



GEOPOLITICAL STRIFE FUELS DANGEROUS PARALLEL CRISES IN BALKANS

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With the West distracted by Ukraine and Russia in turmoil, parallel crises in Bosnia and Kosovo risk spiralling violently out of control.

The Bosnian Serb leadership's recent step towards legal secession from the rest of Bosnia and Herzegovina, in combination with an escalation of violence in northern Kosovo, are threatening to plunge the Balkans into new chaos – and possibly new ethnic conflicts.

Political tensions have exploded across Bosnia since the assembly of Bosnia's Serb-dominated entity, Republika Srpska, passed a law declaring rulings of Bosnia's state-level Constitutional Court non-applicable in the entity.

These renewed Balkan troubles are developing amidst geopolitical strife exacerbated by the war in Ukraine. While already deeply intertwined, further cross-fertilization of these parallel storms could bring catastrophic results for the Balkans and all Europe as well.

The EU's continued failure to understand, let alone apprehend, the Balkan's crises, as well as US's failure to resolve Balkan problems through political manipulations and short-term fixes, is likely to further strengthen already strong influences of Russia, China, Turkey and other foreign actors in the region.

Some local and international officials and experts say recent developments in Russia may have also played a role in the Bosnian Serb leadership's move towards secession from the rest of the country.

In the midst of Russia's failed mutiny, Dodik – one of the few politicians in the world who in past years has met Putin regularly, almost every year – may have tried to draw the Kremlin to support his two-decade-long separatist dream, some officials have said.

Meanwhile, recent elections in Turkey have cemented the domestic position of Turkey's conservative president, Recep Tayyip Erdogan, and opened space for his even greater involvement in the Balkans, especially in Bosnia, Turkish experts say.

Lengthy drama over court takes new twist

The new law in Republika Srpska is a fresh phase in the lengthy drama over the fate of Constitutional Court in Bosnia and Herzegovina.

For more than a decade, Dodik has threatened to block or abolish this body because three out of its nine members are foreign judges appointed by the European Court of Human Rights.

According to Dodik, this setup was not a part of the original 1995 Dayton peace accord that ended the 1992–5 Bosnian war and is often used to outvote the two judges from Republika Srpska.

By the end of 2022, the work of Bosnia's Constitutional Court became even more burdened after one Bosnian Serb and one Bosnian Croat judge took obligatory retirement at 70 years of age.

Since then, Dodik has blocked the appointment of a new Bosnian Serb judge and repeatedly urged the remaining Bosnian Serb judge, Zlatko Knezevic, to leave the court. Despite the pressure, Knezevic has remained in the office but has announced he will take early retirement by the end of 2023.

The situation became even more complicated after the court on June 19 altered its quorum requirements, enabling decisions to be made with only seven judges, thus circumventing the eventual non-presence of the two judges from Republika Srpska.

A Western diplomat, speaking on condition of anonymity, said that this decision was prompted by the two Bosniak judges, both known to be close to the ruling Bosniak Party of Democratic Action, SDA, which apparently hoped this would provoke Dodik and undermine the state-level ruling coalition that has pushed the SDA into opposition.

This plan clearly worked; Dodik proposed the law against the Constitutional Court soon after, on June 23. The law was adopted on June 27 by the combined votes of Dodik's ruling coalition and opposition Serb Democratic Party SDS.

Dodik, however, said he would not stop there, but pledged to push for similar legislation banning the work of other state institutions on the territory of the entity.

The adopted legislation also pledged protection and support to all officials implementing this law, which could lead to major incidents if the Republika Srpska police tries to prevent the state security agency, SIPA, state prosecutors or other state bodies from implementing new decisions of the Constitutional Court.

Local and international officials were unanimous condemning the new law, which was deemed unconstitutional as well as null and void, since a lower administrative level was in no position to question or direct the work of the highest judicial body in the country.

Western response seen as hesitant

Shortly after the adoption of the controversial legislation on June 27, the US embassy in Bosnia posted that this move was “a reckless attack on the Dayton Peace Agreement and the BiH Constitution it established”.

“If Dodik prevents the RSNA [the Bosnian Serb assembly] from nominating two judges to the BiH Constitutional Court, then the Court will reach decisions without the benefit of two judges selected from the RS,” it stressed.

The Office of the High Representative, OHR, called the law “a serious challenge to the rule of law in the RS, and an assault on the constitutional order of Bosnia and Herzegovina”.

The European Union’s External Action Service, EEAS, reminded Republika Srpska that its National Assembly “has no authority to decide not to apply the decisions of the Constitutional Court of Bosnia and Herzegovina”, adding that the adopted legislation “is therefore without legal basis.”

However, the lukewarm tone of these two statements, and the fact that, unlike the US embassy they were published almost a day after the law was adopted – as well as private comments from Western diplomats – suggest that none of the Western actors know how to deal with this situation.

