

# FROM MILITARY CONFLICT TO POLITICAL DEADLOCK IN BOSNA AND HERZEGOVINA

MAJA RUZIC

*ABSTRACT: This article engages in the ongoing debate about the overall value of the General Framework Agreement for Peace in Bosnia and Herzegovina (GFAP), which is one of the most challenging issues in the contemporary peace studies scholarship. In order to support scholars who argue that the constitutional framework for the state-building process in post-war Bosnia and Herzegovina (BiH) offered through Dayton peace agreement did not contribute to the sustainability of the desired concept of ‘one Bosnia and Herzegovina,’ the article analyses the mediation process towards ending the war, the peace settlement and the long-term consequences of the reached compromises. In the end article concludes that the General Framework Agreement for Peace in Bosnia and Herzegovina could be classified as an artificial agreement, considering that the international community still plays a role of mediator in what can be described as a “continuation of war by other means.”*

**KEYWORDS:** Bosnia and Herzegovina, Dayton Peace Agreement, General Framework Agreement, Mediation

## INTRODUCTION

The end of the 20<sup>th</sup> century has been marked as the beginning of the liberal interventionism in international relations. The liberal internationalism, which was followed by the concept of liberal peace building, engaged in the conflict resolution process with the idea that liberal democratic peace is “the ultimate goal of the peace talks”.<sup>1</sup> This idea found its practical application through the conflict resolution processes in ex-Yugoslavia, and was the leading idea behind the peace negotiations for the settlement of the conflict in Bosnia and Herzegovina. Thus, according to Sumatra Bose, the case of Bosnia and Herzegovina represents a good empirical

example of the internationally led liberal peace-building project at its best.<sup>2</sup>

The war conflict in the former Yugoslavian republic of Bosnia and Herzegovina broke out between three dominant ethnic groups, Serbs, Croats and Muslims, in April 1992. The international community led by the United Nations (UN) and European Community (EC) engaged in the conflict resolution process even before the war conflict actually started. Consequently, the first peace settlement was offered to the conflicting parties through the Carrington-Cutil-eiro plan in February 1992. Although all three representatives of the conflicting sides signed this proposal, the withdrawal of the support from the representatives of the Bosnian Muslims led to its failure.<sup>3</sup> The international initiative for the restoration of peace in Bosnia and Herzegovina continued during the war as well. As a result of such international efforts three more settlements were proposed to the warring parties by the end of 1994.<sup>4</sup> However, none of them managed to gain support from all participants in the conflict.

In 1995 the intensive diplomatic engagement from the United States supported the efforts of the UN and EC to end the Bosnian war, and to bring stability to the region of South-Eastern Europe. By applying the carrots and sticks strategy, the United States' chief negotiator Richard Holbrooke managed to convince all warring sides to accept the peace settlement, which was negotiated at United States' military base, Wright-Patterson Air Force Base, near Dayton.<sup>5</sup> The General Framework Agreement for Peace in Bosnia and Herzegovina (GFAP), which was the official title for the reached peace agreement in Dayton, was signed in December 1995 in Paris. This peace settlement through one short General Framework Agreement and twelve Annexes, which contain the essence of the agreement, offers not just the framework for the peace building in the post-conflict Bosnia and Herzegovina, but also represents the official framework for the future state-building and democratization processes.<sup>6</sup> Hence, Ronald Kostić might be right in arguing that considering the range of issues on the agenda the Dayton peace agreement 'represents one of the most comprehensive peace agreements negotiated in the recent history'.<sup>7</sup>

Although the Dayton peace agreement brought an end to the one of the most violent conflicts in the modern European history, its long term prospects for insuring stability in the post-war Bosnia

and Herzegovina was put to question by many foreign and domestic scholars. As Bose points out, the proposed framework, which determines the organization of state by formalizing the *de facto* division along ethnic lines in previously multiethnic Bosnia and Herzegovina, was submitted to the serious criticism “ever since it came into being”.<sup>8</sup> The critics argue that the proposed constitutional arrangement, which granites the unity of Bosnian and Herzegovina and in the same time provides substantial level of ethno-territorial autonomy for the two entities, the Federation of Bosnia and Herzegovina and the Republika Srpska, leads to the highly ethnicized and dysfunctional state structure. This argument was in a good manner formulated by Patrice C. McMahon and Jon Western in their article *The Death of Dayton: How to Stop Bosnia From Falling Apart* where they state the following: ‘as successful as Dayton was at ending the violence, it also sowed the seeds of instability by creating a decentralized political system that undermined the state’s authority’.<sup>9</sup>

