Human Rights in the Remnants of a Conflict: Has the Legacy of Dayton Impaired Minority Inclusion in Bosnia-Herzegovina?

Adriana Michilli

University of Padua, Italy

iD https://orcid.org/0000-0002-5191-2136

Abstract:

More than two decades following the end of civil conflict made possible via Dayton Peace Accords (DPA) instated in 1995, Bosnia-Herzegovina still utilizes this international legal instrument as the sovereign's official constitution. This paper addresses the impact that the international community's failure to implement the appropriate locally considerate solutions needed to sustain peacebuilding has left behind. To this end, the paper highlights the quotidian ways in which the socio-cultural landscape of the Bosnian Federation and Republika Srpska remain stratified along ethno-religious divisions. Directing its' attention on the practical aspects where minorities face discrimination and remain excluded from social spheres the paper calls for a necessary advancement on the human rights protection of safeguarding minority members in both of the country's de-facto territories. In closing, it argues that society's schism from the residual consequences of the DPA can be achieved through the practices of change-drivers taking advantage of their training and capacity-building skills in the forms of: inter-ethnic dialogue, inter-cultural reconciliation and inter-religious peace. Constructing competences which demonstrate respect for human rights, encourage co-existence and the equal integration of minority members in society also bear the potential to strengthen the currently fragile relations with the out-group community, reducing a society's propensity for conflict regression.

Keywords: inter-religious dialogue, inter-cultural communication, political exclusion, minority rights, post-conflict society legislation

Introduction

Although the Dayton Peace Accords (DPA), signed on November 1st, 1995 in Dayton, Ohio maintained and officiated the ceasefire to the Bosnian conflict, the country's ability to

recover after the war and develop into an advanced democracy has proven challenging (Emkic 2018; Russo 2000; Tolomelli 2015; Lovic 2017). In recent years, episodes of inter-ethnic discrimination and inter-cultural hostilities continue to surface within institutional sectors, such as education and expression of religion and belief (Emkic 2018; Russo, 2000; Tolomelli 2015). As corroborated by sociologists, such as Russo (2000) and Tolomelli (2015), a majority of post-war authorship on this issue posits that the fractured legislative framework of the DPA's design is fundamentally culpable for such shortcomings hampering the State's ability to achieve a positive peace process. Allocation of power to constituent group's enacted via Dayton within the two territorial entities of Republika Sprska (RS) and The Federation of Bosnia-Herzegovina (FBiH) has created a tense atmosphere, where friction between the ethno-religious groups prevails in the socio-political arena. Today, Bosnian-Muslims, Serb-Orthodox, and Croatian-Catholics compete for securing their handle of power in the post-conflict environment. In most cases, it is the majority ethno-religious group who enjoys the enactment of the policies, programs and social practices institutionalized to their benefit (Russo 2000; Tortsi 2009).

The purpose of this paper is to demonstrate with specific social examples how the DPA has systemically excluded minority groups from engaging in inter-cultural communication and participating in inter-group dialogue. In order to best explicate the marginalization of ethno-religious groups occurring within Bosnia-Herzegovina the paper is organized in the following manner. First, theoretical insights from Foucault's work on Social Exclusion theory are provided to understand *what* is happening within Bosnian society; this theory is complemented by Galtung's theory of Negative v. Positive Peace in order to address *why* such discriminatory practices remain prevalent in Bosnia-Herzegovina. In the second part of the paper, the specific social realms, where minority isolation is experienced as a result of the DPA's enactment, are identified and defined with supporting evidence from educational curriculum and the expression of religion or belief. In the final part of the paper, the *Council of Europe 2016-2017 Guidelines on Education for Democracy* are recommended in order to appropriately redress the field of education and inter-religious dialogue based upon principles of social inclusion, equality and fairness. This piece contributes to wider human rights discourses on the criticality of securing minority member's equal participatory governance and expression within transitional post-conflict societies making strides to transform such countries into advanced democracies.

