



# Policy Paper

## TWENTY YEARS OF THE DAYTON AGREEMENT

**B|T|D The Balkan Trust for Democracy**

A PROJECT OF THE GERMAN MARSHALL FUND

The Policy Paper has been produced with support from the Balkan Trust for Democracy

Novi Sad, 2015



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## **TWENTY YEARS OF THE DAYTON AGREEMENT AND FIFTEEN YEARS OF THE IGMAN INITIATIVE**

*In mid-2015, the Igman Initiative started with the implementation of the project Twenty Years of the Dayton Agreement with the support from the Balkan Trust for Democracy in Belgrade. As part of the project a series of roundtables were organized in Montenegro, Croatia and Serbia with the aim of initiating public debate focused on resolving the remaining open issues between the countries signatory to the Dayton Agreement. The roundtables were attended by the representatives of government institutions, international community, civil society and the media, as well as experts in this field from all three countries. The conclusions of the panel discussions served as the basis for the development of this Policy Paper.*

*The Policy Paper contains the review of the development of relations in the areas that the Dayton Agreement addresses (in particular in the period after 2000 when the process of normalization in relations began), progress made in that period, and current state of the affairs with the inventory of still unresolved issues. This is important as two decades later there are numerous open issues each of which, under certain circumstances, may lead to tensions in the region. The analysis of the current state of affairs among the states signatories to the Dayton Agreement and making the inventory of open issues is important because little is known of that in the public and the states address them only after they are forced to do that by the international community or when it suits them to exploit those issues for internal political purposes.*

*The purpose of the project is to improve relations in the region by means of identification of open issues and by advocating problem-solving activities in these countries.*

## **WESTERN BALKANS BETWEEN DEEP CRISES AND UNCERTAIN PROSPECTS**

Jovan Teokarevic

This the second analysis of the state of affairs in the region of the Western Balkans, conducted by the Igman Initiative. In the previous one, published in 2010. under the name “Balance of the State of Affairs in the Region – Ten Years of Normalization of Relations – First Decade of the Igman Initiative” we ponder over general trends in politics, economy and security in the region in the course of the previous decade, while in this publication we will talk about the same trends in the first half of the current decade.

The main goal is to reveal what has changed in relation to the state of affairs in the region five years ago. The strongest impression is that earlier optimism about the general advancement is now being replaced by pessimism, caused by many reasons. Before all, at the end of the last decade global economic crisis, instigated in the fall of 2008, still hadn't caused its gravest consequences to the Western Balkans, inter alia, because the region had entered into the crisis after respectable economic growth which took place few years before that.

At the end of the last decade, an important advancement in the European integration was notified in comparison to the period before that. Croatia is slowly but surely approaching the membership to the European Union, while Montenegro and Serbia candidate status for membership. The citizens of all countries, except those who live in Kosovo, in the course of 2009 and 2010 gain the possibility of traveling without visas within the Schengen zone, which for the majority of people was an indicator of advancement to Europeanization.

Although, so called enlargement fatigue within the EU was gradually increasing, it still hadn't reached the point where it could have jeopardized the continuation of the EU enlargement to the region of the Western Balkans. Membership criteria, which at that point seemed to be milder than now, was still a sufficient motivational factor and instigator of internal legal, political and economic reforms.

At the same time, encouraging sign that the Western Balkans is fundamentally changing for the better was approaching finalization of bringing to justice the war criminals. The relations between Serbia and Croatia improved and thawed in many ways, just as other bilateral relations, while regional cooperation was in expansion.

Today, in the mid of the second half of the 21 Century, with nostalgia we could recall the tempered optimism from the end of the previous decade, which was based on tangible improvement of the region, especially in relations to the dissolution of Yugoslavia and armed conflicts from the nineties. That optimism is gone along, at least to the extent to which it was expected, and the same goes for certain prospects of the EU membership as well as improvement in reforms and cooperation in the region.

Instead of stabilization and advancement from several years ago, destabilization of the entire region ensued along with the stagnation and deterioration in the areas of economy, security, democratization and European integration.

### **Economic crisis**

Economic crisis in majority of the countries of the region was and remained destructive than in other parts of Europe or the world, because the local economies, which just concluded the process of transitional recession during which they were radically deindustrialized, were not reformed enough to be prepared for such serious external shocks, with rapidly decreased foreign investments and the possibilities for import. There was also the absence, which is even more important, of adequate amendment of economic policies, which in certain countries of the European Union led to recovery only two years from the beginning of the crisis. The Western Balkans, on the other hand, suffered two impacts of the crisis, in 2009 and 2011/2, while the governments of majority of the countries, as a major response to the crisis, heavily burdened their highly indebted countries with new debts.

The improvement in some economic performances, after the initial serious recession and moderate growth, has been noticeable over the past few years, and significant growth is expected only from 2016. However, the main barriers to stable and long-term growth will remain extremely inefficient public sector, and poor export opportunities of all national economies. The diversification of exports has not yielded many results, as the main economic, investment and technology partner of the region, European Union, with which about 60 percent of trade is carried on, is still in a crisis that is still spreading to most Balkan countries. In the meantime, the new 400,000 people in the region have lost their jobs due to the crisis, and already very high unemployment rates had been further increased, but then began to fall and remained at the highest level in Europe. Despite current encouraging trends, long-term recovery and economic growth in the Western Balkans remain uncertain, and the region remains the least developed part of Europe, with roughly a third of average per capita income compared to the EU average.

### **Security Crisis**

The economic troubles were worsened by negative consequences of security situation in Europe and the Middle East. Due to the crisis and war in Ukraine, from beginning of 2014, and especially due to the direct involvement of Russia that annexed the Crimea, there has been a deterioration in the relationship between the West (the US and the EU) and Russia, with accompanying tensions and conflicts that resemble the renewal of the Cold War and threaten to transmit instability to other nearby regions, including the Balkans. Both sides in this new confrontation simultaneously increased the pressure on the Balkan states, asking them to make clearer declarations, so the region is indeed "on the line of fire", as it was defined at the beginning of 2015 by US Secretary of State John Kerry.

After years of dominance of the European Union's influence in the region, Russia and the United States have again become interested and almost immediate security actors, and some countries in the region are more decisively aligning, without leaving their common strategic goal - EU membership. Serbia, the only neutral country in the region, has, in parallel, enhanced its co-

operation with NATO, again getting closer to Russia, not only in economic and political terms (it did not impose sanctions on Russia), but also in the area of security. With enhanced military cooperation with Russia, Serbia became the only European observer country in the Parliamentary Assembly of the Collective Bargaining Organization, of a military bloc headed by Russia. Montenegro, at the end of 2015, managed to get a call to join NATO, which is likely to have far-reaching consequences for the security situation and overall relations in the region in which Croatia and Albania are members of NATO since 2009, while Macedonia failed due to the Greek veto a year ago.

In the Middle East, the existing dangerous confrontations worsened after the failed "Arab Spring", which took place at the beginning of the current decade, and instead of the expected democratization, brought instability inside and outside of deeply divided, unfinished and weak states. Such an environment was favorable for the radicalization of political Islam in that part of the world, and was caused by unsuccessful recent Western military interventions. This radicalization has sparked armed conflicts and terrorism the main but not the only generator of which is the so-called Islamic state. The Balkans is one of the many but very important areas that can be directly threatened if terrorism spreads to Europe, among other things, because a large number of Muslims from the Balkans has joined the Islamic state.

In 2015, the Balkans also became the main transit route for tens of thousands of refugees from the Middle East, fleeing their countries due to war, insecurity and misery, trying to obtain asylum and continue to live in the European Union. This exodus, unprecedented in recent history, has so far not led to instability in the region, or an increase in intolerance towards refugees, mostly because they have, so far, been mostly passing through the region, on their way to their final destinations, that is, they were not forced to stay here longer or forever. However, this can happen if EU members continue to prevent the entry or passage of refugees, or if a Balkan state decides on such a move. If a large number of refugees remain in the Balkans it will be difficult to avoid major economic, political and security consequences. A good example of the immediate effect of the refugee crisis on relations in the Balkans was the sharp deterioration of Serbia-Croatia relations at the beginning of October 2015, the introduction of mutual trade sanctions and the closure of the border, including mutual attacks, accusations and insults between governments and the public of Serbia and Croatia.

Energy security of the region - as an important part of overall security - has also been potentially threatened in recent years, due to the abandonment of the planned construction of the South Stream gas pipeline at the end of 2014, and then due to the lessening realistic conditions for, in the context of worsening relations between Russia and Turkey, the realization of alternative, so called Turkish Stream Pipeline, which instead of via Bulgaria could bring Russian gas to the Western Balkan countries via Turkey and Greece. Alternative gas supply modes are still at the level of insufficiently elaborated plans and their realization is uncertain.

### **The Crisis of Democratization**

In the observed period there has been a distressing deterioration of the democratic performance of all Western Balkan countries. According to all measurement in relation to half a decade ago, as a region, we have less democracy, less rule of law and less media freedom, but - and in



complete line with these trends - we have more intolerance and mistrust (towards others in general, especially towards ethnic and religious groups , towards elected authorities and democratic institutions). While earlier there were attempts to adopt and copy the values and principles of consolidated democracy, the regional models have changed in the meantime: populism, façade democracy or hybrid regimes (which have democratic institutions but do not have democracy) have become the goals of many political actors and governments in the Balkans. In addition, institutions that should provide democracy for everyone are still politicized, instead of being neutral, they are increasingly subordinated to executive authorities, and the states have remained weak and incapable of providing citizens with public goods.

The current democratic "step back" is not, of course, the specificity of the Western Balkans, because, at the same time, it is happening in other countries in Europe and beyond, in varying degrees and with different consequences, of course. However, the reaffirmation of autocracy in this region is, however, long-term dangerous because it is the result of the cumulative effect of several powerful factors: the slowdown of the initiated, but never completed democratization, combined with the decline of the (or "transformative" power) European Union as the main determinant and driver of democratization, and all in the context of a major economic crisis and the strengthening of alternatives to both the European Union and to democracy.

If fundamental non-readiness of states in the region for democracy due to armed conflicts, parallel state-building and the lack of a democratic political culture, is added to the picture it becomes even more complete, but also grave: the results achieved in democratization in previous years were too small, and in the long run unsustainable. In order to understand the real scope of the problem, another two factors of exceptional significance should be added or clarified. The first is almost a complete disappointment with the post-communist and post-war period that prevails in a good part of the population of the Western Balkan countries, and which might best be understood as a kind of refusal to give necessary legitimacy to that period, with all its governments and unrealistic expectations. Finally, the repression of democratization has also contributed to the situation of a multiple crisis in which governments and citizens have to choose between several goals that are often mutually incompatible. It seems that in the Balkans, as in other places in the modern world, democracy has become a victim of a much more urgent need to first solve the burning economic problems, mostly by non-democratic methods: rescue from economic misery is often sought through dictatorship and all-powerful leaders. Stability - economic as well as security - thus becomes the ultimate goal without competition, in which framework democracy is inevitable at a loss.

Because of all this, the region continues to be burden with old and still unresolved problems. Among those facing all the countries most important are the following: the absence of full rule of law, combined with the lack of independence of the judiciary; "theft of state and its institutions" by privileged groups, with a high level of clientelism and corruption; the violation of the right to freedom of expression and the suppression of the freedom of the media; the lack of a culture of tolerance and the disrespect of the rights of minorities of all kinds; high level of organized crime; the lack of systemic control of power, with increasing political abstinence.

