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THE REPUBLIC OF SRPSKA AFTER THE WAR IN UKRAINE: BETWEEN GUARANTEED RIGHTS, DISAPPEARANCE AND INDEPENDENCE*****

Abstract

The article identifies and analyses three main determinants that affect the position of the Republic of Srpska (RS) in Bosnia and Herzegovina (BH) before and after the beginning of the war in Ukraine in February 2022 to determine the conflictual potential of this position and possible outcomes. The main hypothesis is that, with the ongoing processes of EU and NATO integration, Kosovo's unilateral independence, and the rise of global conflicts and polarization, relations in the BH became more unstable and radicalised. The possible outcomes that the authors consider are the preservation of the Dayton position of the RS in the BH, the disappearance of the RS as a separate entity in the BH, and, the independence of RS as a form of self-determination and a way to protect the sovereign rights of Serbs. The authors employed content and discourse analysis methods and a comparison of three

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determinants before and after February 2022. They conclude that, since the war in Ukraine, the position of RS is pushed toward "radical outcomes" – disappearance or independence - in the action-reaction mode, which are at the same time the most conflictual outcomes, and less toward the most desired one – the preservation of Dayton Agreement and guaranteed rights based on consociative democracy.

Keywords*:* Bosnia and Herzegovina, Republic of Srpska, Dayton Agreement, High Representative for BH, consociative democracy, Serbs, Serbia

THE DETERMINANTS OF THE INSTABILITY OF THE REPUBLIC OF SRPSKA IN BOSNIA AND HERZEGOVINA BEFORE THE WAR IN UKRAINE

With the ongoing processes of EU and NATO integration, Kosovo's unilateral independence, and the rise of global conflicts and polarization after February 2022 relations in the BH became more unstable and radicalised. There are three basic determinants of the instability of the Republic of Srpska (RS) in the BH after 2022: 1. Inherent collision between the principles of consociative democracy based on the guaranteed rights for all peoples on the one side, and majority or unilateral rule in key institutions such as Constitutional Court and the imposition of the decision by the High Representative (OHR), on the other, 2. The relations among the peoples themselves inside the entities (between the Croats and Muslims in the BH Federation and the ruling parties and opposition), and 3. External actions by other states, such as various propositions in the United Nations Security Council (UN SC) of the resolutions regarding the war crimes in the BH.

Bosnia and Herzegovina was constituted based on the Dayton Peace Agreement in 1995, which includes its Constitution in Annex IV and the principle of consociative democracy. The principle of consociative democracy refers to equal representation of all peoples or social groups in the formation of government and the right to *veto* or block all processes that may threaten the rights of one group within the community. This principle aims to ensure autonomy in decision-making for all segments of society. The Venice Commission of the Council of Europe, in its decision

of June 10, 2005, clearly indicated that the Dayton Agreement, and thus the Constitution of B&H, is an international document, and therefore their interpretation must be governed by international law (Službeni glasnik Bosne i Hercegovine 94/2014; Каран 2021, 89–90; Митровић 2014, 44–46; Благојевић 2012, 135–150; Simović 2017, 269–271). The BH Constitutional Court, mandated to protect the Constitution, is made up of nine members, two coming from each of the three constituent nations and three delegated by the European Court of Human Rights. Since a majority of five votes is required to make a decision, in case, for example, of an agreement between Bosniak and foreign judges, the court can override the Representatives of the other two nations, Serbian and Croatian, respectfully. Also, the ability of the OHR to make unilateral decisions arose after the meeting in Bonn in December 1997, when it was authorized to remove officials who violated the Dayton Peace Agreement. This is also implemented in Resolution 1174 of UN SC from June 1998 (OHR n.d.; Lazić 2018, 181–192; UN SC Resolution 1174). Also, the Dayton Peace Agreement stipulated that the foreign administrators in BH leave the country by 2005, but their mandate was extended because they failed to make the country self-sustainable and saw the possibility of unilateral decisions keeping the country under some kind of foreign protectorate (Кецмановић 2007, 5–10). The governance and decision-making of these institutions have created an inherent tension between the principles of consociative democracy and the decisions based on the guaranteed rights of all peoples in BH, on the one side, and the overriding of one ethnic group over the other or the external imposition of the decision without the consent of all three peoples, on the other. This has also led to a significant potential for conflict between the three peoples on the institutional level and between ethnic groups and the OHR. The pacing process of disempowerment of the entities to create stronger federal institutions in the framework of BH's EU and NATO integration can end their independent functions. When, in May 2009, Milorad Dodik's government demanded the return of 68 jurisdictions to the entity, that were taken away from it by majority voting, relations with Western countries worsened. Dodik and government officials in the Republic of Srpska were characterized as "destroyers of the post-Dayton process", even though the representatives of the Serbian people advocated for the respect of the original Dayton Agreement, which guaranteed Srpska's broad autonomy (Раковић 2016, 362–364). In opposition to this process, the break-out of Ukrainian conflict in 2022, the inability of Serbs to

