

THE SUSTAINABILITY OF THE DAYTON PEACE AGREEMENT AND PERSPECTIVES FOR BOSNIA AND HERZEGOVINA

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Abstract: After a series of unsuccessful attempts by the European Community and the European Union, which only contributed to the escalation of armed actions, the Dayton Peace Agreement ended the civil war in Bosnia and Herzegovina and represented a successful peace solution. Although at that time it was hailed as a significant achievement, it created a complex political and administrative structure that, even after nearly thirty years, faces challenges that call into question its sustainability and the provision of long-term peace for Bosnia and Herzegovina. The Dayton Agreement established a power-sharing constitutional framework among Bosniaks, Croats, and Serbs to prevent ethnic domination. However, it also deepened ethnic divisions and created a complex governance system composed of two entities—the Federation of Bosnia and Herzegovina and Republika Srpska—and the Brčko District. Today, Bosnia and Herzegovina faces renewed national tensions and ethnic intolerance, which are direct consequences of internal political developments and external influences and changes in the geopolitical landscape, seriously raising questions about the future and survival of the state. The rhetoric from the leadership of Republika Srpska about a “peaceful separation” from the Federation of Bosnia and Herzegovina and the abandonment of the Dayton Agreement presents a serious security challenge, upon which the future of Bosnia and Herzegovina largely depends. For Bosnia and Herzegovina to survive as a state, constitutional reforms are necessary, which would mean reforms to the Dayton Agreement itself. However, these reforms must be implemented with maximum care and with international support to avoid violating the rights of the constituent peoples, which could lead to new tensions. To enable the functionality of the state and its economic progress, anti-corruption measures, economic development, and strengthening of the rule of law are also necessary.

Keywords: Dayton Peace Agreement, International Community, Constituent Peoples.

Introduction

The Dayton Peace Accords, signed in December 1995, marked the end of one of the bloodiest conflicts in post-Cold War Europe – the war in Bosnia and Herzegovina (BiH). A diplomatic success for the United States and its European allies, the agreement froze military

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action and established a new constitutional and institutional order based on ethnic division. Today, nearly three decades later, BiH is a peaceful but deeply dysfunctional state, dependent on external supervision, with weak institutions and chronic political instability.

Although Dayton retained the sovereignty of Bosnia and Herzegovina, it also froze the ethnic division by creating two entity structures/entities – the Federation of Bosnia and Herzegovina and Republika Srpska – and a rotating presidency among the three “constituent peoples”: Bosniaks, Serbs and Croats. Such a regulation, he points out, led to a dysfunctional system that creates institutional discrimination, especially against citizens who do not belong to any of the three ethnic groups. (Kartsonaki, 2016, p.495)

In addition, the Dayton Agreement not only failed to overcome the original ethnic polarization, but according to some authors, institutionalized it. There is a perception that the agreement was concluded as an instrument to end the war, and not as a long-term framework for a functional democracy and sustainable peace. Today, BiH faces increasing challenges (mass emigration, institutional stagnation, corruption and the growing influence of external actors) that call into question the concept of sustainability of the Dayton Peace Framework. (Davis, 2021, p.67)

The aim of this paper is to examine precisely this sustainability of the Dayton Peace Agreement. The starting hypothesis will be: The constitutional and political order established by Dayton does not lead to a stable and democratic state, but rather freezes instability and undermines BiH's perspective for integration into the European Union. In doing so, the paper will use an interdisciplinary approach – combining historical, legal and political analysis – to identify the key shortcomings of the Dayton model and potential directions for reform.

Historical-political context of the conflict

The collapse of the Socialist Federal Republic of Yugoslavia in the 1990s was the result of complex historical, political and economic factors. Although nationalism is often cited as the main driver of the war in Bosnia and Herzegovina, superficial explanations based on “ancient hatreds” fail to capture the deeper structural and political processes that led to the conflict.

With the rise of political leaders such as Slobodan Milošević and Franjo Tuđman in the late 1980s, the Yugoslav federal balance was disrupted. Both promoted ethnic nationalism as a means of consolidating power, leading to a radicalization of public discourse and ethnic mobilization. Political elites, not the people, fueled the conflict by using the rhetoric of nationalism to maintain or increase their political capital. (Global Europe Program Working Group on the Western Balkans, 2020, p.12)

Additionally, the role of the media and the interpretation of history were crucial in spreading hatred and fear. Political actors deliberately manipulated historical memories to create an “emotional antagonism” that legitimized violent mobilization. (Del Ponte and Sudetic, 2009, p.143)

External actors not only failed to prevent the breakup of Yugoslavia, but often acted in their own interests. International powers and neighboring states acted in a biased manner, which instead of preventing it, accelerated the disintegration. Germany's rapid support for the independence of Croatia and Slovenia further aggravated the situation (Woodward, 1995, p.222).

