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**Master's Program in International Relations**

**City College of New York**

**City University of New York**

**The importance of time during Peace Negotiations:**

**The Case of Bosnia and Herzegovina and the Dayton Peace Accords**

**Thesis Submitted in Partial Fulfillment of the Master's Degree**

**in International Relations**

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## **ACRONYMS**

<b>BIH</b>	Bosnia and Herzegovina
<b>DPA</b>	Dayton Peace Accords
<b>ECHR</b>	European Court for Human Rights
<b>EU</b>	European Union
<b>HR</b>	High Representative
<b>ICG</b>	International Crisis Group
<b>ICTY</b>	International Criminal Tribunal for former Yugoslavia
<b>IEBL</b>	Inter-Entity Boundary Line
<b>NATO</b>	North Atlantic Treaty Organization
<b>OHR</b>	Office of the High Representative in Bosnia and Herzegovina
<b>OSCE</b>	Organization for Security and Cooperation in Europe
<b>RS</b>	Serbian Republic (Republika Srpska)
<b>UN</b>	United Nations
<b>UNHCR</b>	United Nations High Commissioner for Refugees

## **ABSTRACT**

Time is a key component of the mediation process. The amount of time that goes into the process of peace negotiations is just as important as the agreement itself. A successful peace agreement can only be achieved when it is not being rushed. If the implementation of a peace agreement is being rushed by any party involved in the talks, it only increases the possibility that important aspects of the democratic state building process are going to be overlooked. When they are overlooked, the road back to a functioning democracy will be an exceptionally long one. The events that took place in Bosnia and Herzegovina, in a short three year span, from 1992-1995 are the cause for a non-democratic functioning society today.

## **CHAPTER I**

### **Introduction**

How does time play a role during political mediation situations? Does it even play a role at all? How do we even determine a right time frame for political mediation? These are all questions that arise during instances when different parties come together to resolve an issue in order to achieve peace in their respective regions. For the purposes of my research, I will use the Dayton Peace Accords and Bosnia and Herzegovina as a case and attempt to answer the question on how important time is during periods of peace negotiations. The argument that I want to make is that all parties must take their time in order to ensure that the best peace agreement is going to be implemented, despite the fact that innocent people may be losing their lives as a result of the ongoing negotiations.

In other words, negotiators should not rush into signing just any agreement, identical to what Richard Holbrooke performed in Bosnia and Herzegovina in order to prevent innocent civilians from losing their lives. In the case of Bosnia and Herzegovina and the Dayton Peace Accords, innocent civilians did in fact die by the thousands and an imperfect peace agreement was put into place. The country of Bosnia and Herzegovina witnessed two negative concurrent outcomes, a significant decrease in their population, due to the number of deaths, and the implementation of a non-democratic operational system of governance. The groundwork of the Dayton Peace Agreement was not established to meet its needs. Holbrooke's implementation of a mediation strategy that included the threat of military force launched an imperfect agreement.

The duration of a peace agreement may result in innocent civilian deaths, however, when the appropriate length of time is reserved to negotiate the best-suited peace agreement, a country will benefit in the long term. In the case of Bosnia and Herzegovina and the Dayton Peace Accords, the single benefit was the conclusion of the civil war. Implementing the right peace agreement has to be tackled on a case-by-case basis. A specific standard of time is not fitting for each case given the distinctiveness of each violent setting.

The number of civilian deaths plays a significant role in the process of negotiating peace. A rapid increase in the number of corpses, the greater the determination for resolution. In opposition, a ceasefire will decrease the number of deaths, however, it will prolong the process to a peace agreement. In regards to the Dayton Peace Accords and the violent situation in Bosnia and Herzegovina, mediation only lasted a total of 21 days. The years of experience a chief negotiator possesses need not play a prominent role throughout the duration of the mediation process. Bosnia and Herzegovina is a model of an inadequate mediation process.

Since negotiations endured for such a short period of time, Richard Holbrooke, Alija Izetbegovic, Slobodan Milosevic and Franjo Tudjman all played a pivotal role in the implementation of an imperfect peace agreement. To support my decision in choosing to argue that time plays a factor, I will present a short preview based on the written literature in the different Annexes of the Dayton Peace Accords and how because

everyone was rushed into signing it, that it did not address very important aspects of the peace building theory.<sup>1</sup>

Annex 3 deals with the agreement of all parties to hold free and fair elections. There have not been any free and fair elections in Bosnia and Herzegovina since the signing of the Dayton Peace Accords.<sup>2</sup> Annex 4 comprised a new constitution for Bosnia and Herzegovina, which established a tripartite presidency. Each of the three predominant ethnic groups has equal representation in the government under the new constitution. The melting pot of ethnicities created an obstacle in electing one governing official to serve as president. The concept of power sharing was not adapted, triggering internal conflicts among the multiple ethnicities.

Annex 5 addresses the issue with arbitration in Bosnia and Herzegovina. The main issue at hand deals with the Serb entity, known as Republika Srpska. Serbs were rewarded this entity with the signing of the Dayton Peace Agreement. Acts such as genocide and crimes against humanity should not gain with rewards, such as the acquisition of land. The acquisition of land signals a conqueror and loser. Those that have been deprived of their property will continuously seek to regain the land that they lost. Therefore, continuous tensions will exist between both parties. Many will argue Annex 6 deals with the agreement for citizens within the country to have basic human

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<sup>1</sup> Doyle, Michael W., and Nicholas Sambanis. *Making War and Building Peace: United Nations Peace Operations*. Princeton, N.J.: Princeton University Press, 2006.

<sup>2</sup> Nystuen, Gro. *Achieving Peace or Protecting Human Rights? : Conflicts Between Norms Regarding Ethnic Discrimination in the Dayton Peace Agreement*. Leiden: Brill, 2005.

rights. Minorities within Bosnia and Herzegovina, like the Jewish and Roma population are not allowed to run for any government position.

Annex 7 addresses the issue of how to help refugees and displaced persons return home. Many have not returned home because their homes were collateral to the warfare. Many refugees and displaced persons have decided to stay abroad by applying for political asylum. Annex 10 touches on the agreement to implement a High Representative, whose job is to ensure that all parties follow exactly what was laid out in the Dayton Peace Accords. Twenty years after, there have been a total of seven individuals, who assumed the role of High Representative. That is a high turnover ratio for such an important position.

To understand the complexity of the situation, it is important to give a brief synopsis on the events that took place in Bosnia and Herzegovina from 1992 to 1995. Bosnia and Herzegovina, in many ways was the center of the former Yugoslavia, both culturally and geographically. It was home to approximately 4.36 million people. Within Bosnia, 44% of the population, proclaimed themselves as Muslims, 31% as Orthodox Christians and 17% Catholic. There were also significant Jewish and Atheist population within country. Bosnia was a diverse country. Different religious groups were mixed together, especially in the urban areas.<sup>3</sup>

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<sup>3</sup> Burg, Steven L., and Paul Shoup. *The War in Bosnia-Herzegovina: Ethnic Conflict and International Intervention*. Armonk, N.Y.: Routledge, 1999.

There was a high proportion of intermarriage among the various groups. Throughout the duration of the war, over a quarter of a million people, who called Bosnia and Herzegovina home, died and over one million left the country. Roughly, a further 800,000 became refugees in their own land. Now, years after the war, Bosnia remains the home for Muslims, Orthodox Christians, Catholics, Jews and Atheists but in two ethnically exclusive geographic “entities” created in the DPA. The implementation of the Accords that was supposed to last only for a few years, instead, it has turned into a much longer and deeper involvement for the international community.<sup>4</sup> The outcome of the war generated frictions within families of mixed ethnicities. Crossfire of faults created a surge in the number of divorcees. Within the communities the DPA governed it generated animosity amongst the children of these broken families.

