

## Has the Dayton Peace Agreement Stopped Progress in Bosnia and Herzegovina?

by

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USAWC STRATEGY RESEARCH PROJECT

**Has the Dayton Peace Agreement Stopped Progress in Bosnia and Herzegovina?**

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## **Abstract**

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Arguably, the Dayton Peace Accords met the initial intent. They provided the structure for ending the bloody conflict and stopping ethnic cleansing in Bosnia and Herzegovina (BiH). The Accords, also known as the Dayton Peace Agreement, were the results of an intensive international diplomatic process which identified and codified the ways and means to end the Bosnian War. Initially agreed upon in November 1995 at Dayton and signed in Paris the next month, the eleven articles addressed governance, economic development, shared military defense and human rights. They also established guiding principles designed to create a lasting peace, build national unity and provide for enduring civil and economic institutions. But, BiH remains divided. It is important to consider two questions in addressing this lack of progress: Why has BiH not met the greater intent of the Dayton Peace Agreement? Even more pressing: Has the Dayton Peace Agreement become a roadblock to further progress in/for BiH? The answer for finding lasting peace and unity lies in renewed diplomatic intervention, constitutional reforms and holding all the former warring parties to their obligations written in the agreement.



## **Has the Dayton Peace Agreement Stopped Progress in Bosnia and Herzegovina?**

Even from beyond the grave, there are victims singing the song of peace today. May their voices be in our minds and our hearts forever.

—President Clinton

Arguably, the Dayton Peace Accords met the initial intent. They provided the structure for ending the bloody conflict and stopping ethnic cleansing in Bosnia and Herzegovina (BiH). The Accords, also known as the Dayton Peace Agreement, were the results of an intensive international diplomatic process which identified and codified the ways and means to end the Bosnian War. Initially agreed upon in November 1995 at Dayton and signed in Paris the next month, the eleven articles addressed governance, economic development, shared military defense and human rights. They also established guiding principles designed to create a lasting peace, build national unity and provide for enduring civil and economic institutions.

Regrettably, only limited progress has been achieved in meeting the obligations under the Accords agreed to nearly two decades ago. Currently, this lack of progress is threatening the future of the multi-ethnic Bosnian state and encouraging nationalistic positioning that may lead to another armed conflict in the region. It is important to consider two questions in addressing the lack of progress: Why has BiH not met the greater intent of the Dayton Peace Agreement? Even more pressing: Has the Dayton Peace Agreement become a roadblock to further progress in/for BiH?

The wounds from the war in Bosnia run deep, and fevered nationalism is still the dominating factor shared by the three former warring parties (Bosniak, Croat, and Serb). According to Wentz: “Even with international assistance and supervision, the parties to the conflict continue to prevent full implementation of many aspects of the Dayton

Accords, especially in the areas of freedom of movement, return of refugees, prosecution of war crimes, and creation of a multi-ethnic political structure.”<sup>1</sup> As early as 1997, during the Implementation Force (IFOR) period in Bosnia, Wentz recognized the difficulty in applying the articles of the Dayton Peace Agreement. Many of these same challenges exist today, and there remains a steadfast refusal by all parties to engage in the serious constitutional reform that is needed to create a viable multi-ethnic state. In addition to these challenges, the current process is now missing the intense international diplomacy and resources that were available in 1995.

This research highlights the importance of Dayton for strategic leaders and the strategic importance of BiH to both the United States and Europe. The paper will also briefly review the history of the former Yugoslavia and the ensuing conflict, then discuss the Dayton Accords, BiH today (political, economic, and social issues) and explore if the Dayton Peace Agreement is still a viable option for the parties involved to meet the strategic ends.

As noted in 1995, “The General Framework Agreement for Peace that ended the war has two functions, as a legal accord ending the war and a rough blueprint for building a stable and peaceful state.”<sup>2</sup> Dayton successfully ended the war, yet as a blueprint for a stable and peaceful state, the Dayton Peace Agreement continues to struggle. The Dayton Peace Agreement provided a policy answer for a Volatile, Uncertain, Complex and Ambiguous (VUCA) situation in the former Yugoslavia. As with VUCA driven policy actions it could not address all of the dynamics in play to ensure a positive long term outcome for BiH. For example, it could not anticipate the lasting

cultural paranoia, reemerging nationalism and continuous refusal to accept progressive reforms to move BiH and the region forward in peace and prosperity.

Key questions include: Does the Dayton Peace Agreement as written pose an obstacle to continued unification and progress for BiH? Is it time to either revisit the Dayton Accords or reinforce the original intent and reset milestones for implementation? Who is responsible for addressing the current lack of progress: the United Nations (UN) or the key players in helping achieve the Accords including, the European Union (EU), the United States and the North Atlantic Treaty Organization (NATO)?

#### Why Dayton is Important for Today's Strategic Leader

For senior leaders, the BiH conflict shows that the Dayton Peace Agreement could not address all the complex and ill-defined problems of the region. The agreement made difficult choices for all involved and accepted the shortcomings for the greater goal of stopping the conflict. The Dayton Peace Agreement does underline the intended trajectory for the development of BiH. Today we are still without the intended progress, but within the Dayton Peace Agreement stands the verification of the importance of strategic thought and leadership. It produced a peace that stopped the war, as well as the promise of hope for a better future for BiH.