In particular, the problem of absence of a broad social consensus on the most important issues within the countries of the Western Balkan region should be highlighted. Where the consensus

was most lacking - in complex and ethnically and politically deeply divided societies of Bosnia and Herzegovina, Macedonia, Montenegro and Kosovo - massive protests against the governments of these countries occurred in 2014 and 2015. While demonstrations in B&H began in early 2014, primarily due to rising economic and social problems, in Macedonia, in late 2014 and in the first half of 2015, political conflict arose, in which students first and then citizens and supporters of the opposition, demanded from the government responsibility for many unlawful acts and the suppression of democracy, among other things, through the massive eavesdropping of a large number of people. In the autumn of 2015, supporters of the opposition in Montenegro organized a several-day protest against the government, demanding more rule of law, but also a withdrawal from NATO accession. At the same time, the opposition in Kosovo, in the Kosovo Assembly, but also on the protesters in the streets of Pristina, demanded that the Kosovo Government in the Assembly withdraw the proposal on the establishment of the Community of Serb Municipalities - not only one of the key instruments for the protection of minority rights of Kosovo Serbs, but the main result of many years of negotiations between the governments of Serbia and Kosovo on the mutual normalization of relations. These examples, each of which are specific in their own way, show that the region still lacks cohesive elements among different political and ethnic actors, without which it is very difficult to expect a more serious consolidation of democracy.

The deficit of democracy is, of course, influenced by the still high level of nationalism in the region. Contrary to the earlier optimistic expectations that the strength of destructive nationalism - which led to armed conflicts in the 1990s - is reduced, we are witnessing the opposite trend, with increasingly frequent phenomena of radical right-wing extremism in Balkan candidates for membership, but also in new and older members of the European Union. Nationalism, strongly supported by the tabloid media, still pierces the tiniest parts of progress made towards tolerance and respect for others with much struggle. The examples of this kind are, unfortunately, many, from denying the constitutions of guaranteed rights to national minorities and LGBT communities, to a further deterioration in bilateral relations between the two countries.

### **Crisis of Europeanization**

At first glance, it seems that the European integration of the countries of the Western Balkan region, as their strategic common goal - did not suffer any major damage in the crisis that marked the first half of the second decade of the twenty-first century. Indeed, there are many significant steps made forward in that period: In 2013, Croatia became a member of the European Union, and Montenegro and Serbia first became official candidates for membership, after which started accession negotiations, Montenegro in 2012, and Serbia in 2014. Albania also became a candidate for EU membership in 2014, and in 2015, after many years of delay, the B&H's Stabilization and Association Agreement with the EU entered into force, while Kosovo signed the same agreement with the EU that year as well.

All of these valuable results faded to a far greater extent than previous expectations, including those on faster EU accession, as well as due to the deep crisis of the European Union, with great negative consequences for the region and its aspirants for EU membership. Expectations have been disappointed, because a troublesome situation in the past decade has worsened in the current. Half a decade ago, there was a conviction, not only in the Western Balkans, but also in

many EU member states that the enlargement of the Union to the Western Balkans would end much earlier. Often it was mentioned that 2014 would be the year when all countries in the region could join the EU in a symbolic act of overcoming the divisions within Europe, on the 100 year anniversary of the outbreak of World War I. A year later it was understood that this is a pre-ambitious goal for the Western Balkans, full of problems and specificities not present in the post-communist countries from Central Europe that joined the EU during the last decade, in the midst of a much more favorable immediate post-Cold War context. The forecasts then changed and the ambitions were lowered, so 2020 became the most pessimistic objective for all but Croatia. In the meantime, that same year has become the most optimistic option, and only for one or two countries that want an EU membership card.

It was only part of the consequences of the deep crisis through which the European Union has been going for years, pertaining to not only its identity and democratic legitimacy, but also the economic opportunities it offers. The recent Eurozone crisis over Greece's over-indebtedness has led the Union to the brink of collapse, and the resistance to further enlargement of the EU to the Western Balkans has been further reduced to the list of priorities. More specifically, the further enlargement of the EU has lost its strategic importance, which until several years ago had in the plans of the Union itself. At the beginning of its work in autumn 2014, the European Commission explicitly emphasized that no new member is expected to be admitted during its five-year mandate. This is otherwise in line with public opinion in most of the EU member states, which, with high-pole majority voting, refuse to admit new members, at least until a multilevel crisis is resolved within the Union itself.

This part of the more difficult conditions for admission to the EU for current aspirants from the Western Balkans - who normally have fewer membership capacities than recently received new members - has also been complemented by tightening conditions during pre-accession negotiations. The expected response from governments in the region was to reduce the commitment to reforms imposed by the Union as a condition for membership, especially since the citizens of the region in the meantime lost the very high level of trust they had in the European Union. Thus, there were two interconnected negative processes: the enlargement crisis (within the European Union) and the crisis of reforms (within the Western Balkan Aspirants). The cumulative effect of these bad tendencies in a very serious way calls into question the European perspective of individual countries and the entire region.

This consequence is of enormous importance for the future destiny of the entire region due to the extremely large role that the EU plays in it. Namely, the EU is not only a support and reform model, as was the case in earlier enlargement cases. It has many functions in the Western Balkans, from the security and financial backing, to the partner in the construction and stabilization of the new states, to the influential internal political factor in several countries. This last role has been more and more pronounced in recent years, especially in those countries in the regions where Europeanization has been for a long time, for various reasons, faced with the most problems. Therefore, within the framework of the German-British initiative, the EU has specifically engaged in Bosnia and Herzegovina since the end of 2014 to encourage domestic political actors to work together and more efficiently on reforms that would allow B&H to move faster towards EU membership. The EU's intervention in Macedonia's internal political life (candidate country since the end of 2005!) has been even greater in 2015: the Union has become

a mediator between the government and the opposition in an effort to overcome the deep current political crisis.

Although the popularity of the European option is declining in the region, the so-called transformative power of the Union has not yet lost its full force. This is best seen in the case of negotiations on the normalization of relations between Serbia and Kosovo, which, despite many problems, are progressing, especially considering that, since 2012, the prime ministers of Serbia and Kosovo have been directly involved in the negotiations. The governments of Serbia and Kosovo would hardly conclude the so-called Brussels Agreement on the Normalization of Relations in April 2013 without the intermediary role of the Union and the prospect of membership in it. Despite frequent interruptions, major internal resistance and, in particular, the delay in implementing the agreement, Belgrade and Pristina continue to normalize, which was hardly expected a few years ago.

### **Regional Cooperation Crisis**

In order to encourage slowing efforts in the region towards EU membership, but also to foster regional cooperation, the Union launched a new initiative in 2014 - The Berlin Process, in which two summits have been held so far with the prime ministers of the region's governments: in Berlin in August 2014 and in Vienna in August 2015. Summits have been used for agreements on future joint infrastructure projects in transport and energy. Of particular importance was the Vienna agreement on the need to resolve bilateral disputes faster (which hinder cooperation in the region) and the obligation of all countries not to obstruct each other's membership to the EU. Regional cooperation in the Western Balkans has, in recent years, been improved primarily as a result of two parallel processes. On the one hand, it is closely connected and intertwined with the process of European integration of states in this region, and on the other hand, numerous instruments have been developed for the cooperation of states and societies in a large number of areas.

Along with many indisputable successes, however, there are often serious crises in relations between the countries and societies of the Western Balkan region, which require reviewing the basic assumptions on which regional cooperation in the region is based. Only in a short one-year period starting in autumn 2014, the Western Balkans was shaken by a series of short-term crises that destabilized the entire region and challenged a good deal of previous positive results. In October 2014, in the midst of an encouraging process of normalizing relations between Serbia and Kosovo, the Serbian-Albanian relations were radically worsened after the drone with the flag of "Greater Albania" appeared on the football match between the national team of Albania and Serbia in Belgrade. In addition to physical conflicts during the game, there has been an unprecedented exchange of mutual insults and the renewal of stereotypes and hate speech in the media and in the public of Serbia and Albania. Resurgence of a deep crisis in Albanian-Serbian relations, but to a lesser extent, was caused by a clash of Macedonian security forces with Albanian terrorists in Kumanovo in May 2015, which, like the previous event, sparked a debate within the entire region on aspirations and the stance of Albanians and their relationship with their countrymen and neighbors. At the beginning of July tensions rose again, this time between Bosniaks and Serbs, marking the 20th anniversary of the Srebrenica genocide, or attempt to reinterpret the event. In the beginning of October 2015, in the midst of the increased inflow of

refugees from the Middle East to the Balkans, there has already been a pragmatic temporary closure of the Serbian-Croatian border, bilateral trade war and mutual accusations, and insults between governments and the public of two neighbors.

A decade and a half after the end of the wars in the region, which has certainly progressed in every way and has reached an enviable level of stabilization, we must not, however, be satisfied with the conclusion that these and other similar crises have not been concluded in armed conflicts as before. Although the other occasional deterioration of relations in the Western Balkans is slowly calmer and somewhat overcome, they are a very clear testimony of the difficult conflicting heritage and still high conflict potential in the region.

The occasional deterioration of relations in the region is certainly also affected by external factors, which have already been said, but some of the fundamental principles underlying regional cooperation in the Western Balkans are part of the same problem as well.

Firstly, it should be noted that, despite expectations and many efforts, regional co-operation has never become a real "ownership" of the region. After armed conflicts, it was imposed by international organizations and the most influential states, as an inevitable means of maintaining peace, reconciliation and overall development of the region. The problem is that this co-operation remains largely due to external pressures and conditioning. It is, therefore, still more of a way for governments in the region to show that their countries deserve membership in international organizations, as well as assistance, and much less an indicator of real interests and needs of political elites and societies for mutual cooperation.

There are, of course, many contrary examples of the initiatives of both state and non-state actors, and the situation is certainly better today than before, with more than fifty initiatives and forms of cooperation in a large number of areas, which have "capillary intersected the region", as it usually appears. Key steps forward, however, are still almost always made on the basis of external stimulus.

And when there is progress in regional cooperation, as a rule, the following occurs: the formulations in the agreements are burdened with "constructive ambivalence," non-transparency is the rule of communication with the public, and the application of the agreed is postponed as far as circumstances permit. Long-standing negotiations on the normalization of relations between Serbia and Kosovo are the best example of this. Every step forward - achieved after much hesitation - is most often interpreted as a concession to conditionalities imposed from the sides and as a precondition for joining membership in the European Union, rather than as a solution to the real needs and interests of the citizens on whose behalf it is being negotiated. The public also does not have a good insight into the negotiations, nor in the conclusions and agreed measures and deadlines for fulfilling the undertaken obligations.

The idea of the leadership of the Western Balkans - as well as the initial European-regional cooperation is functional integration, which begins in non-political areas (primarily in economic terms), so that it gradually encourages any other cooperation, including those in the most vulnerable areas, in politics and security. There is increasing evidence that functional cooperation does not automatically and unconditionally spread cooperation and does not go

beyond all obstacles, even if it is realized within a specific incentive framework such as European integration. Functional cooperation has many of its own constraints, ranging from economic ones, because within the region only 15-30 percent of total trade is carried out, depending on the country, while the European Union is the largest trading partner, with a share of about 60 percent in total trade with each individual country of the region.

In addition to the developed regional cooperation, in the Western Balkans, there are many unresolved bilateral problems, some of which are extremely complicated. It is therefore a good thing that the Vienna Summit, along with more agreements on cooperation in the field of energy and energy, supported the study and recommendations on the resolution of bilateral conflicts as a necessary condition for regional cooperation, among other things. It is unclear, at the same time, why the states of the region, or their governments, in mutual negotiations, have not done much more to solve primarily the legal and economic issues arising from the disintegration of the SFRY, which essentially burdens the citizens and the bilateral relations of the states.

The relationship between regional cooperation and European integration is, of course, mutually incentive and potentially conflicting. It is stimulating because regional co-operation is both a precondition and an instrument of European integration, but the two sides of this equation can come into conflict if, as now, one side does not function well enough. If, as it is now, there is no rapidly expected approximation to EU membership, the countries of the region see regional cooperation at best as some kind of inadequate replacement, i.e. building of their own "Balkan European Union", at the expense of the promised presence in the original Union, and, of course, showing resistance.

