

I'm not a robot!

The war in Bosnia and Herzegovina (1992-1995)

-Towards a better understanding-

Academic Essay – Excursion Bosnia and Herzegovina
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An introduction to the Bosnian War

The Bosnian War started in April 1992 and came to an end in November 1995 by the 'General Framework Agreement for Peace in Bosnia and Herzegovina', negotiated in Dayton, Ohio. As a consequence of the agreement, an Inter Entity Border Line (IEBL) was created, which not only separates political entities but also ethnic communities. On the one side you have the Republika Srpska, where a majority of Serbs lives, and on the other side you have the Federation of Bosnia-Herzegovina, where the majority exists of Bosniaks and Croats, see *figure 1* (Holbrooke, 1998). According to Tol and Dahlman (2006) the war was characterized by ethnic cleansing, whereby 'mostly' Bosnian Muslims were expelled, humiliated, raped and murdered; in order to ethnically cleanse certain regions in Bosnia and Herzegovina (Later on Bosnia). Noteworthy, there was a widespread rape of Bosnian women by Serbian soldiers (Zalewski, 1995). However – before the war – Bosnia was the most ethnically diverse republic of Yugoslavia in which people of different backgrounds have lived together relatively peaceful (Dyrstad, 2013). This essay will attempt to examine the factors behind escalation of the conflict, why the conflict is still there, and how initiatives are evaluated to resolve the conflict. Knowledge from a recent excursion to Bosnia and Herzegovina (Sarajevo, Mostar, Srebrenica) will be used to complement discussions and arguments. Notably, local discourses sometimes did not coincide with academic¹ perceptions.

More than 'one' factor behind escalation

In order to understand the Bosnian war and post-war situation, one cannot simply neglect the geographical context of the region, namely the Balkans. According to Todorova (1994) the discovery of the Balkans comes along with the invention of the Balkans. She describes the region as:

"Geographically inextricable from Europe, yet culturally constructed as "the other," the Balkans became, in time, the object of a number of externalized political, ideological and cultural frustrations and have served as a repository of negative characteristics against which a positive and self-congratulatory image of the 'European' and 'the west' has been constructed." (Todorova, 1994, p. 455)

The negative construction of the term 'Balkan', also referred to as 'Balkanization', was invented during the Balkan wars and World War I. Moreover, violence was added to the already negative image of the region, due to the barbarity reported by travelers. Todorova (1994) argues that unlike Orientalism, Balkanism emphasizes the differences within "one type of Europe", hence the Balkans are the peripheral part of Europe. However, the frozen image of the Balkans in which problems stem from a 'distant tribal past', reproduced in books such as the "Balkan Ghost" by Kaplan and the "Clash of civilizations" by Huntington, take us away from understanding violence in a particular moment. This kind of 'broad' explanation would suggest that conflicts in the region are inevitable. Which has been confirmed cynically by a Muslim citizen in Sarajevo: "why would you try to understand the conflict – it is nothing more than a trend – we kill each other every 40 years, it is in our blood". Yet, Robinson and Pobric (2006) suggest that this ideal also known as 'primordialism' is solely a partial explanation for the breakdown of former Yugoslavia, as it ignores the "specific and crucial contextual considerations" (p. 239). In other words, this ideal oversimplifies the complexities of the situation within Bosnia before the war as well as the situation in Yugoslavia as a whole. Therefore a deeper

¹ Interview conducted with an anonymous Bosnian citizen on 19 January 2016, Sarajevo

THE INFLUENCES OF DAYTON AGREEMENT ON INSTITUTIONS:
PARLIAMENTARY ASSEMBLY OF BOSNIA AND HERZEGOVINA

NEDIM KULENOVIC AND JASMIC HASIC

1. INTRODUCTION

The General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Agreement) did not only bring an end to a protracted and bloody armed conflict in Bosnia and Herzegovina, but also heralded the deep transformation both in the state structure and political regime in the country.¹⁵³ The transition from a traditionally unitary into a complex, most likely federal state,¹⁵⁴ and from a majoritarian into a classical consociational democracy has had a profound effect on the nature of the parliamentarism in the country, as exemplified in the state parliament, namely the Parliamentary Assembly of Bosnia and Herzegovina.