At the same time, the interests of the United States were initially linked to the stability and survival of Yugoslavia as a geopolitical pillar within the Non-Aligned Movement. This ambivalence, also highlighted in declassified diplomatic documents, suggests that conflicting priorities contributed to a confused attitude towards the crisis (U.S. Department of State, 1973, p.48).

Bosnia and Herzegovina, as the most ethnically mixed republic in Yugoslavia, was particularly vulnerable to ethnic divisions. The division of power within the republic had been based on national quotas since before independence, making it difficult to develop a joint response to the crisis. Following the independence referendum in March 1992 and international recognition, armed conflict erupted, characterized by ethnic cleansing, mass killings, and the displacement of hundreds of thousands of people.

People do not start wars “out of thin air”; they bring with them histories, collective memories, and identities that are activated under certain conditions. Therefore, any strategy for sustainable peace must be based on a deep understanding of the history and political culture of the region (Davis, 2021, p.34). This poses a serious challenge, especially for the approaches in overcoming conflicts over different values, which usually include the issue of identity as well. Moreover, even though the main conflict reasons and issues might not be of identity character, identity still could play significant role at different conflict levels, especially when different ethnic groups clash with each other, for a variety of reasons. For instance, two or more ethno-political groups might be in conflict over material resources, but when identity is added to the mixture, the result can be combustible (Pavleski, 2022). Therefore, the expected approach about effectively managing such conflict situations must simultaneously take into account both, the objective and subjective conflict aspects (Pavleski, 2024).

A retrospective of the war in Bosnia and Herzegovina (1992–1995)

The war in Bosnia and Herzegovina began on 6 April 1992, following a referendum on independence from the Socialist Federal Republic of Yugoslavia, which was boycotted by the majority of Bosnian Serbs. Following international recognition of Bosnia and Herzegovina, Bosnian Serb forces, supported by the Yugoslav People’s Army (JNA) and the regime of Slobodan Milošević in Serbia, launched an offensive aimed at creating an ethnically homogeneous “Republika Srpska”. (Del Ponte and Sudetic, 2009, p.101)

The conflict quickly escalated into the worst humanitarian disaster in Europe since World War II. It was characterized by mass atrocities, systematic ethnic cleansing, and sieges of cities, culminating in the violence in Srebrenica, where more than 8,000 Bosniaks were killed in July 1995. (UN, 1995, p.7) The siege of Sarajevo lasted almost 1,400 days, the longest in modern history – killing more than 11,000 civilians, including children.

Attempts at international mediation were largely unsuccessful. The conflict was complicated, with Serbia and Croatia pursuing parallel interests and supporting allied factions within Bosnia and Herzegovina.

Although the UN established safe zones, such as Srebrenica and Zepa, their failure to protect civilians discredited the mission. The real turning point came in 1995, with NATO’s Operation Deliberate Force and American diplomatic pressure that led to peace talks in Dayton. By November 1995, the war in Bosnia and Herzegovina had resulted in: over 100,000 deaths (of which around 40,000 were civilians), over 2 million displaced persons, destruction

of infrastructure and the economic system, psychological and generational traumas that are still being felt (Kartsonaki, 2016, p.488).

The conflict cannot be reduced to “historical hatred” but was politically produced, in conditions of fragile institutions, historical injustices, and strategic manipulation.

The Dayton Peace Agreement: content and achievements

The Dayton Peace Accords, initiated at the Wright-Patterson military base in Ohio and signed in Paris on 14 December 1995, ended the largest armed conflict in Europe since World War II. They were the result of intense international pressure and diplomatic engagement, led by the US and supported by the EU and the UN. The agreement constitutes the so-called General Framework Agreement for Peace in Bosnia and Herzegovina and its 11 annexes, which regulate territorial arrangements, military issues, elections, the judiciary, refugees, constitutional arrangements and other key aspects of the post-conflict settlement (Del Ponte and Sudetic, 2009).

The most important part of the agreement is Annex IV, the Constitution of Bosnia and Herzegovina. It establishes the new institutional order of the state, which provides for:

- Central government with a rotating three-member presidency;
- Council of Ministers with a strict ethnic balance;
- Two entity units: the Federation of Bosnia and Herzegovina (with a Bosniak-Croat majority) and the Republika Srpska (with a Serb majority) and three constituent peoples;
- Special status for the Brcko District.

It also obliges BiH to respect the European Convention on Human Rights, placing it above domestic law (Art. II/2 of the Constitution). However, this norm has never been effectively applied, as demonstrated by the judgment of the European Court of Human Rights, which found that the current system discriminates against citizens who do not belong to the constituent peoples (Davis, 2021, p.45).