The lack of greater and more effective regional cooperation in the Western Balkans is also a result of the lack of a serious effort by authorities in all countries to engage more actively and directly in the process of reconciliation among the countries and nations that have been in conflicts in previous decades. The condition for this is, of course, a critical attitude towards the past, which still does not exist. In this context, it is certainly commendable that at the Summit in Vienna, the initiatives of some youth non-governmental organizations have been adopted to establish a regional Youth Office. The same can be said for the proposal of the Chambers of Commerce of Serbia and Kosovo to establish a permanent joint regional platform of the cooperation chamber. The reach of these and other similar initiatives, whose effects are yet to be seen, will not be far as long as the governments of the countries of the region do not encourage their citizens and the public to do the overall critical review of the recent past, as the basis for better relations and cooperation in the future.

The refugee crisis has added to the existing major problems of the Western Balkans, and is one that can not be solved without another level of long-lasting cooperation - with the European Union. With many challenges, this could also be an opportunity for the Western Balkans to learn about cooperation and contribute to it, i.e. to help itself while helping others.

If there is an optimistic element in the sea of pessimistic diagnoses, it is in the following: unlike before, most of the problems that the Western Balkans region faces, today share with other countries and peoples of Europe and the world, so we should hope that in seeking the exit from the troublesome situation in which we find ourselves we will work together with others.

# **THE TWENTIETH ANNIVERSARY OF THE GENERAL FRAMEWORK AGREEMENT FOR PEACE IN BOSNIA AND HERZEGOVINA – CAUSES AND EFFECTS**

Nerzuk Curak

## **Introduction**

The Dayton Peace Agreement brought an end to organized violence in Bosnia and Herzegovina. That is the most significant attribute of this contradictory international agreement. Heralding peace, on that, now distant 21 November 1995, the Agreement rose above previous attempts by the international community to prevent or stop the war. Cutiliero's mediation, the Vance-Owen plan, the Owen-Stoltenberg plan, the Washington Agreement and the Contact Group plan had not brought peace to Bosnia and Herzegovina but incited new cycles of violence. The cause of peace mediators' utter defeat was more than obvious: the United States of America approached the slaughter house of Bosnia and Herzegovina in an irresponsible and conformist manner, adjusting its diplomatic standards to others.

It was only when the USA took the lead in the Bosnian crisis, subjecting other Balkan policies to itself and rationalizing the power and significance of London, Paris, Berlin and Moscow in the B&H conflict that the mediation in the negotiations between the *warring parties* became serious and transformed from an international charade into a serious instrument of American foreign policy.

Through a series of diplomatic maneuvers and with skillful use of the *carrot and stick*, i.e. reward and punishment negotiating technique, Washington brought the warlords to the negotiating table, assuring the allies that the United States could and would stop the war in Bosnia and Herzegovina with responsible assistance by the international community. Where the sluggish European diplomacy failed, the aggressive foreign policy of the leading global power of the time succeeded. The Peace Agreement for Bosnia and Herzegovina was a big foreign policy success of the Clinton administration with which the White House humiliated the other actors in international politics, convincing them that the United States was the only major force that radiated global power.

This was confirmed by Milosevic, Tudjman and Izetbegovic, the war leaders of the countries in conflict, who were, albeit reluctantly and with mixed feelings of triumph and defeat, forced to sign the Dayton papers. Following this verification, the architect of the Dayton Agreement, Clinton's emissary for special diplomatic operations Richard Holbrooke, could proudly call on the US President to declare the end of the war against Bosnia and Herzegovina and the beginning of a long post-conflict reconstruction of the country in whose lasting survival the leading global power was ready to invest its supremacist authority.

Twenty years later, thanks, among other things, to that authority, Bosnia and Herzegovina still survives, although its internal design generated from the Dayton Peace Agreement enabled the

creation of policies that competed in the irrational ambition to preclude the existence of an authentic country. Notwithstanding the extreme intensity of political and intellectual denial of Bosnia and Herzegovina by the Serbian, Croatian and Bosniak nationalist elites, Bosnia and Herzegovina has survived thanks to the Dayton Agreement – although the incompleteness and ambivalence of its Constitution, along with a great deal of political roguishness on the part of the involved political actors, enabled the creation of the idea that the country would not survive.

In this context, the dominant narrative throughout the post-Dayton years has been the determinist and social-Darwinist interpretation of the Agreement, toward which one of the leading Serbian politicians in Bosnia and Herzegovina, President of the Republika Srpska entity and leader of the SNSD, Milorad Dodik, has a particular inclination. He maintains that the only relevant, valid and politically acceptable issue is the **letter of the Dayton Agreement** and that any insistence on the **spirit of the Dayton Agreement** leads B&H toward an abyss, signals its end etc. At the same time, this politician, who refers to the Dayton Peace Agreement as a lasting and ultimate agreement on the B&H future, has been warned by the international community for violating it more times than any other politician.

The international community has named the intention of Republika Srpska to organize a referendum on the Court and Prosecutor's Office of Bosnia and Herzegovina the most radical anti-Dayton action. By adopting the decision to hold the referendum on 15 July 2015, the National Assembly of Republika Srpska, as the highest legislative body in this entity, abandoned the Dayton Peace Agreement *de facto* and *eo ipso*. At the same time, this kind of anti-Dayton action did not stop the incumbent president of that entity from presenting himself as a guardian of the Agreement. How is this possible? It is possible because of one of the weakest points of the Agreement, the Constitution (Annex 4), which, due to the lack of legal bindingness, enables not only different interpretations but also different institutional and normative regulation of the constitutional matters on by the internal Dayton actors. That is why it is important to facilitate debates of sociological and political nature before settling legal matters, so that legal demands could be derived from the bigger social picture. The coherence of these demands should be strong enough to establish the legal normativity of the Dayton state that would equally apply to all parties.

### **The letter and the spirit of the Dayton Peace Agreement**

It is exceptionally important for the prospect of this coherence in the near future to analyze the notions arising from the constitution of the Dayton political field that stretches across Bosnia and Herzegovina like an axiomatic frame of its modern statehood. The Peace Agreement created in an American military base has imposed itself as a crucial political notion whose content cannot be overruled. This means that the Agreement is offered to the citizens of Bosnia and Herzegovina as something absolutely unforgettable. To paraphrase Borges, *if something is unforgettable, people cannot think about anything else*. The Dayton Peace Agreement is an unforgettable contract, whose enforcers repeatedly send messages that the country cannot be perceived from any other perspective but *only* from the perspective of the Dayton clinic where there is an epidemic of nationalist infection that is impossible to stop because everything is suspicious at the *clinic* except nationalism. Nationalism is the only non-problematic thing, and as



such it has succeeded, via its key political and intellectual actors, in promoting a critique of nationalism as the worst form of nationalism (!?), consistently denying the possibility for any critical observation of nationalism (even if it consistently unmasks not only the secessionist but also the unitarian forms of nationalism) to be viewed as an ideological opposite to nationalistic theories and practices.

In today's Bosnia and Herzegovina, refusal to be confined to ethnic nationhood means that one is a nationalist – since by refusing the obviousness of our life (and nationalism is our shared obviousness) one can be accused of the worst kind of ideological actualization of reality. Our homeland is quietly dying in this environment, with little prospect of being replaced by a new one. On the logical plane this implies irrationality as a political, intellectual and cultural norm that challenges any argumentative sequence because it is rational. Let us try to intervene in the area of irrational policies through the metaphor of the *letter and the spirit* of the Dayton Peace Agreement, in order to create conditions for dismantling the biggest hoax offered to the citizens of Bosnia and Herzegovina.

This hoax is contained in the ambition for B&H to forever remain the Dayton state, i.e. a state forbidden any change. Were this approach rational, it would mean – if we generalize this deterministic principle – that there have been no internal changes in the world's states from the moment they were first created. Such principle would mean that by virtue of its institutional design every state is always at its beginning, that it remains in its natal phase regardless of life's demands and that this natal phase is the only stage of its existence from the beginning until a possible end. If the argument of the unchangeability of the Dayton Peace Agreement made any logical and political sense, the final consequence of that approach, on the universal plane, would be the non-existence of the Agreement. That Agreement would not be possible, could not be reached, since all states would always be at the beginning of their existence – Serbia would be at the beginning of its statehood and so would the USA, France, Russia etc. – meaning that they could in no way be involved in an international document created with an internal purpose – to be the beginning and not the end of the emancipation of a political community such as Bosnia and Herzegovina. The reasoning aimed at making the letter of the Dayton Peace Agreement an unchangeable and permanent category follows this exact line of logical and political incoherence.

In the past few years we have witnessed a continued attempt to create a rift, canal, whole, a boundary that separates what is, presumably, written from what is an intention, a negative spirit that seeks to change the system. However, there can be no letter without the spirit of the letter, no system without discourse and no realized idea without the imagination that precedes it. Insisting on some letter of the Dayton Peace Agreement (and given that the interpretations of the letter are radically different, what letter are we exactly referring to when considering the Agreement?) while quashing its spirit is in itself changing the letter of the Agreement. That change has been happening for years and can be reduced to an erythristic idea – changing the Dayton Peace Agreement by its continued affirmation to the point where it is only a force of disintegration.

This process is a dominant political narrative and institutional imperative. Insisting on the letter of the Agreement for years degrades the intent of its spirit – to be changed because it cannot be

politically realized. Insisting on the letter of the Agreement is destroying that letter, which is structured in such a way as to have a tendency for change. Only life gives meaning to it, because life gives meaning to everything: that is the lowest degree of meaningfulness – functional biology. Insisting on the Agreement as the *golden calf* leads to the construction of violence as an identity point in B&H today and in the future, because the unchangeability of the Agreement is violence in itself, violence as a “state of nature”. A state of nature should be exited – as Kant also knew – although we are at a stage today that we could qualify as unease in Balibar terms: we are unable to exit it.

Let us take the HDZ (Croatian Democratic Union) of B&H as an example. This party has for the last few years demanded the change of the Dayton political framework, advocating that it overcome in order to create national equality and a state. So, what is actually happening in political practice?

The party that demands the change of the Dayton Peace Agreement is seeking the key partner in the policy that stands against that change? The SNSD (Alliance of Independent Social Democrats) is the HDZ’s key ally in changing the conditions that the SNSD does not want to see changed under any circumstances! From this description arises the important question of the purpose and ulterior motives of politicians in the Dayton B&H. How have Dragan Covic, the HDZ leader, and the SNSD leader become the closest political allies, while having diametrically opposed approaches to the most important strategic question – the change of the Constitution?

Let us also consider the following: if the SNSD has allied with the HDZ to change the Dayton Peace Agreement in only one part of the country (where the party is politically relevant, i.e. in the federal entity), that is nonsensical and does not deserve further elaboration. If it is not nonsensical, why wouldn’t the change of the Agreement in only one part of the country apply to Republika Srpska? Of course, the previous claim does not only affirm that change but also the attitude that no change can apply to just one part of the country, because that could *de facto* and *de jure* mean that it does not apply to one country as a whole – and that *is* the fundamental determinant of the negationist policy of Milorad Dodik – for which he has all these years tried to garner support from the governing structures in Brussels and major European metropolises and fortunately failed. (For a more detailed account on the bureaucratic games with B&H see *Bosnia in Focus – Christian Schwartz-Schilling’s Second Political Challenge* by Erich Rathfelder and Carl Bethke, 2011, Kult B, Sarajevo.)

Let me point out, once again, that the previously stated argument is not in collision with the view that constitutional changes need to be initiated in the FB&H entity, but with a clearly defined obligation on the part of the international community to treat these changes as the beginning and not the end and to acknowledge that the whole point of constitutional changes in FB&H is for the same process to take place in Republika Srpska too.

### **The international community: important issues and provoking claims**

Invoking the Dayton Peace Agreement whilst continuously negating it has created a lasting mechanism of agonizing the state. This primitive political instrument is unfortunately effective,

as there is no adequate answer that would sanction the efforts to drive the country into *insanity* and make it verify its schizophrenic structure through internal collapse.

