

Implications of Dayton Peace Agreement on Current Political Issues in Bosnia-Herzegovina

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ABSTRACT

This paper theoretically explores Bosnian conflict, past peace initiatives and current political issues in Bosnia-Herzegovina. In order to put the Dayton Peace Agreement (DPA) into the perspective, this paper surveys the Bosnian conflict with special emphasis on different national aspirations during the 1990s. Significant portion of this paper deals with the scope of the DPA. Besides, this paper explores and analyzes both governmental and constitutional features of the DPA. An attempt has been made to critically analyze DPA as a document that 'ended the war' and as a document that has been used to transform Bosnia-Herzegovina from a war torn country to a democratic state. Finally, last part of the paper surveys current political issues and various attempts at state and constitutional reforms. After thorough analysis this paper holds that although Bosnia-Herzegovina made significant transformation from a war torn country to a semi-functional state ethnic tensions, nationalistic rhetoric and political disagreements are still evident, which inhibit Bosnian progress towards the EU and NATO membership.

Key words: *Bosnian conflict, conflict resolution, peace plans, governance and political issues*

Introduction

In the 1990s, the disintegration of former Yugoslavia as such triggered chain of bloody wars that ended up five years later in Bosnia-Herzegovina. Such disintegration was partially influenced by the establishment of new world order during the Post-Cold War period. Therefore, the Balkans with its complex historical, geo-cultural and geopolitical structure was directly related to quite many other international challenges of that time. Bosnia-Herzegovina being at the center of the Balkans in particular was influenced by such developments and thus had received special attention from the great powers and various international organizations not only during the war but to significant degree until today. In 1995, international peace attempts finally culminated in signing the Dayton Peace Agreement (DPA) and serious attempts of the international community were directed towards the establishment of functional state in Bosnia-Herzegovina. Since then Bosnia-Herzegovina has directed its attention towards reestablishment of regional cooperation with former Yugoslavian republics with an aim of securing national security and sovereignty.

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The developments surrounding the Post-Cold War period played significant role in the Bosnian conflict and in its aftermath. Such developments should be viewed as a whole because they played a role in the conflict from 1992 to 1995 and, as well as, in the conflict resolution. Such conflict resolution was not only achieved in Bosnia-Herzegovina but in the Balkan region as a whole. Therefore, Bosnia-Herzegovina was influenced and shaped by the regional and global conflicts that were orchestrated by small states and empowered by the great powers. Such perspective should be discussed together with implications of DPA and current political issues of Bosnia-Herzegovina. Currently Bosnia-Herzegovina aims at the implementation of DPA and the establishment of functional state that fulfils the requirements of the EU and NATO membership. Besides, many attempts at constitutional and state-structure reform, including the closure of the OHR, have been undertaken.

Historical Background to the Bosnian Conflict

Yugoslavia as a multi-national federation consisted of 'nations' which included six officially recognized republics. Since its foundations there were several upheavals with regards to the equality of major ethnic groups within the federation. As a result Yugoslav constitution was amended several times as to accommodate different ethnic needs and aspirations. For instance, constitutional changes in 1967 and in 1971 strengthened the Chamber of Nationalities and increased political and economic decentralization. Yet, past historical animosities and the competition between Belgrade and Zagreb contributed to the gradual emergence of nationalist aspirations.¹ These nationalist aspirations were exported to Bosnia-Herzegovina and as such were strongly articulated by Serb and Croat political elites respectively. Therefore, the question of national identity or the relationship between ethnicity, religion and the state were again articulated. Actually, the rise of nationalism, particularly in Serbia and Croatia, and economic and political challenges of that time triggered the breakdown.² Besides, during this essential time the international community was busy with the Middle East and an invasion of Kuwait by Iraqi forces and couldn't prevent the disintegration and eventual conflicts. Therefore, the US government in the very beginning was not interfering in Yugoslavian crisis considering it as a European matter.

