

## **BOSNIAN SERB SECESSION: COULD IT EVER HAPPEN?**

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In one sense Republika Srpska, the Serb-dominated half of Bosnia and Herzegovina, is already independent. Bosnia's protracted civil war ended in December 1995 with a peace plan that formally partitioned the former Yugoslav republic into two near-equal areas of land mass: a Muslim-Croat "Federation" and a "Serb Republic". The line of territorial division followed the respective armies' ceasefire lines, cementing ethnic cleansing and perhaps permanently obliterating Bosnia's previously multi-ethnic composition. But the peace plan contained a political contradiction within its own terms. Formally Bosnia and Herzegovina would remain a single country, a loose federal system with two "entities" over which a weak central government would preside. Yet the very names of the two entities suggested that they were to be treated as independent states; and this, at least, was how the Serb Republic saw itself from the very first day. Serb politicians refused to cooperate with the institutions of central government and went their own ways.

For a few years, foreign peacekeeping troops remained present in both halves of Bosnia in significant numbers, constraining the Serbs from too explicit shows of independence. A UN High Representative reinforced this military power with a series of political edicts, penalising Serb politicians who refused to pay lip service to the pretence of Bosnian unity. But in time the troops waned in numbers from some 80,000 at their apex to a mere 600 today. Lightly armed and thinly spread across a mountainous country, they represent no political might at all amidst tens of thousands of equally well armed police officers loyal to local politicians.

As the foreign military presence in the country dissolved, so did international political authority. Now Serb politicians feel effectively unconstrained by international pressure, they have eviscerated the political bonds that Republika Srpska was formerly bound to with the central government and with the Federation. Republika Srpska now has a government that, at least for internal purposes, is almost entirely separate in its activities from the Bosnian central government. Its President, prime minister, cabinet of ministers and parliament all operate without influence or accountability to anyone except the electorate of Republika Srpska. In theory the entity's judges are appointed by a central authority; but in practice deals are done so that the RS gets the judges it wants, in exchange for not blocking appointments of Federation judges. The only other source of central government influence is monetary policy - the two Bosnian entities share a common currency – and a certain level of fiscal policy: all VAT revenues are paid into a single account (held by an authority in Banja Luka) from which state expenditures are met before distribution of the balance to the entities. However income and property taxes are levied regionally.

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Hence for internal purposes, the influence of Bosnia's central government in Sarajevo upon the affairs of Republika Srpska is minimal. In this regard the affairs of the RS are similar to those of Transdnestr, Abkhazia or South Ossetia. In each case these territories have their own governments that, to all intents and purposes, are distinct from the internationally recognised countries of which they ostensibly form a part. As with other internationally unrecognised territories, the writ of Bosnia's central government counts for virtually nothing in the Bosnian Serb capital Banja Luka. The Bosnian Serb, not the Bosnian, flag flies outside government buildings. Civil servants' business cards typically make no reference to the country of which they are apparently a member. The autonomy and loyalty of politicians lies with the Bosnian Serb President, Milorad Dodik, who despite some recent electoral setbacks to his (still more nationalist) opponents maintains a firm grip upon the Bosnian Serb territory and remains by far the most powerful politician in that part of the country. The level of deference he gives to his Muslim and Croat colleagues in the Federation is at best nominal, at worst mocking.

The principal difference between Bosnia and these other frozen conflicts is that Republika Srpska has not formally issued a declaration of independence from its parent country. By contrast all of Transdnestr, Abkhazia and South Ossetia have done so. But the difference is little more than semantic; no other countries have recognised these states' declarations of independence, with the result that they do not have formal diplomatic missions abroad. Rather they remain holes in the global political map, with no representation at the United Nations or anywhere else. They have failed to emulate Kosovo's achievement, namely substantial (if only partial) recognition by other states. Because they lack recognition, they lack the ability to achieve the commercial and economic ties normally incidental to statehood. These territories have no international airports; no trade agreements or visa arrangements for recognition of their passports; customs and border entanglements with their neighbours, restricting ordinary imports and exports; lack of foreign investment due to their uncertain legal status; no access to international capital markets or international financial institutions; no access to development aid; and a host of other disadvantages that collectively condemn them to financial penury.