One of the few remaining functional mechanisms that could stop this process is the international community's genuine support for constitutional changes based on the logical reasoning that external governance is responsible for a country until that country reaches the position of completely unchallenged self-sustainability. Regrettably, all efforts to conduct a constitutional reform have failed – both through actions of nationalist forces within B&H and genuine indifference on the part of the international community toward real change in a debilitated and imprisoned country, which has now for two decades been kept in a state of frustrating hibernation by the unjust Peace Agreement.

Under the pressure of the European people's parties and through considerable engagement of Germany's Christian Democrats, last year the people's parties in B&H (SDS, PDP, SDA, HDZ, HDZ 1990 etc.) committed to working on a European perspective for B&H after the general elections in October 2014 without backing off and creating artificial political excuses. Nevertheless, the reform agenda for B&H, created by the European Commission and supported by Berlin, London and Washington, remains questionable – for internal political reasons and because of altered global geopolitical circumstances that are reflected in the Balkans, especially in the Western Balkans.

For this agenda to succeed at least to some extent, it is important to accurately present the state of affairs in B&H after twenty years of the existence of a very specific political design, whose institutional format enabled the creation of a local state in global "circulation". By this *notional expression* we mean the Dayton B&H as a specific, *sui generis* state which hides in its political belly not only the domestic bearers of sovereignty, but also the external lever of preserving the fragile and porous B&H sovereignty – the international community.

In my assessment, the true state of affairs can be detected through asking important questions and putting forward provoking claims.

Is twenty years of the Dayton B&H enough for drawing a bleak conclusion underlain by the view that the only chance for its survival as a state lies in its inability to be a state? We can draw a lot of conclusions from our reality that will assure us that the only thing keeping B&H from collapsing is the fact that it has collapsed internally. Does this mean that the only thing keeping B&H from disappearing from the world of states is the fact that it is not an actual state internally?

If we accept the previous elaborations as arguments based on rationality rather than on emotionalism, we can move from the zone of political correctness to the zone of sharp radical speech about the actors that are *de facto* thwarting the possibility of the constitution of a self-sustainable political community. Who are these actors? They are the actors who were involved in the B&H Peace Agreement – the USA, the EU, i.e. the key countries of the European geostrategic core, the Contact Group, Serbia, Croatia and the domestic Dayton political elites. The mentioned actors are hostages to a permanently *growing fictionalization of reality* (Tofler, 1998). This *growing fictionalization of reality* is supported by these actors through an idea that

belongs in the realm of political pathology. It is the idea of the unalterability of the Dayton constitution of the state or of its alterability only under the condition that it is the will of the internal political actors. This irritating reduction is in collision with the imperialist structure of governing envisaged for B&H in the Peace Agreement, regardless of the fact that the protagonists of international politics will disagree with the issue of imperialist governing. Calling it quasi-imperialist, non-imperialist or semi-imperialist does not change the facts.

The defensive pattern of *international imperium* implemented in B&H is some sort of *epistemological and ontological hubris* (Toal, 2007) that can and does produce a sense of the creation of a new status among astute B&H citizens – a status of lesser beings. Why? The constitution of the state premised on the Peace Agreement that requires constant engagement of the USA as the true creator of the Agreement (and we have long been in the stage of absence of American primary engagement) has created a strange situation: the country needs a *deus ex machina*, but there is no descending protagonist who would bring the growing antinomies to a progressive compromise. On the contrary, Washington, joined by Brussels, has for some years been sending messages that the protagonist of change has to come from inside, although the structure of the political community makes this impossible; it can only be feigned.

Bosnia and Herzegovina is on a very slippery slope: robbed of the ability to be a state, it cannot stop being one. It is in this schizophrenic atmosphere, in the frustrating tension between existence and non-existence, that the history of our present has been unfolding. Regrettably, our present belongs to a pre-historic era, an era of ice, as B&H is the only country in Europe that has, by the frustrating logic of the Dayton Constitution, been denied change. Just like Colonel Aureliano Buendia, who in *One Hundred Years of Solitude* remembers “that distant afternoon when his father took him to discover ice”, as the miracle of miracles (Márquez, 2010), people from different corners of the world will be coming to B&H to see a political miracle: a country frozen in the American military base Right Peterson, a country in which entities are treated as holy cows and unalterable categories, even at the price of reducing our lives to bare existence, to Agamben’s *homo sacer*.

To accept the idea of the unalterability of the Peace Agreement is to accept a future that will be shaped by the *gloom of the present*. The name of our future is “a worse present”.

The international community has accepted a worse present all these years as a certain form of the future. Feigning its absence from the country in which it verified its, *sui generis*, presence through an international agreement, it has left us with the following paradox: the key international community actors have allowed B&H as an imprisoned and unfinished state to try to find forces within itself that could elevate it from the state of confusion, stupor, lethargy and inaction to a higher level of political activity, a level of practical activity in which the domestic actors of the political game act in a meaningful way, with the aim of constituting a self-sustainable community. At the same time, the state is institutionally designed in such a way that it cannot achieve sustainability through appeals that the change is only possible if the domestic political actors desire it.

The domestic political actors do not want the change (or want only the kind of constitutional change that will prevent the possibility of a real upgrade of the Peace Agreement, which is more

of a ceasefire than a peace treaty in its scope) of the political matrix that perpetually generates nationalism as a propellant for the growth of state bureaucracy on all decision-making levels, the growth of devoted followers of particular political ideas behind which stands a big three-headed nothing. This is a project of the annihilation of homeland consciousness that has largely succeeded.

There is no doubt whatsoever that B&H, formed by the Peace Agreement from Ohio, is a product of the USA's military and political mind. That mind could conceive a *dual country* because at the time of the imposition of the Agreement for a country such as B&H it relied on strong American preference for building a state which Washington has imbued with imperialist meaning. It was in the vein of *a priori* American commitment to building the state of B&H that Richard Holbrooke, the architect of the Peace Agreement, envisaged an original political community, rising from the ashes, with a distinct American signature. After the forces of internal secession prevailed on the wave of Dayton ambivalence, the interpretation of the Peace Agreement was maintained in the "key" of disintegration, through continued favoring of entities as pseudo-states. That is how we ended up with two Kosovos in B&H, with tendencies for the sum of two made up entity sovereignties to give sovereignty to the state. I would argue that the country's leading politicians are trying to equate sovereignty with facticity, which could end in a triumph of entity aspirations as sovereignty aspirations. We are close to understanding state sovereignty as coordinating sovereignty. Coordinating sovereignty is a norm that deserves some irony, as it enables the lower levels of authority that are already represented at the state level (the Dayton state being a state of lower levels of authority, first and foremost a state of entities) to generate their power once more and do so on issues of international nature, i.e. issues that are the responsibility of the state level of political organization. Hence we have a double key in the process of key policies for Bosnia and Herzegovina, such as European policies. As if the entity and cantonal policies were not already represented through their Dayton state, there is a desire to exert additional influence through the representation of entities and cantons on a level on which they are already represented! The *de facto* process of making decisions of international legal nature could thus be conditioned upon cantonal and entity statism. If the internal actors agree on this – and it is very likely that they will – the international community will accept this outcome, despite the fact that is an extreme deregulation of international legal issues as a state norm, dangerously close to inability to make any decisions related to European integration. All this is a possibility because the USA dropped B&H as a post-conflict community from its imperialist pliers. Given that B&H has been absent from the registry of USA's national interests for years, the Dayton political laboratory is staggering in the shackles of an international agreement for which the USA is most responsible. The USA has, in the meantime, let its responsibility sink to the lowest point.

Since the USA has let its responsibility for BH& sink to the lowest point, the country is left without a positive and effective external incentive that is *a priori* contained in the American ambition of creating the Peace Agreement. In this situation, the European Union takes over the key role in B&H. It is unbelievable that the EU (and this testifies to the lack of vision and the dominance of bureaucracy over analytical, creative mind founded on skepticism) accepts the USA's Danaan gift. What is this gift about? It is about the fact that a state which is only "laconically" internally structured by the Peace Agreement, and can thus move forward only with a strong and continuous pressure from Washington, stops being Washington's fief and

becomes Brussels' fief. Brussels has the task of helping to build a self-sustainable B&H without the dominant USA's role, and without that dominance Brussels cannot truly help shaping a self-sustainable community. This geopolitical principle has been abandoned. Washington loaned B&H to Brussels, which doesn't know what to do with the loan, because it doesn't have the instruments – with its capacities of soft power as the hallmark of the European postmodern paradise – to do something profoundly significant with an American territory in the Balkans. That is why B&H has to be rebuilt as an American world, as a Balkan post of *Pax Americana*. This would be the only guarantee of Brussels' competence in the matters of B&H's transformation into an EU country.

Although B&H's modern history places it in the “moral universe of the European civilization” (Toal, 2000), because of the Dayton Peace Agreement B&H is noticeably starting to belong to the modern universe of the American civilization too. But the real question is this: Is the current world order still American, and if it is not, what is the point of this plea for Washington's big comeback to the small chessboard of Bosnia and Herzegovina? Well, I think that the post-American world is still a version of the American world, despite the objections emerging from well argued opposite views. Today's B&H is a division of that post-American American world and it would be highly suspect for Washington to provincialize its role in the most successful (from the perspective of conflict management) American foreign policy project of the post-cold war world. The great American economist is unrelenting: “The ultimate objective of the good society is in the field of foreign policy. There, it seeks lasting peace between nations. Nothing is so important, for nothing so contributes to sorrow, deprivation and death as military conflict... The good society cannot allow itself to be identified with the nation-state alone [with realpolitik based on the evaluation of power]. It must recognize and support the larger international forces to which the individual country is subject. This is not a matter of choice; it is the modern imperative” (Galbraith, 1997, p. 93).

Since B&H is subservient to international powers, for the good society to be built in B&H these powers need renewed leadership from the USA as the power that turned B&H into a global state in local “circulation”.

If Washington had brought B&H to the state of sustainability, Brussels' crucial and dominant role would be desirable, necessary, imperative and of utmost importance. In reality though, Brussels is in charge of the Europeanization of a state which resists it with its profound Americanization. Given that the Americanization is in the phase of self-annihilation, we have this formula: normative apolitical Europeanization minus Americanization equals Russia in B&H, as an awakened player who has turned the PIC (Peace Implementation Council) into the impotent face of the West. So, that is the elementary level of the big picture which requires a special point: the EU has naively agreed to take over from Washington a political community that can only move forward with Washington's crucial assistance, even though it knows that it lacks the instruments to act like Washington. This brings us to the conclusion that the EU is the key generator of B&H's inability to enter the EU. There is ample evidence to prove this. Let us offer some that is related to the life of the EU in the Dayton B&H.

The EU should ponder the following viewpoint: in no other European country has the presence of the international community, including the EU, been more substantial than in B&H from 1996

to this day. Despite this notorious fact, it is in B&H that the maximization of European presence has produced the minimum of a European country from the perspective of key axiological categories in all areas of life and work. This is not only the EU's defeat, but also B&H's. What *promise of happiness* does Brussels offer us if the country where its presence is so conspicuous is so far removed from Brussels!? We could state the following: the intensity of Brussels' presence is inversely proportional to the Europeanization of B&H, i.e. to the fulfillment of conditions for the accession process. Judged by ethical standards, this should shame the key European players. Alas, there is no shame. What we have is an ingenuous mantra of Brussels' bureaucratic mind: We are here to help, but you know, you yourself should... blah, blah, blah... This platitude gets reduced to the prosaic "We are here". So? A typical confirmation of this hollow European pretentiousness is the latest Report on Progress of B&H for 2015, which is the most favorable for this country in the last seven years. Since it was issued in the same time slot in which the National Assembly of Republika Srpska voted for the most radical anti-Dayton action – the referendum on the statehood issue, we shouldn't be surprised if parallel with positive future reports on the progress of B&H on its European path we start seeing a diminishing B&H, similar to Ukraine and Georgia.