The above presented criticism and the replies to them that followed contributed immensely to the scholars’ debate on the overall value of the Dayton peace agreement. Moreover, considering the amount of literature dedicated to the Dayton peace negotiations, this debate deals with one of the most challenging issues in the contemporary peace studies scholarship. On the one side of this debate scholars claim that the Dayton peace agreement failed to provide necessary constitutional framework for long-term reconstruction and reconciliation in the multiethnic environment such as Bosnia and Herzegovina. From their perspective, negotiations in Dayton did end the horrors of war, but the negotiated peace settlement did not ensure that the proposed institutional state framework would work in the long run. As the one of the first critics of the negotiated settlement points out, the Dayton agreement confirms one Bosnia and Herzegovina, but the reality of divisions along ethnic lines adds up to three Bosnias.<sup>10</sup> In addition, the complex and ambiguous nature of the reached peace agreement allows the former warring parties to develop their own interpretation of the agreed constitutional arrangements and, more importantly, to avoid any possible future integration of the country that does not correspond to their ethnically driven interests. Therefore, considering overall results of the Dayton peace agreement, the critics conclude that this peace settlement can be seen as a failure.

Maja  
Ruzic

On the other side of the debate, scholars emphasize that the Dayton peace negotiation process and the reached agreement cannot be labeled as unsuccessful. The scholars argue that considering the history of the war conflict in Bosnia and Herzegovina, the necessity to end the war, which was lasting for more than three years, as soon as possible was prior to the necessity to provide a sustainable institutional arrangement in the long run. Taking in consideration that all prior international efforts to end the war hostilities in Bosnia and Herzegovina have resulted in a failure, the need for any kind of arrangement that would end the conflict was essential. In addition Warren Bass underlines, ‘winning any accord in Bosnia was not easy. Dayton took considerable diplomatic skills and tenacity’.<sup>11</sup> The Dayton round of negotiation had to deal with the rather fixed positions of the warring parties that did not show any interest in reaching a compromising peace settlement on their own. Thus, scholars underline that even with all its flaws, the negotiated peace treaty in Dayton was the best possible solution under presented circumstances.

Following the presented arguments made on both sides of the debate, this article aims to support the scholars who claim that the constitutional framework for the state-building process in post-war Bosnia and Herzegovina that was offered through Dayton peace agreement did not contribute to the sustainability of the concept of “one Bosnia and Herzegovina”. Even though the primarily goal of the Dayton negotiations was to keep the unity of the country, the reached arrangement for the institutional reconstruction of the country discouraged any possibilities for the realization of this objective. By relying on the decentralization and power sharing, the two founding principles of the consociational democracy, the Dayton peace agreement was an attempt to find the preferred balance between conflicting interests of the warring parties. The territorial and political compromise was reached, but the overall dissatisfaction with the mediated arrangements points out to the conclusion that ‘Dayton failed to effectively address the political conflict over the territory of Bosnia and Herzegovina that had initially instigate the war.’<sup>12</sup> In addition, considering the failure to address the underlying reasons behind the war conflict and the way that negotiations in Dayton were conducted, it is possible to argue that Dayton peace negotiations resemble more to a mediation towards conflict man-

agement that to a peace negotiation process. As Hoolbroke points out, the main goal of the Dayton mediation was to put all efforts towards ending the war, even though he was more than confident in the idea that what does not get done at Dayton, will not get done later on either.<sup>13</sup> For this purpose the mediation process was put in the time framework of twenty days and supported by the NATO military force. The military support proved to be crucial for achieving much needed compromise toward ending the war,<sup>14</sup> but was not the right way of dealing with the mutually excluding interests of the conflicting sides in Bosnia and Herzegovina for the purpose of achieving a sustainable peace solution. As a result of such strategy the Bosnian conflict was transfer from military to political realm. Hence, drawing on Clausewitz, the post-Dayton political conflict in Bosnia and Herzegovina can be described as “the continuation of war by other means”.<sup>15</sup> Dayton peace negotiations were more then successful in bringing the peace to the deeply divided country like Bosnia and Herzegovina, but the construction of political order was yet to be negotiated. According to the reached agreement, the role of international community in negotiating the political compromises between former warring sides was to continue, considering that the task of negotiating the reconstruction of the political order was left as a part of even more difficult implementation process. Unfortunately, thanks to the contested nature of the Dayton-designed Bosnian state, the international community plays the role of leading negotiator for more than fifteen years now. However, as pointed out by many scholars, the most worrying fact about the future of the Bosnian state is that even after more than fifteen years of international engagement the country appears to be facing the “most serious crisis since the Bosnian war”.<sup>16</sup>

Drawing on the above-presented evaluations of the Dayton peace process, this article will be organized in the following way. The first section analyses diplomatic efforts towards ending the war in Bosnia and Herzegovina made before the Dayton mediation process and the Dayton peace process itself, with the purpose of pointing out that the Dayton peace agreement is more likely to be seen as a result of the conflict management mediation than as a product of the long-term peace negotiations. The second section examines the consequences of the Dayton peace arrangements for the stability and sustainability of the Bosnia and Herzegovina. In the end the ar-

ticle concludes that after more than fifteen years of consociational confederalism arguing for more centralization in the multiethnic country with recent war history like Bosnia and Herzegovina may not be such a good idea after all.

