



## **A new constitution for Bosnia and Herzegovina, grounded in the political agency and will of the people**

Since the signing of the Dayton Peace Agreement (DPA) and the imposition of the Constitution of Bosnia and Herzegovina (BiH), the country has seen several failed attempts to amend the Constitution and the Election Law. All of these processes have been deeply exclusionary and corrupt. Each time, these processes have been facilitated by parts of the international community in cooperation with ethno-nationalist elites that are doing all they can to remain in power and continue exploiting us and our common goods.

The very fact that the Constitution of BiH was imposed on the people living in BiH, and is an integral part of the peace agreement, has unavoidably been pulling the process of amending the Constitution into a contentious discussion about renegotiating the peace agreement itself. This has created space for the ethno-nationalist elites to heighten the militarized rhetoric and threats of war.

During 2021 the talks on revising the Election Law have intensified, while the talks on revising the Constitutions have been side-lined. Again, the people of BiH are witnessing a deeply corrupt process, driven by the same ethno-nationalist elites which are themselves a result of war, enabled by the dysfunctional system we have been living under for the last 25 years. And we keep witnessing how they are doing everything in their power to create legal solutions for their personal benefits, completely ignoring the well being of the people living in BiH.

**It is infuriating to see that the current talks are an exact replica of all the talks that have failed thus far and that the people and the institutions of BiH are, again, being entirely dismissed.**

The role of the international community (IC) in these discussions has to be analysed and reflected upon. Especially as countries such as Germany, UK, Russia and USA have taken an active role in either facilitating meetings, proposing solutions, or commenting on the current process in the global media and regional and international bodies. Without a critical analysis of how the flawed process and involvement of the IC contributed to the current situation, the mistakes will be repeated, further aggravating an already alarming situation.



## **The flawed process**

We remind you that the BiH Constitution itself is an imposed document, written by a selected minority of ethno-nationalist and international elite in a military base in Dayton, Ohio, USA. It is a result of concessions and compromises made to, and with, the militarized male ethno-nationalist elites. The people of BiH were side-lined and demoted to nothing more but a decor. That praxis has continued throughout these last 25 years, and it is exactly what is happening again with these newly intensified talks on the amendments of the Election Law.

It is high time to acknowledge that the way the IC has approached BiH is not working. The methods of IC are deeply flawed. The only BiH partners ever properly recognized and empowered by the IC have been the ethno-nationalist elites, starting from the negotiations of the DPA all the way to the current ongoing talks.

**The only way to start addressing and fixing this flawed process is to start treating the people living in BiH as actors with political agency and not merely obedient subjects of international, neoliberal, geopolitical interventions, and a collateral damage to ethno-nationalist elites' power-thirsty feudal ambitions. These ambitions are supported by the elites from the countries in the region that never gave up their dreams of imperialist expansion.**

Claiming that people of BiH have been electing the ethno-nationalists for the last 25+ years is also part of this corrupt discourse, as the Constitution and the Election Law have been drafted with such calculation and precision to always secure the win of ethno-nationalists.

Countries, regional and international bodies willing to support BiH need to critically reflect on why their considerable financial and other support has thus far produced little results. This also includes critically analysing how the interaction with the broader segments of the BiH civil society has looked like.



## **What needs to change?**

### **Inclusivity, contextual understanding, and solidarity**

There are no quick fixes. Any serious, and well-meaning foreign policy towards BiH must commit to long-term support and be based on inclusivity, contextual understanding, and solidarity with the people of BiH. All of which was ignored during the last 25 years of IC's engagement.

### **The Constitution of BiH must change but not through a set of reforms or amendments but through drafting of a new Constitution**

There is no meaningful way to reform a Constitution that is the result of war-gains and there are no amendments that can go to the bottom of the problem: an ethno-nationalist, misogynist and authoritarian system that promotes corruption and violence, and is upheld by reiteration of conflicts and divisions.

### **No quick fixes and *ad hoc* interim solution should be put in place as they would further complicate the political situation, or make things worse**

It is better to wait for conducive circumstances for writing a new Constitution than to intervene in the current one and end up with regressive "solutions". Thus far, every time ethno-nationalists were accommodated in their demands it has been impossible to reverse the damages created (e.g. apartheid created in the educational system with the "two-schools-under-one-roof" solution). Each political concession to the ethno-nationalist elites has promoted and entrenched corruption as the basis for the functioning of governmental institutions.

### **The process through which a new Constitution is to be drafted, must be based on a broad, comprehensive, transparent, inclusive and informed social discussion and dialogue**

It must be acknowledged that the process of the implementation of the DPA in fact depoliticized people living in BiH. Thus, it must also be recognized that time is needed to reverse that process.