Before actual breakdown, Europeans facilitated series of negotiations among Yugoslavian republics, which ultimately failed. In 1991, the war in former Yugoslavia began with the secession of Slovenia and Croatia and later it spread to Bosnia-Herzegovina. In Bosnia-Herzegovina, unlike in other republics of former Yugoslavia, the future of a country depended on consensus of all three nationalities of the country, Serbs, Croats and Muslims.³ Prior to the war, a significant fusion of national and religious

¹ See Tim Judah, *The Serbs, Myth and the Destruction of Yugoslavia* (New Heaven CT, London: Yale University Press, 1997), pp. 135-168.

² Misha Glenny, *The Fall of Yugoslavia: The Third Balkan War* (London: Penguin, 1992), pp. 12-14,

³ Misha Glenny, *The Balkans: Nationalism, War, and the Great Powers, 1804-1999* (London: Penguin Books, 1999), pp. 636-638.

aspirations emerged based on the distant and past historical and socio-cultural heritage of Serbs, Croats and Bosniaks, distinctively.⁴ Besides, at the end of the first multiparty elections ethnically based political parties won the elections. Those ethnic political parties could not agree on the essential question of the future of Bosnia-Herzegovina. Bosniak and Croat politicians supported the idea of independent and sovereign state of Bosnia-Herzegovina while Serb politicians strongly preferred to remain in the Serb-dominated Yugoslav federation. Both Serbia and Croatia had historic and territorial pretensions due to great majorities of Serbs and Croats that were living in Bosnia-Herzegovina. In addition, all national groups felt threatened, so the fear and resentment were used to develop imaginary fear of extinction felt across the ethnic and national lines. This had contributed towards tremendous co-ethnic mobilization in Bosnia-Herzegovina.⁵ As a result, Bosnia-Herzegovina declared its independence on 6 April, 1992 and heavy armed attacks of Serb and Serbian forces started one day later.

Several months after the outbreak of war the international community began with its peace initiatives, beginning with the UN sanctions. Many peace initiatives were introduced prior to the DPA. In February 1992, the first peace plan known as the Cutileiro Peace Plan was proposed. This was the first peace plan that introduced an idea of the division of Bosnia-Herzegovina into the cantons. According to this peace plan Bosnia-Herzegovina was perceived as a state of the constituent units according to the national or ethnic principles. In 1992, the London Conference recognized the following principles: the non-recognition of territorial gains achieved by force, unconditional release of civilian prisoners, the protection of minority rights, the closing of the detention camps, flying prohibition over Bosnia, the international monitoring of the Serbian-Bosnian border, the recognition of Bosnia-Herzegovina by all former Yugoslav republics, the acceptance of the existing borders and respect for all treaties and agreements. The Vance-Owen peace plan proposed that Bosnia-Herzegovina should be organized as a decentralized state of three constituent peoples with ten provinces, the special status of Sarajevo and a loose central government. The four provinces were supposed to be governed by the Bosniaks, three provinces by the Serbs and two provinces by the Croats. The tenth province was supposed to be governed by both Croats-Bosniaks. In July 1994, Owen-Stoltenberg peace plan, which was later renamed into the Action Plan of the European Union, proposed ethnic division of Bosnia-Herzegovina at which 49% of the territory should belong to the Serbs, 33.5% should belong to the Bosniaks and 17.5% should belong to the Croats. Then, in 1994 in Washington under the auspices of the United States, the Washington Agreement was adopted, which established the Bosniak-Croatian Federation. The agreement also proposed the federal constitution. The Federation of Bosnia-Herzegovina was supposed to be divided into 10 cantons. Based on this agreement and adopted Constitution of the Federation of Bosnia and Herzegovina,

⁴ See Tone Bringa, *Being Muslim the Bosnian Way* (Princeton: Princeton New Jersey, 1995), p. 35 and Ivan Lovrenović, *Bosnia: A Cultural History* (New York: New York University Press, 2001), p. 108.