The European Union is running away from the cause of the problem and dealing with its effect as if it were the cause. How? By taking the position that the country's key problem is the B&H Federation and not the cemented two-entity structure of the state; by taking the position that what functions best in B&H is the unitarian entity (excluding radical, anti-Dayton actions) and then not ending this logical stream with the expected conclusion: if the unitarian entity is what functions best, does that mean that the whole country should be built as unitary? Since I am against the principle of unitarism in a multinational country, I call on those who favor the existing unitarism to follow the executive path to its end and reveal themselves as either political liars or friends of unitarism. One cannot be in favor of a decentralized country and simultaneously support unitarism. This political lie can only give birth to another twenty years of agony. Let us be completely clear: due to the nature of the political order, the meaning of the Dayton B&H lies in Republika Srpska. B&H exhausts its political meaning in the Europeanization of RS, which prevents the Europeanization of B&H through its own Europeanization. These are the facts. So what are we to do? This *growing fictionalization of reality* needs to be unmasked. The unitarization of the state from Banja Luka is pointless. (For example, the eastern part of RS, in both Bosnia and Herzegovina, is a world of sorrow, anguish and hopelessness, a world of bare existence. The decentralization of RS is a demand as important as the transformation of the federal entity.) To accept the necessary transformation of the Federation that in no way affects the other part of B&H is to accept the view that RS is redundant in B&H. Changes in the Federation make sense only if they are followed by the deunitarization of RS. This can be encouraged by Washington and Brussels.

These truths are overlooked probably because they are so obvious. Is violence the only precondition for noticing them? Or does B&H become some Thing worth consideration in the centers of global power and responsibility only by producing violence? Let us be unrealistic and demand the possible. But what is possible? The change of paradigm: it is necessary to reach a consensus on building a decentralized political community that is self-sustainable and offers the possibility of civic loyalty. This can be achieved if we create an even more decentralized state, in the firmest embrace of Washington and Brussels – if necessary the most decentralized state in

the world of states. That huge gift to the citizens of B&H – the creation of a decentralized state – is an obligation of those who are opposed to change although they would gain most by it.

In line with the most radical interpretation of the subsidiarity principle, the creation of a decentralized state also means the creation of a state which *is* a state and in which the decentralized structure is an expression of fairness, efficiency, functionality and the possibility of a *common purpose on the state level*. The demand for an even more decentralized state contains the demand for the construction of a state, not for its deconstruction. If, on the other hand, the construction of an organized decentralized state is again met with refusal by those who wish to maintain the *status quo* with disregard for the “lifeworld”, the international community is, sooner or later, forced to act.

New energy needs to be pumped into the Office of the High Representative (OHR), energy that would send the message to the actors of the political game that it makes no sense to not build a political community and that it is against the people whose interests politicians presumably represent. After all, if the High Representative is the ultimate interpreter of the Dayton Peace Agreement, the European institutions in B&H are part of that interpretation. If they are not, what prevents the EU from abandoning the Dayton Peace Agreement and starting to build a state which is capable of becoming an EU member? If the National Assembly of Republika Srpska could abandon The Dayton Peace Agreement by voting to hold the referendum, why can't the EU do the same? What stops it is the bureaucratic approach because, to paraphrase Marx's *Eleventh Thesis on Feuerbach*, *the apogee of the EU's normative institutionalism, which does not envisage Bosnia and Herzegovina as its most radical challenge but as a banal bureaucratic activity, is noticing individuals and their civic needs without the perception of our human helplessness caused by the absence of state. The European bureaucrats and their bureaucratized think tanks only confirm the divided nature of the state and the society in B&H through their conciliatory activities and thinking, when they should do everything in their power and beyond their power to change the situation.*

### **Creation of policies of friendship**

As far back as 1795, Immanuel Kant determined in *Perpetual Peace* that no agreement can be considered a peace agreement unless it contains the cause of a future war. The Dayton Peace Agreement is in line with this Kant's maxim because it makes real, positive peace impossible. The negative peace we live in is wearing out all our people, while the international community is sending messages which assure us that the non-peace we live in is our only peace and that nothing will change for a long time.

Our only alternative is to constantly challenge not only stereotypes and prejudices, but also real categories that are destroying our country's capacity to be a state through permanent work, critical interpretations, pressure, intellectual dynamism, new affirmation of a strong and committed civil society, lobbying and encouraging peace practices that will motivate the decision makers in domestic and global politics to listen to the right words and dismiss the wrong words.



We are notorious for rejecting the political emancipation that would universalize the way of political production in Bosnia and Herzegovina on the principles of institutionalized liberalism. The denial of this political handicap promotes a new epoch of violence. Regardless of individual disappointment, it will be a long time before the constitutive actors of politics in B&H become elites who want an authentic political emancipation of themselves and those they represent. Until that time in the distant future, let us try to affirm our differences in such a way that they do not pose an obstacle to shared views, which are greater in number than we acknowledge in the public sphere.

To simplify the matter, the key difference is in the perception of territory; regarding other issues, shared viewpoints are possible and feasible. There is no consensus on the internal ownership of territory – it is simply impossible to reach. To abandon the territorial paradigm in the production of politics is to abandon the causes of the conflict, to reaffirm the shared views. The meaning of politics lies in autonomous spreading of the shared view. This spreading of the shared view is potentially impossible in the field of the Dayton Peace Agreement. It could only be achieved in the field of the Dayton Constitution, provided there is external pressure.

The continuous possibility of different interpretations of the Constitution, without the actors' will to bring the different interpretations to a higher level of consensual awareness of building a state, presents a serious problem. The marked looseness in the interpretation of the Constitution is the consequence of American pragmatist approach that counted on building the state under continuous American pressure. Despite the laxity of the constitutional norm, this should have resulted in a strengthened state as a citizens' service, which we lack.

Unfortunately, the altered geopolitical circumstances – especially after 11 September 2001 and the terror attack on the USA – have reduced the American interest in Bosnia and Herzegovina. Within the dual Dayton construct, this started the unchallenged process of “stealing” the state from the Peace Agreement, of perverting the entities into quasi-states and of their radical “etatization” with the clear goal on the part of the privileged nationalist elites to make the duality of the state (embodied in the so called entity sovereignties) the final, lasting and irrefutable expression of the B&H state maximum. This would not present a problem if the goal of such political reasoning were the building of the state (since the state can be constituted as a horizontal as well as a vertical plane if building a legal community is the genuine goal!) and not its incapacitation – which has all these years done great damage to the citizens of Bosnia and Herzegovina. The citizens of B&H are subjected to the egoism of the political actors whose 19th-century understanding of state has deprived them of the state that would function as their service, as a professional intermediary between them and the “lifeworld”.

It is the process of de-Americanization of American Bosnia and Herzegovina through the reduction of Washington's condign power that has empowered the secessionist and unitarian ideas of ownership of Bosnia and Herzegovina. The clash of these ideas has sent the state into a limbo, a minor armlet in which it is impossible to produce anything significant without it being annihilated by the entities' sinister on the destruction of their own state. This is a huge paradox. Despite the fact that today's Bosnia and Herzegovina is a radical expression of entity powers (as I have argued above) and that its institutional normativity is accordingly represented on the state level as the will of the entities, in real political action this state is being demolished by the actors who are the creators of the same kind of state.

It is tragic that a state which is the expression of its entities' will is interpreted, in the nationalist key, as a non-entity state, a state in its own right, a third virtual entity where other entities seem non-existent. From such an approach, which has, regrettably, not been confronted even by the actors whose mandate is to save the Dayton state (OHR), a practice of political action has been generated that has enabled the entities to steal the state for themselves. They see the Dayton B&H as a state of entities *per se* rather than a citizens' service, which, based on Habermasian constitutional patriotism, constitutes a reasonable political community freed from nationalist and entity purposes, because these purposes are already honored in an institutional design that favors nationalism and entitism. The announcements of the entity referendum on the state issues are a typical example of stealing the state by lower levels of authority. We are going to hear learned arguments that this is unacceptable and that PIC will not allow such anti-Dayton activities, but that is all gibberish; the theft of the state from the Peace Agreement is already visible through the coordinating mechanism and nothing is happening – there is even encouragement for this irrational consensuality, which could eventually lead to the creation of yet another entity.

Still, in regard to the external actors of influence on building the state it is important to note in this Bosnian and Herzegovinian political galimatias that by using the multilateral instruments of international action the USA has, in the twenty years of its engagement in B&H, succeeded in disseminating its will for the survival and building of a minimalist B&H state (but a state nevertheless). Hence, it is now noticeable that the westernized international community (and not just the USA) as the Peace Agreement hegemon has, with all its threatening, soft and clever power, stood behind Bosnia and Herzegovina as a minimal state which has to muster the strength to transition from interpreting the Dayton Peace Agreement as a negation of the country to seeing it as a possible affirmative point of building a self-sustainable political community.

In the year that marks the two-decade status of the new Bosnia and Herzegovina, there is a tendency, sponsored by major external actors for B&H (EU and USA), to try for the umpteenth time to build a state in B&H through synchronized strategies of stability strengthening, market liberalization, institutional reforms and further development of civil society. The underlying idea is to develop a process in which it will be possible to carry out the transformation of political design through the consensus of all relevant actors – not only because most citizens will thus demand to join the transatlantic community of states, but also because the demand for institutional transformation will be come from life, which will, with the support for the development of a democratic political culture, provoke the overcoming of artificial and irrational institutional arrangements, so that our shared future can be more certain.

By building the principle of the future into our Now, the state is *de facto* brought back into the Peace Agreement through a question formulated in the following way: to what extent is it possible – under the current limiting circumstances of the affirmation of the Dayton B&H as a real state capacitated to make decisions – to harness the potentials that the Agreement itself has to bring the state back into it, based on the idea that the division into two entities is just a form of the state's organization and not its negation, i.e. that an entity-based B&H is an introduction to the state's future and not an introduction to its negation.

Since we are aware of the fact that all previous devastating but constructive arguments regarding the handicaps of the Dayton Peace Agreement will not motivate the decision makers to accept the change of the Dayton paradigm on principles of common sense, let us try to offer an argument which comes from a different direction and seeks to bring back the state into the Agreement on the premises of Dayton.

The (post)Dayton state “celebrated” its first twenty years of existence in 2015. One of the key questions for the insightful people in the country, region, Europe and the world is: Are those the years that the locusts ate, i.e. are those the years during which the state was devoured, helpless before the power of the internal quasi-state actors? To partially answer this question, it is important to isolate the constitutional point that is blocking the true building of the state. Does that mean establishing the difference between a Dayton and a post-Dayton Bosnia and Herzegovina? This is not a rhetorical question, or a purely rhetorical question. The answer to this difference – if it exists, and we shall attempt to prove that it does – has the nature of a new Bosnian and Herzegovinian paradigm. What is, then, the essence of the presented dilemma?

On the phenomenological plane, in everyday speech and political and journalistic discourse, there is no significant distinction between the Dayton and post-Dayton definition of any form of reality of the recent Bosnia and Herzegovina. The Dayton reality was shaped by the geopolitics of war and the post-Dayton reality by the geopolitics of the peace process. The Dayton model of understanding B&H is born of the war, derived from the war and conditioned by its result; it precedes the post-war model, conceived from the emerging peace form. The post-war (post-Dayton) model, unencumbered by time constraints, gradually frees itself from the war as its cause, while the model born of the war is determined by the war, imprisoned in its result. This notional difference seeks to get all subjects of the political game in B&H to engage in the win-win interpretation of the political, so that the post-Dayton narrative could become integrating and not disintegrating and a specific consensus could finally be reached between the leading political structures that reconciles the idea of a post-Dayton B&H as a more lasting category with the idea of building a real state. That is, in the most general sense, a guideline for the Peace Agreement i.e. the Constitution of the Peace Agreement to embrace B&H as a state and not as a hollow notion under the entities’ auspices.

