

# THE ETHNICIZATION OF PEACE BUILDING INSTRUMENTS IN BOSNIA AND HERZEGOVINA

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## Abstract

*The General Framework Agreement for Peace in Bosnia and Herzegovina was conceived with one main purpose, creating a stable, democratic and safe multi ethnic BiH for all its citizens. In order to understand why this objective was not achieved more than 25 years after its implementation, it is important to analyze two main factors: the instruments used in the peace building process and the way they were implemented. The main purpose of this article is looking at certain instruments of peace building used in BiH, which were inefficiently implemented so it further amplified the ethnic aspects instead of alleviating them. In this case, the peace building instruments that will be analyzed are the governmental structure, the election process and its implementation in post-war BiH, and finally, aspects related to human rights such as refugee return and the development of the civil society.*

**Keywords:** Bosnia and Herzegovina, peace building, instruments, implementation, ethnicization.

## GOVERNMENT REFORM IN BOSNIA AND HERZEGOVINA

The Dayton Peace Agreement main objective was to build a multi-ethnic BiH, decentralizing all political powers in order to favor all the ethnic groups in the region, to secure their interests after the unification of Bosnia. The state of Bosnia and Herzegovina is comprised of two different entities: the Federation of BiH, mainly consisting on Croats and Bosniaks and representing 51% of the land;

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and the Republika Srpska, consisting on Serb ethnics and occupying 49% of the territory. According to the Bosnian Constitution, both entities are responsible for the administration in aspects not clearly described in the constitution, such as education, agriculture and livestock, health care, and social policies, amongst others. Nevertheless, even though international relations are exclusively managed by a central government, the two different entities can also establish their own foreign agenda. However, the entities need authorization by the federal Parliamentary Assembly to be able to establish agreements with foreign states but also with international organizations. Besides international agreements, another important point in the constitution is taxation and financial responsibilities. According to the Bosnian constitution, the Federation of BiH must financially provide the state with two-thirds of the common financing, and RS contributes with one third, so both entities can create a budget for the common state<sup>1</sup>.

The Parliamentary Assembly comprising the House of Representatives (H. Res.) and House of Peoples, is the organism that determines the income and other economic sources of all the Bosnian institutions. Nevertheless, we cannot forget the high grade of autonomy the two entities possess, regarding administration and taxation. When we talk about two entities, we can actually consider them very close to an independent state. The term "entity" is used to avoid considering them fully autonomous, but both have structures very similar to an independent nation. They both have a President, vice President, fully running government with legislative and judiciary powers<sup>2</sup>. Furthermore, the intern administration of each entity varies from one another. For example, the Federation of BiH is more decentralized then RS, as it contains 10 cantons divided into five Bosniak, three Croats and two mixed, with some autonomy regarding economy. Besides, there are 84 municipalities divided into the 10 cantons. However, RS has more centralized structures, comprising 63 municipalities, without cantons to represent an intermediate power between the municipalities and the regional high powers. The National Assembly of RS comprises 83 members elected proportionally. The Council of Peoples is comprised by 28 members divided into eight Bosniak, eight Croats, eight Serbs

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<sup>1</sup> Charles Jokay, "Local government in Bosnia and Herzegovina", in Christine Zapotocky (ed.), *Stabilization of local governments. Local governments in Central and Eastern Europe*, Budapest, 2001, pp. 93-95.

<sup>2</sup>James C. O'Brien, "The Dayton constitution of Bosnia and Herzegovina", in Laurel E. Miller and Louis Aucoin (ed.), *Framing the state in times of transition*, Washington, DC, 2010, pp. 339-342.

and four linked to other ethnicities. Considering that the entire system in BiH is built around ethnicity, there is also some representation for others who do not identify themselves as Croats, Bosniaks or Serbs. The biggest ethnic group besides those three is the Roma group, and the second one is the Yugoslav ethnicity<sup>3</sup>. To explain the last one, we need to take a look at people who are born from mixed marriages, so they do not identify themselves with a particular ethnic group. There also some people who identify themselves as Yugoslav due to political reasons. Ethnicity recognition is important in the government of the Federation of BiH, due to the fact that all high institutions change their members between Bosniaks and Croats. This includes the president, vice-president, and Prime Minister. The Federation uses a bicameral structure, divided into the 98 members of the H. Res., and the 58 members from the House of People in charge of representing the 10 cantons. The House of People uses a proportional representation to elect its members, which are 17 Croats, 17 Bosniaks, 17 Serbs and 7 members from other ethnic groups. However, there is a debate around the success and efficiency of this system of autonomy and PR. Due to the autonomy of the Croat cantons within the Federation, it is sometimes considered that they can create a government with similar structures to the Republic of Croatia, and with their autonomy over international relations they can separate from the rest of the Federation, due to a possible financial dependence from Croatia. Not all the scholars agree with this statement, but all possible scenarios should be taken into consideration for the future of the entire Bosnian state<sup>4</sup>.