⁵ See Mark Almond, *Europe's Backyard War* (London: Heinemann, 1994), pp. 3-30.

the Constituent Assembly of the Federation of Bosnia and Herzegovina was held on 30 March 1994.⁶

The above short survey indicates that the period from 1992 to 1995 represents cyclic patterns of historical processes. Complex socio-cultural features of Bosnia-Herzegovina challenged multicultural, multi-ethnic and multi-national diversity.⁷ Exclusive hegemonic nationalism, as fostered in the past centuries and decades, began destroying very foundations of multiethnic and multicultural Bosnia-Herzegovina.⁸ Peace plans also failed and the war resulted in 100 thousand deaths, 40 thousand women were raped and more than 2 million people were internally or externally displaced. The war also caused ethnic cleansing and serious demographic changes.⁹

Dayton Peace Agreement Analysis

DPA was an interventionist peace agreement that had primarily aim of ending the war. The main question of Dayton negotiations was conflict resolution and preservation of an independent and functional state of Bosnia-Herzegovina. Actually the DPA as the new 'social contract' outlined new standards for other post-war societies too. Therefore, DPA served as an example for reconciliation, reconstruction of a war-torn societies and the political change. Besides it dictated peaceful conflict resolution, protection of human rights and minority rights, equality, political representation, good governance and the rule of law.¹⁰

The US invited to Dayton, Ohio the key players Izetbegović, Tuđman and Milošević. On November 21, 1995, DPA was adopted and Bosnia-Herzegovina was recognized as a sovereign state with two entities. DPA was finally re-affirmed by all sides in Paris on December 14, 1995. According to DPA Bosnia-Herzegovina was divided into two entities. The Serb-dominated entity Republika Srpska with the control of 49% of the territory and the Croat-Bosniak dominated entity the Federation of Bosnia-Herzegovina with the control of 51% of the territory. Both entities were controlled by a weak central government.¹¹ Since 1995 Bosnia-Herzegovina was placed under international supervision for an undefined period until it develops into a modern and functional state.¹² According to many, including former President of Bosnia-Herzegovina Alija Izetbegovic, the basis of

⁶ See Steven L. Burg, and Paul S. Shoup, *The War in Bosnia and Herzegovina* (New York and London: M.E. Sharpe, 1999), p. 293 and David Chandler, *Bosnia: Faking democracy*, (London: Pluto Press, 2000), pp. 40-41.

⁷ See Sabrina Ramet, *Balkan Babel: Politics, Culture and Religion in Yugoslavia* (Boulder, Westview Press, 1996), pp. 243-268.

⁸ See role of national political parties in the destruction of a country in Mustafa Imamovic, *Bosnia and Herzegovina: Evolution of Its Political and Legal Institutions* (Sarajevo: Magistrat, 2006), pp. 489-532.

⁹ Arne Johan Vetlesen, *Evil and Human Agency: Understanding Collective Evildoing*, (Cambridge: University Press, 2009), pp. 145-219.

¹⁰ See Carl Bildt, *Peace Journey: The Struggle for Peace in Bosnia* (London: Weidenfeld and Nicolson, 1998), p. 392

¹¹ Kate Hudson, *Breaking the South Slav Dream: The Rise and Fall of Yugoslavia* (London: Pluto Press, 2003), pp. 120-121

¹² Kenneth Morrison, *Dayton, Divisions and Constitutional Revisions: Bosnia & Herzegovina at the Crossroads* (London: Defence Academy of the United Kingdom Research & Assessment Branch, 2009), p. 8.

the treaty didn't constitute a just peace. He stated that "the peace is more just than continuing the war and a better peace couldn't have been obtained." Indeed DPA was designed to

- 1) create new multi-ethnic and democratic institutions of a war-torn society to ensure respect for fundamental human rights and freedoms and the rule of law; 2) provide for post-conflict reconstruction toward sustainable peace for Bosnia and Herzegovina; and 3) prevent the recurrence of the conflict or its potential spill over in the region.¹³

