Srpska would have seen the departure of the International Community rather yesterday than today. As Mrs. Sidran Kamišalić expressed (Personal interview, May 27, 2011) “We still cannot say that the trust is there. We faced the past and we believe each other, until it is like that we cannot say we have enough capacities for all cases.”

High Representative

The most important person of the international authority in Bosnia and Herzegovina is the High Representative under guidance of the Peace Implementation Council (PIC). After the first years of the implementation of the Peace Agreement, the reliance on the international authority increased in Bosnia and Herzegovina in order to respond to noncompliance by the Parties to Dayton. There were especially a lot of problems with the reunification of the country and Bosnians. In 1997, the PIC met in Sintra, Portugal and a few months later in Bonn, Germany. During those meetings the High Representative gained more authority (Cater & Cousens, 2001, pp.129). The High Representative was given creative authority to develop and establish laws which were otherwise blocked by the Bosnian government (Godfroid, 2011, para 5). Since that time most legislation has

been established by the High Representative including common currency, election and a uniform vehicle license (Cater & Cousens, 2001). Many civil servants were discharged even a President of Republika Srpska (Lippman, 2007, para. 3). In 2002 the High Representative was also appointed as EU special representative (Amnesty International, 2011). As you see the jurisdictions of the High Representative raised over the years. Those jurisdictions are also given to current High Representative, Valentin Inzko, who has had a very complicated case in May of this year. There is still no government in Bosnia and Herzegovina since the elections which were held in October 2010. Dodik calls for a referendum and meanwhile the Bosnian Croats established a National Assembly who desires a Croat Entity within Bosnia and Herzegovina. The High Representative has a lot of influence and power to solve this problem, but if he decided to declare this referendum void Bosnian Serbs would be furious. If he does not do anything the Bosniacs will be angry (Godfroid, 2011, para 5). This example demonstrates the current influence of the High Representative in Bosnia and Herzegovina. Every decision he makes is in order to monitor the implementation of the Dayton Peace Agreement. Every Bosnian within the borders of Bosnia and Herzegovina has to respect those decisions (M. Verheijden, personal interview, May 31, 2011).

The mandate of the High Representative has been prolonged for several times. In February 2008, the PIC decided to review the closure of the Office of the High Representative, which was planned for 30 June 2008 and to extend the mandate for indefinitely time until more positive progress is made in Bosnia and Herzegovina (OHR, 2008). In a few years the International Authority in Bosnia and Herzegovina must be diminished. Most countries see a future for Bosnia and Herzegovina within the EU. As mentioned above the function of EU special representative is now coupled with the High Representative. Current developments show us that the Mrs. Ashton, EU High Representative of Foreign Affairs, created a plan that the functions of the High Representative and the EU special representative will be pull apart in order to improve the influence of the EU, and to improve negotiations between Bosnia and Herzegovina and the EU. The EU special representative must be the person where the Bosnians are listening to; if this is reached the position of the High Representative will be discussed (M. Verheijden, personal interview, May 31, 2011).

Reunification

The first steps in order to reunification were very concrete and important to obtain freedom of movement throughout Bosnia and Herzegovina and make the Inter-Entity border non-existent. One had to become common citizens. This was necessary in order to feel safer. The High Representative decided to create a national flag, emblem and anthem. Until now the melody of the national anthem is still the same but the National Parliament still did not agree on the lyrics (M. Sidran Kamišalić, personal interview, May 27, 2011).

One of the biggest success stories about the reunification of Bosnia and Herzegovina after Dayton is visible in Sarajevo in the Grbavica district. Before the war this neighbourhood was mainly inhabited by Bosniacs. During the war this part became under control of the Bosnian Serbs. After reunification one succeeds to let the Bosniac refugees return to this neighbourhood. Right now both Bosniacs and Serbs live together in the same area (M. Sidran Kamišalić, personal interview, May 27, 2011). Also in the city of Tuzla citizens maintained a multiculturalism city. As Miralem Tursinovic noticed (as cited in Kasic, 2011, headline): “Multiculturalism in Tuzla survived the war in Bosnia and Herzegovina and it has weathered all the challenges of post-war reconstruction solely owing to its citizens, rather than its political elites or non-governmental sector.” Another example is the unification of the three separate armies into one Bosnian army, which functions in an adequate way (Lippman, 2007, para. 2).