Regarding RS, the conflict of the unification with Serbia has been put under surveillance since the signing of the Dayton Agreements. The Peace Treaty denied the idea of creating a unified Serbia by adding RS. The Treaty decided to separate RS and Serbia by another independent unit from the state of BiH, the region of Brcko. Regarding the whole state of BiH, the interests of all the ethnic groups must be protected, and it is the key to maintaining peace and conciliation<sup>5</sup>.

The presidency, council of ministers and the parliamentary assembly are designed not to favor a specific group. The presidency comprises three people: one is Croat, another one is Bosniak, and the other one is Serbian. The three

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<sup>3</sup> Charles Jokay, "Local government in Bosnia and Herzegovina", in Christine Zapotocky (ed.), *Stabilization of local governments. Local governments in Central and Eastern Europe*, Budapest, 2001, pp. 96-97.

<sup>4</sup> Dilek Latif "Peace building after humanitarian intervention: The Case of Bosnia and Herzegovina." PhD Thesis, the Middle East Technical University, Ankara, 2005, pp. 70-72.

<sup>5</sup> *Ibidem*, p. 73.

members are directly elected by the two entities, the Federation of BiH, and RS. The three members are obliged to cooperate with each other and reach a consensus, in order to adopt any decision. However, one of the members can disagree with a policy if it considers it to be negative to a particular ethnic group. When this situation occurs, the policy or decision will be sent to either the Federation's House of the Peoples or the National Assembly that belongs to RS. If two-thirds of the parliament from the dissenting part votes against the presidency policy, it will be dismissed<sup>6</sup>.

The state Council of Ministers is directly elected by the Presidency, and each ministry comprises a minister and a deputy minister. Together with the Presidency, these comprises the executive power. Regarding the legislative power, it is divided into the H.Res, and the House of Peoples. The House of People is ethnically equally divided, into five Croats, five Serbs, and five Bosniaks. The H. Res, on the other hand, is comprised of 28 members elected from the Federation of BiH, and 14 members directly elected from RS. Therefore, two-thirds of the chambers are elected from the Federation land, and one-third from RS. For any decision to pass, there are established numbers regarding which is the minimum number of members necessary on each chamber. Regarding the House of People, at least nine members are needed to support any decision; and only a majority is needed in the H.Res. However, a majority of two groups cannot impose a policy over the other group without a minimum approval of its deputies. If there is no support, a veto tool can be used to force the redrafting of the questionable policy in a few days, to avoid its suspension on a second voting. The veto is mainly used as a way to protect the interests of a particular ethnic group<sup>7</sup>.

Nevertheless, the complex political system which focuses on the protection of all ethnic groups has several weaknesses, as it does not really contribute to the creation of a strong peace and does not improve stability within the state. The autonomy provided to each ethnicity is also used as a tool for nationalist politicians, abusing the autonomy for their own interests. The nationalist leaders have been in power since 1995, and they do not seem to show interest in improving the State's conditions and structure, following the Dayton Agreements aim at integrating the entities into a more unified state. Nationalist

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<sup>6</sup> Daniel Bochsler, "Non-discriminatory rules and ethnic representation: The election of the Bosnian state presidency", in *Ethnopolitics*, 2012, p. 67.

<sup>7</sup> Latif, *op. cit.*, p. 74.

leaders are loyal only to the ethnic group that they represent, enlarging the gap with the other ethnicities and dividing the country even more<sup>8</sup>.

