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VISIONS OF ETHNOPOLIS:
A STUDY OF ETHOPOLITICAL STREAMS OF BOSNIA AND HERZEGOVINA

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LIST OF ABBREVIATIONS

BiH	- Bosnia and Herzegovina
BiH CoM	- The Council of Ministers of Bosnia and Herzegovina – the State level executive branch
BiH HoP	- The House of Peoples of Bosnia and Herzegovina – one of the two chambers of the BiH Parliamentary Assembly
BiH HoR	- The House of Representatives of Bosnia and Herzegovina - one of the two chambers of the BiH Parliamentary Assembly
CERD	- The United Nations Committee on the Elimination of Racial Discrimination
EU	- European Union
FBiH	- The Federation of Bosnia and Herzegovina – one of the two entities that compose Bosnia and Herzegovina
HDZ1990	- Hrvatska Demokratska Zajednica 1990 - Croat Democratic Union 1990
HDZBiH	- Hrvatska Demokratska Zajednica Bosne i Hercegovine – Croat Democratic Union of Bosnia and Herzegovina
OHR	- The Office of the High Representative
OSCE	- The Organization for Security and Cooperation in Europe
SBiH	- Stranka za Bosnu i Hercegovinu – Party for Bosnia and Herzegovina
SDA	- Stranka Demokratske Akcije – Party of Democratic Action
SDPBiH	- Socijaldemokratska Partija Bosne i Hercegovine – Social Democratic Party of Bosnia and Herzegovina
SDS	- Srpska Demokratska Stranka – Serb Democratic Party
SNSD	- Savez Nezavisnih Socijal Demokrata - Alliance of Independent Social Democrats
PIC	- Peace Implementation Council – Steering Board consisting of Canada, France, Germany, Italy, Japan, Russia, United Kingdom, United States, the Presidency of the European Union, the European Commission, and the Organisation of the Islamic Conference.
RS	- Republika Srpska – one of the two entities that compose Bosnia and Herzegovina
UN	- United Nations
Venice Commission	- The European Commission for Democracy through Law

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After centuries of rule by regional superpowers, Bosnia and Herzegovina gained independence on the 1st March 1992. The declaration of independence was followed by an armed conflict that left hundreds of thousands dead and millions displaced. On the 21st November 1995 the parties at war signed a peace agreement in Dayton, Ohio, United States. The agreement ended the war, but it was not without flaws. The Constitution of Bosnia and Herzegovina that was incorporated in it was ensuring protection of group rights instead of individual freedoms and human rights.

Professor Živanović (2005) explained the current situation in Bosnia and Herzegovina as following: “Here, we do not live as human beings but as Serbs, Croats and Bosniacs.” In 2007, professor Asim Mujkić described BiH as “democracy of ethnic oligarchies” and supplied nine key-elements to explain it.

This thesis identified the BiH ethnopolitical streams, their actors and their visions of future BiH. The result is a comprehensive analysis of BiH ethnopolitical elites, their visions on the election of the BiH Presidency and the spatial allocation. All of the major political parties are still formed around the three constituent peoples of BiH: Bosniacs, Croats and Serbs. These parties are almost exclusive stakeholders throughout all levels of BiH executive and legislative powers. Moreover, the wartime goals of every stream are still being pursued.

Bosnia and Herzegovina (hereinafter BiH) is a young country with a turbulent history. Since the beginning of the fifteenth century the country was invaded and ruled by the Ottoman empire. In the nineteenth century the Habsburg monarchy ruled over it, leading to the annexation in 1908. On 28 June 1914 the Archduke of Austria, Franz Ferdinand was assassinated in Sarajevo, an event that is generally recognized as the beginning of the World War I, the war that brought the final end to the great empires of Europe: the Ottoman Empire, the Habsburg Monarchy, the Russian and the German Empire. On the ashes of those empires the Kingdom of Serbs, Croats and Slovenes arose¹.

World War II brought an end to this Monarchy and established a Nazi puppet state, the Independent State of Croatia. After the defeat of the Axis powers, Germany, Italy and Japan, the Socialist Federative Republic of Yugoslavia was founded. The former rebel leader during the WWII, Josip Broz Tito, managed to balance in neutrality between the so-called Western (dominated by the United States) and Eastern powers (dominated by the Soviet Union).

However, the end of the Cold War was accompanied by declining economical conditions and subsequently a wave of democratization throughout former communist countries of Eastern Europe. The first multiparty elections in Yugoslavia led to its breakup, whereby Slovenia and Croatia seceded, followed by BiH and Macedonia. The secession was not accepted by all in Yugoslavia, and the aftermath of it was a civil war involving the entire country.

This brief overview of geopolitical developments of BiH is necessary to illustrate the complexity of BiH statehood. A country that has not been independent for centuries, became an internationally recognized, sovereign state, while it was not recognized as such by everybody within its own territory, resulting in an armed conflict.

¹ The name the Kingdom of Yugoslavia was adopted in 1929.

In November 1995, three warring parties² met in Dayton, Ohio, United States (hereinafter US), for peace talks under auspices of the US. The negotiations, described in detail by the leader of negotiations, Richard Holbrooke in his book *To end a war* (Holbrooke, 1996), led to one of the most extensive peace accords in the history: the General Framework Agreement for peace in BiH (hereinafter: Dayton Accords). This peace agreement also encompassed a constitution and even its 'creator' described it as "imperfect though it did end the war" (Holbrooke, 1996).

Because they were made on 'the battlefield' the Dayton Accords had a wartime character. Dr. Zoran Pajić (1998), professor of Public International Law of King's College in London, provided the following analysis of the Dayton Accords: "An elaborate nondiscrimination clause can be found in Paragraph 4, of Article II, in which all internationally recognized grounds for discrimination are listed. [However] the entire political structure of the country is based on a quite contrary principle: the principle of exclusive ethnic representation, of the three "constituent peoples" only, at the expense of individual rights."

This thesis will discuss the visions, which the dominant political streams adhere to. Since the breakup of Yugoslavia, the politics in BiH has been characterized along the lines of three largest ethnic groups in BiH: Bosniacs, Croats and Serbs (Ó Tauthail, 1996; Sliber & Little, 1997; Holbrooke, 1998; Bieber, 2002; Chandler, 2005; Van der Lijn, 2005;). Contemporary philosophical and legal scientists pointed out to the problems of institutionalizing ethnicity in BiH in legal (Pajić, 1998; Marko, 2004), moral (Vlaisavljević, 2003; Mujkić, 2007) and safety (Ó Tauthail & Dahlman, 2004) domains.

The main purpose of the research is identifying the main ethnopolitical actors in BiH. Consequently the vision of these ethnoparties and politicians on the future arrangement of BiH will be given through two concrete and illustrative examples of possible constitutional reforms. The main research question that will be discussed in this thesis is: Which streams of ethnopolitics can we distinguish? The necessity for the descriptive knowledge, this question seeks to answer, stems from the deadlock in the BiH constitutional reform process. This inability to reform the country in order to fulfil the tasks of a state is the very societal responsibility for this thesis. Furthermore, the dissatisfaction with BiH state arrangement led to a conflict during the early nineties of the last century. Improving i.e. changing the current system and moving from the *status quo* is therefore a necessary and a delicate matter.

The academic necessity for this type of knowledge was strengthened by the theory of professor Mujkić (2006), who sees the ethnopolitics in BiH within current system as the main

² Croats, represented by the President of Croatia, Franjo Tudjman; Serbs, represented by the President of Yugoslavia (Serbia and Montenegro at the time), Slobodan Milosevic and Bosniaks, represented by the President of

obstruction towards its progress as a liberal democracy. However, the literature on ethnopolitics in BiH, including Mujkić, has so far refrained itself from giving a comprehensive study on the BiH parties, their goals and strategies.

A question that directly emerges from the central research question is how the streams can be distinguished. The other subquestions that are related to the central one are the following. Who are the actors within these streams i.e. which political parties comprise each specific stream? What visions do the different streams have of the future of BiH? Subsequently, what are the implications of these visions and the corresponding goals?

The policies that will be discussed are those of the nationalist parties or at least parties that are exclusively, or predominantly, concerned with one constituent people only. Each chapter will discuss one of the three main ethnic groups. The previous findings in the literature about the politics, interests and the way they are constructed will be briefly summoned. Thereafter the main actors within the political elite will be discussed. These are in the first place the biggest and the most influential parties within the BiH House of Representatives of the respective ethnopolitical streams. Subsequently the vision these streams encompasses will be analyzed, looking specifically at how homogeneous their demands and interests are, considering the two aspects of Constitutional Reforms.

Character of Ethnopolitics

To define the ethnopolitical parties that are to be discussed in this thesis, I will use features as defined by Mujkić (2007). His article is important as it criticizes ethnopolitics in BiH by explaining their goals and analyzing their characteristics. He is not being moralistic, but rather principal, emphasizing importance of human rights and individual freedoms as basic values for a society. Mujkić used nine characteristics to describe the ethnopolitical narrative in BiH: *people, mosaic multiculturalism, parasitism of democratic institutions, biological existentialism, religious nationalism, para-institutions, economic autarchy, pseudoscience* and *psychopathology*. Three of these characteristics will be used as a blueprint for my thesis.

The characteristics that will be used here as a way of defining ethnopolitical parties and streams are:

- People – “a political set-up in which a person’s citizenship is predetermined by her or his kinship, by her or his belonging to this or that group of imagined common origin.”

- Biological Existentialism – “a vote for the representative of a person’s kinship group is a precondition both for the existence of the group and for that of the individual. In other words, you don’t vote for lower taxes, ecological laws, and the like; rather, *you vote for your own survival.*”
 “Ethno-politics views a person as interpreted and defined by someone else, ethnic and religious elites, while her or his actions and deeds are constituted through culturally *misinformed* narratives. In a typically collectivist manner – a sad tradition of this part of the world – a person is taught that without a collective identity (be it the *proletariat* or an *ethnic group*) he or she does not mean much.”
- Religious Nationalism – “Bosnian ethnic groups (‘constituent people’) are basically formed along religious lines, for these are the only ‘striking’ differences between communities. So someone’s pseudo-political obligation to vote for his or her kin is not only biological, but becomes his or her *religious* obligation.”

However, not all characteristics were precisely defined, and are therefore suitable as a criterion. For example, the term *economic autarchy* is unsuitable to be used as its definition, “They want to ensure that each small, ethnically-based portion of the market is controlled by corrupt entrepreneurs, the *nouveaux riches*. This group is made up of corrupt political leaders, war profiteers, smugglers, and other criminals, most of them members of, or close to, the inner circles of ethnic parties”, is more of a matter for a criminal court.

Furthermore, only those characteristics of BiH ethno-politics were chosen to be used, that are of more prominent importance for ethno-politics and easier to observe. The choice for *people*, *biological existentialism* and *religious nationalism* is somewhat trivial as it comes from practical considerations. Incorporating all of these characteristics would lead to an ambiguous analysis. A comprehensive study of BiH political parties using the abovementioned characteristics would be more suitable for a dissertation, as more time and space are needed for such a wide-ranging analysis.

In order to define the motivation and social construction of their vision, the information provided by the parties and their media appearances will be used. The party programmes and initiatives were available on parties’ websites. Their public actions were mostly uttered through the media, therefore in this thesis the author will refer to their media appearances (three daily newspapers and a weekly magazine). Finally, the information from various governing or legislative institutions will be used as the last source of empirical information.

The thesis is structured in five chapters, excluding the introductory chapter. The first chapter, *Ethnopolis*, forms the theoretical framework. The theories of conflict, state-building

versus partition dilemma and of course the ethnopolitics in BiH are discussed; the concepts that are specific for the subject of the thesis and the region are given. The next three chapters: *Bosniacs, Croats and Serbs*; will give an in-depth analysis of the ethnopolitical elite in BiH. In the final chapter, *Conclusions*; the conclusions of the research findings will be given and recommendations for the future research will be made.

1. ETHNOPOLIS

The socio-political situation in Bosnia and Herzegovina has been characterized by ethno-nationalism for centuries (Velikonja, 2003). The Nobel-prize winner Ivo Andrić described “the life of this region in which East and West have for centuries clashed with their interests and influences, a region whose population is composed of different nationalities and religions” (Nobel awards) (Frenz, 1969) in his novels of 19th Century BiH. The most recent armed conflict on this territory has been classified by Ó Tauthail and Dahlman (2004) as the clash of *governmentalities*. Governmentalities are “idealizations of how population, territory and political forms ought to be organized. As laws and codes for the arrangement of political space and the disciplining of subjects, these are global governmentalities in aspiration and inspiration”. In the BiH of the late eighties and early nineties there were two clashing visions. One envisions *artificial* Bosnia, “an unnatural and unstable territory characterized by ancient ethnic hatred and irresolvable differences”, with politicians as Karadžić, Milošević, Boban and Tudjman as advocates of this vision. The other vision regards BiH “as an *organic* place, a historically unique and enduring region of diversity and tolerance that occasionally succumbed to violent episodes but only when instigated and provoked by outside forces”, the advocates of this vision being regional politicians such as Izetbegović, Silajdžić, Mesić, Zubak and Ključić.

Although in this context I would rather not use the terms “artificial” and “organic” to refer to BiH as “unnatural”, respectively “enduring” territory. It suggests that one governmentality is constructed and therefore *artificial*, while the other is a product of a natural process, similar to the growing of a tree. To avoid falling into the pitfall of debating the definition of natural or constructed states in general or from case to case, I would suggest rephrasing both terms. The vision of either an ideal BiH consisting of homogenous national spaces, or a BiH divided between Serbia and Croatia with a small region for Bosniacs, I would like to rename the *divided* vision of BiH. While the vision of BiH “as an independent territory in the Balkans and embrace its particular patterns of human settlements, politics and history as irreducible and indivisible”; I would like to rename as the *integrated* BiH.

1.1 War

A number of scholars made attempted to explain how the two clashing visions led to atrocities, war crimes, ethnic cleansing and genocide. Authors like Bax (2000), Macek (2005) and Oberschall (2003) described the influence of old resentments and ethnic framing during the past conflict as explanations for the violence during the 1990’s. At that time, the political

elites used strategies like prioritizing one's own group over another, strengthening and marking group identity, as well as spreading fear of "the others". A deficit of independent media catalyzed their efforts. The television and newspapers were controlled by the same political elites that were preaching segregation (Kukic, 2007). The effect was that BiH citizens changed their mind frame from a "cooperate and neighborly" *normal frame* to *crisis frame* where "civilians were not distinguished from the combatants. Old people, children, women, priests were not spared. Atrocities, massacres, torture, ethnic cleansing, a scorched-earth policy were the rule. Everyone was held collectively responsible for their nationality and religion, and became target of revenge and reprisals" (Oberschall, 2003). As a consequence, the atrocities committed during the Second World War were brought up again and used as a mobilization tool and motivation for the specific goals of ethnopoliticians.