Theoretical Framework

Social Exclusion Theory

In Bosnia-Herzegovina we can perceive that the exclusion ethno-religious minorities from socio-political ambiences are the result of the country's conflict, which placed a group of majority members in seats of reserved, limited and concentrated power. As articulated by Foucault (Peters & Besley 2014), dominant social paradigms are the byproduct of a series of inter-related socio-cultural, economic and historical forces which generate a group of persons who occupy the upper-echelons of the social system and are therefore able to monopolize their control over the administration of governance. Persons, who fall on the fringes of these 'precious' networks, are excluded from enjoying participation within such confines and typically suffer reduced socio-economic capacities and opportunities for self-betterment as a result of their label and stigmatization (Peters & Besley 2014). In his work, Foucault also cautioned that such process are cyclically pervasive as he advised that the beliefs and values instituted by the in-group will be constantly reinforced by society's adherence to such norms; therefore organically continuing the longevity of the existence of such behaviors (Peters & Besley 2014). Reserving power and retaining controlled preferential systems of order remain possible solely because other members populating the 'lower ranking' social tiers are prevented from joining the ranks of political elites and are, therefore, incapable of dictating any political influence over alternative policies that could effectively democratize social actions (Peters & Besley 2014). Foucault's argument that hyper-concentrated power structures perpetuate social exclusion is further supported by the following quotation: "In every society the production of discourse is at once controlled, selected, organized and redistributed by a number of certain procedures whose role is to ward off its powers and dangers and gain mastery of it" (Peters & Besley 2014: 103). The inclusivity of democratic beliefs and egalitarian standards for citizenry as a whole therefore represent a threat to the bearers of absolutist power.

Over the years, social exclusion theory has evolved. Since the early 2000s, there has been a peak in scholarship in parallel to a rise in organizational research on this front (Peters & Besley 2014). For example, ideas on the integration of minority group members have gained precedence on the European Union (EU) agendas. We can observe this gradual shift away from conglomerate power and movement towards the implementation and monitoring of societies that position equality, inclusion and participation citizenship at the cornerstone of their national legislation and domestic practices. The safeguarding of Foucault's theory is manifested in the

relevant scientific literature which focuses on the positive social impact of respecting human dignity, national unity and solidarity. Results indicate that when a State invests interest on the advance of a social justice system that is committed to protecting vulnerable groups' marginalization from socio-cultural realms and economic spheres deviance and criminality tend to become reduced within the focus society, catalyzing overall social betterment for citizenry at a community and national level (Peters & Besley 2014). While the theory of social exclusion may have metamorphosed as its relevance to modern society has been maintained; it's guiding principles continue to demonstrate the efficacy of its approach as we perceive that most advanced and fully-functioning democracies represent those, where a citizen's equal rights to attaining and enjoying the highest quality of life are respected and fulfilled through the commitments of the democratic state in which they live.

Negative v. Positive Peace

Galtung's creation of Negative v. Positive Peace Theory can also help us to understand the structural causes regarding the conditions of Bosnia-Herzegovina's post-conflict social status (Galtung 1969). As articulated by Galtung although there is an absence of direct violence, anytime there is a conflict or difference of opinion, when you have negative peace it is settled via a regression to violence. Because of this, many post-conflict societies are wrongly labeled into categories of 'peacebuilding', yet were never able to shatter through overcoming the negative peace plagued by forms of discrimination and inequality. In cognition of this atmosphere, Galtung's insights prove valuable for deliberations on the programs need in post-war societies; he cautions that negative peace processes will endure and be perpetuated by generations of post-conflict reform is not instituted appropriately according to the unique needs of the target society. This is largely connected to the implementation of the DPA which left Bosnia-Herzegovina in a up-hill battle in their attempt to transform out of negative and into positive peace (Galtung 1969; Pasalic-Kreso 2002; Russo 2000). Whereby positive peace processes are characterized by integration, optimism and the settling of opposed views in a civic manner; negative peace is marked by fear, inequality, and injustice (Galtung 1969). A pivotal description of negative peace forces a society to undergo a process of civic and social reflection and profoundly understand which indicators of positive peace are the missing components within the focus country or area (Galtung 1969). For example, as the father of peace studies Galtung discusses, a major feature of positive peace is seen societies where there is access to justice and access to equal economic

opportunity; this examination and post-conflict evaluation is especially critical to purging social orders of the corrosive indicators that can hamper a community's ascension into the enjoyment of positive peace processes. Galtung defines peace as the 'integration of human society'; suggesting that positive peace is reflected by conditions where diverse persons, communities and families experience low levels of violence and are able to bask in mutually harmonious relationships. As further conceptualized by Adams, empathy and pluralism are two pillars of social peace.

