



Dayton at 30: Constitutional balance, geopolitical competition and Europe's security responsibility

European View
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journals.sagepub.com/home/euv**Željana Zovko¹****Abstract**

Thirty years after the Dayton Peace Agreement, Bosnia and Herzegovina remains formally at peace, yet structurally fragile. The Croatian military's Operation Storm significantly shifted the military balance on the ground and contributed to the conditions that enabled the Dayton–Paris peace process, which preserved the country's sovereignty by retaining equality among its three constituent peoples in the constitutional order. However, this balance has been under strain due to incomplete institutional consolidation, recurring disputes caused by centralisation tendencies, demographic asymmetries and renewed geopolitical rivalry. Russia's war of aggression against Ukraine has reintroduced spheres of influence and strategic destabilisation to Europe's security environment, elevating the Western Balkans from a peripheral concern to a core security consideration. Bosnia and Herzegovina's internal constitutional debates, therefore, carry implications beyond domestic governance. This article traces developments from 1995 to the present and argues that constitutional equilibrium, legitimate political representation and credible Euro-Atlantic integration are indispensable, not only for Bosnia and Herzegovina's European future but also for Europe's wider security stability.

Keywords

Dayton Peace Agreement, Bosnia and Herzegovina, Constitutional balance, Legitimate representation, EU enlargement, NATO, Western Balkans' security

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Introduction

Thirty years ago, Croatia's military operations and subsequent diplomatic efforts contributed to the conditions that enabled the Dayton Peace Agreement, which ended the bloodiest war in Europe since 1945. Bosnia and Herzegovina emerged from the devastation with its sovereignty preserved and its territorial integrity internationally guaranteed. For many, Dayton symbolised a rescue, survival and the beginning of a European future.

Yet, peace agreements do not conclude history. They create frameworks within which political maturity must develop. The central question today is not whether the intervention ended the war—it did—or whether Dayton secured peace—it did. Rather, it is whether Dayton's founding promise—of equality and legitimate representation of the three constituent peoples—has been fully realised.

The original architecture of Dayton

Dayton was not designed to create a unitary centralised state. It was constructed to prevent renewed conflict in a society that had historically been segregated—in terms of culture, religion and governance. Its stabilising logic was straightforward: none of the constituent peoples should fear domination by another.

Equality among Bosniaks, Croats and Serbs was therefore embedded as a structural guarantee in practice and in law. The constitution recognised one state, two entities and three constituent peoples; introduced complex checks and balances; and ensured collective representation at state and entity levels. This reflected an unavoidable reality: Bosnia and Herzegovina is not homogeneous.

In 1996 NATO deployed forces to secure the implementation of peace. The US led stabilisation efforts, including defence reform, demobilisation and institutional reconstruction. Yet military implementation did not automatically produce political trust.

The immediate post-Dayton period also included a sensitive security dimension. International actors required the removal of foreign fighters who had entered Bosnia and Herzegovina during the war. The US played a key role in ensuring their departure. The political leadership at the time faced explicit expectations that they would dismantle the external wartime networks and restore exclusive state authority over security matters. These measures were not ideological conditions. They were prerequisites for sovereignty and integration.

Bosnia and Herzegovina could not remain entangled in transnational militant structures if it aspired to Euro-Atlantic membership. Institutional clarity was essential.

Consolidation and missed opportunities

Between 1996 and 2006, Bosnia and Herzegovina achieved meaningful progress. The armed forces were unified. Defence structures were streamlined. The country joined NATO's Partnership for Peace. Euro-Atlantic integration appeared attainable.

However, political consolidation proved uneven. Constitutional reform stalled and disputes over competences deepened mistrust. Rather than evolving towards cooperative federalism, the system became a failed lesson in how those advocating gradual centralisation distanced themselves from—and at times actively challenged—adherence to Dayton's original equilibrium.

This interpretative divide became the defining feature of post-Dayton Bosnia and Herzegovina.

Legitimate representation and political trust

At the heart of the contemporary debate lies the issue of legitimate political representation. When one constituent people perceives that its representatives can effectively be selected by voters from another constituent group, constituent constitutional trust erodes. Such outcomes undermine the functional parity envisaged in Dayton.

This dynamic is particularly visible for the Croats in Bosnia and Herzegovina. For them, the smallest of the three constituent peoples, demographic asymmetry has always amplified perceptions of their political vulnerability.

Ignoring these historical dynamics does not eliminate them. It risks reproducing conditions in which mistrust can once again become politically mobilised.

At the constitutional level, the Dayton framework rests on a power-sharing mechanism, enshrining Bosnia and Herzegovina as a state of equal citizens and of three constituent peoples—Bosniaks, Croats and Serbs. This legitimacy was reflected in documents as early as the 1992 referendum on independence, which explicitly referred to Bosnia and Herzegovina as sovereign and independent and as a state of equal citizens and peoples (see Presidency of the Republic of Bosnia and Herzegovina 1993, 1). The constitutional architecture that emerged from Dayton was therefore not accidental, but the product of a negotiated compromise designed to reconcile competing national claims within a single sovereign state.

