

Originalan naučni rad
UDK 321.011:323.1(497.6)“1990/1995”
321.01(497.6)“2000/2006”
Primljeno: 08.11.2015.
Odobreno: 29.11.2015.

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POLITICAL AND ETHNIC PHENOMENON OF BOSNIA AND HERZEGOVINA

Abstract

The main problem of the research was ethnical and religious aspects of politics in Bosnia and Herzegovina. Bosnia is called “little Yugoslavia” because of multi ethnic character. It is an ethnic cocktail, composed of three principles nationalities: Serbs, Croats and Muslims. We can observe strong ethnic diversion especially during the war. Bosnia and Herzegovina gained its independence during the war. On 6 April 1992 Bosnia and Herzegovina was recognized as an independent country by the state members of the European Community, the following day on 7 April 1992 United States of America also recognized BiH as an independent and sovereign country. First democracy election was in 1990 census.. In 1995 Bosnia and Herzegovina signed The Dayton Peace Agreement, which created the legal basis for the political system of the independent state. The Dayton peace accords put an end of the most bloody military conflict. As a result of Dayton Accords, BiH is divided into two main entities: Federation of Bosnia and Herzegovina and the Republika Srpska. The author also presents political scene on the period of 2006-2010 and results of 2006 election. Presently the High Representative, who oversees the civilian implementation of the Dayton agreement.

Key words: Bosnia and Herzegovina, ethnicity, independence, sovereignty, Muslims, Serbs, Croats, Dayton Peace Accords.

Bosnia and Herzegovina, abbreviated BiH, also informally known as Bosnia is one of the units of former Yugoslavia which appeared as independent countries in the early 1990's. Following the example of neighbouring countries such as Slovenia, Croatia and Macedonia, Bosnia and Herzegovina decided to pursue its own independent statehood.

Bosnia cannot be compared of any other republic of the same provenance. Bosnia and Herzegovina has always been an ethnic cocktail, traditionally heterogeneous society. It is composed of three principal nationalities: Serbs, Croats and Muslims. BiH ethnic origin did not favour internal unity, but on the contrary, in a rising tide of claims made by ethnic interests. The situation of this country became difficult and exceedingly complex. Its ethnic diversion has become stronger since the war.

“The situation of those Bosnians whose right to self-determination is expressed in this state is problematic. At 48% they do not make up even half of the population. The other ethnic groups making up the multinational state of BaH are Serbians (37,1%) and Croats (14,3%).”¹

Bosnia is also called “little Yugoslavia” because of its multi ethnic character. Numerous tensions were particularly in Republica Srpska, which is one of two administrative entities of BiH.²

On late November 1990 in Bosnia and Herzegovina took place the parliamentary elections, which opened a path towards independence and sovereignty. It was the first multi – parliamentary elections in BiH.

“The election of 240 representatives to the two Chambers of the Assembly of the Socialist Republic of Bosnia and Herzegovina must have reflected the representation of the constituent peoples in Bosnia and Herzegovina according to the 1981 census, given a +/- 15% deviation. Of the 43 registered parties, 15 participated in the elections independently or in coalitions. The Party for Democratic Action (SDA), the Serbian Democratic Party (SDS) and the Croatian Democratic Union

1 Strapacovia Michaela, “The position of the Western Balkan countries with regard to the independence of Kosovo”, *The Western Balkans: Lessons from the Past and Future Prospects – A View from the Danube Region Proceedings of the 7th DRC Summer School Pecs 2012* (ur. Istvan Tarrosy – Susan Milford), Publikon books, Pecs, 2010, p.59

2 Troncota Miruna, „Bosnia Herzegovina the Political Space of in-betweenness a constructivist analysis of identities and institutions during europeanization”, *The Western Balkans: Lessons from the Past and Future Prospects – A View from the Danube Region Proceedings of the 7th DRC Summer School Pecs 2012* (ur. Istvan Tarrosy – Susan Milford), Publikon books, Pecs, 2010, p.70

*(HDZ) won the elections by a vast majority, with 84% of representative seats in the Republic Parliament, 75.5% of representative seats in the municipal assemblies and 60.83% of the representative seats in the Assembly of the City of Sarajevo.”*³

The poll brought success to the Muslim Democratic Party (SDA) led by then Alija Izetbegović the President of the Presidency of the Socialist Republic of Bosnia and Herzegovina (prime minister), winning 86 seats in a parliament of 240. The runner-up was the Serbian Democratic Party (SDS) which won 72 seats. The third major political movement was the Croatian Democratic Community in Bosnia and Herzegovina (HDZ BiH), which secured 44 seats.⁴ In view of this results a coalition of the three ethnically different political parties was created within the territory of BiH. In this way established unambiguously confirm the republic's multi-ethnic character. According to a 1991 census the most numerous group where the Muslims with 43,6% of the total, Serbs with 31,2% Croats with 17,2% and other ethnicities 8%. It was confirmed a continued rise in the Muslim population.⁵ The leaders of the winning parties formed a “grand coalition”, which was naturally head by themselves.