Just as Foucault's Social Exclusion theory was popularized by EU directives in the early 2000s, the United Nations (UN) endorsement of positive peace became integrated at an institutional level around 2005 (MacGinty 2010) . At this point, the UN expanded its peacebuilding approach and began to complement its traditional peacekeeping operations by working together with the host country to adopt a series of measures to achieve a well-functioning government, equal distribution of resources and acceptances of the rights of the other (MacGinty 2010). The field of conflict resolution is no stranger to criticism and often times scholarship on this issue has emphasized that there are a series of profoundly longitudinal factors and socio-cultural conditions related to a conflict, which supersede the immediate ceasefire period that ought to be dealt with monitored through effective programs in the critical years following the war (MacGinty 2010; Pasalic-Kreso 2002). This approach is precisely explicative of the method in which peacebuilding tends to be championed by international human rights agencies at a superficial level, however, the layers of the deep-rooted underlying injustices are not properly investigated and resolved. In the following section of the paper we will see how the peacebuilding framework of Dayton is emblematic of the international community's 'quick fix' to installing immediate human rights oriented legislation and policy without considering the layers of deep inter-ethnic and inter-cultural conflict that lie below the surface of such arrangements.

The Post-Conflict Education System in Bosnia Herzegovina: Cites of Minority Exclusion 'The Dayton Effect'

In practice, the DPA separated Bosnia-Herzegovina into two entities, one being the Federation of Bosnia-Herzegovina composed of a majority Bosnian Muslim populace and the other being Republika Sprska with a majority of demographics belonging to Serbs (Paslic-Kreso 2002). In the Federation, governance is divided into ten cantons while in RS there are 7 regions

(Pasalic-Kreso 2002). As written Dayton (1995), 'Cantons are solely responsible for developing policies, including declarations for education and implementing cultural policies'. In the Federation, trends indicate that, when educational policies are implemented, the question of its public education should instruct via segregated or generic national curricula arises annually (Paslic-Kreso 2002; Russo 2000; Lovic 2017). This is reflective of the exacerbated level of political exploitation of the education system; which, research demonstrates, is completely devoid of democratic principles; this position is further emphasized by in the following quote: "There is much manipulation of education for political and ideological purposes in Bosnia-Herzegovina today (…) education is often misused (by) providing students with different interpretations of the same facts (…) for example, curricula and textbooks may present the start of the war (diversely) as aggression, occupation or a fight for liberation and national emancipation" (Paslic-Kreso 2002: 7). This phenomenon occurs because 'truths' are missing and the society as a whole has not overcome the traumas of the war; the incentives of entering into dialogue for the youth generation in order to share wartime experiences, reconcile and bring out a unified national identity become especially salient when we analyze the field of post-conflict education in Bosnian society.

Curricula

Segregation of schools being stratified along the lines of ethnicity, language and religion are commonplace. At the beginning of each academic year, there are intensive debates regarded integrated schools and common core curricula (Paslic-Kreso 2002). The teaching of history also remains a point of discussion. As noted by Emkic (2018), problems in this realm surfaced, when displaced returnees came back to their hometown which was occupied by other ethno-religious groups; making them out-numbered and the 'new minority'. Education was not the sphere where discrimination was experienced, however, many families homes were damaged and destroyed and in the years following the war property restitution has not been effectuated nor has equal economic employment in the area of capital and unskilled labor been experienced by the focus on minority populations (Emkic 2018). In terms of educational curricula, there is a true rejection of a multi-ethnic social fabric, whereby minority pupils are granted access to educational instruction and lessons that service the affiliations of the majority students. There are no alternatives to opposing majority curricula, the only option is to not receive an education given these structural conditions many minorities are forced to conform to majority learning

instructions and lessons which typically include versions of history bearing offense to their ethnic, cultural and/or religious identity. Nationalist leaders have a heightened degree of discretional leverage in their power to evade the inclusivity of multi-ethnic curricula; this is readily seen in the educational programs of cities who experienced extreme devastation resulting from the conflict, such as: Sarajevo, Tuzla, and Zenica (Emkic 2018; Paslic-Kreso 2002). The Dayton Peace Agreement neglected to mention education as a special topic but education was regarded in this international legal charter as a basic human right, which left the implementation of educational reform for the local municipalities to manage. Overall, this omission of education as a 'special item' represents a piecemeal approach to institutional redress within an especially critical social sector in the country's aftermath of war.

