



# What is happening in Bosnia?

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ULISA WEEKLY SEMINAR

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# Understanding the current crisis

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- Dayton peace agreement
- Inzko law – ban on genocide denial
- Secession claims
- International support
  - Republika Srpska vs. Kosovo
- Appeasement?

# Balkanization of the Balkans?

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“The Balkans produce more history than they can consume” (W. Churchill)

“One day the Great European war will come out of some damned foolish thing in the Balkans”  
(Bismarck 1888)

“Balkanization of Africa”, “Balkanization of the Middle East”

# The current crisis

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- The most serious crisis since the end of the war in 1995
- No possibility of peaceful secession
- Rumors of weapons being distributed among local communities
- EUFOR mission to Bosnia extended last week (600 operatives from 21 countries)
- Last week's "police force exercise" in RS



Source: RadioSarajevo.ba

# 1995 Dayton peace agreement

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Dayton agreement as treaty ‘**designed to end a war, not to build a state**’ (Ashdown 2004)

The former High Representative Carl Bildt (1998: 392):

*“Dayton peace treaty was the most ambitious document of its kind in modern history, perhaps in history as a whole. A traditional peace treaty aims at ending a war between nations and coalitions of nations, while here it is a question of setting up a state on the basis of little more than the ruins and rivalries of a bitter war.”*