CEJISS

3-4/2012

## FROM PEACE NEGOTIATIONS TO CONFLICT MANAGEMENT

Ever since the war in the former Yugoslavian republic of Bosnia and Herzegovina broke down, and even before the actual hostilities began, the international community made significant efforts towards preventing the escalation of the conflict and negotiating peace settlement that would be in the best interest of warring sides. The first peace negotiations were initiated and led by the United Nations and the European Communities' joint efforts to prevent the war. As a result of these efforts, the conflicting sides in Bosnia and Herzegovina were presented with the first peaceful settlement, the Carrington-Cutileiro plan, in February 1992. The plan, drawing on the constitutional framework in Switzerland, suggested a reorganization of the Bosnian state through ethnic cantons. Success of the plan would prevent the possibility of war conflict and thus would keep the country together. Unfortunately, this pre-war peace settlement failed to gain support from all sides in the Bosnian conflict.<sup>17</sup> Nevertheless, diplomatic efforts of the international community to restore peace in now war-affected Bosnia and Herzegovina did not cease to exist. Thanks to the continuation of these international diplomatic efforts a more permanent negotiation forum, the International Conference on Former Yugoslavia (ICFY), was established in 1992. The ICFY offered three more peace solutions for the Bosnian conflict by the end of 1994. However, none of them gain sufficient support from the conflicted sides, and thus the hostilities in Bosnia and Herzegovina were approaching to their fourth anniversary.<sup>18</sup>

Nevertheless, the diplomatic efforts of the international community during the three years of Bosnian conflict could not be evaluated as unsuccessful. The three-year peace initiative was led by the idea that only the legitimate peace settlement, which was acceptable to all warring sides, would discourage future aggressions. Thus, the stability and sustainability of the post-war Bosnia and Herzegovina was put before the need to end the war. With this in mind,

any peace arrangement that could be enforced was not an option. Unfortunately, this kind of negotiation strategy in the environment where the warring sides did not show any initiative for balancing their competing interests was leading nowhere. As rightfully noticed by Jutta Paczulla, ‘at no stage in the period between 1992 and 1995 did any of the warring parties themselves take any initiative, or express their intention, to settle the conflict’.<sup>19</sup> Thus, it could not be a surprise that all proposed peace settlements were dismissed.

Maja  
Ruzic

The peace negotiation process led nowhere and the war hostilities escalated even more. The violence culminated in 1995, with the events that took place in Sarajevo, Srebrenica and the hostage situation with retained UN peacekeepers. These events led international community to the conclusion that the approach to the peace negotiations in Bosnia and Herzegovina had to be changed. The international efforts, and the United States’ led initiative, decided that it was the time to end the war in Bosnia regardless of the long-term sustainability of the reached peace agreement. The aim was to bring peace to the war-affected country and the constitutional future of the Bosnian state was put on the side.<sup>20</sup> The change in the approach of the international community led to the change in nature of mediation process. From the diplomatic negotiations, international efforts turn to conflict management. Thanks to the fixed positions of the conflicting parties, diplomacy was put on the side with the “all-out negotiation efforts”,<sup>21</sup> which relied extensively on the support of NATO military force.<sup>22</sup> The United States’ led conflict management process culminated with the negotiation peace talks at Wright-Patterson Air Force Base, near Dayton in November 1995. The negotiation process was set in a time framework of three weeks. In addition, for the purpose of making the peace settlement more likely in these conditions, the complexity of the peace negotiations had to be reduced. Therefore, Michael Watkins might be right in arguing that the Dayton peace negotiations represents a good example for the use of the negotiation method of strategic simplification.<sup>23</sup>

According to Watkins, strategic simplification theory represents a rational and well-planned use of different strategies with the purpose of making complex and comprehensive negotiations more controllable. The complexity of negotiations can be a result of the complex party structure – the large and diverse number of parties involved in negotiations – as well as the complex issue structure – a

significant number of issues on the negotiation's agenda – or as a result of both. With this in mind, the goal of the strategic simplification technique is to reduce the number of parties and issues on the negotiation's agenda with the purpose of achieving as much as possible within the existing negotiation framework.<sup>24</sup> In other words, the aim of strategic simplification is to negotiate the best possible solutions under complex circumstances by reducing the number of aggravating factors.