The operationalization of this approach would entail new interpretations of international engagement, with recommendations for it to be radically passivized and passively radicalized. Radical passivization would entail a lasting moratorium on the change of the post-Dayton state structure, which would empower the political actors who resist centralization and unitarization. At the same time, the international community would open the process of passive radicalization, i.e. of creating conditions – under the set post-Dayton framework as lasting general political stasis – for dynamizing the processes that turn the post-Dayton structure into a state which transcends its definition of a mechanical sum of two entities. This is the win-win strategy for which we need – as formulated by André Beaufre, one of the leading theorists of strategy – *a spark of genius... However, genius is most often just long patience. Divine or not, strategy must be accessible to thought, to reasoning... I think that the essence of strategy is in abstract game, which relies of slowness, common sense and shrewdness of mind, so that a *modus vivendi* can be found for building the state.*

Metaphorically and symbolically speaking, translated into the logic of building social trust as the highest element of the missing cohesive social capital this demand would mean that when the citizens of Republika Srpska say “state” they don’t actually mean “entity”, and when the citizens of the Federation of B&H say “state” they don’t mean “a non-entity state” or “a three-entity state”, but “a state that is” – that forces us to recognize it by its very existence. So, what are we to do? How do we take a step forward and make sure that it is not two steps backwards?

### **Bringing the state back into the Agreement**

Detecting the causes of the state’s withdrawal from the Peace Agreement can be helpful. The first level of detection involves the cognizance that the state was (as already suggested above) stolen by the pragmatist American mind convinced that a political community can be built on any peace basis, provided its building is encouraged by Washington’s comprehensive imperialist authority. This is true in the initial sense, if that authority, regardless of different geopolitical changes and circumstances, remains true to its original intention – lasting support for building the state through the strategies of selective multilateralism, pragmatic internationalism and bilateral alliance with Bosnia and Herzegovina. However, changed geopolitical circumstances have reduced the American interest in B&H to the level of security management, and so the state building has collapsed. When the security dilemma is stronger than the development dilemma, the state, *de facto*, suffers the consequences of its imprisoned status, i.e. the form of its existence in the Peace Agreement is such that we can speak of the absence of the state through its presence and the presence of the state through its absence. Let us consider the Armed Forces of B&H, as an example. They are a typical example of the absence of the state through its presence. The Armed Forces reflect the absence of the state rather than its presence, although they are a state organization *par excellence*. Unlike the Armed Forces, the police structures are so atomized that we can almost speak of some sort of anarchistic synthesis of hierarchic institutions where the absence of the state prevails – but the state is involuntarily present through its absence, which is particularly noticeable in emergency situations. This form of the state’s existence makes the Peace Agreement, in its interpretation, older than the political community itself. On the one hand this is an absurdity, and on the other hand a triumph of the pragmatist American mind that has spread to the international community, demanding that the domestic actors build a state which dismisses the revival of the pre-Dayton narratives as a waste of time, but at the same time treats the post-Dayton narratives as a continuation of a long historical existence of B&H and not as the zero point for building the state.

The previous microanalysis implies America’s commitment to its most successful post-cold war international project (there has been no renewal of violence, which is the key criterion of success evaluation). However, given the *a priori* irrelevance of B&H on the geopolitical world map, the USA’s commitment to B&H has since 2001 been more focused on values (quiet encouragement for building the state in which differences are not an obstacle to consensus), security and economy and less on its executive role, which has slowed down the building of the post-Dayton B&H as a community driven forward by America. Nevertheless, the encouraging news is that the USA is displaying a new energy in its commitment to building the state, despite the fact that it has relinquished B&H to the European Union and, to a smaller extent, Turkey and Russia. This was poignantly expressed by Ambassador Maureen E. Cormack in her speech at the

Independence Day reception on 1 July 2015 in Sarajevo: “And we see here in Bosnia and Herzegovina how this journey, one that has defined America’s history, is not ours alone. Madeline Albright said two decades ago here in Sarajevo that Bosnians and Herzegovinians, and Americans, are peoples of two countries united, ‘By the conviction that all races, creeds and ethnic origins can live together productively, freely, and in peace’. Indeed, that is who we are at our best – peoples of two countries, made up of many, who honor and cherish our history and diverse traditions, but who refuse to be bound by them. Working together within a diverse society, declaring independence from the burdens of the past, ensuring that the words ‘democracy’ and ‘opportunity’ mean something for all citizens: these are difficult challenges. But in so many respects, they are our common challenges”. From these encouraging words we can discern that America will not get tired and give up on Bosnia and Herzegovina as a community of all its people. This should encourage the domestic political actors to abandon irrational secessionist policies but also irrational unitarian policies, which are, although less visible, present in the political and cultural milieu as intellectual poison.

The second level of argumentation concerns the state’s impotence to turn round the most negative balance of the Dayton Peace Agreement to its advantage – this balance being the possibility of different interpretations of the Peace Agreement and its annexes, which is, in my opinion, a colossal oversight that enables the nationalist actors to continually revive the pre-Dayton narratives as the Dayton narratives. Consequently, another subject of the theft of the state from the Peace Agreement appears in the form of interpretations of its political and legal norm and interpreters who have – through legislative, executive and judicial power structures, as well as academic and media support, produced the conviction that the Dayton Peace Agreement is a permanent optionality.

This annoying simplification of an international agreement creates a state of lawlessness, fake legalization of political power, lawsuits in which all involved political players are convinced that the law is on their side etc. This is a crucial process that enabled the withdrawal of the state to the margins of the Peace Agreement and the Constitution. For this practice to be stopped, the OHR, as the guardian of the state in the post-Dayton period too, should harness the West’s political energy and engage the brightest political minds to offer an authentic interpretation – not in the form of individual provisions of the Agreement when they become questionable through the anti-Dayton action of political actors – but in the form of a comprehensive instruction for handling the Dayton Peace Agreement and its Constitution which would create conditions for a more uniform interpretation of the Peace Agreement in the political field. The OHR could, for example, offer a binding interpretation of the Preamble to the Constitution on the continuity of the state and its public holidays. Does the Dayton state celebrate the holidays of pre previous B&H until the Dayton B&H adopts its law on public holidays? Integralists will say “yes” and non-integralists “no”. The aim of this proposal is to send a request to the political subjects for the implementation of the constitutional norm, whatever it may be. In terms of the causal link, this approach should encompass the complete content of the Peace Agreement, in order to protect the state’s structure and reduce different interpretations of the same legal norm to a minimum. This would strengthen the post-Dayton state, which would finally be protected by a clear legal precept. That way, conditions would be created within the development of the constitutional political culture for firm positioning of the Constitutional Court of B&H as an undisputable authority that can build a subsuming capacity for the international community’s operating instruments, i.e. become a substituting institution for the OHR in its own right.

What hinders the withdrawal of the international community's institutions is the possibility of different interpretations of the Constitution and the decisions of the Constitutional Court of B&H. The Constitutional Court is far from reaching the decision-making level of the OHR, whose status is underlain by its power to act, although this power is rarely exercised. It is the same power that enables it to create conditions for a uniform interpretation of the constitutional norm. In other words, the OHR has the right to protect the Dayton Constitution – not *ad hoc* but in advance and in a comprehensive manner, reminiscent of the reasoning of Maurice Joly, who ascribes the following thought to Machiavelli: “And where have you ever seen a constitution that is truly worthy of the name, truly durable, been the result of popular deliberations? A constitution must come fully formed from the head of a single person or it is merely a work condemned to nothingness. Without homogeneity, without the liaison of its parties, without practical force, it would necessarily carry the imprints of all the weaknesses of the views that presided over its redaction. Once again: a constitution can only be the work of a single person; never have things been done otherwise: I can call as witnesses all of the founders of empire: Sesostris, Solon, Lycurgus, Charlemagne, Frederic II, Peter the First.” (Joly, 1997, pp. 73-74). If this approach is absent from the OHR's activity, conditions must be created for the Constitutional Court of B&H to develop it (to be one person) without the possibility of political relativization, ignorance and the like.

The third level of argumentation concerns the European Union as the second segment of the pro-western international community in Bosnia and Herzegovina. The key question is: has Europe's taking over the American project without significant interventions in it – although the project itself (the Dayton Peace Agreement) resists the European political logic – been downgraded by the Europeanization of the Dayton Bosnia and Herzegovina? Years of Europe's insistence on a normative, institutional and technical approach at the expense of a clear commitment to building a politically stable state has degraded the state's position to such a flagrant degree that a broad democratic conversation about the technical and normative aspects of Europeanization has appeared as the state's opponent.

I did not expect the analytical tools to take me to the niche of paradox: the European approach has turned democracy into a resource against building the state. Nevertheless, despite being fundamentally negative because they produce violence in different parts of the world, the geopolitical circumstances of the modern world have influenced the change of the European paradigm in dealing with B&H. Through new approaches such as the German-British Initiative, the EU has sent the message that, twenty years after the Dayton Peace Agreement was signed, the political criterion is becoming equally if not more important than the normative criterion. This will strengthen the democratic potentials of Bosnia and Herzegovina as a state which broadens the field for the authentic manifestation of democracy by realizing that it *is a state* and not just a *state-like* structure.

Still, over all these chances that the small Balkan patient is presented with, hangs, like a sword of Damocles, the retrograde vector of anachronistic, deceitful, irresponsible, incompetent, parochial, corrupt, kakistocratic quasi-elites who see their chance for existence in blocking the development of a democratic political culture through organized nationalist deviations – in order to permanently reproduce an irresponsible authority beyond the belt of the developed

transatlantic democratic and working culture. The very fact that the Dayton Peace Agreement and its Constitution have produced the possibility of a strong, destructive influence of the worst political structures on the constitutional norm suggests the need for creating the conditions – which I have attempted to discuss in this text – for replacing the rule of people by the rule of law as an *abstract, impersonal principle*. That would be the best way of preventing the production of a fake, nepotistic reductionist state in which ethnicity becomes the only competence relevant for social promotion. History is strewn with graves of states that were guided by the principle of the rule of people, but also with examples of states that are the most successful because they are guided by the rule of law.

Twenty years after the constitution of the Peace Agreement for Bosnia and Herzegovina, I am an “opti-pessimist”. I build my optimism on the signals of life that firmly direct us to the path of building a state which demonstrates its vitality even when all its parameters are failing. This should be enough for building a community for ourselves and others. My pessimism is caused by the inadequacy of decision makers who refuse their own and their voters’ emancipation, convincing the voters that primal allegiance to a tribe is more important than civic decency, freedom and justice. The constitution of the state is used as fuel for the multiplication of the *mentality of nationalism*, which has been used for twenty years to stop the building of a state and a society in Bosnia and Herzegovina. Although the elements of a new Bosnia and Herzegovina have now been present for twenty years, the state is still in its infancy, showing no signs of growth. A huge problem – maybe the biggest problem of the dual structure of the Dayton B&H – is the ethno-nationalist elites’ strong conviction of the permanent incompleteness of the state, which produces a secessionist dream of disintegration and a centralist dream that the permanent incompleteness must be brought to an end. Due to this squaring of the political circle, the tense and traumatic Dayton constitution of the state demands years of engagement by foreign administrators, who have spread their political and security net over the torn leopard skin of the extremely porous B&H state epidermis. The *glass sovereignty* of B&H needs a guardian who would guarantee its resistance to hits. The paradox is complete: the defender of the B&H sovereignty (the international factor) comes from outside and the anti-sovereignty forces exist within the “glass sovereignty”, with a permanent ambition to stunt its development into a real, active sovereignty for the benefit of all citizens of Bosnia and Herzegovina.

This means that the internal balance of power in B&H, in its twentieth year as a post-Dayton state, is at the level of a suppressed conflict of interest that could escalate into violence and even into the most radical version of social conflict – war.