Unfortunately, it seems to be very hard to make the Inter-Entity boundary non existence, although this is connected with the political relations between both Entities. Over the last years those borders only became stronger and stronger (M.Sidran Kamišalić, personal interview, May 27, 2011). One of the causes of this poor development is Dodik’s statements. According to Mr.Verheijden (Personal interview, May 31, 2011) it is also important that the Serbian President, Boris Tadic, does not have the urge to support Dodik. Sometimes in public affairs it looks like that the two presidents are very close with each other, but in combination with Dodik’s statements this is very unwise to do. Another reason is the lack of information about each other. As stated by Miralem Tursinovic (cited in Kasic, 2011, para. 7):

“The major consequence of ethnic division of the country are generations of young people who do not know anything about the ‘other’, and whose antagonism towards that ‘other’ is not based on fear or inherent hatred, but rather on a complete lack of understanding the other – namely, sheer ignorance and absence of opportunities to get to know each other.”

Many Bosniacs are still waiting for the message of the Serbian government, to declare to Bosnian Serbs that Sarajevo is their capital and not Belgrade and that Bosnia and Herzegovina is their country not Serbia (M. Sidran Kamišalić, personal interview, May 27, 2011).

Refugees and internal displaced persons

After the war more than 1.2 million peoples left their homeland and one million were internal displaced (Cater & Cousens, 2001, pp. 72). In the Dayton Agreement is written that every refugee has the right to return to his or her home of origin. Nobody is allowed to interrupt this process (OHR, 1995, annex 7). Unfortunately, the repatriation plan, made by the UNHCR of 1996 did not work out well. In the four succeeding years after the Dayton Agreement, only 349,969 refugees

returned (Cater & Cousens, 2001, pp. 73). In the first six months of 2010 only 181 refugees returned (Human Rights Watch, 2011, para. 3). If you look at the overall figures right now it looks like many refugees have returned. Sadly, the reality is different than the figures show. Many refugees have returned but have sold their property and afterwards left Bosnia and Herzegovina again. At this moment around 1.3 million Bosnians live abroad without having the status of refugee (M. Sidran Kamišalić, personal interview, May 27, 2011). The same numbers are visible with the IDPs. At the end of 1999 there were still 830,000 IDPs (Cater & Cousens, 2001, pp. 75). In the first six months of 2010 only 177 IDPs returned (Human Rights Watch, 2011, para. 3). According to the Internal Displacement Monitoring Centre (IDMC) a total of 580,000 IDPs did return to their place of origin. Although violence decreased in the return areas, discrimination continued to limit returnees' access to public services and sustenance (IDMC, 2011).

There are many reasons why refugees and IDPs do not wish to return. One of the reasons is the establishment of the Inter-Entity border. Many Bosnian Serbs who lived in the current Federation are now living in apartments of Bosniacs and Croats who lived in nowadays Republika Sprska and vice versa. Everything is interconnected with each other. Other reasons are people's unwillingness to return to areas where most residents are of a different ethnicity and the lack of economic opportunities (Human Rights Watch, 2011, para. 3). According to Mrs. Sidran Kamišalić (Personal interview, May 27, 2011) it was up to local leaders to provide a sincere environment where returnees were not attacked and that they feel safe. She also mentioned that the return of property is a success but that the refugees left again is a failure. Mr. Verheijden (Personal interview, May 31, 2011) argued that this decision remains an individual decision of a person. Processes like the return of refugees are very difficult to control. You can create the conditions and implement them but you do not have control over the results.