create its association in Northern Kosovo and more pressure on Serbian entity increased the instability in BH and prospects in the direction of totally independent state of Republic of Srpska. Independent RS would be probably seeking the union with Serbia, which would create hard choices for this country.

Relations of the RS and its leadership with the Constitutional Court and the OHR

There are three basic issues of special concern for the relations of RS and BH Constitutional Court and OHR: ownership over the property, judicial reform and the Day of the RS.

The Constitutional Court repealed the articles of the Constitutional Law on the flag, coat of arms and anthem of both the Republic of Srpska and BH Federation (BH Constitutional Court Ruling 2007, Ђукановић 2014, 76–81). Regarding the property rights there is no consensus among the main BH stakeholders. After the collapse of Prud Process, on September 14, 2010, the National Assembly of the Republic of Srpska adopted the Law on the Status of State Property located on its territory and subject to the prohibition of alienation. The law stipulated that the confiscated property would be transferred to the ownership of the entity, and as such it would be listed in public books and made available to the RS Government. At the beginning of January 2011, the High Representative Valentin Intzko issued an order suspending the application of this law and the transfer of property, until the Constitutional Court of BH issued a ruling on it. He threatened that if he did not comply with his decision, sanctions would be applied to persons and institutions that do the opposite (OHR 2011). The Government of the Republic of Srpska believed that the actions of the High Representative undermined the independence of the judiciary branch, the Constitutional Court and international law, with the aim of self-maintaining its position and strengthening the "foreign factor". An extensive report with such content was sent from Banja Luka to the UN SC at the end of December (Влада РС 2010, 35–38). In mid-February 2015, Denis Zvizdić, the Prime minister-designate from the ranks of the Bosniak people, announced a new transfer of competencies from the entities to the state level, during the presentation of the program of the Council of Ministers of BH. This was badly received by the Serbs and in April, the SNSD adopted the Declaration on the Independent and Free Republic of Srpska, which demanded the functioning of the

state on the principle of union and the harmonization of the decisions of the High Representative with the Constitutional Court of Bosnia and Herzegovina (Антић и Кецмановић 2016, 371–377).

In 2017, there was a dispute between RS and the Constitutional Court of BH due to the decision according to which the military property in Han Pijesak. The decision was prompted by a NATO official who wanted to prepare for Bosnia's entry into this alliance. NATO feared that military facilities in the hands of the Republic of Srpska could harm its interests, due to close ties with Russia and Serbia. In July 2017, the Constitutional Court rejected the appeal of the Republic of Srpska, which highlighted the violation of the Constitution and the European Convention on Human Rights and Freedoms. As a reaction to this NATO policy, the National Assembly in Banja Luka voted in November for the country's military neutrality. The decision ruled out any possibility of joining NATO unless the people of Srpska make a different decision. In August 2018, the NATO headquarters in Sarajevo welcomed the decision of the Constitutional Court about military property in Han Pijesa (Петровић 2021, 48–49).

At the end of 2019, the National Assembly of the Republic of Srpska passed a decision according to which all agricultural property on its territory is in its ownership. This aimed to annul the decision of the High Representative and the Constitutional Court to return to the Republic of Srpska some of the competencies it had under the Dayton Agreement. At the beginning of February 2020, the Constitutional Court of Bosnia and Herzegovina annulled this decision (passed at the beginning of March), which immediately caused a reaction in Banja Luka. On February 17, the National Assembly called for a boycott of the work of all Representatives of Srpska in joint state bodies, while Dodik, together with the members of HDZ BH, submitted a request for the removal of foreign judges in the Constitutional Court. Thus, Bosnia and Herzegovina returned to the state of paralyzed institutions (Službeni glasnik BiH, Doc. No. 16/20, 2020; Radio Slobodna Evropa 2020a).