Sometimes this goal was self-defence and protection of their own habitat (Macek, 2005); often it was creating an ethnically homogeneous territory and combining it with the mother country, Croatia or Serbia respectively (Ó Tauthail & Dahlman, 2004; Oberschall, 2003). The latter was partially rewarded during the peace negotiations in Dayton, Ohio, which resulted in the previously mentioned Dayton Accords. The territorial allocation in the Dayton Accords formed a Serb-dominated entity, the Republika Srpska (hereinafter RS), and a Bosniac-Croat entity, the Federation of Bosnia and Herzegovina (hereinafter FBiH). The FBiH itself was further divided into ten Cantons that were mainly Bosniac (Una-Sana, Sarajevo, Zenica-Doboj, Tuzla, Bosnian Podrinje) or Croat (Posavina, West Herzegovina, Canton 10) dominated, except for two of them (Central Bosnia, Herzegovina-Neretva) - see Figure 1. Furthermore, ethnic segregation was institutionalized in the election of the members of the Presidency and the way members of the state institutions were appointed (Pajić, 1998). Office of the High Representative is responsible for the implementation of the civilian part of the Dayton Accords. The mandate of this institution is written in the Article I of Annex 10 of the Dayton Accords.

1.2 The aftermath

Although it has been thirteen years since the last eruption of ethno violence the present situation resembles the continuation of the armed conflict with political means. All parties are well dugged in their political trenches and are barely willing to cooperate and give up some of their demands unless they are forced by Bonn-powers³ or pressure from the International

³ The authority of the OHR increased during the PIC meeting in Bonn, 10 December 1997. The High Representative was entitled to make binding decisions (so-called Bonn-powers) on i.a. following issues: actions against persons holding public office or officials who are found by the High Representative to be in violation of legal commitments made under the Peace Agreement or the terms for its implementation; interim measures to

Community (hereinafter: IC) (Commission of the European Communities, 2008). The crimes (and their consequences) committed during the last war are still being used to justify the present-day political obstructionism (Ahmetašević & Tanner, 2008).

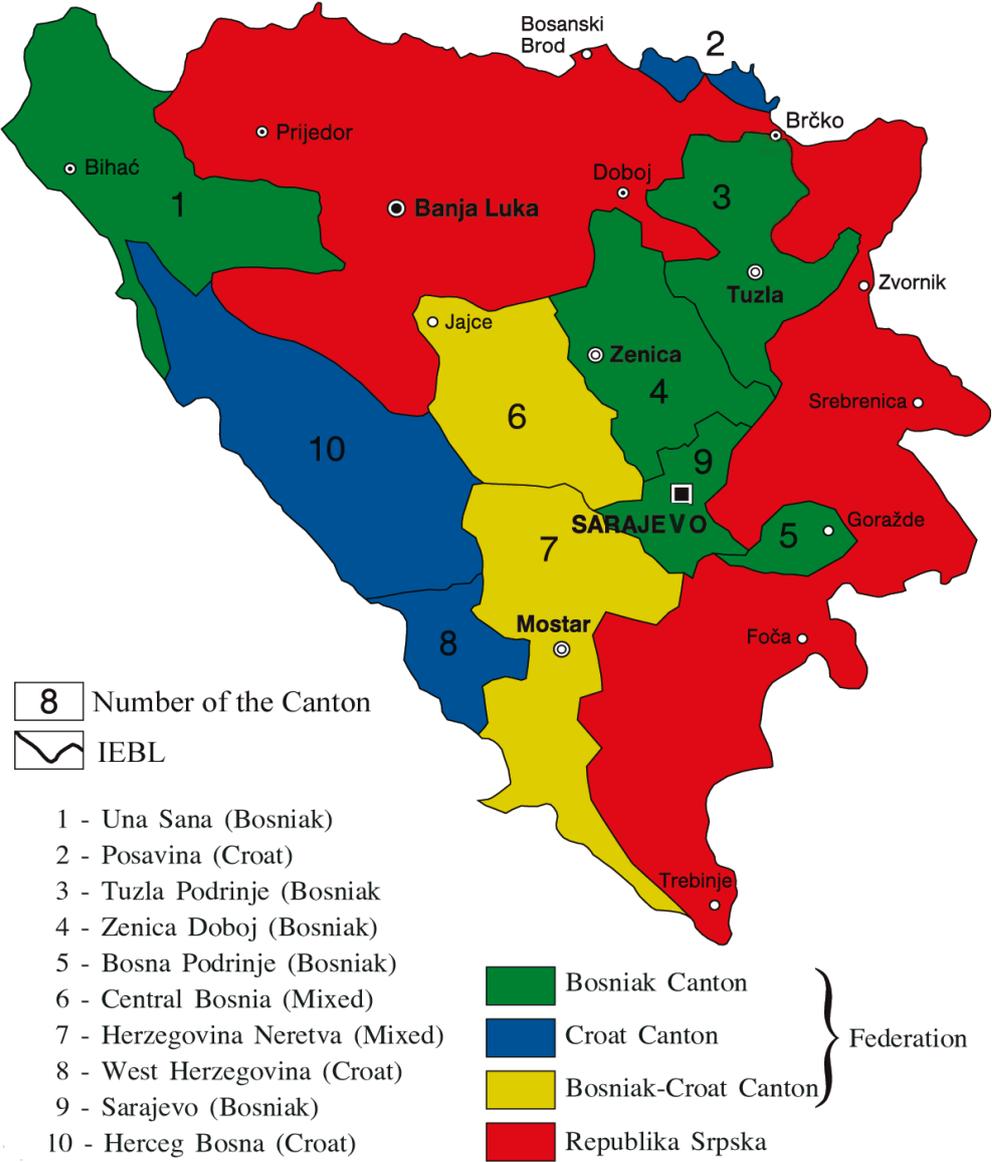


Figure 1: Map of Bosnia and Herzegovina(Source: *the Office of the High Representative; www.ohr.org*)

1.3 Negative peace

Professor Asim Mujkić (2007) describes the political situation in BiH as following:

“I call a community characterized by the political priority of the ethnic group(s) over the individual that is implemented through democratic self-legislation, and a community

take effect when parties are unable to reach agreement, which will remain in force until the Presidency or Council of Ministers has adopted a decision consistent with the Peace Agreement on the issue concerned.

characterized by the political priority of the ethnic group's right to self-determination over the citizen's right to self-determination where the citizen's membership in a political community is determined by her or his membership in ethnic community, *Ethnopolis*. And I call the political narrative and practice intended to justify this ethnically-based social construct, *ethnopolitics*.”

This description is in line with the earlier analysis by Zoran Pajić (1998) saying that:

“While it is true that the constitution contains a reference to all relevant international human rights instruments, along with strong non-discrimination clauses, it is quite certain that no matter what human rights guarantees are declared, these guarantees will have to be implemented in an atmosphere of intensive ethnic isolation and mistrust. It flows from this that members of any of the three distinctive ethnic groups will be protected by the carefully balanced compromise, but only on the basis of their collective (national) identity. This leaves no room for all those who either do not fit into the groups of Bosniacs, Croats, or Serbs, or who simply would prefer to exercise their right not to belong to a group.”

Both authors underline the prioritization of the group identity over individual identity, in a legislative as well as in a political sense. Not being, or wishing to emphasize one's own religious and ethnical identity through politics, a member of one of the three dominant groups *a priori* hinders a person in achieving his rights and interests as a individual human being.

That is exactly the aspect that Mujkić elaborates on in his article *We, the citizens of Ethnopolis* (2007). He is not the first one to remark BiH's obvious discrimination of individual rights through prioritization of group rights. However, he does suggest that this situation, created by the Dayton Accords, is being maintained by BiH political elites. The very character of these political elites, formed on ethnical grounds, is to come into power or keep their power.

In a country still recovering from the material and social impact of a war between the different factions of three largest ethnic BiH groups, this is a distressing development. Although it is unlikely that the conflict will erupt again, the recent ethno violence in Kenya, Lebanon and Georgia shows how sudden, unpredictable and aggressive this type of conflict can be.

The large presence of the IC (OHR, OSCE, UNDP, UNHCR, EUFOR, EUPM, Council of Europe, IMF, NATO, World Bank) still provides a lot of support in policy and law making, security and financing (Board of Principals, 2002). However, most of these organizations are decreasing their presence or forming exit-strategy. OHR has already linked its exit-strategy with the BiH's previously mentioned signing of SAA (Peace Implementation Council, 2008).

Will BiH without the positive and negative effects of international presence get on road to Europe and stand on its feet as a safe European country?

1.4 Partition

In her 2003 article Ingebjørg Wevling argued that the largely ignored alternative solution for BiH could be: partition. Comparing liberal and realist solutions for durable peace, Wevling has found that the liberally sponsored integration of BiH has failed. She concludes this after examining the three indicators for successful integration: the constitutional development of the state, political pluralism and the return of refugees and displaced persons to their prewar settlements. The first indicator gets a positive grade, “Bosnia looks more like a unified state now than it did in 1995, when the Dayton Agreement was signed”. However, these developments seem to be more a product of efforts and pressure by the IC actors in BiH than of a really successful cooperation between the political opponents (Wevling, 2003).

Political pluralism, the second indicator, which encompasses a reduction of power and an increased influence of nationalist parties in favor of more moderate parties, is the least successful of the three. During the elections the parties using nationalist rhetoric still get a majority of the electorate and also of the positions in the governing institutions on all levels, from the municipal, through cantonal and entity, all the way to the state. This development continued despite the frequent usage of Bonn-powers by the High Representative in order to remove obstructive politicians and despite support of moderate, so-called multiethnic and cooperative parties by the international community. The success of ethnoparties continues to divide the BiH community, as this thesis will show.

As far as the return of refugees and displaced persons is concerned, the third indicator, the international community as well as some local actors (who will be specified later on) try to portray this as a success-story (OSCE, 2006). Approximately 95 per cent of contested property was successfully returned. However there is a flip-side to this “success-story”. A lot of this repossessed property is being sold or traded for real estate in the majority territory of the returnee. For example, if a Croat that fled from Banja Luka due to the intimidation in the years 1992-1995, repossesses his house there, it is unlikely that he will actually return for a several years. He would probably remain in his present place of residence in Croatia or Croat-dominated part of FBiH. Therefore, even though the property rights of the refugees and internally displaced persons has been judicially settled, the people are reluctant to go to the places where their group is not a majority (Ó Tauthail & Dahlman, 2006).

Her argumentation seems to be in line with the perspective of a *divided* BiH, representing a geopolitical vision of BiH as a deeply divided society characterized by the clash of

civilizations (Huntington, 1996). The durable solution that Wevling provides for this “unsustainable society” is ethnic unmixing. “The fact that the process of partition already had been completed due to the war, could have been a good prerequisite for building enduring peace.[...] The human costs of partition, like transfers of population-groups would have been unnecessary in post-war Bosnia, this job was already completed due to the ethnic cleansing” (Wevling, 2003). This solution would reward the very same ethnic cleansing, genocide, manipulation of media and masses that led to the current state of affairs (Ó Tauthail & Dahlman, 2004).

Throughout history there were armed conflicts between the religious and national groups living on the BiH territory. However, a marginal comment needs to be made here. According to Van der Lijn (2005) these conflicts were often, imported from abroad. The invasion of Ottomans, for example, back in the 15th century and their centuries long occupation in some periods of that time caused huge atrocities and inequality among the non-Muslim population. During the Second World War the Serb, Jewish and Roma communities were faced with policies of destruction from Nazi-related regional regimes. Even during the last war the policies of the neighboring countries Croatia and Serbia were directed at partitioning BiH and its citizens (Sliber & Little, 1996; Holbrooke, 1998; Robinson et al, 2001; Oberschall, 2003; Ó Tauthail & Dahlman, 2004), while IC, led by UN, showed an inability to recognize this and the consequences it had for BiH citizens. However, even though there is a feeling of mistrust between ethnicities and there is no faith in state institutions among the BiH citizens (Van der Lijn, 2005), segregation, or to use Wevling’s vocabulary, soft-partition is not the adequate durable solution. Segregation opposes the values of tolerance, individual rights and freedoms (United Nations, 1948; Dayton Accords, 1995). Besides it would legitimize the present-day practice of discrimination. If the rule of law does not provide the security for the individual citizen then the rule of law system should be adjusted so that it does so.

1.5 Constitution

The values of a society, or a country to be more exact, are commonly part of a Constitution, the highest legal document of a sovereign country. A Constitution is “a body of fundamental principles or established precedents according to which a state or organization is governed” (Oxford English Dictionary, 2008). The previous constitution of the Socialist Republic of Bosnia and Herzegovina gave BiH international legitimacy as a sovereign state. However, this sovereignty was not recognized by all within BiH itself. Initially the declaration of independence led to a boycott of all BiH institutions and laws by Serb political parties and within the territory where these had support from the population. Soon full-scale conflict

broke loose. During the peace negotiations in Wright-Patterson Air Force Base in Dayton, Ohio, USA, the parties agreed upon a General Framework Agreement for Peace in BiH. As already mentioned, the new Constitution of BiH was a part of this agreement. This Constitution superseded the previous one. Its *battlefield* character makes it a unique and controversial document. Never before has a peace agreement been so comprehensive. The 11 Annexes include *inter alia* Military Aspects, Regional Arms Control, Elections, Human Rights (including 16 International Conventions and Agreements that are to be respected and applied) and National Monuments.

1.6 Reforms

What is the current state of affairs in BiH Constitutional Reforms? There is a need to change a widely criticized Constitution. The main critique, ousted by domestic (Pajić, 1998; Mujkić, 2007) and foreign scholars (Marko, 2004; Ó Tauthail et al., 2006), is that it puts the group rights above individual rights. As mentioned before, this poses a problem for BiH citizens that are not member of constituent peoples or do not wish to identify themselves as such. For example, due to the prioritization of group rights and the poorly engineered constitution also the legislature concerning the election of the BiH Presidency is discriminatory. “This exclusivist ethnoterritorial system of election means that non-Serbs who may have returned to the RS or Bosnian Serbs living in the Federation cannot vote for a candidate of their own ethnicity (or, for example, a Bosnian Jew)” (Ó Tauthail et al. 2006).

However the discussion on the reforms of these issues has been purely hypothetical. It is unclear on whose initiative reforms are supposed to happen, nor with which parties. The eyes are pointed to the International Community (Krsman, 2008), while the main international actor in BiH (OHR) has a mandate to implement the Dayton Accords, but not to change the Constitution. The constitutional changes will have to be performed by the representatives in the legislative bodies of a state.