DPA, like many other internationally sponsored peace accords regulates military and security affairs, internal borders of entities, the elections, the constitution of Bosnia-Herzegovina, arbitration, human rights, rights of refugees, the preservation of national monuments, the state public cooperation, civilian affairs and police task forces.¹⁴ Therefore, the DPA has brought to place complex political and institutional structures. Throughout the formal transitional period state institutions were founded but they lack wide recognition, credibility and legitimacy. Besides, such institutions were costly as more reliance is being placed on informal entity institutions. Entities have been creating their own parallel institutions in spite of the existence of the state formal institutions. Bosnia-Herzegovina with its fewer than four million people has 14 different governmental levels such as the state level, two entities – Federation of Bosnia-Herzegovina and the Republic of Srpska, 10 cantons, one district, and a municipality level. These institutional structures differ and their jurisdictions overlap. Entity Federation of Bosnia-Herzegovina has decentralized system of government composed of 10 cantons and a municipal level. Every canton has its own government, parliament, and jurisdictions over education, health-care services, police and courts. The Republic of Srpska has much more centralized governmental system, with only a municipality level.¹⁵

DPA introduced entirely different form of the governance. Therefore, by its form of government Bosnia-Herzegovina is semi-presidential Republic whereby three representative Presidents are directly elected. They exercise their jurisdiction on the entire territory of Bosnia-Herzegovina. According to the state structure and organization, Bosnia-Herzegovina is a complex state that consists of two entities and Brcko District. In terms of the political system Bosnia-Herzegovina is a democratic state with the division of legislative, executive and judiciary powers, the rule of law, pluralism of political parties, general, direct, secret balloting, an independent media and judiciary and respect of human rights. With regards to the relationship between central and local authorities, Bosnia-Herzegovina is highly decentralized state with two highly centralized entities. Finally with

¹³Annika Bjorkdahl, "A Gender-Just Peace," Exploring the Post-Dayton Peace Process in Bosnia," *Peace and Change*, Vol. 37, No. 2, 2012, p. 294.

¹⁴ Omer Ibrahimagic, *Constitutional Development of Bosnia and Herzegovina* (Sarajevo: The Congress of Bosnian Intellectuals, 1998), pp. 115-116.

¹⁵ See David Chandler, "State-building in Bosnia: the limits of „informal trusteeship“" *International Journal of Peace Studies*, Vol. 11, No. 1, 2006, pp. 18-38.

regards to the sovereignty, Bosnia-Herzegovina is under patronage of the High Representative, Office of High Representative (OHR) and the international organizations and great powers.¹⁶

There is a considerable debate and criticism over DPA in terms of structure, balance and efficiency. Many argue that the DPA brought about unequal agreement among warring ethnic groups. The Bosnian Serbs who committed ethnic cleansing and genocide were rewarded with the ethnically cleansed 'republic' while the Bosniaks and Croats had to share 'federation.' Therefore, the Serbs had autonomous status where the control belongs to them whereas the Bosniaks have been politically and militarily checked by the Croats. Then, there has been poor implementation of DPA in terms of freedom of movement, returning process of refugees, requirement of pre-war voting rights and prosecution of war criminals. In fact some argue that DPA affected the partition of Bosnia-Herzegovina into ethno-nationalist entities that acknowledged and effectively rewarded the ethnic cleansing.¹⁷

Although DPA partially facilitated the creation of a sustainable state, major ethnic groups that were involved in the conflict remained unwilling to form a functional state of Bosnia-Herzegovina.¹⁸ Since 1995 national political parties have been using fear, ethnic enmity and exclusive nationalism in their electoral campaigns. Thus democratization process in post-Dayton Bosnia-Herzegovina has been carried out by the nationalist parties locked in their ethnically separated constituencies were often obstructing return of refugees and displaced persons.¹⁹ Perhaps, the international community was probably too ambitious on the path towards transforming Bosnia-Herzegovina into a liberal market-oriented democracy. Such failures could also be attributed to the international community because

Since the 1995 Dayton Peace Agreement, Bosnia has been undergoing a process of internationally imposed democratization. This process has been implemented by the major international powers, including the US, Britain, France, Germany and Russia, under the co-ordination of the Peace Implementation Council. The plans drawn up by this body have then been implemented by leading international institutions, such as the UN, NATO, OSCE, Council of Europe, IMF, World Bank and the European Bank for Reconstruction and Development, under their own mandates, creating a network of regulating and policy-making bodies.²⁰

¹⁶ Bojkov D. Victor, "Democracy in Bosnia and Herzegovina: Post-1995 Political System and Its Functioning," *Southeast European Politics*, Vol. 4, No. 1, 2003, pp. 41-67.

