

False Dawn: Bosnia Ten Years after Dayton

By Julie Mertus | November 23, 2005

Ten years ago, I wrote an op-ed piece in the *New York Times* urging that Kosovo Albanians be included in the Bosnia peace talks then being held in Dayton, Ohio. I warned that the nonviolent strategy of Kosovo Albanians was endangered by an increasingly impatient population which was beginning to believe that the United States would only recognize their plight if they took up arms.

The negotiating team in Dayton completely ignored my warning. The Milosevic regime, however, did not.

After the op-ed was translated into Serbian and Albanian and published in local papers, Serb police began rounding up my friends and acquaintances, questioning them about my human rights and humanitarian activities in the region. I found myself outside the country and unable to return. I knew I was on to something. When the violence continued to intensify in Kosovo, it was too late to bemoan the failure of the international community to act earlier.

Ten years have passed since the main parties to the Balkan Wars gathered in Dayton to hash out a cease-fire arrangement. Their agreement was praised for ending the brutal conflict in which civilians bore the brunt of wartime atrocities. Yet it was also roundly criticized for rewarding the aggressor and cementing ethnic tensions into the architecture of the new state. The signatories to the agreement included two politicians from neighboring states who had long disavowed their participation in the conflict: Serbia's Slobodan Milosevic and Croatia's Franjo Tudjman. Cease-fire lines became the new boundaries of a most unusual new state of Bosnia-Herzegovina.

In what is heralded as the most complex government structure of modern times, the Dayton Accord partitioned the country into two largely autonomous entities along ethnic lines, with a flimsy central government created which was to hold the complicated arrangement together. International oversight would be tight initially and gradually lighten as democratic local institutions were established, and international standards, which were enshrined in the Dayton Accord in

record numbers, would be enforced. Most promising, we were told, the provisions of the most comprehensive and successful modern human rights treaty, The European Convention for the Protection of Human Rights and Fundamental Freedoms would be protected through a sophisticated system for human rights enforcement modeled after the highly respected European Court of Human Rights.

Bosnia watchers held their breath and hoped for the best.

A lot can happen in ten years, especially in the lifespan of a country. In the first ten years of its existence, Slovenia established itself as a working democracy with a dynamic civil society championing the rights of minorities. Ten years after the end of apartheid, South Africa found itself moving from the examination of past injustices to institutional reforms and other specific solutions designed to address the legacy of systemic inequities. Within ten years of calling it quits from the Communist bloc, what was once East Germany had been incorporated back into Germany, sending the business enterprises of the former East into competition in world markets.

Ten years after the signing of the Dayton Peace Accord, Bosnia-Herzegovina should be similarly on the move. Instead, it barely has a pulse.

Sure, life without war is better than life with war, but life in Bosnia still lags behind European standards. To take one telling fact: In Bosnia, the expected death rate of children under the age of five is 18 out of 1,000—over three times higher than the rate for Slovenia, a country also emerging from the former Yugoslavia, which posts a rate of 5 out of 1,000. Over half the



population does not have health insurance, and many of those who have health insurance cannot use it where they live. Public morale has hit a low point, according to local public opinion polls. The brain drain continues to plague Bosnia as many of the most talented and educated young people continue to flee their country for more promising futures elsewhere. While Bosnian city centers may sparkle, something is going dreadfully wrong below the surface.

A Pseudo-state

Ten years of tight international control has left Bosnia-Herzegovina with little ability to build its own capacity as a functioning state. There has been a transition, but it is not as promised. Instead of a transition from international to local control, power has shifted from the United Nations and the United States to the European Union. External control has only grown as the European Union now subjects Bosnia-Herzegovina to direct regulation.

Over time, Dayton Accord requirements for the observance human rights have become subordinate to requirements for European Union membership. The EU sets its own requirements and monitors Bosnia for its record of observance. In this mixed-up arrangement, the EU in effect negotiates with itself over governance in Bosnia. Local control is out of the question and the imposition of legislation by edict is the norm.

Still on life support from international donors, the economy of Bosnia putters along. A lack of transparency, accountability, and openness to participation threatens the legitimacy of local institutions. Citizens view their own public officials with great distrust and local businessmen with perhaps ever greater skepticism. In a recent BBC poll, 97% of Bosnian citizens viewed their government as corrupt. Indeed, Bosnia annually wins the distinction of being among the list of “most corrupt countries,” as compiled by the independent corruption watchdog group Transparency International.

Although “rule of law” projects have won international consultants long contracts in Bosnia—and, indeed, some of these projects have had a positive impact—the rule of law often takes a back seat to the rule of force. Both the Dayton Peace Accord and the Constitution of Bosnia-Herzegovina require cooperation with the

war crimes tribunal. However, police often blatantly favor people from their own ethnic group, and Bosnian officials continue to refuse to cooperate fully with international efforts to try war criminals. With local courts ill-prepared to offer fair trials, and Bosnian authorities still unwilling to cooperate fully with international war crimes trials, many of the principle architects for mass killings in Bosnia remain at large.

One explanation for weak public understanding of, and support for, the rule of law, is the multi-level government structure which obscures lines of responsibility and makes accountability difficult and, at times, impossible. Also problematic is the decidedly undemocratic behavior of the international democratizers who appear to care little about local participation when it comes to decision making on international projects. The double standards governing international behavior has the air of “do what I say, not what I do.” No wonder Bosnians are cynical about democracy.

Another area of disappointment concerns “minority returns.” Although many refugees have returned home, the Dayton Peace Plan’s vision for the safe return of all refugees has not been fulfilled. Hundreds of thousands of displaced people still cannot return home safely. People returning home to a situation where they are now ethnic minorities face violence, harassment, and discrimination. While much of the mistreatment is committed by private actors, the state is implicated both through its direct actions—for example, the failure to hire minorities for civil service jobs—and its failure to act to address harms committed by private citizens and businesses.