Accordingly, the BiH Constitution should be reformed by the delegates of the parties that are elected in the BiH House of Representatives. However, the functioning of this state-level parliament has received negative grades by civic institutions when it comes to realization of the Work Programme⁴ for the 2007 (Centri Civilnih Inicijativa, 2008). This means that with the current pace of law adoption and implementation, both BiH Houses will finish the 2007 Work Programme in 2010, the fourth year of their mandate. In general the lack of initiative on constitutional reforms could be seen as inability to construct adequate programmes or reach a consensus by the ruling parties. I would argue that there is more to it than the incapability of

the parliamentarians. In the following chapters on the political elites in BiH the obstructionism on the grounds of Vital National Interests (hereinafter: VNI) will be shown to be structural. This type of obstruction has been institutionalized. In the BiH House of Peoples⁵ each Constituent Peoples caucus has a right to veto if it is against the VNI of their people. However these VNI “is a phrase taken from the standard liberal-democratic vocabulary. Of course, in the Bosnian case it employs a rather vague sense of ‘national.’ ‘National’ is usually interpreted simply as ‘ethnic’ (Mujkic, 2007).” The term is ill-defined and therefore can be used inappropriately – “Bosnian political practice shows that practically ‘anything will fit’ this term; even the arrest of a corrupt politician is usually interpreted by respective ethnic oligarchies as an attack on ‘vital national interests’ (Mujkic, 2007).”

1.7 Three Presidents for One Country

The aforementioned importance of these Reforms shows us that they should be treated more urgently, not in the last place because it is a criterion in the integration process to the EU, which membership BiH wants. Also, the current structure, that has been called imperfect by various national and international key-actors for the BiH, needs a revision. This thesis will focus on two aspects of the BiH Constitution that are hypothetical subjects of future constitutional reforms. There are numerous aspects within the Constitution that are in need of revision. It is not my intent to make a comprehensive analysis of the visions of ethnopolitics on the entire Constitutional reform. I rather chose to highlight the two aspects that are illustrative for the issues in present-day BiH, just as they are important.

The first issue I would like to highlight is the election of the BiH Presidency. Although BiH has a tripartite Presidency with very limited powers, this body has a strong symbolical function in the patriarchal BiH. The current BiH Presidency has a number of irregularities about the way it is being elected.

The European Commission for Democracy through Law (hereinafter, Venice Commission) has raised serious concerns about the present rules concerning the election and composition of the Presidency, regarding the specific limitations on the right to be elected being based on ethnicity. These rules state that Croat and Bosniac members of the BiH Presidency are to be elected from the territory of the Federation, while Serb member of the BiH Presidency is to be elected from Republika Srpska. This is in violation of “the International Covenant on Civil and Political Rights (ICCPR), which is part of the Constitution of Bosnia and Herzegovina,

⁴ Annual policy strategy of the BiH House of Representatives translated into policy objectives

⁵ But in entity parliaments – the RS Council of Peoples and the FBiH House of Peoples - as well.

[and which] provides that every citizen, without unreasonable restrictions, has the right ‘to be elected’” (European Commission for Democracy through Law, 2008).

Additionally, the United Nations Committee on the Elimination of Racial Discrimination (hereinafter CERD), criticized the fact that national minorities, named ‘Others’ in the BiH Constitution, cannot be elected as members of the Presidency under the present rules on the election and composition of the Presidency (CERD, 2006).

Secondly, the spatial arrangement of BiH is characteristic for the changes that took place in BiH in the past two decades. Due to the war and the subsequent ethnic engineering, the highly diverse community has been transformed into a divided country of ethnospaces (see figure 1). The spatial arrangement has been a matter of fierce discussion during the negotiations for the Dayton Accords (Holbrooke, 1998). The debate on the role of “genocide creation” and centralization of the country did not cease since. Furthermore, there was no clear advice from European institutions on what the Constitutional arrangements should look like in the future. The Venice Commission did, however, find that the present constitutional arrangement is costly and inefficient (European Commission for Democracy through Law, 2005).

Besides, the economic arguments for rearranging BiH territory and administration, there are also moral ones like the one by Ó Tauthail and Dahlman (2004.): “[The Dayton Accords] legitimated a *de facto* political geography of ethnic territorialism in Bosnia by creating a state of three constituent peoples composed of two territorial entities, one a Serb Republic and the other a Bosniac-Croat Federation, which was itself strongly divided between Bosnian Croat dominated cantons and the rest of the Federation.”

In this thesis the turbulent history of BiH was briefly outlined in the introductory chapter. The general ethnopolitical situation was discussed in this chapter, as well as the current state of the Constitutional Reforms. The following chapters will explain whether the demands of the three dominant policies are the reason for the struggling constitutional reforms. It will pick up where *We, the citizens of Ethnopolis* left us.

2. BOSNIACS – CENTRALIZED MUSLIM STATE

Before defining the political elite of Bosniacs, first the debate in the literature will be provided.

During the war which ended in the winter of 1995 and in the following years an emergence of Bosniac nationalism took place. The word “Bosniac”, a new and official term for a Bosnian Muslim, was introduced. Bosniac was used to distinguish Muslims from the other two constituent peoples and from the term “Bosnian”, which is a more general term for an inhabitant of Bosnia and Herzegovina (BiH). The usage of the term became rather unpopular among the BiH Croats and Serbs during and after the war. It too much resembled the idea of BiH as a unitary state with one, Bosnian, nation. The development of Bosniac nationalism was a by-product of the aggression towards Bosniacs during the war by the military stronger Croats and Serbs (Robinson and Pobric, 2006).

At first, the religious awareness rose among Bosniacs and the symbols used by some parts of Armija Republike Bosne i Hercegovine (Army of Republic of BiH, hereinafter: ARBiH), a mainly Bosniac military force, also had religious connotations. For example, ARBiH called one of their divisions Al-Mujahedeen and they started using the word *šehid*, which is an Arabic, religious title used for Muslims who die in religious wars. After the war, the constructing of Bosniac awareness and Bosnian nationalism continued. New mosques were built and the ones that were destroyed were rebuilt in parts of the country under Bosniac control, mainly with donations from Islamic countries (Bećirbašić, 2008). Streets of the BiH capital Sarajevo were renamed after, mainly, Bosniac historical persons or figures from the Ottoman period (Robinson et al., 2001).

Ó Tauthail and Dahlman (2004) proposed that the 1992-1995 armed conflict in BiH was actually a clash of governmentalities. There are two clashing visions of a common space. The *integrated* vision sees BiH as a legitimate and sovereign country “characterized by centuries of coexistence”. The *divided* vision sees BiH as an unnatural creation stemming from the large multi-national states and monarchies of Yugoslavia, Habsburg and the Ottoman Empire. The Bosniac vision seems to fit best in the view of BiH as an integrated state, “a unified state made up of multiethnic regions and three constituent nations” (Ó Tauthail & Dahlman, 2004). Robinson et al remarked in their 2001 article that the ties between the 14th century Bosnian kingdom and present-day BiH were made by Bosniac politicians in order to gain more legitimacy for their historical claims on BiH territory. The integrated vision seems to have the largest support among the Bosniac people, who feel proud of their BiH citizenship. Contrary to the other two constituent people, who feel significantly less BiH patriotic.

Serbs and Croats tend to be more proud of their nationality and their respective mother countries. In his 2005 article, Van der Lijn explains this and various other attitudes among the BiH constituent peoples towards the state and its institutions. It could be explained by the fact that both Serbs (in BiH) and Croats (in FBiH) are outnumbered by the Bosniacs, while in the former Yugoslavia Bosniacs were a minority. Nevertheless, Bosniacs do not feel this numerical advantage is a real advantage until there is a stronger central authority. Because of this, the leading Bosniac parties are promoting “minority returns⁶” among Bosniac refugees, in order to enlarge their influence throughout the country. Given the fact that 98% of Bosniacs are in favour of a unitary state, unlike Serbs and Croats who oppose this state arrangement (by 91% and 84% respectively), this seems to be a logical political strategy. The electorate of the Bosniac parties would spread throughout the country and ensure a broader basis for a unitary state (Van der Lijn, 2005).

In the same article revised Dayton Accords, so-called Dayton-2, is mentioned as a Bosniac ideal towards a more integrated country. Again, this is in contrast with the other two constituent peoples who have different attitudes towards the current Dayton Accords. (This will be elaborated on further in the chapters on their respective policies.) Dayton-2 would form a new and revised constitution that is more sensitive to specific visions of the BiH citizens. It would fulfil the Bosniac need for a more centralized power structure and provide a more just spatial arrangement.

2.1 Parties

Stranka Demokratske Akcije (Party for Democratic Action, hereinafter: SDA) and Stranka za Bosnu i Hercegovinu (Party for Bosnia and Herzegovina, hereinafter: SBiH) are the biggest Bosniac parties within the BiH House of Representatives (hereinafter: BiH HoR). They are also the biggest parties in this state-level parliament, with 9 and 8 out of total 42 seats, respectively (see figure 2). Socijaldemokratska partija Bosne i Hercegovine (the BiH Social-democratic Party, hereinafter SDPBiH) which has 5 seats in the BiH HoR, is often labelled a Bosniac party. Although this party claims to be multi-ethnic, only 2 out of 5 of SDPBiH's seats in BiH HoR are taken by non-Bosniacs; their electorate is still mainly Bosniac (Van der Lijn, 2005). The other Bosniac parties in the BiH HoR are DNZ (Demokratska Narodna Zajednica, Democratic Peoples Union) and BPS Sefer Halilović (Bosanska Patriotska Stranka – Sefer Halilovic, Bosnian Patriotic Party – Sefer Halilović). Both parties will not receive much attention here because of their strong regional (DNZ) or politically marginal (BPS Sefer Halilović) character.

⁶ Returns of refugees and internally displaced persons to territories where they are not part of the ethnic majority.



Figure 2: the BiH House of Representatives (Source: the BiH House of Representatives; www.parlament.ba)

In the process of categorizing their ethno-political type, varying from multi-ethnic to ethno-political (respectively Bosniac, Serb, Croat), it is obvious to which ethno-political stream these parties belong. 20 Out of the 22 BiH HoR delegates from the three mentioned parties, chosen directly by the BiH citizens, are Bosniacs. In a five-member Presidency of SBIH, four members are Bosniacs and only one is Serb (SBIH Presidency, n.d.), while in the SDA Presidency all six members are Bosniac. As far as SDPBih is concerned the situation is less homogenous. The Presidency has far more members than SDA and SBIH, 22 to be exact. And although there is a significant Bosniac majority, there are ten non-Bosniacs as well. All three parties mention multiculturalism, tolerance and equality of all nations and citizens living in BiH in their party statute (SDA & SBIH Party Statutes n.d.), but they do not seem to convince BiH Croats and Serbs of their sincerity. Their electorate predominantly consists of Bosniacs, which is pointed out by Mujkić's ethno-political-characteristic *people*. The representatives are almost exclusively represented by a "group of imagined common origin" and the electorate of these representatives is "predetermined by his or her kinship". "The functions of representation and decision-making, and the establishment of the legal framework, are permeated by discrimination on the basis of kinship" (Mujkić, 2007).

Biological existentialism is another of Mujkić's characteristics that can be found in SDA and SBIH. For example, in the SBIH Party Programme the mere existence of especially

Bosniac people is seriously endangered if the people do not choose SBiH and the policy they envision for BiH (SBiH Party Programme, n.d.). SDA do not have the same catastrophic predictions in their Programme Declaration (SDA Programme Declaration n.d.). However, the same document declares support for Bosniacs and their traditional values. (This is in contrast with their previous declarations about equality and tolerance among all BiH citizens in the very same document.) On the other hand, examples of SDA evoking biological existence can be found in the media, when SDA-officials stated that discord among Bosniacs can lead to destruction (Lazović, 2008).

The SDPBiH generally does not use mechanisms of *biological existentialism*. It is the only of the three parties discussed in this chapter that acknowledges Bosniacs, Croats, Serbs and Other citizens and minorities as equal. Remarkably, the SDA and SBiH do not mention other constituent peoples in their party programmes or statutes. Contrarily, SDA explicitly supports affirmation of values of only one people. SDPBiH, on the other hand, tries to present itself as a multiethnic party. In different places in their programme, the party argues for a society with high individual freedoms and rights and explicitly calls itself multiethnic. Nevertheless, their political counterparts with similar socialist-democrat ideology accuse them of ethnonationalism. The electorate argument can again be applied here: SDPBiH does not succeed to win a significant percentage of votes in the territories with predominant Croat or Serb majority.

Robinson & Pobrić described in detail the emergence of Bosniac-nationalism after the recent war in their 2006 article. The renaming of the streets, but also the growing religiousness in the aftermath of the suffering and the genocide committed against one people. However, the rise of ethno nationalism does not only manifest itself in stronger identity formation and in spiritual and religious awareness among the Bosniacs. This *religious nationalism* also has a political function. Namely, that “politicians speak as religious dignitaries, while religious leaders speak as politicians.” The SDA and SBiH politicians often act as speakers at the openings of religious buildings and monuments. In debates, religious retorts are also used as an argument. For example, during the Queer festival, an event for the promotion of gay rights and redefinition of sexual norms and values, SBiH and SDA politicians explicitly opposed this event as it was held during Ramadan, a special month in the Islamic calendar.

On the other hand, BiH’s Grand Mufti Cerić, the highest Islamic cleric in the country, often gives his comments on the political situation in BiH. These differ from direct messages to Bosniac politicians in their political strategy (Avdić, 2006) to making recommendations who to vote for (KBSA, 2008).

The para-institutional character of the parties mentioned before is visible when you look at their representatives in various state, entity and cantonal-institutions. For example when you look at the BiH Council of Ministers and both the FBiH as well as the Republika Srpska-government, 14 out of 17 ministers from SDA and SBiH are Bosniacs (BiHCoM; FBiH Gov.; RS Gov., 2008). It should be stated here that SDA and SBiH participate in all three governmental structures (BiH, FBiH and RS), while SDPBiH does not. Therefore SDPBiH will be excluded from this aspect of ethnopolitics.

2.2 Reforms

Having defined the main ethnopolitical actors among Bosniac people in BiH and what makes their policy ethnopolitical it is now time to focus on their visions of the two points of constitutional reforms, namely the election of the BiH Presidency and the territorial arrangement of BiH.

2.3 Presidency

As far as BiH Presidency election is considered Bosniac politicians have been accused of demanding a “one man - one vote” election system to cash in on their numerical domination over the two other constituent peoples in BiH. Although the still only official, the 1991 census does not give absolute majority to any of the three constituent peoples. At the same time, over 40% of the people of BiH declared themselves as Muslims⁷. However these accusations against the Bosniac politicians seem unfounded as there are no demands for a “one man – one vote” system by any influential Bosniac officials. As a matter of fact, when Sulejman Tihić, the Chairman of the BiH Presidency at the time, asked the Venice Commission to give its opinion on the three proposals for the election of the Head of State, the proposal that was supported by Bosniac politicians received a preference over the Croat and Serb proposals (Venice Commission, 2006).