Drawing on the theory of strategic simplification, it is possible to argue that Dayton peace negotiations had been facing complexity on both sides of the negotiation structure, considering the number and diversity of the negotiation parties and the number of issues that were on the agenda. Thus, in order to make the possibility of reaching peace agreement in such circumstances more likely, the negotiators had to rely on the extensive use of the strategic simplification.<sup>25</sup> This negotiation technique was used to reduce both the number of parties and number of issues in the negotiation table. With this kind of strategy in use, progressive movements towards ending the Bosnian war were possible.

The party structure of the Dayton negotiation process consisted not just of a large number of delegations, but also of very diverse and irreconcilable parties interests. As Warren Bass points out in his article *The Triage of Dayton*, the peace negotiation process involved almost hundred negotiators, which were representing eleven different delegations.<sup>26</sup> The mediation process was led by the United States, which had capacity and capabilities to lead an effective mediation process. Beside the representatives of the United States, on the same side of negotiating table were also the representatives of the European Union, NATO, the United Nations and the Russian Federation. The goal of the United States in these circumstances was to ensure the support from other representatives for their role of leading mediator in the negotiation process and thus to present the unified position of the West. Nevertheless, the opposing side of the negotiating table was much more complicated. On this side of the table there were the delegations of the warring parties from Bosnia and Herzegovina, Bosnian Muslims, Croats and Serbs, supported by the delegations of Croatia and the Federal Republic of Yugoslavia. In addition, the conflict of interests within each of these delegations increased the complexity of the peace negotiation pro-

cess even more.

The complexity of the negotiation's party structure, the three weeks time framework and the inflexibility of the presented interests by the conflicting sides made the success of Dayton peace negotiations close to impossible. Thus, in order to reach the peace settlement that would, first of all, end the war conflict as soon as possible the simplification of party structure had to be done. The goal of this strategy was to reduce the number of negotiating parties with the purpose of making the possibility of reaching the peace settlement more likely. This was done through the use of the subordination strategic simplification technique. As Watkins emphasizes, certain parties had to be convinced to be represented by the others.<sup>27</sup> This reasoning was applied to both sides of negotiation table. The United States' delegation, which was leading the negotiations, represented the unified position of the international community. The delegation of Bosnian Serbs and Croats were unified with delegations of the Federal Republic of Yugoslavia and Croatia. Thus, the negotiation rights and interests of the Bosnian Serbs and Croats were represented by their ethnic representatives from neighboring countries. Whereas, the only side in the Bosnian conflict that represented itself at the negotiations was the delegation of Bosnian Muslims.

The complexity of the Dayton negotiations was not just a result of the negotiation's party structure. The structure of the issues on the negotiation's agenda complicated the peace process even more. The number of issues that each delegation from the former Yugoslavia brought to the agenda made the negotiations more comprehensive, but not necessarily more flexible. The goal was to ensure "a three-way recognition between BiH, Croatia and Serbia".<sup>28</sup> By doing so the negotiated peace arrangement would bring stability not just to Bosnia and Herzegovina but also to the whole region. Consequently, the Dayton peace process was not just about conflict management in war-affected Bosnia and Herzegovina. The negotiation agenda was open also for the issues that concerned the Federal Republic of Yugoslavia and Croatia. Thus, in order to end the Bosnian war, besides agreeing on the issues of the warring sides, the compromise had to be made on many issues that did not concern Bosnia and Herzegovina directly. To illustrate, the Dayton's negotiation agenda consisted of the following issues: Bosnia and Herzegovina

was to remain one state with two entities – the borderlines were to be determined, the constitutional framework for the post-war Bosnian state, the post-war elections, a framework for economic reconstruction, a freedom of movements and the right of refugees to return to their homes, a compliance with the International War Crimes Tribunal, an international police provision, the relief of sanctions for the Federal Republic of Yugoslavia and a Croat-Serb agreement on Eastern Slavonia.<sup>29</sup>

Even though the negotiation agenda was more than comprehensive, the leading principle of the United States' peace negotiators was to seize the opportunity and do as much as it was possible in the three weeks time framework. The United States' chief negotiator Hoolbruke emphasized this approach by saying that what does not get done at Dayton, will not get done later on either.<sup>30</sup> Therefore, in order to deal with what was a large number of different and mutually excluding interests, the negotiation's issue agenda had to be simplified. For that purpose, as Watkins points out, the strategic simplification techniques, the split technique and the subtract technique, were used. The split technique, which implies the division of the issues on the agenda into two or more subsets, broke down the negotiation process into several steps and the irreversibility of every step was insured. In addition, "the steps" of the negotiation process were organized in that way that the less conflicting issues were discussed first. Hence, the issues like institutional arrangements and composition of the government were negotiated first, and the "map issue", the division of territory of Bosnia and Herzegovina between two entities, came in the end of the negotiations when all the parties were more invested in the negotiating process.<sup>31</sup> The subtract technique, which recommends the elimination of the issues upon which the negotiation's parties cannot agree from the negotiation agenda, was applied in the end of the negotiation process. In the case of Dayton peace process, the issue that was blocking the peace process was the status of the city of Brčko. On the United States' initiative the conflicting sides from Bosnia and Herzegovina agreed to settle this issue by arbitration after the peace agreement had been signed.<sup>32</sup> In sum, thanks to the strategic simplification techniques for the reduction of the complex issue structure the mediation for the peace settlement of the Bosnian war was a success.

