

POSITIVES AND NEGATIVES

DAYTON PEACE AGREEMENT 20 YEARS ON

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Dayton brought peace and Dayton brought chaos. Bosnia and Herzegovina is generally considered a failed state. Failed because it is ungovernable, with obstacles to progress erected by all parties involved in the country's war: the Bosniaks, the Serbs and the Croats.

It was in Bosnia and Herzegovina that the breakup of the Socialist Federal Republic of Yugoslavia experienced its bloodiest conclusion. This conclusion, which could have represented a new start, was also a great temptation to establish Bosnia and Herzegovina as an independent state comprising three integrated, constituent ethnic groups. The last attempt to create peace by political means after almost four years of bloody trench warfare. While the Dayton Agreement confirmed the front lines as they were when fighting stopped as the internal borders and as the country's division along ethnic lines, it also guaranteed the sovereignty of the state of Bosnia and Herzegovina within its existing external borders. The moment the agreement was signed, wide areas of responsibilities were assigned to the two constituent Entities (the Federation of Bosnia and Herzegovina and the more centralist Republika Srpska), while the state as a whole was assigned more limited areas of responsibility. This structure was the basis on which all the impending transition, integration and globalisation processes on the way to establishing a modern democracy were to be implemented. This is the underlying cause of all that is wrong with the country's present-day national and international politics: a weak state and strong Entities, which fail to fully implement decisions made at state level out of indifference or ignorance.¹ There are too

1 | Over the last 20 years, 80 decisions by the highest, state-level constitutional court a year on average have not been implemented in one or other of the two Entities. There are hardly any sanctions that can be applied. This means that some 1,600 decisions have remained unimplemented since Dayton.

many actors involved in agreeing measures concerning political, economic and international negotiations; and these actors are fundamentally – seemingly on principle – opposed to each other and unwilling to cooperate. To onlookers, the country seems too complex, too difficult to understand, too contradictory, which is why there has been little in the way of investments or new businesses, and it has not been possible to move forward with negotiations for accession to the EU – unlike almost all other former federal states of Yugoslavia. The longed-for EU candidate status lies in the distant future.

Looking back, one is immediately reminded of the situation of the reunited Germany, but only for a moment. To think that Germany might not have signed a 2+4 treaty in 1990 but founded two Entities encompassed within one overall state with international assistance, namely the Federal Republic of Germany and the centralist GDR, including both ten federal states and 15 districts, the Bundestag and the SED Central Committee, the Bundesrat and the Volkskammer, as well as a social market economy and a socialist command economy, this idea provides a glimpse of the problems Bosnia and Herzegovina is facing today. However, this comparison is not entirely accurate; it simplifies matters and ignores additional divisive factors. The question of ethnic affiliation and the way in which ethnicity is intrinsically bound up with religion did not feature in Germany at the time of reunification, nor had there been the collective trauma of four years of civil war.

BACKGROUND TO THE DAYTON PEACE AGREEMENT

The General Framework Agreement for Peace in Bosnia and Herzegovina (subsequently referred to as the Dayton Peace Agreement) is the last in a series of plans by the international community to find a political solution to the crisis in the Balkans, specifically the war in Bosnia and Herzegovina. It was preceded by several proposals, which all shared certain characteristics: they resulted from efforts by the international community to create a political solution to the crisis; they were all based on a division of Bosnia and Herzegovina along ethnic lines, and they all came to nothing – until Dayton.

All international plans to find a solution to the crisis in the Balkans were based on a division of Bosnia and Herzegovina along ethnic lines, and they all came to nothing – until Dayton.

