

One State, Two Entities, Three Constituent Peoples: BiH's Failed Attempt at Interethnic Peace

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ABSTRACT

After the 1992-1995 Bosnian genocide, citizens of all ethnicities pleaded for peace, yearning for a new beginning. Attempting to establish a more unified country, the highly unstructured government scrambled to piece together the broken country, resulting in a system referred to as "one state, two entities, three constituent peoples." This approach to state unification recognizes the tiered governmental structure with the existence of state and entity (quasi-state) governments, which represent the one state and two entities, respectively. These governments are disproportionately influenced by people belonging to the three dominant ethnic groups, the Bosniaks, Croats, and Serbs, who represent the three constituent peoples. Nearing thirty years after the end of the genocide, with few effective improvements made to Bosnia's haphazardly-made governmental system, Bosnia has struggled to ensure long-lasting peace. Despite attempts to ameliorate interethnic relations through changes in the state and entity level governments, the structural makeup and consequent actions of these governments face Bosnian citizens with genocide-era tensions and unimpaired ethnopolitical enclaves that threaten the stability of the country.

Introduction

Because of clashing desires for ethnostate hegemony, the establishment of Bosnia and Herzegovina (BiH) on March 1, 1992, catalyzed the genocide of Bosniaks and Croats by Serbs, the most populous ethnicities in the country. The genocide spanned from May 1992 until December 1995, succeeding the institution of The General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Agreement or Dayton Accords).¹ This agreement served as a peace treaty between Serbia and BiH, ceased genocidal violence, and provided the foundation for BiH's insufficient and convoluted governmental structures.² To rebuild national peace, the Dayton Accords split BiH into two quasi-state bodies, referred to as entities: the Federation of Bosnia and Herzegovina (FBiH) that has fifty-one percent of BiH territory and the Republika Srpska (RS) that has forty-nine percent of

¹ United States Department of State, "The Breakup of Yugoslavia, 1990 - 1992," Office of the Historian, accessed February 14, 2022, <https://history.state.gov/milestones/1989-1992/breakup-yugoslavia#:~:text=In%20Bosnia%2DHerzegovina%2C%20a%20referendum,own%20areas%20an%20independent%20republic.>

² "General Framework for Peace in Bosnia and Herzegovina," United Nations, last modified 1995, accessed February 15, 2022, [https://peacemaker.un.org/sites/peacemaker.un.org/files/BA_951121_DaytonAgreement.pdf.](https://peacemaker.un.org/sites/peacemaker.un.org/files/BA_951121_DaytonAgreement.pdf)

BiH territory.³ These entities are divided on ethnic lines; the majority of Bosniaks and Croats live in FBiH, and the majority of Serbs reside in RS.⁴ The Dayton Accords, in its intention, fosters peace. With a functioning, state-level government, BiH maintains an operational level of unity. However, in practice, the failures of the Dayton Accords become apparent, emphasizing how BiH fundamentally fails to sustain unity. The structure and actions of the state-level government function against this operational unity. In addition, the educational practices and the operations of infrastructure, overseen by the entity-level governments, display the continually combative and separatist attitudes between ethnicities. Although Bosnia and Herzegovina has maintained an operational level of unity since the end of the genocide in 1995, a closer look at the state and entity-level governmental structures and institutions reveals concerning fractures that threaten the stability of the state.

Historical Context

The beginning of BiH's history is riddled with violence and ethnic conflict. In March 1992, BiH conducted a referendum regarding secession from Yugoslavia; seeking freedom from the repressive, communist government of Yugoslavia, BiH soon thereafter declared official independence in May 1992.⁵ Intending to "free" the orthodox Christians⁶ and create a different independent country, the Serbian Republic of Bosnia and Herzegovina invaded and declared war on BiH.⁷ Serbian forces began systematically annihilating Bosniaks and Croats,⁸ initiating the largest genocide since the Holocaust.⁹ Throughout the genocide, many people, mostly Bosniaks and Croats, were sent to concentration camps; many were beaten, raped, starved, and suffocated.¹⁰ At the beginning of the genocide, BiH's population stood at 4.3 million. However, during the genocide, 250,000 died, 200,000 were wounded, 800,000 became refugees, and an additional 800,000 became internally displaced people.¹¹ Of those killed, eighty percent were Bosniaks.¹² Violence between Bosniaks, Croats, and Serbs violence continued until the establishment of the Dayton Peace Accords in 1995.¹³