Because it has not formally declared independence, Republika Srpska does not suffer from these disadvantages to the same degree. There is a limited level of foreign investment. Further investment is deterred at least as much by corruption, administrative opacity, poor infrastructure and burdensome taxes as it is by legal uncertainty over the territory's status. Being part of Bosnia and Herzegovina, the RS benefits from the trade agreements the country has signed. The RS even manages to maintain an independent foreign policy, have opened representative offices in a number of foreign countries that operate independently from Bosnia's formal embassies. A number of the country's embassies are controlled by the Bosnian Serbs in any event, due to a principle of ethnic quotas for dividing embassies between the country's three ethnic groups. Because Bosnia as a whole is internationally recognised, freedom of movement and border controls are unproblematic. Bosnian Serbs generally hold both Bosnian and Serbian passports, and can travel without visas across the Schengen zone. The RS has a sub-sovereign borrower's relationship with the World Bank, and receives development assistance from donors paid directly to the RS rather than through Bosnia's central government.

All these benefits would be lost if the RS declared independence. At the current time its effective *de facto* independence is tolerated begrudgingly by the west, because the EU and the United States do not have the political will to deflate it. They tried to undermine the RS's autonomy through the neo-colonial Office of the High Representative, investing vast resources in a decade-long programme of fortifying the central government and stripping the political powers of the entities through political coercion. This was ultimately ineffective, because one product of war was irreversible ethnic cleansing: the population of the RS is now overwhelmingly Serb, and inadequate internationally-driven attempts to encourage refugee returns were mostly unsuccessful. The political institutions of the RS were recognised in the post-war constitution enshrined in the Dayton Peace Accords. This constitution has proven impossible substantially to amend because it contains ethnic vetoes. Hence as soon as international pressure relented, RS institutions reclaimed the competences they had unwillingly abdicated to the central government, with the full support of their electorate who wish to have nothing to do with their Muslim and Croat cousins.

If the RS now sought to cement its *de facto* independence with a *de jure* proclamation then the international community might be prompted again into making Bosnia the foreign policy priority it once was, to the Bosnian Serbs' detriment. At the very least, interested foreign states would take active measures to exclude the Bosnian Serbs from the world of international relations whereas at the current time they are reluctantly accepted, albeit through a veil of insincere political dialogue in which a pretence is made that the central Bosnian state is functional. Nobody wants to see the RS formally independent. For the EU and the US, accepting the RS's independence would be an acknowledgment of the failure of policies in Bosnia since 1992, which have been to maintain the country's unity in the face of its natural centrifugal political trajectory. The reasons why the west has embraced the principle of *uti possidetis juris* (that the borders of a new country must follow pre-existing political boundaries, in this case the internal boundaries of socialist Yugoslavia) are complex. They range from a perception of relative Serb war guilt that provides increased credence to the Muslim goal of preserving the country's sovereign unity, to a desire to dilute European Islam within multi-ethnic states. Whatever the reasons, billions of US Dollars were spent perpetuating the vision of a unified Bosnia that moved beyond the 1995 Dayton partition plan. Even though the project has been an abject failure, nobody in the west is yet prepared to concede this to the extent of formally recognising the RS's independence.

Russia would probably also not recognise a declaration of independence by the RS, albeit for different reasons. For Russia the danger is of setting a precedent for its own secessionist movements that exist on the edge of Russian territory, particularly in the Caucasus. Even Serbia would not eye an irredentist project for the RS with much favour. The Bosnian Serb leader Milorad Dodik is enormously popular in Serbia, more so than the country's own politicians. Serbian union with an independent RS might thrust him into power in Belgrade. It might also isolate the country from the west, reversing its slow recovery towards international respectability after the atrocities of the Yugoslav wars, the autocracy of Slobodan Milosevic and the intermingling of politics and violent criminality in the early years after Milosevic's overthrow.

