

Security implications of the constitutional crisis in Bosnia and Herzegovina: Between the Dayton constitutional framework and international interventionism



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Abstract:

The constitutional crisis in Bosnia and Herzegovina (BiH) represents a complex case of legal and political destabilization in a postconflict context. This paper analyzes the security implications of the constitutional crisis through the lens of internal political conflicts and international interventionism. It also highlights how the actions of international actors - particularly the Office of the High Representative (OHR) - function as a mechanism for altering the political balance established by the Dayton Peace Agreement. This dynamic generates new sources of instability which, although not yet amounting to a full-scale security crisis, nevertheless produce significant security consequences. The liberal project of state-building and the policy of international interventionism, rather than fostering reconciliation, have led to growing ethnic polarization and the weakening of institutional functionality. The paper points out a research gap in the existing literature, which has neglected systematic consideration of the security aspects of international interventionism on domestic developments in BiH, and argues that a return to the constitutional principles of the Dayton Peace Agreement may provide a framework for overcoming the current challenges.

Keywords: constitutional crisis; Office of the High Representative; state-building; interventionism; Bosnia and Herzegovina

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INTRODUCTION

The constitutional crisis in BiH represents a complex case of legal and political destabilization in a post-conflict context. From the standpoint of international law, BiH occupies a unique position: its Constitution is not the product of a domestic constituent process, but rather Annex IV of the Dayton Peace Agreement – an international treaty ratified by the UN Security Council Resolution 1031 ([UNSC, S/RES/1031](#)). This form of internationalized constitution making – in which a peace agreement becomes a permanent constitutional framework – creates structural tensions between international legal obligations, sovereignty, and the democratic right to self-determination. The constitutional crisis in BiH demonstrates the limitations of externally imposed peacebuilding and constitutional engineering. A sustainable constitutional order in post-conflict societies requires political legitimacy and internal dialogue. The absence of these elements in BiH, combined with international interventionism, has become a primary source of political instability.

In the existing literature, two dominant interpretative frameworks attempt to explain the causes and nature of the constitutional crisis in BiH. The first is the legalist approach, which locates the causes in the failure to respect the constitutional order of BiH, whether through the mechanisms of the Constitutional Court of BiH or by political actors at the entity level ([Graziadei 2017](#); [Bonifati 2022](#); [Knežević 2024](#); [Pilipović 2025](#)). The second framework, equally significant from a theoretical perspective, is the political-structural approach. It emphasizes that the sources of the crisis lie in the very dysfunctionality of the political system, as well as in international interventionism – primarily in the role of the Office of the High Representative (OHR) and the so-called Bonn powers – which alter the domestic political balance ([Vranješ i Budimir 2023](#)). While the legalist framework focuses on the consequences of the

crisis, the political-structural approach considers its causes, linking them to the broader project of state-building, i.e., neoliberal interventionism.

This paper argues that international interventionism in BiH, particularly in the legislative sphere and in the application of law, functions as a mechanism for altering the political balance established by the Dayton Peace Agreement, of which Annex IV constitutes the Constitution of BiH. This is the primary source of political instability, which generates significant security implications, even though they have not yet escalated into a full-fledged security crisis. International interventionism in BiH, with its liberal state-building agenda, through various forms of external pressure and institutional dominance, has produced effects contrary to its declared objectives – rather than reconciliation, it has deepened ethnic polarization and further undermined institutional functionality.

Although there is an extensive body of literature on state-building in BiH and its consequences, there is a noticeable lack of studies that systematically examine the impact of international interventionism on security dynamics. This is precisely the focus of this paper. It proceeds from the following research questions:

1. Does international interventionism influence the security dynamics in BiH?
2. What are the security implications of international interventionism in BiH?

The findings of this study are based on an interdisciplinary approach that combines law, political analysis, and security studies. The aim of the paper is to contribute to the broader comparative debate on constitutional crises in post-conflict societies. In this context, BiH offers a specific case for reexamining the concepts of constitutionality, sovereignty, and external governance in fragile states. Furthermore, the BiH case demonstrates that threats do not necessarily arise from the absence of law, but from its selective enforcement and perceived illegitimacy. In such circumstances, the legal order becomes a source of insecurity rather than stability. This insight is equally valuable for analyzing other post-conflict and deeply divided societies. By integrating the security dimension into the analysis of constitutionality, it is possible to better understand the resilience of post-conflict legal systems, as well as the types of reforms that may contribute to political stability and long-term legitimacy.