On 15 October 1991, the parliament of Bosnia and Herzegovina announced their intention to proclaim independence. Importantly the decision was taken without the participation or consent of the Serbian deputies, leading them to express their indignation; as the result they decided to establish their own, separate representative body. Between February 29 and 1 March the referendum of independence was held in Bosnia and Herzegovina on the creation of an independent state. The poll was boycotted by the Serbian population. As many as 99,44% citizens voted for sovereignty of Bosnia and Herzegovina.⁶ Faced with the unanimity endorsement of this crucial matter, President Alija Izetbegović declared independence on 3 March 1992. The decision was not free from controversy. The Serbs created obstacles in an effort to disrupt the approaching political situation. They were fearing the loss of their pre-existing status in the ethnic mosaic and in the republic's structure. In response, on 27 March 1992 they created a Republika Srpska within Bosnia and Herzegovina. The declaration of independence started fierce fighting

3 <https://www.parlament.ba/istorija/Default.aspx?id=27926&langTag=en-US&pril=b>

4 Cd. Bankowicz Marek (ed.), „*Historia polityczna świata XX wieku. 1945-2000*”, Kraków 2004, p.643

5 Eberhardt P., „*Między Rosją a Niemcami. Przemiany narodowościowe w Europie Środkowo – Wschodniej w XX wieku*”, Warszawa 1996, p. 306

6 <https://www.parlament.ba/istorija/Default.aspx?id=27926&langTag=en-US&pril=b>

between, on the one hand, Croats and Muslims who supported independence, and on the other hand Serbs who opposed it. On 6 April 1992 Bosnia and Herzegovina was recognized as an independent country by the state members of the European Community, the following day on 7 April 1992 United States of America also recognized BiH as an independent and sovereign country. On May 22 1992, Bosnia was admitted into and became a member state of the United Nations.⁷The political controversy escalated into the civil war. The civil war thus begun and lasted almost three years and the traumatic events escalated from day one. Three groups: Serbs, Croats and Muslims carried out ethnic purges. Initially, the Serbs enjoyed the most success. Led by Radovan Karadžić who mobilized almost 100,000 strong army, enabling the Serbs to drive the Muslim army from 70% of the territory of BiH. Serbs formed a self-proclaimed Republika Srpska which failed to receive recognition from any state. Somewhat later, the same fate befell a Croatian Republic of Herceg – Bosnia which was proclaimed on 3 July 1992. The war had many facets: it revealed strictly ethnic issues as well as political and ideological divisions. After all, the warring parties stood for different cultures, traditions, and, more importantly, religions⁸

In mid 1993 the unending conflict came to the attention of NATO and United States. A general policy was adopted to weaken the military superior Serbs by such means of combined operations by Croatian – Muslim forces. Both parties being keenly interested, on 18 March 1994 a Muslim - Croatian Federation was formed. In this respect, American endeavours proved to be nearly successful.⁹The conflict kept escalating, causing fears that the hostilities might spill over beyond Bosnia and Herzegovina. Such concerns produced a desire to bring about peace accord between the warring parties. On 25 April 1994, an international Contact Group was formed by such countries as: USA, Russia, Britain, France, and Germany with a view to restoring peace. The Group was instrumental in the signing of as many as eighteen truces; however, none of them were respected. One

7 Wojciechowski S, „*Integracja i dezintegracja Jugosławii na przełomie XX i XXI wieku*”, Poznań 2002, pp.81-82; Podhorodecki L, „*Jugosławia. Dzieje narodów, państw i rozpad federacji*”, Warszawa 2000, pp. 207-208

8 These issues are commented on by many authors including: Waldenberg M, „*Rozbicie Jugosławii. Od separacji Słowenii do wojny kosowskiej*”, Warszawa 2003, passim; idem; „*Kwestie narodowe w Europie Środkowo- Wschodniej. Dzieje, idee*”, Warszawa 1992, passim; idem; „*Narody Zależne i mniejszości narodowe w Europie Środkowo – Wschodniej*”, Warszawa 2000, passim, Podhorodecki L, „*Jugosławia. Dzieje...*”, pp.207-208

9 Bankowicz M., „*Historia...*”, pp.811-812

possible solution was the Vance-Owen peace plan. This plan proposed that Bosnia and Herzegovina be divided into ten autonomous provinces with no more between them than a common central government. The provinces would be of mixed ethnic composition, with each of the major ethnicities dominant in one province. In addition, to avoid future conflict over Serbian claims, regions which the Serbian population predominated would be arranged in a way that would ensure that they did not border with Serbia. Surprisingly, the Serbs accepted the plan despite the fact that it was unfavourable to them, and the Croats were in favour, too. Unfortunately, the Muslims rejected the solution.¹⁰ Both the Vance – Owen peace plan for Bosnia and Herzegovina and another proposed by David Owen in cooperation with Cyrus Vance and Thorvald Stoltenberg, which would make BiH a confederation of three republics, with the cities of Sarajevo and Mostar subject to international administration, failed to win the approval of the Muslims.¹¹ Incessant warfare did nothing to bring a resolution to the conflict any closer; nor were the intermittent peace talks any more successful. Faced with this situation, the UN and NATO felt compelled to take radical steps to put an end to the bloodshed and the increasing escalation of the conflict. In August 1995 NATO countries launched a series of aerial attacks on Serbian troops near Sarajevo. This action was a direct response to Serbian attacks on Muslims, which took place on July 1995 and captured the city of Srebrenica and massacred its population. An end to the civil war was also hastened by the victory of Muslims and Croats over Serbian troops. The pivotal event was the regaining of the Krajina and East Slavonia, which the Serbs had seized at an early stage in the conflict. This fact coincided with Blegrade's decision to withdraw its support for Radovan Karadžić's polices. Such a turn of events aroused hopes for a speedy resolution of disputes and a conclusion of a peace accord.¹² Towards this end, talks were initiated in early September 1995 in Geneva in an effort to end hostilities in Bosnia and Herzegovina.

