

Bosnia and Its Fate Determined by the Asystematic Politics

Valentin Inzko's decision - in his last days as the High Representative of Bosnia-Herzegovina for the past 12 years - to enact the regulation that criminalizes the denial of the Srebrenica genocide in Bosnia-Herzegovina and the glorification of war criminals, including Ratko Mladic, has caused separatist voices to echo again in the country.

Serbian member of Bosnia-Herzegovina's Presidential Council Milorad Dodik, in particular, stated that the country's disintegration is under preparation. He also said that his people would boycott key organs in the Bosnian federation, presidency, parliament, and federal government until the decision of the High Representative's office is revoked. These decisions completely paralyzed the already dysfunctional Bosnia-Herzegovina's political system.

Milorad Dodik interrupted the boycott of state institutions to meet with President Erdogan of Turkey, came to Bosnia and Herzegovina. Defending that the meeting with Erdogan is quite important to be missed, Dodik said, "I did not want to give the Croatian and Bosniak members of the Bosnian presidency, Zeljko Komsic, and Šefik Džaferović an opportunity to present only their views to the great leader of a great country." Despite interrupting the boycott, Dodik did not hesitate to say that they are seeking to divide Bosnia and Herzegovina "peacefully".

The crisis was further exacerbated by the fact that at the UN Security Council (UNSC) on 22 July, China and Russia proposed to strip some powers of the High Representative's office that would lead to its shutdown in 2022. This proposal did not enter into force, as the remaining 13 members of the UNSC did not support it.[1] As a response, Russia and China played their card by declaring that the appointment of Germany's Christian Schmidt as High Representative is illegal since it had not been approved by UNSC member states.

Among the most important reasons for the existence of separatist discourses - as in the bloody war of the 90s - is the Dayton Peace Agreement, which was signed to end the war and designed Bosnia-Herzegovina's so-called-but-highly-flawed political system.

Political "Structure"

According to the Dayton Agreement, which writes the fate of Bosnia-Herzegovina, the country consists of two entities, the Federation of Bosnia-Herzegovina (FBiH) and Republika Srpska (Bosnian Republika Srpska) and also the Brčko region, which has a separate administration. The most important function of Brčko is to prevent the territorial integrity of the Bosnian Serbs by dividing Republika Srpska's territory into two.

The first of this tripartite structure, FBiH consists of 10 cantons where Bosniaks and Croats live and is governed on the basis of decentralization. The borders of these cantons - each of which has different political and economic structures - are drawn according to their ethnic structures. Within this framework, Bosnians constitute the majority in five cantons and Croats in three cantons. In the rest two cantons, none of the ethnic groups is a majority.

The second entity that makes up the country is Republika Srpska. Republika Srpska should not be confused with the Republic of Serbia. While Serbia is an independent country in the Balkan region, Republika Srpska is a structure located within the borders of Bosnia-Herzegovina.

The highest political authority in Bosnia-Herzegovina is the Presidential Council. The Council consists of three people representing Serbs, Bosniaks, and Croats, and each member governs the country alternately for eight months. While the Croatian and Bosniak council members are elected from FBiH, the Serbian council member is elected from Republika Srpska. While a Bosniak or Croat living in Republika Srpska

can only vote for the Serbian representative, a Serb living in FBiH can vote only for the Bosniak or Croat representative.

The Presidential Council must take its decisions unanimously; that is, any decision taken requires the approval of the Serbian, Bosnian and Croatian presidents. In cases where there is no unanimity, there is an obligation to abstain. For example, Bosnia-Herzegovina had to abstain from voting for the draft resolution criticizing US President Donald Trump's Jerusalem decision at the UN General Assembly. Similarly, Bosnia-Herzegovina could not recognize the independence of Kosovo as it was vetoed by the Serbian member of the Presidential Council. While all three groups supported the membership to the EU, which is important for the future of the country, NATO membership remained suspended because it was not supported by the Serbs.

One of the biggest oddities of the complex system created by the Dayton Agreement - and the person who is at the center of the discussions today - is the "High Representative" position. The High Representative is a foreign diplomat with broad powers appointed by the UNSC; it has the right to dismiss all other government officials in the country, including members of the Presidential Council, and to amend the law. For example, in 2001, Croatian Presidential Council member Ante Jelavic was dismissed by the then high representative.^[2]

Another anomaly in the system is the Council of Ministers, which is the country's executive organ. The Chairman of the Council of Ministers, who is the Prime Minister, is nominated by the Presidential Council and approved by the House of Representatives. This name then designates the Council of Ministers, which consists of nine ministers equally divided among the ethnic communities. However, it takes a long time to reach such an arrangement. For example, a cabinet was only reached 14 months after the general elections in October 2018. The same process took 16 months in the 2010 elections.