LITERATURE REVIEW

In the literature on post-conflict societies, a strong current of authors has emerged who advocate for international interventionism and the paradigm of liberal state-building, while simultaneously pointing out their limitations and failures (Dobbins et al. 2003; Fukuyama 2004; Paris 2004; Doyle and Sambanis 2006; Call and Cousens 2008). Their works place at the forefront the role of the international community in building institutions, democracy, and the rule of law, with domestic actors occupying only a secondary or peripheral role. In contrast, a significant number of scholars critically examine liberal state-building, highlighting its problems, constraints, and shortcomings in the reconstruction of post-conflict societies (Berdal 2009; Dodge 2021; Eriksen 2009). A particularly prominent place in these debates is occupied by the case of BiH, which for many years has been at the center of international politics and interventionism. Chandler emphasizes that the international imposition of reforms produced the opposite effect of the declared objectives, as it created dependency on international actors rather than democratic capacity (Chandler 2000). Bose points to deep ethnic divisions and the limited potential of “top-down imposed” reforms (Bose 2002). Caplan critically reflects on international administrations in post-conflict states, stressing their weak legitimacy and long-term dysfunctionality (Caplan 2005). Kasapović identifies the causes of BiH’s dysfunctionality in the absence of a fundamental consensus among the constituent peoples, interpreting international interventionism as a form of external pressure without sustainable long-term results (Kasapović 2005). Critical perspectives in the literature go even further. Some authors openly question the viability of the state-building project in BiH, leaving room for the conclusion that ethno-territorial divisions may represent the only sustainable long-term solution. Such an interpretation can be found in Waters (Waters 2004) and Downes (Downes 2004), while Belloni (Belloni 2008) underscores the failures of international interventionism

and the problematic assumptions underlying multiethnic democracy, thereby indirectly legitimizing the argument that ethnic partition might be a viable solution. A third line of thought offers a more nuanced position, such as Chesterman, who recognizes the necessity of international interventions in post-conflict societies but simultaneously problematizes their legitimacy and sustainability, warning against the dangers of paternalism and the lack of *domestic political ownership* (Chesterman 2004). Similarly, authors like Güven, Preljević, and Özerdem point out that international interventionism in BiH, despite its contradictions and dysfunctions, was at certain moments a necessary evil, primarily in order to prevent the possible renewal of armed conflict (Güven, Preljević, and Özerdem 2023).

Thus, the literature clearly delineates three lines of thought: (1) those who emphasize the necessity of international interventionism and liberal state-building; (2) those who see it as a source of dysfunctionality and political deadlock; and (3) those who stress its dual nature – as both an instrument of stabilization and a generator of long-term problems. This debate provides the theoretical framework for further analysis of the security implications of the constitutional crisis in BiH.

ORIGINS AND NATURE OF THE CRISIS

BiH represents a rare case in comparative constitutional law. As already noted, its Constitution is not the result of an internal political consensus, but is, rather, formally, the Annex IV of the Dayton Peace Agreement, which ended the war in BiH in 1995. This fact renders the constitutional order of BiH both legally and politically vulnerable. The so-called Dayton Constitution institutionalized ethnic representation but failed to create a shared political identity, relying instead on external guarantees to maintain balance. This opened the space for competing political demands: centralization, predominantly advocated by Bosniak political actors, and decentralization, insisted upon by Serb and Croat representatives. The absence of consensus on fundamental state issues further deepens systemic fragmentation. In constitutional theory, a constitution is as much a political act as it is a legal act – an agreement on the distribution of power and the principles of governance. In the case of BiH, this balance has grown increasingly fragile. The crisis is simultaneously interpreted through different political discourses produced by the actors themselves, adapting them to their respective interests (Sahadžić 2021). From the standpoint of international law, peace agreements create binding obligations for states (*pacta sunt servanda*). In BiH, the transformation of a peace treaty annex into a permanent constitutional framework, without a broader process of domestic consensus, raises questions about the full realization of the internal right of peoples to self-determination – understood as the ability to democratically shape their own constitutional and political order. International oversight – particularly through the OHR and the so-called Bonn powers – further complicates this balance. The authority of the High Representative to impose laws and dismiss elected officials challenges the principles of sovereignty and democratic legitimacy.