“Most of the material about critical thinking derives from philosophy, education, and psychology...No one discipline owns the construct.”<sup>3</sup> The Dayton effort was successful because the team negotiating the peace settlement understood it takes many methods of strategic thinking and strategic leadership applications to forge an agreement. This paper argues that these methods used at Dayton should be revisited to address the lack of political and economic progress in BiH today.

The Dayton Peace Agreement is important today for senior leaders because it offers a significant opportunity to evaluate historic implementation of the strategic thinking and strategic leadership process across the joint, interagency, intergovernmental, and multinational (JIIM) environment.

The efforts at Dayton incorporated a wide variety of techniques and models; two supporting models are the Strategic Thinking Framework<sup>4</sup> and the Army Leadership Requirement Model<sup>5</sup>. Many of the decisions made at Dayton can be nested in these two models. For example, the use of critical thinking skills, the application of thinking in time and leadership practiced with innovation and interpersonal tact.

What is true of the Balkan war of 1992-1995 still holds true today. It is worthwhile for U.S. national security leaders (military and civilian) to examine the strategic effort that ended the war in Bosnia. It encompasses all of the aspects a strategic leader needs to consider when addressing an ill-defined problem. The Dayton Peace Agreement is a demonstration of the importance of strategic studies, because it encompasses critical thinking, strategic leadership, and considers national security strategy in the decision making process. It is a useful tool of study and reflection for the development of strategic leaders across military, executive, diplomatic and economic areas of the United States government and private sectors.

#### The Overall Strategic Importance of Bosnia and Herzegovina

The Balkans and especially BiH still present a significant national security challenge for the U.S. and Europe. The U.S. is again reassessing its global role and focus. As both the U.S. and Europe struggle to deal with a decade of financial upheaval, a renewed conflict in BiH would surely result in a more unstable Europe and lengthen economic recovery.

As a result of the atrocities of WWII, there was tremendous effort to define the treatment of non-combatants both legally and ethically. Western nations experienced a strategic paradigm shift and both the U.S. and Europe accepted an obligation to intervene in conflicts based on national security interests and internationally stated human rights diplomatic objectives.

By the early 1990s BiH was very different from the post WWII Europe the U.S. had helped rebuild and create, one that encouraged growth and prosperity as well as lasting peace. Unlike Western Europe, the Yugoslavia Republic ruled by the Communist Dictator Marshal Josip Broz Tito used strict autocratic rule and brutal force to quell historic ethnic differences. During his 35 year reign of power Tito urbanized and industrialized the country as well as “ruthlessly suppressed any expression of resurgent nationalism. Enforcing his Brotherhood and Unity policy.”<sup>6</sup> Tito’s Yugoslavia minimized internal threats as he exiled, converted or killed opposition to a secular nation. When Tito died in 1980, ethnic and religious conflicts were mostly cultural relics. Yugoslavia enjoyed a much higher standard of living than other socialist or Communist states, including mixed marriages, freedom to travel abroad and private property ownership. Still, in contrast to Western Europe’s economic and social development, Tito’s Yugoslavia never fully developed enduring government or economic systems. These failures created the political vacuum that launched yet another tragic conflict in the Balkans.

The prevailing U.S. position was that the Bosnian War that began in 1992 was a European problem. Clearly, the Europeans believed the UN peacekeepers and the

diplomacy the Europeans applied would bring an end to the conflict. Instead, these approaches seemed to only empower and expand the conflict in the region.

Weary from a successful campaign to oust Saddam Hussein's Iraqi forces from Kuwait during Desert Storm, the failed intervention in Somalia during the 1990s and the Vietnam hangover, the American public would not accept a protracted engagement that was not considered a U.S. problem or U.S. security issue. The possibility of American involvement in the conflict raised the not so distant ghosts of Vietnam and evoked the vision of a steady stream of body bags.

As much as the U.S. wanted to stay removed from the conflict it would eventually take U.S. strategic leadership and diplomatic efforts supported by European diplomacy and NATO military action, to drive the warring parties towards negotiations and an agreement to end the conflict. Without forceful action from the U.S. and many European allies, the conflict would have continued, along with the genocide.

History played an important role during the Dayton discussions. Both the U.S. and Europeans understood the historic complexities of the Balkan region as well as the former connections to prior empires. This awareness allowed the peace negotiators to adjust the lens to focus on the current and historical complexities of the multi-ethnic sphere of the Balkans. The conflict forced both the U.S. and Europe to analyze the full spectrum of the region, the strategic impact of the conflict, and engage in mutual cooperation to end the war.

Over the last 12 years, the focus for the U.S. has been terrorism and the Middle-East – two issues which have absorbed the vast majority of national power and resources. The “long war” has been fought at tremendous costs across the diplomatic,

information, military and economic (DIME) spectrum. It has forced a readjustment of American thinking and has created strategic consequences that affect the amount of fiscal and diplomatic resources a war weary nation is willing to invest in an almost two-decade effort in BiH state building. In addition, the 2012 U.S. National Security Strategy directs a rebalancing of all government efforts to the Pacific Rim.