Right now they also see the advantages of those Bosnians living abroad, also known as Diaspora. The Diaspora creates a very important bridge between Bosnia and Herzegovina and different countries all around the world. Many of them come with large broader minds and have had good education. Bosnia and Herzegovina missed this progress (M. Sidran Kamišalić, personal interview, May 27, 2011). Mr. Verheijden (Personal interview, May 31, 2011) noticed that the Diaspora will return when the economic circumstances in Bosnia and Herzegovina are prosperous. Mrs. Sidran Kamišalić stated (Personal interview, May 27, 2011) "We are proud that they can be spokespersons of the Bosnian identity."

To conclude, this chapter demonstrated that the Dayton Peace Agreement left a clear legacy in Bosnia and Herzegovina in several aspects, from the International Authority until the return of

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Anneroos Blok

refugees and reunification. This part of research was very important in order to answer the research question in the last part of this report.

Conclusion

In the first part of this research, the historical development and historical aspects of Bosnia and Herzegovina were discussed. This historical part was necessary in order to understand the second part of the research, namely the Bosnian war. This war resulted in the construction of the Dayton Peace Agreement. This Agreement is shortly present in the third part of this research. Not only is a part of the Agreement discussed but also several critics on the Dayton Peace Agreement were briefly addressed. In the last part of this investigation the legacy of the Dayton Peace Agreement in contemporary Bosnia and Herzegovina is put out. In this last part the same topics as in chapter three of this research of the Dayton Peace Agreement have been discussed.

The historical development showed us that Bosnia and Herzegovina has always been a multiethnic state. Many wars were fought with neighbouring countries and many times the country was part of a larger kingdom. Due to those developments many people converted to the Islam while some remained Catholic and other parts of the country choose for Christian Orthodoxy. This religious diversity created a country with a lot of tensions between the different religions. During the Second World War significant parts of Bosnia were under control of Croatia which was an ally of Fascist Italy and Nazi Germany. During this time many Serbs were expelled to death camps. After the war Tito, a communist, established the Socialist Federal Republic of Yugoslavia. After Tito's death, the desire to be independent within the Federal Republics increased. Serbia elected Slobodan Milošević as President, because he announced the desire of a 'Greater Serbia'. Fear was threatening the region, especially on places where Serbs were the majority. More nationalistic feeling grew in the region.

In the second part the Bosnian war is discussed. This war was full of cruelties like ethnic cleansing in Eastern Bosnia and the siege of Sarajevo. The UN played an important role within this war and we have seen that they made some terrible mistakes. After cruel attacks on Bosniac areas, the International Community, led by the USA, decided to intervene in the war. In October 1995 difficult peace negotiations started in Dayton, Ohio (USA). Results of this Peace Agreement have influenced the Bosnian society for years and are still influencing the region, as we have seen in the last chapter of this research.

In the final part of this research the legacy of the Dayton Peace Agreement in contemporary Bosnia and Herzegovina is discussed. In this chapter I have studied the following accords of the Peace Agreement:

1. Constitution and Constitutional Court

2. High Representative
3. Reunification
4. Refugees and IDPs

After the research in chapter four, I can now answer the research question: What are the effects of the Dayton Peace Agreement in contemporary civil society of Bosnia and Herzegovina? Citizens of Bosnia and Herzegovina often have to deal with the legislation formed as in the Dayton Peace Agreement.

To start, the High Representative gained more and more control after signing the agreement. Those decisions and laws, drawn up and implemented by the OHR have influence on every single citizen of Bosnia and Herzegovina. It needs no explanation that those regulations are there for all civilians.

Secondly, the Constitution of the country was written in the agreement. Although the main aim of Richard Holbrooke was to create a multiethnic state, Bosnia and Herzegovina became a state with two Entities. This decision left a lot of influence in contemporary civil society. Sixteen years after the war, many Bosnians are still living in fear which is mostly created by the other ethnicity. This does not reduce the visibility of the Inter-Entity boundary and it does not encourage IDPs and refugees to return to their pre-war homes. Also the speeches and statements of Milorad Dodik, President of Republika Srpska are concerning. Dodik called for a referendum concerning the credibility of the Constitutional Court. This results into fear among Bosniacs and fear of a division of the country.