These were the plans:

- The Vance-Owen Plan (1993) – This envisaged the territory of Bosnia and Herzegovina to be divided into ten provinces. Three provinces had a predominantly Bosniak population and comprised 26.36 per cent of the overall territory. Three provinces had a predominantly Croat population and comprised 25.87 per cent of the overall territory, and three were predominantly Serb, covering 42.23 per cent of the Bosnia and Herzegovina territory. According to this plan, Sarajevo would receive special status, covering 5.54 per cent of state territory.
- The Owen-Stoltenberg Plan (1993) – This was based on the concept of three ethnic (constituent) republics: one Croat (16.59 per cent of total territory), one Serb (52.08 per cent of total territory) and one Bosniak (28.29 per cent of total territory). This plan assigned Sarajevo and Mostar special status as divided cities.
- The Washington Agreement (1994) – This was a peace plan, which created a federation of Croats and Bosniaks. The Federation of Bosnia and Herzegovina was and is divided into ten cantons: five predominantly Bosniak cantons, three predominantly Croat cantons and two cantons of mixed ethnicity.
- The plan put forward by the Contact Group (1994) – This was based on the idea of dividing the territory of Bosnia and Herzegovina, creating the Federation of Bosnia and Herzegovina on one side and Republika Srpska with a majority Serb population on the other. According to this plan, the Federation was to make up 49 per cent and RS 48 per cent of the territory of Bosnia and Herzegovina. Sarajevo was to be assigned special district status, covering three per cent of the territory.

After all these plans had come to nothing, it was finally the Dayton Peace Agreement (November 1995) which succeeded in getting all negotiating parties and opponents to accept a new organisation, division and administrative structure for Bosnia and Herzegovina. This model is based on two Entities of equal status and one district: the Federation of Bosnia and Herzegovina with ten cantons and Republika Srpska; the area around the town of Brčko, which acts as a corridor, was assigned district status.

THE STATE OF BOSNIA AND HERZEGOVINA FOUNDED ON THE BASIS OF THE DAYTON PEACE AGREEMENT

After the negotiations in November 1995, which lasted for a total of 21 days, the Peace Agreement was initialled on 21 November in Dayton and signed on 14 December 1994 in Paris. The constitution of Bosnia and Herzegovina forms part of the Dayton Agreement as one of the eleven annexes which are attached to it in total.² In Annex 10, the institution of the High Representative (OHR) was created, with the aim of re-establishing trust between the peoples and countering any incorrect interpretations by one of the two Entities. To this day, the High Representative has the responsibility of acting as the final authority with respect to the interpretation of the civil section of the Dayton Agreement and of intervening immediately in response to violations or breaches of the agreement.³

The Dayton Peace Agreement thus laid down the legal foundation for the future development of Bosnia and Herzegovina. The name of the state changed from the Republic of Bosnia and Herzegovina to Bosnia and Herzegovina, of which the two Entities form integral parts. However, more important than the change in name was the modification of the internal state structure, which would henceforth have to function with two Entities and one district, namely the Entity of the Federation of Bosnia and Herzegovina, with ten relatively independent cantons, and the Entity of Republika Srpska – without cantons – plus Brčko District. The two Entities are not to be regarded as autonomous (sub-) states in a loose confederation, nor as federal states or (sub-) republics of some sort. But their responsibilities are defined as if they were federal units in a

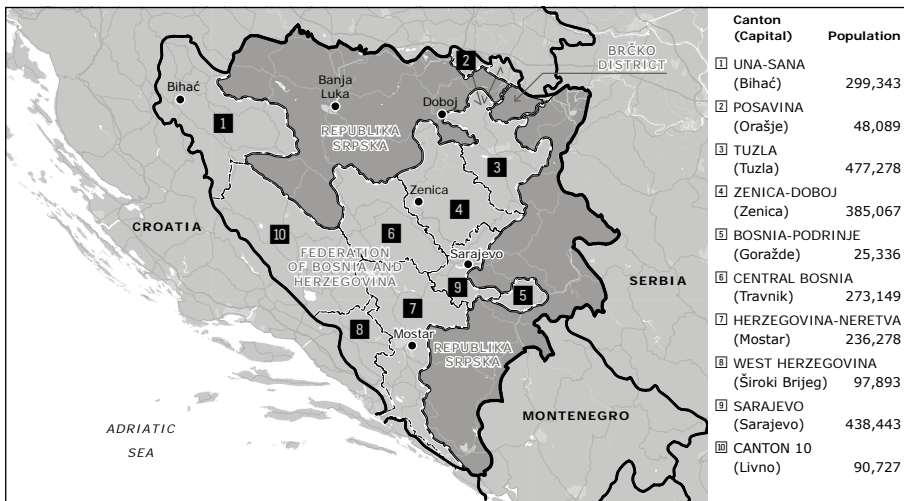
More important than the change in name was the modification of the internal state structure, which would henceforth have to function with two Entities and one district.