There is also a geographical peculiarity of the RS that might make an independence project particularly tricky. The entity has an unwieldy geography, amounting to a bulbous snake surrounding

Federation territory but pinched in the middle around the city of Brcko. The eastern part of the snake is contiguous with Serbia, but the majority of the citizens live in the western part. Brcko is ostensibly a "free city", a district independent from either entity that for a number of years after the war was presided over by an American supervisor who enforced multi-ethnic reintegration with an iron fist. This is where the two halves of the RS meet, and without Brcko the RS has no territorial continuity. Although there are formal guarantees of freedom of movement for Bosnian Serbs through Brcko, in principle the town remains a practical obstacle to independence because it is sufficiently narrow that it makes a tempting target for military action by Bosnian Muslims to prevent RS secession by cutting the territory in two.

Hence it seems unlikely, at least in the short term, that the RS will declare independence, even if the Bosnian Serb leader periodically threatens so. There would be no international support for such a move, which would make any attempt at independence during times of peace diplomatic suicide. Rather the RS is destined to continue in its current ambiguous condition: formally part of an unloved mother country, but for practical purposes a highly autonomous unit of government that will continue to ignore the dictates of Bosnia's capital. Nevertheless the political uncertainty regarding the future of Bosnia renders the country an unattractive investment prospect, and the preposterously unwieldy Bosnian government structure of 10 cantons, two entities, thirteen prime ministers, five presidents, three constitutional courts and fourteen general legislatures compounds a permanent sense of political anarchy.

Frozen conflicts may remain frozen for a long time. Perhaps Bosnia's destiny is to remain an uncertain black hole on the map of Europe indefinitely, much as has Moldova / Transdniestr. However events can change quickly, and we must consider what triggers might cause an unstable situation to change. One possibility is general poverty fomenting revolution or extremism. It is imaginable that Dodik loses power to a less moderate Bosnian Serb leader in some future election, by reason of the Bosnian Serbs' grinding poverty being exacerbated through continuing economic crisis in the European Union. His replacement might revert to the wartime agenda of total political independence for the RS, no matter what the international political price. However on balance this seems unlikely. It would assume highly irrational behaviour by the leader of a weak territory without Great Power support.

The more likely scenario that might change the chaotic but endearing state of Bosnian politics is a regional change in the balance of power. The most pressing imminent event of this nature is the accession of Croatia to the European Union on 1 July 2013. So far Zagreb has done an impressive job of constraining the Bosnian Croats' own secessionist aspirations. Their rationale for doing so was that overt advocacy of policies entailing dissolution of Bosnian sovereignty would block their accession to the EU. Hence Bosnia's Croats were left in limbo. Formally they could expect no support from Zagreb. Nevertheless the Croatian government ensured they all hold Croatian passports; and many left for a more prosperous existence there. Those who remained quietly ignored Bosnia's *de jure* institutional structure, setting up parallel *de facto* institutions. The international community periodically spotted what was going on and attempted to dismantle Croat efforts. The forced liquidation of Herzegovacka Banka, a money laundering arm of the informal Bosnian Croat government, was the most notorious example. But parallel institutions proved impossible permanently to suppress. The Bosnian Croat capital of Mostar still has no functional central government. It remains run by two separate Muslim and Croat war veterans'

associations, just as it was when the war in Mostar ended in 1994. The political separation is too deep now to be unwound. Nevertheless the Bosnian Croats have remained discreet in their machinations. Their incentive to do so is the benefit they gain from their mother country's unimpeded EU accession.