The Constitutional State as described in the Dayton Peace Agreement is expensive and complicated due to the many layers of bureaucracy and the composition of the National Assembly and Presidency. This led to many delays. Also after the elections of October 2010, Bosnia and Herzegovina still did not form a government. Meanwhile Bosnian Croats boycotted the formation and formed their own National Assembly, with the desire to form an Entity. The Constitution also has a discriminatory clause. Only Serbs, Croats and Bosniacs are allowed to vote and to be member of the National Assembly, all other seventeen minorities are excluded from elections.

To reduce the influence of the Dayton Peace Agreement it will be important to get to know each other, to accept each other and to review the Dayton Peace Agreement. If this happens in Bosnia and Herzegovina the International Community will decrease their authority, the Inter-Entity boundary will be invisible and even with so many layers of bureaucracy the state, as described in the current Dayton Peace Agreement will function.

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Appendices

Appendix 1 Summary of the interview with Mrs Miranda Sidran Kamišalić

Appendix 2 Summary of the interview with Mr. Mauritz Verheijden

The Hague, May 27, 2011

Summary of the interview with Her Excellency Miranda Sidran Kamisalic. Ambassador of Bosnia and Herzegovina, in the Kingdom of the Netherlands.

Re-unification

Did you think that the reunification after the war was a success?

They called this process also re-integration. The first steps were very concrete changes: to provide freedom of movement throughout Bosnia and Herzegovina. Make the borders non existence. Registration plates were unified. It was important to become common citizens. It was necessary to feel safer, it achieved it.

The High Representative decided to have an unified emblem, flag and anthem. Provocation to use war symbols was abolished. At this moment they did still not agree on the text of the anthem, melody is still the same. Main feeling is successfully done in the city of Sarajevo. In Grbavica, a neighbourhood in Sarajevo, Bosniacs were able to return to this neighbourhood after the war.

Refugees

Did the repatriation plan of the UNHCR work?

Figures make you content 99% returned took their places of origin. The reality is different than the facts. The property returned, afterwards they sell it and left again and never came back. 1, 3 million Bosnians are living around the world that does not have the status of refugee, this talks only about Bosniacs. The Diaspora will grow because of the new generation. Success story is the return of property, but tragic that they did not stay.

So we can say that this part of the agreement failed?

We can't say that the peace treaty did not work at this point. It was done. It was up to local leaders to provide a sincere environment. Where returnees weren't attacked and that they feel safe. You cannot blame the International Community that the refugees did not dare to stay in Bosnia and Herzegovina. Many Serbs felt the same for Sarajevo they considered Sarajevo as a Muslim city. 1/3 of the federal institutions are Serbs they face the same problems.

Why did Serbs not return to Republika Sprska?

There is an agreement which is signed by Serbia, Bosnia and Herzegovina and Croatia. It is called the Igman initiative. Everything is interconnected, apartments were changed, Serbs lived in houses of Muslims and Muslims in houses of Serbs. Every single family does not want to live in somebody else's family home, it's all interconnected. Political circumstances are sometimes not allowing this. 16 years after the war there is a new generation and people feel at home at their home city after the war, they do not know their cities where they are originally from. We don't give up, we are trying to encourage them to come back.

Reconciliation, re-building of societies and war crime tribunals must still be done. In 1961 there was still a Nuremberg tribunal. It takes time, we are glad to see democratic changes in our neighbouring countries because that is the guarantee that we have security and stability of the people in our own country.

Do you think those immigrants could be very important to re-build to country and the economic growth? Will they slow down the progress?