The simplification of the party and issue structure at the Dayton

peace negotiation made the reached peace agreement one of the most comprehensive peace settlements in the history. In the same time, the war in Bosnia was ended, the sustainability of the country was to be provided through constitutional and economic framework, and the stability in the region of former Yugoslavia was ensured with the agreement between the Federal Republic of Yugoslavia and Croatia. However, the Dayton peace agreement was not just the most comprehensive peace settlements in the history, but also the most ambiguous one. Considering the number of parties and issues on the negotiating agenda, the three weeks time framework, and the determination that agreement had to be made, the ambiguity of the outcome was logical. As noted by Aggestam and Björkdahl, at Dayton negotiations ‘the parties committed themselves to the terms of a compromise that deeply dissatisfied everyone, but that was sufficiently ambiguous for all sides to believe it could be used for their respective purposes during implementation’.<sup>33</sup> This conclusion brings us to the analysis of the consequences of the Dayton conflict management, which will be discussed in the next section.

Maja  
Ruzic

#### PEACE WITHOUT SUSTAINABILITY

The change of the international community’s approach towards peace mediation between the warring sides in the Bosnian conflict, which took place after the escalation of hostilities in mid-nineties, has consequently changed the acceptable and desirable outcomes of the mediation. The negotiations for the long-term peace settlement soon turned into conflict management mediation, and “long-term planning was sacrificed for short-term results”.<sup>34</sup> The mediation priority was to put all efforts toward ending the violence, but this time all means for reaching this goal were on the table. This kind of strategy did not hesitate even with relying on the military force in order to reach positive outcome. The international community, led by the United States, started the conflict management process that culminated with the signing of the General Framework Agreement for Peace in Bosnia and Herzegovina in December 1995. The agreement nurtured a territorial and political compromise that brought peace to Bosnia and Herzegovina after almost four years of war confrontations. The country was to be reconstructed on the principles of consociationalism, which recognizes the ‘ethnic groups as the corner-

CEJISS  
3-4/2012

stones of government'.<sup>35</sup> Thus, according to the Dayton agreement Bosnia and Herzegovina was to be organized as 'a complex institutional structure, composed of one state, two entities, three people, an estimated 3.9 million citizens, and five layers of governance led by 14 prime ministers'.<sup>36</sup> In addition, mutual veto rights for all three constitutional ethnic groups were guaranteed. The political and territorial compromise was negotiated, and international community was there to oversee its implementation. Nevertheless, the way that this compromise was reached and the ambiguous nature of the negotiated agreement may have contributed to the fact that Bosnia and Herzegovina "now stands on the brink of collapse".<sup>37</sup>

The strategic simplification techniques applied at the "all out negotiations" in Dayton may have secured the reaching of the final peace settlement that ended the Bosnian war, but the long-term consequences of these techniques were to appear in the implementation phase. Doubtlessly, the simplification of party and issue structure at the negotiation table has nurtured a fragile peace settlement within the three weeks timeframe. The subordination of the negotiation rights on the ethnic bases has reduced the number of incompatible demands at the negotiation table, and thus increased the possibility for reaching the final political compromise. However, this kind of strategy has invoked the question of the legitimacy upon the entire negotiated agreement. The worrying outcome of this strategic simplification in the case of Dayton peace mediation was the fact that two parties whose negotiation rights were restricted, and thus the two parties who did not take part in negotiating the peace settlement, were two out of three parties that had to implement it. As pointed out by Kostić, the delegations of Bosnian Serbs and Croats were informed about the compromises that were made on their behalf in the end of negotiations. Logically, they marked the reached agreement as non-binding and refused to implement it.<sup>38</sup> In addition, in order to have the positive outcome of the negotiation process, the Dayton peace agreement was signed on their behalf by the delegation of the Federal Republic of Yugoslavia and Croatia.