Although it is often described as a «central arena» in which democratic processes unwind in most direct way», because of which the «people should, mainly, identify with the [Parliamentary Assembly of Bosnia and Herzegovina]»,¹⁵⁵ the reality is different. Indeed, it has been suggested that its very name (Parliamentary Assembly), which is a curious pleonasm in local languages, and which is characteristic mainly for international organizations, indicates the «disfunctionality of Bosnian political system, that stems from the Dayton Peace Agreement, as well as the lack of the will of the political elites to remove the deficiencies that such an agreement produced».¹⁵⁶ It points to the problematic locus of sovereignty in the post-Dayton regime which established «the weakest federal system in the world»,¹⁵⁷ such that the identification of the «people», a term of complex meaning in Bosnian context, is more likely to be found with the parliaments of the two constitutive «entities» of Bosnia

153. Perhaps more accurately it finally crystallized the processes of ethnocratisation started in the early nineties. See i.e. T. Haverić, *Ethnos i demokratija* [Ethnos and Democracy] (Rabč, Sarajevo, 2006,) *passim*.

154. S. Keil, *Multinational Federalism in Bosnia and Herzegovina* (Ashgate, Burlington, 2013) 3.

155. N. Ademović, J. Marko, G. Marković, *Ustavno pravo Bosne i Hercegovine* [Constitutional Law of Bosnia and Herzegovina] (Konrad Adenauer Stiftung, Sarajevo, 2012) 174.

156. D. Čepo, *Parlament i skupštine: demokratski deficit Parlamentarne skupštine Bosne i Hercegovine* [Parliaments and Assemblies: Democratic Deficits of the Parliamentary Assembly of Bosnia and Herzegovina], 2 (8) *Studia lexicographica* (2015), 55-75, 73. All the translations from Bosnian/Croatian/Serbian language are authors'.

157. J. Marko, *Constitutional Reform in Bosnia and Herzegovina 2005-06*, in *European Yearbook on Minority Issues*, vol. 5 (Brill, Leiden, 2005), 207-218, 213. See also Keil, 2013, 169.

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Crises of Bosnia

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Abstract

Ever since its formation, Bosnia and Herzegovina has been considered a country of crisis and crises. However, the crisis is manifested in different ways on different levels, having also a different substance which cannot be reduced to the same. This must be emphasised, since Bosnia's nature of crisis is often used as an argument for certain unjustified political demands which in themselves do not reflect the actual context of the crisis. In this paper we argue that the crisis in BH can be broken down into three basic crises which constitute it: crisis of BH as a state, crisis of the Federation of BH and crisis of the Republic of Srpska. The crisis of the state is primarily a crisis of legitimacy: the Dayton Constitution is not genuinely accepted and it is constantly denied and disputed by the political representatives of all three constituent peoples, which results in a permanent political crisis. The crisis of the Federation of BH is a crisis of an unnatural constitution under the scheme 'Three peoples and two entities', which constantly produces situations of 'tyranny of the majority'. The crisis of the Republic of Srpska is mostly manifested as a crisis of economic inefficiency – the political situation in RS is relatively stable and it provides a sound basis for addressing the key, economic problems. However, the Government has been showing the inability to cope with such demands. These crises are, naturally, intertwined, but they are still fundamentally different: BH as a state and the Federation of BH are also affected by problems of economic efficiency, while the RS faces challenges to its legitimacy. Nevertheless, the dominant aspects of crises in these three segments of the Bosnian society can be clearly marked and delineated. It is possible to use this diagnosis of crisis to develop an appropriate anti-crisis policy.

Keywords: Crisis, Bosnia and Herzegovina, Federation of BH, Republic of Srpska.

1. Introduction

Ever since its formation as a state, Bosnia has been a country of crisis and crises. Ever since the independence referendum, through which the state was quasi-constituted, until the current frictions, Bosnia has been an „unfortunate” state in the state of permanent crisis, on all levels and in various forms. Transition after the civil war has not been happening in the form of gradual opening of the BH society and establishment of the state, but BH has remained „imprisoned” in a sort of closed society in the state of permanent conflict, which fails to start functioning. Such a society blocks itself, producing permanent decline in standards in terms of economy, permanent blockade of political processes, and complete devastation in terms of culture. However, this crisis is manifested in different ways on different levels, having also a different substance which cannot be reduced to the same. This must be emphasised, since Bosnia's nature of crisis is often used as an argument for certain unjustified political demands which in themselves do not reflect the actual context of the crisis. Thus, for example, Bosniak political representatives instrumentalise the thesis of BH crisis for the purposes of unitarisation, while political representatives of the Republic of Srpska (RS) observe it as a justification of the request for secession. Neither of these represents the actual situation. Quite contrary, this is one of the factors of crisis maintaining and deepening.