After the war we faced many different processes

War/ peace

Yugoslavia/ independency

Communism/capitalism

This transition is still going on. The old generation still directs. It is full with up and downs. Diaspora can be our most important assist. They come with large broader minds, they studied at universities. We missed this progress in our country. They are very eager to invest in the country, they contribute a lot when they come as tourist. Diaspora is our bridge towards different societies, countries. A tool of showing, who we really are. We do have a bad image in other countries especially if they do not know much of us. The Diaspora is highly integrated in other societies. We are proud that they can be spokespersons for the Bosnian identity. It is important for us to show people who we really are. We should not use the term tolerance anymore; it's losing its meaning. This term becomes more and more something like you are unbearable but I will tolerate you. Better to use the term I accept you. Bosnians need to travel, learn and read about each other and then we can accept each other.

Constitutional court

Are there still three international judges in Bosnia and Herzegovina?

President Dodik, complaints and made statements about the state courts that they don't need international judges, he doesn't trust them and he doesn't trust Bosniacs. It was a speech of hatred and against the Dayton Peace Agreement. One judge died he was Bosniac, the mandate of the international judges is now prolonged. Despite the dissatisfaction of Republika Srpska, it is very important to have continuity, their involvement and expertise. Now he switched and proposed a referendum with as question: Do the citizens of Republika Srpska support imposed decisions of the Office of the High Representative. Under pressure of the UN and EU he postponed this referendum. There has already happened too much from Dodik, I do not understand why they don't use the Bonn powers to move him from his office.

Do tensions rise again?

There is no more fear of war. We established some formal relations with the EU. We are moving slowly towards our status of Candidate country. First priority is NATO, we also move very slowly to NATO membership. There are invitations to divide the country into two countries, those invitations always arrive from one political leader (Milorad Dodik). But no, there is no more fear of war.

Why is it important to prolong the mandate of the international judges?

One is budget, so much is invested by EU member countries there are cases that are started, and there is expertise and experience. We still can't say that the trust is there. We faced the past and we believe each other, until it is like that we cannot say we have enough capacities for all cases. Leaders of Republika Srpska will say there is no need to let them stay there. Members of the Federation do think different about that.

How long do you think they have to stay?

As soon as we have settled our internal disagreements they can leave. I had my expectations in 1995 when the Dayton Peace Agreement was signed. I expected that we would be EU member by 2000; I never thought Bulgaria and Romania would be EU member countries before Bosnia and Herzegovina, Croatia and Serbia. Now, what can really say with 100% certainty is that we have to work really hard day and night, to rebuild the trust, industry, economy, societies and to establish democracy. As much this is growing in our neighbouring countries, we can only measure the growth of values in my country and the growth of the same values in neighbouring countries. We

need the message of Serbia to Serbs in Bosnia that Bosnia and Herzegovina is their home country and not Serbia. That Sarajevo is their capital and not Belgrade. We are still waiting for such a message from Serbia, without this message Dodik extremism is growing. We have heard it from Croatia and Zagreb to Bosnian Croats in Bosnia. We will build our neighbouring contacts in the best possible manners.

Do you think that Serbs in Bosnia and Herzegovina do depend too much on Serbia?

I can't agree on the term depend. Majority of Bosnian Serbs do not see Bosnia and Herzegovina as their homeland.

Is Dodik influencing them?

Whom? The Bosnian Serbs? Yes sure, definitely

Constitution

Our constitution is only one annex of the peace agreement. It is written down in Dayton. In that time we were satisfied, it stopped bombs. We were helpless, we didn't have strength anymore. We lost the hope that we will survive. We only had one condition before entering the negotiations and that was the return of refugees. In that time half of the population was expelled. We are accepting the two entities. The legacy is we survived as a nation. This is the success part, it stopped the killing and shells. We were optimistic in that time. Instead of erasing the Inter- Entity borders, somehow those border became stronger and stronger, this is the failure of the Dayton Peace Agreement. In 2005 was the time to review the agreement. We haven't done. Now we are in 2011, the country still has two Entities, Republika Srpska is almost homogeneous. The Federation has ten cantons, we should change the constitution. There is a judgement of the European Council of Human Rights that we are obliged to change the constitution because there is discriminatory clause in the constitution. We have seventeen national minorities but for them it's not possible to vote and to be elected for the parliament of going for the presidency. Even two years after this judgement we did not change it. It cannot be considered as good and working and efficient constitution. A document that was done under the gun point. General elections were in October 2010, we still do not have a government on the state level. We also have to change the electoral rule. We have to work hard for this.