- 2 | Annex 1A: Military Aspects of the Peace Settlement; Annex 1B: Regional Stabilisation; Annex 2: Inter-Entity Boundary Line and Related Issues; Annex 3: Elections; Annex 4: Constitution; Annex 5: Arbitration; Annex 6: Human Rights; Annex 7: Refugees and Displaced Person; Annex 8: Commission To Preserve National Monument; Annex 9: Establishment of Bosnia and Herzegovina Public Corporations; Annex 10: Civilian Implementation of Peace Settlement; Annex 11: International Police Task Force.
- 3 | The High Representative is nominated by the Steering Board of the PIC (Peace Implementation Council), and the appointment is confirmed by the UN Security Council, which also approves the Dayton Agreement. The PIC in Bosnia and Herzegovina comprises 55 countries and organisations. The members of the PIC Steering Board comprise France, Italy, Japan, Canada, Germany, Russia, the USA, the UK, the EU Presidency, the European Commission and the Organisation of Islamic Cooperation (OIC) represented by Turkey.

regulated democratic confederation of states. In addition, there are 147 municipalities, although the number varies slightly from one year to the next. These figures alone indicate the enormous efforts required in terms of organisation and personnel as well as the associated costs involved in managing close to 3.7 million citizens with one state, two Entities, one special district and ten canton governments plus 147 municipal councils.

Fig. 1

Bosnia and Herzegovina – Distribution and Decentralisation



Source: Population data from: Federation of Bosnia and Herzegovina, Institute for Statistics, "Census of Population, Households and Dwellings in Bosnia and Herzegovina 2013", *Statistical Bulletin* 195, Dec 2013, p. 15, <http://fzs.ba/PopisNaseljenaM.pdf> (accessed 27 Aug 2015). Own illustration. | © mapz.com, racken.

Each Entity also has its own administrative units as well as legislative, executive and judiciary bodies (parliaments, governments, courts) and its own capital as well as economic and academic centers. These Entities have now been passing their own laws, conducting sometimes diametrically opposed politics and maintaining their separate administrative apparatuses for twenty years, without there being any overall coordination. Bosnia and Herzegovina therefore has 14 governments and 14 parliaments with a gigantic superstructure of administration and public authorities supposedly responsible for the 3.7 million citizens. It is impossible for foreign governments, for the EU, but also for international companies to determine the right parties with whom to negotiate or agree contracts, not to mention the question of whether these

would then be recognised and respected and could be legally enforced throughout both Entities and all cantons.

The majority of the countries of the international community have recognised Bosnia and Herzegovina; but the majority of the citizens of Bosnia and Herzegovina have not done so in their hearts.

It has proved impossible to this day to precisely define the country of Bosnia and Herzegovina on the basis of its state structure. Since Dayton, the definitions have wavered between that of a federal state and a highly decentralised, unitary state structure. Based on its form of government, Bosnia and Herzegovina is a semi-presidential state. The collective office of the head of state (President) is held by three directly elected members corresponding to the three constituent ethnic groups. The post is held by each of the three members in turn for eight months. The Presidency has territorial responsibility for the state as a whole. But its members are not legitimised by votes from all the state's citizens. In terms of its system of government, Bosnia and Herzegovina is a highly complex state, comprising firstly the Federation of Bosnia and Herzegovina with its ten cantons, secondly Republika Srpska, which is organised according to the unitary principle, and thirdly Brčko District, which is not affiliated to either of the two Entities and represents a direct constituent part of the state of Bosnia and Herzegovina. In terms of its political system, Bosnia and Herzegovina is a democratic state, which has all the elements of a formal democracy: separation of powers into legislature, executive and judiciary. The stated principle is adherence to the constitution and the rule of law. There is a plurality of political parties and there are general, indirect and secret elections, a diverse media landscape, an independent justice system and a catalogue of human rights. Where the relationship between central and local government bodies is concerned, Bosnia and Herzegovina is strongly decentralised, comprising one decentralised Entity, the Federation, and one centralised one, Republika Srpska.