The above-presented paradox of legitimacy is the fundamental problem of the Dayton peace agreement that reflects on the functionality of the Bosnian state even today. Although the Bosnian Croats ended up accepting the agreed entity of the Federation of

Bosnia and Herzegovina and the signatures of the Bosnian Serb's representatives were faxed late on, the overall dissatisfaction with the agreement was more than notable. The proposed constitutional arrangement was facing resistance from all three ethnic groups in Bosnia. The Muslims described it as too federal, the Serbs saw it as insufficiently federal and the Croats challenged the specific implementation of federalism.<sup>39</sup> Drawing on these fundamental differences on the essence of the state, the scholars' claim that Dayton peace failed to produce unambiguous ending to the Bosnian war might have some grounds. Political leaders of the three ethnic groups "maintained zero-sum views of each other",<sup>40</sup> thus the underlining reasons that led to the war in the first place were still present. Hence, Roberto Belloni may be right in arguing that the post-Dayton political situation in Bosnia and Herzegovina is in fact a continuation of war by other means.<sup>41</sup>

In order to compensate for the problem of legitimacy and to insure the support for the implementation of the Dayton peace agreement from the political elites and the three ethnic groups, the international community decided to hold early democratic elections in Bosnia and Herzegovina. Yet, considering that the Bosnian conflict was far from being over and that none of the warring sides were satisfied with the Dayton arrangement, the democratically held elections reaffirmed ethno-national cleavage and enhanced ethno-national tensions even more.<sup>42</sup> Therefore, from providing a framework that would discourage future hostilities in deeply divided state, the implementation of the Dayton peace agreement led to the transfer of the conflict from the military to the political realm. As described by Aggestam and Björkdahl with this 'continuation of war by other means', 'the climate of fear and uncertainty prevails long after the signing of the agreement and Bosnia and Herzegovina remains a deeply divided society'.<sup>43</sup>

Thanks to these long-term consequences of the Dayton negotiation strategy, which encouraged the approach of "doing more with less", the role of international community as a mediator in the Bosnian "frozen conflict" has not changed for more than fifteen years now. The lack of the ability from the political establishment to agree on basic decision on the state level, and thus to make the system work, has invoked the constant need of international mediation. The absence of willingness to integrate at the state level,

CEJISS  
3-4/2012

which is even more reinforced by the weak state institutions, has contributed to the fact that 'almost every important issue at the central government level is deadlocked'.<sup>44</sup> In those kinds of situations, where the political compromise among the representatives of the three ethnic groups could not be reached and the decision had to be made, the international community through the institution of High Representative intervened more directly by imposing the needed change. Consequently, for the purpose of ensuring the functioning of the state institutions the High Representative has intervened on the behalf of the international community in the Bosnian political processes more than 800 times.<sup>45</sup> Due to this contested nature of the Bosnian state, the argument that the functioning of the current constitutional structure in Bosnia and Herzegovina can only be sustained though the strong presence of the international actors is more than true. As emphasized by Bose, 'Bosnia is a state of international design that exist by international design'.<sup>46</sup>

However, after more than fifteen years of ensuring the sustainability of the Dayton's constitutional framework the international community has raised the question of the constitutional reform in Bosnia and Herzegovina. The new opportunity for providing Bosnia with a sustainable constitutional arrangement was offered through the constitutional reform talks in 2005. Yet, all sides at the negotiating table, including the representatives of international community, had a different idea about how the new constitutional future of Bosnia and Herzegovina should look. The international community saw the reform talks as an opportunity to finish negotiation and state-building processes in the country, and thus to finish its mission in Bosnia. From their perspective the way for reaching this goal was through the centralization of the state. In other words, the goal was to ensure the full integration of the state by assigning more powers to the central-state institution.<sup>47</sup> Political representatives of the Bosnian Muslims had a similar idea about the new constitutional framework. According to them, Bosnia and Herzegovina was to be organized on the principles that would ensure a more centralized government and political map that would erase the existing ethnic divisions.<sup>48</sup> The political representatives of the Bosnian Serbs and Croats have challenged these notions for the centralization of the Bosnian state. The representatives of the Bosnian Serbs saw the reform talks as a chance for strengthening "their semi-independent

republic”,<sup>49</sup> while the Bosnian Croats wanted to seize this opportunity and rectify the injustice done to them at the Dayton peace talks by carving out “a Croat-dominated entity”.<sup>50</sup> Faced with these irresponsible demands the constitutional reform talks failed to produce results. Bosnia and Herzegovina was confronting yet another crisis that contested the very existence of the state and the international community continued to ensure the stability of the state.