In 1995, both the U.S. and Europe economically and politically possessed greater resources and global political capital; today, many conditions currently challenge these resources and capital. Renewed conflict in BiH is something the U.S. or Europe cannot afford today, economically or politically. The Western powers are suffering from Balkans burnout, and only weak cursory efforts by those organizations established under Dayton are still attempting to promote progress. Failure for the U.S. and Europe to aggressively pursue DIME efforts in BiH comes at considerable peril for both countries.

Richard Holbrooke made the following observation on the Dayton Peace Agreement negotiations: "The negotiations were simultaneously cerebral and physical, abstract and personal, something like a combination of chess and mountain climbing. This was not a theoretical game between nation-states, but a dangerous and unpredictable process."<sup>7</sup> As in 1995, the U.S. is still looked upon as a superpower, and looked to for strategic leadership in shaping the global, international environment. So is it time again for a larger role of U.S. strategic leadership in BiH?



Figure 1:

### Historical Overview

At the end of WWII as the victorious allied powers carved up the globe, BiH became one of the six new republics of a socialist federated Yugoslavia led by Marshal Josip Broz Tito. Tito had fought against the Nazis and Croatian Fascist's as the leader of the Yugoslav resistance. When the hostilities ceased, Tito quickly filled the power void and over a period of several years he firmly established the Socialist Federal Republic of Yugoslavia (SFRY). Soon after its establishment, SFRY would become unique in the world of Communism and socialism.

To the surprise of those in the West who had propagandized Tito as the most fanatical Stalinist in Eastern Europe, a quarrel between Stalin and Tito, made public on June 28, 1948, led to Yugoslavia's exclusion from the newly forming eastern bloc. In contrast to East Europeans, whose nationalism focused on the symbol of Yalta, where allied powers agreed to a Soviet sphere of influence in Eastern Europe, the Yugoslavs created a nationalist symbol out of their anti-Soviet stand.<sup>8</sup>

Tito, in establishing his authoritarian rule, purged or imprisoned individuals and groups that challenged his brand of socialism. In spite of the Soviet refusal to include Yugoslavia in the eastern bloc, Tito was able to leverage Yugoslavia's world position in two ways – a strong nationalistic identity and a policy of non-alignment. "Tito succeeded in keeping his country independent of both capitalist and Communist blocs."<sup>9</sup> By taking advantage of the needs of former colonial countries and long term disputes between major world powers, Tito masterfully played both the U.S. and Soviet Union when it best benefited Yugoslavia, resulting in a higher standard of living, bolstered primarily from outside sources.

The legacy of Tito's earlier manipulation of both the U.S. and Soviet Union for aid and resources as part of the politics of non-alignment however, contributed to the breakup of Yugoslavia. Tito had built Yugoslavia's economy by trading reform and a more tolerant regime for Western aid while promoting the benefits of Communism for Soviet aid. Prior to his death, Tito had decentralized Yugoslavia with the formation of separate parliaments and separate presidencies for each of the republics and two separate Serbian provinces (Vojvodina and Kosovo). Tito hoped that a Federated Yugoslavia in which was shared among the republics and provinces would hold the nation together.

Other significant factors that contributed to the demise of Yugoslavia included the collapse of Soviet Russia, growing economic dissatisfaction in the region and the

reemergence of nationalism following decades of socialist reign. This alignment contributed to a political “Perfect Storm,” resulting in the break up and violent struggle to form new independent states and borders in the Balkans.

### The Conflict

Soon after Tito’s death in 1980, Yugoslav ethnic nationalism in Serbia led by Slobodan Milosevic and in Croatia led by Franjo Tudjman began to threaten BiH unity. Bosnia was the most ethnically diverse Republic in Yugoslavia with vibrant populations of Bosniaks, Croats, and Serbs. The Croat and Serb minorities would quickly fall into ethnic alignment creating greater separation within Bosnia and empowering both Serbia and Croatia in their quest for regional dominance.

In June 1991, encouraged by Germany and Austria, Slovenia and Croatia seceded from Yugoslavia, changing the structure of power within the country. “Milosevic conceded Slovenia’s independence after a few days, but Croatia’s secession touched off a conflict between Croat forces and Serb irregulars supported by the Serb dominated Yugoslav Army.”<sup>10</sup> Fearing they would suffer isolation and persecution, Bosnian Serb nationalists appealed to Serbia to force Bosnia to remain part of a Serbian-dominated Yugoslavia. In addition, Bosnian Croats also threatened to secede if Bosnia remained in Yugoslavia.

Bosnian President Alija Izetbegovic, a Bosniak, worried about the possible spread of the conflict to Bosnia and tried to find a compromise solution. However, these efforts were made very difficult by the Milosevic and Tudjman regimes, both of which had designs on Bosnian territory.