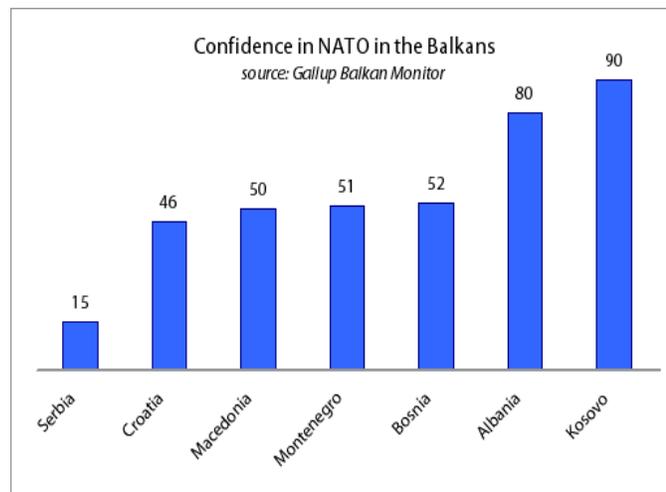
To its benefit, the DPA did end the turmoil in Bosnia and Herzegovina in 1995. The DPA, represented comprise on the premises of a ‘no-win’ situation and on concessions to the three most powerful ethnic leaders during the War in Bosnia, the Bosnian President, Alija Izetbegovic, Croatian President, Franjo Tudjman and Serbian President, Slobodan Milosevic. It is important to mention that all three of these leaders, since have passed away for the purpose of having no one to blame twenty years later.<sup>5</sup>

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<sup>4</sup> Omanić, A, Serdarević, M, Ovčina, A, Omanić, H, & Omanić, J 2010, 'Participation of Women in the 1992-1995 War in Bosnia and Herzegovina', *Acta Medico-Historica Adriatica*, 8, 1, pp. 135-144.

<sup>5</sup> Watson, Russell, and John Barry. "A no-win war." *Newsweek* 125, no. 24 (June 12, 1995): 18.

There were “no military victors” in Bosnia and Herzegovina. The negotiation process of the DPA was mainly marked by the tremendous pressure and coercion of the international community, given that all three of the leaders firmly believed that they still had a chance of winning the war. It was NATO’s biggest military action in its 45 years of existence at the time, against the Bosnian Serbs that ultimately brought all respective parties to the negotiating table.<sup>6</sup> Below is a good indication of which country supported NATO’s actions during this time period:



Source: Gallup Balkan Monitor

The negotiations were intense because they lasted a total of 21 days, 18 hours a day, from the 1st to the 21st of November in 1995. Negotiations were initiated at the Wright-Paterson Air Force Base in Dayton, Ohio. After three weeks of negotiating, a ceremony for a peace agreement was formalized in Paris in mid-December of 1995. At the core of the DPA, it relied heavily on the Vance-Owen Peace Plan of 1993 and the Contact Group Plan of 1994, which introduced this idea of ethnic division as a form of

<sup>6</sup> Papahristodoulou, C. "The Dayton division of Bosnia and other core allocations." *Applied Economics Letters* 7, no. 5 (May 2000): 325-336.

solution to the conflict in Bosnia. Before the negotiations started, Bosnian Serbs made it clear that they wanted to secede from Bosnia and join Serbia and in a way, they wish came true, when they were granted Republika Srpska (RS) for their acts of genocide and crimes against humanity.<sup>7</sup>

The chief negotiator of the DPA was the late Richard Holbrooke. According to Holbrooke, there were no easy answers to the crucial questions of the Bosnian peace process. Bosnia and Herzegovina was supposed to be divided into two independent parts, which Holbrooke understood as legitimization of the Serb aggression and ethnic cleansing. Therefore, he strongly believed that it was impossible and unacceptable to force Bosnians, Croats and Serbs to live amongst each other after the horrendous events that took place. Holbrooke knew this would be an extraordinary difficult task, but not one he was willing to shy away from. It was the use of aggressive diplomacy and strategically applying pressure to all the parties, which finally resulted in everyone agreeing to end the violence.<sup>8</sup>

After the agreement was signed, the first case of long-term international institution building in a post-civil war situation in Europe began. Every party firmly believed that it would be able to turn and adjust the Dayton's provisions to serve their wartime goals. The Muslim population wanted to create a unitary, multi ethnic state.

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<sup>7</sup> Beriker-Atiyas, Nimet, and Tijen Demirel-Pegg. "An analysis of integrative outcomes in the Dayton Peace Negotiations." *International Journal of Conflict Management* 11, no. 4 (October 2000): 358.

<sup>8</sup> Caplan, Richard. 2000. "Assessing the Dayton Accord: The Structural Weaknesses of the General Framework Agreement for Peace in Bosnia and Herzegovina." *Diplomacy & Statecraft* 11, no. 2: 213.

They tried to undermine, the autonomy, which the RS had gained as a result of the DPA by never truly acknowledging the legitimacy of its existence. Despite the fact that Muslims chose not to acknowledge the existence of the RS, Serbs received a prized asset, a Serb dominant entity in a predominantly Muslim country.<sup>9</sup> Continuing, I will outline the relevance of time and its characteristics during political mediation, by presenting applicable components of the DPA.

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<sup>9</sup> Touquet, Heleen. "The Republika Srpska as a strong nationalizing state and the consequences for post ethnic activism." *Nationalities Papers* 40, no. 2 (March 2012): 203-220.

## CHAPTER II

### Literature review

Marco Pinfari explores the impact of time pressure on negotiation processes in territorial conflicts in the post-cold war era. While it is often argued that time pressure can help generate positive momentum in peace negotiations and help break deadlocks, extensive literature also suggests that perceived time shortage can have a negative impact on the cognitive processes involved in complex, intercultural negotiations. His analysis explores these hypotheses through a comparison of sixty-eight episodes of negotiation using fuzzy-set logic, a form of qualitative comparative analysis. In his conclusion, Pinfari confirms that time pressure can, in certain circumstances, be associated with broad agreements but also that only low levels of time pressure or its absence are associated with durable settlements. The analysis also suggests that the negative effect of time pressure on negotiations is particularly relevant in the presence of complex decision-making and when a broad range of debated issues is at stake. Bosnia and Herzegovina was one of the sixty eight episodes that he mentions and that the total of 21 days, which were spent negotiating for a peace agreement, (which given the complexity of the conflict), was clearly not enough time to draw up a peace agreement beneficial to everyone and not just one portion of the entire population.<sup>10</sup>

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<sup>10</sup> Pinfari, Marco. "Time to Agree: Is Time Pressure Good for Peace Negotiations?" *The Journal of Conflict Resolution*, 2011.

According to Kathleen O'Toole, for many people, war sometimes can be safer than peace. Based on that premise, it helps us understand why for example the United States of America, the United Nations (UN) as well as other key factors usually fail to implement the treaties, which they help others negotiate. She argues that when you add that to the inconsistency, the incompetence and the bickering of the would be peace maker, it is to no surprise why civil war seems to headline in the news, not long after the formal announcement that peace has broken out. She makes a strong case of her argument by saying that civil wars are far less likely to be ended by a negotiated agreement, rather than wars between the countries.<sup>11</sup> O'Toole's stance is justifiable given all the efforts that are required in the mediation process. Efforts, which may include travel accommodations, agreeing upon a mutual location are just two of many factors that come into play. Therefore in certain cases, the continuation of war seems as the only option.

The intent of my research will focus on exactly what Kathleen O'Toole was writing about. In Bosnia and Herzegovina, war was safer than peace at the time because of the fear of implementing an imperfect peace agreement, which is exactly what occurred. In addition, with the case of Bosnia and Herzegovina, I could agree with O'Toole that the only way of resolving the civil war, is not to sign a peace agreement, instead let the war continue until one side clearly comes out victorious.