The talks were attended by the ministers of foreign affairs of Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia, representatives of Contact Group, and EU mediator Carl Bildt. Once convened, the body agreed to divide Bosnia and Herzegovina into two constituent parts, one called the Muslim – Croatian Federation of Bosnia and Herzegovina, the other the Republika Srpska. The government of the Federal Republic of Yugoslavia accepted the existence of

10 Waldenberg M., „*Rozbicie Jugosławii...*”, pp.224-226

11 For more on the subject, see *ibid.*, p.227

12 Podhorodecki L., „*Jugosławia. Dzieje...*”, pp.210-211

Bosnia and Herzegovina. It was agreed that each part could have its own armed force and a self-government legitimize by its own constitution. Unfortunately, the agreement did not include the exact dividing line between both constituent parts, nor did it resolve the complex matter of territory, which may lead to a future outbreak of a now-latent conflict. The Geneva talks failed to resolve all the sensitive issues between the opposing parties; nor was a final peace consensus developed. It thus became necessary to hold another round of talks, with the venue this time outside Europe – in New York. During a meeting on 25 September 1995, it was decided to establish joint bodies like a parliament, government, collective presidency, and a Constitutional Court. A free, democratic election was announced to be held under a supervision of the Organization for Security and Cooperation in Europe. It is worth noting that the lack of binding decisions on borders and the territorial division did not impede the cessation of hostilities. A truce was signed on 10 October 1995. All matters that remained unsolved in New York were considered at next meeting in Dayton, Ohio, on 1 November 1995.¹³ The representatives of Serbia President Slobodan Milošević, President of Croatia Franjo Tuđman, President of Bosnia and Herzegovina Alija Izetbegović, a representative of the EU, the US secretary of state, and the deputy-Foreign Minister of Russia met at the Wright-Patterson air base to tie up the loose ends left after preceding decision taken in Geneva and New York. The meeting was led by the US Secretary of State Warren Christopher, and negotiator Richard Holbrooke with the EU Representative Carl Bildt and the Vice –Minister of Foreign Affairs of Russia Igor Ivanov. A series of accords were agreed upon which restored peace, and was known as the General Framework Agreement for Peace in Bosnia and Herzegovina.¹⁴ Notably, the general agreement came with as many as 11 annexes (1A Military aspects of the peace agreement and addenda; 1B Regional stabilisation; 2 Internal inter-ethnic boundaries and related issues; 3 Elections; 4 Constitution; 5 Arbitration; 6 Human rights; 7 Refugees and displaced persons; 8 Committee for the Protection of National Heritage; 9 Operation of public utilities in Bosnia and Herzegovina; 10 Civilian aspects in the implementation of the peace accord; 11 International policing forces).¹⁵ The chief aim of the accord was to achieve an integration state structured as a federation composed of two principal units, the Muslim-Croatian

13 Wojciechowski S., „ *Integracja i dezintegracja...*”, pp.96-97.

14 Wojciechowski S., „ *Integracja i dezintegracja...*”, pp.97

15 Konarski W., Koseski A., „ *Balkany. Etnokulturowe podłożę konfliktów*”, Pułtusk 2006, pp.153-169.

Federation and the Republika Srpska¹⁶ and to promote stability and peace in BiH. The future of Sarajevo was decided by placing it under the Muslim-Croatian Federation's supervision. Importantly, it was decided to prohibit those declared to be war criminals by the International Criminal Tribunal for the Former Yugoslavia (ICTY) based in the Hague from holding any public offices. Peace in Bosnia and Herzegovina would be assured by a UN peace-keeping force.¹⁷ All final contentious issues in Bosnia and Herzegovina were to be resolved in a peace treaty signed in Paris on 14 December 1995. It was the treaty repeated the Dayton accords signed by the President of the US Bill Clinton, the President of France Jacques Chirac, Prime Minister of Great Britain John Major, Prime Minister of Russia Viktor Chernomyrdin, Chancellor of German Helmut Kohl and Prime Minister of Spain Felipe González Márquez.¹⁸

The Dayton accords created the legal basis for the political system of the independent state. By way of a reminder, the agreement was initialled on 21 November 1995, by the Presidents of Bosnia and Herzegovina, Serbia, and Croatia. This agreement was mediated by the international community and established a federation of three entities with strong decentralization in BiH. The Dayton peace accords put an end of the most bloody war conflict in the former Socialist Federative Republic of Yugoslavia which lasted almost three and a half year.¹⁹ Bosnia and Herzegovina's constitution was an inseparable element of the General Framework Agreement (GFAP) on Peace in BiH which was signed on 14 December 1995 in

16 The former occupies 51% of the country en tire aera, the remaining part to belongs to the Republika Srpska.

17 Those were 60,000-strong IFOR (Implementation Force) units which were to take place of the UNPROFOR (United Nations Protection Force) stationed there, Kuczyński M., „*Krwawiąca Europa. Konflikty zbrojne i punkty zapalne w latach 1990-2000: tło historyczne i stan obecny*”, Warszawa 2001, pp.231-232; and Wojciechowski S., „*Integracja i dezintegracja...*”, pp.97-99.

18 Walkiewicz W., *Jugosławia: byt wspólny i rozpad*, Warszawa 2000, p.260.

19 Troncota Miruna, „*Bosnia Herzegovina the Political Space of in-betweenness a constructivist analysis of identities and institutions during europeanization*”, *The Western Balkans: Lessons from the Past and Future Prospects – A View from the Danube Region Proceedings of the 7th DRC Summer School Pecs 2012* (ur. Istvan Tarrosy – Susan Milford), Publikon books, Pecs, 2010, p.72.

Paris. The constitution was Annex 4 to the agreement. It provided BiH as a state with a parliamentary system of government.²⁰ The constitution of Bosnia and Herzegovina is not a large document as constitutions go. It consists of a preamble and 12 articles (I Bosnia and Herzegovina, II Human Rights, III Responsibilities of and Relations Between the Institutions of Bosnia and Herzegovina and the Entities, IV Parliamentary Assembly, V Presidency, VI Constitutional Court, VII Central Bank, VIII Finances, IX General Provisions, X Amendment, XI Transitional Arrangements, XII Entry into Force) and two annexes. The preamble is typical in meeting the generally accepted criteria for such introductions. It makes references to respect for human dignity, freedom, and equality, and to peaceful resolutions of conflicts. Thus the introduction to the supreme law incorporates universal values characteristic for democracies. Bosnians, Croats, and Serbs as constitutional nations of the Republics expressed their shared respect for international law. They also pledged to do their utmost to ensure the territorial integrity and independence of their state.²¹ As a result of the Dayton Agreement and according to the 1995 constitution,

“Bosnia and Herzegovina is a federal state divided into two main entities: the Federation of Bosnia and Herzegovina and the Republika Srpska— as well as district of Brcko“(Art. I, clause 3)²².