There are many discussions going on to organize a new conference, to upgrade and review the constitution. My opinion is that we really need it. Maybe now we can connect it with the arrest of Mladic. Or when Serbia acquires the candidate status, we need more international engagement.

Do you think now Ratko Mladic is arrested this will improve the relation between Serbia/Bosnia and Herzegovina and Republike Sprska?

It is a difficult question. It is as difficult it was for Serbia to deliver him. It was very difficult for them; finally they realized they had to do it. We have to think about tomorrow. I believe: Let the court do their job and more fast than normal. We don't have the time and strength left anymore to celebrate the arrest. What is there to celebrate, if can celebrate the dedication of Serbia to arrest him, we can celebrate that a war criminal faces justice, we can celebrate that justice exists. Those celebrations would be proper and in time if this happened up the indictment. You become somehow disappointed and sad. You don't believe it anymore if its really him. You just get tired of all this. But you are happy for your neighbouring country that they move towards membership of the EU, as a region if we have to try to walk faster to European standards. In the beginning I always said that they were hostages of this situation to have Ratko Mladic in their country and then secondly the region. Serbia will have support from the EU.

Did Dayton fail or did it work out?

It's like a lifetime of a person, you are successful when you were young but when you're older it changed. Dayton was necessary it was a success in 1995, not to upgrade it in 2005 was a failure of the International Community not to recognize that the time is ripe. To sit around the table with leaders of that time, sit and discuss with one goal: to upgrade the constitution, to bring it in terms with the European Convention of Human Rights, to see if we have too much institutions. The Dayton Peace Agreement as it has shown success in 1995 it has failed in 2005 it has lost the opportunity to involve and to show and prove it's a vivid thing it can be amended.

Could we say this decision stagnated the development in the country?

It stagnated and it retarded it. We missed many trains. Constitution is too expensive and complicated, we are losing time. I am wondering if the International Community will now make some decisive actions.

We could say that Bosnia and Herzegovina is still depending of the International Community to realise this constitution?

If we change the Constitution in favour to strengthen the state. If we erase some institutions, we don't need fifteen Ministers in every canton. There are many ideas. If we do it now we will save money. I'm not an optimist.

Den Haag, 31 mei, 2011.

Samenvatting interview Dhr M. Verheijden Ministerie van Buitenlandse Zaken, Afdeling Westelijke Balkan.

Je hebt Dayton als het verdrag van 95 en je hebt alle besluitvorming die na Dayton is gevolgd. Als gevolg van de Hoge Vertegenwoordiger die er op toe ziet of Dayton wordt nageleefd. De Hoge Vertegenwoordiger wordt gesteund door de Peace Implementation Council. Ook de besluitvorming over een bepaalde rechtbank is daarna gekomen, toen Wolfgang Petrich Hoge Vertegenwoordiger was. Een paar van die besluiten na Dayton worden betwist door Dodik. Hij zegt: Ik hou me aan Dayton maar ik voel me niet gebonden met alles wat daarna ons door de maag is gesplitst, als zijnde horende bij Dayton maar dat is het niet het kwam pas jaren later.

Het standpunt van Nederland is heel helder. Je hebt Dayton en je hebt de Hoge Vertegenwoordiger die er voor zorgt dat Dayton wordt nageleefd en die ook de bevoegdheid heeft om bepaalde wetgeving in te trekken en instituties in te stellen. Alles wat die succesvolle Hoge Vertegenwoordigers hebben gedaan is het nalatenschap van Dayton en dat is wetgeving en daar heeft iedereen in Bosnië zich aan te houden en mee te maken. In dat specifieke geval van die rechtbanken is dat niet alleen het besluit van de Hoge Vertegenwoordiger geweest, maar dat staat in de wetgeving en dat is door de parlementen aangenomen. Je kunt je niet daar aan onttrekken. Vandaag is een zitting in de Republika Srpska over het intrekken van dit referendum.