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<sup>11</sup> <http://news.stanford.edu/pr/97/971119civilwar.html>

According to Kristie Evenson, Bosnia and Herzegovina remains a state of contradictions that is more a democracy on paper than in practice; specified the short amount of time it took to negotiate the Dayton Peace Accords. A complex civil war cannot be resolved in terms of a peace agreement in a total of three weeks. Evenson mentions the Israeli-Palestinian conflict and how an agreement has yet to be signed, knowing the complexity of the case. She argues that Bosnia and Herzegovina is very similar. People are dying as a result of attacks from both sides, but that has not played a pivotal role in terms of making it a priority of all parties involved to come to the negotiating table and help broker an agreement between Israelis and Palestinians. International intervention in Bosnia and Herzegovina helped stop the violent conflict, but the peace treaty designed future state structures around the very ethnic-based power struggles that shaped the conflict. As a result, ethnic-based politics continued to dominate political space in Bosnia and Herzegovina twenty years after the Dayton Peace Agreement. These politics, combined with high levels of international oversight through the Office of the High Representative, have distorted the state building process, and often reduced democratization efforts to zero-sum games.<sup>12</sup>

According to Michal Saliternik, peace agreements can bring about serious injustices, if the appropriate amount of time is not taken. Saliternik mentions the case of the Dayton Peace Accords and Bosnia and Herzegovina, where as a result of the implementation of the Dayton Peace Accords, it established oppressive political parties, provided for the transfer of populations, or allocated natural resources in an inequitable

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<sup>12</sup> Evenson, Kristie D. "Bosnia and Herzegovina State building and Democratization in the Time of Ethnic-Politics and International Oversight." *Taiwan Journal Of Democracy* 5, no. 1 (July 2009): 93.

manner. His main argument is circled around the idea that, with the importance of time in the back of their heads, third-party facilitators, such as states and international organizations that act as mediators, donors, or peacekeepers should have a responsibility to prevent such injustices from happening. While the primary duty is to ensure the justice of peace agreements exists with the governments that negotiate and sign them, directing regulation efforts only at those governments may prove insufficient in protecting human rights under the politically constrained circumstances of peacemaking. It is therefore necessary to complement the primary duties of negotiators with the secondary duties of facilitators, who can afford to contemplate long-term justice and sustainability considerations and often have considerable influence on negotiator decisions.<sup>13</sup>

If we look back at Bosnia and Herzegovina, President Clinton asked an elderly Richard Holbrooke to overlook the negotiation process. Richard Holbrooke died at the age of 69, fifteen years after he helped broker the peace agreement. Now that he is dead, like Saliternik claims, someone needs to be held responsible and the mastermind behind this imperfect peace agreement, unfortunately passed away in 2010.

Saadia Touval explains that the American mediation at Dayton resulted in agreement, only because of the fact that time was ticking against them, whereas previous attempts to settle the Bosnian conflict had failed. The International community, primarily the European Union (EU) indirectly put pressure on the US to resolve a war, which was taking place in their own backyards. After examining the evolution of American policies

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<sup>13</sup> Saliternik, Michal. 2015. "Reducing the Price of Peace: The Human Rights Responsibilities of Third-Party Facilitators." *Vanderbilt Journal of Transnational Law* 48, no. 1: 179-243.

prior to 1995, the article discusses the US initiative of taking the lead in the negotiation, and the methods and tactics it employed. Touval argues that because of the time factor, Holbrooke had no other alternative but to threaten all sides with military operations, if they did not come to an agreement. This threat against the Serbs did not fit the description of the mediator, Richard Holbrooke, as a manipulator inducing a mutually hurting stalemate, but in this case, he saw no other way of convincing them that an agreement needed to be reached.<sup>14</sup> President Clinton stated that there was no “national interest” in the Balkans for the United States, but because time played a factor and innocent people were being killed, it is safe to assume that Clinton told Holbrooke to use any strategy possible, including the threat of US military intervention to ensure that the conflicts would not go on any longer.

Karl Derouen, Jenna Lea and Peter Wallenstein all argue that power-sharing provisions have a cumulative impact. In other words, they argue that the more power-sharing provisions are built into an agreement, the greater the prospect is for peace. Continuing, they argue that Civil war peace agreements can expire after being replaced by a new agreement or if at least one party abandons the agreement. That type of assumption can be true, but it was not the case in Bosnia and Herzegovina and the Dayton Peace Accords. The idea of power-sharing provisions in Bosnia and Herzegovina actually has negatively impacted the country, in terms of its desire to join the European Union. Another important issue to mention here is that whenever there has been a popular demand to renegotiate a new peace agreement, one member of the Bosnian Presidency

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<sup>14</sup> Touval, Saadia. "Coercive Mediation on the Road to Dayton." *International Negotiation* 1, no. 3 (September 1996): 547-570.

will veto the proposal, given that it may not be as beneficial to his party like it is to the others. Also, if Bosnia and Herzegovina did implement a new agreement and practically threw out the Dayton Peace Agreement, it would be almost like a spit into the face of the United States, given their mediation efforts throughout the entire time.<sup>15</sup>

In Ramzi Badran's article, he claims that the concept of all peace agreements being equal is totally false, given the fact that no conflict is ever the same. He views peace agreements as a cohesive whole and at the same time, evaluates its strength in terms of its structural and procedural provisions in the time frame it took to become implemented. He looked back on peace agreements from 1946 to 2010 and discovered that the design quality of the peace agreement has a significant impact on the durability of peace. He argues that although there is no violence in Bosnia and Herzegovina at the moment, the durability of peace lasting could run out fairly soon, given how in a short amount of time, a difficult conflict was resolved with the signing of the Dayton Peace Accords. He continues to say that agreements that are carefully designed to deal with all obstacles to cooperation have the strongest probability of being successful. He is absolutely right in making such an argument, unfortunately in Bosnia and Herzegovina and the Dayton Peace Accords, nothing about the two was carefully designed. In his conclusion, he argues that there are certain steps one can take in order to sharpen the

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<sup>15</sup> DeRouen, Karl, Mark J. Ferguson, Samuel Norton, Young Hwan Park, Jenna Lea, and Ashley Streat-Bartlett. "Civil war peace agreement implementation and state capacity." *Journal of Peace Research* 47, no. 3 (2010): 333-346.

performance of conflict management and one of those steps had to deal with time and how vital it is to the peace process.<sup>16</sup>

Kyle Beardsley concludes three things. First, third parties need to be more aware that the incentives they create while mediating may fuel a time inconsistency problem. While the incentives can be very direct, as were Holbrook's threats at the Dayton Peace Agreement, it is likely that third parties might create additional artificial incentives beyond mere offers of aid or threats of sanctions. A second insight is that the inability for mediation to stay conflict in the long run is not necessarily a failure of mediation per se, but a failure of the post mediation environment. Finally, time inconsistency problems will not be so destabilizing if there is ample opportunity for renegotiation.<sup>17</sup> I agree with his findings, except for the last part. If the right amount of time was taken to negotiate the peace agreement initially, then there should not be a need for renegotiations of any peace agreement. Beardsley's argument ignores the possibility that preferences change over time. Civil wars in the past have proven that preferences can however change in the midst of a conflict.

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<sup>16</sup> Badran, Ramzi. "Intrastate peace agreements and the durability of peace." *Conflict Management and Peace Science* 31, no. 2 (2014): 193-217.

<sup>17</sup> Beardsley, Kyle. "Agreement without peace? International mediation and time inconsistency problems." *American Journal of Political Science* 52, no. 4 (2008): 723-740.

## CHAPTER III

### Argument

As stated in the introduction, the main argument is centered on the idea that time matters. In this particular section of my research paper, I will argue that all parties needed to take more time during negotiations, given the complexity of the conflict so that the best agreement could be implemented. They did not have enough time to ensure that the best agreement was going to be signed. As a result of that, the Dayton Peace Agreement is vague and flawed. The exact literature of the different Annexes found in the Dayton Peace Accords will be accessible in paragraphs to follow.

