

Op-ed by the High Representative Valentin Inzko: The “Original Dayton”



A couple of days ago we celebrated the 21st anniversary of the initialing of the General Framework Agreement for Peace, popularly known as the Dayton Agreement.

I first want to point out, in light of this anniversary, that the Dayton Agreement preserved peace. That should never be forgotten. I also want to highlight Bosnia and Herzegovina's achievements under the framework of the Dayton Agreement, achievements that should remind us that real and tangible progress is possible when the Peace Agreement is respected and when there is political will to deliver real improvements.

More than two decades after the Dayton Agreement was initialed and at a time when BiH is advancing towards EU integration, however, certain political forces still promote false interpretations of Dayton. Their purpose is solely to advance their own political agenda and to keep the country and its citizens locked in the past instead of focusing on the future. My purpose in writing today is to dispel several of those “myths.”

A number of political actors refer, frequently in a misleading way, to the “original Dayton.” But the “original Dayton,” means only one thing: the whole of the Peace Agreement, with all of its parts. Among other things, the ‘original Dayton’

includes Annex X (Office of the High Representative), Annex VII (the right to return to pre-war homes and the obligation of authorities to make returnees feel at home), and the BiH Constitution (Annex IV).

A frequent misrepresentation of the Dayton Peace Agreement, according to some politicians, goes something like this: any institution not explicitly referred to in the agreement goes against the “original Dayton”, and is an artificial creation. In reality, nothing could be further from the truth. The Constitution (Annex 4 of the Peace Agreement) clearly foresaw a dynamic process, offering several modalities for “additional responsibilities and additional institutions” to be created and evolve. The most frequently used method for the state to assume additional responsibilities and create new institutions is, of course, with the agreement of the entities. The Indirect Taxation Authority is one such institution, created by a transfer agreement from the two entities. This was clearly a smart move! The ITA has dramatically improved revenue (tax) collection, which has in turn given the entities the money to fund schools, hospitals and other services essential to citizens.

Another way in which the state takes on additional responsibilities is in order to preserve the sovereignty, territorial integrity, political independence and international personality of BiH. The State border service was created in this way.

Finally, a vital fact in confirming why the institutions created since 1995 are fully in line with the constitution and the Peace Agreement, is that the BiH Constitutional Court has said so! Under the “original Dayton,” this court’s decisions are “final and binding”. That has never changed, yet we still see continuous attacks on the Court and its decisions. The Constitutional Court is a part of the BiH Constitution. Yet despite all that, one entity recently organised a referendum in direct contravention of the Court’s decisions! And still

that same political party is the most vocal about returning to the "Original Dayton". It makes no sense.

What is also interesting is that some of the same politicians who implemented reforms under the Peace Agreement now question the legitimacy of those reforms while calling for "a return to the original Dayton". These politicians have changed their narrative for no other reason than because it politically suits them. They forget the fact that they actively participated in the transfer of competencies from the entity to the state-level and that they supported the establishment of state-level institutions.

As a part of the call to return to the "Original Dayton", there are also attacks on the International Community, in particular the High Representative. Rhetoric about the "legal violence" of High Representatives is very common. Here I must simply remind everyone that the "original" text of the Peace Agreement says that the High Representative is the "final authority" for interpreting that agreement. The politicians who want to return to the "Original Dayton" ignore that fact and instead push for their own interpretation. That is certainly not in line with the "Original Dayton!"

These kinds of inconsistent political positions indicate that policy has little to do with defending an entity or people, but much more to do with securing the personal interests of certain politicians. Over the years, these same politicians have changed their positions, selectively taking parts of the Dayton Agreement to produce a false narrative for their electorate in order to stay in power. They consistently and knowingly ignore the fact that the Dayton Agreement is an integral document. Dayton is not a buffet, from which one can pick and choose the parts one likes!

The biggest problem is that these same politicians, when calling for the "return to the original Dayton," are essentially challenging the fundamentals of the Dayton Peace

Agreement, most importantly the BiH Constitution. This policy of continuously challenging state-level institutions and their decisions increases tensions and keeps the country anchored in the past. For the advocates of this policy, issues important for the people of BiH, like playing by the rules and achieving a better standard of living, don't matter. As a consequence, instead of moving forward, BiH is held hostage by these divisive, backward-looking discussions.

This dishonest policy, cleverly disguised as a "return to the original Dayton," has also spilled over into the Federation. But instead of Dayton, it is called by some the "return to the original Washington Agreement". The goals may be different, but both result in the same thing: raised tensions, eventually followed by increased blockades of progress, and ultimately in possible stagnation. For that reason, both should be rejected.

Bosnia and Herzegovina is in desperate need of politicians who would return their gaze to the future and to the origins of prosperity: political stability, rule of law, a functioning market economy, independence of the media and human rights. This approach would bring far more good to the people of BiH than false stories about a return to "the original Dayton".