

Bosnia and Herzegovina on the Brink of Collapse

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Bosnia and Herzegovina¹ is once again in the news in Europe, the US and worldwide.² Not only have the horrible scenes of destruction, violence and refugees from Ukraine reminded many of similar images from 30 years ago, but Russia's intervention in Ukraine has highlighted tensions in other European countries as well. In Bosnia, these tensions have been developing over a period of time, leading to the current double crisis that is seriously threatening to not only paralyse the State and further limit its slow progress towards membership of the European Union (EU), but to undo the achievements of the peace agreement from 1995, which ended three and a half years of bloodshed with more than 100,000 victims.

As war is returning to Europe, we are all reminded that the effects of the last conflict, the break-up of Yugoslavia, are still very visible, and politically relevant for the EU, its Member States and for peace and security in the Mediterranean.

Bosnia's Complex Structure

Bosnia's conflict was fought over the future of the country – while the majority of Bosniaks, together

with Bosnian Croats supported Bosnia's independence from Yugoslavia, Bosnian Serbs rejected it and argued for a continuation of Bosnia's membership of Yugoslavia. When, after a referendum and a parliamentary vote, Bosnia became independent in April 1992, Bosnian Serb military and paramilitary troops used force in order to achieve their aims: conquering as much territory as possible, ethnically cleansing it and ensuring that it would remain in a union or as part of Serbia. The conflict ended following NATO's intervention and a peace agreement was signed in Dayton, Ohio at the end of 1995. As part of the peace deal, Bosnia remained a united country, though one with a heavily decentralized political system, which combined ethnically homogenous territories with a high degree of autonomous decision-making with strict power-sharing rules in all institutions of Bosnia's central State. The loose federation was meant to hold the country together and lay the foundations for cooperation and consensus amongst the elites, an aim as yet not achieved.³

Instead, the complex state structure resulted in numerous negative developments. First, Bosnia is known for its slow, ineffective and problematic decision-making process. Party leaders, rather than democratically elected parliamentary or government officials, are the main negotiators, and they rarely reach agreements without external pressure and intervention. Second, ethnically homogenous territories have allowed political parties to capture economic, social and political institutions in the

¹ Bosnia and Herzegovina is the official name of the country. I will also use Bosnia or BiH (the official short form) in this paper. This is always referring to the whole country and follows standard academic practice.

² See for example: VULLIAMY, Ed: "Ukraine matters, but so did Bosnia 30 years ago. Where was the outcry then?" in: *The Guardian*, 3 April 2022, available at: www.theguardian.com/commentisfree/2022/apr/03/ukraine-matters-so-did-bosnia-30-years-ago-where-was-outcry-then

³ For a wider discussion of the political system of Bosnia after the war, see: Soeren KEIL: *Multinational Federalism in Bosnia and Herzegovina*. Farnham: Ashgate 2013.

territory in which their group forms a majority. This specific form of state capture has further limited the willingness of leading elites to reach compromises and make the system more efficient and effective, because it would de facto mean that they would have to give up power, influence, economic benefits and societal control in their respective territories.⁴

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These ongoing challenges have resulted in a high degree of foreign intervention through the Office of the High Representative (OHR), which oversees the civilian implementation of the peace process. Different High Representatives have imposed important legislation, such as a military reform, changes to the entity constitutions and laws on currency, state symbols and citizenship. At the same time, the OHR has dismissed hundreds of officials, including leading political figures for obstructing the implementation of the peace agreement. While the OHR has become a “toothless tiger” after 2005, when it stopped intervening and remained mainly to monitor the situation, its actions for the first years after the peace agreement have set it on a confrontation course with most Bosnian elites, but particularly those from the Bosnian Serb entity called “Republika Srpska,” who have long described OHR actions as illegal, against the peace agreement and specifically anti-Serb. This decade-long conflict also lies at the heart of Bosnia's current political crisis.

Bosnia's Dual Crisis

In July 2021, shortly before departing from the Office of High Representative, Valentin Inzko imposed a law which criminalized the denial of genocide and war crimes that had been confirmed by a Court in Bosnia or an International Court. This law clearly targeted Bosnian Serb elites, who had, in recent years, not only denied the horrors of Bosnia's conflict in the 1990s but have also openly celebrated convicted war criminals such as Ratko Mladic, the former leader of the Bosnian Serb military. Whilst most agreed with the intention of the law, it came at a time of heightened tensions in Bosnia – Milorad Dodik, leader of the largest political party in Republika Srpska and member of Bosnia's tripartite State Presidency, had for several years demanded the closure of the OHR and threatened to undo many of its decisions. He actively revoked OHR-imposed rulings related to media freedom, the rule of law and judicial independence and threatened to unpack further laws in the area of security – thereby openly provoking the threat of a new conflict by warning that Bosnia's integrated multi-ethnic military could be disintegrated, and that Republika Srpska would work towards establishing its own security services, including military forces.

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As a result of the OHR's decision on the denial of genocide, Dodik and his allies in the Republika

⁴ KAPIDŽIĆ, Damir. “Subnational Competitive Authoritarianism and Power-Sharing in Bosnia and Herzegovina.” *Southeast European And Black Sea Studies*, n.20, 81-102, Spring 2020.