In addition, Izetbegovic’s hand was forced by the European Community (EC) decision in December 1991 to grant diplomatic recognition to any of the former Yugoslav republics that requested it, provided that the republics held a referendum on independence and agreed to respect minority rights, the borders of neighboring republics, and other conditions. Izetbegovic and other Bosniaks felt they could not remain in a Milosevic-dominated

rump Yugoslavia and had to seek independence and EC recognition, even given the grave threat such a move posed to peace in the republic. Bosnian Serb leaders warned that international recognition of Bosnia-Herzegovina would lead to civil war.<sup>11</sup>

By March of 1992 Izetbegovic would declare independence for BiH, with most Croats and Bosniaks voting for the independence; however, the Serb minority boycotted the vote. In April 1992, Serbian paramilitary forces supported by the Yugoslav Army, launched attacks throughout the republic. The combined force rapidly annexed more than two-thirds of the republic's territory and began a three-year siege of Sarajevo, ending the possibility of a unified, democratic state of the former Yugoslavia republics.

Fueled by Milosevic's rhetoric and fully supported by Bosnian Serb leader Radovan Karadzic, Bosnian Serbian forces led by Ratko Mladic, attacked Bosniak and Croat civilians, forcing them from their ethnically mixed communities. The Serbs further terrorized both Bosniaks and Croats by murdering or placing them in concentration camps.

Especially targeted were women, who were raped, beaten and subjected to forced labor. Although none of the warring parties were without responsibility for atrocities and all committed similar brutalities, the Serbs were identified as the most ruthless during the conflict. The Serbs created an environment for escalation of crimes against humanity not seen since WWII, something the Western world believed was only possible in the most remote and failed states in the world.

It is estimated that well over two million people were driven from their homes and not since WWII had Europe encountered that magnitude of refugees and slaughter of civilians. The real number of people killed is still disputed, and is difficult to quantify based on the causes of death, but estimates are as high as 300,000. Regardless, the

impact of the human tragedy continues to play an important role in the condition of BiH today. Most of the supporting civil infrastructure in BiH was destroyed and the majority of communities sustained considerable destruction of private property during the conflict.

Both Presidents George H. W. Bush and William J. Clinton were extremely reluctant to have the U.S. engage in the Balkan war. The two presidents strongly felt, as did many of their advisors, that it was the responsibility of the Europeans to aggressively find a solution to the conflict and bring peace to the region. However, “the Europeans chose not to take a strong stand, restricting themselves to dispatching UN “peacekeepers” to a country where there was no peace to keep.”<sup>12</sup> Many questions still remain as to the limited commitment made by the Europeans during the conflict, especially after the experience of genocide committed by Nazi Germany during WWII.

From 1992 until 1994, many attempts at finding peace were attempted (Carrington-Cutileiro, Vance-Owen, Owen-Stoltenberg, and the Contact Group plan). In early 1993, the U.S. and Europe differed over the Clinton’s administration’s “lift and strike” initiative. The U.S. proposal would lift the UN arms embargo that blocked Bosnians from getting weapons to engage superior Serbian firepower and use NATO airstrikes to force the aggressors to the peace table. Most of the plans, in general, offered complex territorial separation and division based on ethnic considerations, all of which failed.

The newly elected French President Jacques Chirac, in a 1995 visit to Washington, DC, threatened to recall 3900 French UN Peacekeepers if the U.S. did not

more actively commit to a peace effort. The U.S. was required by agreements made with NATO to supply forces if the UN peacekeepers left Bosnia to secure their safety.

As the U.S. dabbled in trying to move the Europeans to more aggressively intervene, the escalating atrocities and renewed Serbian offensive in the fall of 1995 finally forced a very reluctant Clinton administration to commit to an aggressive U.S. plan of action to stop the conflict and set the conditions for a lasting peace. It would take both a U.S. led effort to end the Bosnia conflict and a U.S. led NATO mission to force the peace.

#### The Dayton Accords (Dayton Peace Agreement)

The Dayton Peace Accords, which ended the 1992-1995 war in Bosnia and Herzegovina (BiH), were formally signed on December 14, 1995, in Paris. "The agreement had been reached six weeks earlier, on November 1, following U.S.-brokered talks at Wright-Patterson Air Force Base near Dayton, Ohio."<sup>13</sup> In 1995, the U.S. was the world's standing superpower, dominant diplomatically, economically and militarily. Without American leadership in this European issue, the Dayton discussions would not have taken place and the war in the Balkans would have continued to a different conclusion.

The participation by the major heads of state/government as well as those from the region at the signing of the Dayton Peace Agreement reflected its importance for security and stability in Europe. In attendance were the three warring parties: Serbian President Slobodan Milosevic, Croatian President Franjo Tudjman, and Bosnian President Alija Izetbegovic. Representing the major Western powers, UN and NATO were President Bill Clinton, UN Secretary-General Boutros Boutros-Ghali, NATO Secretary-General Javier Solana, French President Jacques Chirac, British Prime

Minister John Major, German Chancellor Helmut Kohl and Russian Prime Minister Viktor Chernomyrdin. The European Union was represented by former Swedish Prime Minister Nils Daniel Carl Bildt, co-chairman of the Dayton Peace Conference.

As a result of the signed agreement the UN Security Council adopted Resolution 1031, giving NATO the mandate to implement the military aspects of the agreement.

