

## The centralisation of authority in Bosnia-Herzegovina

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Bosnia-Herzegovina is stealthily being developed into a centralised unitary state, argues Republika Srpska's president Milorad Dodik.

I know that some think I am campaigning for Republika Srpska's separation from Bosnia-Herzegovina. I am not. I am fighting for our nation's survival. Simply put, it cannot survive if our Bosniak neighbours continue on their current path -- away from the Dayton Accords.

It has been nearly a quarter century since world leaders, meeting in Paris, signed the Dayton peace agreement bringing to an end the tragic Bosnian war. Much of the world has forgotten this historic event. But we in the Republic of Srpska have not. The time has come to remind all parties about the agreement's provisions and to insist on full compliance.

At the heart of the agreement was the concept of consociationalism -- the notion that three formerly adversarial communities could live in peace within the same national borders without one of them

assuming hegemony over all. This required decentralisation, a devolution of authority to the constituent parts of the whole.

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The idea of decentralisation echoes the policy of European integration and the practice of EU members. EU officials often emphasise that the decentralised structure of Bosnia does not constitute an obstacle to entry into the EU. Compatibility of decentralised structures with EU membership is clearly demonstrated by existing EU members such as Germany, Spain, Belgium and Italy.

The Dayton Agreement and its 12 Annexes provides for a stable political system in a state structure with two entities: the Republic of Srpska with 49 per cent of the territory and the Federation of Bosnia and Herzegovina with 51 per cent.

Three peoples, Bosniaks, Croats and Serbs, constitute the nation according to its constitutional system. The agreement guarantees broad autonomy to the entities, sets strict limits of authorities on the level of Bosnia and exact protection mechanisms for each of the three constituent peoples' national interests.

Dayton established the long-term structure of a stable political system in Bosnia. In the years before his death in 2009, the renowned US diplomat Richard Holbrooke, generally regarded as the agreement's main architect, and I had our disagreements.

But in 1997 he did acknowledge: "Bosnia is a federal state. It should be established as a federal state. It cannot have a single government, because then the country would go back to war. And that is the reason why Dayton is probably the most successful peace agreement in the world in recent times, because it takes the reality into account."

"With barely a murmur of concern from Dayton's international backers, Bosnia-Herzegovina is stealthily being developed into a centralised unitary state, a state which the negotiators of two decades ago realised would not survive"

Unfortunately, the political structure established by Annex 4 of the agreement, which outlined a new Constitution for Bosnia, is under continuing attack through unlawful efforts to change it, and by dangerous methods.

Dayton was based on proposals of various previous arbitrators. It had one common feature – each of

them foresaw a decentralised and consociational structure for Bosnia. It was considered that such a structure would be needed for sustainable peace and union of three peoples with strong historical mutual distrust.

Annex 10 provides for the existence of a High Representative of the international community and the Office of the High Representative (OHR). The High Representative was intended to monitor the implementation of the peace settlement, coordinate the activities of the civilian organisations and keep the UN, EU, US and the Russian Federation fully informed. The High Representative has no executive powers, yet he and his Office started to impose laws, to displace democratically elected officials and to interfere in the constitutionally-backed authorities both on the level of Bosnia and constituent entities.

He even interfered in the Constitutions of the constituent entities without any legal reason. Such interventionism has not contributed to stability, reconciliation and mutual trust. Many critics from European institutions have commented on that.

Judge Giovanni Bonello, a highly respected former member of the European Court for Human Rights and a well-known liberal legal scholar, colourfully described the sensitivity, specificity and significance of Dayton's political compromise in a dissenting ECHR opinion: "It was based on a distribution of powers, tinkered to its finest details, regulating how the three ethnicities were to exercise power-sharing in the various representative organs of the State. The Dayton agreements dosed with a chemist's fastidiousness the exact ethnic proportions of the peace recipe."

Bosniak political parties were never satisfied with the Dayton Agreement because Bosniaks, as the largest of the three constituent peoples, historically have always wanted a centralised and unified state to be able to exercise authority on their own. The resistance to Dayton by Bosniak parties remains one of the most serious obstacles to the development of Bosnia as a prosperous place to live for all citizens.

As an example, the Constitutional Court of Bosnia has no legitimacy. The judges are not all citizens of Bosnia-Herzegovina and often do not speak our languages. Worse still, they are appointed without the participation of any Bosnian institutions.

The lack of legitimacy is supported by the fact that frequently three foreign judges and two Bosniak judges represent the majority in Court as opposed to two Serb and two Croat judges so there is reason to believe court decisions are often biased. No other state in the world has foreign judges on its Constitutional Court especially judges appointed by a foreign court without any domestic approval. All Serbian and Croatian political parties agree that foreign judges should be replaced with citizens of Bosnia-Herzegovina.

Analysing the past two decades, for practical reasons at least, we can only conclude that it is necessary to return to the constituent parts of Bosnia-Herzegovina the powers established originally by the Dayton Agreement's Annex 4 and taken away since. Because illegitimate centralisation leads to crises.

The centralisation of authority in Bosnia is illustrated by the number of employees in Bosnia-Herzegovina's national-level institutions. Their number increased from less than 3,000 in 2000 to more than 23,000 in 2017.

With barely a murmur of concern from Dayton's international backers, Bosnia-Herzegovina is stealthily being developed into a centralised unitary state, a state which the negotiators of two decades ago realised would not survive.

## About the author

Milorad Dodik is the president of Republika Srpska and is seeking election Sunday to become one of the three members of the collective presidency of Bosnia-Herzegovina

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