# BiH: the most complicated political system in Europe?

1995 Dayton Agreement

2 entities

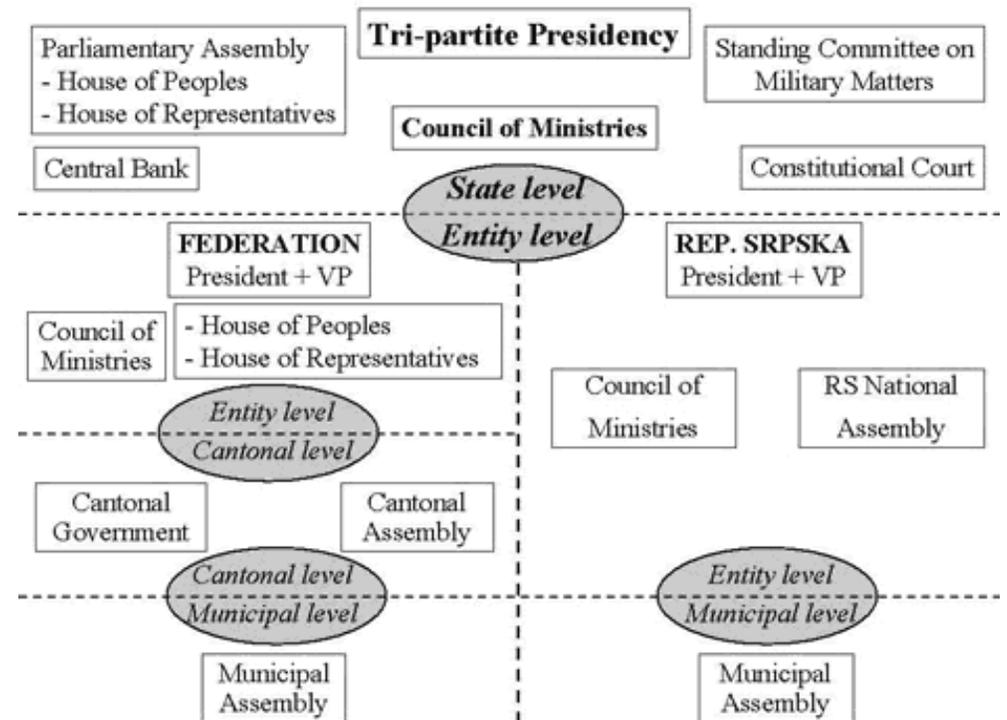
3 partite collective presidency

14 governments

10 cantons

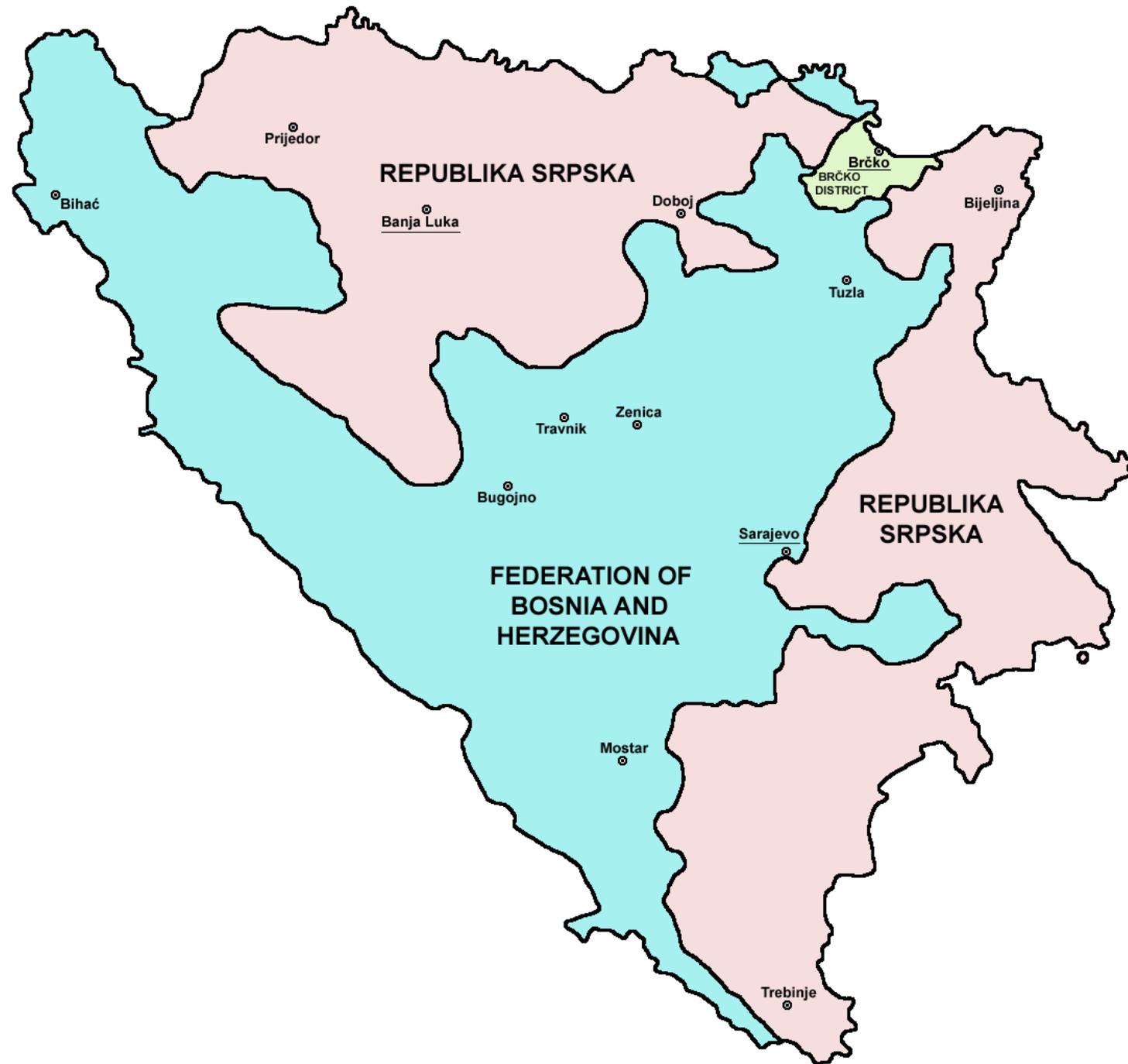
High Representative

1 condominium under international supervision



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Republika Srpska - around 1.2 million residents; roughly the size of Sicily and makes up roughly half of Bosnia and Herzegovina

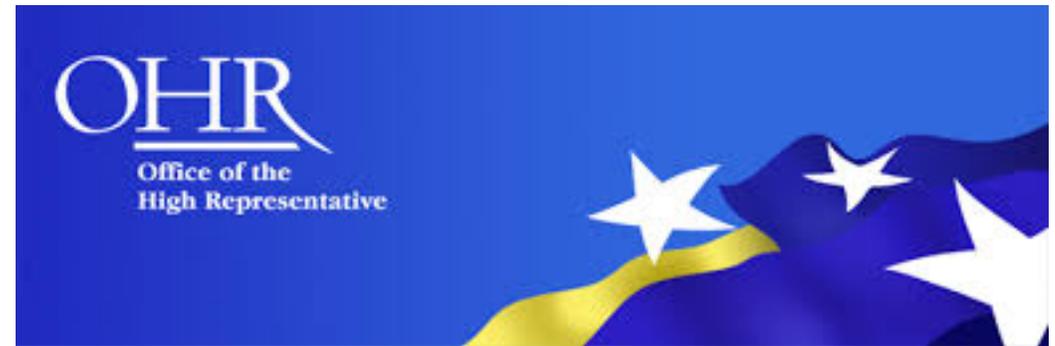


# Office of the High Representative (OHR)

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Bonn Powers

Appointed diplomat



Granted the power to impose institutional reforms and legislation single-handedly as well as to remove from power any politician whose actions he perceived as an obstruction to the implementation of the Dayton agreement