#### Annex 3: Agreement on Elections

“Under Article 1 of the of the Agreement on Elections, all parties shall ensure that conditions exist for the organization of free and fair elections, in particular a politically neutral environment; shall protect and enforce the right to vote in secret without fear or intimidation; shall ensure freedom of expression and of the press; shall allow and encourage freedom of association (including of political parties); and shall ensure freedom of movement.”<sup>18</sup>

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<sup>18</sup> Beriker-Atiyas, Nimet, & Tijen Demirel-Pegg. "An analysis of integrative outcomes in the Dayton peace negotiations." *International Journal of Conflict Management* 11, no. 4 (October 2000): 358.

The rigging of elections took place as early as 1996; a year after the war came to an end. The Organization for Security and Cooperation in Europe (OSCE), which overlooks the entire elections of local and national leaders, stated that Bosnian Serb refugees in Serbia had been directed to register in communities where Muslims made up a majority before being killed or expelled during the war. The obvious intent of Serbs was to cement Serbian control over key depopulated towns by insuring a Serbian majority even if all expelled Muslims somehow showed up to vote on Election Day.<sup>19</sup>

Instead of focusing on how to avoid rigging elections within the country, the negotiators of the Dayton Peace Accords needed to implement a better plan and not just give that responsibility to the OSCE. International Organizations, such as the OSCE are limited in what they can do, especially in countries where civil wars took place. One of the biggest flaws in the Dayton Peace Accords was its insistence on early elections in a war-torn country with no democratic tradition. In practice, it only helped nationalist leaders and parties get back into office. Due to the threat of national security, the citizens of Bosnia and Herzegovina elected officials, who promised to address threats against the national security of the country.

The lack of political security has, in effect, guaranteed continuing support for the three main nationalist parties despite disillusionment with their leaderships. This only means that each ethnic group will vote for candidates and parties which promise the most robust defense against the perceived threat of the communities to which they do not

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<sup>19</sup> <http://www.nytimes.com/1996/08/23/world/evidence-mounts-that-serbs-are-rigging-bosnia-election.html>

belong that is for their own ethnically-based parties. Since this agreement was rushed in the way that it was, it only helped solidify all parties in deciding not to honor their commitment, which from the beginning was supposedly to "ensure that conditions exist for the organization of free and fair elections."<sup>20</sup>

#### Annex 4: Constitution of Bosnia and Herzegovina

“Under Article V of the Constitution of Bosnia and Herzegovina, the Presidency of Bosnia and Herzegovina shall consist of three Members: one Bosnian and one Croat, each directly elected from the territory of the Federation, and one Serb directly elected from the territory of the Republika Srpska.”<sup>21</sup>

Bosnia and Herzegovina is the only country in the world that has three Presidents. Imagine how difficult of a task it is for the government to pass a law. If the law pertains more to one ethnic group, that president would obviously be in favor of the law passing. The two other presidents simply veto the law and back to square one it is. It is identical to the UN Security Council and how it operates with the use of a veto. The idea of everyone agreeing to one specific law is usually not a common occurrence in the region. If we take a look at the United States and how it is governed through different checks and balances.

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<sup>20</sup> Chandler, David. *Bosnia: Faking Democracy after Dayton*. London: Pluto Press, 2000.

<sup>21</sup> <http://www.nato.int/ifor/gfa/gfa-an4.htm>

In certain countries, there is an executive, legislative and judicial branch within the government. This only helps to ensure that one branch does not have more power than the other. For instance, to implement a law, it would have to go through both the House of Representatives and the Senate, before the President could sign the law into effect. Given his democratic background, Richard Holbrooke and his team were imprudent not to implement such a system of governance.<sup>22</sup> But when the appropriate amount of time is taken in peace negotiations, these issues are often overlooked and as a result of it, a nonfunctioning democracy dwells.

#### Annex 5: Agreement on Arbitration

“Under Paragraph 2.4 Bosnia and Herzegovina and Republika Srpska agreed to enter into reciprocal commitments to engage in binding arbitration to resolve disputes between them. Under Paragraph 3, both entities have agreed to implement a system of arbitration for the solution of disputes between the two entities.”<sup>23</sup>

Twenty years later, a system of arbitration has yet to be implemented, bear in mind that such a system needed to be implemented 30 days after the war. Since the parties miserably failed to reach an agreement on the arbitrator, the International Court of Justice (ICJ) appointed Owen Roberts to ensure that this task would be completed. Roberts took his job extremely serious by scheduling conferences and meetings between the sides in order to ensure that he was doing the best job possible. To his credit, the meetings always took place, but the representative for Republika Srpska never showed

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<sup>22</sup> "Bosnian Presidency's future in question as accord principle violated - chairman." *SRNA News Agency (Bijeljina, Bosnia-Herzegovina)*, May 13, 2011.

<sup>23</sup> "Dayton Peace Agreement." *Presidents & Prime Ministers* 5, no. 1 (January 1996)

up. And why would he? His party received exactly what they were aiming for, a separate Serb entity in a predominant Muslim Bosnia and Herzegovina. This was already signed in the Dayton Peace Accords that Republika Srpska were to exist, so they saw no reason to attend these meetings because they just were not beneficial to the Serb people. Serbs were given numerous extended deadlines to meet this criterion.<sup>24</sup>

A year later, everyone was present in Rome to fulfill this requirement. The International Court of Justice wanted to establish an interim supervisory regime in the contested territory in order to allow former Brčko residents to return to their home, to provide freedom of movement and other human rights throughout the area, and to lay the foundation for local representative democratic government, among other provisions. Like we know today, neither party signed the award and that is where the efforts were left off.<sup>25</sup>

Since neither party ever completed this task, in 2009 as citizens of Bosnia and Herzegovina were in talks about going to war again with the Serbs over this lack of an arbitration system. In their eyes, if the Government cannot resolve this issue and implement such a system, the citizens of Bosnia and Herzegovina are nowadays arguing that they would take matters into their own hands, even if that resulted in another civil war. Quite simply, the failed efforts of implementing a necessary arbitration system, the loss of the Office of the High Representatives credibility, and the declining international security presence in Bosnia are all strengthening the country's nationalist politicians and

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<sup>24</sup> “Brčko Arbitral Tribunal for Dispute Over the Inter-Entity Boundary in Brčko Area Award.”

<sup>25</sup> “NATO: Report of the Secretary-General on the United Nations mission in Bosnia & Herzegovina (UNMIBH),” M2 PRESSWIRE, June 20, 1997.

parties. As a result, the international community is now in its weakest position since the war's end, with factions from all three ethnic groups now challenging the Dayton structure.<sup>26</sup>

Events, such as September 11<sup>th</sup>, 2001 resulted in the United States and much of the international community shifting its attention away from the Balkans. The Bush administration, which was at the time focused on defeating the Taliban in Afghanistan and mobilizing support for an invasion of Iraq, was reluctant to commit resources to Bosnia. But the international community faltered at the very moment when Bosnia needed a more robust commitment. In regards to this Annex of the Dayton Peace Accords, the importance of time clearly shows us that this important aspect of the peace agreement was simply overlooked because negotiators did not take their time to address an implementation of an arbitration system.<sup>27</sup>

#### Annex 6: Agreement on Human Rights

“Within the General Framework Agreement, all parties agreed to secure to all persons within their jurisdiction the highest level of internationally recognized human rights and fundamental freedoms, including the rights and freedoms provided in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols and the other international agreements listed in the Appendix to this Annex. These include examples such as the right to live, live secured without

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<sup>26</sup> An Institution of Benevolent Despotism? An Examination of the Office of the High Representative in Bosnia and Herzegovina." (2011).