Along with this dispute, there was pressure from the EU on the leadership in Banja Luka regarding judicial reform. The situation became quite complicated when Intzko dramatized the problem in his presentation before the Security Council, stressing the need for the replacement of the leadership of the Republic of Srpska and international intervention. The situation calmed down after the visit of Catherine Ashton, then EU Commissioner for Security and Foreign Policy, to Banja Luka in May

2011. It was agreed to launch a dialogue on "judicial reform". With the seriousness of the functioning of Bosnia and Herzegovina as a state, the political Representatives of the EU countries were in no hurry to ratify the Association Agreement (signed in 2008). It only entered into force in mid-2015, and Bosnia and Herzegovina applied for membership in early 2016 (Петровић 2021, 43–56).

There was also a dispute regarding the celebration of the Republic of Srpska Day. On the proposal of the Bosniak member, on November 26, 2015 Constitutional Court decided to cancel the celebration of Srpska Day, which was held on January 9, declaring it unconstitutional. All political Representatives of the Serbian people refused to recognize the decision. At the session of the National Assembly in Banja Luka on July 15, 2016, a referendum on the constitutionality of the Republic of Srpska Day was announced by the unanimous declaration of all 63 deputies. Representatives of the Bosniak club "Homeland" (Domovina), however, left the session, while their deputy Mihnet Okić asked for the reaction of the High Representative Valentin Intzko. The Bosniak club in the Council of Peoples acted similarly, vetoing the decision and asking the Constitutional Court of the Republic of Srpska to annul the referendum. However, the request was rejected. In the referendum on September 25, the citizens of RS almost unanimously decided to celebrate January 9 as Republic Day (Суботић 2016, 1–3; Раковић 2016, 119–120, 126–129).

Without the consent of the United Nations Security Council, which is necessary for the appointment of the High Representative, Christian Schmidt was appointed to this position. The authorities in Banja Luka soon refused to recognize his appointment, and Russia and China took the same position during the Security Council session in July. The Assembly of the Republic of Srpska on July 31 decided not to apply Valentin Intzko's law on its territory, which was later confirmed in October by the President of Srpska Željka Cvijanović (Суботић 2021, 112–113, 115–118). At the SNSD party meeting held in Pale at the end of October, Dodik reiterated the continuation of the "struggle for the return of the competencies" of the Republic of Srpska that were taken from it. He believed that RS must possess all the powers guaranteed to it by the Dayton Agreement (Balcani e caucaso/BiH 2021).

Inter- and intra-ethnic relations in BH

After the October 2014 elections, Milorad Dodik's SNSD won power in the Assembly, while Mladen Ivanić from the united opposition was elected to the BH Presidency. Cohabitation led to a dispute over who has priority, the political Representatives of the Serbs in Sarajevo or the Serb authorities in Banja Luka. The end of 2018 was marked by elections at all levels in BH. In RS, Milorad Dodik's SNSD won a convincing victory in the parliamentary elections, while Željka Cvijanović, from the same party, was elected president. Dodik was elected as a Serbian member of the BH Presidency. Since Dodik's SNSD achieved an excellent result in the elections at the level of the BH Parliamentary Assembly, it was not possible to form a government at the state level without their participation. In the BH Federation, Šefik Džaferović from the SDA party was elected as a member of the Presidency of the Bosniak people. However, since Bosniaks had the right to vote for a Croatian member of the Presidency, and as their share grew in the total population, they also elected a Croatian member (Антић и Кецмановић 2016, 379–380; Al Jazeera Balkan 2016*;* Мијатовић 2024, 85).[1] This fulfilled the fear of political Representatives of the Croatian people that the Bosniaks would try to diminish the role of the Croats. Željko Komšić, a supporter of the unitary state and a man close to the authorities in Sarajevo, was elected as the Croatian member of the presidency, with a greater number of votes than Džaferović (221,500 to 208,000 votes) (Станковић 2019, 77–81; Vukadin, Iličić i Ćubela 2021, 11).[2] These election results created a favorable situation for the development of a political crisis surrounding the formation of the government in the B&H Federation, but also at the federal level. The crisis lasted for almost an entire year, leaving the country without a government. The main stumbling block was the insistence of Bakir Izetbegović, head of the Bosniak SDA, that Bosnia

[1] At the end of June 2016, data on the population census from 2013 were published, according to which Bosniaks achieved a majority of over 50% in the territory of the entire country. Inhabitants of the Bosniak nationality who lived abroad were included in that figure so that the demands of the Bosniak elite for a unitary state would have greater support. Almost 34.7% of people declared themselves as Serbs, which amounted to about 1.228.000 people. Serbs in the Federation of Bosnia and Herzegovina were reduced to 2.5%, while in Republika Srpska the number of Croats and Bosniaks increased to 16.5%.