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DISTRIBUTION OF RESPONSIBILITIES IN BOSNIA AND HERZEGOVINA

The distribution of responsibilities between the state and its Entities and between the cantons and municipalities was laid down in advance in general terms by the Dayton Agreement, in which

Bosnia and Herzegovina is defined as a sovereign state with two Entities through its constitution.

Article III of the constitution lists the responsibilities of the institutions of Bosnia and Herzegovina which are reserved exclusively to the state: foreign policy; foreign trade policy; customs policy; monetary policy; finances of the institutions and for the international obligations of Bosnia and Herzegovina; immigration, refugee and asylum policy and regulation; international and inter-Entity criminal law enforcement, including relations with Interpol; establishment and operation of common and international communications facilities; regulation of inter-Entity transportation; air traffic control.



A goods depot in Doboj: Due to the areas of jurisdiction and veto rights written down in the Dayton Agreement, the country is hampered in its political, societal and economic development. | Source: Patrick Rasenberg, flickr 

All matters that do not come explicitly under the responsibility of the state are assigned to the respective Entities. These in turn are bound to comply fully with the constitution of Bosnia and Herzegovina, which supersedes all inconsistent provisions of the law and the constitutions and laws of the Entities. Consequently, the Entities are bound to provide all necessary assistance to the state to enable it to honour its international obligations. Unfortunately, extensive veto rights, which were explicitly enshrined in the Dayton Agreement, supposedly for the protection of the ethnic groups

and Entities, have had exactly the opposite effect in both Entities: namely the state being obstructed and blocked in its development and its stability at all levels.

The majority of the politicians who have taken on governmental responsibility over the last 20 years have been hiding behind the division of responsibilities between state and Entities to avoid having to make efforts to tackle any of the country's ills, pushing forward with reforms and making effective use of the powers of the Constitutional Court.

AMENDMENTS AND UPDATES TO THE DAYTON AGREEMENT

The Dayton Peace Agreement also envisages ways to strengthen the state in terms of its functioning. This includes above all possibilities of extending its responsibilities with the aim of integrating the country within the region's legal framework as well as furthering a Euro-Atlantic rapprochement. The Constitutional Court plays a crucial role in this. Its decisions are (theoretically) binding on the Entities. This could, in principle, allow a harmonisation of the legal system across the state territory at any time. Both the problem and the solution are rooted in the Dayton Agreement. The two Entities interpret the provisions in totally different ways.

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There have, in fact, been some very minor amendments to the agreement over the last 20 years, such as a new provision for the state institutions to take on some international tasks as a result of a stronger rapprochement to and involvement with the European Union, as well as some very small changes to the constitution in the course of the process of constitutional harmonisation of the Entities in line with the Dayton Agreement.

Annex IV comprises a whole raft of issues and terms that were left unresolved:

- The question of sovereignty,
- the question of international law and self-determination,
- the question of parallel relationships with other states,
- the responsibilities of the presidents of the Entities (Republika Srpska as well as the Federation of Bosnia and Herzegovina),
- the question of the official languages and scripts, etc.

All these questions required harmonisation between the state constitution and the constitutions of the two Entities. In 1998, the Constitutional Court announced Decision 5/98, which resolved these and other outstanding questions from Annex IV of the Dayton Agreement. Other questions included: the term used to describe the boundaries between the Entities, the responsibilities of the Central Bank, the nationality, the appointment of diplomats, as well as the two Entities' right to self-determination. These decisions by the Constitutional Court demonstrate both the supremacy of the Constitutional Court as a Bosnia and Herzegovina state authority as well as the fact that the Dayton Peace Agreement could be amended by a state institution.

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Today, any amendment of the constitution of Bosnia and Herzegovina is equated with an amendment of the Dayton Peace Agreement.