Further, BiH is a democratic state under law (Art. I, clause 2)²³ which implements a wide range of human rights and fundamental freedom (Art. III) guaranteed as

20 The constitution of Bosnia and Herzegovina was adopted quite unconventionally, with no participation from citizens, who should have been the most interested party. The wording of the construction was decided by representatives of the countries participating in the peace conference concluding the war in BiH. The act is considered an incomplete (“small”) constitution as it does not regulate economic matters. It is, moreover, a rigid constitution. Art. X of the constitution of BiH places the restriction that an amendment may be made by a 2/3 majority of the present and voting members of the Parliamentary Assembly. Further, no amendment may in any case abolish or limit human rights and fundamental freedoms referred to Art. II.

21 Cf. Preamble to the constitution of Bosnia and Herzegovina of 14 December 1995.

22 Troncota Miruna, „ *Bosnia Herzegovina the Political Space of in-betweenness a constructivist analysis of identities and institutions during europeanization*”, *The Western Balkans: Lessons from the Past and Future Prospects – A View from the Danube Region Proceedings of the 7th DRC Summer School Pecs 2012* (ur. Istvan Tarrosy – Susan Milford), Publikon books, Pecs, 2010, p.73

23 This provision is to be understood literally as per definition accepted in constitutional law. A democratic state under the rule of law is a state governed by the law: its constitution is supreme law

one of the supreme principles of the state.²⁴ It seems that in the present reality the newly created Human Rights Committee is especially important, whose *raison d'être* is to resolve issues of alleged or obvious crimes of discrimination, crimes committed by the police against citizens, administrative delays in issuing documents, freedom of religion, freedom of speech, discriminatory court rulings, discrimination in government agencies and schools (Art. II, clause 4). Importantly, the makers of constitution took particular pains to extend protection to refugees and displaced persons. To improve their situation, a Committee for Refugees and Displaced Persons was created (Annex 7 to the General Framework Agreement for Peace in Bosnia and Herzegovina). In 2001, the High Representative transformed it into a State Committee for Refugees.

The Republic of Bosnia and Herzegovina pledged to observe human rights and fundamental freedoms of the individual, broadly accepted civil liberties, and international laws concerning human rights (Annex 6 to the General Framework Agreement for Peace in Bosnia and Herzegovina, Annex I to the Bosnia and Herzegovina Constitution).²⁵ According to Art. II clause 8 of the constitution of Bosnia and Herzegovina of 14 December 1995, the government of the republic is obligated not to limit access to information concerning human rights to any organizations which monitor their implementation on its territory. Art. III of the constitution draws clear distinctions in the responsibilities between the republic and its institutions on the one hand, and those of its entities with their respective authorities on the other. The central government of BiH retains competence in foreign policy,

which provides for institutions safeguarding this all-important principle.

24 According to Annex 6, a Human Rights Committee was formed which was intended to accord these matters special attention. Within the Committee's structure is the Office of the Ombudsman (human rights advocate) and Human Rights Chamber.

25 The following international laws apply: The Convention on Prevention and Punishment of the Crime of Genocide of 1948, Geneva Conventions I-IV on the Protection of War Casualties of 1949, and Geneva Protocols I-II of 1977, the Convention Relating to the Status of Refugees of 1951 and the Protocol to this convention of 1996, the Convention on the Nationality of Married Women of 1957, the Convention Relating to the Solution of the Problems of Stateless Persons of 1961, the International Convention on Eliminating All Forms of Radical Discrimination of 1965, the International Covenant on Economic, Social and Cultural Rights of 1966, the Convention against Torture and other Cruel, Inhuman, or Degrading Treatment and Punishment of 1948, the European Convention on the Prevention of Torture, Cruel, Inhuman, or Degrading Treatment and Punishment of 1987, the Convention on the Rights of the Child of 1989, the International Convention on the Protection of the Rights of All Migrant Workers and Member of Their Families of 1990, and the European Charter of Regional and National Languages of 1994.

foreign trade, monetary and custom policies, financial resources to cover the republic's international obligations, regulation of immigration policy and refugee relief, combating international and inter-entity crime, cooperation with Interpol, provision of inter-entity and international transportation and communication, and air traffic control.²⁶ As per the principle of presumed competence, all matters not expressly vested by the constitution in the institutions of the republic remain the responsibility of both constituent entities of the federal structure: the Federation of Bosnia and Herzegovina and the Republika Srpska. Both of entities have a right to establish diplomatic contact with neighbouring countries subject to the condition that such contacts do not violate the sovereignty and territorial integrity of BiH and are approved by the Parliamentary Assembly. Art.III clauses 3 and 4 of the constitution states that the central government is responsible for the security of all persons in its jurisdiction. The Republic of Bosnia and Herzegovina may assume the competences of the respective entities only upon their prior request or when compelled to do so to protect the sovereignty, territorial integrity, political independence, and the state's international personality (Art. III, clause 5). As it was mentioned, BiH has adopted a parliamentary form of government. In accordance with Montesquieu's tripartite separation of powers, the central government has been divided into the legislative, the executive, and the juridical branches. In Bosnia and Herzegovina, the legislative power belongs to a bicameral Parliamentary Assembly composed of the House of Peoples (the upper chamber) and the House of Representatives (the lower chamber) (Art. IV). Significantly, the House of Peoples is not elected by popular vote. It consists of fifteen delegates representing the respective ethnic communities inhabiting BiH territory (i.e., Bosnians, Croats, and Serbs). Candidates to this chamber are chosen by the parliaments of respective entities according to following parity: 2/3 of delegates come from the Muslim- Croatian Federation (i.e., five Bosnians and five Croats), while 1/3 are selected by the Republika Srpska (five Serbs). In the Federation of Bosnia and Herzegovina, the House of Peoples names ten deputies, in the Republika Srpska the National Assembly elects five representatives. The quorum in the House of Peoples is nine, provided there are at least three representatives from each of the constitutional nations (i.e., three Bosnians, three Croats, and three Serbs) (Art. IV, clause 1 of the Constitution).