The third (Bosniac) proposal envisioned one President and two Vice-Presidents. They are to be non-partisan and indirectly elected by BiH HoR and BiH HoP. When the state parliaments elect the BiH Presidency, it is transferred to a state-level - while nowadays it is an entity matter. Also the indirect election will reduce the power of the BiH Presidency and the executive powers will concentrate around the BiH Council of Ministers. Both the state-level election and the reduction of power of the Head of State were praised by the Venice Commission. However, the same Commission criticized the complicated election procedure and the ambiguities encompassed in this proposal, for example, the way in which the

positions within the Presidency are to be distributed. This proposal, namely, leaves this open and implicitly leaves room for “back-room dealing” (Venice Commission, 2006).

However, the proposal failed to receive the two thirds majority in the State Parliament (be it only by two votes). This happened under the constitutional reforms initiative two years ago known as the “April package”. The package of law proposals and amendments was engineered by the former US diplomat to BiH and academics from the field of Constitutional Law and Eastern Europe (Ó Tauthail et al., 2006). After more than 10 years of patient investing in reconciliation and tolerance, as well as moulding of politicians and policies of all three peoples, the time seemed ripe for a leap forward. However with the Parliamentary and Presidential elections coming up, some parties saw obstructionism as a way to achieve political gain. As a matter of fact, SBiH was the biggest opponent to this package, on the grounds that “it did not go far enough as it did not eliminate RS and the entities” (European Stability Initiative, 2008). This action by SBiH was not only disastrous for the whole of BiH, but also for the relationship between the SDA and SBiH. After making a lot of compromises and putting great effort into these constitutional reforms, the SDA was bitterly disappointed with the fact that they were obstructed by their own side, by their own people, who, to make things even worse, gained a huge electoral profit from it.

Since then, talks about the election of the Presidency have not been resumed and the daily political issues are on the menu again. The aftermath of the 2006 election led a formation of the Governments on Cantonal, Entity and State level that took several months. In 2008 elections the nationalist parties again achieved a huge gain after a period of decline. Between 2006 and 2008 elections two High Representatives left (Sir Paddy Ashdown and Christian Schwarz-Schilling) and a new one was established (a Slovak diplomat Miroslav Lajcak). The previously mentioned Police reforms dominated the headlines in the media and cautious preparations for bigger scale reforms were made.

SDA and SBiH, but also SDPBiH are still in favour of a single President (SDPBiH Party Programme n.d.). Their arguments are that this is the most rational system, as throughout the whole Western world this is the practice. Besides, the Venice Commission has given guidelines on the way the Presidential system should look in a divided society like BiH should look like (Venice Commission, 2006):

“The best solution therefore would be to concentrate executive power within the Council of Ministers as a collegiate body in which all constituent peoples are represented. Then a single President as Head of State should be acceptable. Having regard to the multi-ethnic character of the country, an indirect election of the President

⁷ Bosniacs is the term that today is used for Bosnian Muslims

by the Parliamentary Assembly with a majority ensuring that the President enjoys wide confidence within all peoples would seem preferable to direct elections. Rules on rotation providing that a newly elected President may not belong to the same constituent people as his predecessor may be added.”

These guidelines seem to support the argument of rationality, which Bosniac parties often use. At the same time it provides power-sharing possibilities through indirect election and rules of succession, which could soothe the concerns of other constituent peoples.

2.4 Spatial arrangement

When we talk about Bosniac visions of future or ideal spatial arrangement for BiH, there are three important aspects about which there is consensus between the parties. These are : the abolition of the Republika Srpska (hereinafter RS), the creation of multi-ethnic regions and the return of refugees.

Concerning the first aspect, the abolition of the RS, Bosniac parties seem to have a unanimous stance. Among main stream Bosniac politicians, the RS is seen as a “genocidal creation”. In the days following the arrest of the first President of the RS, Radovan Karadžić, the Bosniac politicians openly stressed that although the creator had been arrested, his creation still existed (Ahmetašević & Tanner, 2008). Karadžić was one of the most important initiators of the carving up of BiH in the late eighties and early nineties (Ó Tauthail & Dahlman, 2004). The current RS is seen as a successor of that policy, which was legitimized through the Dayton Accords (Ahmetašević & Tanner, 2008).

Although Bosniac delegation had also agreed on the Dayton Accords, Haris Silajdžić⁸, who was the BiH Minister of Foreign Affairs at the time, recently stated that he signed the Dayton Accords “at gunpoint” (Sackur, 2008). This reflects the Bosniac attitude toward the Dayton Accords and its consequences. “Dayton was necessary to end the war, but now BiH needs a new constitution to prepare for the EU” and more extremely: “Dayton has generally been negative and should be abolished” are opinions that best express Bosniac feelings towards this controversial peace agreement (Ó Tauthail et al., 2006).

However, nuances should be placed when talking about unanimity of Bosniac parties towards the RS. There are differences between the SDA, SBiH and SDPBiH, especially in the past two years. During the 2006 General Elections, SBiH built its whole politics and success around the abolition of the RS, with the earlier mentioned rejection of the “April package” as its high-point. SBiH’s charismatic leader Haris Silajdžić keeps on stressing that the

⁸ in November 1995 as Minister of Foreign Affairs part of Bosnian delegation; currently President of SBiH and a Bosniac member of BiH Presidency

unconstitutional activities, discrimination and obstruction of the implementation of the Annex 7 of the Dayton Accords⁹ will eventually lead to fall of RS. The final solution for both entities will come from comprehensive Constitutional Negotiations, is his opinion (Krsman, 2008).

SDPBiH has a similar vision, as they argue that in order to make a more efficient BiH all entities and cantons as well as the Brčko District should be abolished (SDPBiH Party Programme n.d.). The party's Vice-President and member of the BiH Presidency, Željko Komšić, even announced that he “would be the first one to raise his hand to abolish RS and FBiH as well” (Komšić, 2008). However, he realizes that this is impossible with the current convocation in the BiH HoR, where most parties strongly oppose this.

In the last two years, the SDA, which is known as a right-wing party with strong Islamic ideals, took a more pragmatic and moderate stance. The stories about abolishing the RS seized. Bakir Izetbegović¹⁰ even announced that the existence of the RS should be taken as a political reality (Selimbegović, 2008). Nevertheless, SDA's ideal remains a BiH without entities based on ethnicity.

This brings us to the second aspect of spatial arrangement: the creation of so-called multiethnic regions or as the SDA calls them: “economic regions” based on “geographical, historical, traffic and other criteria”, as an ideal for the future BiH (SDA Programme Declaration n.d.).

A similar vision of the future BiH was argued again by Haris Silajdžić of SBiH. He envisions “true multiethnic regions, based on economical, natural and other criteria where citizens can achieve majority of their rights within those regions” (Krsman, 2008). And although none of the parties specify what these criteria exactly are and even leave the exact shape and number of regions on the table, SDA and SDPBiH actually already use a map without entity boundaries. The map is used on their websites to show the geographical structure of the party. The party offices, contacts and similar information can be found by simply clicking on a region. The striking thing, though, is that the present-day cantons are still part of the map and that the RS is simply divided into more regions instead of one.

This, however, does not mean that this is their suggestion for a new spatial arrangement of BiH. As a matter of fact, SDPBiH suggested six political-territorial regions in their Constitutional Proposal (SDPBiH Draft of the BiH Constitution, 2008). On the other hand, SDA rejected the possibility of creating regions solely on ethnical grounds and suggested the creation of at least five regions on economical, geographical, communicational and other criteria. It is nevertheless interesting to see how these parties divide the current unitary RS

⁹ Agreement on Refugees and Displaced Persons

into multiple geographical regions. At the same time the cantonal structure in the FBiH is being respected¹¹.

The third aspect of the spatial engineering discussed in this chapter is the return of refugees. Annex 7¹² of the Dayton Accords that was mentioned previously, was intended to undo the ethnic cleansing that took place in the previous years. SDA (Lazović, 2008) and SBiH (Krsman, 2008) have often addressed the poor implementation of this Annex. There are obvious ethical grounds for insisting on the implementation of Annex 7: the effects of human rights violations, ethnic cleansing and genocide that have been committed, can not be accepted. The prosecution of abovementioned war crimes and pursuit of justice is the domain of the International Criminal Tribunal for the former Yugoslavia. The return of the population to the pre-war situation and subsequent annulment of the consequences of those crimes are the domain of Annex 7.

Besides ethical grounds, there are also safety and political reasons for insisting on complete return of refugees, by Bosniac political elite. Landlocked between the two big neighbouring nation states of Serbia and Croatia outside BiH and, by the RS and Croat Cantons within BiH, the Bosniacs could have a huge problem defending themselves if the armed conflict might erupt again. From a political point of view, Bosniac parties would benefit from demographical heterogeneity throughout the country, as their group is numerically the biggest one in BiH.

¹⁰ Son of first BiH President Alija Izetbegovic, SDA's Vice-President and the head of the SDA caucus in the BiH HoR,

¹¹ The interactive maps showing cantons and geographical regions in the RS can be found on the websites of SDA (www.sda.ba) and SDPBiH (www.sdp.ba)

¹² Annex VII considers the Agreement on Refugees and Displaced Persons. The Annex contains 18 articles that were designed to ensure a safe return for those that fled and are willing to return.

3. CROATS – THREE RELIGIONS, THREE ENTITIES

Compared to the literature on Bosnian Serbs and Bosniacs, significantly less is written about the Croats, the smallest of the three constituent peoples of Bosnia and Herzegovina. This is not really surprising, as the Croat share in the last war was much less exposed by Western media – even though it was definitely significant. Bosniacs and Serbs, being the largest group as well as the group with the biggest military power¹³, understandably gained much more media attention. Besides, whereas the two other groups had clear objectives and visions, the Croats seemed to have a double agenda. On the one hand they were cooperating with the Bosniacs to fight off the militarily more powerful Serbs, but on the other hand they were collaborating with the Serbs in order to partition BiH (Sliber & Little, 1996). Eventually, their lack of a clear policy led to less clear outcomes of the war for Croats, whereas Bosniacs have secured BiH from being partitioned and Serbs gained territory with far reaching competences on the legislative as well as on the executive and judicial level.

Being forced into the FBiH with Bosniacs, the Croats had to choose sides and subsequently fight off the Serbs. At the same time they had to give up their secession desires (Holbrooke, 1998). In this chapter their current aspirations considering Constitutional reforms, especially Presidency election and spatial allocation, will be covered. Firstly, the previous findings in the literature about the BiH Croats and their politicians will be summoned. Secondly, an overview of the main political actors within this group will be given. Thirdly and finally, the visions of Constitutional Reforms, especially Presidency Elections and Spatial Arrangement, will be discussed.

In his short, though illustrative, 2008 article, Fedžad Forto discussed some of the historical narratives and myths present in all three constituent peoples and how they are used to legitimize their current political strategies. He points to the reverse process of victimizing the nazi collaborators that were killed during the World War II and demonizing the crimes of Communist Regime afterwards. The process suits the purpose of illustrating Croats as victims of past regimes. Dutch sociologist Mart Bax (2000) explained how in the last war crimes were often motivated by revenge for the severe punishment the Herzegovina Croats received in the World War II and its aftermath. With support from the Croatian motherland and diaspora, ethnic cleansing of the region from Serbs and Bosniacs was done thoroughly in two waves during the summer of 1992 and at the end of 1993. The author also criticizes common belief that ethnic engineering and atrocities were committed as part of the grand policies of certain politicians. Because “this kind [of crimes] reflect an uncritical acceptance of a central or

national leader perspective, dismissing as deviant everything that does not go according to plan and denying the significance of specific local and regional circumstances or at any rate failing to problematize and examine them” (Bax, 2000).

Although Bax points to an important aspect of understanding war crimes from the grass root level, one must take the top-down approach. The very same crimes that Bax mentions were possible under a certain policy that tolerated and even encouraged such actions. During the early nineties the moderate leader of Bosnian Croats was sidelined and replaced by a marionette of President Tudjman of Croatia. This illustrated the switch in vision and therefore strategy of Bosnian Croats, from initially a more *integrated* governmentality vision to advocating for *divided* BiH.

The new policy continued to dominate the politics of BiH Croats in the years following the war. In their 2001 report the International Crisis Group (hereinafter ICG)¹⁴ analyzed the political situation among the Croats. The report came out shortly after the climax of obstructivism by Croat politicians. In March 2001 Croat nationalist parties proclaimed *the Croat Self-government* on the territory with great Croat majority. It criticized the nationalist Croat politicians of obstructing the return of Croat refugees to areas beyond their control, but also of illegal financing and obstructing state and FBiH institutions. In line with what was later argued by Mujkić, the report finds that these actions are motivated by personal gain alongside the old secessionist ambitions. “They want to ensure that each small, ethnically-based portion of the market is controlled by corrupt entrepreneurs, the *nouveaux riches*. This group is made up of corrupt political leaders, war profiteers, smugglers, and other criminals, most of them members of, or close to, the inner circles of ethnic parties” (Mujkić, 2007).

The analysis of public opinion polls by Toal et al. (2006) showed that Croats are the biggest supporters of “the rationalization of the State of Bosnia-Herzegovina with a less costly state administration at all levels and a decrease of tax burden on citizens through fewer levels of government from current 13 to fewer Constitutions, etc.” But a simple state with only a state and municipal level, similar to the pre-war arrangement under Socialist Yugoslavia, only receives support from Bosniacs, not from BiH Croats. According to the authors the BiH Croats prefer a third entity-like structure. This confederal or federal state structure has the greatest preference among the Croats, although even this option does not exceed 22% of support. These differences in attitudes could be explained as differences between the regions.

¹³ In weaponry as well as in man-power.

¹⁴ A widely recognized non-governmental conflict-prevention organization, with highly acclaimed board members.

The authors give an example. The Dayton Accords were supported much more among Croats from Central Bosnia than the overall average. This is illustrative for the difference among Croats that are territorially connected with Croatia (mainly in West Herzegovina and to a lesser extent in the Canton 2) and those that fled from Serb aggression in Posavina and Central Bosnian Croats. The Dayton Accords provided the last two groups with possibility for return to their homes and more security in areas where they are not a majority.