Today, in zones where the majority population is Croat, Croat head ministers have been to go to such extremes to locking the entrances of children and teachers belonging to Bosnian Muslim minorities. There are also episodes where instructors have refused to attend shared buildings with Bosnian Muslims (Emkic 2018; Paslic-Kreso 2002). Political leaders become empowered by such occurrences and use such discriminatory practices to harness the indoctrination of Bosnia and Herzegovina mixed youth population. On a practical level, this means that nationalist ideologies dominate the field of education and resolution of problems are biased which strengthen the discourse of ethnic separatism and evade the development and inclusive, tolerant and heterogenic approach to a national new identity which is learned within domestic schools.

Language

Linguistic differences have also become problematic following the war; as the areas closer to the borderlands such as Serbia and Croatia you see the power of such nationalist rhetoric stems from Belgrade or Zagreb rather than Sarajevo (Emkic 2018; Paslic-Kreso 2002). Today, there are cases where populations are only offered classes in majority language courses; it is important to note that Serbian follows the Cyrillic alphabet. During the war, Croatian students were taught in Serbian and only afforded the opportunity to have pocket dictionaries in order to aid in the translation of the language of educational instruction to their native langue (Emkic 2018; Paslic-Kreso 2002). This phenomenon explicitly violates the basic human right of a child to receive an education in their maternal language (De Luca 2018). As mentioned above there is still widespread intention to 'cleanse the motherland' by instituting education via the

Cyrillic script (Torsti 2009). These practices are emblematic of a post-conflict culture's refusal to come to terms with a pluralized post-conflict narrative and post-war national identity increasingly representative of negative as opposed to positive peace which would be manifested by themes of unity, nationhood and uniformity of a people across a territorial state.

The teaching of history

Textbooks also served as 'quick-fixes' when international pressures in the post-conflict atmosphere mainly from the Organization for Security Co-operation Europe required that material, which could be regarded by pupils belonging to minority groups as offensive, is to be removed from textbooks. Often times the text was simply blackened and replaced with wording that said 'the following material contains passage of which the truth has not been established or that may be offensive or misleading and is currently under review' (Paslic-Kreso 2002). Because this practice was essentially imported, and pragmatically top-down the power of the pen was in the hands of the educators; in some cases, the text was removed our blackened but the material was placed in even more obvious classroom location such as the bulletin-board; such behavior manifests a strong volition for contesting a common-core curricula. Sociological authorship on this issue has mentioned that if the implementation of national curricula was guided with equal representation and participation of minorities it is plausible that a complete re-structuring process could have taken place and offered the entrance of democratic citizenship education for Bosnian society.

Inter-religious dialogue and religious pluralism in the classroom setting

The institutionalization of the "Two Schools Under One Roof" post-war educational policy is a quintessential example of the difficulty of achieving religious freedom within the Bosnian school system. Tolomelli (2015) explains that the program of allowing Bosnian and Croat students to attend classes in the same building, but being physically separated and taught completely diverse curricula (with different educators) was seen as temporary solution to be tolerated by the international community. Despite international pressures to absolve its segregated school program, Bosnian Education Ministers have since halted progress on the development of inter-religious classes. In 2007, Education Minister Kuna rationalized this decision by stating that: "The two schools under one roof project will not be suspended because you can't mix apples and pears…apples with apples and pears with pears". (Tolomelli 2015:

102). The prejudicial attitude on the reluctance to institute learning about world religions is further exacerbated in the following quotation "Croatian students attend classes in the morning while Bosnians in the afternoon. The Bosnian textbooks state that 'unlike others', Muslims do not destroy sacred objects and the Croat students learn that Muslims are only an ethnic group and not a religion." (Tolomelli 2015: 101).

Trends of minority religious groups having little alternatives to learn about their faith and the faith of others in the company of their peers is not well corroborated in the literature or international reports by quantitative and statistical evidence, underlining that additional research is merited in this realm. As explicated in the current scientific literature courses such as: *'Society, Culture and Religion'* as well as *'Culture of Religion'* involving lectures on inter-religious dialogue, religious tolerance and religious freedom have been implemented in schools in Sarajevo and Tuzla districts, however, longitudinal data evaluating their level of societal impact remains unavailable (Tolomelli 2015). In the following section of the paper we will see how the usage of education and freedom of religion as channels for discrimination can be over-come in the post-conflict period by raising awareness on the benefits for introducing measures advocating for inter-cultural competences and inter-group communication and dialogue at the micro-level of society.