“On December 20, 1995, NATO formally replaced the U.N. Protection Force (UNPROFOR) and the first members of a 60,000-strong NATO-led multinational force, called the Implementation Force (IFOR), were deployed to Bosnia.”<sup>14</sup>

The one-year IFOR mission represented a political compromise for the U.S., as a long-term commitment of U.S. forces was not palatable to the American public. Both the U.S. and Europeans knew that the newly formed state of BiH would require a longer military presence and after the first year IFOR was succeeded by the smaller Stabilization Force (SFOR). SFOR also promised a tiered withdrawal of U.S. forces and a greater European commitment for the future of the country, allowing for a peacekeeping mission to begin, and the war torn region to heal.

The Dayton Peace Agreement was an extremely hard fought effort led by a U.S. and European team of diplomats, and supported by the Russians. It was understood at the time that this American led effort, if unsuccessful, would result in continued conflict in the region. Several factors contributed to the Dayton Peace Agreement’s signing; including, but not limited to, the moral imperative of the U.S. to stop the ethnic cleansing, NATO’s engagement in bombing efforts to drive back Serbian forces from Sarajevo, intense multilateral diplomatic efforts among the warring parties in the fall of

1995 and the promise of 20,000 American troops and NATO peacekeepers to enforce the implementation of the agreement.

The Dayton Peace Agreement attempted to return a stable international order, restore economic well-being to the region, and establish long term peace, of which the latter two have still not been achieved. As noted at the time:

Under the Dayton Peace Accords, Bosnia-Herzegovina remains an internationally recognized state within its pre-war borders. Internally, it consists of two semi-autonomous “entities”: the (largely Bosniak and Croat) Federation of Bosnia-Herzegovina and the (Bosnian Serb-dominated) Republika Srpska (RS). Under the accords, the Bosnian Federation received roughly 51% of the territory of Bosnia-Herzegovina, while the Republika Srpska received about 49%.<sup>15</sup>

Unfortunately, these goals are not close to being fully realized even with the initial accommodation of lines of ethnic territory and vast international resources and support.



Figure 2:

### Bosnia and Herzegovina Today

The major challenge facing the Dayton Peace Agreement remains the continued absence of a viable single multiethnic nation. While the Bosniaks, Croats, and Serbs all reluctantly agreed to the terms of the agreement in 1995, the compromise allowed the Serbs to retain the unique identity of the Republika Srpska within BiH leaving Sarajavo mostly void of its former Serbian population. A required element of the agreement was the formation of a multi-ethnic military; yet, this remains an illusion, as battalions of Bosniak, Croat, and Serb soldiers remain geographically, culturally and politically segregated within BiH.

Dayton milestones have come and gone without achieving the goals, primarily due to lack of international enforcement. Nor have the constitutional reforms that were outlined in the plan been implemented within the region. For example, “Bosnia again failed to implement a 2009 European Court of Human Rights (ECtHR) ruling (the Sejdic and Finci v. Bosnia and Herzegovina case) ordering the country to amend its constitution to eliminate ethnic discrimination in the national tri-partite presidency and House of Peoples.”<sup>16</sup> The country’s failure to evolve into a unified central government with one president, and the Office of the High Representative (OHR)’s inability and reluctance to exercise the power to remove obstructionists have prevented the establishment of lasting reform and the enforcement of required peace agreement articles that would allow BiH to become a full member of the EU and NATO.

Currently the OHR receives authority and support from the Peace Implementation Council (PIC), a group of 55 countries and different agencies (the Bonn Powers).<sup>17</sup> They are tasked with helping provide guidance and creating economic opportunities for the region, as well as encouraging the development of a functioning

central government. This organization is supposed to provide the OHR with workable solutions that move BiH towards national unity, but at this moment has been largely unsuccessful.

Many of these impasses are reinforced by the three different political powers of the region and are being sustained by localized corruption. The lack of policing has highlighted the internationally recognized failure to enforce basic rule of law and to prevent and report human rights violations. The police often turn a blind eye to organized crime. Accurate accountability of foreign aid is a failure of the BiH, U.S. and European governments. "Instead of an inevitable EU member, Bosnia is more likely to remain an unwelcome, dysfunctional and divided country, with an aggrieved Bosniak (Muslim) plurality, a frustrated, increasingly defensive Serb entity, and an anxious, existentially threatened Croat population."<sup>18</sup>

The most problematic issue for BiH is the fractured government structure. The current government elected in February 2012 faces the same road blocks as the governments in the past. It is composed of narrow nationalistic political goals based on ethnic considerations. "In addition, the impact of a parliamentary majority in the Bosnian political system has less significance than in other systems, as representatives of an ethnic group, even if in a minority, can veto any decision that they feel does not accord with their interests."<sup>19</sup>

Any of the political ethnic groups can defeat proposals for new laws by not agreeing, thus one of the major reasons BiH remains on life support. Each of the ethnic groups still maintains separate local level government institutions that duplicate that of the central government. The lack of centralized government oversight greatly enhances

corruption while undermining the integration of reforms that would present significant benefits to the BiH citizenry at large. “Core constitutional problems that devolved significant competencies to the ethnically oriented entities or cantons remained unreformed, resulting in a disconnect between ground-level institution building and reform projects and the country’s blueprint for existence.”<sup>20</sup>