Drawing on the above-presented developments, and considering that the new round of constitutional negotiations in 2009 faced the same dead end, it is possible to conclude that the more centralized constitutional arrangement for the deeply divided country like Bosnia and Herzegovina may not be such a good idea after all. After more than fifteen years of relying on the consociationalistic constitutional framework for making the country sustainable, the move towards a more centralized country in an environment where the three ethnic groups are marked as constitutional people had to be contested. Considering that in 2005 both Bosnian Croats and Serbs accepted the existence of Bosnia and Herzegovina as one country by abandoning the idea of possible separation, the notion for the more centralized country, which is to be guided by the principles of majoritarian democracy, may lead to the transfer of the political conflicts to the military realm. Even though, the possibility of the new war confrontation in Bosnia and Herzegovina is very unlikely, the applicability of majoritarian democracy, which would ensure the primacy of one ethnic group, in a still ethnically divided country with not so recent war history is highly inadvisable. However, this does not mean that the current status quo should be preserved. The constitutional changes are required in order for Bosnia and Herzegovina to be a sustainable country without international supervision. Yet, that best way of reaching this goal may be through the preservation of the constitutional federalism and further decentralization of the country, which would provide effective shared rule to all three ethnic groups. After all, Bosnia and Herzegovina is not the only country in the world where the federal units are dominant layer of government.

Maja  
Ruzic

## CONCLUSION

The end of 20<sup>th</sup> century opened up an era on international liberal interventionism in international relations. One of the first cases where international intervention engaged in the peace-building and state-building processes was the case of Bosnia and Herzegovina. The dissolution of the Socialistic Federal Republic of Yugoslavia led to the war confrontations in this former Yugoslavian republic. The international community undertook the task of negotiating the peace agreement even before the actual hostilities began. However, thanks to the lack of willingness of the Bosnian warring sides to reach a compromise, the international peace effort managed to nurture the peace settlement after almost four years of continuous war confrontations. During this period international peace efforts did not seize to exist, but the approach of the international community towards peace negotiations shifted from negotiating long-term peace settlement to ending the war at any cost. Thus, the change in the mediation strategy turned peace negotiations into conflict management process that resulted in the signing of the General Framework Agreement for Peace in Bosnia and Herzegovina in December 1995.

Although the Dayton peace agreement managed to bring peace to the Bosnian state, the scholars have challenged its overall positive implications from the moment it came into being. As a result of scholars' analysis, even today the debate about the valued of the reached agreement in Dayton represents one of the most relevant debates in the peace studies scholarship. In general, the scholars agree that the Dayton peace agreement stopped the war hostilities and 'created the conditions for life to return to normal'<sup>51</sup> in Bosnia and Herzegovina. However, the way that this peace agreement was reached ensured the unsustainability of the negotiated compromise in the long run. As Kyle Beardsley emphasizes, the actors of the conflict mediation process often tend to discount the future, and thus make bargains that would end the war even at the expense of potential long-term instability. By encouraging agreements that may not be consisted with the conflicted parties long-term interests, the mediators end up with an artificial peace settlement, which in the absence of the mediator loses its legitimacy.<sup>52</sup>

Drawing on the contemporary developments of the constitutional crisis in Bosnia and Herzegovina and on the Beardsley's argumentation, it is possible to conclude that the Dayton peace

agreement could be classified as an artificial agreement. The Dayton negotiations managed to produce the settlement that ended the war, but the reached compromise failed to address the underlying reasons that led to the war in the first place. Consequently, the long-term sustainability of the agreement was sacrificed for the short-term solution and it was just question of time before the former warring parties present their true preferences that go beyond the Dayton agreement. Unfortunately, as pointed out by the constitutional reforms talks, these preferences are still incompatible and the international community still plays a role of mediator in what is now a “continuation of war by other means”.<sup>53</sup>

*From Military Conflict to Political Deadlock in BaH*

## NOTES TO PAGES

- 1 Aggestam, Karin; Björkdahl, Annika. Just Peace Postponed: Unending Peace Processes and Frozen Conflicts. *JAD-PdP Working Paper*, No. 10, (January 2011): 17.
- 2 Bose, Sumantra. The Bosnian State a Decade After Dayton. *International Peacekeeping*, vol. 12, No. 3, (Autumn, 2005): 322.
- 3 Sharp, Jane M. O. Dayton Report Card. *International Security*, vol. 22, No. 3, (Winter, 1997–1998): 107.
- 4 Peace plans offered during the war in Bosnia and Herzegovina were: Vance-Owen Plan in 1993, Owen-Stoltenberg Plan in 1993, and Contact Group Plan in 1994.
- 5 Kostić, Roland. *Reconciling the Past and the Present – Evaluating the Dayton Peace Agreement 1995*. (Uppsala: Uppsala University press, 2009): 27.
- 6 The General Framework Agreement for Peace in Bosnia and Herzegovina (GFAP). Available at: <http://www.state.gov/www/regions/eur/bosnia/bosagree.html> (Accessed: 24. 02. 2012).
- 7 Kostić. *Reconciling the Past and the Present*. p. 36.
- 8 Bose. *The Bosnian State a Decade after Dayton*. p. 323.
- 9 McMahon, Patrice C.; Western, Jon. The Death of Dayton: How to Stop Bosnia From Falling Apart. *Foreign Affairs*, vol. 88, No. 69, (2009): 70.
- 10 Schear, James A. Bosnia’s Post-Dayton Traumas. *Foreign Policy*, No. 104 (Autumn, 1996): 87–88.
- 11 Bass, Warren. The Triage of Dayton. *Foreign Affairs*, vol. 77, No. 5, (Sep.–Oct. 1998): 97.
- 12 Franz, Barbara. Returnees, Remittances and Reconstruction: International politics and Local Consequences in Bosnia. *The Whitehead Journal of Diplomacy and International Relations*, vol. 11, No. 1, (January, 2010): 49.
- 13 Holbrooke, Richard. *To End a War*. (New York: Random House, 1998): 223.