### **The Dayton future of the Balkans**

This “potential” of the new Bosnia and Herzegovina (the challenge of dealing with the anti-sovereignty forces has been compounded by a global security threat that should not be underestimated, since B&H and the Region are of interest to ISIL in terms of the recruitment of new soldiers of death) to also produce war, with obviously regional geopolitical implications, has lifted the Dayton Peace Agreement from its primary Bosnian and Herzegovinian environment and given it legal, political and military power that exceeds the original reason of its birth – peace in Bosnia and Herzegovina.

The Peace Agreement for Bosnia and Herzegovina carries not only Bosnian and Herzegovinian weight but regional weight as well. Along with pragmatic and historical significance for Bosnia and Herzegovina, Holbrooke's "peace package" has significance for the Balkans that can be carefully and cautiously interpreted in the futuristic vein too: the application of different versions of the Dayton model on nascent and emerging states in the Region in which ethnic, historical, civilizational and other tensions are already present or will be difficult to avoid due to the growing matrix of conflict – nation states against mondialization and ethnic self-creation and particularization as two faces of the same process of globalization.

This "insertion" of the Dayton Peace Agreement into the Regional (specifically Balkan) future can actually be seen in Kosovo, and one should not underestimate the possibility of Serbia's further "Daytonization" through the strengthening of quasi-state jurisdictions of Vojvodina. It will be interesting to follow the process in which Vojvodina might demand a status that will resemble the status of Republika Srpska in Bosnia and Herzegovina. Would Belgrade support that vector of autonomy like it supports the status of RS in B&H, or would it regard the "etatization" of Vojvodina's autonomy as an attack on the integrity of Serbian state?

It is obvious from the previous lines that the Dayton Peace Agreement is shaping as a new and long-lasting geopolitical procedure which is modified in different ways and becomes a geopolitical norm applied in other parts of the world – Ukraine, Middle East etc. in the following way: it is important to preserve the external borders and gradually create conditions within that would reduce internal anarchy and pacify and institutionalize the decision-making process.

Apart from this global value of a local agreement, it is important to underscore a few other defining moments related to the "Dayton triangle".

In the past twenty years a narrative has been created about Belgrade and Zagreb being witnesses to the Dayton Peace Agreement, implying some sort of a quasi-imperialist attitude toward Bosnia and Herzegovina and an *a priori* privileged status of Serbia and Croatia in B&H. That is nonsense.

Because of the negative role that Belgrade and Zagreb played in the war against B&H, the international community demanded that, after the destruction of B&H, Croatia and Serbia give a huge contribution in the areas of integration and development of the post-war building of B&H, in order to annul their negative role in the war. This demand, which has not been met, should in the context of policies of friendship be interpreted as a first order demand that unmasks strategic shrewdness and obliges Belgrade and Zagreb to do a positive turnaround in their relation to B&H. Unfortunately, Serbian policy in B&H is still predominantly nationalistic, despite occasional leaps in cooperation (the 2015 joint session of the Council of Ministers of B&H and the Serbian Government in Sarajevo). The approach to B&H is arrogant and patronizing. Within social structures (media, intellectual and cultural elites etc.) it is overtly nationalistic in its affirmation of the attitude that Republika Srpska is an entity of Serbian people – contrary to the Constitution of B&H, which treats both entities as equal territorial units of constituent peoples and ultimately citizens.



A typical example of the negation of B&H can be seen in the Serbian press distributed in the country. For example, on the front page of the weekly magazine NIN, the stated price is not for Bosnia and Herzegovina, but Republika Srpska and the Federation. The most destructive social consequence of Serbian nationalism in B&H is the false representation of Republika Srpska as a state of the Serbian people. Representatives of Serbian conservative nationalism have joined forces on this for twenty years, creating an environment of new violence with their dangerous rhetoric. By insisting on the untenable approach that RS is a monoethnic entity and the Federation of B&H a Bosnian-Croatian entity under Bosniak domination, the different sides of the Dayton triangle reproduce conditions for new violence in the foreseeable future. The wave of Serbian secessionist nationalism will increase Croatian and Bosniak unitarian nationalism, which will sooner or later change from a defensive to an offensive pattern.

For this reason, it is extremely important to promote official *policies of friendship* between Sarajevo, Zagreb and Belgrade, in order to strengthen the triad for Bosnia and Herzegovina in a new constellation and thus create conditions for definite refusal of violence and prevention of its return to Bosnia and Herzegovina. This can be done – first and foremost through strong and dedicated engagement of Sarajevo, Belgrade and Zagreb in forging friendships in the Region by the abandonment of nationalistic and patronizing patterns in both interstate cooperation and cultural cooperation in the broadest sense.

Regrettably, several creative gestures in the Region that suggest a change in Belgrade's relation to Sarajevo have not been followed by Belgrade's sincere dealing with the crimes of the Milosevic regime. Instead, Republika Srpska is still treated as Serbia's war trophy. An unequivocal expression of the attitude that RS is not a war trophy but a region of Bosnia and Herzegovina with a high level of autonomy is *the* gesture expected from Serbia's President and Prime Minister.

### **The Dayton Peace Agreement and the Croatian issue**

As one of B&H's two neighbors included in the General Framework Agreement for Peace, the Republic of Croatia is part of the post-Dayton regional triangle, although its position in the Region has significantly changed following its entry into the EU. Croatia also remains part of the internal political triangle in B&H, along with the power holders in the country and the international community. This position was largely strengthened by the fact that the Peace Agreement allowed Croatia, as well as Serbia, to establish special relations with the B&H entities.

In the case of Croatia, these special relations related to the Federation of B&H. They found their strongest expression through the process of granting Croatian citizenship to Bosnian and Herzegovinian Croats (and not only to not them but also to other B&H citizens who met the requirements prescribed by the Republic of Croatia), as well as through financial aid that was crucial for sustaining the Croatian Defense Council (HVO) and the police forces in the B&H Cantons with a majority Croatian population. This aid ranged between 100 and 130 million dollars a year (Oxford Analytica, 2000), and additional benefits were paid to Croatian war veterans.

By granting Croatian citizenship to Croats in Bosnia and Herzegovina and creating an electoral area for Croatian citizens without residence in Croatia, a special position was created for ethnic Croats in BH&, who, thanks to the size of their electorate, got all the seats in the electoral area for the Diaspora (Obućina, 2010, p. 23).

The active and passive voting rights granted to ethnic Croats in Bosnia and Herzegovina contributed to the symbolic and political strengthening of ties with Croatia and helped the creation of an internal homeland in B&H in areas mainly populated by Croats, at the same time weakening the identification with B&H.

This is confirmed by the results of the UNDP's research (2013), which shows a low level (20.9) of identification of B&H Croats with the state as a geopolitical entity. The identification is "focused" on the Cantons which should create the anticipated third entity as a form of internal homeland for Croats in Bosnia and Herzegovina, which is supported by 37.7 of the research participants.

The symbolic and political dimension of B&H Croats' connection with Croatia through their voting rights is emphasized by Mirjana Kasapovic, who argues that this kind of connection "has become particularly important after the breakdown of the military/political project of Croatian authorities in B&H in the first half of the 1990s. Far from being incorporated into Croatia, Croats in B&H have, through catastrophic arrangements like the Washington and the Dayton Peace Agreements, been denied any real political autonomy in that country" (2010, p. 24).

In the post-Dayton period these special ties made the Republic of Croatia a voluntary hostage to the Dayton Peace Agreement, because Croatia's policy toward Bosnia and Herzegovina – especially during the presidency of Franjo Tudjman – often presented a stumbling block in its relations with the West. It was only under the strong influence of the USA (Dobbs, 1996) and then Germany and France that Tudjman agreed to play a role in the abolishment of Herzeg-Bosnia. Prompted by acceptable rhetoric of the leading Croatian politicians in B&H and Croatia, this entity could be revived in a disguised form – as an attempt to solve the Croatian issue in B&H – with possible support by the Bosniak political coalition gathered around Bakir Izetbegovic' SDA and the Union for a Better Future of B&H lead by Fahrudin Radoncic. Based on the interpretation of public sources, one gets the impression that the new authorities in the Federation of B&H, gathered around the Croatian Democratic Union of B&H and the two mentioned Bosniak parties, are inclined toward solving the Croatian issue – whatever that may mean.

In the Republic of Croatia, the Social Democratic Government led by Ivica Racan from 2000 to 2003, as well as Stjepan Mesic, who was elected President after Tudjman's death, put considerable emphasis on the relation with the state of Bosnia and Herzegovina and not with its ethnic groups. However, this was not followed by political decisions that could have strengthened the constitutional status of B&H.

In 2003, Ivo Sanader, the pragmatic Croatian Prime Minister and President of the HDZ, continued the policy of balancing between the EU's demands for the dismantling of parainstitutional bodies in Bosnia and Herzegovina and strengthening its sovereignty on the one

hand and maintaining Zagreb's dominant position within the Croatian electorate in B&H on the other. This was a period in which Croatia reduced its influence in B&H processes and facilitated the opening of negotiations for the EU accession upon meeting other necessary conditions (Judah, 2013).

The past few years have shown that the negative interdependence between Croatia and Bosnia and Herzegovina is conditioned by the Dayton Peace Agreement. Political actors on the right of the ideological spectrum, particularly the Croatian Democratic Union, are proposing the modification of the Dayton structure of Bosnia and Herzegovina. This perspective treats the equality of the Croatian people through the completion of political action in the form of ending the process of B&H ethno-territorialization and through the creation of another entity that would follow the principle of territorial discontinuity (Mrduljaš, 2014).

In view of the fact that Croatia is an EU member, its role as a signatory of the Dayton Peace Agreement and an actor with a strong potential to affect positive or negative change of the *status quo* in Bosnia and Herzegovina puts it in the position to act in ways that can either reinforce the existing negative interdependence or result in moving towards positive interdependence.

If Croatia, as an EU member, opts for the policy of tying the fate of Bosnia and Herzegovina to the solution of the so-called Croatian issue through the creation of a new ethno-territorial unit, this decision will have a significant impact on the destabilization of Bosnia and Herzegovina and create a ripple effect in Croatia. On the other hand, by engaging in an active and positive foreign policy of espousing reforms for a functional Bosnia and Herzegovina and refraining from seconding its further atomization, Croatia can become the strongest regional political leader, since, as an EU member, it has a very good geostrategic position and an advantage over the other countries of the Region.

## Conclusion

The estimate whether the future of Bosnia and Herzegovina is directed more toward peacebuilding or (un)expected renewal of violence depends on which approach will prevail in the Croatian policy toward it. A similar estimate applies to Serbia too: without the affirmation of B&H as a state of all its citizens and constituent peoples with equal rights on its entire territory, the next twenty years will be wasted on abstract, metaphysical issues of nation, with new progression of fear and distrust.

Furthermore, as the capital of B&H, Sarajevo must develop a new political culture that will be open, spontaneously inclusive and "demetropolizing". Its uniting potential should ultimately lead to genuine identification of citizens of different ethnicities with their capital. If the path to achieving this goal is the creation of districts within the belt of central B&H government institutions, that possibility should be left open and publicly advocated as a form of civic action.

The precondition for any positive change in B&H and the Dayton triangle region, the axiomatic principle that must spread throughout the Region as a new hope, a new political culture, is the still missing attitude: each country in the Region should *contemplate its own origin by itself and*

for itself, helped by the lasting presence of a competent international community that would strongly support regional cooperation as our way of life.