¹⁷ Guy M. Robinson and Alma Pobic, "Nationalism and Identity in Post-Dayton Accords: Bosnia-Herzegovina," *Tijdschrift voor Economische en Sociale Geografie*, Vol. 97, No. 3, 2006, pp. 237-252.

¹⁸ Kori Schake, "The Dayton Peace Accords: Success or Failure?," *Studies in Contemporary History and Security Policy*, Vol. 3, 1999, p. 281.

¹⁹ Bojkov, "Democracy in Bosnia and Herzegovina: Post-1995 Political System and Its Functioning," p. 51.

²⁰ Chandler, "Democratization in Bosnia: The Limits of Civil Society Building Strategies," p. 10.

With regards to the policy and the issue of "ethnic cleansing" the DPA had legitimized newly established ethnic structure. DPA included constitutional provisions that regulate the return of refugees, restitution and respect for human rights. Therefore, DPA is a unique peace agreement in terms of the return of refugees and their protection. First article of Annex 7 of DPA clearly states the right of refugees to return to their pre-war homes and places:

All refugees and displaced persons have the right freely to return to their homes of origin. They shall have the right to have restored to them property of which they were deprived in the course of hostilities since 1991 and to be compensated for any property that cannot be restored to them. The early return of refugees and displaced persons is an important objective of the settlement of the conflict in Bosnia and Herzegovina. The Parties confirm that they will accept the return of such persons who have left their territory, including those who have been accorded temporary protection by third countries.

It is evident that Annex 7 has not been fully implemented as most of displaced and ethnically cleansed people have not returned to their places of origin. According to many, DPA increased and reinforced polarization based on ethnic divisions. Besides, different ethnic groups have been invoking their collective historical memories and they are creating their entities or territories as such. Then, as Paddy Ashdown noted there has been continuing friction between politicians from these three main ethnic groups who have "used the DPA not to build peace, but to continue the pursuit of their war aims."²¹ Another major problem lies at the institutional power which is not located at the national but at the entity levels. As a result two entities differ and at the same time share a number of competencies with the state government. Therefore, the number of state institutions such as the Indirect Taxation Authority of BiH, the Ministry of Finance and Treasury BiH, and the Directorate for European Integration BiH remains questionable in terms of relevance, enforcement, effectiveness and level of efficiency.²²

Current Political and State Structure Reforms

In 2000, the turning point of international community involvement in Bosnia-Herzegovina was mainly marked by the Brussels' meeting. Prior to Brussels' meeting and its *Agenda* the involvement of the European Union in Bosnia-Herzegovina was subordinated to the US. However, as a result of this meeting and even more by

²¹ Kenneth Morrison, "Dayton, Divisions and Constitutional Revisions: Bosnia & Herzegovina at the Crossroads," *Defense Academy of the United Kingdom Research & Assessment Branch*, Vol. 9, 2009, p. 8.

²² Berit Bliesman de Guevara, *States of Conflict: A Case Study on Peace-Building in Bosnia and Herzegovina* (London: IPPR, 2009), p. 9.

introduction of EU Road Map for Stabilization and Association Process (SAP) the EU began to make much more constructive role in Bosnia-Herzegovina. Informally, this meant and marked transition point from Peace Implementation Council (PIC) to EU implementation of DPA. According to Chandler the “PIC was a legal figment, designed to cohere the international management of the Dayton process, but *without* the restrictive ties of international law.”²³ This approach subordinated the DPA to the requirements that Bosnia has to fulfill on the road to the candidacy for EU membership. In this regard, the OHR that was almost imposing the ‘Road Map’ was also supposed to be restructured.