It should be emphasized that the constitution's ethnic rules are designed maintain a balance between the nationalities represented on government bodies. Considering

26 Konarski A., Koseski (eds.), „*Balkany. Etnokulturowe...*”, pp. 172-173.

the background processes leading up to the creation of the new political system in the republic, such rules seem to be a distinctive feature of the new state. The lower chamber, the House of Representatives of the Republic of Bosnia and Herzegovina, unlike the House of Peoples, is chosen by general election which is direct, free and secret (Art. IV, clause 2 of the constitution). The rule has been adopted that 2/3 (that is, 28 deputies), are chosen from the Federation of Bosnia and Herzegovina, and 1/3 (14 deputies) from Republika Srpska. The House of Representatives and the House of Peoples are elected for a four-year term. The House of Representatives participates in legislative procedures and approves the composition of the Council of Ministers. Members of the House of Representatives are protected by legal immunity; that is, they are exempt from prosecution and litigation for acts considered to be part of their parliamentary duties. The combined chambers make up the Parliamentary Assembly of the Republic of Bosnia and Herzegovina which enjoys competences typical of legislatures in other democratic states under the rule of law. These include the enactment of laws necessary to implement the decision of the President of the Republic or to perform the constitutional obligations of the Assembly; making decisions about the sources and volume of the revenue needed for the work of Bosnia and Herzegovina institutions and international obligations; approving the budget of BiH institutions; and ratifying international treaties signed by the Republic. In addition, its responsibilities embrace regulating any other matters under its obligation to perform tasks assigned to it by one of the entities of Bosnia and Herzegovina. The parliament follows the principle that any law passed by the Parliamentary Assembly must be approved by each chamber. Laws are passed by the majority of deputies present. Here again, equal ethnic parity is strictly observed in that a majority is valid if those voting are made up of at least 1/3 of deputies from each entity of the Republic.²⁷ If no agreement is reached within the prescribed five days, the controversial resolution of the Parliamentary Assembly is deferred to the Constitutional Court (Art. IV, clause 3e and 3f).

²⁷ Should this prove impossible, the speaker of the chamber and his deputies meet within three days and attempt to bring about consensus. If even that is unsuccessful, a decision is made by the Chamber by a majority of those present and voting (Art. IV, clause 3d of the constitution). It is a typical systemic principle in Bosnia and Herzegovina that the vital interests of each constituent nation must be protected. Consequently, whenever a decision of the Parliamentary Assembly would be harmful to one nation, its approval by a majority is insufficient. For such a decision to be taken, it should be supported by a majority of the present and voting deputies of the House of Peoples of that nationality which voices objections. If this does not happen, the speaker of the House of Peoples convenes a Joint Committee with the aim of reaching an agreement. The committee is made up of three deputies, a Bosnian, a Croats, a Serb.

The executive branch in the Republic of Bosnia and Herzegovina consists of the Presidency of the Republic and the Council of Ministers (Art. V, clause 4a). The role of the head of state is played by a three-person Presidency, with each member representing one ethnic community: a Bosnian, a Croat, and a Muslim. A Bosnian and Croat representatives are elected in the Federation of Bosnia and Herzegovina, and the representative of Serb is chosen by the Republika Srpska. The term of office of each collective head of state is four years.²⁸ Members of the Presidency set their own rules of action. From among their number they elect a Chairman. The process respects the rule that the one who wins the greatest popular vote in his constituency becomes the first Chairman. Then the others serve the office in rotation every eight months (Art. V, clause 2a and 2b).²⁹ Such clauses reaffirm the ethnic rule which is a distinctive feature of the contemporary political system of the Republic of Bosnia and Herzegovina. For a collective Presidency to function, it is crucial for its members of different ethnic backgrounds to reach agreement, which in practice is not always easy. A lack of consensus is provided for by the 1995 Constitution of Bosnia and Herzegovina in Art. V, clause 2. The scope of responsibilities guaranteed to the Presidency is impressive and clearly indicates that it is an executive body. Its tasks include conducting the foreign policy of Bosnia and Herzegovina, appointing ambassadors and other overseas representatives of the state (with a maximum of 2/3 of such representatives from the Federation of Bosnia and Herzegovina), representing BiH in international and European organizations and institutions, taking action to obtain membership of organizations and institutions to which the republic does not yet belong, negotiating and persuading the Parliamentary Assembly to agree to ratification of treaties signed by Bosnia and Herzegovina, executing the decisions of the Parliamentary Assembly,