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## SUMMARY AND RECOMMENDATIONS

### WESTERN BALKANS BETWEEN DEEP CRISIS AND UNCERTAIN PERSPECTIVE

Jovan Teokrevic

- A series of obvious and significant delays and setbacks in reforms, as well as mutually reinforcing crises in Western Balkans – from the economic to the security crisis, and from the democratization crisis to the one in bilateral and regional cooperation – demand an undivided attention and an active joint approach of political actors in the states of the region, but also of all most important international partners, from the European Union, NATO and other international organizations, to the neighbouring and influential states. Western Balkans has already matured in many important ways and has evolved since the years of military conflicts, but it is still not capable of solving regional problems on its own, without the help and cooperation of other actors who have so far led in initiatives and aid to the region.
- Due to many different roles it has taken upon itself in the Western Balkan region, and also due to still respectable transformative power and trust it enjoys there, the European Union should play the leading role in bringing the region back to the top of its priorities, particularly by using instruments developed in the last years within its accession policy for the countries of the region. The EU should, on the basis of its positive experiences so far, continue to insist on the approach that puts emphasis on the „fundamentals first“, i.e. on the rule of law and respect of basic freedoms and rights in all states of the region, as the leading criterion for the accession to the EU.
- The EU should also insist that its partners from Western Balkans, i.e. governments of these countries, take full responsibility before their citizens for the struggle against multiple crises that have hit the region, certainly in tight cooperation with the Union and other international partners. Joint solutions reached by the EU and governments, as well as active bilateral and multilateral cooperation in the region, are an indispensable condition for the overcoming of the crises, including the current refugee one. Governments in the region should speed up their efforts towards the establishment of the highest possible ownership over joint initiatives and actions, on the basis of the approach that has been implemented within the Berlin Process, among others.
- Governments in the region should not use economic and other problems their countries are facing as an excuse for neglecting other issues, or for the imposition of nondemocratic ways of governing. Citizens of the region have to be active participants in the political process and in anti-crises strategies, and neither they nor the EU should tolerate the marginalisation of democracy and good governance. The EU can help in overcoming political crisis, as

currently in Bosnia and Herzegovina and Macedonia, but should not replace local political actors and their primary responsibility.

- The enlargement fatigue within the EU and the reform fatigue within Western Balkans are mutually supporting each other and have serious and long term negative consequences for the stabilisation and progress of the Western Balkan region. The dead end into which the region has been pushed due to this double negative influence demands not only more efforts, but new and more imaginative approaches for the solution of problems, too. In addition to local actors in the region and their international partners, a substantial contribution is expected from the neighbouring countries, too.

## TWENTY YEARS OF THE DAYTON AGREEMENT IN BOSNIA AND HERZEGOVINA – CAUSES AND CONSEQUENCES

Nerzuk Curak

- Twenty years after signing the Dayton Peace Agreement, merely pointing out a notorious fact that this agreement brought peace and therefore is a good document, is burdensome. Peace agreements are signed to bring peace, yet if after twenty years of peace-building in B-H and the region it is stated as a predominant value, it shows that we are in a static field of interpretation in which the Peace Agreement for B-H is still observed in relation to the war. We recommend to decision-makers, opinion-makers, intellectuals, journalists and other public-opinion creators to affirm the approach leading from the Peace Agreement to peace and not to war, which requires putting an end to narratives according to which twenty years after the war an international agreement is good just because it ended the war. That is a *sui generis* tautology confining us to a state of permanent post-conflict tension void of a development paradigm.
- We encourage various players in the political and social sphere of the states and societies of our region to be courageous in facing the demons of our recent past which would enable the culture of responsible remembrance to prevail the dangerous, warmongering culture of denial. In this context, we invite the international community and authorities in the countries of the region not to prevent; on the contrary, to assist the development of culture of responsible remembrance for which it is not sufficient, although is badly needed, to try war crimes, crimes against humanity and crime of genocide. The culture of responsible remembrance requires facing the past with no fingers crossing, which could be easier to achieve through processes of public promotion of the most courageous and upright figures in all communities, who are not prone to relativization of the truth for the sake of the so called state and national interests.
- We invite political and cultural institutions in the countries of the region to stop the practice of discrimination of anyone and on any grounds. In this context, a devastating nationalistic instrument is any instrument that threatens any individual, religious, ethnic, national or other group with its self-generated right to discriminate and humiliate on cultural, linguistic, religious or any other grounds. Such approach is particularly dangerous if demonstrated by institutions which, by definition should, being "temples of science, art, culture and knowledge", oppose any discrimination. In this context we point out an irresponsible denial of any language by privileged institutions of social power as an unacceptable practice of discrimination.
- We encourage civil society in all countries of the region to actively participate in the promotion of culture of peace and non-violence through creative practice aimed, in addition



to search for truth in different spheres of the society, to hard work on development of regional civil society as an interstate form of horizontal networking of social capital of the Western Balkans.

- We invite representatives of international community involved through their active policies in the region, to strongly support further development of independent thought in our countries which would expose the devoted servants of nationalistic political ideas with their dangerous, demonic narratives to radical and authentic criticism. In that sense, the support to regular annual gathering of the most outstanding independent intellectual authorities in the region aimed at debating the most important and most current issues falls within the category of common sense.
- It is of vital importance to foster capacities of secular state without violating anyone's right to free practice of religion or to non-religious beliefs, however without an *a priori* favouritism of any of, as a rule, dominating religious community. We point out this recommendation to prevent, under the disguise of freedom of religion, strengthening of the concept of clericalisation of the societies in the region and a subtle discrimination of atheism as a world view.
- Bosnia and Herzegovina, as a core country of the General Peace Framework Agreement, deserves much bigger support, both from the countries of the region and the international community. As a country in which various political experiments were possible in the past 20 years, B-H and its citizens deserve more respect shown by the decision-makers from B-H and the countries of the region, Europe and worldwide alike. Such support, due to a specific political design of B-H generated both by the countries of the region and international community, should be in economic and political terms on a very high level, including the obligation of Serbia and Croatia to assume the most constructive possible role and against Belgrade and Zagreb conceding that they made mistakes when B-H is concerned and that in the following post-Dayton decade they will do their best to abolish wrong policies and promote policies of friendship and cooperation.
- We invite political leaders in Bosnia and Herzegovina, OHR and Peace Implementation Council to create conditions for constitutional changes in Bosnia and Herzegovina which would put an end to discrimination of citizens of B-H and any other discrimination and enable B-H to become a functional state and model civil service of all its citizens.
- If Montenegro gets an invitation to NATO membership soon, we invite political leaders in Bosnia and Herzegovina and Serbia to take this new geopolitical fact in consideration in a responsible way. As elected representatives of people, members of the B-H Presidency reached in 2005 a consensus and decided that B-H determination was to join the NATO, and that decision has not been changed; therefore, in the light of a possible NATO membership of Montenegro, we encourage B-H officials to make efforts in fulfilling conditions for the

Alliance membership and political representatives of Serbia not to block the process if Serbia decides not to join the Alliance. Due to dynamic geopolitical processes in the modern world, our small region has to decide, i.e. choose its position. We believe that in this moment, and on the basis of analysis of economic, political, geographic, geopolitical, geo-economic and other parameters, our place in civilization and pragmatic terms, is in the West, European Union and NATO.

- Due to an unchangeable structure of political order in Bosnia and Herzegovina, a long standing presence of international community in this country cannot be excluded. Only creation of conditions which would make impossible dissolution of the country or its long-term agony in legal and political terms would enable a gradual recovery of Bosnia and Herzegovina. In that context, building up capacities of the B-H Constitutional Court as an instance the decisions of which are actually binding for political and other institutions seems to be a right process to be initiated. The Constitutional Court of Bosnia and Herzegovina should assume the executive capacity of the OHR to make possible the extinguishing of the OHR.
- Bosnia and Herzegovina consists of two entities, whereby names of both of them are arguable from logical, legal and political aspects. The name of one entity is Federation of Bosnia and Herzegovina, implying that it is about a federation of two parts of B-H, Bosnia and Herzegovina. As the name of the entity does not refer to two provincial components, an entity may be either the Federation in Bosnia and Herzegovina or Federation Bosnia and Herzegovina. The former title implies what is the fact and the latter the intention of the Washington Agreement that one day the entire B-H would be the Federation Bosnia and Herzegovina. On the other hand, irrespective of the constitutional provision on constitutive attributes when Croats, Bosnjaks and Serbs in Republika Srpska are concerned, the name of the entity is mono-ethnic. If the name is to be kept in the longer run, as it cannot be changed, then the content of the entity must not be discriminatory. Defining the Bosnian language the language of the Bosnjak people, Croatian the language of the Croat people and Serbian the language of the Serbian people, which is a way of preventing the use of the Bosnian language as a constitutional norm, also implies creation of conditions to term the entity the Entity of Croat, Bosnjak and Serbian people and not Republika Srpska. We encourage the political authorities in the entity Republika Srpska to cease their discriminatory practice.

## **FIFTEEN YEARS OF THE IGMAN INITIATIVE**

After the devastating war of the 1990s, more than 100 CSOs from the three countries gathered in Zagreb in November 2000 at the conference “Prospects of Relations between Bosnia and Herzegovina, the Republic of Croatia and the FRY”, with the purpose of opening up the discussion on the possibilities of re-establishing cooperation between the countries signatories to the Dayton Agreement in the sphere of politics, economy and culture. As a result of the discussion, the participating organizations agreed to institutionalize their activities that would facilitate reconciliation and focus on rebuilding of good neighbourly relations among the three countries. At the second session of the conference, held in Novi Sad in March 2001, the umbrella Igman Initiative network was established and a Council was appointed with the idea to provide a greater impact of organizations on decision making by government bodies, as well as on the public in all three countries. Furthermore, the plan was to speed up the process of re-establishing trust and understanding among societies through promotion of confidence building.

The Igman Initiative was thus created as a bottom-up network whose projects have been implemented at both micro and macro levels. It is comprised of CSO representatives, political and economic analysts, media, and local government representatives. At the beginning, there were three CSOs that acted as organizers and activity leaders, responsible for implementation of the agreement within the Igman Initiative: Democratic Alternative Forum from B&H (to be succeeded by the Forum of Tuzla Citizens), Civic Committee for Human Rights from Croatia and Center for Regionalism from Serbia. Following the independence of Montenegro in 2006, the CSO Greens of Montenegro took over the responsibility to coordinate the Igman Initiative activities in Montenegro. In 2013, the Greens of Montenegro were succeeded by the Initiative for Regional Cooperation, a CSO recently established by a group of prominent Montenegrin intellectuals and reputable former government officials.

At this point in time, coordinating organizations of the Igman Initiative are Center for Regionalism (Serbia), Forum of Tuzla Citizens (Bosnia and Herzegovina), Civic Committee for Human Rights (Croatia) and Initiative for Regional Cooperation (Montenegro). Center for Regionalism is the General Secretariat of the Igman Initiative. The coordinating organizations, strongly led by antiwar activists, have a long history of joint advocacy for the respect of fundamental human rights and freedoms and rights of minorities, as well as consistent work on developing open democratic society oriented towards reconciliation and regional cooperation. Igman Initiative sessions, held twice a year, are attended by several hundred participants, including representatives of member NGOs and others who are well-versed in the issues on the agenda. Typically, the agenda involves both plenary meetings and smaller meetings with working groups. These sessions are covered by media outlets from all over the region. In

accordance with decisions and conclusions reached during the sessions, the outcomes are presented to the officials of the four countries (presidents, prime ministers, ministers of foreign affairs, and other ministers in charge of specific issues) by Igman Initiative representatives. Support and the involvement of competent state bodies is sought and required to take those issues into consideration and seek appropriate solutions.

The Igman Initiative has been working on developing sustainable institutional mechanism intertwining civic initiatives, combining it with expert and evidence-based advocacy and lobbying activities. The Igman Initiative has fostered partnerships with government institutions at local, national and regional levels, international organizations and a diverse group of civic actors in all four countries.

While the Igman Initiative is primarily focused on fostering regional cooperation among the four countries signatories to the Dayton Agreement, there are also cross-cutting issues that are equally important to its work. Some of the conditions for the EU membership are stable institutions, guaranteeing democracy, rule of law, observance of human rights and rights of minorities and reconciliation. Civil society activities in this area are of key importance for the attainment of these goals.

In addition to implementation of tailor-made projects, Igman Initiative frequently engages in volunteer-based counteracting in cases where basic human rights and freedoms are violated or certain extreme nationalist incidents arise.