Srpska boycotted all state institutions, de facto rendering them dysfunctional as agreement from all major groups is required in order to pass any decision. Moreover, Dodik found allies amongst Bosnian Croat elites, who supported his agenda of sabotaging the current system, because they have been at loggerheads with their Bosniak counterparts over a new electoral law in the run-up to the regional and national elections in October 2022. Bosnian Croat elites have been complaining for a long time that they are the junior partner in the second entity, the Bosniak-Croat Federation of Bosnia and Herzegovina (FBiH). Whilst the Federation consists of 10 cantons, three with a Croat majority, Bosniaks are the overwhelming majority of the population and Croat elites have argued that they are discriminated against, because there are no specific rules for a Croat electoral district in national elections. As a result, Zeljko Komsic, a moderate politician from a centre-left non-nationalist party, has won the Croat seat in the tripartite State Presidency in 2006, 2010 and 2018. It is generally assumed that he is mainly supported by Bosniak, rather than Croat voters, alienating and frustrating the leaders of the main Croat ethnic political parties over the last 15 years. These leaders published proposals for electoral reform in early 2022 with the aim to push both Bosniak leaders and international representatives to prevent another term in office for Komsic, and ensure that only Bosnian Croats could vote for the Croat member of the Bosnian Presidency. This proposal, however, has been met with criticism from Bosniak leaders, who see it as a further stepping stone towards the total ethnic separation of the political system in Bosnia, while some members of the international community have welcomed the suggestion as a first attempt to find a constructive solution.⁵ Until today, however, no solution has been found, consequently, Croat elites have joined their Serb counterparts

in limiting their engagement in central institutions and threatening to boycott the October 2022 elections or blocking any budget needed in order to conduct the elections.⁶

Conclusion: Bosnia and Herzegovina on the Brink of Collapse

There is a real worry that the elections in October 2022 in Bosnia might not take place, or might be boycotted by several leading parties. Dodik and some of his allies in the Republika Srpska have already argued that failure to conduct the elections would de facto mean that Bosnian institutions would have lost legitimacy and stopped functioning, which he would use as an excuse to declare the independence of the Republika Srpska. He enjoys continued support from Russia, with Russia's Foreign Minister visiting him in late 2021 to demonstrate his country's support for Dodik and his leadership. Likewise, the Bosnian Croat leadership enjoys substantial support from the President and the government of Croatia, with Croatia's President even implying that the country could veto any future NATO enlargement towards Finland and Sweden if an electoral reform for Bosnia is not agreed upon.⁷

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The new High Representative, Christian Schmidt (Valentin Inzko's successor) was appointed, despite

⁵ Both the EU Representative in Bosnia Johann Sattler and the new US Special Envoy Matthew Palmer have called for dialogue amongst Bosnian leaders to find a solution and have commented on the Croat proposal as a good basis for discussions.

⁶ On the dual crisis in Bosnia see: INTERNATIONAL CRISIS GROUP: "Grappling with Bosnia's Dual Crises." *Q and A Europe and Central Asia*, 9, November 2021, available at: www.crisisgroup.org/europe-central-asia/balkans/bosnia-and-herzegovina/grappling-bosnias-dual-crises.

⁷ DTT-NET News: "Croatia's President very serious with weird veto threat to Finland's NATO entry over rights of Croats in Bosnia." *DTT-NET News online* 3 May 2022, available at: www.dtt-net.com/en/news/4607/15/Croatia-s-President-very-serious-with-weird-veto-threat-to-Finland-s-NATO-entry-over-rights-of-Croats-in-Bosnia/#::~:~:text=Croatia%E2%80%99s%20President%20very%20serious%20with%20weird%20veto%20threat,NATO%20entry%20over%20rights%20of%20Croats%20in%20Bosnia.

resistance from Russia (and China), which have proposed the closure of the OHR. Hence, he does not enjoy the same legitimacy as his predecessors and it remains to be seen if he can revive an office whose existence many observers have questioned, following its failure to deal with the ongoing political tensions in the country after 2006. Nominally, Schmidt still holds the power to dismiss Bosnian officials and impose new laws, but practically all new initiatives from his office would face substantial resistance from the Republika Srpska and from Bosnian Croat elites as well. He would further risk paralysing already fragile institutions and deepening the existing crises. While the US has appointed a new envoy to deal specifically with electoral reform, the Biden Administration does not see Bosnia as a priority and does not want to interfere in what they consider to be a European problem.

This leaves Bosnia in a particularly vulnerable position. The country remains ethnically divided, with its political elites continuously unwilling and unable to find compromises and move the country closer to EU membership. What is more, the ongoing political crises and threats from Serb and Croat elites threaten the fragile institutional arrangements and could even undo the biggest success of post-war Bosnia – the preservation of peace. It remains to be seen if international actors, most importantly the EU and its Member States, are willing to engage more directly and more forcefully with Bosnia, and confront those elites that are responsible for the current crises.

Whilst Dodik has been sanctioned by the US and the UK, some European leaders have prevented similar actions by the EU. Ukraine teaches us that war in Europe is not impossible in the 21st century. Bosnians knew that already, as their last conflict took place a mere 30 years ago. The peace agreement did not start a transition process to functional democracy, but it did ensure that violence did not break out again and the country remained peaceful. This major achievement is seriously at risk, if the elections in October 2022 are not conducted in an orderly fashion, and if, ultimately, the system is not reformed in such a way that the different groups can live together peacefully, are represented and work together in institutions that are based on the consent of all major actors. How to achieve this, and what role outsiders (especially the EU) should play in the process, is a key question – one which might have a strong influence on whether Bosnia will remain united and at peace, or if it will fall apart, giving way to another outbreak of violence.

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