<sup>27</sup> McMahon, Patrice C., and Jon Western. 2009. "The Death of Dayton." Foreign Affairs 88, no. 5: 69-83.

discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.”<sup>28</sup>

Although Bosnia and Herzegovina has been going through an extensive European Union related reform process for more than a decade now, yet the country still faces a serious democratic deficit. This is especially the case in this particular aspect of the Dayton sphere. This sphere has been dominated by ethno-nationalist political elites, which exclude non-nationalists and members of minority groups from the decision-making process. Obviously, this is a clear paradox, since one of the main objectives of the integration of European countries into the European Community was to reduce disintegrative influences of nationalists, and establish a peaceful, prosperous, and secure community.<sup>29</sup>

This particular sphere of the Dayton Peace Accords has resulted in widespread discrimination against so-called “others” as defined in the Constitution, which are the Roma and the Jewish population within Bosnia and Herzegovina. In the post Dayton era, allowing democratic participation to take place, instead has only turned into a competition between the three ethnic communities, Bosnians, Serbs, and Croats, rather than a contest of equal individuals with an equal right to vote. As a result, Bosnian people still live under a political system, which is closer to ethno-democracy or ethnocracy

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<sup>28</sup> "Fact sheet: Summary of the Dayton Peace Agreement." U.S. Department Of State Dispatch 6, no. 48 (December 1995)

<sup>29</sup> Domm, Rory. "Next steps on Bosnia-Herzegovina: key elements to a revised EU strategy." *Journal Of Southeast European & Black Sea Studies* 11, no. 1 (March 2011): 53-67.

rather than a democratic regime. Under such a discriminatory regime, Bosnia and Herzegovina simply cannot enter the European Union, which we all know is a model of an open democratic society.<sup>30</sup>

#### Annex 7: Agreement on Refugees and Displaced Persons

“Within the General Framework Agreement, it states that 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.”<sup>31</sup>

My argument for this particular Annex comes from the experience of those, who returned to Bosnia and Herzegovina few years after the Dayton Peace Accords, was signed. Interviewing revealed that, some citizens expressed doubts about the effectiveness of the agreement given that throughout the weeks of negotiations, TV reporters claimed that there was no breakthrough in the negotiations anytime soon. All of a sudden on Day 21 of the negotiations, all parties had agreed upon a peace agreement.

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<sup>30</sup> Brljavac, Bedrudin I. 2012. "Ethno politics and discrimination against minorities in Bosnia and Herzegovina: Barrier to EU Membership." *Journal Of Interdisciplinary Studies* 24, no. 1/2: 123-142.

<sup>31</sup> Europe - Miscellaneous, *Dayton Peace Agreement, Annex 7: Agreement on Refugees and Displaced Persons*, 14 December 1995. <http://www.refworld.org/docid/3de497992.html>

Through the use of interviewing, it was discovered that Serb families now occupied most of the homes, which Muslim families occupied prior to the war breaking out. Bosnian Muslims attempted to reclaim their properties, with certified deeds, only to be laughed at by the Serbs. Serbs saw this acquisition of property, as a form of victory. Given the loss of property on the hand the hand of the Bosnian Muslims, Serbs stated that the Bosnian President at the time, Alija Izetbegovic should have never signed the Dayton Peace Accords because there was nothing written within, stating that Serbs had to give up the property, which they believed they were rightfully granted as a result of the Dayton Peace Accords taking effect. For Bosnian Muslims, the only way to regain their property, was with currency collateral.

The issue of displaced people and refugees returning home are perhaps the biggest obstacles of any civil war. Instead of just assuming that people would return home and everything would be fine, a better system needed to be implemented. Nongovernmental organizations could have taken the initiative to ensure that those, who sought to return home, would experience smoother transitions back home. However, such nongovernmental organizations were never present in Bosnia and Herzegovina. As a result of this failure, poor people gave away all the money, which they had saved up in order to get their own homes back.

#### Annex 10: Agreement on Civilian Implementation

“Within Article I, all parties involved requested the designation of a High Representative, to be appointed consistent with relevant United Nations Security Council

resolutions, to facilitate the Parties' own efforts to mobilize and as appropriate, coordinate the activities of the organizations and agencies involved in the civilian aspect of the peace settlement out, as entrusted by the UN Security Council resolution."<sup>32</sup>

Since the Office of the High Representative was created in 1995, there have been a total 7 individual, who held the position of High Representative. Those seven individuals were Carl Bildt, Charles Westendorp, Wolfgang Petritsch, Paddy Ashdown, Christian Schwarz-Schilling, Miroslav Lajcak and currently Valentin Inzko. The turnover ratio for such an important position is relatively high. As citizens of Bosnia and Herzegovina become accustomed to one High Representative and his policy, a replacement is always looming. Under the supervision of the Slovakian Politician, Miroslav Lajcak, many argue that Bosnia and Herzegovina perhaps witnessed most of its progress, in regards to becoming more of a democratic state.<sup>33</sup>

In the twenty years since the end of the war in Bosnia and Herzegovina, the United States has only had three Presidents, Clinton, Bush and Obama. Bosnia and Herzegovina in twenty years has had more than double that. Although the position of High Representative may not be as important as President of the United States for example, it is however pivotal in ensuring that all aspects of the Dayton Peace Accords are kept intact. Another important aspect of the position is looking at the fine print of what exactly the role of a High Representative is. The job description is pretty vague. For

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<sup>32</sup> Bildt, Carl. "Report from the High Representative on the implementation of the peace agreement on Bosnia and Herzegovina. 13 March 1996."

<sup>33</sup> "Inzko takes over as High Representative to Bosnia-Herzegovina." Xinhua News Agency, March 26, 2009.

example, there are no terms for how long an individual can serve, what his boundaries are in terms of power and what's most frustrating is that he must receive the approval from all three ethnic groups if any amendments are going to go in effect. Perhaps that's why there is such a huge turn over ratio for the position. It's a good job for a diplomat to have before pursuing bigger and more comprehensive positions. Time plays two pivotal roles in the Dayton Peace Agreement. In respect to time, the noted amount of time it takes to sign an agreement initially is just as important as the amount of time in which the agreement governs the country. Hence, it is a combination of the two that ultimately distinguishes a good agreement versus a bad agreement.

## CHAPTER IV

### Research Design

#### Hypothesis

I am interested in analyzing how time plays a pivotal role during peace negotiations and what kind of repercussions it can have on a country if an agreement is perhaps rushed into implementation a little bit too early. The following states my hypothesis clearly, “Peace agreements do not achieve their desired goals when negotiated too quickly.”

#### Variables

The longer peace negotiations between parties are ongoing (independent variable); the probability increases that the best peace agreement will be implemented (dependent variable). This particular example shall be labeled as Example A. Now, if example A’s respective variables were to be indicated in their polar opposite form, something like “peace negotiations need to be set under a specific time period, only then will it ensure the implementation of a best case peace agreement. This assumption is known to be false, knowing exactly what Bosnia and Herzegovina is today, a non-democratic functioning society. I will judge my hypothesis on the basis of the different Annexes found in the Dayton Peace Accords and prove that when ample of time is taken, desired goals can be achieved. I chose a single case study in an attempt to identify one of many ways that peace agreements could be conveyed. This kind of analysis can reveal most likely the best way of approaching peace negotiations in a war-ridden country, as well as for

countries, that may experience similar conflicts in the future. Literature on the importance of time in respect to peace agreements, sometimes can offer contradicting views, as it was presented in the Literature review. But whether or not the war in Bosnia and Herzegovina was ethnic or socio economic, whether or not that is a factor in the creation of a durable peace, whether or not the territorial division was a necessary condition for stability, peace building in Bosnia and Herzegovina would have had a chance to make greater progress if international implementers of the Accords had not as eager as they were, to simply “exit” Bosnia and Herzegovina with their application of a three week long mediation strategy.<sup>34</sup>