In recent years, the crisis has reached one of its most serious dimensions since the end of the war. It is characterized by growing ethno-political tensions, institutional deadlock, and open challenges to the authority of state institutions. A particularly acute problem is the non-implementation of Constitutional Court rulings, which highlights the fragility and weakness of the constitutional order (Radio Slobodna Evropa).

BiH faces an internal legitimacy crisis, as it lacks what is referred to as *internal recognition*. Bosniak political elites express dissatisfaction with the existing constitutional arrangements and advocate for radical changes, while political elites from Republika Srpska respond with secessionist threats, conditionally – should the other side continue to disregard the basic political agreement, i.e., Annex IV of the Dayton Peace Agreement (Savanović i dr. 2020). The trial of the President of Republika Srpska, Milorad Dodik, is a consequence of deep political divisions and the absence of internal dialogue. The verdict in this case extends beyond the legal framework and carries serious political implications. The National Assembly of the Republic of Srpska adopted, on 21 and 27 June 2023, the Law on Amendments to the Law on the Publication of Laws and Other Regulations of the Republic of Srpska (which

abolishes the obligation to publish decisions of the High Representative) and the Law on the Non-Application of Decisions of the Constitutional Court of Bosnia and Herzegovina (CBIH Decision 2025). The President of the Republic of Srpska, Milorad Dodik, signed the decrees promulgating these laws on July 7, 2023 (CBIH Decision 2025). The issue of state property was particularly emphasized, where the Constitutional Court decided by outvoting judges from Republika Srpska. The Serb side perceives these rulings as politically biased and as instruments for reshaping the constitutional structure to the detriment of the Serb people. By contrast, Bosniak political elites and the OHR interpret the aforementioned laws solely as an attack on the constitutional order and the Dayton Peace Agreement.

On July 1, 2023, High Representative Christian Schmidt invoked the Bonn powers to annul them and subsequently imposed amendments to the Criminal Code of BiH, introducing a new criminal offense – failure to implement decisions of the High Representative (Art. 203a) (Office of the High Representative [OHR] 2023a). This created the legal basis for the criminal prosecution of President Dodik. The first-instance conviction triggered strongly polarized reactions: in Republika Srpska, it was deemed politically motivated and directed against democratically elected institutions, while in the Federation of BiH, among international organizations and foreign representatives, it was welcomed as strengthening confidence in the judiciary and clarifying the institutional dispute (Huseinović 2025a). Luigi Soreca, EU Ambassador and Special Representative in BiH, stated in an interview that neither Brussels nor EUFOR² could resolve the crisis, stressing instead that domestic institutions must do so – thus highlighting the problem of a lack of internal legitimacy (ownership) (Šajinović 2025). At the same time, Soreca criticized the leadership of Republika Srpska, underscoring that laws must result from a legitimate legislative procedure with authorized proposers. This statement stands in contrast with the practice of the OHR and the imposition of legislative amendments by the High Representative, further fueling political and ethnic polarization. On the other hand, the defense of President Dodik contests the legitimacy of Schmidt's actions, pointing out that his mandate has not been confirmed by the UN Security Council. The OHR, however, maintains that such confirmation is not necessary, as High Representatives are appointed by the Steering Board of the Peace Implementation Council, citing earlier UN resolutions (Huseinović 2025a). President Dodik's legal team announced that it would appeal to the European Court of Human Rights, invoking the violation of the principle of legality (*nullum crimen sine lege*), the prohibition of retroactive application of criminal law, and irregularities in the procedure of adopting amendments to the Criminal Code. They also challenged the legal standard for a law's entry into force, since Schmidt's amendments were not published in the "Official Gazette of BiH" (Ristić 2025). At the political level, Dodik expressed readiness for dialogue on constitutional issues (A. O. 2025), while Bosniak political parties rejected such proposals, citing the ruling of the BiH Court and emphasizing that the ban on political activity imposed on the President of Republika Srpska was a measure to safeguard the constitutional order. This dynamic further escalated the crisis, bringing BiH institutions to a critical point.