Generally, the crisis in BH can be broken down into three crises which constitute it: crisis of Bosnia and Herzegovina (BH), crisis of the Federation of BH (FBH), and crisis of the Republic of Srpska (RS). These crises are, naturally, intertwined, and each of them is more or less present on all three levels that we observe here, but on each of

¹Even though the term „unfortunate” is not something that can be treated as an objective attribute in terms of scientific rigours, it is frequently present as a description of Bosnia in Bosnian literature. For example, Bosnian writer Devis Susic, in his work "Phantoms", uses this term exactly to describe Bosnia. In the context of newer research, the term has obtained objective connotations as well. In December 2012, the report Business Insider was published, indexing the "poorest countries" in the world. According to this report, BH was seventeenth on the list of 20 "poorest" countries. Key criteria were unemployment rate and inflation, which in BH, according to the data taken over from CIA Factbook, were as follows – unemployment 43.3% and inflation 3.8%.

What was the purpose of the bosnian war. Bosnia constitutional court. Do bosniacs marry non bosniacs. What do bosniacs believe in. When did nato intervene in bosnia. Human rights in bosnia.

.. 7. There shall be a citizenship of Bosnia and Herzegovina, to be regulated by the Parliamentary Assembly, and a citizenship of each Entity, to be regulated by each Entity, provided that: a) All citizens of either Entity are thereby citizens of Bosnia and Herzegovina. b) No person shall be deprived of Bosnia and Herzegovina or Entity citizenship arbitrarily or so as to leave him or her stateless. No person shall be deprived of Bosnia and Herzegovina or Entity citizenship on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. c) All persons who were citizens of the Republic of Bosnia and Herzegovina immediately prior to the entry into force of this Constitution are citizens of Bosnia and Herzegovina. The citizenship of persons who were naturalized after April 6, 1992 and before the entry into force of this Constitution will be regulated by the Parliamentary Assembly. d) Citizens of Bosnia and Herzegovina may hold the citizenship of another state, provided that there is a bilateral agreement, approved by the Parliamentary Assembly in accordance with Article IV(4)(d), between Bosnia and Herzegovina and that state governing this matter. Persons with dual citizenship may vote in Bosnia and Herzegovina and the Entities only if Bosnia and Herzegovina is their country of residence. ... (Art. I) ... 7. Postoji državljanstvo Bosne i Hercegovine, koje reguliše Parlamentarna skupština, i državljanstvo svakog entiteta koji regulišu sami entiteti, pod uslovom da: a) Svi državljeni bilo kojeg entiteta su, samim tim, državljeni Bosne i Hercegovine. b) Nijedno lice ne može biti arbitarno lišeno državljanstva Bosne i Hercegovine, ili državljanstva entiteta, ili na drugi način ostavljeno bez državljanstva. Niko ne može biti lišen državljanstva Bosne i Hercegovine, ili entiteta, po bilo kojem osnovu kao što je pol, rasa, boja, jezik, vjera, političko ili drugo mišljenje, nacionalno ili socijalno porijeklo, povezanost sa nacionalnom manjinom, imovina, rođenje ili bilo koji drugi status. c) Sva lica koja su bila državljeni Republike Bosne i Hercegovine, neposredno prije stupanja na snagu ovog Ustava, su državljeni Bosne i Hercegovine. Državljanstvo lica koja su naturalizovana poslije 6.4.1992. godine, a prije stupanja na snagu ovog Ustava, regulisće Parlamentarna skupština. d) Državljeni Bosne i Hercegovine mogu imati državljanstvo druge države, pod uslovom da postoji bilateralni ugovor između Bosne i Hercegovine i te države kojim se to pitanje uređuje, a koji je odobrila Parlamentarna skupština u skladu sa članom IV, stav 4, tačka (d). Lica sa dvojnim državljanstvom mogu glasati u Bosni i Hercegovini i u entitetima samo ako je Bosna i Hercegovina država njihovog prebivališta. ... (Član I) ... 