The voices for restructuring the OHR were diametrically opposed. Some were arguing that the OHR should be restructured in a way that High Representative will gain more authority and become the leading institution of the “civilian implementation” tasks in Bosnia-Herzegovina. The strengthening of the OHR was rejected due to the fact that such proposal was “disappointment” for democracy in Bosnia-Herzegovina. Therefore, in 2001 PIC Steering Board outlined four core functions of the OHR for the completion of international community missions in Bosnia-Herzegovina. The four core functions of OHR included: institution building, economic reform, refugee return and the rule of law. Furthermore, the Civilian Implementation has been extended until 2005, a year for the withdrawal of the international community from Bosnia-Herzegovina.²⁴

In 2002, the two main civilian missions in Bosnia-Herzegovina, High Representative and European Union Special Representative (EUSR) were unified. The unification of these two positions represented the beginning of “transition” period. In his inaugural speech, Paddy Ashdown underlined that his aim is “to work with the people of Bosnia & Herzegovina to put this country irreversibly on to the road to statehood and membership of Europe.” In 2003, for the purpose of mobilizing the local politicians Bjelasnica Declaration was adopted by the executive and parliamentary representatives of Bosnia-Herzegovina under the supervision of the International Community. This declaration emphasized better regulation of business environment, new jobs, simplification of taxation process and a rapid enhancement of exports. The most important conclusion of Bjelasnica Declaration was adoption of defense reforms, which later ensured Bosnian membership in the Partnership for Peace (PfP).

During 2003, several reforms were initiated and realized by the international community in Bosnia-Herzegovina, mainly under indirect supervision of the OHR. Among them the most important were the reform of military forces, the establishment of Defense Ministry at state level and introduction of VAT taxation system. At international level, these reforms had confronting interpretations, some of them saw it as possibility for creation of power imbalance while others saw it in a sense that it will strengthen the state and by doing so all its constituencies. At local level, all these OHR-initiated reforms, as

²³ David Chandler, “The State-Building in Bosnia: The Limits of ‘Informal Trusteeship’” *International Journal of Peace Studies*, Volume 11, 2006, pp. 17-38.

²⁴ Bojkov, “Democracy in Bosnia and Herzegovina: Post-1995 Political System and Its Functioning,” p. 53-54.

well as the ongoing restructuring of the judiciary, prosecution services and courts, have been endorsed or tolerated by the local authorities. However, such reforms on the path towards the EU and NATO membership were not sufficient. Therefore, the need for reconstruction of state structure and arrangement was revoked on 10th anniversary of the DPA.²⁵

There were many attempts at constitutional and state-structure reform. First attempt of constitutional changes was prepared by the end of 2005 and beginning of 2006, which has been referred to as the “April Package.” This was the first initiative with regards to the constitutional changes led by local authorities under the OHR supervision. The “April Package” proposed the significant changes with regards to the power of Council of Ministers and Parliament Assembly of Bosnia-Herzegovina, while the power of Bosnia-Herzegovina’s Presidency and House of People were planned to be reduced. The controversies regarding the “April Package” resulted in its failure and apparent rejection by the Parliament of Bosnia-Herzegovina. Other similar attempts for the constitutional changes and reforms in Bosnia-Herzegovina such as Prud Process and Butmir Package mostly have been seen through the prism of territorial reorganization of the country and not as attempts for the creation of a functional state that is ready for the EU and NATO membership.

