

The Serbian referendum in Bosnia and Herzegovina

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A referendum was held on 25 September in Republika Srpska concerning the celebration of the Day of Republika Srpska on 9 January. Republika Srpska (RS) forms part of Bosnia and Herzegovina (BiH) and is inhabited predominantly by ethnic Serbs. 56% of registered voters took part in the referendum. 99.8% of them voted to keep the holiday. The Constitutional Court of Bosnia and Herzegovina deemed unconstitutional the fact that the Day of Republika Srpska received the rank of an official holiday in 2007. The government of RS branded this an attack on its autonomy and used the dispute to divert attention away from the poor economic condition there and the corruption scandals. The vote has been criticised by the EU, the USA, and the governments of Croatia and Serbia, but it was praised by Russia. However, the fact that the referendum has been held does not mark the beginning of RS's secession from BiH, since the Bosnian Serb elites still want to maintain the *status quo* laid out in the Dayton Agreement of 1995, which offers them a great degree of independence from the government in Sarajevo. Furthermore, any possible secession would not be backed by the EU, the USA and Russia. The latter, though, will use the conflict in BiH to strengthen its position in the region, which may result in increasing tension in the Western Balkans.

The controversial holiday

The anniversary of the establishment of the Republic of the Serb Nation in Bosnia and Herzegovina in 1992 has been celebrated on 9 January every year since 1993. The conflict over the future of the territories of BiH inhabited by ethnic Serbs was one of the causes of the war in 1992–1995. The Act on the Holidays of Republika Srpska of 2007 adopted by the parliament of RS, recognises 9 January as the Day of Republika Srpska. Over time, Bosnian Serbs also began emphasising the religious dimension of the celebrations on 9 January as the holiday of Saint Stephen, the first martyr of Christianity and the patron saint of RS.

In 2013, Bakir Izetbegović, the leader of the Party of Democratic Action (SDA), the main Bosniak political party, brought a motion to the Constitutional Court of BiH to check whether the Act on the Holidays of RS was in compliance with the constitution of BiH. The court awarded in November 2015 that setting 9 January as the official holiday of the Republika Srpska was unconstitutional due to the fact that the holiday did not draw upon the values shared by all three constituent nations of BiH. The government of RS applied to the court to reconsider the matter, announcing on that occasion that it would hold a referendum concerning the holiday. The Constitutional Court of BiH rejected the motion brought by the government of Republika Srpska on 17 September 2016, thus passing the final verdict in this matter.

Another stage of the dispute over Dayton

The constitutional order agreed in Dayton in 1995 granted extensive competences to the entities forming BiH (Republika Srpska, the Bosniak-Croat Federation of BiH and, since 2000, the Brčko District). The main goal of the agreement was to bring an end to the military conflict, and this resulted in numerous imprecise regulations concerning the distribution of competences among the entities of the federation and the central government. Furthermore, any decisions on issues of 'vital significance' for individual nations were to be taken only by way of compromise between the three constituent nations. Bosniaks have consistently made efforts to conduct a constitutional reform that will strengthen the central government at the expense of the extensive competences of such entities as Republika Srpska, arguing that it is necessary to overcome the decision-making paralysis of the central government of BiH. In turn, Serbs have firmly defended the provisions of the Dayton Agreement which – through the presumption that it is the federation entities which have competences – grants them a large degree of independence from Sarajevo. Neither Bosniaks nor Bosnian Serbs are looking for a compromise – what they hope for is support from abroad (Bosniaks from the EU and the USA, Bosnian Serbs from Serbia and Russia).

The consolidation of Dodik's power

During the campaign preceding the referendum, its instigator, the president of Republika Srpska, Milorad Dodik, argued that by protecting RS's sovereignty from Sarajevo's centralism, he was standing in defence of the Dayton Agreement. However, Dodik's policy has made it clear that the government of RS values only those parts of the Dayton Agreement which grant extensive competences to the individual parts of the federal state but not the fragments which draw upon building a common state and a reconciliation between Bosniaks, Serbs and Croats in BiH. By holding a referendum contrary to the Constitutional Court's decision, the government of Republika Srpska has once again given a clear sign that it wants the central institutions of BiH to remain as weak as possible. The referendum turned into a demonstration in defence of historical memory and Serb identity, and this allowed the government of RS to divert the attention of the opposition and the public away from such issues as corruption, nepotism and economic problems. Thus the outcome of the referendum has strengthened the political position of President Dodik and the Alliance of Independent Social Democrats (SNSD) which he leads. This is important in the context of local elections scheduled for 2 October.

The politicians representing Bosnian Croats are divided over the referendum. The leaders of the largest Croat grouping in BiH, the Croatian Democratic Union of Bosnia and Herzegovina (HDZ BiH), have emphasised that Serbs have the right to decide on their symbolism and have appealed for moderation in the debate. Bosnian Croats want the Serb political elite to adopt a friendly neutral approach regarding the initiative to create a separate Croat entity in BiH (in addition to the currently existing Federation of Bosnia and Herzegovina and Republika Srpska).

Russia as protector

Western countries opposed the referendum before it was held. All member states (except Russia) of the Peace Implementation Council, an institution in charge of implementing the provisions of the Dayton Agreement, appealed for it to be cancelled. The US embassy put pressure on the government of RS, and the initiative was criticised by the High Representative for BiH, Valentin Inzko, and the head of the EU delegation in BiH. During the campaign, the Council of the European Union accepted BiH's application for membership in the EU and forwarded it to the European Commission. The fact that the referendum was held regardless of these moves should be viewed as a defeat for the West, which was skilfully exploited by Russia. Three days before the vote, Dodik met with Putin, who backed the idea of the referendum and at the same time suggested that Russia wants a stabilisation of the Western Balkans, BiH and RS itself. Russia, building an image of itself as the protector of the Bosnian Serbs' interests, presents itself as a constructive power protecting the Dayton deal, one that has an influence on the situation in the region. Capitalising on the weakening influence of the USA and the EU in BiH, Russia has been strengthening its position through its influence on Republika Srpska. The government of RS, like the Bosniak and Bosnian Croat elites, is however aware of the fact that co-operation with Western financial institutions (mainly the IMF, the EBRD and the EIB) is of key significance for BiH's stability.

Co-operation between Republika Srpska and Russia has an indirect adverse effect on the government of Serbia which, until recently, was viewed as the main protector of ethnic Serbs' interests outside Serbia and the guarantor of stability in the region. Belgrade, due to its efforts to ensure EU membership for Serbia, did not back the referendum, and this did not match Dodik's political goals and the sentiments of ethnic Serbs living in BiH. Already after the results of the referendum were made public, Dodik announced that more votes might be held in Republika Srpska, including a referendum on BiH's accession to NATO. That idea fits in with Moscow's interests, since it wants to slow down NATO's expansion into more Balkan states.