Similar problems are also experienced in the parliamentary structure. Bosnia-Herzegovina Parliament consists of two wings, the House of Representatives and the House of Peoples. Of the 42 delegates in the House of Representatives, 28 are elected by FBiH, 14 by the people in Republika Srpska. A two-thirds majority is required for any decision passed by the House of Representatives. The People's Assembly, on the other hand, consists of 15 delegates in total, five Bosnians, five Croats and five Serbs. Bosnian and Croat delegates are appointed from FBiH People's Assembly, with only the votes of Bosniaks and Croats, and Serbian delegates are elected and appointed by the National Assembly of the Republika Srpska. The House of Peoples has the power to veto a resolution previously passed by the House of Representatives.

In Republika Srpska, the National Assembly assumes the task of parliament. There is also the People's Council to discuss and finalize the law and decisions taken by the National Assembly on matters concerning the national interests of any of the three founding peoples. In addition to the three presidents on the Presidential Council, both entities have their own presidents and separate cabinets of ministers made up of the three founding peoples.

In addition, the fact that all cantons within the borders of FBiH have their own president, parliament and government, makes the system even more complex. As a result, the Republic of Bosnia-Herzegovina has five presidents, 16 parliaments, 13 governments, over 130 ministers, and hundreds of deputies.

Structural Handicaps

The establishment of this complex system is like Pandora's box especially designed for the country. First, the fact that the constitution was arranged in a way that can be considered as a preliminary preparation for the disintegration of the country of two entities is a serious threat. For example, while Serbian member of the Presidential Council Milorad Dodik declares the independence of Republika Srpska from Bosnia-Herzegovina and clearly states that he wants to integrate with Serbia in the long run and takes steps in this direction, he does not face any sanctions. Another founding people, the Croats, also want their densely populated areas to be separated from Bosnia-Herzegovina; however, since they are aware that it is not possible to realize these wishes in the near future, they request a third entity's involvement as the first step towards this goal. Such demands are categorically rejected by the Bosnians and the

international community.

On the other hand, although Bosnia-Herzegovina looks like a single state on the surface, its administrative structure is based on two entities, causing the people to feel like citizens of different states. This reinforces the division of the country and complicates its integration. In a system where a Bosnian, Croat, and Serb - all have experienced ethnic conflicts with each other – acts as the president periodically, if the ethnic minorities are granted "minority rights" and only Bosnians hold the presidency, a more balanced order in the country would be more manageable. However, any agreement in this direction is still too far from possible.

The complex state structure and the crowded public personnel have caused a significant portion of state revenues and international aids to be used for financing the state system rather than areas that could develop the country. In addition, corruption stemming from the system is also rampant. This surely disturbs foreign investors and invokes a serious obstacle to the development of the country. In Bosnia-Herzegovina, where the economic situation is bad and unemployment rates are quite high, the youth, in particular, leave the country en masse.

This system also causes problems in the field of education. For example, the three founding peoples in the country (Bosniaks, Croats, and Serbs) use different educational curricula. Therefore, in the same school, students from different nationalities attend separate lessons in different classes. In the "Two Schools Under One Roof" system, courses such as history, literature, and language are taught by teachers from the students' own ethnic origins. Instead of reducing the ethnic tension in the country, this system has inherited hatred from later generations.

One of the biggest weaknesses of the system is that it is open to outside intervention. For example, Serbia has influence over Republika Srpska in Bosnia, and Croatia over the Croats in Bosnia-Herzegovina, so they can easily interfere in their internal affairs. The country is also very open to the intervention of international actors. For example, while Russia stands unconditionally behind the Serbs who demand independence, Western powers trying to maintain the current situation are against this demand. Turkey, which is on the side of the Bosnians, also advocates that the increasingly problematic Dayton Agreement should be updated, although it follows policies to protect Bosnia-Herzegovina's territorial integrity.

The fate of Bosnia is in the hands of its people. They can take common steps to rewrite the Dayton Agreement and their fates. Or they can let the present Dayton Agreement determine their fates.

[1] Michelle Nichols. "Russia, China fail at U.N. in bid to shut down Bosnia peace envoy". July 22, 2021. <https://www.reuters.com/world/europe/russia-china-fail-un-bid-shut-down-bosnia-peace-envoy-2021-07-22/>

[2] Mehmet Uğur Ekinci. Bosna-Hersek Siyasetini Anlama Kılavuzu. SETA Yayınları, 45. 2014. s. 61.