



WHAT IS HAPPENING IN BOSNIA AND HERZEGOVINA?

Uluslararası İlişkiler ve Stratejik Araştırmalar Enstitüsü

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CONSTITUTIONAL FOUNDATIONS OF THE CRISIS

-underlying reasons for the ongoing political tension?

Dayton Peace Agreement & Constitution of BH



CONSTITUTIONAL FOUNDATIONS OF THE CRISIS

Annex 4 of the Dayton Peace Agreement: the Constitution of Bosnia and Herzegovina

Preamble: “Bosniacs, Croats, and Serbs [are] constituent peoples”

Article V: Presidency

“The Presidency of Bosnia and Herzegovina shall consist of three Members: one Bosniac and one Croat, each directly elected from the territory of the Federation, and one Serb directly elected from the territory of the Republika Srpska.”

CONSTITUTIONAL FOUNDATIONS OF THE CRISIS



Šefik Džaferović



Željko Komšić
(Current Chairman)



Milorad Dodik

CONSTITUTIONAL FOUNDATIONS OF THE CRISIS



Jacob Finci



Dervo Sejdić

- Sejdić and Finci (2009) ECtHR

“violation of Article 14 of the Convention (prohibition of discrimination) taken in conjunction with Article 3 of Protocol No. 1 (right to free elections)” and “violation of Article 1 of Protocol No. 12 (general prohibition of discrimination)”

- No “Bosnian people” in Dayton & Constitution

CONSTITUTIONAL FOUNDATIONS OF THE CRISIS

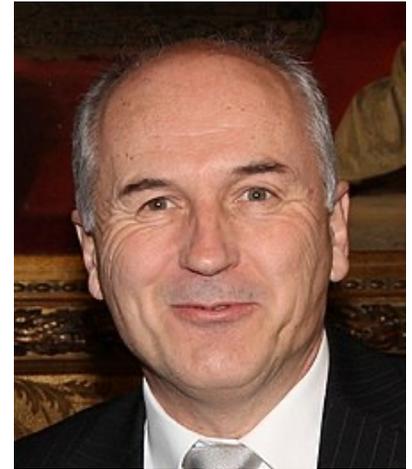
- Ethnicity issue in the Constitutions after the wars
- Any other way possible, like Rwanda example?
- Acknowledgment → Reconciliation
- “Frozen Conflict”
- “Two Schools under One Roof” System



CONSTITUTIONAL FOUNDATIONS OF THE CRISIS

Concluding Remarks about the Crisis

- Acknowledgments should be bottom-up, not top-down.
- Otherwise, ethno-nationalist policies might be triggered.
- Sovereign Equality Principle in International Law should be respected.



Valentin Inzko

Thank you for listening!

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