

**Deconstruction of state institutions:  
The International Community and political elites in Bosnia and Herzegovina**

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Thirteen years after the war against Bosnia and Herzegovina has ended, its citizens live in two entities and one district, while the country is still considered to be a virtual reality. A virtual country cannot control real space because its institutions represent an imaginary reality and thus it is a failed state. Therefore, Bosnia and Herzegovina as created in Dayton is a failed state.

A state based on a two-entity structure cannot perform as a state because it represents a community created by war, derived from war and conditioned by its outcome, having no "...testimony of a founding act of a state community" (Ćurak, 2006: 31).

Simply, Bosnia and Herzegovina as created in Dayton is totally opposite to the requirements of an "EU state" which should exert a modern, pluralist and democratic statehood with differentiated state functions, a secular state with democratic constitution..." (Džihic, 2006: 6).

The question is, then: What to do with a failed state?

Giving up on the Dayton Bosnia and Herzegovina and the reconstruction of Bosnia and Herzegovina based on its previous experience (within Yugoslavia) through the concept of "positive sovereignty" in which it had "political, social, economic and technological competences to determine, implement and apply domestic public politics..." (Caplan, 2007: 237) could be seen as a solution.

The process of reconstructing Bosnia and Herzegovina (which basically means "un-Daytonising" the existing Bosnia and Herzegovina) requires several steps, which

could also serve as an exit strategy for the International Community's presence in Bosnia and Herzegovina.

*The first step* of “un-Daytonising” Bosnia and Herzegovina requires is the termination of the alliance between the International Community and Bosnia and Herzegovina's pro-Dayton political elites that have survived through insisting on Dayton Bosnia and Herzegovina. This represents a euphemism for a permanent crisis - and the permanent crisis is the crucial state that enables the ethnic-nationalists to remain in power.

The International Community's acceptance of non-institutional dealing with Bosnia and Herzegovina's political elites considerably weakens the legal institutions. This creates political instability which provides the nationalistic parties with the long-term support of voters who, having no trust in state institutions, vote for them believing that they will protect them from “the others”.

Thus, terminating the alliance means the return of politics from the secret, anti-institutional<sup>1</sup> to the public sphere. Namely, the International Community's representatives have supported that political decisions of great importance for transforming the Dayton non-state into a state should be made on private premises, in Inns and hotels, nullifying every possibility for making the virtual state institutions the real ones.

By accepting “the method of political decision-making in which the heads of the leading nationalistic parties as ethnic-nationalistic leaders, not as the heads of institutions play the main role...” the International Community, instead of reconstituting Bosnia and Herzegovina into a state, which it is, supports para-institutionalism “...and contributes to further perpetuation of essentially non-democratic forms of political relations in the state (Sarajlić, 2008) - in other words, it tries to legitimate the state that doesn't exist.

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<sup>1</sup> The fact that top-down anti-institutionalism leads to bottom-up deconstruction of the institutions is supported by the UNDP system data of an early warning according to which only 36% of the total number of citizens have trust in the institutional mechanism on the state level.

Such an approach by the International Community is completely complementary to the approach of ethno-nationalistic political elites in Bosnia and Herzegovina because “ethno-politics most efficiently operates in a para-institutional way” (Mujkić, 2007: XII).

An obvious example of para-institutional action were the April Constitutional changes. The responsibility for failure of this attempt to reform the Constitution can be attributed to the leader of *Stranka za BiH*, Haris Silajdžić, and the International Community’s representatives as well.

By shifting the conversation about the institutional changes out of the official political institutions and keeping its content secret, they made it possible for Silajdžić’s spin doctors to create a negative attitude towards the so-called “April package of Constitutional changes” within the significant number of citizens that had brought Silajdžić into the position of the Bosnian member of the rotating presidency.

*The second step* is that the International Community admits that the Dayton Bosnia and Herzegovina *de facto* isn’t a state and that the present Constitution cannot create a functional state. Therefore, it should stop its hypocritical insistence on the independent responsibility of the local political elites to come up with a constitutional solution. Thirteen years of everyday ‘Dayton life’ have empirically proved that ethnic-nationalistic elites are not willing to make a compromise that is acceptable for everybody because every compromise that offers an exit from the present instability would also mean the removal of ethnic-nationalists from the political stage.

If the International Community continues to treat the Dayton Bosnia and Herzegovina as “*a real, normal and actual state*”, before it really is one, it will stop its development as a country and block its entrance into the European Union as a community of actual states (Ćurak, 2008).

The acceptance of the failure of the International Community’s agency in Bosnia and Herzegovina on handling Dayton, has the potential to open the gate towards the

creation of a political community which would own something that the present “virtual entity” (the Bosnia of Dayton) does not - vertical and horizontal legitimacy.

Unless the International Community does this, it accepts the possibility “...that factuality (*de facto* non-existence of a state, authors comment) diminishes sovereignty (existence of a state *de iure*, author’s comment) because the factuality by its existence forces acceptance. If factuality wins over sovereignty, Bosnia and Herzegovina as a political community will lose the reason for its historical existence” (Ćurak, 2008).

Non-acceptance of the Dayton state’s failure and the perpetual need for constitutional changes implies the indefinite presence of the International Community in the country. This refers, in the first place to the Office of the High Representative, as the institutionalised form of the International Community in Bosnia and Herzegovina: Departure of an institution of the Dayton political system of Bosnia and Herzegovina - and the office of High Representative is a Dayton institution, whether the International Community accepts it or not - requires a prior change of the political system.

This change does not mean a contractual relation with the European Union, which tends to be represented as the cure for all of Bosnia and Herzegovina’s diseases caused by the Dayton Agreement; but the cancellation of the illegitimate Dayton regime which precludes the creation of the “EU-sovereignty” model in Bosnia and Herzegovina and promotes the understanding of sovereignty limited by the “one nation - one state” formula.

I don’t believe that a successful International Community’s exit strategy for the transformation of ‘Dayton’ into a proper Bosnia and Herzegovina implies the accession of the Dayton Bosnia and Herzegovina into the European Union without prior abolishment of its entities. In that context the question is why the leading “anti-European”<sup>2</sup> political elites - first of all the Prime Minister of Republika Srpska - are

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<sup>2</sup> With the term „anti-European“ political elites I mean the supporters of what a Bosnia and Herzegovina political philosopher calls Ethnopolis. According to him, an ethnopolis is „a community characterized by political priority of

being transformed into passionate supporters of alleged Bosnia and Herzegovina on Brussels Agreement if we know that Brussels is not a natural habitat for the “Dayton Agreement nationalists” (Ćurak, 2004).

Maybe it is possible that the anti-sovereignty/anti-governmental forces within Bosnia and Herzegovina believe that the country will never pass the exam called entering the European Union “unless it falls apart; in other words, unless it achieves what is (in the heads of our nationalists, author’s comment) a nation-state, and that is ethnicity-nation-state”(Vlaisavljević, 2006: 77).

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ethnic grouping over the individuals, priority led through the process of democratic auto-legislation; a community characterized by political priority of ethnical group right for self-determination over the citizens’ right for self-determination where the citizens’ membership to a political community is predestined by their membership to an ethnical community.” (Mujkić, 2007)