There were many efforts by the IC to create a more unified country, though certain laws regarding taxation or administrative policies have encountered a firm opposition from RS. Taking a look at the political movements within the RS, there are a lot of decisions debated by the state which have been boycotted by RS, even questions regarding passports and identification cards have been blocked by this entity. Whereas the Federation works hard to implement the power of a central government and its institutions, RS is the entity more in favor of a complete decentralization of the state<sup>9</sup>. And the fact that they have the possibility of veto is probably going to maintain the status quo. There are many scholars that consider the veto as a flaw within the system of BiH, though there are others who think is something necessary to maintain the balance between the ethnic groups, considering the violent past regarding ethnicity. However, it is clear that the system is separating people by ethnic origins; therefore, the idea of belonging does not lie on citizenship, but on ethnicity. The UN also addresses the problems BiH is facing due to internal conflicts and the efforts of the central authority to create policies aimed at helping the unification of the broken state have been questioned. Apparently, the Dayton Agreements were firstly developed to provide safety, something necessary on the violent atmosphere that BiH was living, and co-existence amongst all ethnic groups and minorities. However, it is not clear if the introduction of a decentralized state was made in order to pursuit a stable future, or if it was introduced only to satisfy the interests of each ethnic group and create a fragile stability that may have a high cost in the future<sup>10</sup>.

## DEMOCRATIC ELECTIONS

According to DPA, democratic elections in BiH were to be held at the end of 1996 as the latest possible timeframe. The Organization for Security and Cooperation in Europe had a mission in BiH to oversee the elections and insure their legitimacy and fairness. In 1996 the electoral commission was created before the publication of all rules regarding the elections. The whole process was

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<sup>8</sup> *Ibidem*, p. 75.

<sup>9</sup> Bosnia and Herzegovina: Human Development Report. Millennium Development Goals, 2003, p. 26.

[<https://www.undp.org/sites/g/files/zskgke326/files/publications/NHDR%20on%20MDGs%20eng%202003.pdf>], 14.04.2021.

<sup>10</sup> Latif, *op. cit.*, pp.76-77.

described including the counting of the cantons and municipalities. One of the biggest challenges was to assemble the voters' list, due to demographic changes and all the refugees who fled outside the country. However, people who were forced to move during the war or people who willingly changed their residence in the first years of the 1990s, were allowed to vote. One major point of criticism related to these elections, besides the management of displaced people, was the timing of the elections. Many voices have criticized that the elections took place sooner than expected, and more time should have passed in order to strengthen the democratic process and the results obtained<sup>11</sup>.

### **1996 ELECTIONS**

There were 48 political parties participating in the elections and divided as the following: 27 parties from the Federation of BiH, and 21 parties from RS. For that reason, the political parties have divided the scene into the two main ethnic groups, the Serbs, and a coalition of Bosniak and Croats. However, no Serb political party from the Federation participated in the elections even though there were Serbs living in that area, marking the ethnic division of the recent war. Despite the large number of political parties registered, there were three parties dominating the political scene, specifically the parties that existed before the war: the Muslim Party of Democratic Action (SDA), the Croatian Democratic Union (HDZ), and the Serb Democratic Party (SDS). It was clear that the favorite in RS was the SDS, though there were other Serb parties that opposed it: a Coalition for Peace and Progress, supported by the Serbian government; and the Serbian Radical Party, comprising nationalist extremists, also linked to Serbia. Regarding the Federation of BiH, two parties led the elections: the Party for BiH, which seceded from the SDA; and the Joint List, which was a left-wing coalition led by Croats and Bosniaks. After the elections, a three-bloc parliament was established. The most important three ethnic parties won around 86% of the votes; though, together with other parties, the ethnic driven parties obtained around 95% of the electoral vote. However, it is necessary to analyze the consequences of this polarized parliament, which was ethnically and ideologically divided. Particularly, we need to focus on the victory of the Bosnian bloc, which obtained a seat majority that provided it with an advantage of taking decisions without consulting other ethnic group. Regarding the main organism of the Federation of BiH, the Assembly of the Federation, the Bosnian Party of Democratic Action

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<sup>11</sup> Mirjana Kasapović, "1996 parliamentary elections in Bosnia and Herzegovina", in *Electoral studies*, 1997, pp. 117-118.

had a majority, with a small opposition of the Croat group. The RS also established multi-party structure, with the Serbian Democratic Party obtaining an absolute majority. The opposition here was the Bosnian minority represented into two different political affiliations: Party for BiH, and the Joint List. However, they only obtained a few seats, and we need to take into consideration the isolation those minorities suffer within the territory of RS. Moreover, the minorities do not have a veto tool, on the contrary to the political system in the Federation and also at State level. The stability obtained in RS is a consequence of the massive ethnic cleansing that took place in the area and– helped to radically change the ethnic landscape. The results of the elections there are just a reflection of the violent events that previously took place. On the other hand, the results in the Federation were more polarized due to the different ethnic groups living in the area and voting in favor of their own ethnic political representatives<sup>12</sup>.