Dayton achieved its primary goal without a hitch: an end to the war and the establishment of relative peace. Since 1995, despite political tensions, the conflict has not been renewed, and the state, although dysfunctional, formally remains sovereign and internationally recognized. The agreement preserved the territorial integrity of Bosnia and Herzegovina and established institutions that prevented further disintegration. An Office of the High Representative (OHR) was also established with the authority to ensure the implementation of the civilian aspects of the agreement, and with the so-called Bonn Powers it gained the capacity to impose legal acts and remove officials.

Although the agreement halted the war, many authors consider it a “truce, not a lasting peace arrangement.” It freezes the ethnic status quo, creating an inflexible structure that entrenches ethnic divisions rather than transcends them. The political system is essentially ethnocratic—built on an ethnic key and blocking mechanisms, leading to institutional paralysis and the erosion of civil rights (Global Europe Program Working Group on the Western Balkans, 2020, p.18). The established structure includes: (European Court of Human Rights, 2009, p.12)

- 14 governments and 147 ministers for 3.2 million inhabitants;
- Rotating presidency with veto power;
- Constitutional arrangement that systematically discriminates against non-ethnic candidates (e.g. Jews, Roma, or other minorities) – which is contrary to the European Convention.

As a result, the state suffers from chronic institutional stagnation, corruption, and distrust in the judiciary – conditions that directly stem from the Dayton constitutional model.

The Dayton Constitution and Institutional Discrimination

Annex IV of the Dayton Peace Agreement represents the Constitutional Foundation of Bosnia and Herzegovina. Although it formally preserves the sovereignty of the state and guarantees respect for human rights, the constitutional structure actually establishes a system of ethnic consociationalism that, instead of leading to inclusiveness and functionality, results in systemic discrimination and political paralysis.

The Constitution recognizes BiH as a state consisting of two entities (the Federation of BiH and Republika Srpska), in which political power is distributed by ethnicity – Bosniaks, Serbs and Croats as the so-called “constituent peoples”. Although there is a formal guarantee of the rights of all citizens, in practice this leads to a so-called dual citizenship, where ethnicity is a prerequisite for political participation. (Davis, 2021, p.52) The constitutional model creates a “paradox of sovereignty,” where constituent peoples are presented as holders of power, but not individual citizens, which directly undermines the principle of equality before the law.

The clearest confirmation of institutional discrimination is found in the decision of the European Court of Human Rights in the case of “Sejdić and Finci v. Bosnia and Herzegovina (2009)”, where the court found that the constitutional arrangement violated Article 14 and Article 3 of Protocol 1 to the European Convention on Human Rights by prohibiting citizens who do not belong to the “constituent peoples” from running for the Presidency and the House of Peoples. The court explicitly stated that the Constitution of BiH must be amended, as it violates the “prohibition of discrimination”. Although the obligation was clear, even after more than a decade, the judgment has not been implemented (European Court of Human Rights, 2009, p.14).

There have been several attempts at constitutional reform – the most famous being the so-called “Butmir Process” in 2009, but they were blocked by nationalist parties that use ethnic mechanisms as a means to maintain their power. The constitution provides for the possibility of amendments (Art. X), but any amendment initiative requires the consent of ethnically divided bodies, making reforms almost impossible without external pressure (Kartsonaki, 2016, p.490).

The constitutional structure is not only dysfunctional, but also actively facilitates corruption, as it locks power into the hands of ethnic elites who have no incentive to implement democratic reforms. The system of ethnic quotas not only discriminates, but also undermines civic identity and the sense of a common state. Instead of an inclusive democratic system, BiH functions as a federation of ethnic territories with limited cooperation. This creates a permanent “frozen conflict”, where the state remains peaceful but constantly under threat of internal disintegration.

The viability of the Dayton model today

More than 25 years after the signing of the Dayton Peace Accords, Bosnia and Herzegovina remains formally peaceful, but the reality is that the country finds itself in a state of chronic institutional stalemate, with ethnic tensions, economic stagnation and deep distrust in institutions. BiH is not in immediate danger of a new war, but it possesses an “alarming number of causes of conflict”, which makes it “stable but explosive”.

Although a resurgence of violence has been avoided, this is due more to the benefit that political elites and international actors derive from the status quo than to the functionality of the system. This “peace paralysis” is the result of the inflexible Dayton framework, which cements the existing political order, preventing effective reform.

BiH is a captive state, caught in the trap of ethnocracy. Politicians gain legitimacy through the ethnic apparatus and are maintained in power through networks of corruption. The judicial system is compromised, and judges are bribed and act politically biased or delay cases, destroying citizens’ trust in the rule of law (Global Europe Program Working Group on the Western Balkans, 2020, p.15).

