

## The Dayton Peace Agreement – 20 years on

In 1995, securing stability was the priority in Bosnia and Herzegovina (BiH), and the Dayton Peace Agreement (DPA) helped put an end to a long conflict. Twenty years later, it still defines the political and institutional framework of the country. The prospect of EU integration, however, raises the question of whether Dayton can serve as the basis to that end or if it needs to be revised.

### Background and impact of the Dayton Agreement

In 1992, the referendum on secession from former Yugoslavia spurred a war between Bosnia's three ethnic groups, which took thousands of lives and [displaced](#) nearly half the population. The [Dayton Peace Agreement](#), signed on 21 November 1995 by the leaders of BiH, Croatia and Serbia and Montenegro (Izetbegović, Tudjman and Milošević, respectively), helped end the war. Its Annex 4 (BiH's Constitution) set up a [complex institutional structure](#) of one state, two autonomous entities, ten cantons and 147 municipal councils, resulting in [four levels](#) of government. Ethnic division was enshrined by providing for three 'constituent peoples' (Bosniacs, Serbs, and Croats), with citizens outside these groups named 'Others'. The main ethnic groups were entitled to use 'multiple veto points', [complicating decision-making](#) and providing means for institutional blockage. Dayton allowed for continued [international involvement](#) in BiH, creating the [Office of the High Representative](#), vested with the '[Bonn powers](#)' to ensure the DPA's implementation.

Dayton [is considered](#) to have reached its [main goal](#) of preventing further conflict, enabling the resolution of property issues and disputes, as well as the return of a large number of displaced people. Free movement across ethnic borders, reforms of the judiciary, particularly the setting up of the War Crimes Chamber of the State Court, are also seen as examples of [success](#) in the first post-war decade. However, critics claim that the DPA 'froze rather than solved' the conflict and '[perpetuated ethnic divisions](#)'. The Constitution is thus seen as the [main contributing factor](#) to this situation, having set up an institutional structure which impedes efficient cooperation between the various levels of government, and provided leeway for different interpretations. The over-sized and costly administration and the lack of uniform standards in many areas are considered as a practical expression of these arrangements. The European Court of Human Rights' '[Sejdić-Finci](#)' ruling found that the Constitution discriminates against citizens defined as 'Others', as it prohibits them from running for some public offices. Some have claimed that the international actors' powers have curbed BiH's full sovereignty, but others have called for even [stronger EU and international involvement](#).

### Future developments and the role of the EU

Constitutional reform debates have been [ongoing](#) since 2006, with several failed attempts. There is general agreement that the DPA '[has run its course](#)', but the three ethnic groups have conflicting visions, favouring a unitary state, stronger autonomy, or independence. The Serbs' plans for referendums (on the state-level courts in 2016 and for [independence](#) in 2018) indicate that political and ethnic friction is likely to persist. The EU – the main driver of reforms with the prospect of membership – had included revision of the DPA (to address the Sejdić-Finci ruling) as a precondition for signing the Stabilisation and Association Agreement with BiH, but the lack of progress and the need to address pressing socio-economic issues, highlighted by 2014 protests, led to '[a renewed approach](#)' in exchange for a [Written Commitment](#) to reforms by BiH's political leaders. Although criticised for [inconsistency](#), the European Commission did note in its [2015 Progress Report](#) that the Constitution 'remains in breach of Sejdić-Finci', thereby re-emphasising the need for future changes.

EP resolutions in [1996](#) and [1997](#) urged 'full and strict implementation' of the DPA, warning that non-compliance could bring new conflicts. Despite bringing peace, DPA [hinders](#) EU integration, and constitutional reform is '[urgently needed](#)'. The EP has repeatedly urged political leaders to refrain from nationalistic and secessionist rhetoric, underlining in [2015](#) that under the DPA the Serb entity 'has no right to secession'.