The lack of internal legitimacy and political dialogue, combined with international interventionism and the use of institutions (the Constitutional Court of BiH, the Court of BiH) as instruments for altering the political balance established by the Dayton Peace Agreement, constitute the fundamental source of instability in BiH. The combination of these two factors results in a permanent state of political and institutional uncertainty, in which the functionality of the system remains seriously jeopardized.

SECURITY IMPLICATIONS

The dysfunctionality of the political system in BiH has crucial implications for the sector of political security, which is also the primary focus of this analysis. As already emphasized in the discussion on security sectors, the referent object in the political sector is the organizational stability of order within the political community (Buzan, Wæver, and de Wilde 1998, 141), that is, the stability of the state itself. In addition, depending on the context, the referent object may also be a grave violation of the fundamental principles of international law – such as sovereign equality, territorial integrity, and human rights (Ejdus 2024, 155). In the case of BiH, the constitutional crisis has multiple and complex implications. Due to big ideological differences and diverging interpretations of the very nature of the crisis,

political actors perceive the same processes through the lens of their narrow interests, which further complicates political dialogue. Nevertheless, regardless of these divisions, it is evident that the constitutional crisis directly undermines the organizational stability of the state. The legitimacy crisis and the interventionism of the High Representative, rather than stabilizing the order, further strengthen centrifugal forces and fuel secessionist rhetoric (Savanović i dr. 2020). It should be emphasized that interventionism, although often justified by the need to strengthen functional institutions (*state-building*), in practice undermines the basic political consensus established by the Dayton Peace Agreement. Consequently, instead of stabilization, such interventions produce precisely the opposite effect – organizational instability of the state, which is at the same time one of the most visible aspects of the current constitutional crisis. Given that international interventionism is not supported by consensus among key political actors, BiH remains a state of limited sovereignty and is marked by continuing political weaknesses. Secessionist tendencies of the leadership of Republika Srpska, which may also be understood as a reaction to such interventionism, from the perspective of the international community and Bosniak political actors, directly endanger the territorial integrity of the country.

The strength of a state, it should be recalled, can be both internal and external (Ejdus 2024, 156). However, the level of vulnerability does not depend solely on the intensity of threats but also on the state's capacity to resist them. Rotberg distinguishes between strong, weak, failing, and failed states (Rotberg 2004). BiH, due to deep ethnic divisions and the lack of political consensus, realistically falls into the category of weak states (Subotić 2020, 98). According to the *Fragile States Index* of the Fund for Peace, BiH is classified as a weak state with an elevated warning (ranked 77th) (Fund for Peace 2024), which corresponds with the broader argument of this paper.

Threats to the state can be internal or external. If internal threats are absent, the state possesses positive sovereignty, while the absence of external threats implies negative sovereignty. Only in the absence of both internal and external threats does a state enjoy full empirical sovereignty (Ejdus 2024, 159). BiH, however, faces both internal and external threats. Internal threats arise from an ethnically divided society and most often manifest through deliberate political pressures and threats from one side to another. External pressures, on the other hand, stem from international interventionism and carry an ideological character – primarily through the projection of a vision of a unitary civic state that disregards ethnic differences among the peoples of BiH. One example, while not directly tied to the discourse on threats, illustrates the ideological approach to interpreting the crisis in BiH. On April 9, 2025, Kaja Kallas, the EU High Representative for Foreign Affairs and Security Policy, visited BiH. During her visit to the EUFOR base in Sarajevo, she stated, “The leaders of Republika Srpska are undermining the constitution and the legal order, threatening the fundamental freedoms of all citizens” (Huseinović 2025b). Kallas delivered a sharp judgment without addressing the underlying causes of the crisis. Ideology represents the worldview of an interest group seeking to present its particular interests as universal (Šušnjić 1993). Kallas argued that the constitutional crisis threatens all citizens of BiH. Such an interpretation does not reflect the factual situation, given that the vast majority of the Serb population in BiH does not share her assessment. It is precisely this dual vulnerability – internal and external – that renders the political security of BiH particularly fragile and complex to analyze.