- 14 Paczulla, Jutta. The Long, Difficult Road to Dayton: Peace Efforts in Bosnia and Herzegovina. *International Journal*, vol. 60, No. 1, (Winter, 2004/2005): 264.
- 15 Belloni, Roberto. Bosnia: Dayton is Dead! Long Live Dayton! *Nationalism and Ethnic Politics*, vol. 15, No. 3–4 (2009): 360.
- 16 Kappler, Stefanie; Richmond, Oliver. Peacebuilding and Culture in Bosnia and Herzegovina: Resistance or Emancipation. *Security Dialog*, vol. 42, No. 3, (2011): 261.
- 17 Sharp. *Dayton Report Card*. p. 107.
- 18 Paczulla. The Long, Difficult Road to Dayton. p. 257–259.
- 19 Ibid., p. 257.
- 20 Paczulla. *The Long, Difficult Road to Dayton*. p. 259.
- 21 Holbrooke. *To End a War*. p. 15.
- 22 Sharp. *Dayton Report Card*. p. 113.
- 23 Watkins, Michael. Strategic Simplification: Toward a Theory of Modular Design in Negotiation. *International Negotiation*, vol. 8, No. 1, (2003): 149–167.
- 24 Ibid.
- 25 Watkins. *Strategic Simplification*. p. 159.
- 26 Bass, Warren. The Triage of Dayton. *Foreign Affairs*, vol. 77, No. 5, (Sep.–Oct. 1998): 95–108.
- 27 Watkins. *Strategic Simplification*. p. 159.
- 28 Kostić. *Reconciling the Past and the Present*. p. 26.
- 29 Holbrooke. *To End a War*. p. 233. Kostić. *Reconciling the Past and the Present*. p. 27.
- 30 Holbrooke. *To End a War*. p. 223.
- 31 Watkins. *Strategic Simplification*. p. 161–162.
- 32 Ibid.
- 33 Aggestam; Björkdahl. *Just Peace Postponed*. p. 9.
- 34 Ibid., 10.
- 35 Touquet, Heleen; Vermeersch, Peter. Bosnia and Herzegovina: Thinking Beyond Institutional-Building. *Nationalism and Ethnic politics*, vol. 14, No. 2 (2008): 269.
- 36 Belloni. *Bosnia*. p. 359.
- 37 McMahon; Western. *The Death of Dayton*. p. 69.
- 38 Kostić. *Reconciling the Past and the Present*. p. 41, 55.
- 39 Gromes, Thorsten. Federalism as a Means of Peace-Building: The Case of Postwar Bosnia and Herzegovina. *Nationalism and Ethnic Politics*, vol. 16, No. 3–4 (2010): 365.
- 40 Belloni. *Bosnia*. p. 360.
- 41 Ibid.
- 42 Aggestam; Björkdahl. *Just Peace Postponed*. p. 15.

- 43 Ibid., 16.
- 44 McMahon; Western. *The Death of Dayton*. p. 73.
- 45 Belloni. *Bosnia*. p. 362.
- 46 Bose. The Bosnian State a Decade after Dayton. p. 323.
- 47 Touquet; Vermeersch. *Bosnia and Herzegovina*. p. 269.
- 48 Belloni. *Bosnia*. p. 366.
- 49 Ibid., 367.
- 50 Ibid., 366.
- 51 McMahon; Western. *The Death of Dayton*. p. 72.
- 52 Beardsley, Kyle. Agreement Without Peace? International Mediation and Time Inconsistency Problems. *American Journal of Political Science*, vol. 54, No. 4 (Oct. 2008), p. 728–729.
- 53 Belloni. *Bosnia*. p. 360.

Maja  
Ruzic