Recommendations of a Policy Model

Cultural separatist ideology emerges alongside assimilation trends, yet as opposed to the latter it stresses the importance of ethnic identity and the necessity of developing a feeling of belonging to a single ethnic cohort (Hing 1993). According to the concept, members of an in-group attain personal fulfillment by through their belonging to their own minority ethnicity; in Bosnia-Herzegovina it becomes apparent that the development of the curricula not only favors social-exclusion, while the country finds itself in a state of negative peace, yet the political insistence on the development of educational and religious expression policies demonstrate that students retain cultural uniqueness, fully explore their own ethnic history and remain generally un-informed of diverse viewpoints, and counter-narratives of wartime memories. As mentioned by Hing (1993), research indicates that youth who are unable to move outside of their 'inner-circles', functionally reinforce the cyclical hegemony involved in such practices and encourage the generational longevity of such polarized practices. In Bosnia-Herzegovina, pluralism in pedagogy is susceptible to backlash, misused and exploited for strategies of political and nationalistic gain. What you have are cultural cells whose objective is dominate separatist

policies and practices that overall hamper the opportunity for reconciliation and the restoration of civic relationships amongst a once peaceful society.

Council of Europe has recommended that the exclusion of minorities from political capacities, educational spaces, and religious expression can be overcome through the building of core competences (see Figure 1). For the purposes of Bosnia-Herzegovina the strategic policy model is divided into four parts: 1) Values, 2) Skills, 3) Attitudes, 4) Knowledge and Understanding. Given the current state of the art and international perception on the dire situation and lacking democratization in Bosnia-Herzegovina, it is seems critical that the adoption of competences adhere in the building of a positive peace process where minority social exclusion is annihilated from society work to build the following competences: 1) Valuing cultural diversity, human dignity and human rights (Values); 2) Empathy, Conflict Resolution Skills (Skills); 3) Openness to cultural otherness, Civic-mindedness (Attitudes); 4) Knowledge and critical understanding of the self, knowledge and critical understanding of world: cultures, religions and finally, history (Knowledge and critical understanding).

Though vehicles of media campaigns, schools and centers of faith and worship society can learn about the benefits of having a pluralistic and 'positive peace' society. These three inlets mentioned above are valuable because they represent realms whereby persons have already an esteem for and confidence in; therefore they are likely to give credence to the ideas shared by persons whom they already trust and respect.

Figure 1. Council of Europe Competences for Democratic Culture
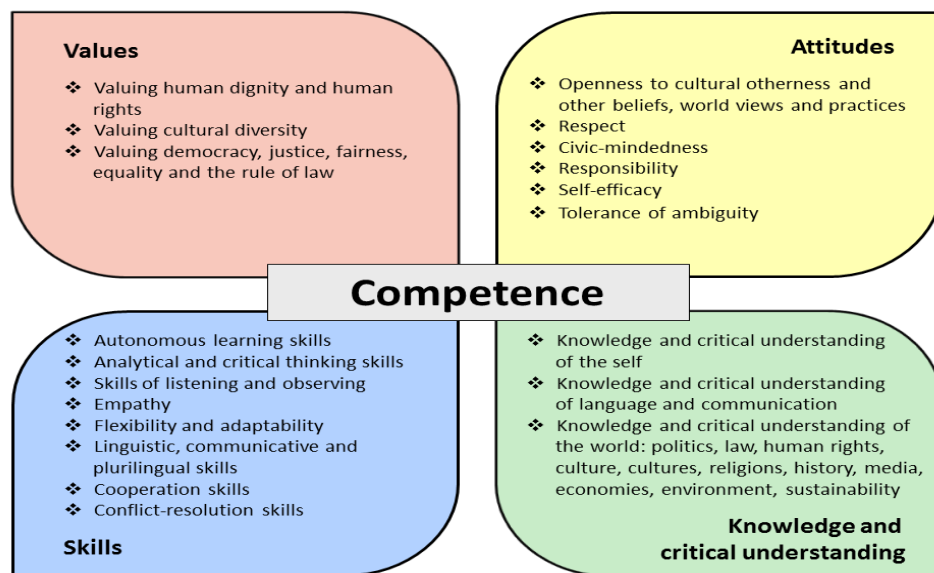
Source: Popović (2017).