The estimated population of Bosnia today is 4.6 million, with an ethnic makeup of 48% Bosniak (Muslims of Slavic origin), 37.1% Serb, 14.3% Croat, and other populations of less than 1%. Bosnia’s economy depends heavily on foreign aid, yet once dispersed it is not tracked accurately nor used appropriately. The decentralized government has shackled progress on economic policy and development. Since the war in BiH, production stands at about 20% of prewar output and unemployment is a staggering 43%. “The government is the primary source of income and benefits representing 50% of GDP.”<sup>21</sup>

Not all the financial news in Bosnia is negative. The private sector is growing, but not even close to the needed levels to employ the population, nor to encourage reinvestment and innovation relative to competitive economies worldwide. The worldwide economic crisis, and especially the hard hit U.S. and European economies, have sharply reduced foreign investment along with the steadfast disagreement on constitutional reforms that would allow other international resources to commit to the region.

The promise of the Dayton Peace Agreement to return displaced persons to their homes is mostly unrealized. Still lacking is a serious restructuring of police forces at the national level, and the local police continue to turn a blind eye to organized crime. The

international community primarily left the responsibility of addressing corruption to the BiH government. This only reinforces entrenched ethnic nationalism as rewards are allocated in support of maintaining the status quo. For BiH citizens, regardless of ethnic identity, lack of progress has contributed to mistrust in government institutions and elected officials to formulate policy and laws that are perceived as fair and truly enacted for the public good. Secretary of State Hillary Rodham Clinton commented during a meeting in Sarajevo in October 2012, “We are here today to urge that all of the leaders of this country find common ground and act in the interests of the people. Obstacles that the country faced when I was last here still remain. Key reforms have not yet been made. Party differences stand in the way of shared progress.”<sup>22</sup>

### The Dayton Agreement

The Dayton negotiations constructed a complex and organized structure that intended to stop the fighting and allow the warring parties to assess, develop collateral agreements, and heal as a nation. This structure has been criticized because it allowed for cultural consideration in geography, both in name and governance. The negotiators understood the complexities of the situation and in order to get to a solution were accommodating to the parties. While focusing on ending the conflict, they also wanted to provide a framework for building the new nation. “We moved step-by-step in working the general principles of the peace agreement, the timing of the elections, the nature of the government, its constitution, and even its division of territory.”<sup>23</sup> The peace process was kept general by design to allow for the smoke to clear, as well as fostering moderate leadership positions for future progress in BiH.

The articles of the Dayton Peace Agreement are individual substructures each designed to build and support a greater system. It is only when these substructures are

fulfilled that the complete system in BiH will function. This is the Dayton Peace Agreement's primary weakness. The three individual entities maneuver within the articles as a method to stop national progress, primarily in the name of cultural identity. It seems the common tactic is to stall, challenge and wait for the international community to lose interest.

The General Framework Agreement negotiated at Dayton was comprised of eleven articles and eleven annexes covering in detail the responsibility of each of the articles. The articles in order by issue:

#### Article I

The Parties shall conduct their relations in accordance with the principles set forth in the [United Nations Charter](#), as well as the Helsinki Final Act and other documents of the Organization for Security and Cooperation in Europe. In particular, the Parties shall fully respect the sovereign equality of one another, shall settle disputes by peaceful means, and shall refrain from any action, by threat or use of force or otherwise, against the territorial integrity or political independence of Bosnia and Herzegovina or any other State.

#### Article II

The Parties welcome and endorse the arrangements that have been made concerning the military aspects of the peace settlement and aspects of regional stabilization, as set forth in the Agreements at [Annex 1-A](#) and [Annex 1-B](#). The Parties shall fully respect and promote fulfillment of the commitments made in Annex 1-A, and shall comply fully with their commitments as set forth in Annex 1-B.

#### Article III

The Parties welcome and endorse the arrangements that have been made concerning the boundary demarcation between the two Entities, the Federation of Bosnia and Herzegovina and Republika Srpska, as set forth in the Agreement at [Annex 2](#). The Parties shall fully respect and promote fulfillment of the commitments made therein.

#### Article IV

The Parties welcome and endorse the elections program for Bosnia and Herzegovina as set forth in [Annex 3](#). The Parties shall fully respect and promote fulfillment of that program.

#### Article V

The Parties welcome and endorse the arrangements that have been made concerning the Constitution of Bosnia and Herzegovina, as set forth in [Annex 4](#). The Parties shall fully respect and promote fulfillment of the commitments made therein.

#### Article VI

The Parties welcome and endorse the arrangements that have been made concerning the establishment of an arbitration tribunal, a Commission on Human Rights, a Commission on Refugees and Displaced Persons, a Commission to Preserve National Monuments, and Bosnia and Herzegovina Public Corporations, as set forth in the Agreements at [Annexes 5-9](#). The Parties shall fully respect and promote fulfillment of the commitments made therein.

#### Article VII

Recognizing that the observance of human rights and the protection of refugees and displaced persons are of vital importance in achieving a lasting peace, the Parties agree to and shall comply fully with the provisions concerning human rights set forth in Chapter One of the Agreement at [Annex 6](#), as well as the provisions concerning refugees and displaced persons set forth in Chapter One of the Agreement at [Annex 7](#).