## **2018 ELECTIONS**

Regarding the results of the 2018<sup>13</sup> elections, we can appreciate that the process was highly nationalized and resembling the division of the country. The two main parties from RS, SNSD and SDS, only received support from that entity. Moreover, the parties relevant in the Federation are not important in RS. We can see a similar movement within the cantons, with each canton voting based on ethnical regions. On one hand, we have RS dominated by Serb parties; and on the other hand, the Federation is dominated by Bosniak and Croat parties. The cantons are divided into Bosniak, Croat cantons, and those that are mixed. It is also important to remark that there are other civic parties which are not ethnically driven and have some popularity throughout Bosniak ethnics. Looking at the results of the 2018 elections, we can conclude that BiH is still suffering from the same political problems after more than 20 years since the end. The ethnic cleansing is still very present within society and explains why each group prefers to adhere its own ethnic political group when voting<sup>14</sup>. The electoral system allows a fair ethnic partition of the political life, even though the country is dominated by parties only focused on their own interests. The competition when organizing general elections is non-existent, due to the

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<sup>12</sup> Kasapović, *op. cit.*, p. 119.

<sup>13</sup> John Hulsey, Soeren Keil. "Change amidst continuity? Assessing the 2018 regional elections in Bosnia and Herzegovina", *Regional & Federal Studies*, 2020, p. 343.

<sup>14</sup> J. W. Hulsey, "Why did they vote for those guys again?" Challenges and contradictions in the promotion of political moderation in post-war Bosnia and Herzegovina, *Democratization*, 2010, p. 1134.

agreement to maintain an equal number of members based on ethnic groups. There is also competition within regional levels, as several political parties from the same ethnicity compete in that specific place. For that reason, we can agree that competition is ethnically driven in Bosnia. Furthermore, due to the lack of competition on the State's main political stage, the regional governments are sometimes unable to create fundamental policies at state level, as they do not have representation on the high spheres. The political panorama and ethnic composition of political structures do not seem to be open for a change, at least not for another decade. The only way of changing that system would be through the creation at local and general levels of parties that are not ethnically driven so they can win votes from all ethnicities, putting aside the tensions that led to the Bosnian War and that are still very present. The only organizations close enough to that idea are the civic parties, trying to find cross-ethnic collaboration, though they do not enjoy a huge popularity outside the core of Bosniak population. In spite of all the years that have passed since the end of the war, the political atmosphere remains almost the same, represented by groups that strive to gain benefits only for their own ethnic people and do not seem to share a same future vision for Bosnia<sup>15</sup>

## REFUGEE RETURN

Due to the ethnic cleansing that took place in Bosnia, more than 2 million people were forced to leave the place, (they were about half of the 4.4 million Bosnian population in 1991<sup>16</sup>). One million of those displaced people searched for asylum in Europe, North America, and Australia. It is known that half of them encountered a fair solution within their displacement, obtaining asylum and a future residence permit. The other half returned later returned to BiH. The other one million displaced people were driven to other localities within Serbia, particularly to small towns that saw themselves overcrowded with the huge number of refugees. Town facilities like sports centers and school halls were used to contain the displaced people, most of the time, the living conditions were very poor. Ten years after the end of the war, hundreds of thousands still lived in those conditions, without a proper home and sharing facilities with hundreds of people. Regarding those who returned, most of them came back in 1996, just after the end of the war, and around 250.000 of internal displaced went back.

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<sup>15</sup> John Hulsey, Soeren Keil. *Change amidst continuity?...*, pp. 344-348.

<sup>16</sup> Carl Dahlman, Gearóid Ó. Tuathail, "Broken Bosnia: The localized geopolitics of displacement and return in two Bosnian places", *Annals of the Association of American Geographers*, 2005, pp. 644-662.