One of the first instances of interventionism during the genocide was by the United Nations (UN). Through the 1993 resolution 827, the UN Security Council established the International Criminal Tribunals for the Former Yugoslavia (ICTY), an international court dedicated to prosecuting those who violated the 1949

³ United States Department of State, *U.S. Department of State Country Report on Human Rights Practices 1999 - Bosnia and Herzegovina*, February 25, 2000, accessed February 5, 2022, <https://www.refworld.org/docid/3ae6aa6c0.html>.

⁴ United Nations, "General Framework," United Nations.

⁵ United States Department of State, "The Breakup," Office of the Historian.

⁶ "Bosnia and Herzegovina 1992 - 1995," *United States Holocaust Memorial Museum*, last modified July 2013, accessed September 16, 2021, <https://www.ushmm.org/genocide-prevention/countries/bosnia-herzegovina/case-study/background/1992-1995>.

⁷ Mark H. Stumpf, "Reflections on Bosnia Debt Restructuring," *Law and Contemporary Problems* 73 (Fall 2010): 301-302, accessed November 22, 2021, <https://www.jstor.org/stable/25800682>.

⁸ "Genocide in Bosnia," Holocaust Museum Houston, accessed April 29, 2021, <https://hnh.org/library/research/genocide-in-bosnia-guide/>.

⁹ "Bosnia and Herzegovina," United States Holocaust Memorial Museum.

¹⁰ "Concentration Camps," Remembering Srebrenica, accessed February 14, 2022, <https://www.srebrenica.org.uk/what-happened/history/concentration-camps/>.

¹¹ Stumpf, "Reflections on Bosnia," 301.

¹² "Bosnia and Herzegovina," United States Holocaust Memorial Museum.

¹³ Patrice C. McMahon, "Rebuilding Bosnia: A Model to Emulate or to Avoid?," *Political Science Quarterly* 119, no. 4 (Winter 2004/2005): 576, accessed February 5, 2022, <https://www.jstor.org/stable/20202430>.

Geneva Conventions, more specifically those who engaged in crimes against humanity, broke the laws of war, and participated in genocide.¹⁴ Desiring to create state unity, Bosnians, with the international community, intervened in 1995 with the Dayton Peace Accords, a document providing the basis for BiH's government and geographical layout of the country, including the two aforementioned entities and a semi-autonomous region known as the Brčko District. As of 2013, Bosniaks comprised forty-eight percent of BiH's population, while Serbs and Croats composed thirty-seven percent and fourteen percent of the population, respectively.¹⁵ To decentralize the government and prevent the emergence of a dominant ethnic group, the Dayton Accords introduced a federal structure to the country. Even with the structural and legal documents aiming to ensure equality since the adoption of the Dayton Accords in 1995, BiH has struggled to recover from the impacts of the genocide and create a truly unified country.¹⁶

Section 1: Operational Unity

As proclaimed on the first page of the Accords, BiH aims to "promote an enduring peace and stability."¹⁷ In efforts to adhere to this affirmation, BiH's foundational laws have been constructed with special attention to their impacts on various ethnic groups, especially the Bosniaks, Croats, and Serbs. Emerging from an era of extreme oppression, diverse representation and equal platforms became paramount in BiH's structure of government. Supported by the faith and cooperation of citizens, the state-level executive branch properly operates with seamless transitions of power, additionally fostered by the ethnic quotas, which displays the commitment to national peace. The legislative branch maintains unity through diverse representation and ethnic quotas similar to the consociational presidency. Further, the ethnic structure of the judicial branch shows the government's commitment to equality between ethnicities which further contributes to BiH's operative government. Ultimately, BiH preserves the essential democratic functions of a state through the structure and actions of the presidential, legislative, and judicial bodies, which aim to ensure equality between the dominant ethnic groups.