3.1 Parties

When taking Croat representatives in the BiH House of Representatives (BiH HoR) as an indication for the political strength of a party or individual, the weak political position of Bosnian Croats becomes clear. Only 7 out of 42 seats are taken by Croat parliamentarians (see figure 2). With three seats the Croat Democratic Union of BiH (Hrvatska Demokratska Zajednica Bosne i Hercegovine, hereinafter: HDZBiH) is the largest party among Croats. The second largest Croat party is HDZBiH's splinter party the Croat Democratic Union 1990 (Hrvatska Demokratska Zajednica 1990, hereinafter: HDZ1990), two seats strong. Other Croats in the state parliament are the People's Party Work for Progress (Narodna Stranka Radom za Boljitak, hereinafter: NSRzB), a party without a national prefix but with mainly Croat electorate. There is also one Croat among the SDPBiH parliamentarians. When talking about Croat ethno-political streams, we will focus solely on HDZBiH and HDZ1990. These are the biggest and only parties with a Croat prefix. The NSRzB is a rather new party that tries to step away from the ethnic paradigm and become a genuine worker's party. However, NSRzB is present at the meeting that the six largest Croat parties held to prepare for the upcoming elections. For a party that claims to represent people independent of their nationality or religion, this is a rather hypocritical behaviour.

There are also other Croat parties throughout BiH. HDZ1990 won the seats in BiH HoR thanks to a coalition called Croat Unity. Croat Unity was led by HDZ1990 and was further comprised of HSS (Croat Peasant Party), HKDU (Croat Christian Democratic Union), Demokrsani (Christian-democrats) and HDU (Croat Democratic League of BiH). This coalition was formed as an alternative for HDZBiH, following the decision of some party officials to found their own party, HDZ1990. However, the influence of these parties is marginal even on the local level where they operate. Therefore they will not be seriously discussed in this article, even though their ideas and goals are more ethnically based in some cases.

The ethnic composition of both HDZBiH and HDZ1990 is almost entirely monoethnic. All parliamentarians of the discussed parties are Croats (see figure 2). The presidencies of

both parties are also entirely homogenous (HDZBiH Presidency n.d.; HDZ1990 Presidency n.d.). On their website HDZBiH presents information about 92% of their members declaring themselves as Croats (4% Bosniacs, 2% Serbs, 2% Others). These findings point out to Mujkić's characteristic of *people* – “a political set-up in which a person's citizenship is predetermined by her or his kinship, by her or his belonging to this or that group of imagined common origin”.

SDA, SBiH and especially SDPBiH try to present themselves as Bosnian parties, and therefore representing of all inhabitants of BiH. Both HDZ parties, on the contrary, openly present themselves as representatives of first and foremost the Croat inhabitants of BiH. Mujkić (2007) already pointed out that “Bosnian ethnic groups (‘constituent people’) are basically formed along religious lines, for these are the only ‘striking’ differences between communities. So someone's pseudo-political obligation to vote for his or her kin is not only biological, but becomes his or her *religious* obligation”. In this article this characteristic of Ethnopolitics has been dubbed *religious nationalism*. Religion is an important part of both HDZ's programmes. The slogan of HDZ1990 is “Religion – Knowledge – Dignity”. HDZBiH claims that their programme is written on the foundations of “Christian civilization” (HDZBiH Party Programme n.d.).

Among Croats, there are also religious leaders who talk like politicians. The Christian counterpart of Grand Mufti Cerić is Cardinal Vinko Puljić, Archbishop of Vrhbosna¹⁵. Although often praised for his religious devotion, Cardinal Puljić has frequently been politically active as well. Repeatedly he pointed out to the exodus of Croats from the BiH capital and their endangered rights (Selimbegović, 2008). On other occasions he criticized the lack of unity among Croat politicians and called for “every religious Catholic” to vote during the elections:

“Participating in elections and voting for those that will protect our interests; we fight against marginalizing Croat people in many structures of this society and this state.”

“We have to show and prove our political maturity, citizen responsibility and religious awareness. As a member of the Croat people I will vote for those that truly dedicate themselves to the common interest of Croat people in the entire BiH, while respecting other peoples and nationalities.” (Puljić, 2008)

With these statements Cardinal Puljić draws a direct parallel between religious and ethnic belonging. Turning up at Election Day is a matter of religious awareness to the highest Catholic clerk in BiH. By declaring finally who he, as an example of a good Catholic and therefore a good Croat, will vote for, he closes the circle. “Religious awareness” becomes

“voting for those that will protect our [Croat] interests”. These remarks of Cardinal Puljić, some days before the elections, point to *biological existentialism*. In words of professor Mujkić (2007):

“Ethno-politics views a person as interpreted and defined by someone else, ethnic and religious elites, while her or his actions and deeds are constituted through culturally *misinformed* narratives. In a typically collectivist manner – a sad tradition of this part of the world – a person is taught that without a collective identity (be it the *proletariat* or an *ethnic group*) he or she does not mean much”.

3.2 Reforms

The Croat parties in BiH can be categorized in two groups: the HDZ parties and the non-HDZ parties. Both HDZBiH and HDZ1990 are substantial parties in all layers of BiH government. They have seats in state, entity and cantonal parliaments. They are part of the ruling coalition on those levels of state. The main difference is that HDZ1990 splintered from HDZBiH after the tensions between two rival clans polarized. The policies of both parties are similar, with HDZ1990 tending to be somewhat more populist.

The non-HDZ Croat parties in BiH have the primal characteristic of being marginal and non-existent at the state level. However, there are several representatives of the non-HDZ Croat parties on entity and cantonal levels. On the local level the non-HDZ parties are even more present. In the election period joint lists are being formed. Especially in regions where Croats are not a majority the non-HDZ parties tend to form a coalition with either HDZBiH or HDZ1990 in order to get Croat-representative(s) in the respective legislative bodies.

Ideologically the ideas of the non-HDZ parties are very heterogeneous, differing from very xenophobic and separatist ideals to more pragmatic and moderate views on the future of Bosnia and Herzegovina and society in general. Although the choice to highlight the parties with most influence at all levels of BiH has been explained earlier, it is important to point out that there are also alternatives. These alternatives can also be found within ethnopolitical parties.

3.3 Presidency

The current situation concerning the election of the members of the BiH Presidency is favourable to Croat representatives. Although Croats are numerically the smallest of three Constituent peoples and there are indications that their number in BiH is decreasing, the current arrangement assures them a place in the rotating tripartite Presidency. After every

¹⁵ Vrhbosna is diocese of Roman Catholic Church in central and north-eastern BiH

election except one, HDZBiH provided the Croat member of the BiH Presidency. However, after HDZ1990 split from HDZBiH, their electorate also became divided. On the other hand the 'multi-ethnic' SDPBiH also had a Croat candidate for the BiH Presidency: Željko Komšić. This lawyer, who earned the highest military award during the siege of Sarajevo between 1992 and 1995 fighting for the ARBiH, was a controversial choice. As a Croat, he chose to enter politics through SDPBiH, which is often considered a Bosniac party, as you can read in the chapter on Bosniacs. Besides, unlike previous candidates that mostly originated from West-Herzegovina, Komšić comes from Central Bosnia. Both HDZ's questioned Komšić's legitimacy as a Croat member of BiH Presidency as he did not declare himself enough as a Croat and as he was not a member of a party with Croat prefix. They argued that this was again an example of Bosniacs outvoting the Croats. Komšić was the choice of Bosniacs that voted for him within FBiH¹⁶.

Previously, Croat representatives in the Constitutional negotiations seemed to be mostly in favour of the current election of the BiH Presidency. After the loss of the seat in the BiH Presidency both HDZ's are supporting a more comprehensive revision of the Constitution, one that would create a Croat administrative region. Besides creating an area with a dominant Croat majority, various Croat officials for the state level functions could directly or indirectly be elected from this region.

HDZBiH refrains itself from taking part in a debate about the new Constitution. This is understandable/logical because in the past the party has often been sanctioned for its activities and the activities of its members. Their policy is primarily addressing the poor position of Croats in FBiH and insinuating the creation of an ethnically based new entity (HDZBiH Party Programme n.d.). HDZ1990 as a new party does not have burden of sanctions from the OHR. Therefore, the party dares to take a somewhat more conservative, nationalistic and, above all, concrete position on a number of issues. Concretely, HDZ1990 declares in its Platforma za Novi Ustav (Platform for the New Constitution n.d.) that the BiH Presidency should have three members that would be indirectly chosen by the BiH HoR. Each member of the BiH Presidency would stem from one of the three Constituent peoples. The Chairman of the BiH Presidency would rotate between the representatives of the Constituent peoples after every mandate. As an alternative they propose the rotation of the Chairmanship between the members of the Presidency after every third of a mandate.

There are two main objections to be made to this proposal by the HDZ1990. Firstly, that all three members of the Presidency are to be chosen from the BiH Constituent peoples. This regulation would still remain discriminatory, as it does not include BiH citizens that do

¹⁶ Meeting with Dragan Čović, the President of the HDZBiH, January 20, 2009, Mostar.

not belong to or wish to identify themselves with one of the Constituent peoples. The previously mentioned CERD¹⁷ explicitly criticized the fact that so-called ‘Others’ could not be elected as the Head of State.

Secondly, the indirect election by the BiH HoR would most probably mean that a Croat representative of the BiH Presidency would be a member of one of the parties with a Croat prefix. The elected BiH Presidency members that announce that first and foremost they will be working for the benefit of entire BiH, all its citizens and all three Constituent peoples (Komšić, 2006), and are not part of Croat parties will be virtually impossible. The above mentioned election of Željko Komšić as a Croat member of the BiH Presidency caused many objections from the Croat parties and organizations. Not only is this person able to generate a large number of votes from other Constituent peoples but he is not a member of a Croat party. To make matters worse, he opposes some of their ‘solutions’ for Croat problems and criticizes their policies. His *Croatness* is being questioned, aiming to discredit him as a legitimate and elected representative. Komsic would not be Croat enough to protect the interests of BiH Croats.

The line of argumentation these critics of Komsic follow is distressing. They behave as the owners of Croat policy, constructing this policy on the grounds of something as trivial as ethnicity. They ascribe homogeneous characteristics to this identity, that are clearly marked and absolutely different from *others*. Not only do the members of Croat parties that we discuss here allow themselves to define the boundaries of ‘a Croat’, but they actively exclude someone who belongs to this group by birth (Komšić, 2006), carries its name and has been baptized. They take their right to do so, as this person does not comply with what they prescribe as the Croat political agenda. These political parties determine rules of belongingness and the policies that should be carried out. The repercussion of not conforming to this is exclusion.

In conclusion, besides proposing a discriminatory election of the BiH Presidency, the parties have shown that they will only accept a member of parties with a Croat prefix as a legitimate representative of the Croat people. This results in the implication that the group homogenisation will intensify. You are either a Croat - and therefore vote for or are a member of a political party with a Croat prefix - or you are not. According to the HDZs’ proposal, not belonging to the Croat people or one of the other two constituent peoples would mean to not be represented at the executive level.

¹⁷ United Nations Committee on the Elimination of Racial Discrimination

3.4 Spatial Arrangement

Whereas Bosniac parties prefer a simple state, with “multi-ethnic” regions and return to the pre-war demographic situation, Croats have narrower spatial interests. The parties with a Croat prefix generally have a consensus about founding a new entity based on the current ‘ethnic’ demography.

In its Programme, HDZBiH stresses that “Dayton Accords stopped the war and assured peace under patronage of the International Community, but it did not assure the construction of a democratic and self-sustaining BiH” (HDZBiH Party Programme n.d.). This argumentation corresponds with findings of Toal et al (2006). These suggest that the largest group among BiH Croats finds that “Dayton was necessary to end the war, but now BiH needs a new constitution to prepare for the EU”. BiH Croats seem very fragmented when asked about “how [...] to organize the state of Bosnia and Herzegovina”. Approximately a third sees BiH as “a complex state”, either cantonized (but without entities) or as a federation i.e. a confederation. While to a lesser extent “a simple state” with a strong central government and local self-government (with or without regions) is preferred. However, the largest group does not support any of the above or does not have an opinion on the subject.

Nevertheless, HDZBiH’s most important party goal is establishment of Croat self-government. The party has two arguments for the creation of a so-called “third entity”, a Croat administrative territory with its own legislative, executive and judicial powers (HDZBiH Party Programme n.d.). The first argument is based on assessments and conclusions of “relevant bodies of the international community”. The resolutions of the European Parliament, the Council of Europe and the United Nations regarding the future arrangement of BiH as to fit all three Constituent peoples are being used for the following. The line of argumentation seems to be that the international community regards the Dayton Accords as insufficient for BiH needs. The future BiH arrangement should have more consent for the needs of all constituent peoples and others. The next argument for the formation of “the third entity” builds on the first one.

The second argument regards “asymmetric state arrangement with two entities - three constituent peoples”. Seemingly, the current arrangement is unjust to Croats as they do not have their own territory where they have a clear majority. In the RS the Serbs are the majority, while in the bigger entity, FBiH, the Bosniacs are the majority. That leaves Croats, a Constituent people *nota bene* just like Serbs and Bosniacs, without an entity where they are numerically dominant.

These two arguments are misleading. The fact that there is a consensus among actors of the international community in BiH about the revision of Dayton Accords does not mean

they all support arranging the country along ethnic lines. On the contrary, the international community emphasizes the importance of good governance and leaves the trivial drawing up of maps to BiH politicians. A EU report on enlargement strategy and challenges does not mention territorial arrangement as one of the BiH challenges, but rather the general lack of consensus considering constitutional reforms, poor economy and the attacks on the judiciary system (Commission of the European Communities, 2008). The organizations that are imbedded in the Dayton Accords (the OSCE and the OHR) seek to establish rule of law, democracy and protection of human rights as most important norms for the new BiH Constitution.

Furthermore, the party's suggestion that the creation of a Croat entity is the only way that rights of Croats can be protected is problematic. Namely, it constructs a homogenous group, suggesting a clear demarcation of who is and who is not a Croat. This is contradictory to the ideals of the protection of human rights (United Nations, 1948) and therefore "instruments to protect and respect individuals" (Mujkić, 2007). Besides in a country like BiH, where its peoples lived side by side for centuries and influenced one another, the ethnic homogenization is bound to be trivial. Even HDZ politicians are calling into question the 'Croatness' of some officials. In a recent meeting, the President of HDZBiH, Dragan Čović, stated that in BiH there is *inter alia* a problem of people declaring themselves Croats in order to obtain high functions. Although this may be true, the question is who is to decide who is a Croat? A leader of a political party? A bishop?

Furthermore, by creating a territory where Croats can be 'safe' HDZBiH also neglects the Croats not living in the Croat entity. The party does not even protect the rights of all Croats in BiH as it claims and that raises the question about HDZBiH motives for creation of a Croat entity. Moreover, it can be expected that Bosniacs and Serbs living on the territory of a possible Croat entity will be less content with this development, for the very same reasons that Croats are presently unsatisfied.