Now Croatia's membership of the EU is guaranteed. Hence the incentive for Croatia to subdue the separatist tendencies of her Bosnian Croat cousins is shortly to subside, and the incentive for Bosnian Croats to stay tactful in pursuing them will also evaporate. Contiguous Croat-majority parts of Herzegovina are already in a *de facto* political union with Croatia. The Croatian flag flies, and the Croatian currency is in use. Every opportunity is embraced to prevent paying tax revenues to the official Bosnian government structures. Off main roads, the many rural border posts are nominal and facilitate unrestricted movement of goods and persons between the two ostensibly separate states. The Croat-majority regions of southwest Bosnia are mostly very remote. Further steps towards *de facto* or even *de jure* detachment of those regions from Bosnia are therefore possible. Bosnian Croats have every desire permanently to remove themselves from the despised Dayton constitutional structures, which they perceive as deeply unfair to them. This is not least because the member of the tri-partite Presidency that the Bosnian constitution ostensibly assigns to Croats, Zeljko Komsic, is sympathetic to Muslim centralising goals. He was elected by the votes of numerically-dominant Muslims and not by Croats at all.

While Croats living in Croatia have only limited sympathy for the plight of their Bosnian counterparts, Croatia's politicians are sensitive to their wishes because they vote in Croatian elections. The danger amidst prolonged economic hardship in the region is that after Croatia's EU accession is complete, a push towards further political union between Croat Herzegovina and Croatia becomes an attractive distraction from joblessness and poverty. Bosnian Muslims may react to a Herzegovinan spin-off by escalating the frozen conflict in Mostar. However the narrative plays out, Bosnian Serbs will be sure to take advantage of the ensuing mêlée by taking further steps to detach themselves from the institutions of central government. Bosnian Serb leaders are always quick to exploit Muslim-Croat frictions by arguing that they demonstrate the Bosnian state's unviability, which itself justifies their own measures to separate themselves from it.

Ultimately it will take a sea-change in international diplomatic thinking for the Bosnian Serbs successfully to mount an independence project. They cannot achieve their goal without, at the very least, several other powerful countries with an interest in the region reaching the conclusion that the Bosnian state is unsustainable. At the current time no western country, having made deep prior moral commitments in the opposite direction, has an incentive to change its view. Only serious political upheavals with a direct effect upon its European neighbours might cause the international community to adopt a more realist approach to Bosnia's chronic political instability. Infection of an EU member with the secessionist politics of one of the country's three ethnic groups might be the most likely key to unlocking the Dayton constitution and dissolving this unstable territory.

Whatever one's political opinions, it is hard to view Bosnia's dissolution in unqualifiedly desirable terms. The reaction of Bosnia's Muslims to the country's disintegration, already disappointed with the west's increasingly lacklustre commitment to their cause, is unpredictable. Muslim leaders have

threatened renewed civil war if the Bosnian Serbs take any further steps towards secession. Yet it is not clear they have the means, will or political unity to mobilise. Bosnian Muslim politics are substantially more divided than Serb and Croat politics (although an act of Bosnian Serb secession might be the catalyst for their reunification). Bosnia's people are already partitioned by war into mono-ethnic Bantustans. Hence one of the principal dynamics of Bosnia's 1992-95 conflict – ethnic admixture – is now lacking. Although still resentful of other ethnic groups, most Bosnians now just want to get on with their lives. Even if armed conflict across the country is unlikely, localised violence remains a real possibility, particularly in multi-ethnic Mostar and Brcko. The fragmented borders make any form of partition troublesome.

Absent the catalyst for renewed disintegration and conflict, the status quo of Bosnian Serb gradualist secessionism, international community disapproval but inaction, and virulent ethnically-directed domestic political rhetoric and economic stagnation seems destined to continue. But Bosnia's sorry status as a neglected and quiet European calamity cannot persist forever. Sooner or later some event will cause the country's natural political dynamic to prevail. Bosnia's political geography creates a perpetual propensity to spin apart, and at the current time nobody has a realistic plan for mitigating the damage caused when this eventually comes to pass.