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Moving beyond Dayton

Miroslav Živanović

Do we celebrate or commemorate twenty years of the Dayton Peace Agreement? This was something that crossed my mind when I was invited to come to Dayton and speak about post-Dayton Bosnia and Herzegovina. I do not feel like celebrating, to be honest, although to end a war is a tremendous human and humanitarian achievement. However, the sad truth is that the end of the war is the sole positive legacy of Dayton twenty years after, the issue is how to move beyond Dayton and meet Bosnia and Herzegovina citizens' interests and needs. In rare occasions, when they are asked about their opinion, citizens refer to unemployment, poverty, corruption, organized crime, nationalism, and even politics, as issues they perceive as harmful to the quality of their life in Bosnia and Herzegovina. On the other side, it is a fact that the existing political and administrative circumstances—rooted in Dayton Accords—the state and government are not very successful in delivering efficient and effective policies addressing those issues perceived as crucial problems by citizens. Why is this so? I am arguing that part of the answer rests with the legacy of the Dayton Peace Agreement and Constitution of Bosnia and Herzegovina. To speak precisely, I see the problem as the obvious mis-balance between two constitutional principles stipulated by the Constitution of Bosnia and Herzegovina: One, the constitutional principle of constitutive peoples and, two, the constitutional principle of human rights. The post-Dayton ethno-national political elites and networks of various interest groups, which are granted political power and influence, are overprotecting the first principle of the constituent peoples and neglecting the efficient and effective protection of human rights of all citizens of Bosnia and Herzegovina. This particular mis-balance creates a specific set of institutional incentives which are encouraging political behavior interested in continuous creation of irrelevant ethno-national tensions followed with a subsequent political mobilization on that ground, instead of gaining political support on the basis of promotion of sound policies dealing with the realistic solutions for real problems of citizens.

Since the first democratic elections in the beginning of 90s, it seems that Bosnia and Herzegovina has two parallel social agendas. The first, which attracts huge visibility as well as public and political attention, can be easily regarded as the fake one, created by political elites capable of gaining political support only for the purpose of the protection of so called "national vital interest." Of course, nobody ever bothers to offer a definition of the (ethno) national vital interest. The second agenda is the real agenda: the agenda of transition, privatization, unemployment, poverty, social

exclusion, corruption, inefficient and ineffective public administration, lack of competitiveness, etc. Real agenda issues, although present, are effectively marginalized in the public discourse and, currently, have no serious potential for substantial political mobilization of support.

As a result, Bosnia and Herzegovina is facing a vicious circle of problems. The Dayton Peace Agreement set up a constitutional stage where collective rights - interpreted by ethno-national political elites as everything they decide to be of vital national interest, from size of letters on the passport cover to public broadcasting on certain languages - are dominating over individual rights. Constitutionally protected "ethnocracy" from that point of a vicious circle is decorated with the widespread political patronage and clientelism, covering both public and, to a certain degree, private sector. This has disastrous effects on the economic performance and international competitiveness of the country, maintaining poverty and the social exclusion of majority of citizens. In such a social context, nationalist rhetoric and conflicts over so called "national vital interests," false in their nature, proved to be a more than useful method of political survival for ethno-nationalists, truly committed to defend every inch of Dayton constitutional territory.

The existing political circles viciously protect the social status quo and stalemate, and influence a worrying unity in the public perception of major socio - political issues and challenges, therefore, being a strong safeguard against any kind of meaningful social change. A number of questions follow from this point. How to break our vicious circle? Where? Who? There are many attempts to understand and resolve the riddle of Bosnia and Herzegovina, but the majority remains out of reach and mind of key, domestic and international, decision-makers in Bosnia and Herzegovina.

When thinking about possible entry points for breaking the ruling paradigms of Bosnian and Herzegovinian society, I am considering some ex-Yugoslavia legacies, because it is quite obvious that a significant part of the ethnically mixed Bosnia and Herzegovina population has a positive reflection on how the ex-Yugoslav regime treated different aspects of life. In other words, future solutions for our present problems should be more open for positive experiences from our Yugoslav past.