Of course, both Entity governments – as well as the three representatives of the ethnic groups, each following their own interests full of conviction – put forward wording that would improve the Dayton Agreement in their view and achieve the best possible benefit for their own ethnic group in the country while limiting or curtailing the influence of the other ethnic groups. In many cases, it is about power, influence, positions and nepotism. The “common good” relating to Bosnia and Herzegovina as a whole remains an alien concept. In some cases a – justified or unjustified – demand for a separate TV channel for one of the three ethnic groups, for instance, can block the approval of reforms necessary in the process of EU accession negotiations for months. The population has been watching these goings on helplessly for two decades. Occasional protests, most recently in February 2014, quickly die down and are ineffective. Added to this is a belief born from bitter experience, which has been handed down through the generations, that it is ethnic (party) loyalty and nepotism that are rewarded rather than creativity and performance. These politics have resulted in mass unemployment (officially over 50 per cent in 2014), businesses relocating elsewhere, rampant youth unemployment (over 60 per cent), a lack of prospects, and a brain drain to neighbouring countries. The country seems to have fallen into a deep twenty-year slumber in the middle of Europe and no one is waking up.

DIFFERENT VIEWS

The Dayton Peace Agreement came about under the specific circumstances of the civil war in the disintegrated Yugoslavia. It was drawn up and signed within a relatively short period. There are widely differing views about this agreement. The term "Dayton" itself has negative connotations in the country, both among the population and media representatives. Only politicians from Republika Srpska regularly make reference to the agreement because it guarantees the existence of the Republic.⁴ They have sought to use Dayton to strengthen the autonomy of Republika Srpska vis-à-vis the state and the Federation. Croats resent the agreement insofar as it did not grant them their own Entity within the Federation of Bosnia and Herzegovina. They feel disadvantaged compared to Bosniaks and Serbs. There are those with a positive view who frequently state that the purpose of Dayton was mainly to end the war and to maintain the unified state of Bosnia and Herzegovina. However, they generally also stress that this agreement has some structural deficiencies that have been hindering the country's development fundamentally right up to the present. The blame for this is laid at the doorstep of the international community in a one-sided manner. Other views home in on the existence of the Entities based on ethnicity. They stress the right to ethnic self-determination and prioritise this right over the right of people as citizens of the state of Bosnia and Herzegovina. Yet other views focus on the idea that the state is ungovernable and describe its configuration as an unnatural state system, which was imposed on Bosnia and Herzegovina from outside, with a massively oversized government and administrative apparatus that virtually encourages corruption and nepotism rather than curbing them. They consider the inefficiency and unprofitability of the state, which expends around half of its GDP on administration,⁵ as proof that Dayton has failed. However, increasing numbers of people maintain that the agreement provides the foundation for the continued existence of Bosnia and Herzegovina and that the

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4 | The President of RS regularly calls upon the state or the Federation to "return to the Dayton Agreement". Cf. "Bosnia will return to Dayton, or RS will move towards Independence: Dodik", *Bosnia Daily*, 9 Jun 2015, p. 2. What he means by that is more rights and greater sovereignty for RS.

5 | Cf. among others "Opasnost od bankrota bh. političare bi trebala natjerati na reforme", *KLIX*, 5 Apr 2013, <http://klix.ba/vijesti/eu-integracije/130404042> (accessed 4 Aug 2015).

presence of the two Entities guarantees peace in the region. One opinion shared by virtually all sides is that Bosnia and Herzegovina does not possess full sovereignty and that Dayton has forced Bosnia and Herzegovina into a “straight jacket”. This is due to the existence of the institution of the High Representative (OHR) and the fact that numerous international organisations, the EUSR, the UN, the OSCE, the European Council, the USA as well as other Western countries acting through their embassies are exerting a great deal of influence on the political institutions and their actors in the country. Having said that, there are a great many people who would like to see the OHR make greater use of its so-called Bonn Powers to overcome the various blocking manoeuvres by the governing parties in all the country’s parliaments. However, this would mean a loss of sovereignty and voluntarily relinquishing some responsibility – loosely in line with the motto: Engage in development with us.



Construction work at the EU’s office in Sarajevo: The influence of international organisations and foreign embassies on politics in Bosnia-Herzegovina is strongly criticized by some. | Source: Andreas Lehner, flickr ©¹.