In February 2008, the PIC Decision set up five objectives and two conditions for Bosnian authorities, which were aimed at significant reforms and apparent closure of the OHR. These objectives included: state and entities property settlement, defense property settlement, the completion of the Breko final award, fiscal sustainability, and entrenchment of the rule of law. Additionally to these five objectives Bosnia-Herzegovina had to fulfill two conditions: Signing of SAA and a positive assessment of situation in Bosnia-Herzegovina by PIC Steering Board based on full compliance on implementation of DPA. In addition to the strategy 5+2, the verdict of the European Court for Human Rights in the case of *Sejdić-Finci* against Bosnia-Herzegovina has been put in front of Bosnian authorities as a requirement on the path towards the EU. The Grand Chamber of the European Court of Human Rights found a violation of rights by Bosnia-Herzegovina towards Dervo Sejdić and Jakob Finci. Bosnia-Herzegovina violated the Convention for the Protection of Human Rights and Fundamental Freedoms and under the Protocols to the Convention. The verdict *Sejdić-Finci* delves into the core of the Bosnia-Herzegovina constitutional and legal system reforms.²⁶

Concluding Remarks

During the early period after signing the DPA, Bosnia-Herzegovina was still an ethnically divided state run by post-war authorities who actually participated in the war. At the same

²⁵ See detailed discussion in Ahmed Kulanić, “International Political Actors and State-Building Process,” *Epiphany: Journal of Transdisciplinary Studies*, Vol. 4, No. 1, 2011, pp. 168-184.

²⁶ See Samo Bardutzky, “The Strasbourg Court on the Dayton Constitution: Judgment in the case of *Sejdić and Finci v. Bosnia and Herzegovina*, 22 December 2009” *European Constitutional Law Review*, Vol. 6, 2010, pp 309-333

time, such leaders were supposed to implement a peace agreement and to secure human rights. Another problem was related to the implementation of the constitution and compliance with the European Convention and other international documents. Mostly the state has the responsibility to comply with the international conventions and documents. However, Bosnia-Herzegovina has not been given clear jurisdiction at the state level as to meet its international obligations. Yet DPA initiated many other changes including: freedom of movement within the territory of Bosnia-Herzegovina, the reversal of ethnic cleansing through the partial implementation of Annex VII, war criminals were brought to justice, state institutions were founded as to secure implementation of human rights, the Constitutional Court was founded and various reforms in the areas of justice, education, economic and social sectors were initiated. Therefore, due to the DPA Bosnia-Herzegovina made significant transformation from a war torn country to a semi-functional state.²⁷

However, there are still weaknesses stemming from the DPA. Bosnia-Herzegovina is still largely dysfunctional and inefficient state, which is not able to fulfill the requirements, set by the European Union and NATO. There is serious constitutional discrimination against citizens who do not belong to the major ethnic groups, Bosniaks, Serbs and Croats. Besides, there is discrimination against minority ethnic groups where they do not represent majority. This type of the discrimination is furthermore enforced by limited active and passive rights and entity voting system. DPA also inhibits effective reform process that is inevitable for the development of a functional state. Kenneth warns that for the past few years Bosnia-Herzegovina has encountering with its most acute political crises. There is widespread political paralysis at both state and entities levels. Despite signing a Stability and Association Agreement (SAA) in 2008, there are rising ethnic tensions, nationalistic rhetoric and political disagreements, which inhibit Bosnian progress towards the EU and NATO membership.²⁸

The above analysis indicates that DPA made significant progress immediately after signing of the DPA. However, nowadays it is necessary to make additional constitutional changes in order to accomplish the transformation of Bosnia-Herzegovina into a stable democratic state. Currently in Bosnia-Herzegovina its politicians are more than ever before divided into three ethnic camps. On one side, Bosnian Serbs with their aspirations for sovereign independence of their entity, on other side Bosniaks with the aspirations of a creation the unified more centralized state, and on the third side Bosnian Croats with their demands and aspirations for the revival of Herceg-Bosna as a third entity or federal unit within Bosnia-Herzegovina.

²⁷ See gradual peace developments from 1996 in Ivo H. Daalder, and Michael B. G. Froman, "Dayton's Incomplete Peace," *Foreign Affairs*, Vol. 78, No. 6, 1999, pp. 106-113.

²⁸ Kenneth Morrison, "Dayton, Divisions and Constitutional Revisions: Bosnia & Herzegovina at the Crossroads," *Defense Academy of the United Kingdom Research & Assessment Branch*, Vol. 9, 2009, 4-21.

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