The process of drafting and adopting the new Constitution of BiH must be the total opposite of the drafting and imposition of the current Constitution. The way the current Constitution was adopted and imposed allowed for corruption to become the basic principle for the economic and political system and normalized state-capture. The new Constitution has to be the result of a comprehensive, all-inclusive, informed and long-lasting social dialogue inside BiH. The mechanisms must be installed to prevent ethno-nationalist elites intervening in the process, as well as to prevent any other outside intervention.

### **The Constitution must make the Dayton Peace Agreement obsolete**

Any discussion and linking of the drafting of the new constitution to a "Dayton II" must be abandoned and once the new Constitution is adopted the DPA must become obsolete. Connecting the discussions on the Constitution to any allusions to the peace agreement



creates space for the ethno-nationalist elites to further their narrative of the existence of “conflicts” and possibility of a new war.

The unsolicited interferences from Croatia and Serbia in the sovereignty and internal issues of BiH are incorrectly based in the Dayton Peace Agreement. To avoid their guardianship claims, when in fact intervening in internal matters of another state, the language of the peace agreement needs to be abandoned.

**The international community (IC) must stop addressing the problems by talking to the leaders of political parties only - the political dialogue must be brought back to the people and the institutions of BiH**

The current “dialogue” on electoral changes is happening only at the level of self-proclaimed ethno-nationalist leaders and their parties - this cannot be allowed any more as any changes/reforms/amendments that are proposed by them or driven by them will only mean fortification of their powers.

IC tends to “favour” certain politicians that they wrongly identify as being “outside” of the ethno-nationalist framework. We remind you that this is how Milorad Dodik came to power! And this is how the corruption and state-capture are upheld! Currently, no political elite can exist outside of the ethno-nationalist framework, as exemplified by the proclaimed “fresh and young” faces that were promoted during the 2020 local elections - such as Stanivuković, Konaković, but also representatives of Naša stranka and alike.

In order to stabilize the country and work towards sustainable and just peace, the people of BiH must become the only legitimate partner.

**The dialogue with the civil society cannot happen only with selected number of NGOs who are financed by donor states or the EU or through “dialogues” that are organized to solicit support to already decided upon, top-down solutions**

The IC’s approach to “dialogue” with civil society has to change, as it has not worked thus far. Civil society organizations and initiatives are far more diverse than what is reflected through the current dialogues the IC is occasionally having with the civil society. Those dialogues are not reflective of intersectional lived experiences and realities, and there is no real space to analyse, critique, influence and/or reject the economic and political policies promoted by the IC. The dialogues are formulaic. Any serious, inclusive and effective dialogue must be based on the broadest possible participation of the people living in BiH, including the small but analytical and critical grassroots initiatives that can bring in contextualised critical and political perspectives to the discussions, grounded in the lived, intersectional realities of people living in BiH.



## **CONDUCTIVE CIRCUMSTANCE FOR TRANSFORMATIVE CHANGES**

### **Prevent the furthering of the neoliberal agenda**

Current interventions into the economic and social systems of BiH, based in neoliberal policies of structural adjustment and austerity policies are damaging for any of the processes described above. The neoliberal agenda, supported by the IMF, the World Bank and other influential international actors in BiH, upholds and enables the ethno-nationalists. This in the end forces us to live in some hybrid system of the feudal and neocolonial polity, which is built by ethno-nationalist and international elites respectively.

A well-meaning foreign policy has to urgently start finding ways to prevent the furthering of the neoliberal agenda so that the people of BiH have both time, space and security to consolidate their political and economic ideas and visions. They need space to, free from ethno-nationalist and outside interference, imagine and formulate what kind of society they want to live in.

**A well-meaning foreign policy should be based on international solidarity with people of BiH who are still experiencing the consequences and politics of the war that ended 25 years ago!**

**Instead of promoting neoliberal politics and using BiH in geopolitical power struggles, well-meaning foreign policy should enable discussions, dialogues and learning to take place through long-term support that is not conditioned by an already set political, economic and social vision of BiH, formulated somewhere else.**

## **PRIORITY ACTIONS**

While there are many actions that need to be undertaken in order to stop the further damages to peace, we underline the following priorities:

- Stop the endless number of meetings with ethno-nationalist elites that only serve their legitimation and further destabilise the state institutions.
- Support actions that lead to ending impunity for corruption and organise crime, and that work towards dismantling the corrupted system of state-capture.
- Stop the praxis of neighbouring and other countries interfering into BiH affairs by using national, regional and international platforms.
- End grants and loans conditioned with austerity and neoliberal policies that only enable the survival of ethno-nationalist elites.
- End grants and loans to public and private sector that destroy our environment and eco-system.
- Immediately stop supporting the security sector reforms that contribute to strenghtening and militarising of the police forces.



- Prioritise support to investments in economic and social rights, and social infrastructure such as public health, education, sports and cultural institutions.
- Re-think the funding of the civil society organisations that ties them into uncritical actions and support to neoliberal policies. Foster analytical, critical and progressive spaces and grassroots initiatives.