Hardly any politician still believes in a “Dayton 2” agreement, a term frequently encountered during the first post-war decade. A degree of pragmatism has entered the parliaments. Amendments to the constitution would require a broad consensus. This is currently not yet in sight.⁶ Instead, efforts are being made to

6 | RS has been threatening for years to hold a referendum as a means of seceding from Bosnia and Herzegovina. In the final run-up to the 2010 and the 2014 elections, this topic was permanently in the media. On 25 April 2015, Bosnia Today reported that this referendum was ▶

fully exploit the options available under the Dayton Agreement and the powers of the Constitutional Court. The idea of a return to the Republic of Bosnia and Herzegovina with its centralist constitutional system, as the one that existed from 1992, is being dismissed as totally unrealistic.

20 YEARS ON FROM THE DAYTON PEACE AGREEMENT

20 years have passed since the agreement was signed. At that time, Bosnia and Herzegovina was in an extremely difficult situation. The country was divided along ethnic lines; its government included war criminals and war profiteers, who were meant to implement the peace agreement and the constitution with its guarantees for fundamental human rights overnight. But the state of Bosnia and Herzegovina had not been given anywhere near enough powers to carry out this remit and drive developments forward against the opposition of the Entities.

POSITIVE RESULTS OF THE DAYTON AGREEMENT

The direct positive results of the agreement include the immediate ceasefire on all fronts in Bosnia and Herzegovina and the end to the war, allowing the country to return to a state of relative normality. After some 50 per cent of the total 1992 population of Bosnia and Herzegovina,⁷ i.e. 2.2 million citizens,⁸ were driven out of their home villages and towns to other parts of the country due to their ethnicity, thereby becoming internally displaced persons,

to be held before the 2018 elections. In June and July, the People's Assembly of RS achieved partial success in paving the way for such a referendum, which should not be possible in principle according to the national constitution. Cf. "Republika Srpska to hold independence referendum in 2018", *Bosnia Today*, 25 Apr 2015, <http://bosniatoday.ba/republika-srpska-to-hold-independence-referendum-in-2018> (accessed 4 Aug 2015).

- 7 | When the Republic of Bosnia and Herzegovina was created in 1992, 4.4 million citizens were recorded in the census.
- 8 | The figures come from the 2010 statistics of the Bosnia and Herzegovina Ministry of Human Rights and Refugees. On 20 June 2015, World Refugee Day, the Ministry put out the following statement: "During the war, some 2.2 million people from Bosnia and Herzegovina found refuge in the region or in Western Europe or became internally displaced persons within. 20 years on from the signing of the Dayton Peace Agreement, half the estimated number of refugees and displaced persons still live away from their pre-war home towns or villages." Cf. Ministry of Human Rights and Refugees Bosnia and Herzegovina, "Ministarstvo za ljudska prava i Izbjeglice BiH obilježit će 20. juni – Svjetski dan izbjeglica", press release, *Novo Vrijeme*, 20 Jun 2015, <http://novovrijeme.ba/ministarstvo-za-ljudska-prava-i-izbjeglice-bih-obiljezit-ce-20-juni-svjetski-dan-izbjeglica> (accessed 4 Aug 2015).

or had fled abroad,⁹ one million citizens remained in Bosnia and Herzegovina or returned to their former home area.¹⁰ This had been facilitated by Annex VII of the agreement, the purpose of which was to allow the results of the systematic displacement to be (partly) reversed.¹¹ However, the number of people returning remained far below the expectations of all the parties to the agreement. This is frequently attributed to the following: the sluggish administration, misuse of office, corruption and harassment of returnees.

Annex VII included provisions whereby the victims of ethnic cleansing were to receive some restitution, through pensions, compensation payments or support programs (for house building).

Another positive result of the agreement was that citizens once more had freedom of movement throughout the country and were able to travel across ethnic borders after four years of "city arrest".¹² Annex VII also included provisions whereby the victims of ethnic cleansing were to receive some restitution, through pensions, compensation payments or support programs (for house building). This tied in directly with the prosecution and punishment of war criminals, who were either prosecuted and convicted in The Hague or brought before the court in the cantons of Bosnia and Herzegovina. It goes without saying that this is a difficult and slow process, which is still not complete and where the respective parties involved in the war are engaging in prevarication, procrastination and lies. Unfortunately, this section of the agreement has had little success in achieving reconciliation within society due to the obstructing efforts on all sides. The bereaved and victims frequently resign in desperation and feel humiliated when war criminals convicted in Sarajevo, Mostar or Banja Luka are released after having served two thirds of their sentences and are publicly welcomed and fêted as folk heroes¹³ or are able to live unmolested as free citizens in close proximity in the other Entity for years.