7. Postoji državljanstvo Bosne i Hercegovine, koje uređuje Parlamentarna skupština, i državljanstvo svakog entiteta, koje uređuje svaki entitet, pod uvjetom da: a) Svi državljeni nekog entiteta su, samim tim, državljeni Bosne i Hercegovine. b) Ni jedna osoba ne može samovoljno biti lišena državljanstva Bosne i Hercegovine, ili državljanstva entiteta, ili na drugi način ostavljena bez državljanstva. Nitko ne može biti lišen državljanstva Bosne i Hercegovine, ili entiteta, iz bilo kojeg razloga kao što su spol, rasa, boja, jezik, vjera, političko ili drugo uvjerenje, nacionalno ili društveno podrijetlo, vezivanje za neku nacionalnu manjinu, imovina, rođenje ili drugi status. c) Sve osobe koje su bile državljeni Republike Bosne i Hercegovine neposredno prije stupanja na snagu ovoga Ustava, državljeni su Bosne i Hercegovine. Državljanstvo osoba koje su naturalizirane poslije 6. travnja 1992. godine, a prije stupanja na snagu ovog Ustava, uredit će Parlamentarna skupština. d) Državljeni Bosne i Hercegovine mogu imati državljanstvo neke druge države, pod uvjetom da postoji bilateralni sporazum između Bosne i Hercegovine i te države kojim se to pitanje uređuje, a koji je odobrila Parlamentarna skupština sukladno članku IV, stavak 4, točka (d). Osobe s dvojnim državljanstvom mogu glasovati u Bosni i Hercegovini i u entitetima samo ako je Bosna i Hercegovina zemlja njihova prebivanja. ... (Članak I) ... 7. Постоји држављанство Босне и Херцеговине, које регулише Парламентарна скупштина, и држављанство сваког ентитета, које регулише сваки ентитет, под условом: а) Да су сви држављани сваког ентитета самим тим и држављани Босне и Херцеговине, б) Да се ниједном лицу не може самовољно одузети држављанство Босне и Херцеговине или ентитета нити га се на други начин оставити без држављанства. Ниједно лице не може бити лишено држављанства Босне и Херцеговине по било којој основи, као што је пол, раса, боја, језик, вјериоисповијест, политичко или друго мишљење, национално или социјално поријекло, повезаност са националном мањином, имовина, рођење или неки други статуси. ц) Сва лица која су била држављани Републике Босне и Херцеговине непосредно прије ступања на снагу овога Устава, су држављани Босне и Херцеговине. Држављанство лица која су натурализована послије 6. априла 1992, а прије ступања на снагу овога Устава, регулисаће Парламентарна скупштина. д) Држављани Босне и Херцеговине могу имати држављанство друге државе, под условом да постоји билateralни споразум између Босне и Херцеговине и те државе којим се то питање uređuje, a koji je odobrila Parlamentarna skupština u skladu sa članom IV, stav 4, tačka (d). Лица са dvojnim državljanstvom mogu glasati u Bosni i Hercegovini i u entitetima samo ako imaju prebivalište у Bosni и Херцеговини. ... (Члан I) Constitution of Bosnia and Herzegovina Title "Official Gazette Number" Date of Publishing Constitution of Bosnia and Herzegovina not published not published Amendment I to the Constitution of Bosnia and Herzegovina BH, 25/09 31/03/2009 Constitution of the Federation of Bosnia and Herzegovina Title "Official Gazette Number" Date of Publishing Constitution of the Federation of Bosnia and Herzegovina FBH, 1/94 21/07/1994 Index Amendments: Amendments I-XXVI FBH, 3/97 01/02/1997 High Representative Decision Amending the Constitution of the Federation of Bosnia and Herzegovina No. 149/02 (Amendments XXVIII-LIV) FBH, 16/02 28/04/2002 High Representative Decision Amending the Constitution of the Federation of Bosnia and Herzegovina No. 161/02 (Amendments LVI-LXIII) FBH, 22/02 05/06/2002 High Representative Decision Amending the Constitution of the Federation of Bosnia and Herzegovina No. 36/02 (Amendments LXIV-LXVII) FBH, 52/02 28/10/2002 High Representative Decision Amending the Constitution of the Federation of Bosnia and Herzegovina No. 41/02 (Amendments LXVIII-LXXXVII) FBH, 52/02 28/10/2002 Correction of the Translation of the High Representative Amending the Constitution of the Federation of Bosnia and Herzegovina FBH, 60/02 02/12/2002 High Representative Decision Amending the Constitution of the Federation of Bosnia and Herzegovina No. 134/03 (Amendment LXXXVIII) FBH, 18/03 09/05/2003 Amendments LXXXIX-XCIV FBH, 63/03 16/12/2003 High Representative Decision Enacting Amendments to