#### Article VIII

The Parties welcome and endorse the arrangements that have been made concerning the implementation of this peace settlement, including in particular those pertaining to the civilian (non-military) implementation, as set forth in the Agreement at [Annex 10](#), and the international police task force, as set forth in the Agreement at [Annex 11](#). The Parties shall fully respect and promote fulfillment of the commitments made therein.

#### Article IX

The Parties shall cooperate fully with all entities involved in implementation of this peace settlement, as described in the Annexes to this Agreement, or which are otherwise authorized by the United Nations Security Council, pursuant to the obligation of all Parties to cooperate in the investigation and prosecution of war crimes and other violations of international humanitarian law.

## Article X

The Federal Republic of Yugoslavia and the Republic of Bosnia and Herzegovina recognize each other as sovereign independent States within their international borders. Further aspects of their mutual recognition will be subject to subsequent discussions.

## Article XI – Identifies the signing parties and negotiators<sup>24</sup>

The articles reflected in the agreement optimistically set forth a path that allowed for peace to hold and grow as well as milestones to accomplish the development of the nation. Instead of pursuing the goals of the agreement, the parties have used it to pursue their own ethnic agendas. This is reflected in that many of the Serbs and Croats in BiH would prefer realignment of areas within the BiH Serbian and Croatian confederacies as a method of stepping away from the Dayton Peace Agreement. Milorad Dodik, President of Republika Srpska of the Serb-dominated entity in Bosnia marked the 17th anniversary of the Dayton Accords by urging Bosnia's transformation into a confederation of three units, including a new entity for Croats. "If the three-ethnic territorial structure does not happen as a realistic solution, the agony of dissolution will continue, which will lead to a day when one can say Bosnia and Herzegovina no longer exists."<sup>25</sup>

In the past, this outpouring of nationalistic rhetoric would have constituted sharp reprisals from the OHR. These and other decisions by political leaders in BiH are not in keeping with the structural integrity of the Dayton Peace Agreement. Much of this public challenge to and calls for revision of the Dayton Peace Agreement is directly aimed at the OHR. The OHR continues as the Dayton and UN mandate authority on implementation of the Dayton Peace Agreement. There is constant criticism from the international community regarding the cultural influences that remain stagnant, the lack

of action on removing corrupt politicians or BiH officials overturning policies that encourage changes to the intent of Dayton. From within BiH there are continued calls to dissolve the OHR because it no longer serves the purpose of balanced progress.

[The] OHR has itself been reducing its role in Bosnia, in particular its use of the Bonn powers. In June 2011, OHR lifted almost all the bans from holding office that previous High Representatives had imposed on Bosnian politicians for violations of the Dayton Peace Accords. Many observers in and outside of Bosnia believe that [the] OHR retains little credibility in Bosnia, and therefore should be eliminated in the near future.<sup>26</sup>

The primary reason BiH has not met the intent of the Dayton Peace Agreement lies in the failure of the BiH citizens to find compromise as a nation. To grow and prosper BiH needs to gain acceptance into the European fold. This includes membership in the European Union and NATO that would accelerate the departure of international oversight. The questions that are difficult, if not impossible, to answer are the willingness or ability of the former warring parties to put the past behind them and the realization that a unified state will provide the best possible future.

Given these Political and Economic Difficulties, is it Time to Revisit the Dayton Peace Accords?

Would it benefit the U.S. and Europe to revisit the Dayton Peace Accords and develop a new agreement (Dayton II), thus making a reality of a functioning multi-ethnic state? Conventional wisdom would indicate that the U.S., Europeans and most of the nation of BiH would not entertain new negotiations that would create a Dayton II. In June 2011, Assistant Secretary of State Gordon visited Bosnia and other countries in the region. In interviews with Bosnian media and a speech to a conference in Sarajevo, Gordon repeatedly said that the United States did not advocate a Dayton II.<sup>27</sup>

The Dayton Peace Agreement as written is still a palpable agreement and is still capable as a framework to create a lasting peace, build national unity and provide for enduring civil and economic institutions. The Dayton Peace Agreement is a strong, functional foundation for the international community to use as leverage, to keep BiH progressing in a positive direction in spite of the resistance to national unity. Without Dayton, the conflict would have continued and escalated - requiring violent, costly intervention from a host of third parties.

The conflict ended as a result of the Dayton Peace Accords and many sustaining Dayton institutions are still in place that have kept BiH from returning to violence. The OHR, although receiving current criticism, still provides enough influence among the three ethnic groups to validate its creation by Dayton. High Representative Valentin Inzko, in a recent interview, commented on the continued role of the OHR and the primary responsibility of BiH authorities and officials:

The key result of my address to the UN Security Council was the adoption of Resolution 2074 (2012). Through this Resolution, the UN Security Council once more extended the mandate of EUFOR and reiterated its full support for the High Representative's continued role in Bosnia and Herzegovina and for the HR's authorities under Annex 10, including the right to make binding decisions. In the very same Resolution, the UN SC sent an important message to BiH politicians that the BiH authorities bear the primary responsibility for the further successful implementation of the Peace Agreement, which among other tasks extends to strengthening joint institutions which foster the building of a fully functioning self-sustaining State, able to integrate itself into the European structures.<sup>28</sup>