# The High Representative

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**For example, the fourth High Representative, British diplomat Paddy Ashdown who served from 2001 to 2006, imposed 414 decisions (182 were laws), removed 90 politicians from office and blocked 28 private bank accounts (Venice Commission 2005; Kostic 2008).**

The scope of his power and influence included changes to entity constitutions, the appointment of judges, distribution of public revenues, education reforms, regulating the banking system and the Central bank, deciding on state symbols etc.

The right to impose legislation or to dismiss public officials could be exercised with no prior consultation with affected parties of relevant assemblies. In cases of removing officials from office, they did not have to be informed beforehand or given the opportunity to respond to the evidence against them. There was also no possibility of appeal and the affected party had no other choice but to obey the High Representative's order.

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- The position and the nearly unlimited power of the OHR have been widely criticized, both on international and local levels

*-“Bosnia was, almost overnight, turned into a colony jointly administered by the international powers and found no legal basis in international law for granting the High Representative such broad powers” (Parish 2010; Knaus-Martin 2003).*

# Ongoing crisis

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- Former High Representative Valentin Inzko imposed a **ban on genocide denial**

*“outlawing the public denial, condoning, trivialisation or justification of genocide, crimes against humanity or war crimes when this is done in a way that is “likely to incite to violence or hatred”.*

- Transgressors can be punished with prison sentences ranging from six months to five years

- As a response to the ban, Serb member of Presidency, Milorad Dodik announced this month that Republika Srpska, will quit key state institutions to achieve full autonomy within the country

**Republika Srpska is pulling out of three key state institutions: the armed forces, top judiciary body and tax administration - “Serb only” institutions will replace these bodies in the entity**

# Secession conditions

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Any attempt to claim legal secession "that is, where secession trumps territorial integrity" must *at least* show that:

- **the secessionists are a "people" (in the ethnographic sense);**
- (a shift in the definition of "people" so that the term no longer represents a *complete ethnic nation* but can be used to refer to a *homogenous ethnic enclave* within another nation)
- **the state from which they are seceding seriously violates their human rights; and**
- **there are no other effective remedies under either domestic law or international law.**

# Republika Srpska vs. Kosovo

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**2010 - The International Court of Justice finds that the declaration of independence of Kosovo did not violate international law.**

*“The unusual combination of factors found in the Kosovo situation - including the context of Yugoslavia's breakup, the history of ethnic cleansing and crimes against civilians in Kosovo, and the extended period of UN administration - are not found elsewhere and therefore make Kosovo a special case. Kosovo cannot be seen as precedent for any other situation in the world today”*

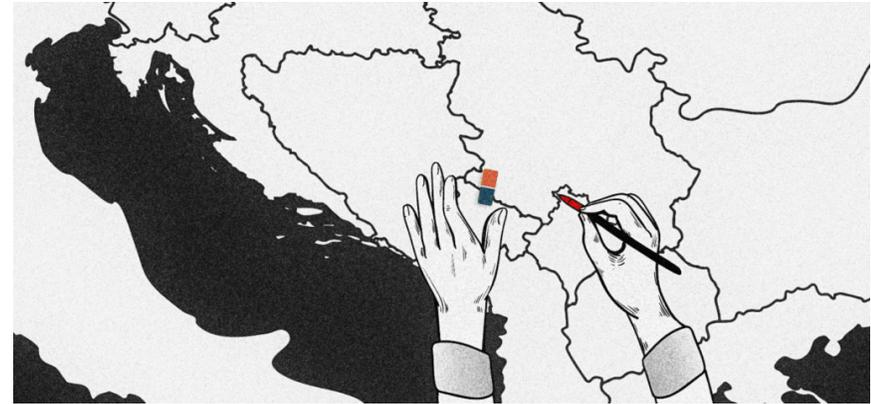
Two reasons are cited for Kosovo's uniqueness: (1) Kosovo has been under international administration since 1999; and (2) the Kosovar Albanians are an ethnically homogenous enclave, physically separate and ethnically different from the Serbs.

# Appeasement vs. sanctions

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Sacrificing Republika Srpska to avoid conflict?

Trade-off for Kosovo?



# Questions?

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