

4 February 2021

THE 25th ANNIVERSARY OF THE GENERAL FRAMEWORK AGREEMENT FOR PEACE IN BOSNIA AND HERZEGOVINA

Part 1



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Summary

The General Framework Agreement for Peace (GFAP) in Bosnia and Herzegovina (BiH), also known as the Dayton Agreement or the Dayton Accords, stopped the war, but did not provide the foundations of a liberal democratic state. A vast international presence has been unable to prevent nationalist politicians entrenching ethnic divisions to enrich themselves and maintain their hold on the country.

Detail

During a visit in November 2020 to Sarajevo to mark the 25th anniversary of the initialing on 21 November 1995 of the GFAP at Dayton, Ohio, the EU's foreign policy chief, Joseph Borrell, said that the peace agreement (formal signature in Paris on 14 December 1995) "concluded one of the most shameful episodes in the modern history of Europe." Dayton did indeed conclude this shameful episode by stopping the Bosnian war which began in April 1992. It:

- Promulgated a constitution for a weak state consisting of two entities, the Bosnian Croat Federation, sub divided into 10 autonomous Cantons, the Republika Srpska (RS), the District of Brcko, over 140 ministries, three (Bosnjak, Croat, and Serb) constituent peoples, and "other" citizens;
- Included, as an annex to the constitution, the European Convention on Human Rights and Fundamental Freedoms (ECHR) which recognizes individual rights, not the collective group rights of constituent peoples. The ECHR would "take precedence over all other law";

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- Determined that the Organization for Security and Cooperation in Europe (OSCE) would supervise the preparation and conduct of free and fair elections to be held not later than nine months after signature of the GFAP;
- Allowed the Entities to “establish special parallel relationships with neighbouring states consistent with the sovereignty and territorial integrity of BiH”;
- Established an international presence led by a High Representative (HR) with “final authority in theatre regarding civilian implementation of the peace settlement”; and
- Deployed a NATO led “implementation” force, initially 60,000 strong, to ensure a safe and secure environment for stabilization, peace building and democratization.

Borrell added that BiH’s future is “European”, but the “authorities must step up their efforts to deliver on the reform priorities”, such as the rule of law, and equal individual rights. The constitution had entrenched politicised religion and collective group rights, exploited to this day, by politicians who oppose reforms, compatible with EU membership.

The powerless State Minister of Education (one of 14) told me in 2008, when BiH signed a Stabilisation and Association Agreement (SAA) with the EU, that segregated education was the nub of the problem. “Solve the education problem and you solve the problem of this country.” It has not been solved yet.

Initially the US regarded Yugoslavia as a European problem. As Secretary of State, James Baker, put it in 1991: “We don’t have a dog in this fight.” Milosevic (Serbia) and Tudjman (Croatia) had agreed to divide Bosnia Herzegovina (BH) between them. By late 1993, when I returned from Germany to the FCO’s International Security Directorate, Serbs controlled 70% of BH, while Croats and Bosnjaks were fighting over the remainder. Much of Bosnjak east Mostar looked like a mini Stalingrad. Croat General Praljak, who ordered destruction in November 1993 of the 16th century Ottoman bridge from which the city takes its name, was later convicted of war crimes and committed suicide in court in the Hague. Reconstruction in the original style began during my time as Deputy High Representative in June 2001 and was completed in 2004. Prince Charles represented the UK.

The US, with support from Germany and the Vatican, now warned President Tudjman that if he wanted to recover territory lost to the Serbs in 1991, and Croatia to join the Western family, the war against the Bosnjaks had to stop. Tudjman called off his attack dogs. On 18 March 1994 the Washington agreement between the Croat Republic of Herceg Bosna and the Republic of Bosnia Herzegovina established a “Federation”. Mostar, which Croats regarded as their city, would be placed under EU administration, initially for two years.

The genocide of 8,000 Muslim men and boys in July 1995, by Bosnian Serbs in Srebrenica, a UN protected “Safe Area”, led to a rethink in western capitals. Protection of civilians and containment of the conflict had evidently failed. Peace plans had been rejected. By mid-August, the Croatian army, trained and equipped by the Americans, had recovered most of the territory lost to Serbia in 1991. Over 150,000 Serbs fled in the largest single episode of ethnic cleansing since the Second World War. On 28 August a Serb shell landed near Sarajevo’s market square, killing 37 people, a carbon copy of a shelling in February 1994. Under US leadership, Croatian and Bosnjak forces

with British and French assistance rolled up the weakened Serbs. Milosevic had to cut his losses. The GFAP allocated 49% of territory to the RS and 51% to the Federation which had been further subdivided into 10 largely autonomous cantons.

The US intended NATO and the OSCE to lead implementation of the GFAP. The EU would pay. The EU objected and secured the post of HR to lead civilian implementation. But the US insisted on the OSCE “supervising the preparation and conduct” elections during the one-year mandate from December 1995 to December 1996 of the Implementation Force (IFOR). Refugees and internally displaced persons would be entitled to vote where they had lived before the war. Thus, ethnic cleansing would be reversed. The OSCE’s Chairman in Office was obliged to certify that conditions for holding elections in accordance with OSCE standards had been met by September 1996. The chief elections officer for Northern Ireland had warned at the time that, as in Northern Ireland, most votes would be cast for sectarian nationalists.

These early elections were a fundamental mistake, based on the illusion that voters would reject the nationalists responsible for the war. Sectarian nationalist parties won the first and all subsequent elections. Serb and Croat ethnic cleansers got a democratic mandate which they still use to enrich themselves, foster fear and mistrust, and frustrate the development of a modern liberal democratic state.

*Part 2 – focusing on Herzegovina and the Eastern Republika Srpska (RS)
will be published on 18 February*

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