#### How Dayton can still meet the Strategic Ends (Progress)

How can the Dayton Peace Accords continue to influence the development of BiH? Primarily, and most significantly, this can be done by reinvigorating U.S. and European diplomatic efforts, increasing support for and exercising the authorities provided in the Dayton Peace agreement. The OHR is the enforcer of unpopular

reforms and is having its authority openly questioned. The U.S. and Europeans need to identify those opponents and back significant reforms that are administrated through the OHR. Multilateral discussions need to focus on the definitive issues addressed in the Accords. Is BiH meeting the objectives and conditions that were outlined by the agreement? The five objectives include: (a) Resolution of State Property, (b) Resolution of Defense Property, (c) Completion of the Brcko Final Award, (d) Fiscal Sustainability of the State and (e) Entrenchment of the Rule of Law. The two conditions are that: (1) the Stabilization and Association Agreement (SAA) must be signed and (2) there must be a positive assessment of the situation in BiH by the PIC.<sup>29</sup>

Bosnia did sign a SAA with the EU in June 2008. The SAA opened the door for BiH to join the EU as well as to receive greater aid and advice to realize full membership. But this has been delayed due to most of the other objectives and conditions still not being fulfilled. The U.S. fully supports integration of BiH into the EU, but the U.S. needs to assert more pressure on BiH to meet and exceed these conditions and standards set forth by Dayton. As Assistant Secretary of State for European and Eurasian Affairs Philip H. Gordon noted, “The Balkans are a critical part of Europe—historically, geographically and culturally and its future lies within the Euro-Atlantic institutions. The United States will always support an open door to the European Union and to NATO and we will always be ready to help countries to walk through that door.”<sup>30</sup> Regrettably, current efforts are still not enough to move through the door.

NATO has invited BiH to participate in its Partnership for Peace (PFP) program. The PFP provides multi-lateral opportunities for nations to improve military professionalism and training opportunities focused on NATO doctrine. Invitation into the

PFP program is one of the major milestones for NATO Membership. "In April 2010, NATO foreign ministers agreed to permit Bosnia to join the Membership Action Plan (MAP) program, a key stepping-stone to membership for NATO aspirants."<sup>31</sup> Along with the PFP and MAP plan, by fully investing in these programs BiH would reap the added benefits of increasing economic opportunities and greater security. Yet the military forces in BiH are still fractured, with Bosniak, Croat and Serb soldiers unable or unwilling to serve in the same units. The Bosnians have not taken advantage of opportunities like the PFP to improve the nation's military power and capabilities. Therefore NATO membership is still a dream 17 years later. President Clinton made these remarks after the agreement reached at Dayton:

The presidents of Bosnia, Croatia and Serbia have made a historic and heroic choice. They have heeded the will of their people. Whatever their ethnic group, the overwhelming majority of Bosnia's citizens and the citizens of Croatia and Serbia want the same thing. They want to stop the slaughter. They want to put an end to the violence and war. They want to give their children and their grandchildren the chance to lead a normal life.<sup>32</sup>

In order to achieve these aspirations, the people of BiH must seek a middle ground and demand constitutional reform and a political process that builds national unity. The international community has an important role, especially the U.S. and Europe. Both need to renew efforts to encourage the moderate, progressive leaders of the region and support grassroots initiatives to find common purpose. Easily said, but hard to achieve, the strength and opportunity for BiH lies in its ability to use the power of diversity to realize a better future and lasting peace.

#### The Dayton Peace Agreement is Still a Viable Option

It is not that the Dayton Peace Agreement itself has been a roadblock to BiH meeting the greater intent of the Accords. Rather, the steadfast obstacles still continue

to be the same narrow issues that started the original conflict: fractured government, ethnic divide, and rampant corruption. At a time when both the U.S. and Europe are mired in economic and global challenges, minimizing efforts towards lasting reform in BiH will only prove more costly down the road. It is time to reinvigorate the Dayton Agreement – simply by enforcing the Accords and diplomatically moving the parties to a unified nation that was agreed upon in 1995.

The Dayton Peace Agreement resulted from the application of strategic thinking and strategic leadership. The same methods involved in the Strategic Thinking Framework and the Army Leadership Requirement Model need to be applied today by the U.S. and Europe. In order to move BiH to a single, unified multi-ethnic state, there needs to be a unified enforcement of the Agreement and the OHR needs to exercise its power to both remove obstructionists and engage in linking resources to milestones in the Agreement.

The hope for the children and grandchildren of BiH still resides in the Dayton Peace Agreement. The team of negotiators in 1995 fully understood the shortcomings in the agreement, with the focus on peace at any cost. The major leaders developed enough structure within the Accords that the warring parties had something to return to as a means to give hope and peace for the people and the possibility of a new and positive direction for their region. Dayton did bring peace, and after 17 years there has been some notable progress, in spite of what the U.S. and Europe have each offered the region over the years. Further progress lies in the enforcement of the agreement, and the time is now.

## Endnotes

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