In the executive branch, as outlined in Article V of the Dayton Accords, BiH has a three-person consociational presidency that presents a symbol of unity in a diverse government. Each president represents one of the dominant ethnic groups, Bosniaks, Croats, or Serbs, and all serve a four-year term.¹⁸ The three-person presidency ensures equal representation and power of the Bosniak, Croat, and Serb presidential representatives which, in turn, prevents the emergence of a dominant ethnic group, ultimately ensuring the acknowledgment of heterogeneous opinions. With the structural assurance of the representation of diverse interests, the presidents, as they successfully pass policies, effectively cooperate in their decisions that represents unity to the public. Regarding this unity, citizens respect the presidential transition of power in BiH. As evidenced through the seven peaceful transitions of power since the end of the genocide (1996, 1998, 2002, 2006, 2010, 2014, 2018), the consociational presidency effectively satisfies an order that fortifies legitimate presidential rule. In 2006,

¹⁴ Amy Burchfield, "International Criminal Courts for the Former Yugoslavia, Rwanda and Sierra Leone: A Guide to Online and Print Resources," *Hauser Global Law School Program*, accessed May 9, 2021, https://www.nyulawglobal.org/globalex/International_Criminal_Courts.html.

¹⁵ Sherrill Stroschein, "Discourse in Bosnia and Macedonia on the Independence of Kosovo: When and What Is a Precedent?," *Europe-Asia Studies* 65 (July 2013): 875, accessed November 18, 2021, <https://www.jstor.org/stable/23438646>.

¹⁶ McMahon, "Rebuilding Bosnia," 578.

¹⁷ The Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia, *The General Framework Agreement for Peace in Bosnia and Herzegovina*, 23-34, December 14, 1995, accessed February 5, 2022, <https://www.osce.org/files/f/documents/e/0/126173.pdf>.

¹⁸ *Ibid*, 23.

for example, Haris Silajdžić, Nebojša Radmanović, and Željko Komšić transitioned into the presidency for the first time. Subsequent to all of their reelection campaigns in 2010, Komšić and Radmanović were inaugurated, while Silajdžić, losing his campaign, was replaced by Bakir Izetbegović as the Bosniak member of the presidency.¹⁹ BiH citizens support the established, democratic system of government, which displays the functionality of the presidential structure. The structure of the executive branch engenders ethnic equality via representation requirements and regular elections.

The structure of the legislative branch reinforces the power of the state government and upholds practices that support ethnic equality. As outlined in Article IV of the Dayton Accords, BiH has a two-chamber parliamentary system consisting of the House of Peoples (Upper House) with fifteen representatives and the House of Representatives (Lower House) with forty-two delegates. Both bodies have systems to ensure equal representation of the three dominant ethnicities. The FBiH entity-level legislative body, the House of Peoples of the Federation Entity elects the five Bosniak and Croat members to the state-level Upper House, while the RS entity-level legislative body, the National Assembly of the Entity of the Republika Srpska, elects the five Serb delegates to the House of Peoples. The Lower House operates similarly in its ethnic quotas; Bosniaks, Croats, and Serbs all have fourteen representatives. Two-thirds of the delegates are selected from FBiH, and one-third are selected from RS. In practice, this results in the Bosniak and Croat's election from FBiH, while all Serbs are elected from RS.²⁰ These systems impede the emergence of a dominant ethnicity in the legislative branch. Further, equal representation aids in the successful operation of BiH's parliament by discouraging unaddressed bias and discrimination in the state government. In addition to ethnic diversity, parliament also embraces political diversity. In 2014, for example, the Upper House had twelve distinct political parties represented in the Lower House, presenting diverse representation in comparison to many larger democracies.²¹ This embracing of political diversity presents a legitimate foundation of democracy by allowing and actively supporting political freedoms. Active participation in BiH's democratic legislative branch supported ethnic and political diversity, contributing to the legitimacy of the government, and supporting BiH's function.