28 In the period from October 1996 to October 1998 the Presidency included: Alija Izetbegović (Bosnian), Kresimir Zubak (Croatian), Momčilo Krajišnik (Serbian); in 1998-2002, Alija Izetbegović until 2000, after his resignation he was temporarily replaced by Halid Genjć, who served in the office until March 2001, and then Beriz Belkić chosen by the National Assembly (all Bosnian), Croats were represented by Ante Jelavić, removed by the High Representative in March 2001, and Joko Krizanović elected by the Parliamentary Assembly. At the time, the Serbs were represented by Zivko Radisnić. In 2002-2006, Bosnia was represented by Sulejman Tihić, Croatia, until March 2005, by Dragan Cović, who was removed by the High Representative, and Ivo Miro Jović chosen by the Parliamentary Assembly, and Serbia by Mirko Sarović until April 2003, from this point until the next election it was Bronislav Paravac chosen by the Parliamentary Assembly. In the present term from October 2006 to October 2010 the members are Haris Silajdžić (Bosnian), Zeljko Komisić (Croatian) and the Serb Nebojsa Radomanović. See at <<http://www.electionworld.org/bosnia.htm>> (Accessed May 2008)

29 Konarski W., Koseski A. (eds.), „*Balkany. Etonkulturowe...*”, p.176.

proposing annual budgets following government recommendation, submitting to the Parliamentary Assembly reports of expenditure it has incurred at least once per annum, cooperating with international organizations and NGO's in Bosnia and Herzegovina, and performing any other tasks entrusted to it by the Parliamentary Assembly or the entities (Art. V, clause 3 of the constitution). Another important responsibility of the Presidency is to designate Prime Minister. As to the relationship between Presidency and the Parliament, the former is constitutionally entitled to dissolve the House of Peoples subject to Art. IV, clause 3g of the constitution. In an important provision, the constitution of Bosnia and Herzegovina expressly states that members of Presidency shall be the civilian command authority over the armed forces. To coordinate the activities of the armed forces, members of Presidency form a Standing Committee on Military Matters (Art. V, clause 5).

Apart from the collective Presidency, the state apparatus of an independent country like the Republic of Bosnia and Herzegovina contains a government (Council of Ministers). As has been mentioned, the appointment of the *primus inter pares* (Prime Minister) is made by the Presidency. Newly appointed Prime Minister is forming a cabinet and nominates his ministers. A newly formed government does not commence its function until it receives a vote of confidence of the House of Peoples (Art. V, clause 4). On the strength of the Dayton Accords of 21 November 1995, only three ministers were established: The Ministry of Foreign Affairs, The Ministry of Foreign Trade, and Ministry of Civilian Affairs. The Ministry of Finance, and the Ministry of Human Rights were created later, in 2000. Even more were formed in 2002, including the Ministry of Justice, the Ministry of Security, and the Ministry of Transport. The creation of more ministers suggested a large increase in the responsibilities of the Council of Ministers, which was granted many powers typical of centralized executive. Such a solution was to be among the chief factors that helped to stabilize the political system of the young republic.³⁰

A third branch of government is the judiciary, to which the lawmakers accorded particular care. The nine-member Constitutional Court exercises this authority

30 The present author Soares the position of Codogni P., „Bosnia i Herzegovina”, :Europa Środkowo- Wschodnia”, vol. 13 (2003), pp.54-55. Like all other government bodies, in the Republic of Bosnia and Herzegovina, the ministers implement the parity principle guaranteeing an equal share in government to all three constitutional peoples. By the end of 2002, each ministry included one Bosnian, and one Croat, and one Serb, who rotated as Minister and Vice- Minister every week. However, at Paddy Ashdown's suggestion, that was changed and since then each ministry is headed by a minister and two Vice-Ministers who serve their function throughout their term, cf. *ibid.*, p. 55.

according to Art. VI of the Constitution of the Bosnia and Herzegovina. The court is composed of four judges selected by the Federation of Bosnia and Herzegovina, two named by the Republika Srpska, with the other three appointed by the President of the European Court of Human Rights, who is required to make his decisions in consultation with the Presidency. Judges are elected in different ways in the respective entities. For the Federation, they are chosen by its House of Representatives, and for the Republika Srpska the competent body is the National Assembly (Art. VI, clause 1 of the constitution). The Constitutional Court judges serve a five-year term and are not eligible for re-election. The requirements set for this honorary post include being a distinguished lawyer with an unblemished record. Judges appointed by the Chairman of the European Human Rights Tribunal must not be citizens of Bosnia and Herzegovina or any neighbouring country. This is meant to prevent partiality in rulings and promote the Court as an objective and just body, especially since its purview is quite broad, even if it is typical for its kind of juridical power. Its responsibilities include ruling on matters relevant to observance and enforcement of the constitution, on the division of responsibilities between respective entities or between the republic and its entities, on the conformity or legislation with the constitution, and expressing opinions on the conformity of the constitution of Bosnia and Herzegovina with international law, such as the European Convention of Human Rights and Fundamental Freedoms together with its protocol. In addition, it also has appellate jurisdiction over court rulings anywhere in BiH. Compared to the other institutions, the Constitutional Court is among the weakest links in the state's political system. In particular, its rulings often fail to be implemented, resulting in a great deal of chaos which threatens the legal order in this newly independent republic. Often it took a reminder from the High Representative for a decision to be implemented. A good example is the rotation in the office of Chairman and Deputy Chairmen in the House of Representatives, which only took effect after a reminder from the High Representative.³¹

In order to offer a proper description of the political system of any country, due consideration must be given to its political parties, especially those that have a pronounced influence on political life; that is, those represented in parliament and thus having an impact on the country's policies and on the effectiveness of decisions that are being implemented. The multi-ethnic character of the Republic of Bosnia and Herzegovina rightly contours its party system. It is hardly surprising, therefore, that multi-ethnicity is also reflected in political parties. There are