Bosnia’s High Representative, Christian Schmidt, on July 1, finally suspended the law rejecting the Constitutional Court’s authority, as well as similarly controversial legislation adopted by the RS National Assembly on June 21, preventing publication of the High Representative’s decisions in the RS Official Gazette, which is the condition for any law to become effective.

Schmidt also used his executive powers to impose a law criminalizing any attempts to ignore rulings of the Constitutional Court.

The RS leadership, however, remained unrelenting.

“We know how to defend ourselves. We will not accept any decisions either from (the state) Constitutional Court, or from the fake high representative,” Dodik said in Bratunac.

Bosniak leaders rattle war drums

The initially lukewarm response of the Western powers only contributed to the ferocity of reactions heard from the leading Bosniak politicians on June 28.

The Bosniak member of the state presidency, Denis Becirevic, issued an ultimatum to the US and EU, giving them seven days to “stop the killing of the Dayton peace agreement” – without explaining what would happen after the deadline expires.

Becirevic’s colleague, a prominent Bosniak politician who holds the position of Croat member of the state presidency, Zeljko Komsic, accused the EU and US for allowing Dodik to stage a “rebellion” similar to the one which started Bosnia’s war in 1992.

He called on Bosnia’s police and security agencies to protect Bosnia’s constitutional order, warning that if Dodik’s plan is not halted by local or international institutions, “we will defend our county in any way we can”.

A similar not-so-veiled threat came from Becirevic and Komsic’s colleague, the state Minister of Defence, Zukan Helez.

“I want to believe that this situation can and will be resolved in line with the Constitution and laws of this country. If not, we have a Plan B,” he said in a post on social networks, without specifying what “Plan B” may be.

The statement was understood as a threat of war in Republika Srpska.

The state Minister of Security, Nenad Nesic, who is from the RS, wrote on social networks that he had received calls from RS citizens “disturbed and frightened by Helez’s statement”. He called on Helez to resign, and if not, urged the state judiciary and prosecution to act against him.

Even after Schmidt abolished the RS laws on Saturday last week, some politicians like Zlatko Miletic called the reaction “insufficient (and) a great disappointment”.

Heated exchanges between Dodik, Helez and other politicians marked the meeting of Bosniak, Bosnian Croat and Bosnian Serb parties of the state-level ruling coalition, held in Konjic on June 30.

However, at the end of the meeting, all participants agreed to continue dialogue, offering at least a small sign of hope to Bosnian citizens and Western diplomats, many of whom feared that the controversial RS law would lead to the quick collapse of the ruling coalition and a new political deadlock.

Nevertheless, most experts believe it is only a matter of days before the shaky ruling coalition breaks apart.

They also voiced fears that the High Representative’s decision will not discourage Dodik but may only provoke him into further radical moves.

The clash between the recently adopted anti-constitutional laws in Republika Srpska as well as the latest decisions of the High Representative will likely create even greater legal, political and security turmoil in Bosnia.

This crisis could also turn into a geopolitical nightmare, since while some Western and Bosniak officials call for the deployment of larger contingents of the US and NATO troops in Bosnia and Kosovo, Dodik has said that, in that case, the RS would rely on help from Russia.

Turkey and Russia may try to fill vacuum

Perhaps the only thing that Bosniak, Bosnian Croat and Serb politicians seem to agree on at this stage is to blame the US and especially the EU for the recent deterioration of the situation in Bosnia, Kosovo and the rest of the Balkans.

Others agree. “The steady weakening of the EU presence in the Balkans ... has made BiH even more vulnerable to the influences of the two main regional power centers – Belgrade and Zagreb – as well as other geopolitical actors, especially the USA, Russia, Turkey and China, as well as Iran and the Arab States of the Persian Gulf,” said a policy paper, “Bosnia and Herzegovina: Geopolitical Strife Fuels Local, Regional Crises”, published by the Prague Security Studies Institute, PSSI, earlier this week.

Most Balkan experts also agree that the deepening crisis in the Balkans may draw other foreign actors – already well present in the Balkans – to further strengthen their respective influences.

“Turkey and Russia see the Balkans as the gate for Europe and the place where they can be big and strong,” said Erdi Ozturk, a Turkish expert and an associate professor of politics at Metropolitan University London.

He said that following the recent Wagner group rebellion in Russia, Putin may be less inclined to increase Russia’s involvement in the Balkans. But he added that latest elections in Turkey have further strengthened the position of the hard-line Turkish president Erdogan, and that with “the new foreign minister, Hakan Fidan, who was the head of intelligence agency, Turkey will further increase its presence in the region”.

This is already likely to happen anyway; in recent weeks, NATO asked Turkey to provide additional troops for peacekeeping missions in Kosovo and Bosnia.

Other experts say the apparent political chaos in Moscow may lead to greater Russian engagement in the Balkans.

“On the one hand, Putin will perhaps be too distracted and weakened by recent events in Russia to further inflame developments in the Western Balkans ... but on the other hand he might just as easily engage, to create a distraction from events at home,” said Bruce Hitchner, a US expert on the Balkans and professor of classical studies at Boston’s Tufts University.

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