The structure of the Constitutional Court of BiH ensures equality between the Bosniaks, Croats, and Serbs, which ultimately aids in rectifying the lasting ethnic tensions since the genocide. Similar to the executive and legislative branches, the state-level judicial branch has requirements regarding geographic and ethnic diversity. Out of the nine-member body, two members are appointed by the National Assembly of the Republika Srpska, and four judges are appointed by the House of Representatives of the Federation. In practice, this appointment system results in two members of each dominant ethnicity being represented in the court.²² The representation helps eliminate the chance of rulings favoring one ethnicity, which quells disagreements over ethically contentious issues, maintains peace within the judicial body, and eliminates ethnic bias in the rulings. In addition to their appointment by the president of the European Court of Human Rights, the final three members of the Constitutional Court are usually from an ethnicity other than Bosniak, Croat, or Serb, as they can not be citizens of BiH or its surrounding countries. Having one-third of the judges not being of Bosniak, Croat,

¹⁹ "Chronology of the Presidency of BiH," Presidency of Bosnia and Herzegovina, accessed March 1, 2022, <http://www.predsjednistvobih.ba/hron/default.aspx?id=10074&langTag=en-US>.

²⁰ Anna Morawiec Mansfield, "Ethnic but Equal: The Quest for a New Democratic Order in Bosnia and Herzegovina," *Columbia Law Review* 103, no. 8 (December 2003): 2059, accessed February 14, 2022, <https://doi.org/10.2307/3593383>.

²¹ Organization for Security and Co-operation in Europe, "Constitution and Main Regulations," Parliamentary Assembly of Bosnia and Herzegovina, last modified 2016, accessed April 26, 2022, <https://www.parlament.ba/Content/Read/27?title=Statisti%C4%8Dki-podaci>.

²² The Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia, *The General Framework Agreement for Peace in Bosnia and Herzegovina*, 26, December 14, 1995, accessed February 5, 2022, <https://www.osce.org/files/f/documents/e/0/126173.pdf>.

or Serb heritage lessens bias in all rulings, providing a failsafe for ethnic equality in these “final and binding” decisions. Further, the court mandates that the majority of members are present to constitute a quorum, the structure ensures that various ethnicities eye the legal decisions that ultimately incorporate a base level of fairness into the court.²³ With near equal representation between dominant and minority ethnicities, the formation of the Constitutional Court of BiH signifies the devotion to rectifying lasting genocidal tensions.

Attempts to establish interethnic equality within the structures of the executive, legislative, and judicial branches allude to the working yet superficial operation of BiH’s government. The consociational presidency inherently ensures diverse representation that aligns with the commitment to ethnic equality. The ethnic and political distribution in the Upper and Lower Houses buttress the peace and stability of BiH. Ethnic quotas in the Constitutional Court of BiH underpin the dedication to promote ethnic egalitarianism since the genocide. Ultimately, BiH’s state governmental systems contribute to the continuity and stability of the government and help foster impartiality between Bosniaks, Croats, and Serbs.

Section 2: State-level Instability

While structure of the state makes efforts to promote peace through representation, state-level governmental institutions engage in discriminatory practices that target certain ethnicities, which cause the aforementioned fundamental functions of BiH’s democratic state actually fail to operate in an inclusive manner. At both the executive and legislative levels, the Bosnian government neglects to address its detrimental actions that oppose fairness in the ethnopolitical system. The rights of the presidency include a divisive veto mechanism that limits the proper function of the executive branch. The legislative branch similarly utilizes its veto to deepen the connection between ethnicity and politics, which thus encourages political dissonance. The legislative level also maintains unfair ethnic quotas that imperil ethnic unity. Hence, the structure and practices of the state-level institutions create an unequal balance of power between ethnic groups, which ultimately deteriorates the democratic processes of government of the 1994 agreement and threatens interethnic peace.