31 Konarski W., Koseski A. (eds.), *Balkany. Etnokulturowe...*, pp.174-176.

parties that unite only Bosnians, or only Serbs, or only Muslims. There are those that include Serbs, Bosnians, and Muslims based on ethnic parity. The former include the Democratic Action Party (StrankaDemokratskeAkcije, SDA), a typical ethnic party of Muslims. It was formed in October 1990 by AlijaIzetbegović, MuhamedFilipović, and FikretAbdić. SDA won nine parliamentary seats in 2006. It stands out for being the first Bosnian party with a clear nationalists profile since Yugoslavia decided to give up one-party rule and introduce pluralism. The group still enjoys undiminished popularity. Another notable political force is the Independent Social Democrat's Party (StrankaNiezavisinihSocjaldemokratu, SNSD). Independent Social Democrat's Party is particularly active in Republika Srpska. The party was created in 1996 by independent member of a parliamentary club in the National Assembly of Republika Srpska. It merged with the Democratic Party of Socialists in 2001. In the 2006 parliamentary elections, it entered the House of Representatives with seven deputies. It was headed by the premier of Republika Srpska, MiloradDodik, while one of its member NiebojszaRadmanović, represented the Serbian minority in the Republic's Presidency. Another major group is what is possibly the most liberal, multi-ethnic Party for Bosnia and Herzegovina (StrankaBosneiHercegovine, SBiH). Apparently free from a nationalist slant, this party won eight seats in the House of Representative in 2006. The party's main tenets included a centralized state and the abandonment of divisions of peoples as inhabiting territorial units. The Social Democratic Party of Bosnia and Herzegovina (Social DemokratkaPartija Bosnia i Hercegovina, SD BiH) led by Zlatko Lagumdžija (the former chief of diplomacy) won five seats in the House of Representatives in 2006. ZeljkoKomsić, one of the member of SD BiH was delegated to the Presidency. Social Democratic Party of Bosnia and Herzegovina was founded in 1999 on the initiative of two parties: The Social – Democratic Party (SocijaldemokratskaPartija – SDP) and the Union of Social Democrats of Bosnia and Herzegovina (USD BiH). A clearly – wing party of Bosnian Serbs in the Serbian Democratic Party (SrpskaDemokratkaStranka, SDS), which won only three seats in the House of Representatives in 2006. SDS was founded in 1990 with Malden Bosić as its leader; its member included the infamous politician Radovan Karadžić, accused of crimes against humanity.³² The same number of seats in House was won by the independent Croatian Democratic Party of Bosnia and Herzegovina (HrvatskaDemokratkaZajednica Bosnia iHercegovina, HDZ BiH). The party was founded in 1990 as a branch of the Croatian Democratic Community in Croatia.

32 Cf. Bujwid – Kurek Ewa, „Państwa pojugosłowiańskie...”, passim

It split to produce in 2000 a fairly powerful group of moderate politicians led by Kresimir Zubak; it was they who created the party named the Croatian People's Initiative.

It would be a mistake to reduce the political scene to relevant parties for they are not the sole political players involved in decision-making and the further development of the political system. It is only appropriate to mention other parties which, although not represented in parliament, remain significant actors on the political scene. They include the Bosnian – Herzegovinian Patriotic Party (Bosnanskohercegovačka Patriotska Stranka), the Democratic People's Community (Demokratska Narodna Zajednica), New Croatian Initiative (Nova Seljачzka Stranka, HSS), the Democratic Progress Party (Partija Demokratskog Progresa, PDP), the Democratic People's Alliance (Demokratski Narodni Savez), the Liberal- Democratic Party (Liberalna Demokratska Stranka), and the Civil Democratic Party (Gradjanska Demokratska Stranka, GDS).³³

After the elections which took place in early October 2006 the House of Representatives presented as follow. Nine seats were won by the SDA, eight seats in the House of Representatives had the Party for Bosnia and Herzegovina. In the Republika Srpska seven seats were won by the Alliance of Independent Social Democrats (SNSD). In the period of 2006-2010 were held 83 sessions of the House of Representatives and 49 sessions of the House of Peoples.³⁴

“The Dayton Peace Agreement confirmed that Bosnia and Herzegovina is an independent and sovereign country which continues to exist legally within its current, internationally recognized borders, and with a modified internal structure comprising two entities: the Federation of Bosnia and Herzegovina and the Republika Srpska. With its new Constitution and system, Bosnia and Herzegovina

33 Cf. Wojnicki J., „Przeobrażenia ustrojowe państw południowosłowiańskich (1990-2003)”, Pułtusk 2003, pp.223-224. The issue is also addressed in Bujwid-Kurek Ewa, „Państwa Południowosłowiańskie...”, pp.136-148.

34 <https://www.parlament.ba/istorija/Default.aspx?id=28030&langTag=en-US&pril=b>

entered into a period of overwhelming challenges in terms of social recovery, reconstruction and institution building.”³⁵

The new state faced special challenges as a result of Balkans realities. Its multi-ethnicity has triggered, and may continue to threaten to do so in future, conflicts of a nationalist nature. Hence it has been necessary to institute preventive measures which would guard against recurrence of such a danger. To this end, the office was created of High Representatives, which was responsible for civilian matters.³⁶ Both the House of Representatives and the House of People were working for the faster adoption of the laws and other acts required for satisfying European standards and bringing the Bosnia and Herzegovina closer to Euro-Atlantic integration. Apart from this safeguard in the civilian sphere, and International Peace-Keeping Force is present to maintain peace in this highly charged ethnic situation. The International Implementation Force (IFOR) was deployed in Bosnia and Herzegovina almost immediately after the peace accord was signed. IFOR replaced United Nations Protection Force (UNPROFOR) which has been previously stationed in BiH. The chief tasks passed on IFOR included ensuring implementation of the Dayton Accords, supervising the defined inter-ethnic boundaries and external borders, protecting humanitarian missions present on the territory of Bosnia and Herzegovina, monitoring population migrations, supervising mine-sweeping operations, overcoming any effects of the war, and creating a favourable climate for a truly free election according to civilized European standards. After IFOR had completed its mission, the US Security council decided that its place could be taken by a Stabilization Force (SFOR) with only half the number of previous personnel, which could address many more extra-military aspects of the republic's security. The decision was taken in December 1996. Such peculiar management of the country evolved after December 2004. These troops were successfully replaced by European Union forces. The 1995 Dayton Accords provided for the creation of the office of High Representative in Bosnia and Herzegovina (OHR). The office was given a set of difficult tasks. First, the High Representative, who represented the international community including the UN, was charges with supervising the implementation of the Dayton accords in civilian matters. He was given competence to use the