Denkt U dat het gezegde van uitstel komt afstel hier te gebruiken valt? Of denkt U dat hij het referendum toch door laat gaan?

Ik denk dat ze het niet door laten gaan. Het is onderdeel van een deal tussen Ashton en Dodik. Ashton is in Banja Luka geweest, het referendum is een ongelukkig idee, het tast de soevereiniteit van Bosnië aan. Dodik heeft beloofd het referendum in te trekken, uiterlijk deze week moet dat gebeuren. Als beloning zal EU Commissaris Füle een dialoog gaan voeren met de Bosnische vertegenwoordiger of de justitiële instellingen. Een dialoog zoals deze is niks nieuws, hebben heel veel dialogen met Bosnië. Het past in het EU toenaderingstraject. Daar staan om de zoveel tijd overleggen gepland, justitie en binnenlandse zaken is een onderdeel van het dossier. De EU is vrij unaniem in het oordeel dat je niet moet gaan tornen aan Dayton. Opstelling EU is helder geen concessies.

Wat vinden Bosniërs van de aanwezigheid van the international community.

Bosniëken vinden het belangrijk dat ze blijven. Serviërs en Kroaten zijn het liefste de internationale aanwezigheid gisteren al kwijt. Dit heeft veel te maken met wie de agressor was en wie zich moest verdedigen. Bosniëken hebben het gevoel, dat zij zich nog moeten verdedigen.

Is dat uit angst?

Ja, uit angst en ook wel gewoonte.

Hoe staat Nederland daar in en de EU. Bosnië wil lid worden van de EU. Dat vergt een bepaalde omslag, je kunt niet als internationaal protectoraat lid worden van de EU. Je zult hoe dan ook af moeten komen van de Hoge Vertegenwoordiger. De vraag is wanneer dan?

Mevr Ashton heeft een nieuw plan geleverd en dit is aangenomen. Dat voorziet van het creëren een nieuwe hoge functie van de EU in Bosnië. EU Speciaal Vertegenwoordiger is nu ook gekoppeld aan de Hoge Vertegenwoordiger. Wij willen de EU meer profiel geven, functies moeten los getrokken worden. De EU Speciaal Vertegenwoordiger wordt dan ook nog eens hoofd van de EU delegatie in Sarajevo. Al die activiteiten komen in een hand, deze persoon wordt deze week benoemd. Hij moet zich uiteindelijk gaan ontwikkelen naar de persoon naar wie ze gaan luisteren en die serieus wordt genomen in Bosnië. De EU hoopt die balans op te laten schuiven naar het EU vlak. Als dat gedaan is en wordt er dan meer naar de EU geluisterd en vinden er veranderingen plaats conform de EU maatstaven. Dan moet er gesproken worden over de functie van de Hoge Vertegenwoordiger. Nu denk ik dat grote landen als de Verenigde Staten en Rusland een toekomst zien voor Bosnië in de EU. De Amerikanen zeggen heel vaak tegen de EU, je moet jezelf eerst bewijzen daarna willen wij pas gaan nadenken over de functie van de Hoge Vertegenwoordiger.

Er zijn al zoveel lagen van bureaucratie in Bosnië en er zitten heel veel internationale commissies en delegaties. Zal een extra instelling van de EU de rechtsstaat niet nog meer vertragen?

De grondwet is zeer ingewikkeld.

De EU gaat geen bureaucratie inbouwen, het is geen extra bestuurslaag. We zien het liefst zo min mogelijk bureaucratie. Een deel is ingebakken door Dayton. De discussie hoe je dit gaat oplossen moeten ze zelf doen. Ik kan me in de toekomst voorstellen dat je Dayton gaat veranderen. Dat kan alleen maar als alle partijen in Bosnië daarin kunnen instemmen. Bosnië is een soeverein land en ze moeten er zelf uitkomen. De EU kan alleen maar aangeven, als je lid wil worden van onze club zal

je aan de voorwaarde moeten voldoen. Ze zijn lid van de VN maar dat is iets heel anders. Dit is de belangrijke club voor Bosnië.