Veto mechanisms of the consociational presidency display major contentious issues in their application which support discordant relations between ethnicities. The tripartite presidency needs consensus to pass legislation unless the proposal is deemed “destructive” to a particular ethnicity or entity.²⁴ Milorad Dodik, for example, the current Serb representative within the presidency, utilized his veto powers in 2020 to disallow visits from the president of Montenegro, Milo Dukanovic, for mournful remembrance of the 1995 Srebrenica attacks (a major site during the genocide). Dodik, with his history of belittling the reality and impact of the genocide, utilized the day of grief to further the political agenda of Serbs in which they downplay the genocide to escape accountability.²⁵ Dodik’s decision to obstruct President Dukanovic’s visit is an abuse of the veto powers, as lamenting the genocide at the Srebrenica attack does not harm any specific ethnicity or entity and only disrupts a biased political motive. Beyond preventing this visit, Dodik has also taken more drastic steps to promote Serb hegemony and undermine the unity of BiH; since 2006, Dodik has repeatedly threatened referendums on issues spanning from overriding the rulings of the constitutional courts to RS secession from BiH.²⁶

²³ Ibid, 26-27.

²⁴ The Republic of Bosnia and Herzegovina, Republic of Croatia, Federal Republic of Yugoslavia, *The General*, 24-25.

²⁵ European Council on Foreign Relations, *Hostage State: How to Free Bosnia from Dayton's Paralyzing Grip*, by Majda Ruge, 14, November 1, 2020, accessed February 14, 2022, <https://www.jstor.org/stable/resrep27725>.

²⁶ Matthew Brunwasser, "Bosnian Serbs Challenge Dayton Order in Referendum," *Politico*, September 25, 2016, accessed May 24, 2022, <https://www.politico.eu/article/bosnian-serbs-challenge-dayton-order-in-referendum-milorad-dodik-the-president-of-republika-srpska/>.

Eventually acting upon these threats, Dodik vetoed the opinions of other government leaders and held the aforementioned referendum on the independence of RS in 2018, which endangers national and ethnic harmony.²⁷ Bosniaks and Croats successfully blocked RS independence but Dodik's false claim of ethnic targeting to use a veto shows how he rules primarily in the interest of Serbs by limiting opportunities for interethnic solace in moving forward from the genocide, which creates more ethno-political tension. BiH's ethnically-backed veto system is unproductive as it furthers political divisiveness and gridlock. The allowance of Dodik's self-serving actions ultimately displays a lack of commitment to achieving interethnic unity. Through BiH's failure to address prejudiced practices, the government, by proxy, divulges little support for legal rights for minorities.

The legislative branch faces similar challenges to the executive with divisive veto powers that counter BiH's commitments to unbiased rule. The structure of the legislative powers of BiH fosters disunity within the ethnically-driven system. When sworn into office, members of the forty-two delegate House of Representatives are required to swear to their commitment to "defend [the] interests and equality of all the peoples and citizens," but the veto powers restrict this promise from coming to fruition.²⁸ The House of Representatives has a vital, or special interest veto, in which members of a particular ethnicity can claim policies to be harmful to them, which operates as a more formal veto mechanism outlined in the state constitution.²⁹ Within BiH's constitution, there is no definition regarding what targeted behavior constitutes grounds for a special interest veto, ultimately making the policy easy to abuse. Bosniaks, for example, utilized these vetoes to prevent the Croatian Democratic Union (HDZ) from asserting equal power in the FBiH entity by curating a cantonal bloc against the HDZ's attempt to establish a third, Croat-dominated entity.³⁰ Bosniaks continue to assert their dominance over Croats, which restricts the possibility of ethnic equality in BiH. The basis of both veto mechanisms rests on ethnicity, which furthers the interconnectedness of politics and ethnicity and fosters a more explosive and divided environment. Contentious usage of the two veto mechanisms reveals the inharmonious nature of their usage. Because of this veto, for the entire year of 2017, parliament enacted no new legislation, which diminishes the effectiveness of the branch, evidencing political gridlock.³¹ BiH's failure to address political discord caused by national ethnic standards actively endorses the threats to state stability.

In addition to the divisive structure and applications of the vetoes, the legislative branch also retains unchanging ethnic quotas that limit fair and equal opportunity. Relating to this schismatic structure, the Upper House contains five delegates of the Bosniak, Croat, and Serb identities. BiH's Constitutional Court and the

²⁷ Lilla Balázs, "Bosnia and Herzegovina: "Transition, Times Two?," *L'Europe En Formation* 349 - 350, no. 3 (2008): 28, accessed May 17, 2022, <https://doi.org/10.3917/eufor.349.0099>.