Conclusion

The cleaved architecture and fragmented implementation of the DPA has crippled BiH's complete ascension out of a ceasefire and into a positive peace process. In weaving this tangled legislative web majority group members manipulate pieces of the choppy legislation to be exploited their constituents' religious/ethnic majority group benefit as policies are applied to their entities educational, religious/ cultural and economic market practices. This can, however, be overcome via the implementation of competency-building frameworks in policy-making procedures; through the aperture of inter-cultural communication and the encouragement of inter-faith dialogue the agency of minority group members can be advanced and safeguarded in order to achieve social equality via diverse channels, such as awareness raising via the media, at schools and faith centers.

The role of education and religious expression in Bosnia-Herzegovina today are fighting to ascertain their homogeneity in the face of changing society. If these two sectors embrace the vision of pluralistic and democratic society that values freedom of expression from persons of diverse cultural and religious background not only can social exclusion be overcome but the potential for achieving a positive and durable peace can rise. If the promotion of human dignity and social cohesions can triumph the country's current regression to ethno-political and nationalist agendas then competence building in the areas of: civic-mindedness, tolerance, and empathy can begin to gain precedence with the currently turbulent social system.

In practice, having a set of competences proves to be an insufficient shield in defense of mentalities. which constantly attempt to counter pluralism in the education field, religious sphere and beyond. Norm seeding practices gain momentum. when persons begin to understand the person incentives and social benefits of exposing war-time truths, engaging in reconciliation, and moving forward as a new, diverse, and cohesive society. Some first steps. which can spur these types of changes that take time, are: engaging in-cultural dialogue in the classroom, enjoying democratic participation in the political arena, and the ability to manifest your religion free from the fear of stigma with your peers. These preliminary actions may seem small in size and scope, yet they are the building blocks to the construction of an innovative social order which is grounded by a set of fundamental principles and guiding belief systems that reinforce the existence of a fair, just and equal democracy.

References:

De Luca, C. (2017). Mother tongue as a universal human right. *International Journal of Speech Language Pathology*, *20*(10), 161–65.

Emkic, E. (2018). *Reconciliation and education in Bosnia and Herzegovina*. Cham, Switzerland: Springer.

Galtung, J. (1969). Violence, peace and peace research. *Journal of Peace Research*, *6*(3), 167–91.

Hing, B. (1993). Beyond the rhertoric of assimilation and cultural pluralism: Addressing the tension of separatism and conflict in an immigration-driven multiracial society. *California Law Review*, *81*(4), 863–925.

Lovic, I. (2017). How the catholic schools in Bosnia and Herzegovina are helping to building interfaith harmony and understanding after years of conflict. *International Studies in Catholic Education*, *9*(2) 192–205.

MacGinty, R. (2010). Hybrid peace: The interaction between top-down and bottom-up peace. *Security Dialogue*, *41*(4), 391–412.

Pasalic-Kreso, A. (2002). Education in Bosnia and Herzegovina: Minority inclusion and majority rules the system of education in BiH as a paradigm of political violence on education. *Current Issues in Comparative Education*, *2*(1), 6–13.

Peters, M. A., & Besley, T. A. (2014). Social Exclusion/Inclusion: Foucault's Analysis of Exclusion, the Political Ecology of Social Inclusion and Legitimation of Inclusive Education. *Open Review of Educational Research*, *1*(1), 99-115.

Popović, M. (2017). *Reference Framework of Competences for Democratic Culture*. Moscow: Council of Europe. Retrieved from http://new.groteck.ru/images/ catalog/52221/9703c25b354394f9f41a493a0aa74308.pdf (20/9/2018).

Russo, C. (2000). Religion and education in Bosnia: Integration not segregation?. *Brigham Young University Law Journal*, *3*(12), 945-966.

The Dayton Peace Accords-Official Constitution of Bosnia and Herzegovina. (1995). Retrieved from http://extwprlegs1.fao.org/docs/pdf/bih136068e.pdf (20/9/2018)

Tolomelli, A. (2015). Two schools under one roof: The role of education in the reconciliation processes in Bosnia and Herzegovina. *Journal of Theories and Research in Education*, *10*(1) 89–107.

Torsti, P. (2009). Segregated education and texts: A challenge to peace in Bosnia and Herzegovina. *International Journal on World Peace*, *26*(2), 65–82.