

## **Bosnia and Self-Determination** **Student #: 10313625**

### **Introduction**

Article 1 (2) of the United Nations Charter establishes that one of the main purposes of the United Nations is to develop friendly international relations based on respect for the “principle of equal rights and self-determination of peoples.” However, millions of people have been stripped of the right to determine their own fate, due either to military intervention, aggression, occupation or to exploitation by foreign Powers (UN Press 2013). Today, many groups including Palestinians, Uyghurs, and Kashmiris are struggling for their right to self-determination. One case that highlights the obstacles the UN faces in promoting self-determination is in Bosnia.

Although many people may look at the Bosnian War as a historical event, the reality is that Bosnia remains a post-war state dealing with the aftermath of a brutal aggression that occurred in recent memory. The country exemplifies the concept of self-determination as an ongoing and pressing issue even after achieving independence in 1995. Bosnians are a people capable of determining their own future and creating a political structure within the bounds of its own unified borders. Bosnia faces significant obstacles in implementing self-governance after the dissolution of Yugoslavia and declaring independence. It is a country divided on ethnic lines bound to a treaty and constitution meant only as a temporary solution. With major constitutional reform and the recognition that Bosnians are capable of deciding their own fate, true self-determination can occur.

### **Historical Context and Background of the Dayton Accords**

In 1992, with the dissolution of Yugoslavia, Bosnia held a referendum for independence. The referendum asked citizens "Are you in favor of a sovereign and independent Bosnia-Herzegovina, a state of equal citizens and nations of Bosniaks, Serbs, Croats and others who live in it?" (Velikonja 2003). With a voter turnout of 63.6%, 99.7% voted "yes" for the independence of Bosnia and Herzegovina. Therefore, a majority of Bosnians wanted to become an independent nation, just as their ex-Yugo neighbors before them. What followed was a brutal war and subsequent genocide of the Bosnian Muslim population. With the implementation of the "Greater Serbia" project that sought to recognize a region in Bosnia as "Republika Srpska" and expand the borders of Serbia, Bosnia saw years of aggression and ethnic cleansing after the declared independence of its statehood.

The Dayton Accords were implemented in 1996 as a peace treaty in order to end a horrific war in Bosnia and stopped the continued genocide of Bosnians at the hands of Serb forces. The Accords, which included a new constitution, were seen as a temporary solution to conflict and were meant to be re-worked once Bosnia stabilized. The Dayton Accords also sought to impose democracy in the region. However, almost 30 years later, the consociational constitutional structure of Dayton remains in place. It illustrates the interdependence between Bosnia's democracy and external intervention. This is prevalent through how the foundations of the agreement are modeled more under external influence than internal influence paired with the large number of international and local NGOs, intergovernmental organizations, foreign embassies and government ministries that are involved in civil society work within Bosnia. The Dayton Accords ended up not only highlighting the complexities of state-building and political legitimacy, but showcased perfectly the result of what happened in Bosnia after a narrative of local incompetence was pushed by the international community to justify their involvement.

While the Dayton Accords ended the bloodiest conflict on European soil since World War II, they also legitimized the existence of Republika Srpska as a monolithic entity within Bosnia through international recognition. Republika Srpska, which began as a para-state separatist movement during the

war, preserved the territorial gains achieved by Serb forces through ethnic cleansing and genocide (Malik 2000). As a result, Bosnia was split into two entities—Republika Srpska and the Federation of Bosnia and Herzegovina—leading to ethnic segregation, evident in the division of ethnic groups in schools and the violence that forced people to live among their respective communities. Today, the Dayton Accords continue to fail in upholding a unified Bosnian government, with this failure reflected in the country's socio-political sphere. While Bosnia is now recognized as an independent country, the major challenges in implementation highlight the issues that emerge in the struggle for self-determination.

### **Implementation: Challenges with the Reliance on External Influences**

Did the western powers involved in implementing the Dayton Accords prohibit the Bosnian people from true self-determination? The signing of the Dayton Accords was not only carried out under the witness of the international community in Dayton, Ohio, the foundation of the agreement was modeled more under external influence than internal influence (Orlovic 2015). Although a sovereign state of Bosnia and Herzegovina is currently recognized internationally, the failure in allowing Bosnians to choose their own government, political structure, borders, and even flag, allowed that recognition to be beholden on the fact that western influence take precedence over the goals of Bosnians after the war and their subsequent genocide. While the hopes for self-determination and a recognized, independent Bosnian state occurred after the signing of the Dayton Accords, Bosnia faced major challenges in the implementation. With external actors involved with state-building and reconstruction post-war, there became a reliance on states guided by their own national interest. One way this manifested itself was through the hundreds of organizations dealing with the socio-political life of local populations popping up in Bosnia after the war which answered to the international community instead of Bosnian citizens (McMahon 2004).

