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TEIM Election Watch Analysis

PRE-ELECTION ANALYSIS:

Bosnia: The Republika Srpska – another Kosovo?

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Latest revision: 12 December 2010

Observatorio Electoral

Taller de Estudios Internacionales Mediterráneos
Universidad Autónoma de Madrid

www.election-watch.org

ISSN: being processed

www.observatorioelectoral.es

In recent years, the Bosnian-Serb leaders who govern the Republika Srpska (RS), have called on both their population and the international community for support for their goal of achieving their territory's secession from the Bosnian state.

This debate needs to be understood in the context of the political and historical developments that have taken place. After the collapse of Yugoslavia in 1992, which saw open hostilities between Bosnian Croats, Bosnian Muslims and Bosnian Serbs, the Dayton Accords which ended the conflict in 1995 established the Bosnian state, with the characteristics we know today: a state where power is decentralized between two governing entities, the RS (with a Bosnian Serb majority) and the Federation of Bosnia i Herzegovina (with mostly Bosnian Croats and Bosnian Muslims).

The debate over secession, which has intensified in recent months following the suggestion made by Milorad Dodik, the maximum representative of the SNSD - the ruling party of the RS - that a referendum be held, has basically centred on the legitimacy of the Dayton Accords and similarities and differences with the secession of Kosovo from the Republic of Serbia. The independence of Kosovo, which had the support of much of the international community, as well as the recent opinion of the Hague Tribunal endorsing the conformity of that secession with international public law, has led other peoples to reconsider their secessionist aspirations.

The question is of vital importance not only because of the latent possibility of a new conflict in the Balkans, but also because a conflict in this region just might go global.

Does Kosovo's independence justify the independence of the RS? The referendum in the RS: a tool of destabilization.

Following the unilateral declaration of independence by Kosovo on 17 February 2008 and the recognition by most of the world's powers thereof, as well as the July 2010 non-binding opinion of the Hague Tribunal confirming that Kosovo's unilateral declaration of independence had not violated any applicable rule of international law, the hopes of other separatist movements in the region were bolstered.

Leaders such as Branislav Dodik, claim that a precedent has been established which, by analogy, could very well justify the same situation taking place in the RS. But there are many dissenting voices against this idea, which argue that the proposal has no historical basis, since the origin of the RS only goes back as far as the military-ethnic cleansing that took place in 1992 that emptied the area of non-Serbs, leading to the self-proclamation of the RS when the Peace Accords were drawn up. The independence of Kosovo meanwhile, is linked to the autonomy that Kosovo always enjoyed inside Serbia following its separation from Albania. While it is true that episodes of discrimination against Serbs in the region did take place, the Serbs did manage to live alongside the Kosovars for many years.

On the other hand, the secession of the RS could be a source of conflict in the region. Regional expert Dan Bilefsky recently told the New York Times, that a declaration of independence by the parliament of the RS could bring about a strong regional response and armed insurrection against the decision by Bosnian Muslims in the Federation of Bosnia i Herzegovina, which could eventually lead to another major conflict in the Balkans.

However, taking into account the political divisions and institutions agreed upon as part of the constitution that makes up Annex 4 of the General Framework Agreement concluded at Dayton, the political structure of the Bosnian state is very clear. There are many observers who consider that Dayton created a mosaic of disordered states and did not solve the major problems underlying the conflict in 1992. These same observers lend support to the calls for independence for the RS. Nonetheless, the legal reality prevailing at the moment, is that of the framework established by the Dayton Accords, and the more prudent decision seems to be the continuation of said framework, which has maintained stability and peace in the region these last 15 years. It is also worth noting that the high level of decentralization implicit in the Dayton Accords, already allows the RS to take many of the decisions that affect the lives of its citizens.

On 26 January 2010, the RS government approved a parliamentary bill related to the possible referendum, although, no definitive date has, as yet, been set. The exact questions to be asked in the referendum have yet to be established either. Nevertheless, Dodik has communicated to the news media, several issues such as NATO accession, the presence of foreign judges in the country's courts, support or not of the Dayton Accords, or the secession of the RS, which could form part of the 'dreaded' referendum.

Brussels did not hesitate to react to this challenge, stating that nationalist and secessionist rhetoric such as this, polarizes society and can only be detrimental to the country's possibilities of joining the European Union as a fully-fledged member. The Members of the European Parliament expressed their concern at the deficit of stability and synergy among Bosnia's political forces and leadership. They similarly deplored the use of inflammatory language and nationalist and secessionist rhetoric, stating this undermines relations between the Serb, Muslim and Croat communities as well as complicates the action of the central government.

The plans by the SNSD to hold a referendum are of no little consequence given that they represent, for many observers, a violation of the General Framework Agreement for Peace (otherwise known as the Dayton Accords), go beyond the constitutional jurisdiction of the Republika Srpska, being contrary to its obligations under the Constitution of Bosnia and Herzegovina.

To determine the real position of Bosnian citizens vis-à-vis such a move, it will be necessary to wait for the outcome of the October 2010 elections. The scores obtained by newly-founded multi-ethnic parties which defend a more centralized state, will serve as a barometer of public opinion in that respect.

What is clear is that there are no two regions the same. Different peoples' struggles for autonomy have different motives which require careful analysis. Kosovo's independence has not set a precedent, at least not a precedent that is in any way useful for Bosnia's Serb community. If this community does want to strive for de facto autonomy, it will have to employ other arguments, more appropriate to its regional situation, so as to avoid comparisons between two peoples whose historical circumstances have followed very different paths.