HDZ1990 does not try to justify its efforts towards 'a third entity' by referring to international institutions. In the party's programme declaration and Platform for a New Constitution there is barely any explanation of the need for a new entity (HDZ1990 Party Programme n.d.). It mentions current 'asymmetric' arrangement, as well as the deteriorating situation of the BiH Croats. Poor argumentation for an ethnically based entity suggests populist motives from HDZ1990. A territory that would have far reaching competences (HDZ1990's Platform for New Constitution suggests i.e. justice, police, education and health) and has a Croat majority, can appeal to Croat voters as a simple solution for a complex problem. Three constituent peoples – three entities. Everybody gets their own space and there

are no more security dilemmas (Wevling, 2003). Drawing new borders will only create new minorities somewhere else, which is not exactly solving the problem, but rather moving it. Instead of creating a system that will protect everybody's rights it is being suggested to use the poor logic of ethnic division that was used during the Dayton Accords.

The visions of both parties correspond with Mujkić's ethno-political characteristic *mosaic multiculturalism*, whereby constituent peoples "have come to be viewed in essential and absolutist terms" (Mujkić, 2007). Mujkić argues that this is a typical characteristic of ethno-politics, as it "is designed to cope with plurality". In this case, it copes by creating a place that is exclusively Croat. Thereby it confirms the aspiration of the wartime HDZBiH leadership, at that time both current HDZs were part of it, of creating a Croat state. Seceding from BiH is not possible at the moment as neither regional nor international actors support this. Not to mention that in BiH this would be unacceptable for many of its citizens. However, the ideas about referendum on independence of the RS from BiH can be seen as a perspective for the future for the Croat nationalists as well. I will turn to this issue next.

4. SERBS – LEGITIMIZING ETHNIC CLEANSING

Republika Srpska has had a turbulent history from the time it was founded until the present. Its creation was possible in a time of major regional geopolitical events. Following the secession of Slovenia and Croatia from Yugoslavia, BiH also decided to do the same. After a large majority of BiH citizens voted for self-determination of BiH from the so-called rump-Yugoslavia (consisting of Serbia, Montenegro and Macedonia) the independence was declared in March 1992. However, the Serb politicians in BiH were against these developments and were calling BiH Serbs to boycott the referendum. The nationalistic Srpska Demokratska Stranka (Serb Democrat Party, hereinafter: SDS) held its own referendum and declared the territory under their control independent. Srpska Republika Bosna i Hercegovina (Serb Republic BiH) was born, which was later renamed to Republika Srpska (RS).

The leadership of the RS in those initial years was strongly in favour of a *divided* BiH, a governmentality that favours partition of BiH into ‘ethnically homogeneous’ territories. They claimed over 60 percent of BiH because Serbs inhabited that land. This percentage was poorly constructed:

“The figure was calculated by first adding the total territorial percentage of the 34 *opštine*¹⁸ where the Serbs constituted the majority population according to the 1991 census: in 29 of these there were more than 50 per cent Serbs, while in five the Serbs were the single largest group but less than 50 per cent. Then the Serbs added Bosnia(c) majority areas such as those in eastern Bosnia on the grounds that these regions were historically Serb. From this skewed reasoning, the figure of 64 per cent was generated. Other accounts suggest the calculation is based not on the *opštine* scale but on a micro reading of cadastre records and imputed settlement majorities” (Ó Tauthail & Dahlman, 2006).

Furthermore, they sought to arrange the RS as a homogeneous territory, exclusive to solely Serb people. The patchwork that the very same space resembled at that time was completely ignored. People of other nationalities and religions were cleared from their homes by “the strategy of violence [...] well known for its degree of destruction, brutality and massacres” (Ó Tauthail & Dahlman, 2006). The strategy eventually failed due to the imperfect agreement that stopped the war. The Dayton Accords provided the return of the refugees to their pre-war settlements and subsequently the RS Constitution accepted Croats and Bosniacs as RS’ constituent peoples. Nevertheless, the creation of “ethnoterritory”, to cite Ó Tauthail & Dahlman (2006), continued after the war. Previously socially owned land was appropriated to

the displaced Serbs from FBiH and Croatia by some municipalities in the RS (Ó Tauthail & Dahlman, 2006). These Serb refugees were encouraged to stay in their new settlements, while the Serbs that remained in the FBiH were encouraged to move to the RS.

Gearóid Ó Tauthail wrote many articles on BiH. In his more recent ones he focused mostly on the RS. In his 2005 article this Canadian political-geographer argued that RS politicians were facing a dilemma in order to maintain their entity: “They must confront the war crimes that established it and accept a diminution of its power”. Turning in national heroes can be a delicate matter. The dilemma that Ó Tauthail refers to is that of the current RS officials turning against the founding fathers of the RS in order to enable an integration into Europe or, on the other hand, face isolation and sanctions. The OHR and EU were determined to put BiH on the road towards European integration and membership of EU and NATO as sustainable and enduring guarantees for stability and security in the country and the region. However, certain conditions were to be met in order for BiH to get there. One of those conditions is putting the indicted war criminals to trial in the International Criminal Tribunal for the former Yugoslavia (hereinafter: ICTY), among others the former SDS president and first president of the RS, Radovan Karadžić.

The current RS leadership seems to have found a way to deal with this dilemma. Karadžić was caught by Serbian authorities in Belgrade in August of last year, while the reactions in RS were rather modest. The RS authorities stated that with this act they hope the collective guilt will be removed from Serbs and they again recapped that the people that are being sent to The Hague are mostly Serbs (Ahmetašević & Tanner, 2008). The ruling politicians of the RS have welcomed the arrest of the RS founder as fulfilling their obligation on the road towards Europe. However, the second part of dilemma proposed by Ó Tauthail does not seem to be fulfilled: the transfer of competences from the entity to the state level (strengthening the state in order to make it more sustainable) i.e. diminution of the RS power is rather being reversed than accepted.

The RS leadership is establishing parallel institutions, it threatens to withdraw from state institutions, it threatens to establish its own monetary system and it threatens to organize a referendum on independence from BiH. Their actions do not point to a diminution of power. On the contrary, instead of diminishing, the secessionist character becomes ever more present.

In its popular-scientific article, the leading BiH geopolitician Nermin Čurak (2008) stresses the recent global geopolitical developments as worrying. He draws a parallel between the Russian involvement in the conflict between Georgia and its two break-away regions South-Ossetia and Abkhazia, and the situation in BiH. Nowadays, Russia supports the RS

¹⁸ Bosnian word for municipality

demands, just as it has supported the Serb policy during the war (Sliber and Little, 1996). Čurak is concerned about the weak EU backbone during the invasion and the excessive use of force by the Russians in Georgia and more especially the implications it will have for the future: Georgia lost both regions for a long period of time.

Čurak (2008) is concerned that the same might happen to BiH: that Russians might support the RS in its secessionist desires while the EU does not have the strength or will to oppose this. According to him, BiH has two options. First, “OHR is part of an interior structure of BiH as long as BiH is structured as a country of two entities”. Second, “change of entity arrangement of the country”, means constitutional reform. Any other option will lead to ‘osetizaciju’ of BiH, to borrow a term from Čurak, meaning secession of RS from BiH.

4.1 Parties

Currently there is one party that is dominant throughout the RS: Savez Nezavisnih Socijal Demokrata (the Alliance of Independent Social-democrats, hereinafter: SNSD). The party has 7 seats in the BiH House of Representatives, making it the third-biggest party of BiH (see figure 2). With 41 seats in the RS National Assembly the party has an absolute majority in this entity’s parliament (RSNA, 2006). The party’s president and prime minister of the RS, Milorad Dodik, has started as a parliamentarian in pre-war BiH Assembly in the party of moderate reformist Ante Markovic¹⁹. During the early nineties Dodik served as an independent parliamentarian in the RSNA, not participating in the structures of the then RS authorities. That enabled him later to distance himself from the genocidal policy of the RS’ war-time leadership.

The party has been part of the BiH HoR since 1998, in the beginning as part of a coalition with other opposition parties from the RS and later independently. Their growth has been substantial after each election. A strategy of nationalism, a socialist image and emphasis on economical development guaranteed steady increase of their electorate.

On the other hand, the party that founded the RS, SDS, has lost a lot of votes in the recent elections. Currently they hold just three seats in the BiH HoR and are the largest opposition party to SNSD in the RSNA, with 17 seats. Other parties from RS in the BiH HoR are Partija Demokratskog Progresna (Party of Democratic Progress) and Demokratski Narodni Savez (Democratic People’s Alliance), each holding respectively one seat in the BiH HoR.

In this chapter only SNSD and SDS will be discussed, as they are the most influential parties among the Serbs on the state and entity level. These are also the foremost parties that

¹⁹ A Yugoslav Prime-minister at the time.

were part of or are being mentioned as potential actors within constitutional negotiations, in the past as well as in the future. Other parties have a marginal role in this process.

Until recently SNSD seemed a moderate and reasonable party that was promoting constructive solutions for BiH problems. Its leader Dodik was willing to cooperate with other parties independently of their national prefix. For example, he was part of the Shadow Cabinet – the Alternative Council of Ministers. This was an opposition initiative to give constructive critique on the work of BiH Council of Ministers²⁰, consisting of *inter alia* the Croatian Peasant Party, the Social Liberal Party of the RS and the Muslim Bosniac Organisation of BiH. Dodik's occasional nationalist excesses were tolerated as they faded next to the nationalist rhetoric of the SDS. Therefore the party enjoyed support from the international community in BiH. The OHR policy was to use Bonn powers to remove obstructionist politicians, while supporting cooperation preferably of politicians without a war past. The SNSD seemed a reasonable alternative with pragmatic and a lesser nationalistic attitude.

The SDS is their main political opponent within the RS. The party was founded in 1990 and was largely supported by Serbs in Croatia²¹ and BiH, and to a lesser extent in Serbia and Montenegro. During the first democratic elections in Yugoslavia and its republics in 1990, SDS won 30% of the mandates in BiH, becoming the second-largest party at the time. The main goal of the SDS' programme in the early nineties was to unite all Serbs into one state. Therefore the party firstly held "a plebiscite of Serb people in BiH", which was to decide whether they wanted to stay in a common state with Serbia, Montenegro and Serb regions in Croatia that unilaterally proclaimed autonomy. The majority of voters was in favor of this decision. After requesting JNA (Yugoslav People's Army) to protect the regions in BiH where the plebiscite was held, the Assembly of Serb People in BiH declared *the Serb Republic BiH* on 9 January 1992 (ICTY, n.d.). This self-proclaimed republic envisioned a territory that was previously founded, "Serbian autonomous regions", regions under control of SDS, "including regions where Serbs are a minority due to the genocide committed upon them during World War II" (ICTY, n.d.).

Due to continued obstructivism in a post-Dayton Accords BiH, the SDS was often sanctioned and their politicians banned from political activity by the OHR. At the same time the more pragmatic Dodik and his SNSD were praised for and supported because of their cooperative attitude. These two policies of the IC eventually contributed to SNSD's rise to power. The expected effect was the strengthening of competences on the state level and

²⁰ BiH Council of Ministers is a state level executive branch in BiH.

therefore a more functional and efficient BiH. However, as the SNSD grew, it moved to a more ethno-nationalist polity.

There are ideological differences between both parties, whereby SDS focuses more on traditional values, while SNSD is more oriented towards European integrations and economy. However, when discussing Constitutional reforms, both parties have similar goals and means. These goals and the manner in which these are being achieved I would qualify here as ethnopolitical. Firstly, both parties make it clear they are parties of Serb people in BiH. This is being done by mainly (or solely, in the case of SDS) using the Cyrillic alphabet for their documents. For example, on the SNSD's website party's the statute and programme are only available in Cyrillic – an alphabet mainly used by and associated with Serbs. The ethnopolitical characteristic of *people* is apparent here. It becomes even more apparent as both parties keep addressing mainly Serb people in their programmes. Mujkić (2007) explains how is this generally done: “*Ethnos* pretends to be *demos*, constituting [...] an imaginary community of membership and filiation as the collective subject of representation, decision-making, and rights. The functions of representation and decision-making, and the establishment of the legal framework are permeated by discrimination on the basis of kinship.”

Mujkić's *biological existentialism* is apparent in the following sentence from SDS' Political Platform: “[SDS] is founded bearing in mind that the Serb national issue is a democratic issue as well, and as such, an existential issue for Serbs on this territory”. An unfounded existential threat is being presented as a democratic issue. Serb national issues should be seen here in the context of Serbs not living in a common state together due to break-up of Yugoslavia. After failing to join Serbs in the same state with Serbia, the RS is presented as the solution for Serb existence in BiH. At that time, on the verge of the 1992-95 war, there was no absolute majority among any of BiH peoples. Neither Bosniacs, nor Croats or Serbs constituted more than 50% of the total population. The outbreak of war made it even more clear that it was the largest group of the three, the Bosniacs, that was the least prepared (Silber & Little, 1995; Holbrooke, 1998; Ó Tauthail & Dahlman, 2004; Oberschall, 2007). The RS is constantly being constructed as a shield, protection for all Serbs, even for those outside of BiH²². The blend of “various historical narratives, mythologies, literatures, religions, traditions, and memories of events that are considered of vital importance to the identity of a particular ethnic group and thus hypostasized as the discursive limits of the founding ethnic narrative” – is being used to justify this policy.

²¹ The party was founded in Croatia and was ruling party of self-proclaimed state Republika Srpska Krajina – the Republic of Serb Krajina (Krajina meaning Frontier).

As religion is the only ‘tangible’ difference between BiH’s constituent peoples, while ethnopolitical parties give it a prominent spot within their programmes. In the previous chapters we have seen the SDA promoting itself as an answer to 50 years of oppression by Muslims and both HDZBiH and HDZ1990 promoting themselves as parties built on the principles of Christian civilization. SDS is by far less subtle in its *religious nationalism*. The party states that “Orthodox Christian religion is the source of all our [party’s] national and political goals”.

4.2 Reforms

In the first section of this chapter the literature about the politics of BiH Serbs has been briefly summarized. The second section focuses on the main actors of Serb ethnopolitical stream in BiH. The following sections of this chapter will discuss the two aspects that are illustrative for the geopolitical reforms of BiH. Firstly, the election of the BiH Presidency, as currently the election of the tripartite Presidency excludes many citizens. Secondly, the spatial arrangement, i.e. what the territorial ambitions of the ethnopolitical elite among the BiH Serbs are.

In the Dayton Accords BiH is acknowledged as a sovereign independent state by the ‘party’ that signed the agreement in the name of BiH Serbs, namely the Federal Republic of Yugoslavia and its President, Slobodan Milošević. The war was ended, but none of the sides involved achieved their goals. Bosniacs did not have a unitary state and Serbs and Croats were unable to secede and form nation states with their respective mother countries.