### Methodology

I test my hypothesis by analyzing the key Annexes within the Dayton Peace Accords and how a vague and incomplete peace agreement was implemented due to the fact that the negotiators did not take enough time to ensure that they were negotiating the best agreement possible. My research will be qualitative because the main objective of my thesis is to argue that negotiators need to take their time when negotiating peace agreements. In the process tracing analysis, I intend to prove with the evidence that the best way to ensure that the best peace agreement is going to be signed, is that negotiators need not pay attention to the number of civilian deaths, but instead need to focus on how vital it is for a newly formed democracy to have the best possible peace agreement. In the

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<sup>34</sup> Sambanis, Nicholas. "Partition as a solution to ethnic war: An empirical critique of the theoretical literature." *World Politics* 52, no. 04 (2000): 437-483.

case of the Dayton Peace Accords, Richard Holbrooke and his team envisioned peace talks lasting a maximum of 2 weeks.<sup>35</sup>

Throughout my project I will argue that there should never be a set time limit in regards to how long negotiations will take given that each situation is different and unique in their own ways. Richard Holbrooke and his team made the mistake by agreeing that negotiations were only going to last two weeks. Those two weeks turned into three weeks and on Day 21 of the negotiations, out of panic, given the fact that he had exceeded his deadline; he threatened all parties with military force to sign an agreement that was vague and incomplete in numerous aspects. In conclusion, I will argue that peace agreements, if they are rushed, serve only one purpose, which is that they end the war. Yet other very important principles that are contingent of the democratic state building process are therefore ignored. I would like to clarify that the intensions of my research are not to conclude whether or not I view the Dayton Peace Accords as a success or a failure, but instead only to validate my argument.

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<sup>35</sup> Richard Holbrooke, *To End a War* (New York: Random house, 1998).

## CHAPTER V

### Evidence

The evidence that was gathered throughout my research, all correlates back to the argument section, where I brought up all the different Annexes and how vague they were in writing.

For Annex 3, a piece of evidence is centered on the present day election system in the country and how it's not completely grounded in general, equal and secret right to vote and direct election for all citizens of Bosnia and Herzegovina, who have a voting right. A well-functioning election system has to contain basic principles of democratic election law, such as the principle of generality, principle of equality, principle of direct, secret and free right to vote. These are principles that are clearly missing in Bosnia and Herzegovina. Free and fair elections cannot take place when the system, which operates the same elections, does not contain basic operating principles. These principles represent unavoidable standards of contemporary representative democracy, that is, democratic elections. That's why election system in Bosnia and Herzegovina have yet to launch democratic principles prescribed by the Constitution and international standards on human rights, in order to be legitimate. Because of this reason, conceptual changes in Election Law are not as easy as they seem to be given that they would encroach into the Constitution of Bosnia and Herzegovina. Therefore, election re-engineering, changes or reforms in an election system, such as the one in Bosnia and Herzegovina are understood to be normal requirements. Citizens would welcome this step if it meant that it would

contribute to democratic optimization in the country. Bosnia cannot make progress in democratic process if it does not make necessary changes in its election system.<sup>36</sup>

The biggest piece of evidence against Annex 4 is that in the tripartite Presidency of Bosnia and Herzegovina each President wants to do what is best for his ethnic group. Current President of the Bosnian Muslims, Bakir Izetbegovic, son of the late Alija Izetbegovic wants to integrate Bosnia and Herzegovina into Europe. The current President of the Serbs has vowed to split the country in half, meaning that he like his counterpart, Milorad Dodik want Republika Srpska to secede from Bosnia and Herzegovina entirely. Bosnian Muslims, of course are fighting to not allow for such action to take place, given that it would go against the Dayton Peace Accords. When a candidate from a different ethnic group, belonging to the Jewish or Roma population within the country announces that they want to run for office, their request is immediately turned down given that again it would go against the Dayton Peace Agreement protocol (i.e. Sejdic & Finci case).<sup>37</sup>

When we look at the tripartite Presidency of Bosnia and Herzegovina, it is easy for us to conclude the current system no longer works. As a matter of fact, it has never worked, because had a similar system for the Presidency been implemented like it was in Croatia, who also went through a brutal war with the Serbs, well then who is to say that

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<sup>36</sup> Arapovic, Adis, and Bedrudin1 Brljavac. "Election System of Bosnia and Herzegovina: Catalyst of unsuccessful Democratization." *Khazar Journal Of Humanities & Social Sciences* 16, no. 1 (March 2013): 18-37.

<sup>37</sup> Milanovic, M. "Sejdic & Finci v. Bosnia and Herzegovina European Court of Human Rights Grand Chamber judgment on the Dayton Peace Accords' ethnic restrictions on candidates eligible for the Bosnia-Herzegovina presidency and House of Peoples." *American Journal of International Law* 104, no. 4 (2010): 636-640.

Bosnia and Herzegovina would not be a member of the European Union today, just like Croatia is. There are Muslim and Serb minorities in Croatia, even to this day, but the idea of implementing a Presidency, with three different candidates, whom represent all of the different ethnic groups, never was a topic for discussion and in the case of Croatia for example, that was the best way to go about getting things done. Croatia took that next step and integrated towards Europe, but Bosnia and Herzegovina, without any reforms taking place anytime soon, will not see Europe on their doorsteps anytime soon.<sup>38</sup> The world's most complicated system of government; best describes the political situation in Bosnia and Herzegovina.

One piece of evidence against Annex 5 for example is that when Haris Silajdzic was one third of the Presidency of Bosnia and Herzegovina, he accused the Serb government headed by Milorad Dodik of trying to promote its secessionist plans abroad by directly interfering in the affairs of the Bosnian Presidency, which is the only body authorized under the constitution to conduct the country's foreign policy. Silajdzic said the lawsuit was based on evidence gathered from lobbying firms in the United States and Belgium which the Bosnian Serb government had hired to promote Republika Srpska as an independent political entity, and that the Dodik government had earmarked about EUR 2.5 million for that purpose.<sup>39</sup>

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<sup>38</sup> Zdravko Ljubas. "Bosnia's Presidency may bring new ethnic split." Deutsche Press-Agentur, October 03, 2006.

<sup>39</sup> "Bosnian Presidency's Silajdzic says Serb entity trying to act "independent." HINA News Agency (Zagreb, Croatia), September 15, 2008.

With the existence of Republika Srpska as part of the Dayton Peace Accords, its current President of Republika Srpska, Milorad Dodik has totally ignored the agreement since becoming President in 2010 by pushing for a referendum on independence for the country's autonomous Serb Republic in 2018, setting it on a collision course with the West, unless the region is granted greater powers. His party has vowed to propose to the Federation of Bosnia and Herzegovina a peaceful dissolution and mutual recognition of his entity, also adding that Republika Srpska would pursue membership of the European Union if granted autonomy.<sup>40</sup>

For Annex 6, a piece of evidence on the failure to reach an agreement on basic human rights is presented in the case of *Sejdic & Finci vs. Bosnia and Herzegovina* at the European Court of Human Rights (ECHR). Dervo Sejdic and Jakob Finci are both citizens of Bosnia and Herzegovina. Both gentlemen complained about not being eligible to stand for elections to the House of People of Bosnia and Herzegovina and for the Presidency of Bosnia and Herzegovina. The reason behind this is solely on the grounds of their origin, respectively Roma and Jewish. Both argued that this ground for their ineligibility leads to racial discrimination. They used article 14 of the ECHR and article 1 of the twelfth protocol to reinforce their point. Within the newly formatted constitution of Bosnia and Herzegovina, it states that only citizens that affiliate themselves with one of the three constituent people, those being ethnic Bosnian, Croats, and Serbs are only eligible to stand for election to the Presidency or the House of Peoples in Bosnia and Herzegovina. Individuals, such as Sejdic and Finci, who refuse to declare such affiliation