The question arises as to whether the current situation has the characteristics of a crisis in the security context. To answer this, we must first provide a definition of crisis. Different definitions exist in the literature, but for the purposes of this paper, we will adopt the working definition of Boin *et al.* (Boin 2010). Their definition includes the subjective dimension of crisis – how a given threat is perceived as a crisis. A situation is defined as a crisis when policymakers perceive “a serious threat to the basic structure or fundamental values and norms of a system, which under time pressure and highly uncertain circumstances requires vital decisions” (Boin 2010, 12). Thus, a crisis comprises threat, time pressure, and uncertainty. All three elements must be cumulatively fulfilled in order to speak of a crisis. A threat is the explicit intention to damage or destroy a valued good. For its realization, however, in addition to intent, there must also exist the capacity of the threatening side to carry it out (Vellani 2006).

We shall now analyze how policymakers perceive the current situation in the context of crisis. Specifically, we will examine the positions of some policymakers from Republika Srpska, the Federation of Bosnia and Herzegovina, as well as representatives of EUFOR, which is the key international security actor in BiH. On May 15, 2025, at the Fourteenth Regular Session of the National Assembly of Republika Srpska, the President of Republika Srpska, Milorad Dodik, stated that the current crisis is primarily legal, and not security-related. On that occasion, President Dodik declared, “You could hear the Bosniak member of the Presidency talking about armed formations and conflicts. This National Assembly rejects any assessment that this is a security crisis” (Petrušić 2025). Namely, on January 28, 2025, the Office of the BiH Presidency Member Denis Bećirović issued a press release stating that the renowned French daily *Libération* had published his op-ed, in which he pointed to the serious endangerment of peace and the General Framework Agreement for Peace in BiH. The article contained severe accusations against the leadership of Republika Srpska, asserting that the threat of armed conflict in BiH and the Western Balkans is real. As Bećirović noted in the text, “The authorities of the Republika Srpska entity are taking dangerous steps and openly undermining the independence, sovereignty, and territorial integrity of the state of Bosnia and Herzegovina” (Predsjedništvo Bosne i Hercegovine 2025). As for EUFOR and the NATO Headquarters in Sarajevo, on the eve of the pronouncement of the first-instance verdict against the President of Republika Srpska, Milorad Dodik, by the Court of BiH on February 26, 2025, they announced that they would not allow destabilization of BiH and that they were prepared to respond if necessary (Huseinović 2025a).

CRISIS: AN ANALYTICAL FRAMEWORK

Let us return to Boin et al.’s definition of crisis, which rests on the perception of policymakers and the way in which they sense a serious threat to the basic structures or fundamental values and norms of the system (Boin 2010). The perception of a threat, under time pressure and in highly uncertain circumstances, necessitates the making of vital decisions. This definition offers a useful analytical framework for examining events and processes in the context of crisis. The framework consists of three elements: threats, time pressure, and uncertain circumstances – the focus of the analysis that follows. As previously noted, a threat can be understood as a declared intention to damage or destroy a particular good. To be realized, however, intention alone is insufficient; there must also be the capacity of the actor to carry out such an intention. In other words, it is not enough to desire; it is necessary to possess resources, means, and expertise. In this analysis, threats are considered in the context of the perceived jeopardy to fundamental structures, values, and norms. However, before that, it is necessary to examine what different actors in BiH identify as these fundamental structures, values, and norms – Serbs, Bosniaks, and the international community, which is an important factor in the crisis. In the context of BiH, the term “international community” is often used as a euphemism for a limited circle of Western states and international organizations engaged in political processes in the Western Balkans (Šolaja 2010, 107–108). The term, however, does not reflect a universal international consensus, but rather the positions and interests of Western actors, primarily the United States and the EU (Šolaja 2010, 107–108). From their perspective, the fundamental structure is the Euro-Atlantic community, and the values are peace and stability in BiH, alongside the country’s progress toward Euro-Atlantic integration (Krstić 2022). For Serbs, the fundamental structure is the Republika Srpska. Their core values and norms lie in preserving the constitutional and legal status guaranteed by the Dayton Peace Agreement, which defines BiH as a state union of two entities (and, since 1999, the Brčko District) while safeguarding constitutional competences as set forth in Annex IV (Subotić 2021). For Bosniaks, the fundamental structure is BiH itself, while values and norms are reflected in the vision of a unitary state of BiH without entities. In public discourse, Bosniak political representatives often link this to the model of a civic state based on the principle of “one person – one vote,” whereby the majority nation would have a dominant role (Mrduljaš 2014; Mrduljaš 2019).