- 9 | Ibid. 1.2 million Bosnia and Herzegovina citizens have stayed in other countries, where they integrated into society. A total of over 100 countries accepted refugees from Bosnia and Herzegovina.
- 10 | Ibid.
- 11 | In 2010, there were still 7,000 Bosnia and Herzegovina citizens living in refugee camps. Ibid.
- 12 | Amongst others the close to 400,000 citizens of the City of Sarajevo, which was under siege for four years.
- 13 | Most recently involving the celebrations for war criminal Dario Kordic in June 2014 in Mostar. Cf. Siniša Puktalović, "Jubel für den Kriegsverbrecher", *da Standard.at*, 8 Jun 2014, <http://dastandard.at/2000001868816> (accessed 4 Aug 2015). Similarly, in September 2014 involving the celebrations during the installation of the ten meter metal cross for the Bosnian-Serb soldiers involved in the siege of Sarajevo in East Sarajevo. Cf. "It is a taunt for the siege victims: Major", *Bosnia Daily*, 22 Sep 2014, p. 1.



20 years later: The ethnic cleansings and the war shape Bosnia-Herzegovina's society to this day. | Source: © Talha Ozturk, picture alliance / Anadolu Agency.

The creation of several institutions that guarantee the protection of human rights on the basis of legislation is another positive result from the agreement. Such institutions did not exist either in Yugoslavia or in the Republic of Bosnia and Herzegovina. The same applies to the legislation on the protection of private property. Finally, the successful reforms in the areas of the judicial system, the education system, the military and the police can also be listed on the plus side. The rule of law rather than despotism is now guaranteed to a very large extent at all levels of the state. The courts are independent and their staff is well-trained, even though their decisions are occasionally ignored at the level of the Entities due to differences in interpretation. Dayton has also been responsible for sensitising the population to the process of coming to terms with the past and to the culture of remembrance as well as to the need for constitutional reform. There are currently over

12,000 NGOs registered in Bosnia and Herzegovina, although only a very small number of these are truly active. A sizable number of the active NGOs offer regular training and encounters to encourage reconciliation, dialogue and a culture of remembrance.

WEAK POINTS OF THE DAYTON AGREEMENT

Among the failures of Dayton is first and foremost the ineffective state, which is not adequately equipped to meet the challenges of European integration. This is directly linked to the obvious lack of the state's effectiveness in all reform processes. The lack of progress originates partly in the Dayton Agreement as well as the constitutional discrimination against citizens who do not belong to the ethnic groups of the constituent peoples, namely Serbs, Croats and Bosniaks.¹⁴ In effect, no citizen belonging to an ethnic group other than those three can become a member of the Presidency of Bosnia and Herzegovina. Discrimination against ethnic minorities in wide swathes of the country and the limited active and passive voting rights are further weak points. Deficiencies in the rule of law and a lack of legal certainty in some areas of the state (e.g. business and investment development) also have to do with the complex administrative structure Dayton created. Ultimately, the extremely costly and greatly oversized administrative system of the state with its two Entities, ten cantons, numerous districts and municipalities created by Dayton acts like a millstone around the neck of a state that has been trying to swim free for years.

Twenty years on from Dayton, Bosnia and Herzegovina is still in the phase of moving from a post-conflict society to a gradually stabilising society, which is trying to manage its crises itself.

In the course of the integration process, the EU expects Bosnia and Herzegovina to finally speak with "one voice". This means that the process of constitutional change must be accelerated and a large number of political decisions, to be based on a broad consensus in both Entities and fulfilling the criteria of the Stabilisation and Association Agreement (SAA) applying to an aspiring EU member, must produce the urgently required reforms in the country to produce a significant rise in the citizens' living standards in the twentieth year after the end of the war and to enable the country to make its way into the Community of Europe.

14 | Sejdic-Finci ruling at the European Court of Human Rights of 2010, which confirmed the constitutional discrimination against Jews and Roma and called upon Bosnia and Herzegovina to reform the constitution. This has yet to be acted upon.