It is a conventional wisdom to state that Bosnia and Herzegovina has a fairly unjust ethno-political system designed to protect collective rights of constituent ethnic groups at the expense of undefended individual rights. But Asim Mujkić, one of the most prominent political philosophers in the country, is speaking about two confounded political arrangements in Bosnia and Herzegovina: one, of course, ethno-political, founded on institutionalization of ethnic differences; and the second, liberal-democratic, established on the ground of abstract equality of citizens living in a part of Bosnia and Herzegovina called Brčko District of Bosnia and Herzegovina, which is functioning as autonomous unit of local self-government. Mujkić argues in favour of success of Brcko District in overcoming ethnic differences without having them negated. The precedent established by Brcko District is reflected in reaffirmation of principle of equity and liberal-democratic principles of law, manifested through absence of direct mentioning of ethnic groups in key District documents, minimal mechanisms of proportional representation and definition of the interests of constituent peoples limited to issues such as religion, culture, education, language,

budget, national holidays and monuments. Without going into further details, the case of Brčko District clearly shows that a great deal of possible solutions for Bosnia and Herzegovina are in Bosnia and Herzegovina. What is lacking is the more straightforward position of international community, similar to one experienced in Brčko District.

Another important issue is relation of Bosnia and Herzegovina to her neighboring countries, especially signatories of Dayton Peace Agreement, Croatia and Serbia. What are possible actions in this regard?

Institutionalized dialogue on open issues between the countries could be an option. The action is going in a direction of gradual upgrading of the Regional Cooperation Council or similar initiatives and their positioning as the official platform for debating regional agenda, ceating more institutionalized opportunities for younger generations in the region to meet and cooperate, especially in the area of higher education and non-formal education (I even include joint football league - football fans send a clear signal of dissolution of Yugoslavia and nowadays they can send some positive signals for cooperation). Also, younger generations are more positive about the potential of EU membership for the general benefit of their countries and their individual benefit, as well. This is another point of break which is to be seriously addressed and explored, by introducing institutional and fairly regulated massive mobility of younger generations between the EU and Bosnia and Herzegovina.

Our future life in the European Union will be a subject of numerous institutional and treaty-based regulations and procedures; and there is no reason not to believe that more institutionalized and treaty-based relations between the countries in the region, which helped Western Europe to overcome their problems for a long period of time, could not bring the increased quality of their cooperation and individual progress. Entering the European Union with a number of unresolved open questions could be equally harmful for our countries and for the European Union as well.

There is a need to influence the level of trust among people in the region, and between the region and European Union. The importance of the latter is even greater if one has in mind the widespread perception that warfare in the region is a responsibility of the international community. There are surveys which are reporting that a serious percentage of the 1990 generation does not have any opinion about the possible responsibility for 90s warfare. This is to be regarded as an important alarm that is warning that this particular perception is fertile ground for political manipulations. In order to address this immediate danger, truth and reconciliation efforts have to be encouraged and requested, together with the continuing pressure and support for war crime trials.

Another possible path for moving beyond Dayton is decentralization. While identification with the state is still an open issue for many citizens of Bosnia and Herzegovina, their obvious and unquestionable identification with the local community is a potential reference point of entry for breaking the overall social setback in the country. Strengthened local communities throughout Bosnia and Herzegovina, with the proven record of being the most sensitive and open for issues such as return and cooperation, have a potential to become strong agents of change. In this regard, it is

essential to see future international efforts committed to bringing about changes that will provide for more responsibilities and autonomy on the side of local self-governance in the country.

The activism is strikingly absent throughout the region, and Bosnia and Herzegovina has the lowest among low figures in the region. Signing petitions and attending public rallies are the most common actions, which candidates use as participation forms to be further explored. In regard to Bosnia and Herzegovina there is an interesting tendency that street demonstrations are seen as the most efficient way of expressing political beliefs, leaving behind even voting in the elections. This attitude is probably saying something about citizens losing their faith in the election system in the country. It is obvious that wide familiarity with, and acceptance and use of mechanisms of direct democracy could increase the significance of petitions, which we obviously incline to, as a form of political participation. A number of civil society initiatives, with little success up to now, tried to push direct democracy ahead on the overall socio-political agenda.

Public administration reform should have high potential for delivering positive socio-political outcomes. Widespread perception that state institutions and state-owned companies are most desirable employers and that one need family or friend's connections, or membership in a political party, to get his or her position in a public sector, is producing dramatic damage to the system of values. It is also destroying the entrepreneurial spirit. Public administration reform is rather slow and an ongoing process in the country. There are numerous evidences that there is a strong political will for blocking substantial reform in this regard.

To conclude, Bosnia and Herzegovina needs immediate return to its real social agenda composed of issues such as unemployment, economic development, social inclusion, fight against poverty and corruption, public administration reform, harmonization of regional relations, etc. In other words, we have to move beyond Dayton which is, without any doubt, an effort in need of strong agents of change. In order to protect the greatest achievement of the Dayton, the ending of a war, the international community is expected to address the above mentioned challenges and do that in a strategic alliance with all progressive forces which are still active in Bosnia and Herzegovina.

Miroslav Živanović, Bosnia-Herzegovina

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