Threats may arise from within the political community or from external sources. Let us first consider the external element. The EUFOR mission in BiH is often perceived as a potential actor of interventionism. However, the EU Special Representative in BiH, Luigi Soreca, emphasizes that it is a military mission with a strictly defined mandate in accordance with UN Security Council Resolution 1575 (UNSC,

S/RES/1575). Its aim is the preservation of peace and stability, not law enforcement or intervention in domestic political processes (Šajinović 2025). Thus, while EUFOR possesses capacity, it lacks both the intention and the legal basis for such an action. Regarding neighboring states, under current circumstances, the political environment and the international positioning of regional countries exclude the possibility of a threat to BiH's territorial integrity and sovereignty. The dominant threats in BiH come from within, primarily from the societal security sector³.

Identity politics and ethnic tensions inevitably spill over into the political sphere, i.e., into the sector of political security. Vertical competition⁴ among the three dominant ethnic groups (Bosniaks, Serbs, and Croats) is continuous and supported by both intent and capacity. Over the long term, this competition generates instability due to conflicting identity-based politics and the absence of consensus on key issues of political organization (centralization vs. autonomy), as well as in other spheres of social life (Lalić 2021, 40–51). The rhetoric of constitutional crisis further heightens the intensity of vertical competition, especially between Serbian and Bosniak political actors. Potential secession of Republika Srpska represents one of the most serious scenarios in political discourse. Referenda on competences and threats of secession are frequently invoked in public statements by the political leadership of Republika Srpska. In this discourse, intent is framed as a “defensive” measure and generally has a rhetorical function. As for the capacity for secession, neither the international environment nor internal political consensus within Republika Srpska supports such a move. For Serbian political actors, the primary threat lies in the continued erosion of Republika Srpska's constitutional competences through the decisions of the Constitutional Court of BiH. The intent for this is demonstrated by a series of court rulings, including judgments on state property (Office of the High Representative [OHR] 2023b)⁵. Capacity exists insofar as Serbian representatives in the Constitutional Court of BiH are continuously outvoted by judges from the other two constituent peoples and by international judges. In the political discourse of Republika Srpska, such decisions are interpreted as a form of structural violence (Galtung 1969), backed by international actors (Blagojević 2021). According to this narrative, such practices deepen political polarization and further exacerbate the constitutional crisis in BiH.

Let us now turn to time pressure as an element of crisis. In crises caused by threats, decisions must be made under time pressure. BiH has been in political crisis since the disintegration of the former socialist Yugoslavia – first in its extreme form during the War in BiH (1992–1995), and later in the post-Dayton period (Chandler 2000; Bose 2002). Political disagreements and vertical competition among the peoples of BiH represent long-term processes with deep historical roots, making them a specific example of what Braudel calls *longue durée* processes (Braudel 1958). The current crisis is only one episode in a long continuity of instability; therefore, when these facts are taken into account, in the case of BiH, time pressure as an element of crisis is not strongly expressed. Let us recall: for a situation to be defined as a crisis, all three conditions must be met – existence of a threat, time pressure, and uncertain circumstances.

Uncertain circumstances as an element of crisis are not clearly expressed in the case of BiH. In classical crisis situations, they entail unpredictability, lack of information, and the inability to forecast future developments. In BiH, the situation is different: here, the crisis has become a continuous state, which creates a paradox. Precisely due to prolonged political instability, patterns of behavior have become predictable, and uncertainty has transformed into a recognizable and expected pattern. Literature on ontological security emphasizes that individuals and communities seek stability and continuity in social relations (Giddens 1991; Mitzen 2006; Steele 2008; Croft 2012; Subotić 2016; Ejodus 2020). The paradox in BiH is that chronic crisis itself generates a sense of predictability, thereby providing actors with a certain degree of ontological security. In other words, uncertainty has become normalized and, in its predictability, it no longer functions as a typical determinant of crisis conditions. Thus, although BiH undoubtedly faces threats to political and social stability, the elements of time pressure and uncertainty do not fully meet the criteria of crisis, since “crisis in BiH” has become a chronic and predictable pattern. This paradoxical predictability of long-term instability provides actors with a measure of ontological security, consistent with Giddens' conception of ontological security as stability of routines

(Giddens 1991) and Mitzen's thesis that even conflict can serve as a source of ontological security (Mitzen 2006).