Ethnopolitical elites were forced to abandon their goals as their representatives agreed to a sovereign BiH, consisting of two entities. Mujkić (2007) stated that: “[u]nlike most other political practices, ethnopolitics is a non-doctrine; it has no goal, vision, or hope other than remaining in power. Neither the well-being of any particular ethnic group nor ‘vital national-ethnic interests’ is the final goal of ethnopolitics. Its *raison d’être* is *crisis*, a constant appeal to the existential danger faced by the group. A permanent condition of threat is the only effective way for politicians to remain in power”. The examples that brought ethnopolitics to level of excellence will be shown next among the two parties we are discussing in this chapter.

4.3 Presidency

As far as the discussion about the election of the BiH Presidency is concerned, the Serb ethnopoliticians seem to be content with the current situation. The discussion among the

²² Speech during Serb National Council, the RS Prime Minister Milorad Dodik, 1 June 2008, Zagreb.

Serb parties is generally whether the new laws also mean a transfer of competences to the state level. As an entity within BiH, the laws of the RS need to be in line with the laws on the state level as well as coordinated by the institutions on the state level. SDS and the other smaller opposition parties tend to accuse the RS Government (i.e. SNSD) of weakening the position of the RS by making more laws in which the cooperation with the state level institutions is required. The RS Government, on the other hand, presents their policy as a new step within the process of European integration. The objection to cooperation with the BiH authorities is being countered by the argument of cementing the position of the RS. In the opinion of the RS Government, the RS is making progress by making new laws. Besides, cooperation also entails that their interlocutors are accepting them²³.

The main objection from the international institutions and civil society on the current election system is its discriminatory character. As previously mentioned, it is only possible to be elected as a member of the BiH Presidency if one declare oneself as a member of one of the three constituent peoples. On top of that, your 'membership' needs to be linked with the territory you inhabit. A Serb member of the BiH Presidency can only be chosen from the territory of the RS, while Croat and Bosniac member of the BiH Presidency can only stem from the FBiH. Other citizens of BiH do not have the opportunity to run for the BiH Presidency. This is an example of institutionalizing ethnopolitics at its finest.

The representatives of the three peoples in Dayton in November 1996 were all ethnopoliticians. They acquired the stakes in all governmental levels of the country for themselves and for their subordinates and successors. One could perhaps argue that it was war time and joint representation on all levels of government was needed to control one another. But for how long will security be used as an excuse for discriminatory laws and creating fear of others?

Despite the frequent critique by the Venice commission (2006) and the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR, 2008) that the current electoral system for members of the Presidency is discriminatory, there is not much debate on possible solutions.

The Venice commission recommended that BiH should have one President with very limited powers. Nevertheless, all of the proposals for the Election of the BiH Presidency envisioned a collective Presidency. That was also the case with the second, Serb, proposal that was sent to the Venice Commission by the then-Chairman of the BiH Presidency, Sulejman Tihić. He requested an opinion of this Commission on three proposals made by the main BiH political parties in the framework of negotiations on constitutional reform. The second pro-

²³ Speech at a RSNA session, the RS Prime Minister Milorad Dodik, 18 March 2008, Banja Luka.

posal envisioned direct election of the tripartite Presidency, whereby one Presidency member would directly be elected from the territory of the RS and two Presidency members from the FBiH.

The main objection the Venice Commission made was that “*de facto* Bosniacs and Croats from the Republika Srpska and Serbs from the Federation would also continue to have no realistic possibility to elect a candidate of their preference”. The Venice Commission does not elaborate why this would not be a realistic possibility. This is probably because it assumes that everybody that reads their Opinion (Venice Commission, 2006) knows that there are almost no Serbs living in the FBiH, nor Croats and Bosniacs in the RS.

The proposals and Opinion by the Venice Commission are stemming from the spring of 2006. Ever since the constitutional reforms from that period failed, the debate on content of the constitutional reforms, explicitly the constitutional negotiations, was almost non-existent. Therefore the issue of changing the electoral system has not developed from the 2006 proposals. Whether the new constitutional reforms will contribute to movement of “a state based on peoples to a state based on citizens” (Venice Commission, 2005) remains questionable. Namely, the parties that will be involved in the negotiations are: SDA, SNSD and HDZBiH, i.e. ethno-political parties representing Bosniac, Serb and Croat people, respectively²⁴.

4.4 Spatial arrangement

“Republika Srpska – trajna kategorija”, RS – a permanent category, was a slogan by the RS prime-minister and the SNSD president Dodik (Dodik, 2007). This one-liner, stated in east-Herzegovina city of Trebinje during the orthodox Patrons Day of the city, is characterizing for the ethno-political parties based in the RS. On one hand it is a reaction to the claims by the Bosniac politicians who dispute legitimacy of the RS and promise their electorate the abolition of this entity. The patriotism depicted in the slogan serves as a message to the inhabitants of the RS as well, the message being: *the RS is here to stay*.

The policy of the SNSD-dominated Government of the RS is indeed imbedding the RS in the political milieu of BiH and the region. The RS authorities are willing to cooperate with their counterparts on the BiH level as long as the RS is accepted. The benefit of the cooperation means not being sanctioned for obstructivism by the OHR’s Bonn powers. Furthermore, it brings a share of revenues coming from the newly established Indirect Taxation

²⁴ Odzak agreement was signed on 8 November 2008 between presidents of these parties, specifying how the negotiations about constitutional reforms should be led.

Authority²⁵. Finally, the cooperation also brings hundreds of millions of euros from the EU-funds for the integration of potential member countries. Alongside all the financial benefits, the cooperation also brings better legislature (the laws being passed are often initiated by the BiH Council of Ministers or the OHR that generally possess more legal and professional expertise), security (as there are strong security agencies on the state level) and better borders (the state border service ensures less smuggling and trafficking).

However, the welcome cooperation seems to go alongside an intensified obstructivism. In the months before the municipal election of 2008 the RS Prime Minister Dodik proposed the use of a different monetary system apart from BiH, refused to provide information to the BiH Prosecutor and the BiH Court, established parallel institutions in the field of missing persons and refused to pay the costs of state TV. Without getting into the discussion regarding the content of these steps, the way they are presented is distressing. They are mainly a reaction to and accusation of Bosniac politicians ‘attacking’ the RS. I will come back on those attacks further on. Furthermore, its Prime Minister also presented the abovementioned actions as a step towards ‘independence’ of the RS. At the same time that is the biggest fear of the critics of the RS Government outside of the RS – that Dodik does not even try to conceal his secessionist desires anymore, but is heading straightforward towards it.

When comparing the policy of the RS government towards spatial arrangement of BiH and the theory of ‘clashing governmentalities’ by Ó Tauthail & Dahlman a vision of a *divided* BiH emerges – “its diversity is held to be an explanation of its violence”. Here, violence would better be rephrased to malfunctioning. The line of argumentation that the current SNSD dominated RS Government is making is similar to that of SDS on the verge of the past war. The breakup of Yugoslavia cut Serbs in Croatia and BiH from their mother country, Serbia, in hostile environments. Whereas SDS envisioned a Greater Serbia with Serbia, Kosovo, Montenegro, the RS (made of over 60 percent of BiH) and Republika Srpska Krajina²⁶, the current SNSD envisions the RS as “a precondition for existence of Serb people on this territory”. Both parties see “homogenous national spaces” as necessity for Serb people to survive.

The RS Prime Minister, Dodik, previously stated that whereas the RS is a permanent category BiH is unlikely to last as a state (Dodik, 2007). BiH is in its vision an artificial product of the peace agreement between the former Yugoslav countries in the mid-nineties, a vision in line with the *divided governmentality*. If the Bosniac politicians’ threats to abolish the RS continue, he would answer with a referendum on the independence of the RS from BiH. To move from words to deeds, the RS National Assembly passed the decision that it has the

²⁵ A state level institution that is tasked with developing and maintaining value added tax system

²⁶ the Republic of Serb Krajina (Krajina meaning Frontier) – a part of Croatia with Serb majority before the war.

right to launch a referendum to reconsider its status if the majority of the EU countries recognizes Kosovo. The decision was initiated immediately after Kosovo's declaration of independence, but the conclusions were passed in October this year. Kosovo's act of self-determination is used as an argument for the right to self-determination from BiH.

The threats of abolishing the RS are mainly stemming from Bosniac politicians and seem only to strengthen Dodik's authority on the RS political scene. Thanks to these attacks he can illustrate the threat Serbs are exposed to in a country where they form a minority. The threat gets a face in the shape of SBiH president, Silajdžić, SDP president, Lagumdžija and SDA president, Tihčić.

The argument of these politicians is that the RS is formed by the use of aggression on the state of BiH. The Srebrenica aggression was acknowledged as genocidal by the ICTY and the International Court of Justice (hereinafter ICJ). It is from this decision by the ICTY and the ICJ that the term 'genocidal creation' comes from. The term was used by the Bosniac member of the BiH Presidency, Silajdžić, in his speech at the UN General Assembly, as then chairman of the BiH Presidency. He uses the term just as frequently as Dodik uses the term 'permanent category', while they are labeling the same territory. This way the two personifications of ethnopolitics in BiH, Dodik for the Serbs and Silajdžić for the Bosniacs, seem to complement each other. One uses as the acts of the other as a justification for their reaction and vice versa.

Whether the RS has legitimate claims for its existence is not at question here. The vision of its future by the RS politicians that are currently in power (SNSD) or, in case of the SDS, were in power and are currently the strongest opposition party, however, is. They can be qualified as ethnopolitical parties with no genuine will to cooperate and no realistic possibility to secede. However, by emphasizing group homogeneity, biological existentialism and religious nationalism, they can remain in power and preserve the *status quo* - with a little help from their counterparts in other ethnopolitical streams.

5. CONCLUSIONS

After having discussed the three main ethnopolitical streams in BiH in the previous chapters, I will now briefly discuss the role of IC in BiH and in the reform process. Thereafter the conclusions of this thesis will be drawn, followed by recommendations for further research as well as for future actions.

As mentioned in the *Ethnopolis* chapter, BiH has a wide variety of international institutions in its midst. The most influential ones work closely together in the Board of Principals – a coordinating structure of the IC in BiH (consisting out of: OHR, OSCE, UNDP, UNHCR, EUFOR, EUPM, EU, IMF, NATO and the World Bank). Please note that I am not trying to address the different organizations independently of each other. Neither are the recommendations aimed solely at the organizations in the Board of Principals. They are relevant to all foreign actors related to the constitutional reform process in BiH, whether governmental (for example the USA in 2006 Constitutional reforms process), supranational (EU), international (UN) or non-governmental (ICG²⁷ and ESI²⁸).

5.1 Streams of Ethnopolis

In the chapter *Ethnopolis*, setting the theoretical basis for this thesis, the central research question sounded: Which streams of ethnopolitics can we distinguish in BiH? The main ethnopolitical streams in BiH are formed around the constituent peoples of BiH. Every one of the three streams claims a rather homogenous identity or as Mujkić explains “[s]ociety as a whole is understood as a mosaic of ‘individually homogenous,’ selfenclosed monocultures, unchanging atomic particles and natural things-in-the-world whose paths are parallel”. The undisputable difference among these three groups is religion. Creating a difference on this ground is a basis for the existence of ethnopolities. Every party, except for one (SDPBiH), emphasizes religion as part of their background and in some cases of their foundation (SDA; HDZBiH and HDZ1990; SDS). Participating in religious events such as opening of newly built churches and mosques, blessing of governmental or party institutions and buildings by religious leaders, is a way of demarcation. The group identity is formed around religion and is further built by historical myths (Forto, 2008) and the claiming of territories.

Furthermore, subquestions related to the central questions were formulated. How can these ethnopolitical streams be distinguished? What is the vision that every separate stream has of BiH? What are the implications of these visions on the future of BiH constitutional re-

²⁷ International Crisis Group

²⁸ European Stability Initiative

forms? In defining political parties as part of a certain ethnopolitical stream the characteristics of ethnopolitics as formulated by Mujkić were used. Distinction between the streams was made based on the concrete visions the parties have for the future arrangement of BiH. Now the research has been conducted, the results and implications of the policies the ethnopolitical parties conduct will follow.

5.2 Status Quo

Whilst means are the same, the goal of each stream is different. Mujkić claimed that ethnopolitics does not have a goal except for remaining in power. I would agree that in essence this is the case with ethnopolitical parties in general, not only in BiH. The parties and their representatives claim their right to reign and political legitimacy solely on the grounds of the dominant group identity (Muller, 2008). However, their claims for power can have various objectives: territorial, governmental, financial et cetera. The visions of BiH ethnopolitical streams are therefore concentrated on how the power shall be shared and the territory will be arranged. Thereby the division of power does not seem to concern the judicial, legislative and executive branches, but rather proportional representation among the Bosniacs, Croats and Serbs. Where it is more important that the constitutional peoples are controlling each other. Leading to the number of officials in those branches being tripled. The prime example is the BiH Presidency, with three presidents, one for each constituent people. And the Constitutional Court, having two judges from each constituent people next to three foreign judges²⁹.

The current arrangement of BiH is not satisfactory according to the international actors (Venice Commission, 2005; Commission to the Council and European Parliament, 2008), and the inhabitants of BiH (Van der Lijn, 2005). There seems to be unanimity that a different arrangement is needed but the parties disagree on how this alteration can be achieved. The parties have divergent visions and lack the will for finding a solution. The Bosniac parties (SDA, SBiH and SDPBiH) envision a simple state, with a dominant central government and regions based on geographical and economical grounds and a strong municipal level. However, their Croat and Serb counterparts envision only a complex state with competences mainly on entity level and entities based on current ethnically separated territories. Serbs are unanimous on protecting the RS in its current borders and are unwilling to pass any competences to the state level. Their position is much stronger in comparison with the two other ethnopolitical streams, as they already have a region separated by an Inter-Entity Boundary Line (see figure 1)³⁰.

²⁹ Appointed by the European Court of Human Rights

³⁰ also agreed upon in Dayton Accords

Every ethnopolitical stream consists of no more than two dominant parties whereby their foremost differences lie in the extremism of their rhetoric and their claims. The parties in the opposition (Bosniac SBiH, Croat HDZ1990 and Serb SDS) tend to be more obstructive and their demands more extreme. The result is that their counterparts in the governing coalition have to justify their policies and compromises to the same electorate. This makes governing parties especially reluctant towards making concessions and giving up their demands and *bargaining chips*. The risk is that the counterparty within its own ethnopolitical stream will use this as a sign of ‘selling-out’ or ‘weakness’. The prime examples are: the campaign of the SBiH against the so-called ‘April-package’³¹, that eventually led to their electoral win in the following elections and in retrospect the SNSD used the transfer of competences from the RS to the state level during the SDS reign³² as a counterattack on the accusations that the SNSD is selling out the RS.