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<sup>40</sup> Toal, Gerard. "Republika Srpska will have a referendum": the rhetorical politics of Milorad Dodik." *Nationalities Papers* 41, no. 1 (January 2013): 166-204.

for whatever reasons, are simply labeled as “others” and are denied the right to stand for election to the bodies mentioned above, that comprise the Government of Bosnia and Herzegovina.<sup>41</sup>

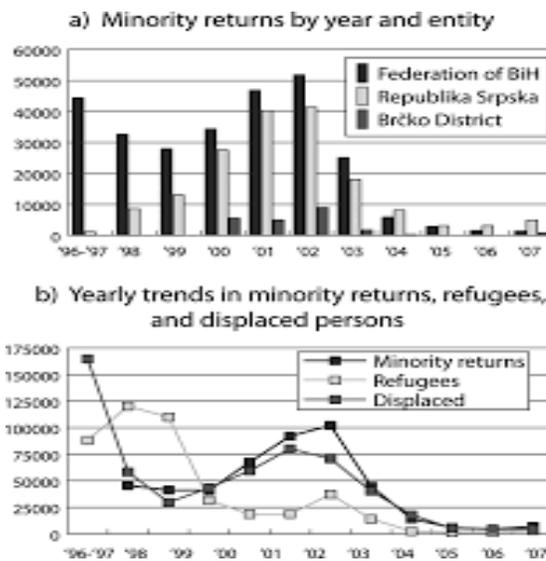
When taking all these things into consideration, many could certainly argue that Bosnia and Herzegovina is almost like an Apartheid State, like South Africa was for example. In South Africa, the color of your skin was the main reason for the existence of an Apartheid regime. Now, in Bosnia and Herzegovina, origin is the deciding factor, whether or not one can run for example. Look at our situation in the United States. At one point in time, we did not allow minorities to run for office, but those times are now long gone. Many years ago, electing a minority to assume the role of President seemed next to impossible.

A piece of evidence against Annex 7 deals with an elderly Bosnian Muslim widow named Fata Orlovic, who had been in a legal battle to remove a Serbian Orthodox Church, which was built by Serbs after the war on her property in the village of Konjevic Polje. She had stated all along that before she died, that Serbian Orthodox Church would be destroyed. Fata Orlovic, like many other Muslims was ethnically cleansed from her village during the Bosnian civil war. Once she returned home in 2000, she became outraged that this Church was built on her property. Human Rights Director of the Organization for Security and Co-operation in Europe (OSCE) James Rodehaver said “if she does not get the church off her land you will never have a society that is governed by

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<sup>41</sup> Polimac, E. "Execution of the Sejdic and Finci v. Bosnia and Herzegovina case, the reasons behind the delay." (2014).

the rule of law.” He argues that it would mean that the legacy of the war would never be resolved. Luckily for Fata Orlovic, she got her wish. Her case came to a settlement that the Church would be demolished and her property would rightfully be given back to her.<sup>42</sup> Thousands of people were not as encouraged to return home, unlike Fata Orlovic. Muslims were fearful of what a return to a dominant Republika Srpska might mean. Serbs felt the same way about returning home to their homes in the Federation. Below is a chart, which clearly indicates the decline of Bosnian Muslims returning home by year.

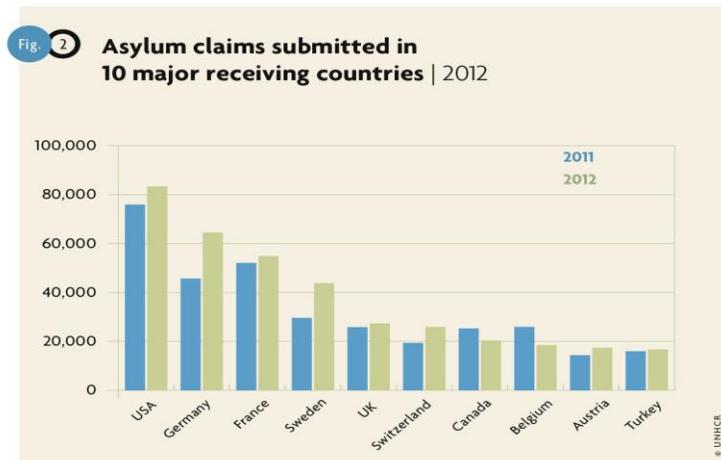


Source: UNHCR (www.unhcr.ba)

Fig. 1: Yearly returns after the Dayton Accords by governmental entity and by ethnicity

<sup>42</sup> <http://news.bbc.co.uk/2/hi/europe/6960579.stm>

Refugees, who fled to countries like Germany and the United States, had already applied for political asylum and as a result of decided to rule out a return to their homeland if granted. Moreover, even those who did seek to return often later decided that they were not happy living among those who had collaborated to drive them out during the war in the first place. Now, had Richard Holbrooke and his team of negotiators stuck to a reasonable time frame during the negotiation process, the issue of displaced people could have been addressed a little more thoroughly.<sup>43</sup> Out of the 2.2 million people that fled Bosnia, only a small number have returned home. Most have even given up their Bosnian citizenship, in favor of others, such as American and German. There simply was no economic benefit for displaced people to return home. Those, who live abroad, have steady jobs and steady income, something people who reside in Bosnia nowadays cannot claim of having.<sup>44</sup> Below is a great example of where Bosnian people have applied for political asylum, in order not to have to return home:



Source: UNHCR ([www.unhcr.ba](http://www.unhcr.ba))

<sup>43</sup> Chivvis, Christopher S. 2010. "The Dayton Dilemma." *Survival* (00396338) 52, no. 5: 47-74.

<sup>44</sup> Political Economy of War and Peace in Bosnia', *International Studies Quarterly*, vol. 48, no. 1, 2004, pp. 29–51

A key piece of evidence in my research on Annex 10 is that no matter how fast international organizations, or certain individuals might wish to exit the peace implementation field within Bosnia and Herzegovina, it will never be possible for them to leave on their own terms until domestic forces are transformed and put in the service of peace. This is another area where the Dayton Peace Accords failed. An example of this was the implementing of the Office of the High Representative, who will always be a non-Bosnian citizen. Someone, who identifies himself as a citizen of Bosnia and Herzegovina, will never hold this position. Democratization is even more difficult to achieve in states, which are founded on the basis of ethnicity, language or religion according to Kalevi Holsti and it does not matter how neutral a High Representative may be in regards to those basis. Holsti argues that this concept of states was not a source of stability and did not prove ability to solve the conflicts in nonviolent manners.<sup>45</sup>

Given the evidence that I have thus far presented, it is safe to assume that Bosnia and Herzegovina is nowhere close to being a self-sustainable country. This is another very important area in which the Dayton Peace Accords do not address the concern of self-sustainability, because of the push for an agreement to be signed. Bosnia and Herzegovina is pure evidence that just because a civil war has ended, democracy is not always such a sure thing.

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<sup>45</sup> Holsti, Kalevi J. "The Neglected Dimension of International Theory: Revolution and International Politics." *International Studies Review*, 2001. Pg. 121.

One example to support this claim deals with the percentage of corruption that still takes place today, twenty years later.



Source: [tradingeconomics.com](http://tradingeconomics.com) | Transparency International

Another key piece of evidence is centered on the notion when the local population is completely left out of the peace building efforts, and only political elites are left free to choose between the democratization of society and the preservation of their power; history has shown us that political elites will always choose power. Instead of asking the people of Bosnia and Herzegovina what they wanted the country to become, three individuals are the ultimate decision makers. Individuals, who clearly do not represent the best interest for the entire population, rather what's in their best interest? It is important to mention that starting the peace building process in countries that have suffered from civil wars is as complex as the war itself. Excluding locals is probably not the wisest thing to do throughout any phase of the peace building process. The recent events that took place in East Timor and Kosovo clearly demonstrate to us that it is extremely important to include locals in the peace building process. There is no universal solution on how to resolve specific issues, however it is of the essence for all parties to take their time so that the best agreement can be implemented. The death of a few thousand people

should not lead into signing any agreement just so that more people will not die. Its war after all, people are always going to be the victims of war.