Nearly three decades after Dayton, Bosnia and Herzegovina faces persistent pressures from two opposing but equally destabilising political currents: separatism and unitarism. While separatist agendas openly challenge the territorial integrity of the state, unitarist projects seek to centralise political authority, giving greater power to the most numerous people in the Federation of Bosnia and Herzegovina and eroding the principle of constituent equality enshrined in the Dayton Peace Agreement. Federalism—understood as a system of shared rule and self-rule—represents a middle path between these extremes. It is a mechanism for accommodating diversity while preserving state unity.

The European Parliament recognised this middle way provided by federalism in its 2014 Resolution on Bosnia and Herzegovina, which stressed the importance of federal principles and legitimate representation as essential for the country's European path, and

explicitly rejected both separatism and extremism (European Parliament 2014). Federal arrangements in deeply divided societies are common; they are a tested instrument for conflict prevention and power-sharing around the world. In the case of Bosnia and Herzegovina, they form the constitutional core of the Dayton Peace Agreement.

The most acute manifestation of the current imbalance concerns the political position of Croats, the smallest of the three constituent peoples. Over the past two decades, electoral engineering, designed by the Organization for Security and Co-operation in Europe (OSCE), combined with the centralising tendencies of the Bosniak constituent community and international support, has resulted in Croat voters being repeatedly outvoted in the election of the Croat member of the tripartite presidency (notably in 2006, 2010, 2018 and 2022). In addition, tweaks to electoral law have also threatened to displace Croat representatives in the House of Peoples. In practice, this has led to the election of representatives who lack the support of the majority of Croat voters, often receiving almost no support at all from them, thereby undermining the principle of legitimate political representation that is embedded in the constitutional order.

This phenomenon has had broader systemic consequences. It has contributed to the marginalisation of Croats within key state-level institutions and within segments of the diplomatic network. Crucially, it has also handicapped the third constituent community in the economic sphere, despite this community being viewed by most observers as the most entrepreneurial and the most supportive of Euro-Atlantic integration. The perception—and increasingly the reality—of being excluded from effective decision-making power is eroding Croats' trust in common institutions and weakening incentives for constructive engagement. In a consociational system, in which institutional stability depends on the voluntary cooperation of constituent groups, the sustained elimination of one group from meaningful representation strikes at the heart of the constitutional compromise and risks transforming a power-sharing system into one of structural dominance.

Recent attempts to instrumentalise the European Court of Human Rights to advance a unitarist reinterpretation of the Bosnian constitutional framework further illustrate the stakes involved. In the *Kovačević* case, the Court made it clear that the design of electoral systems—including territorial constituencies and residency requirements—falls within the wide margin of appreciation afforded to states. It acknowledged that many European systems, whether federal or unitary, incorporate mechanisms to ensure territorial or group representation, particularly in second chambers or collective presidencies, that reflect specific constitutional arrangements. The judgment confirmed that questions concerning the political and electoral structure of Bosnia and Herzegovina must be resolved through domestic political dialogue, not through judicial activism and the transformation of the Dayton compromise. In making this judgment, the Court effectively closed the door on efforts to use international judicial mechanisms to reshape the constitutional equilibrium without a political consensus (European Court of Human Rights 2023).

For the EU, this debate is not abstract, as Bosnia and Herzegovina's institutional fragility directly affects the Union's external border, migration management, energy security and geopolitical resilience in a region exposed to competing external influences, with being Croatia being the member state most directly affected. In this regard, preventive diplomacy, understood as early engagement, confidence-building and consistent support for institutional balance, becomes essential. The EU possesses both the normative framework and the political leverage to reinforce the core principles of Dayton: sovereignty and territorial integrity, equality of the constituent peoples and citizens, and preservation of the country's multinational and multi-ethnic character. Strengthening these principles does not imply freezing constitutional development; rather, it entails ensuring that reform processes reinforce, rather than undermine, the delicate equilibrium upon which peace rests.

Belgium, Switzerland and Northern Ireland demonstrate that multicultural societies can achieve stability through negotiated power-sharing, decentralisation and institutional parity. Bosnia and Herzegovina's constitutional order aligns with this consociational tradition. Undermining constituent equality weakens the foundations upon which peace was constructed.

Internal constitutional contestation in a geopolitical context

Internal constitutional debates cannot be isolated from geopolitical reality. When disputes over centralisation, autonomy and electoral reform unfold, they inevitably interact with external strategic narratives.

Where one constituent people perceives structural bias, external actors may present themselves as defenders of sovereignty or identity. Internal contestation thus acquires external strategic significance.

Failing to resolve constitutional disputes within a reaffirmed framework of constituent equality risks enabling external instrumentalisation. Consolidating internal balance is therefore not merely a domestic imperative but a strategic necessity.