²⁸ Office of the High Representative Department for Legal Affairs, *Rules of Procedure of the House of the Representatives of the Parliamentary Assembly of Bosnia and Herzegovina*, May 14, 2014, accessed May 3, 2022, https://www.legislationline.org/download/id/8117/file/BiH_rules_of_procedure_house_of_representatives_2014_en.pdf.

²⁹ The Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia, *The General*.

³⁰ Tajma Kapic, "The Dayton Peace Agreement in Bosnia and Herzegovina and Lessons for the Design of Political Institutions for a United Ireland," *Irish Studies in International Affairs* 33, no. 2 (2022): 17, accessed May 25, 2022, <https://doi.org/10.1353/isia.2022.0001>.

³¹ Majda Ruge, "The Electoral Crisis in Bosnia and Herzegovina," *Atlantic Council*, last modified March 8, 2018, accessed February 14, 2022, <https://www.atlanticcouncil.org/blogs/new-atlanticist/the-electoral-crisis-in-bosnia-and-herzegovina/>.

ECtHR ruled that those ethnic allocation laws must be changed to allow for representation of people not belonging to the ethnic majorities.³² In 2018, positions in the Upper House were temporarily unfilled after elections due to disputes about minorities not having the opportunity for equal representation. Despite this nonpermanent disturbance to BiH's political process, the fight for ethnic equality went legally unaddressed.³³ Further, the European Court of Human Rights, in the case of *Zornić v. Bosnia and Herzegovina* ruled unanimously that Azra Zornić's prevention from election to the Upper House violates Article I Protocol No. 12 in BiH's constitution, which generally prohibits discrimination. Accordingly, the chamber decided that the ruling violates "the enjoyment of rights and freedoms set forth in [the] Convention [...] without discrimination on any ground such as [...] national minority."³⁴ The inflexible structure of the ethnic quotas is discriminatory towards ethnic minorities. Inaction from the government concerning ethnic disputes allows the silencing of minority voices to continue and depreciates the legitimacy of the democratic system by disregarding the law, ultimately raising tensions within BiH. BiH lacks accountability pertaining to ensuring equal, democratic rights amongst all BiH citizens, which weakens the perceived power of the government and prevents full social recovery from the genocide.

Mechanisms such as the veto and the mandated ethnic quotas influence Bosnian politics from numerous angles, weakening the political allyship between ethnicities and preventing equity at a fundamental level. Unwilling to dismantle the connection between ethnicity and politics, the operations of the executive and legislative branches reinforce interethnic discord. Legal ambiguity in the Dayton Accords and the subsequent understood rules in the branches lessen faith in the government and governmental effectiveness. In combination, these structures and practices of the state-level government institutions prevent unity within BiH.

Section 3: Governmental Institutions

In addition, the issues at the state level, education and infrastructure, two entity-controlled sectors, also present hindrances to the unity of BiH. Education and infrastructure, two main sectors of BiH society, pose large threats to the stability and unity of BiH. Concerning education, the highly decentralized system outlined in the Dayton Accords and entity constitutions contains few guidelines, reinforcing ethnic division. The road construction and railway plans in BiH provide physical borders between ethnicities, especially on entity lines, and shows ethnic bias in its services. Overall, through a lack of cooperation and the support of segregation, these regional institutions pose direct challenges to achieving interethnic unity.

BiH's decentralized education system allows ethnicities to act independently of the interests of the country as a whole and encourages less interethnic interaction. The country, for example, has numerous ministries of education, one entity-level and ten cantonal for FBiH and one entity-level ministry for RS. These ministries oversee the required education for all children aged six through fifteen.³⁵ Linguists recognize the Bosnian, Croatian, and Serbian languages as "mutually intelligible," but the Dayton Accords recognizes the three

³² Dino Jahić, "Nations in Transit 2018," *Freedom House*, accessed February 14, 2022, <https://freedomhouse.org/country/bosnia-and-herzegovina/nations-transit/2018>.

³³ Jahić, "Nations in Transit," *Freedom House*.