Even the judgments of the European Court of Human Rights and the Constitutional Court remain unimplemented, which is a direct violation of Article II/2 of the Constitution – which states that the European Convention has primacy over all other laws, including the Constitution itself (Kartsonaki, 2016, p.495).

Economic realities are further eroding the sustainability of the system. According to data, almost half of the country’s youth are unemployed, more than a quarter of the total population is employed, and almost half of the native-born Bosnians live in the diaspora. The country ranks among the bottom in the World Bank’s Ease of Doing Business index, indicating dysfunction and a business climate blocked by political and ethnic barriers.

Additionally, Bosnia and Herzegovina is becoming an arena for external geopolitical influence. Russia, according to the same report, is not a major investor, but it actively supports ethno-nationalist structures, encourages separatist politicians, and finances structures in Republika Srpska. China, on the other hand, has invested over \$3 billion through infrastructure projects, often without transparency or local benefits, which deepens economic dependence and corruption (Global Europe Program Working Group on the Western Balkans, 2020).

Dayton in its current form offers no mechanisms for sustainability. It has created an institutional system that is at once dysfunctional, discriminatory and open to abuse. As he concludes, Dayton not only failed to resolve the problems that led to the war, but integrated them into the agreement itself. BiH will have to build a new model of democracy based on citizenship and the rule of law, not on ethnic subordination (Davis, 2021, p.40).

Perspectives for reform and integration

Reform initiatives – the so-called Butmir Process (2009) – have failed due to opposition from nationalist parties, who use the Dayton model as a mechanism to preserve power. Ethno-nationalism often does not arise from the population, but is stimulated by elites who use it to maintain their positions. The existence of historical memories of ethnic injustices, combined with institutions that promote intolerance, creates an environment in which politicians can manipulate fear and distrust, which prevents compromise and genuine constitutional evolution (Gagnon, 2006, p.112).

The role of international actors has often been inconsistent and limited. The EU has focused almost exclusively on technical and economic criteria, avoiding difficult political issues such as constitutional reform, while the US has demonstrated occasional will but lacks a long-term strategy and resources. The US and the EU (as guarantors of the agreement) have not only a moral but also a formal obligation to help create the political space for reform. (Wilson Center, 2020, p.20)

The UN and OHR have failed to build sustainable local institutions that would function without external supervision. In introducing the rule of law in post-conflict societies, continuous and coordinated support is necessary, which was lacking in the case of BiH (Steiner and Alston, 2000, p.67).

Bosnia and Herzegovina is not on the brink of a new war, but it is in permanent political stagnation. The current model does not allow for a transition from negative to positive peace, as it prevents the transformation of institutions and narratives. However, the potential for integration exists. Economic indicators in some sectors show improvement, which could serve as a basis for development if institutional reforms are implemented. A prerequisite for this is the elimination of parallel entity structures, the establishment of a functional judiciary and the promotion of the rule of law (World Bank, 2016, p.9).

A "nation-building" approach based on civic identification and institutional pluralism, rather than ethnicity, would be a promising model for overcoming BiH's long-standing stagnation and deadlock. The application of such models requires extensive efforts, but offers a way out of the existing structure of disintegration (Kymlicka and Opalski, 2003, p.145).

Conclusion

The Dayton Peace Agreement represents a historic turning point in ending the war in Bosnia and Herzegovina, but its ability to ensure long-term peace, stability, and democratic governance is seriously questioned. As the analysis in the previous chapters shows, Dayton, while successfully ending a bloody armed conflict, cemented ethnic division at the heart of the constitutional order of Bosnia and Herzegovina – creating an institutional model that favors ethnic representation at the expense of individual civil rights. The system not only prevents citizens who do not belong to the "constituent peoples" from participating equally in political life, but also generates chronic dysfunction, institutional stagnation, and dependence on international supervision. The problem is not only in ethnic differences, but in the interpretation of those differences by political elites, who use the existing framework to maintain power. This situation places BiH in the category of a "stable but explosive" state. Migration, unemployment, corruption and geopolitical influences of external factors further erode the trust of citizens and compromise the path to the EU and NATO, thereby confirming the starting hypothesis of this paper that the constitutional and political order established with Dayton does not lead to a stable and democratic state but rather freezes instability and undermines BiH's perspective for EU integration. In order for BiH to become a functional democratic state, a thorough constitutional reform is needed that will replace the ethnic model with a civil and inclusive one. Implementing the judgments of the European Court of Human Rights, strengthening the judiciary and dismantling ethnic blockades are essential steps to exit "ethnocracy". This, however, requires clear political will not only from internal actors, but also from external guarantors, primarily the EU and the USA. The greatest paradox of Dayton is that what was supposed to be an agreement that would be the beginning of a new democratic society, has

become an obstacle to that very development. The only way forward is through the transformation of the agreement from a framework for a ceasefire into the basis for a just, functional and European state for all its citizens.

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