BIH BETWEEN INTERVENTIONISM, INTERNAL STABILITY, AND SECURITY

The argument that international interventionism in BiH – especially in the sphere of legislative activity and law enforcement – acts as a mechanism for altering the political balance established by the Dayton Peace Agreement and serves as a source of social instability with significant security implications is supported by empirical evidence. The interpretation of these facts naturally depends on the ideological position of the observer. Regardless of interests and political convictions, international interventionism in BiH undeniably has security implications. Although the crisis has not yet reached the level of an open security threat, its consequences are already visible. The constitutional crisis, in addition to existing ones, fosters further ethnic polarization, deepening ethnic divides and ethnic homogenization – all of which run counter to the concept of a civic BiH, which is the central idea of the proponents of failed state-building policies and international interventionism (American Institutes for Research 2023, 43–44). This is confirmed by David Chandler's widely cited study *Bosnia: Faking Democracy after Dayton* (Chandler 2000). Chandler offers extensive evidence that the process of state-building has not contributed to the development of democracy in BiH, concluding that political autonomy and accountability are now more distant than at the outbreak of the war. The book was published 25 years ago, and the processes Chandler described have only intensified since then. The United Nations Security Council is the sole body authorized to implement the Dayton Peace Agreement with respect to the High Representative's mandate and the entrusted civilian aspects. Decisions on such matters, in accordance with international law, should therefore be made within the UN Security Council, given that the Dayton Agreement is an international treaty. This would prevent unilateral interpretations by the OHR, whose legitimacy and legality are increasingly contested.

Political actors in BiH face a choice between strengthening the constitutional order based on internal agreement and continuing with the practice of international interventionism. Based on the arguments presented, it is concluded that neither secession nor the model of neo-colonial state-building (Chandler 2006, 123–142), which rests on mechanisms of pressure and institutional imposition, offers sustainable solutions. Both paths produce instability. A return to the constitutional principles established by the Dayton Peace Agreement provides a potential framework for overcoming the political crisis.

CONCLUSION

Based on the arguments presented, it is concluded that the constitutional crisis in BiH is primarily the result of the erosion of the political agreement upon which Annex IV of the Dayton Peace Agreement rests. When the provisions of legal acts are broadly interpreted, and state institutions are (mis)used as instruments of power to alter the political balance, the law ceases to serve as a source of stability and becomes a generator of insecurity.

International interventionism and the liberal state-building agenda proved necessary in the immediate post-conflict period, but their prolonged and unilateral implementation, without the consent of domestic actors, has led to deepened ethnic polarization and weakened institutional functionality. The research demonstrates that the sustainability of BiH's political system cannot be achieved through secessionist threats or the continuation of a neo-colonial approach to international interventionism. The alternative lies in returning to the original principles of the Dayton Peace Agreement and in strengthening internal political ownership, grounded in dialogue and the recognition of the legitimate interests of all constituent peoples. An inverse reading of the analytical framework of crisis suggests that crisis prevention requires precisely a balance of interests and consensus on fundamental structures, values, and norms. Only once such a consensus is established do threats to political and societal stability lose the potential to escalate into a crisis. This opens space for long-term legitimacy, security, and political development of BiH as a multiethnic community. The BiH case study also offers broader

lessons: it confirms that a sustainable constitutional order in post-conflict societies does not emerge from external imposition but from political dialogue and the legitimacy of domestic processes.

Endnotes

¹In international law, this principle is codified in the Vienna Convention on the Law of Treaties (VCLT 1969, Art. 26).

²EUFOR (European Union Force) Althea represents a military mission of the European Union in Bosnia and Herzegovina, established in 2004 by taking over the mandate from NATO's SFOR mission. It operates on the basis of UN Security Council Resolution 1575 (UNSC, S/RES/1575), with the task of ensuring the implementation of the Dayton Peace Agreement, maintaining a safe and secure environment, and supporting defense and security sector reforms in BiH.