³⁴ European Court of Human Rights Grand Chamber, *Case of Zornić v. Bosnia and Herzegovina*, accessed May 8, 2022, https://www.coe.int/documents/1498993/0/CASE+OF+ZORNI2C+v++BOS-NIA++AND+HERZEGOVINA_ENG.pdf/82285021-bbec-4ffd-a4a0-72b23225332a.

³⁵ Clare Magill, *Education and Fragility in Bosnia and Herzegovina*, 23, 2010, accessed May 16, 2022, https://unesdoc.unesco.org/in/documentViewer.xhtml?v=2.1.196&id=p::us-marcddef_0000191060&file=/in/rest/annotationSVC/DownloadWatermarkedAttachment/attach_image_port_d90aac7b-5326-42b4-aadd-e27975f2d2ac%3F_%3D191060eng.pdf&updateUrl=up-

languages as distinctly different. At the same time, the European Convention on the Human Rights of the Child ensures all children the right to education in a language understandable to them. Because of the language distinction under the Dayton Accords, students are segregated in schools based on language, serving as code for ethnicity.³⁶ The segregation of students in FBiH forces students of varying ethnicities to attend “classes in shifts -- Muslims from 7:30 a.m. and Croats from 2 p.m.”³⁷ Separated schools prevent ethnic cooperation and effectively do not promote ethnic unity as students are completely sequestered from other ethnicities. Further, without a state-mandated common core curriculum, each individual ministry of education dictates what students learn based on their ethnicity. This practice largely impacts history lessons about the genocide, with Bosniak and Croat teachers teaching students about the “aggression” during the “civil war,” while Serbs learn about their genocidal actions as measures of “self defence,” which encourages more political polarization and ethnic tension in BiH.³⁸ In conjunction with the “self defense claim,” in the Serb-dominated RS curriculum, students learn “narratives” that “focus on the victimisation” of Serbs, which do not contribute to truthful acknowledgements of the genocide and further ethnic tensions in BiH. Beyond providing conflicting and divisive information in its curricula, BiH’s education system is generally disunifying, which prevents future generations from breaking the segregationist cycle.

As for land infrastructure, both FBiH and RS encourage self-interested systems that promote Croat and Bosniak hegemony in FBiH and Serb hegemony in RS, thereby constructing physical representations of division within the country. Infrastructure creation is inherently ethnically influenced, as the Serb-dominated entity-level government in RS and the ethnically-divided cantons in FBiH control urban planning and other development projects in BiH.³⁹ The *Izmjene i dopune prostornog plana Republike Srpske do 2025* document that provides guidelines for RS’ infrastructure development states that neither FBiH nor the state need consultation from RS to proceed with projects, displaying a disconnectedness between both entities and between RS and the state as a whole. The current construction of the Ninth January roadway displays both symbolic and practical division between entities and the state. January ninth marks Republika Srpska Day, an RS holiday that commemorates the 1992 day when Serbs declared an autonomous state within Bosnia’s borders.⁴⁰ The Sebrenica attacks marked one of the deadliest days of the genocide, and the Constitutional Court of BiH ruled it unconstitutional because it promotes Serb hegemony. As for the route’s geographic discrimination, the majority of the route is contained in RS, and the roadway bypasses major Federation cities, such as Tuzla and Bihać, which shows little commitment to truly connecting the two entities.⁴¹ BiH rail lines pose similar issues in promoting disunity. In operation, each entity has its own distinct railway company: *Željeznice Federacije Bosne i*

dateUrl6605&ark=/ark:/48223/pf0000191060/PDF/191060eng.pdf.multi&fullScreen=true&locale=en#%5B%7B%22num%22%3A70%2C%22gen%22%3A0%7D%2C%7B%22name%22%3A%22XYZ%22%7D%2C0%2C842%2Cnull%5D.

³⁶ Ibid, 32.

³⁷ Andrew Higgins, "In Bosnia, Entrenched Ethnic Divisions Are a Warning to the World," *The New York Times* (New York, NY), November 19, 2018, accessed May 16, 2022, <https://www.nytimes.com/2018/11/19/world/europe/mostar-bosnia-ethnic-divisions-nationalism.html>.

³⁸ Magill, *Education and Fragility*, 38.