There was a bad foundation laid out before all parties even attended the negotiating table. Richard Holbrooke and his team of negotiators proposed that the negotiations to resolve the conflict on the Balkan Peninsula would not take more than 14 days. This strategy on behalf of Richard Holbrooke and his team paid no dividends to any party at the negotiating table because they all had different time frames in mind when it came down to how long negotiations would take place. At the same time, this idea of a two week long mediation period only caused stress and pressure on everyone for no apparent reasons because as we know, the negotiations in actuality lasted a total of three weeks. Also, Izetbegovic, Milosevic and Tudjman did not like idea of an American dictating to them, how long mediation would take given the sensitivity of the conflict. Since the two-week deadline had already passed and no agreement was in anyone's sight, therefore it was wiser for the chief negotiator to focus more on the substance within the Dayton Peace Agreement and not so much on setting an agenda to complete the task in a matter of two weeks. Given the current economic and political situation in Bosnia and Herzegovina, as a result of the Dayton Peace Accords, it only proves that time must be taken when negotiating peace agreements.<sup>46</sup>

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<sup>46</sup> Alter, Jonathan, and Christopher Dickey. "Richard Holbrooke's Lonely Mission." *Newsweek* 157, no. 4 (January 24, 2011): 32-37.

## **CHAPTER VI**

### **Conclusion**

Throughout my research, I have presented numerous arguments about how important time is during peace negotiations. I have supported my arguments with evidence that I have gathered throughout the research phase. My research concludes that prolonged peace negotiations are the best way to go, despite the fact that civilians could be dying as a result of the extra amount of time it takes to negotiate the best peace agreement possible. Peace negotiators in the future should always refer back to the Dayton Peace Accords and remind themselves of how not to conduct peace negotiations in times of warfare. The reason behind this reference is quite clear. Since it only took negotiators to implement a peace agreement, given the complexity of the situation, the Dayton Peace Accords are just vague and incomplete. Unfortunately now, the citizens of Bosnia and Herzegovina are paying the ultimate price, living in a non-democratic functioning society, with high unemployment rates and a large percentage of government corruption.

With all of the events that took place in Bosnia and Herzegovina during this short period of time, all of them could have easily been prevented had the US and the international community decided to intervene a little earlier with a clear political and diplomatic goal in mind. Because the US waited until 1995 to join the festivities in the Balkans, it only allowed individuals, like for example Slobodan Milosevic to play a crucial part in the negotiations and therefore be granted entity within a country based on

proven data from International Criminal Courts that he and his troops were the engineers of a brutal genocide. A genocide, which people nowadays still proclaim never took place. It's the people of a shared nationalist mind, like Milosevic who believe that Serbs did absolutely anything wrong. Even though Milosevic was never in power again, given the fact that he died in The Hague, awaiting trial, it almost seems as if he still in charge today. Serb Politicians like the aforementioned President of Republika Srpska and Serbian Prime Minister Aleksandar Vucic, who come from Milosevic's nationalist school of thought who play important roles in today's politics in both Bosnia and Serbia respectfully. For instance, Vucic is much disliked by the Bosnian Muslims that when he went to pay his respect to the victims of the Srebrenica genocide in July of 2015, Bosnian Muslims actually threw stones at him in disgust. These events clearly show us that people have not yet forgotten what happened only twenty years ago. There could have been a more concrete agreement that was implemented; well perhaps then instances like one probably never would have taken place.<sup>47</sup>

Despite all of this, it is simply unfair to expect the US to deal with issues such as Bosnia and Herzegovina because everyone tends to see the US as the "World Police." This was a problem, which Europe had to deal with, but Europe was nowhere to be found during these troubling times, but they still were rewarded the 2012 Nobel Peace Prize, for reasons unknown to many.<sup>48</sup> The Vice President of the United States, Joe Biden came out a few years ago and said that Bosnia does not need a new peace deal as it had moved on

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<sup>47</sup> <http://www.cnn.com/2015/07/11/europe/bosnia-srebrenica-massacre-commemoration/>

<sup>48</sup> Hansen, Peo, and Stefan Jonsson. "A Statue to Nasser? Eurafica, the Colonial Roots of European Integration, and the 2012 Nobel Peace Prize." *Mediterranean Quarterly* 24, no. 4 (Fall 2013): 5-18.

from "carnage and brutality." He continued by saying that he did not think the people, the Bosnian Serbs, Croats or Bosnian Muslims have any stomach for the carnage again."<sup>49</sup> I would argue the opposite. These ethnic groups have nothing to lose and everything to gain if another civil war was to take place. Although another war may not be as realistic of an outcome to many, in my opinion it would once and for all resolve the ethnic tension within Bosnia and Herzegovina.

The DPA has proven to everyone that these ethnic groups cannot live peacefully amongst each other, so the only conclusion that I foresee is unfortunately another war. Today, there is negative peace in Bosnia and Herzegovina, an absence of conflict. At best, there is coexistence, people living side by side but not together. This may not happen within the next few decades, but with how high the tension currently is, it is just a matter of time before another genocide takes place on the Balkan Peninsula. History has proven to us that if we do not pay attention to it, we are bound to repeat it and that's exactly what will again take place in Bosnia and Herzegovina.

Charles Boyd made a great point earlier after the DPA was signed by saying that "People who participated in crafting the accord, as well as many who almost certainly have not read the document, assert with equal conviction that failure to implement it will surely result in a resumption of war."<sup>50</sup> Retired Professor of Political Science Alex Dragnich of Vanderbilt University put everything in perspective when he said "Dayton

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<sup>49</sup> "Bosnia does not need new peace accords: Biden." *Agence France-Presse*, May 22, 2009.

<sup>50</sup> Boyd, Charles G. "Making Bosnia Work." *Foreign Affairs* 77, no. 1 (January 1998): 42.

would have never been a lot more successful had the mediators taken certain steps earlier.”<sup>51</sup> This is the exact same argument that my research claims. Before deciding to negotiate a peace agreement, there are certain parameters that need to be laid out. My main argument throughout this research project is that whenever peace is being negotiated, a strict time period must be followed to ensure that all aspects of democratization are being addressed. If a certain time period is not followed for reasons unknown, well then you have exactly what Bosnia and Herzegovina is today, a nondemocratic, corrupt functioning government. We have to be mindful that a return to normalcy in any post-conflict country is a long, uncharted road. Demolished infrastructure must be rebuilt, Political institutions; everything from a central bank, to a Department of Education, to local law enforcement must be created from scratch.

Many who survived the war emerged with no source of income. Therefore, adding job creation and the development of trade to the agenda would be important. And then there’s the challenge of social reconciliation between neighbors, former playmates and colleagues who had been transformed overnight into deadly enemies.<sup>52</sup> Maybe twenty after is still too early to judge whether or not other avenues need to be crossed in order to ensure democratic peace building. Around a fifth of the Bosnian population lives below the poverty line, three-fifths are unemployed, and two-thirds of the country's youth say

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<sup>51</sup> Dragnich, Alex N. "The Dayton Accords: Symbol of Great-Power Failings." *Mediterranean Quarterly* 17, no. 2 (Spring2006 2006): 48-52.

<sup>52</sup> Kuntz, Jessica. "The Dayton Accords, 20 years on." *Pittsburgh Tribune-Review* (PA), December 28, 2014.

they would leave the country if given the chance. These are all good indications that the way things are going now; changes need to take place as soon as possible.<sup>53</sup>

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<sup>53</sup> Lippman, Peter. "On 10th Anniversary Dayton Accord: Are Changes in Bosnia Real or Rhetorical?" *Washington Report On Middle East Affairs* 25, no. 1 (January 2006): 38-39.

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