The consociational constitutional design of Dayton was appealing for the international community because of Bosnia's ethnically divided society. Consociational design requires power-sharing between the three main ethnic groups, emphasizes decentralization, and gives veto powers to each group for minority protection. It also imposes international norms rather than local norms. Its democracy is decided on by external factors. An example of this is how Bosnian common state symbols became important to intervening powers. Post-Dayton Accords, Bosnia saw the introduction of common license plates, a new flag, and a common passport. All of these were attempts by the international community to foster the feelings of community and connection within the Bosnian population (Merdzanovic 2018). If this model of democracy is under external influence rather than internal influences it raises an important question: How can the Bosnian people feel connected to these national symbols if they not only were unable to choose their own leaders or constitution, nor their own anthem or flag?

An example of an initiative that was undertaken by international actors is the "Target Areas" program that the United Nations High Commissioner for Refugees (UNHCR) began in 1996. This initiative had the goal of addressing the structural impediments to returns. The UNHCR invested in infrastructure to communities so populations had a secure political environment to return to (Malik 2000). While the Target Areas program did see some success with their initiative, the downside of the program by the international community is that returning refugees had little success in returning to areas within Bosnia controlled by other ethnic groups like Bosniaks to Republika Srpska or Serb controlled areas. The number of international and local NGOs, intergovernmental organizations (IGOs), foreign embassies, and government ministries that were involved in civil society work within Bosnia by 1999 reached over 500 (McMahon 2004). Today, many have collapsed as a result of inefficient donations from the international communities that fund them.

International actors manage to hold onto their influence within the region through state support and the assistance of the international presence of The High Representative in Bosnia (OHR) and

Stabilization Force (SFOR). Emergency powers were granted by the Dayton Accords such as the OHR (Engleheart 2011). The OHR, given the responsibility of overseeing the implementation of the Dayton Accords, has imposed hundreds of laws as well as redefined Article Three of the new constitution. It was able to replace the presidents, prime ministers, judges, mayors, and other elected officials within Bosnia (Orlovic 2015). Consequently, the OHR had the power to not only pass laws and create new institutions within Bosnia after the Dayton Accords, but also was able to do so without the opinions of local populations or the Bosnian people being taken into consideration.

### **Proposed Solutions: The Path to True Self-Determination**

*All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development* is an inherent belief under General Assembly resolution 1514 signed in 1960. It is not enough for a war or genocide to end in a ceasefire; the people have a right to decide their own destiny free from external influence.

Following the war in Bosnia, the Dayton Accords were implemented as a temporary solution to a brutal war and consequential genocide. It is time for it to be treated as such. Bosnians are capable of deciding their own fate, just as the right of all people. In order to fix the challenges that arose after the signing of the Dayton Accords such as major external influence and the recognition of Republika Srpska, Bosnia requires major constitutional reform. Similarly, the socio-political structure outlined by the Accords needs to be replaced with one that no longer incentivizes external influence by neighboring countries or the wider international community. Lastly, Serbia should not continue to be rewarded for a separatist movement that resulted in genocide with the legitimization of Republika Srpska. The abolishment of Republika Srpska and the unification of Bosnian entities needs to occur to minimize ethnic divisions and threats of separation.

By withdrawing NGOs that answer to their international actors, organizations that answer to the Bosnian people can gain more socio-political influence. Through local campaigning, grassroots activism, greater access to information, these organizations can better serve the populations they are meant to support rather than states guided by their own national interests. Similarly, the retirement of the Dayton Accords and the Office of High Representative would pave the way for a new government structure and constitution to prosper. With the consociational design of the Dayton Accords overseen by the OHR, ethnic divisions and veto powers given to three of the main ethnic groups often leads to political gridlock and further ethnic tensions. It also legitimizes Republika Srpska and allows for territorial gains made through ethnic cleansing and genocide to be recognized.

### **Conclusion**

In the case of Bosnian self-determination, Bosnia and Herzegovina was officially recognized as an independent nation in March 1995. However, the struggle of Bosnians to freely determine their own political status and destiny remains ongoing. The country is divided along ethnic lines, consisting of two entities, with one of the most complex political structures in the world, heavily reliant on external influence. When considering the challenges of establishing a new government following the signing of the Dayton Accords, Bosnia faces the consequences of external influence and the legitimizes of Republika Srpska which essentially rewarded genocide. A temporary solution continues to be implemented for decades following the end of an aggression against the Bosnian people. With significant constitutional reform, the unification of entities within the country, and the acknowledgement that Bosnians can decide their own destiny, true self-determination can occur.

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