the Constitution of the Federation of Bosnia and Herzegovina No. 179/04 (Amendments XCV-CII) FBH, 9/04 16/02/2004 Amendments CIII and CIV to the Constitution of the Federation of Bosnia and Herzegovina FBH, 20/04 15/04/2004 Amendment CV to the Constitution of the Federation of Bosnia and Herzegovina FBH, 33/04 19/06/2004 High Representative Decision Enacting Amendments to the Constitution of the Federation of Bosnia and Herzegovina No. 387/05 (Amendment CVI) FBH, 72/05 26/12/2005 Amendments CVI-CVIII to the Constitution of the Federation of Bosnia and Herzegovina (NOTE: Please see attached Index of the Constitution of the Federation of Bosnia and Herzegovina) FBH, 71/05 21/12/2005 Amendment CIX to the Constitution of the Federation of Bosnia and Herzegovina FBH, 88/08 31/12/2008 Constitution of Republika Srpska Title "Official Gazette Number" Date of Publishing Constitution of Republika Srpska NOTE: Consolidated Version of the Constitution of Republika Srpska, including the original text of the Constitution and Amendments I-XXV, was published in the "Official Gazette of Republika Srpska", 21/92 (31/12/1992). Revised Text (Constitution and Amendments I-LXV) RS, 3/92 16/03/1992 Amendments I-IV RS, 6/92 12/05/1992 Amendments V and VI RS, 8/92 08/06/1992 Amendments VII and VIII RS, 15/92 29/09/1992 Amendments IX-XVIII RS, 15/92 29/09/1992 Amendments XIX-XXV RS, 19/92 18/12/1992 Amendments XXVI-XLIII RS, 28/94 11/11/1994 Amendments XLIV-LI RS, 8/96 10/04/1996 Amendment LII RS, 13/96 26/06/1996 Correction to the Amendment LIII RS, 15/96 08/07/1996 Amendment LIII RS, 16/96 22/07/1996 Amendments LIV-LXV RS, 21/96 23/09/1996 Index Amendments: High Representative Decision Amending the Constitution of Republika Srpska No. 150/02 (Amendments LXXI-XCII) RS, 21/02 25/5/2002 Correction to the Constitutional Amendments LXVI-XCII to the Constitution of Republika Srpska RS, 30/02 06/06/2002 High Representative Decision Amending the Constitution of Republika Srpska No. 162/02 (Amendments XCIII-XCVIII) RS, 31/02 10/06/2002 High Representative Decision Amending the Constitution of Republika Srpska No. 37/02 (Amendments XCIX-CII) RS, 69/02 04/11/2002 High Representative Decision Amending the Constitution of Republika Srpska No. 131/03 (Amendments CIV and CV) RS, 31/03 05/2003 Amendments CVI-CXIII RS, 98/03 29/11/2003 High Representative Decision Enacting Amendments to the Constitution of Republika Srpska No. 388/05 (Amendment CXIV) RS, 115/05 23/12/2005 Amendments CXV-CXXI RS, 117/05 29/12/2005 Amendment CXXII RS, 48/11 03/05/2011 Statute of the Brčko District of Bosnia and Herzegovina Title "Official Gazette Number" Date of Publishing Statute of the Brčko District of Bosnia and Herzegovina BDBH, 3/07 02/02/2007 Supervisory Order Amending the Statute of the Brčko District of Bosnia and Herzegovina BDBH, 17/08 13/05/2008 Supervisory Order Amending the Statute of the Brčko District of Bosnia and Herzegovina BDBH, 39/09 23/12/2009 Cantonal Constitutions Title "Official Gazette Number" Date of Publishing Constitution of Una-Sana Canton (Canton 1) USC, 1/95 16/06/1995 Amendments I-X USC, 2/97 14/03/1997 Amendment XI USC, 9/99 27/12/1999 Amendments XII and XIII USC, 5/00 07/08/2000 Amendments XIV-XXX USC, 3/03 10/03/2003 Amendments XXXI-LI USC, 3/03 10/03/2003 Amendments LII-LIII USC, 11/03 11/11/2003 Amendments I-VIII Note: The Consolidated Version of the Constitution of Canton 1 (Una-Sana Canton) was published in the "Official Gazette of Una-Sana Canton", 1/04. USC, 11/04 20/08/2004 Constitution of Posavina Canton (Canton 2) PC, 1/96 10/04/1996 Amendment I PC, 3/96 23/11/1996 Amendment II PC, 7/99 30/11/1999 Amendment III PC, 3/00 12/04/2000 Amendment IV PC, 5/00 17/07/2000 Amendments V-XII PC, 7/04 01/10/2004 Amendments XIII-XXXIII PC, 18/21 23/12/2021 Constitution of Tuzla Canton (Canton 3) (Constitution of Tuzla-Podrinje Canton) Note: By the Amendment I on the Constitution of Tuzla-Podrinje Canton, published in the "Official Gazette of Tuzla-Podrinje Canton", 3/99, Article 4, Paragraph 1. of the Constitution of Tuzla, are changing and it should be read as it follows: "The name of the Canton is: Tuzla Canton".