35 <https://www.parlament.ba/istorija/Default.aspx?id=27926&langTag=bs-BA&pril=b>

36 The constitution of Bosnia and Herzegovina of 14 December 1995, does not legitimizethisoffice; itslegalguaranteesareprovided by Annex 10 to the General Framework Agreement for Peace in Bosnia and Herzegovina

so-called Bonn authorization³⁷ which gave him the power to remove officials in both entities of the republic if their behaviour could hamper the implementation of the peace process, and in especially controversial or difficult situations. In case when the parties were unable to establish a consensus, he was authorized to act on his own direction. The office of High Representative was served by following persons: Carl Bildt (Swedish), Carlos Westendorp (Spanish), Wolfgang Petritsch (Austrian), Paddy Ashdown (British), Christian Schwarz – Schilling (German), and Miroslav Lajcak (Slovak), and Valentin Izko (Austria). It should be noted that from the moment this office was introduced to Bosnia and Herzegovina, i.e., from 1995 until 30 June 2008, that remit of the High Representative kept evolving. At first, it embraced supervising the implementation of the peace process, but later it was extended to supervision of the work of civilian organizations and institutions by providing them with guidelines towards a more effective implementation of the civilian aspect of the Dayton peace accord. Finally, the High Representative was authorized to intervene if necessary in the work of respective government bodies in order to ensure that they proceeded according to the law and democratic standards. Particular attention was paid to the need to implement human rights as laid down in the United Nations Universal Declaration of Human Rights of 1948 and as contained in other recognized international laws which included specific rules stemming from Human Rights of the 1st, 2nd, and 3rd generation.

In the context of the discussion presented above, one may reflect on what will happen when the High Representative's mandate finally expires, when no other politician is elected for another term to safeguard peace in a state with such a complex structure. However, Peace Implementation Council (PIC) was decided to extend the mandate of High Representative indefinitely until a set of positive benchmarks have been fulfilled.³⁸ Presently, from 2009 on the position of the High Representative is Valentin Inzko.

The Parliamentary Assembly of Bosnia and Herzegovina has come a long way become prepared to pass laws for a better life for all citizens of Bosnia and Herzegovina, irrespective of their ethnicity or religion, and move the country closer to the European Union. What is important the High Representative had a significant role in the Parliament Assembly of BiH. Parliamentary Assembly seek to developing and stabilizing the power and its society and rapidly implementing reforms.³⁹ In

37 The authorization was added to Dayton accords in 1997.

38 http://www.ohr.int/ohr-dept/presso/pressb/default.asp?content_id=41353

39 <https://www.parlament.ba/istorija/Default.aspx?id=28030&langTag=en-US&pril=b>

addition, the Agreement on Stabilization and Association with the European Union signed on October 2008 is deemed as a great success and it was considered as a first step to becoming a member of European Union in the future.⁴⁰ Since the independence of Bosnia and Herzegovina, this country is democracy and it is a potential candidate not only for the membership of EU but also a candidate for membership of NATO since April 2010.⁴¹ Moreover, introduced the program “Strategy for Public Administration Reform” during PIC session Bosnia and Herzegovina opens new chapter of their administration and politics.

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40 <https://www.parlament.ba/istorija/Default.aspx?id=28030&langTag=en-US&pril=b>

41 HosszuHortenzia, “ *European integration and public administration reform in Bosnia and Herzegovina* ”, *The Western Balkans: Lessons from the Past and Future Prospects – A View from the Danube Region Proceedings of the 7th DRC Summer School Pecs 2012* (ur. IstvanTarrow – Susan Milford), Publikon books, Pecs, 2010, p.85

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POLITIČKI I ETNIČKI FENOMENI U BOSNI I HERCEGOVINI**Apstrakt**

Predmet ovog istraživanja su etnički i religijski aspekti politike u Bosni i Hercegovini. Bosna se naziva "malom Jugoslavijom" zbog svog multietničkog karaktera. Ona je etnički koktel, sastavljen od tri glavne nacionalnosti: Srba, Hrvata i Bošnjaka. Bosna i Hercegovina je dobila nezavisnost tokom rata. Dana 6. aprila 1992, Bosna i Hercegovina je prepoznata kao nezavisna država od strane država članica Evropske zajednice, a narednog dana, 7. aprila 1992. Sjedinjene Američke Države su takođe priznale Bosnu i Hercegovinu kao samostalnu i suverenu državu. Prvi demokratski izbori održani su 1990. godine. Godine 1995. Bosna i Hercegovina je potpisala Dejtonski mirovni sporazum koji je stvorio pravnu osnovu za politički sistem nezavisne države. Dejtonski mirovni sporazum je okončao jedan od najkrvavijih vojnih konflikata. Kao rezultat Dejtonskog mirovnog sporazuma, Bosna i Hercegovina je podeljena na dva glavna entiteta: Federaciju Bosne i Hercegovine i Republiku Srpsku. Autor predstavlja političku scenu u periodu 2006-2010. godine, kao i rezultate izbora iz 2006. godine. Trenutno, Visoki predstavnik nadgleda civilnu implementaciju Dejtonskog sporazuma.

Ključne reči: Bosna i Hercegovina, entiteti, nezavisnost, suverenitet, muslimani, Srbi, Hrvati, Dejtonski mirovni sporazum.