5.3 Visions of the Parties

Bosniacs

Within the Bosniac stream the biggest party remains the SDA, even after they suffered heavy losses during the 2006 elections. SBiH was the party that benefitted from their loss. Their tactic to jump into the void that the SDA left on the extreme side of the nationalist spectrum of Bosniac parties, proved to be a success. Their rejection of the April-package as it was anti-BiH and a subsequent campaign for abolishment of the RS had a huge appeal on Bosniac voters. At the same time it caused ferocious rivalry between the two biggest Bosniac parties, making it unlikely that any of the parties would dare to make concessions as those in the 2006 constitutional reforms. The dynamics of the electoral market, battle for the votes, will be a big threat to letting go the idea of BiH as a simple state. The competition between the parties themselves makes it difficult to reach consensus with parties from other ethnopolitical streams as it might be portrayed as a loss³³.

SDPBiH does not seem to fit entirely into the ethnopolitical paradigm of BiH political elites. As the fourth biggest party in BiH (after SDA, SBiH and SNSD), the former biggest party in a ruling coalition (2000-2002) and a successor of the former communist party in BiH,

³¹ Constitutional amendments proposed in April 2006. The amendments were to create two new state level ministries, for agriculture and technology and environment, while the BiH Council of Ministers was to receive more decision making powers. Eventually the package failed to receive two thirds majority in the BiH House of Representatives by two votes. Silajdžić’s SBiH and a part (that was later going to split up in HDZ1990) of HDZBiH voted against it.

³² under a huge pressure by the IC at the time

³³ Recently, a EU Security and Defence official phrased this as “Balkan negotiations: whenever the other negotiation party accepts your offer, then you withdraw it as quickly as possible. Because you apparently gave up too much.” Meeting with EU Military Staff, 12 January 2008.

the party has always been a part of the BiH political establishment. Unlike other parties discussed in this thesis, the party tends to promote itself as antinationalist or to use a more contemporary term, multi-ethnic. Although a majority of their electorate and party's officials is Bosniac, the party has a substantial number of members from other groups. Besides, their programme is not founded on interests of one people and as a former communistic party they never use religion as a mean to gain credibility and popularity. All these methods oppose the view of SDPBiH as an ethnopolitical party. However, one should remain critical and see how the party's policy will develop in the upcoming time.

Croats

HDZBiH and HDZ1990, the main Croat ethnopolitical parties, seem to be involved in similar, though less fierce, rivalry as their Bosniac counterparts. The comparison continues as the founder of SBiH, Silajdžić, previously also left SDA, unsatisfied with the politics and his position within the party. Božo Ljubić of HDZ1990 walked the similar path. Both Silajdžić and Ljubić as well as their deputies in the BiH House of Representatives voted against the infamous April-package. However, the HDZ1990 gained far less electoral profit in comparison with SBiH. The consequence of the failure of constitutional reforms was not as severe for the relation between the two biggest Croat parties as it was for SDA and SBiH. The HDZ mother party in Croatia would prefer that both parties would reunite again, as the current situation is damaging their image.

In BiH, the Croat ethnopolitical parties do not seem to be as assertive in their demands for more autonomy as the Serb ethnopolitical parties. They would rather not upset the IC led by OHR too much, in fear of sanctions. In the meanwhile their rhetoric remains a vague demand for a third entity, mainly based on the current ethnically separated territories with strong competences. Both parties completely ignore the objection that this will still not be a solution for tens of thousands of Croats in Central Bosnia and Posavina that would not be included in this Croat entity in BiH. Neither has any of HDZs tackled the ethical objections of creating an ethnically based territory, it is being dismissed by emphasizing that economical and geographical aspects will also be taken into consideration.

Currently, the Croat parties do not have clear demands for constitutional reforms. On the two aspects that were highlighted in this thesis, election of the Presidency respectively spatial allocation, the parties still cherish old ideas. For instance, HDZ1990 argues for a tripartite presidency, despite all the critique of the current system and recommendations from relevant international organizations. In addition, both parties see federalization of the country into mono ethnic units as the ideal for the future arrangement. The arguments by the Serb parties, that the RS should not be affected i.e. changed by the creation of new entities; or by the

Bosniac parties, that it is unacceptable that new entities (especially on ethnic grounds) are created, are dismissed by rhetoric of the Croat parties. HDZs rather reason that if Serbs are a majority in one entity and Bosniacs in another, then Croats should also have an entity where they can form a majority.

Serbs

Whilst the big Bosniac and Croat parties fell into discord, dividing themselves and sabotaging each other, in the RS political climate, the discord between the rival ethnoparties led to the clear outcome of the battle: the SNSD being the undisputed winner³⁴ and the SDS falling deeper and further apart. Never before has any party from the RS dominated entity politics in a way SNSD does since the Dayton Accords.

Unfortunately, the power shift from the xenophobic SDS to more moderate SNSD has not led to stabilization of the political situation in BiH. After the much discussed April-package failed to pass the BiH HoR, the party was increasingly less cooperative. Pragmatism and compromises were replaced by nationalism and separatism. The SNSD is increasingly obstructing the functioning of the BiH institutions and committed themselves to the strengthening of the RS. Due to the already strong starting position of the RS parties, acknowledged by the already functional institutions and the IEBL³⁵, and the less dominant OHR, this is a realistic strategy. The RS competences and boundaries are agreed upon by all parties (by the elected leaders of Bosniacs, Croats and Serbs) in the Dayton Accords and the changes are to be made only with consent of all the constituent peoples. Besides this the SNSD is a party elected by the citizens in fair and free elections. Their strategy was built on rejecting the SDS policy and they were supported by the IC (Ó Tauthail & Dahlman, 2006). Therefore they are legitimate representatives and negotiation partners.

However, the party does not seem to acknowledge that the RS will have a difficult time being sustainable independently of the rest of BiH. The entity has no developed industry or adequate infrastructure. Moreover the market for its agricultural products should naturally be the inner BiH, which is closely-populated and more industrialized (Ó Tauthail & Dahlman, 2006). Nevertheless, it are moral arguments that form the biggest objection for the independence of the RS. It is undeniable that from the territory of the current RS, non-Serb population was chased away with force. Mainly Bosniac politicians, but on occasion Croats as well, will rarely leave the opportunity not to emphasize this fact. This in return results in counterattacks, denial and pointing out to individual guilt by the Serb politicians.

³⁴ The SNSD's electoral gains resulted in: the majority of the seats in the RS National Assembly and its Speaker and Vice-Speaker, the majority in the RS Council of Peoples, the formation of Government with a majority of SNSD members and party's president as the Prime-Minister of the RS Government, the RS President, member of the BiH Presidency, Chairman of the BiH Council of Ministers.

5.4 Implications

Due to the different visions of the three ethnopolitical streams the rearrangement of BiH territory will be very difficult to achieve with consent of all three ethnopolitical elites. The Serb parties do not intend to give up competences anymore and definitely not an inch of the RS territory. Croats and Bosniacs are willing to embrace change as the situation in the FBiH is to nobody's satisfaction. However, the Bosniacs and the IC are not hearing Croat demands for a Croat entity within the FBiH. The *divided* BiH as envisioned by its advocates and described by Ó Tauthail and Dahlman in 2004, would in that case be a fact. The country would *de facto* be divided in mono-ethnic regions and the advocates that provoked the war would in retrospective achieve their goals.

The election of the BiH Presidency, symbolic for democracy in BiH at the moment, is exclusive and discriminatory. Currently, the tripartite Presidency must consist out of a Bosniac, a Croat and a Serb. The Serb member of the Presidency can only be elected from the territory and by the citizens of the RS, the Bosniac and the Croat members of the Presidency must be elected from the territory and the citizens of the FBiH. The current representatives of the constituent peoples, do not show intentions to change this. As a matter of fact, they are the ones that benefit from the current situation, with various systems and arrangements based on group affiliation. At the moment, a serious public debate on this issue is lacking. However, one can conclude that the current system is not feasible as it excludes some citizens of BiH based on group affiliation.

If the European Court of Human Rights decides that the current system is indeed discriminatory, would damage the BiH budget. Therefore, the Croat claim for tripartite presidency, with members of constituent peoples, is not a serious option. The Serb proposal for three directly elected members of the Presidency, one from the RS and one from the FBiH, was criticized because "*de facto* Bosniacs and Croats from the [RS] and Serbs from the [FBiH] would also continue to have no realistic possibility to elect a candidate of their preference" (Venice Commission, 2006). The Bosniac proposal seems the most feasible. Although it still envisions a collective Presidency, there would be one indirectly (elected by the members of the BiH HoR) elected chairman, which would satisfy the main criteria of the Venice Commission, namely *a single President as Head of State and an indirect election of the President by the Parliamentary Assembly with a majority ensuring that the President enjoys wide confidence within all peoples.*

It can be concluded that the parties that were subject of this thesis will not bring changes to BiH ethno electoral system and ethno territories. There are two main reasons for

³⁵ Inter-Entity Boundary Line

this. Firstly, they are incompetent of governing a state and making compromises for the benefit of its people even if it is sometimes at parties' own expense. Secondly, the current situation works in their favor so, as Mujkić has suggested, it is in their interest to preserve the current *status quo*.

The main ethnopolitical parties in BiH are, on the Bosniac side, the SDA and the SBiH, while the SDPBiH remains disputed, on the Croat side the HDZBiH and the HDZ1990 are the main representatives whilst the SNSD and the SDS are the main ethnopolitical parties of the Serbs in BiH. These parties have characteristics of *religious nationalism, biological existentialism, people based politics and parasitizing on democratic institutions*. These characteristics help them to mobilize voters, based on nationalism and a security dilemma, "you vote for your own survival" (Mujkić, 2007).

All of the parties discussed here propose a sort of proportional representation as an ideal governing system for BiH. That is apparent with the election of the Presidency, as all proposals envision a collective Presidency. As far as spatial arrangement is concerned, the Croat and Serb ethnopolitical parties still envision partition along the ethnic lines as a precondition for existence of their people in BiH. A vision that corresponds with a *divided governmentality* as proposed by Ó Tauthail and Dahlman (2004). A multiethnic character and territoriality of BiH is being ignored. The 'reality' on the ground and the atrocities during the past war are used as the evidence for the necessity of separation and inability to live together. The Bosniac parties envision *integrated governmentality* for BiH. They see present day BiH as a continuation of the medieval Bosnian state and a successor of the Socialist Republic of BiH, that was part of the Yugoslavian Federation. However, their policy is rather Bosniac based, with a majority of their officials being Bosniacs and parallels that are made between the religion and the respective party.

5.5 Recommendations

We, the Citizens of Ethnopolis formed an important framework for this research, especially due to defining the mechanisms of ethnopolitics by these characteristics (Mujkić, 2007). The article added genuinely new life to the critique initially ousted by Pajić (1998), stating that the current BiH system is discriminatory and contradicts with the human rights provisions in its Constitution. As such the article pleaded for more liberal-democracy and individual rights and freedoms, instead of consociationalism (Wevling, 2003; Lijphart, 2004). However, the article did not test the ethnopolitical characteristics neither did it attempt to identify the ethnopolitical elites, their means and goals more concretely.

The description of the main political streams in this thesis was comprehensive. The biggest political parties in BiH are proven to follow ethnic paradigms and are all but one clearly part of one of three ethnopolitical streams that have dominated BiH politics for the last 20 years. Furthermore, the way these parties function was described in detail, this could be useful in understanding ethnopolitics in other divided societies.

A lesson learned in BiH is that although the Dayton Accords did achieve peace for thirteen years and is still running, it engraved it also in stone. Currently, the Constitution that was a part of the Dayton Accords hardly develops or adapts itself to the needs of its citizens. Moreover, the elites that are in power now and have been since the peace accords, are still maintaining their wartime aims. The progress that was achieved towards a more functional and integrated state is due to the carrots and sticks of IC. Since pressure from the IC weakened (symbolized by the departure of Sir Paddy Ashdown as the High Representative) the country has been in a political deadlock. As the situation continues, and ethnopolitical leaders do not cooperate, the tensions could rise. *Religious nationalism, biological existentialism* and *people* based politics are being used as tools for coding past and present, creating myths and emphasizing the differences among the BiH ethnic groups. These are mechanisms that tend to be prerequisite for ethnoviolence if situation polarizes (Brubaker & Laitin, 1998), for example during an economic crisis.

The mentioned international organizations conversely tend to copy the values that their societies are built upon as a blueprint for BiH. Whether mechanisms of liberal democracy are sustainable in divided post-conflict societies has been disputed earlier (Paris, 1997) and is not a subject of this thesis. Nevertheless the various international organizations accept the divided community as a reality and pressure for a fast democratization of the country, as the governments of participating states seek to justify their efforts in BiH and present concrete results of those efforts (Jeffrey, 2007).

Under the current political climate the strengthening of individual rights and suppressing institutionalized discrimination is seemingly impossible. The political representation on legislative, executive and judicial level is almost solely based on group affiliation. The political elites are functioning within an ethnic paradigm and are not intending to change it, as the current system works in their advantage. The election system demands that voters choose a Bosniac, a Croat and a Serb whilst ethnopolitical parties are the very embodiment of these group identities.

As far as international presence in BiH is concerned, I would agree with Bose (2005) that IC should not get itself involved in BiH political debate. It endangers its role of outsider, a neutral and reliable category within the BiH. However it will have to redefine its role. Under

the current provision, a clear vision of role of IC in BiH is lacking. There is a OHR with far-reaching competences, that enjoys support of other influential organizations on the ground, but it does not use its powers to full extent and when it does it is selective instead of consistent. The objectives, as those for police reforms³⁶ for example, are being changed when the situation reaches a deadlock, instead of standing firm.

Enforcing the decisions on the BiH political system did not achieve the expected outcomes (ESI, 2004; Bose, 2005). Whether these decisions went too far or did not go far enough is highly disputed. Whereas Bosniac politicians would plead for the latter, the Croat and Serb politicians, who were sanctioned by the OHR, would probably consider it undemocratic and plead for the former. The IC, currently OHR or in the future EU Special Representative, should not impose solutions, but require outcomes. For example the European Court of Human Rights can judge the discriminatory character of the law on election of the BiH Presidency and sanction it properly.

Further academic research on this subject is needed. If you want to gain more insight in my findings, I would suggest ‘close reading’ or other forms of discourse analysis. The programs of the ethnopolitical parties can be checked for their “ethnic content”. This will help us see how much ethnicity is being used for political purposes. This data can later be checked with the behaviour of the parties when exercising their legislative powers (what are the voting patrons) and the media (how do parties legitimize their claims).

In addition, as we are increasingly involved in conflict management, one of our objectives is to make the solutions for violent content more durable. Some have suggested that consociationalism is a solution for divided societies (Lijphart, 2004). In BiH, the current form of it did not lead to a new conflict, but it did not resolve it either. Consociationalism should not be an exclusively ethnopolitical playground. However, it should be researched how generalizable the characteristics of ethnopolitics as stated by Mujkić are in other contexts.

³⁶ See introductory chapter

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