³⁹ Péter Reményi, Andor Végh, and Norbert Pap, "The Influence of Ethnic Policies on Regional Development and Transport Issues in Bosnia and Herzegovina," *Belgeo*, no. 1 (March 31, 2016): accessed May 16, 2022, <https://doi.org/10.4000/belgeo.18991>.

⁴⁰ RFE/RL's Balkan Service, "Bosnian Serbs Celebrate Contentious 'Republika Srpska Day,'" Radio Free Europe, last modified January 9, 2020, accessed May 17, 2022, <https://www.rferl.org/amp/bosnian-serbs-celebrate-contentious-republika-srpska-day-/30368355.html>.

⁴¹ Ibid.

Hercegovine in FBiH and *Željeznice Republike Srpske* in RS, which shows a lack of cooperation between entities and therefore, the Bosniaks, Croats, and Serbs. FBiH's longest railway operates only in FBiH, consequently not equally serving different ethnicities.⁴² *Zeljeznice Republike Srpske* has a large planned railway that would only operate RS and not in FBiH or other regions of BiH, consequently not prioritizing the services of all ethnicities. This planned railway extends into Montenegro and Serbia, ultimately bolstering Serb hegemony across countries.⁴³ Both entities promote infrastructure that does not encourage unity between ethnicities or of the state.

The connection between education and ethnicity furthers ethnopolitical polarization that only furthers ethnic disunity in BiH. Additionally, the uncooperative railways of FBiH and the democracy-threatening rail lines of RS harm citizens and display the deep ethnic fractures of the state. Ultimately, the functioning of these institutions displays prejudice against all ethnicities. This ethnic intolerance reinforces genocide-era biases, which promotes the continuation of ethnic disunity in BiH.

Conclusion

While BiH effectively functions as a unified state, the facade of cohesion fades as continued acrimony emerges when examining the governmental structures and institutions of both the state and entities. Equal representation within the decentralized government encourages political engagement of all able ethnicities and earnest faith in the government, which provides a basic level of state harmony. However, from these systems, ethnopolitical divisiveness and inequality overshadow the championing of national unity. These issues trickle down to the governmental institutions, which further reinforces the divided ideals of different ethnicities and directly threatens the country's peace. In its structure of ethnic quotas and problematic usage of the vetoes, the state government of BiH subverts national ethnic and political harmony, while the infrastructure initiatives present conflicting allegiance between ethnicities and entities. These systems and institutions expose the ethnically inflammatory practices of Bosniaks Croats and Serbs which threaten ethnic peace.

BiH represents a country that is unified on paper, but the remaining ethnic cleavages maintained by the country's structure and social programs prevent the existence of a completely united country. The main document that engenders these ethnic issues are the overly-complicated Dayton Accords that decentralize the government to an extent that contradict its unifying intentions and, in its usage, challenges national ethnic unity. With these difficulties so integrally woven into BiH society, the country ultimately needs to undergo massive changes to its founding documents to be able to promote unity. A change that would majorly lessen discrimination in the political process would be to eliminate the ethnic definition of eligible constituent people in all constitutions. The current freedoms of the entities also allow them to, considering their ethnic differences in population, act like feuding neighboring countries rather than a unified country. To foster cooperation, the Dayton Accords need to, within the Dayton Accords and entity constitutions, explicitly limit the power of the entities and bolster federal power that acts in the interest of all ethnicities and the country entirely. BiH should also eradicate ethnic quotas at all levels to ensure that all ethnicities have a fair chance to participate in governmental processes. In addition to equally allowing for governmental participation, this change will also help dismantle the connection between ethnicity and political party, which will increase political diversity and aid in the creation of a more unified country. Although BiH faces numerous barriers to unity, there are tangible changes, such as those insisted by the ECtHR, that can improve BiH's national unity.

⁴² U.S. Department of Commerce, "Rail Transportation," International Trade Administration, last modified September 13, 2021, accessed May 16, 2022, <https://www.trade.gov/country-commercial-guides/bosnia-and-herzegovina-rail-transportation>.

⁴³ Reményi, Vég, and Pap, "The Influence."

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