³The societal security sector is one of the five sectors of security according to the Copenhagen School of security studies. The referent object of security in this sector is collective identity (Buzan, Wæver, and de Wilde 1998, 119–140).

⁴Vertical competition refers to the conflict between different levels of collective identity – whether emphasis is placed on broader integration projects such as the EU, or on narrower secessionist/regional projects such as Catalonia or Quebec. The essence lies in the question of which of the concentric circles of identity should be given primary significance (Buzan, Wæver, and de Wilde 1998, 121).

⁵The Constitutional Court of Bosnia and Herzegovina has, on several occasions, issued decisions annulling legal acts of the Republic of Srpska related to state property. The following cases are involved: U-1/11 – Law on the Status of State Property Located on the Territory of the RS and Subject to Disposal Ban (13 July 2012); U-8/19 – Law on Agricultural Land of the RS (6 February 2020); U-9/19 – Law on Inland Navigation of the RS (6 February 2020); U-16/20 (1–3) – dispute concerning RS concession decisions (Partial Decision, 16 July 2021; Non-implementation Decisions, 3 December 2021 and 19 January 2023); U-4/21 (1–2) – Law on Forests of the RS (23 September 2021; Non-implementation Decision, 6 July 2022); and U-10/22 – Law on Immovable Property Used for the Functioning of Public Authorities of the RS (22 September 2022) (OHR 2023b).

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Безбедносне импликације уставне кризе у Босни и Херцеговини - између Дејтонског уставног оквира и међународног интервенционизма

Сажетак:

Уставна криза у Босни и Херцеговини (БиХ) представља сложен случај правне и политичке дестабилизације у постконфликтном контексту. У раду се анализирају безбедносне импликације уставне кризе кроз призму унутрашњих политичких сукобљавања и међународног интервенционизма. Разматрају се два доминантна теоријска приступа: легалистички, који узроке кризе види у непоштовању устава, и политичко-структурални, који наглашава дисфункционалност система и улогу међународног интервенционизма. У раду се заступа овај други приступ, тврдећи да међународни актери, посебно високи представник (ОХР), кроз законодавне интервенције мењају политички баланс успостављен Дејтонским мировним споразумом, чиме генеришу нове изворе политичке и безбедносне нестабилности. Анализа показује да је политички систем БиХ обележен дубоким етничким поделама и супротстављеним визијама државног уређења: централизације наспрот децентрализације. Одсуство консензуса између конститутивних народа додатно је продубљено међународним интервенционизмом, који често делује без унутрашње легитимности. Као резултат, институције постају мање функционалне, а политички сукоби интензивнији, што се манифестује кроз блокаде, оспоравање одлука Уставног суда и радикализацију политичке реторике. У безбедносном смислу, криза првенствено погађа политички сектор безбедности, односно организациону стабилност државе. Иако постоје изражене претње (нпр. сецесионистичка реторика и институционални сукоби), закључује се да ситуација још увек не испуњава све критеријуме класичне безбедносне кризе, јер недостају елементи временског притиска и високе неизвесности. Уместо тога, БиХ карактерише "хронична криза" - стање дуготрајне нестабилности које је постало предвидљиво и на одређени начин нормализовано. Посебно се наглашава да претње долазе и изнутра (етничке тензије и политичко надметање) и споља (међународни интервенционизам са идеолошком агендом). Таква двострука угроженост додатно слаби суверенитет државе и подстиче политичке поделе. БиХ се у том контексту класификује као слаба држава са ограниченим капацитетом да одговори на унутрашње и спољне изазове. У завршном делу рада закључује се да ни сецесионизам, нити наставак интензивног међународног интервенционизма не представљају одржива решења. Као могући излаз из кризе предлаже се повратак изворним принципима Дејтонског споразума и јачање "унутрашњег политичког власништва" кроз дијалог и консензус домаћих актера. Кључна поука рада јесте да дугорочна стабилност и безбедност у постконфликтним друштвима не могу бити наметане споља, већ морају проистећи из легитимног и инклузивног политичког процеса.

Кључне речи: уставна криза; Канцеларија високог представника; изградња државе; интервенционизам; Босна и Херцеговина