Functioneert de rechtsstaat zoals beschreven in Dayton?

Ik geef je mijn persoonlijke mening: het komt over als vrij bureaucraties. Het is heel duur, cantonaal niveau heeft ministers met eigen autos. Dat is niet snel te veranderen. Dit neemt niet weg dat als politiek de neuzen dezelfde kant op zouden staan, kan het zelfs met dit systeem werken en zal er geen vertraging worden gelopen. Je kan dan laten zien dat je echt lid wil worden van de EU. Bosnië moet bereidt zijn om moeilijke stappen te zetten.

Hoe denken zij er zelf over?

Dat zou je ze zelf moeten vragen. Waarschijnlijk vinden ze er dat er teveel bureaucratie is en dat het te duur is.

Heeft de reunificatie geholpen die werd ingevoerd na Dayton? Zoals een nationale vlag, volkslied en een nationaal paspoort.

Het is van groot belang dat er verzoening plaats vindt. Al die dingen kunnen helpen, het is voornamelijk symbolisch. Het zal niet helpen als het van bovenaf wordt opgelegd. Laten we het verleden onder ogen zien, laten we het dialoog aan gaan en laten we vooruit kijken. Dit ontbreekt. Bosniaken hebben dit wel Serven minder. Verzoening is belangrijk daarom is het belangrijk dat oorlogsmisdadigers worden opgepakt en worden berecht. Er lopen er nog tal rond. De landen zelf moeten ook mensen oppakken en berechten. Etnische Serviërs moet ook in Republika Srpska worden opgepakt en worden berecht en vica versa voor een Bosniak. We zijn daarvan ver verwijderd. Mensen moeten het onderscheidt gaan maken tussen collectieve verantwoordelijkheid en individuele misdaden. Het zijn misdaden en die mensen moeten bestraft worden. Servië doet dit op dit moment goed.

In het verdrag van Dayton is afgesproken dat er een repatriation plan moet worden gemaakt, dit plan is er gekomen maar is het ook effectief geweest?

Bepaalde zaken maken geen keer. Landen moeten alles doen om terugkeer van vluchtelingen mogelijk te maken daar horen eigendomsbewijzen bij. Het is onderdeel van de eisen die de EU stelt. We moeten beseffen, er zijn grenzen van wat je kan verwachte aan daadwerkelijke terugkeer. Ook al zijn de condities er. Het blijft een individuele beslissing van de vluchtelingen. Daar komt de economische situatie bij. De Diaspora zal terugkomen als het goed gaat met de economie. Dit soort processen kan je heel moeilijk sturen je kan wel de voorwaarde scheppen

schrijven en implementeren. Maar je hebt verder niet in de hand. Hoe langer het duurt des te moeilijkhet wordt.

Denkt U dat de relatie tussen Servië, Bosnië en Republika Sprska zal worden verbeterd of zal worden verslechterd na de arrestatie van Ratko Mladic?

Ik denk dat de houding van Servië belangrijk is. Dat Mladic is gearresteerd is heel goed. Iedereen heeft daar positief op gereageerd in Bosnië. Het knelpunt is voornamelijk in hoeverre zij (Servië) Bosnië als soeverijne staat zien en dat ze Dodik niet te veel steunen. Gelukkig doet de president regelmatig uitspraken daarover. Je ziet dat tijdens gezamenlijke optredens Dodik tegen de Serven aanschurkt en vice versa. In samenwerking met zijn uitlatingen zie ik dat als minder gewenst. Ook voor Servië is Dayton heilig en er mag van hen ook geen opsplitsing van Bosnië en Herzegovina plaatsvinden.