The fear that the Dayton Accord would intensify ethnic divides has proven to be well founded. One half of the country—the Federation of Bosnia-Herzegovina—is largely viewed as the Muslim state, and the other half—Republika Srpska—is regarded as the Serb state. Croats, who on last count comprise 17% of the population, have no state. The election of stridently nationalist leaders remains common throughout the country. Meanwhile, uncertainty over the final status of Kosovo continues to unsettle prospects for long-term peace and justice in Bosnia.

Ten years ago, the international community failed to listen to the warning that peace in the Balkans can only

come through a regional solution in which the concerns of all peoples are voiced and addressed. This time they should not make the same mistake. The newly announced Constitution warrants their full support and, in addition, the following challenges should be addressed.

Moving Forward

A lot can happen in the next ten years. A more optimistic future would require attention to several important challenges, including:

1. *Maintaining international interest in the future of Bosnia-Herzegovina, even as control over local governance shifts to the local citizenry.* With international attention diverted to the Middle East, this will be a difficult task. The Balkans, however, still depend upon international support for meeting the basic needs of their citizenry. At the same time, Bosnia requires ongoing assistance with human rights observance and with building participatory democratic institutions that can respond effectively to human rights concerns over the long-term.
2. *Strengthening the central government.* The Republic of Bosnia-Herzegovina must improve its capacity to perform the basic tasks of a central government, including the task of safeguarding the security of the state. As a first step, the central government should have control over one central military; the two separate armies of the sub-entities should be disbanded. The ethnically-defined sub-entities will resist centralization of the military and will struggle against any effort to strengthen the central government. Yet, even the most nationalist leaders in the sub-entities can be convinced to relinquish some control, if doing so is the only path for self-preservation. Central to achieving this goal, Republika Srpska should be warned that its future does not include any kind of union with neighboring Serbia-Montenegro.
3. *Continuing to strive to meet European benchmarks while not being driven solely by the quest for European integration.* EU standards are important, and Bosnia should strive to achieve them, particularly in the field of human rights. Additionally, however, Bosnia should be able to develop its own priorities for building its own society. Given the freedom to make its own agenda, Bosnia may in fact identify issues unaddressed by the EU model and prepare strategies that provide even greater protections than that mandated through EU agreements.
4. *Increasing opportunities for citizens to participate in their own government,* while preparing for the new challenges that participatory democracy brings. Participatory democracy is no guarantee against the election of people who articulate repulsive ideas such as chauvinistic nationalism. Under the recent period of international control, chauvinist nationalists elected through procedures deemed by international observers to be fair and free were simply removed by the UN High Representative. A free and independent Bosnia would have to live with all politicians elected through fair democratic procedures. The incentives for fostering civic education to safeguard against a repeat of this scenario would be great.
5. *Involving more women in decision making over the future of Bosnia,* while not tokenizing women or setting up women for failure. With very few exceptions, all of the top decision-makers over the future of Bosnia have been men. Certainly, women's experiences, interests, and expectations vary greatly from one another. But the future of Bosnia cannot afford to neglect the interests of half the population and to overlook the skills that they may bring to policy-making. Not tokenizing women will entail the inclusion of women in large enough numbers, and mainstreaming women at all levels, throughout all political structures.
6. *Adopting a new policy on "minority returns."* The focus to date has been on facilitating the return of displaced people to their homes, even when doing so made them an ethnic minority. Many people, however, are unwilling or unable to return. Instead of continuing to insist on their return, the international community should assist people in their permanent relocation to new homes. The international community should also listen to Bosnian leaders who have proposed their own solution to this problem, including the strengthening of Bosnian institutions that improve the quality of life for all

residents, such as healthcare institutions, child care centers, and other social welfare mechanisms.

7. *Fostering a better relationship with international courts, even as local courts are strengthened.* Republika Srpska has come to be regarded as a “safe haven” for ethnic Serbs under international criminal indictment. The leaders of both of the Bosnian sub-entities, however, could do more to cooperate with the requests of the international community for assistance with locating and arresting accused war criminals. In particular, they could direct their police forces to assist with arrests. For its part, the central government of Bosnia-Herzegovina has generally maintained a public stance of support for international trials for war crimes, while also failing to realize that support on a consistent and effective basis. In general those whose interests in the political *status quo* are sustained by cooperation with the Tribunal, do so. Where cooperation would seem to undermine their political future, they do not. Under such circumstances, the international community may consider utilizing the very public award of “carrots” (i.e., financial assistance) as an inducement for cooperation with international investigations.

8. *Improving public information about the transition process.* The transition to local governance should be accompanied by an improvement in public information about the process. Citizen-led open dialogues, for example, could be held throughout Bosnia and formal procedures could be developed for hearing

and including citizen input on major policy decisions. The improved flow of information would enhance the legitimacy of institutional change and, ultimately, its fairness and durability over the long-term.

Conclusion

The tenth anniversary of the Dayton Peace Accords reveals Bosnia-Herzegovina to be a troubled, ethnically divided state. Political leaders and civil society advocates throughout Bosnia have called for a comprehensive reconsideration of Dayton to address its deficiencies. The Dayton Accord may indeed have been the only possible solution for ending an atrocious war. But that time has passed, and much more can be done to promote a sustainable, long-term peace with justice in the Balkans. The new constitution presents a major step in the right direction. But without addressing the challenges outlined above, Bosnia will remain a country living between war and peace.

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