However, in 1997, the biggest number of refugees, who were outside the country, came to their homes<sup>17</sup>. This occurred due to the fact that, with the end of the war, numerous countries considered that asylum was no longer required as the security framework had been improved. For that reason, many Bosnians abroad were forced to flee back to Bosnia. Nevertheless, this does not mean that they returned to their homes in 1991, as the repatriation forced them into internal displacement, because their previous homes were completely destroyed or used to host numerous displaced people. The term "ethno-territorialism" is one of the roots of the war. Certain lands were connected to a specific ethnicity, and the Serb forces began a war against BiH to eliminate the ethnicities from certain areas and to take as much territory as possible to the Serb group, calling the resulting territory RS. In order to obtain results, they proceeded with ethnic cleansing through many different means. Consequently, they claimed that the other side also conducted ethnic cleansing. Nevertheless, the DPS, in order to stop the war, maintained the idea of ethno-territorialism with the division of the Federation of BiH, and RS. The military deployed after the Agreements helped the formation of a new structure, and also contributed to the maintenance of the High Representative Office. Once the structures have been created, they offered the displaced people the right to return to their original homes. If they did not have a fully available home, they had to be compensated. It was also stated that political parties should not interfere on the right to return, and those who wished for, were relocated in a different place from their original homes, a place of their own choice, regardless if they were a whole family or a single person. Those who were from a specific ethnicity and moved to an area where the biggest ethnicity was the opposing one (or different one), were called minority returns. However, parties reacted angrily against this law. The fact that some refugees from one ethnic claimed their right to move to a territory of the opposing ethnic, was used by some nationalist politicians to oppose the process of the returned people. There were political groups that did not adapt their territory for the refugees who wanted to move there, although sanctions were not taken against them. Refugees were to be given economical compensation and fair living conditions so they could integrate in their new homes. Basically, the Accords depended on the will of the political leaders to implement everything agreed<sup>18</sup>.

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<sup>17</sup> Gearóid Ó. Tuathail, Carl Dahlman. "The effort to reverse ethnic cleansing in Bosnia-Herzegovina: The limits of returns", *Eurasian Geography and Economics*, 2004, pp. 439-464.

<sup>18</sup> *Ibidem*, pp. 439-464.

## CIVIL SOCIETY

There were certain groups which could influence decisions on the high level due to the development of networked advocacy in order to improve living conditions in Bosnia. Civil societies took an important role trying to lead BiH to success without being helped by the IC. International organizations that were as well involved within the country, understood the importance of the civil society to assure the development of the country. Furthermore, NGOs helped local people and the elderly population through education, medical, and sustainability programs amongst others, and their objectives tried to consolidate the role of civil society within Bosnia<sup>19</sup>. The civil society shaped every step in the transition conducted in Bosnia, and it witnessed the interaction between different political leaders, ideological groups, and civilian groups. However, the effects of the civil society and NGOs were completely different depending on the area where their programs were taking place. In urban areas within the Federation of BiH, like Tuzla or Sarajevo, the progress was substantial, and the NGOs' influence was greater than in more rural areas particularly from RS, or small towns from the Federation. Those places were ruled by nationalist leaders and their ironclad agenda against the development of civil society represented a fundamental impediment. According to some network agencies, some rural areas in BiH are dangerous for NGOs to perform their activities due to the angry speeches made by certain nationalist leaders. For example, some Serb leaders considered NGOs as their enemies. Due to the different attitudes against NGOs and civil society through the geographical areas, some international donors withdrew some of their fund and social support as their help has been neglected in towns located particularly in RS. According to some scholars, the work performed by NGOs was not as fair as it seemed, even though they were disguised as civil society. Their proximity to the government made them lose the motivation to help people recover and advance towards conciliation, and only tried to obtain personal favors. However, NGOs' work should not be overlooked, even though they helped maintaining the nationalist status quo, as they are encouraged to continue working as mediators between the government structures and local people, in favor of social benefits and democratic institutions<sup>20</sup>.

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<sup>19</sup> Roberto Belloni, "Civil society and peacebuilding in Bosnia and Herzegovina", in *Journal of peace Research*, no 2, 2001, pp. 163-164.

<sup>20</sup> Latif, *op. cit.*, pp. 276-277.

## CONCLUSIONS

To sum up, we can observe that despite of articulating comprehensive peace building instruments, the case of BiH illustrates how difficult it is to achieve visible results in multi ethnic societies. The case of peace building in BiH exemplifies that ethnicity was a constant variable in the process of implementation and affected all the given instruments regarding peace building.

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