The role of Croatia

Croatia's role during and after the 1995 military–police Operation Storm must be understood not only as a national turning point, but also as a decisive intervention with profound implications for its key neighbour and, by extension, for European security. In the aftermath of the genocide in Srebrenica, the enclave of Bihać—formally designated a UN Safe Area since 1993—remained under prolonged siege by Serb forces. Approximately 300,000 civilians, predominantly Bosniaks, were trapped in conditions that bore alarming similarities to those that had preceded the fall of Srebrenica. The risk of another mass atrocity was both real and imminent.

The Split Declaration of July 1995, signed by Croatian President Dr Franjo Tuđman and Chairman of the Presidency of Bosnia and Herzegovina Alija Izetbegović, established

a framework for intensified defence cooperation between the two states. Within this context, in early August 1995 Operation Storm not only resulted in the liberation of large parts of Croatia's occupied territory, but also ended the siege of Bihać. By breaking the encirclement and altering the strategic balance on the ground, Croatia prevented what could have become another Srebrenica. Croatia was later involved in at least two more major military offensives on behalf of Western interests that compelled the opposing side to enter negotiations. The military developments of 1995 were thus instrumental in paving the way for the Dayton Peace Accords and ending four years of devastating war.

Croatia's role did not conclude with the cessation of hostilities. As an active participant in the Dayton negotiations and a signatory and guarantor of the Accords, the country assumed a lasting responsibility to 'respect and promote fulfilment' of the Agreement's provisions (Republic of Bosnia and Herzegovina, Republic of Croatia and Federal Republic of Yugoslavia 1995, art. III). This responsibility acquired an additional European dimension after Croatia's accession to the EU in 2013. As the youngest EU member state and the only one sharing a land border with Bosnia and Herzegovina, Croatia has a direct security interest in the political, institutional and economic stability of its neighbour. The functionality of Bosnia and Herzegovina is not merely a bilateral issue; it is a matter of EU external border stability and of the Union's broader Common Foreign and Security Policy.

Croatia, as both a Dayton signatory and an EU member state on the Union's south-eastern frontier, occupies a uniquely dual position: it is at once a guarantor of the peace settlement and a stakeholder in the EU's long-term security strategy. Ensuring the equality and legitimate representation of Croats in Bosnia and Herzegovina is therefore a structural question of constitutional order and stability. A durable solution requires a reform of the electoral framework in line with the principles of federalism and constituent equality, as previously acknowledged by the European Parliament. In the absence of such a reform, continued perceptions of exclusion risk reinforcing centrifugal tendencies and deepening institutional paralysis.

The preservation of the Dayton principles—sovereignty, territorial integrity and equality of the constituent peoples—remains indispensable for both Bosnia and Herzegovina's European future and the credibility of the EU's enlargement and neighbourhood policies. Federalism, properly understood, is not a concession to division; it is a security instrument. On the EU's external border, it is also a test of whether negotiated peace settlements and constitutional compromises can be upheld in the face of both separatist fragmentation and majoritarian centralisation.

Conclusion

Thirty years after Dayton, Bosnia and Herzegovina stands at a structural crossroads.

The Croatian military intervention and the consequent peace agreement in 1995 achieved their primary objectives: ending the war and preserving sovereignty. But peace is not self-sustaining: it depends on trust, institutional clarity and constitutional balance.

The Russian war of aggression against Ukraine has reminded Europe that geopolitical rivalry has returned in full force. Hybrid influence thrives where constitutional disputes remain unresolved. Majoritarian reinterpretations and separatist narratives alike weaken equilibrium, and equilibrium is the core of Bosnia and Herzegovina's stability.

The case of Bosnia and Herzegovina demonstrates the urgent need for the EU to reinforce its preventive diplomacy and to operationalise the lessons learned from its previous engagements. As the European Parliament's rapporteur for the 2024 report on preventive diplomacy and tackling frozen conflicts (European Parliament 2024), I called for a comprehensive assessment of the EU's prior actions, missed opportunities and achievements in the peaceful resolution of conflicts across regions including the Western Balkans, the South Caucasus, the Sahel and the Horn of Africa, Cyprus, Northern Ireland, Afghanistan, the Middle East, Moldova and Ukraine. Such a structured reflection must go beyond retrospective evaluation and translate into concrete institutional and political solutions.

Applied to Bosnia and Herzegovina, this approach entails identifying a credible pathway for moving the country from a predominantly 'Dayton phase', centred on post-conflict stabilisation, towards a 'Brussels phase', anchored in European integration, functional governance and legitimate political representation. A systematic lessons-learned process should therefore serve not merely as an academic exercise, but as a policy instrument capable of addressing the long-standing constitutional and political deadlock. By embedding preventive diplomacy within its enlargement and foreign policy toolbox, the EU could strengthen its credibility, uphold the core principles of peace and equality, and contribute to sustainable stability in Bosnia and Herzegovina and the wider region.

Without legitimate representation, trust declines. Without constitutional balance, polarisation deepens. Without institutional coherence, geopolitical actors gain leverage.

Without internal security, Bosnia and Herzegovina has no European future, and without a stable Bosnia and Herzegovina, Europe itself cannot be secure. Preserving a constitutional equilibrium in Bosnia and Herzegovina is therefore not merely a domestic reform issue, but a European strategic necessity.

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