[2] The fact that Komšić was elected exclusively by Bosniak votes is shown by the exact data, according to which he did not receive the support of Croats greater than 5%. In the town of Kalesija, where there are only 35 Croats, more than 7.000 people voted for him, while in the majority Croat towns of Široki Brijeg, Čitluk, Grude and Posušje, he won less than 0.7%.

and Herzegovina implement NATO's Annual National Program, which was part of the previously adopted Membership Action Plan (MAP) for NATO. Milorad Dodik insisted on preserving the political and military neutrality of the state, following the decision of the National Assembly of the Republic of Srpska and the policy pursued by Serbia (Deutsche Welle 2019).

Candidate Zoran Tegeltija from SNSD was appointed as the federal government Representative, while Dodik agreed to send the Annual National Program for NATO. This last claim was delivered by Izetbegović and Komšić, Representatives of Bosniaks and Croats (Al Jazeera Balkan/BiH 2020). In the situation of new paralysis of the institutions over the issue of agricultural property, a dispute arose over the manner of functioning and implementation of the Reform Program, by which Bosnia and Herzegovina declared itself to accept the Action Plan for NATO membership. Although Dodik gave his consent to the introduction of the Reform Program, he refused to recognize the decision announced by NATO in January 2020, that Bosnia is on the way to membership. The outbreak of the COVID-19 pandemic caused the ruling leadership to be busy with other important issues. Local elections were organized in November 2020. The dissatisfaction of ordinary people with political conflicts manifested itself in the fact that the ruling Bosniak SDA lost the post of mayor of Sarajevo, while Dodik's SNSD was similarly defeated in the battle for the mayor of Banja Luka (Петровић 2021, 48–50; Radio Slobodna Evropa 2020b).

External factors

A destabilization of the position of the Republic of Srpska also comes from the various actions of the external factors regarding the war experiences of the country. Seven days after stepping down from his position, on May 27, High Representative Valentin Intzko, passed the Law on the Prohibition of Denying the Genocide of Bosniaks during the Wars in the 90's in Srebrenica. In the Security Council, for example, at the suggestion of Great Britain, a proposal for a Resolution on the genocide in Srebrenica was submitted. At the request of the officials of the Republic of Srpska and Serbia, during the sessions from July 6 to 7, 2015, Russia vetoed and prevented the adoption of this resolution (Политика 2015). Seven days later, Serbian President Aleksandar Vučić was attacked during the commemoration of the victims of Srebrenica.

The Prosecutor's Office of Bosnia and Herzegovina suspected several persons of Bosniak nationality for that act, but the investigation was terminated after a year without a relevant explanation. In Belgrade, they characterized this act as the involvement of the highest circles in Sarajevo in the attack on Vučić (Radio Slobodna Evropa 2015; Политика 2016).

In February 2019, the government of the Republic of Srpska formed a Commission to investigate the suffering of all peoples on the territory of Srebrenica region from 1992 to 1995. The presidency of this body was entrusted to the distinguished Holocaust expert, historian Gideon Greif (Закључни извештај 2020, 1029–1036). In 2020, this Commission issued a comprehensive report of 1,036 pages. This caused excitement and sharp reactions in pro-Western and Bosniak circles (Euronews SRB 2021). When Joe Biden's administration assumed power in early 2021, Bosniak leaders in Sarajevo intensified their push towards NATO and EU integration. They criticized the Dayton Peace Treaty for paralyzing Bosnia and Herzegovina, blaming Serb resistance for obstructing Atlantic integration. The goal for many was to diminish or abolish the Republic of Srpska in favor of a unitary state structure. New problems for the functioning of Bosnia and Herzegovina arose in 2022. Since the Israeli newspaper "Haretz" published incorrect news on January 19 that Gideon Greif's commission stated that genocide took place in Srebrenica, numerous media in the Balkans and world outlets reported on that fact. However, three days later Greif's commission immediately published a statement that the news was false (Политика 2022).

THE WAR IN UKRAINE AND THE FURTHER RADICALIZATION OF THE POSITION OF THE REPUBLIC OF SRPSKA

The Russian Federation's attack on Ukraine on February 22, 2022, completely radicalized the attitudes of all participants in the conflict. From that moment on, NATO looked particularly negatively at all elements in Europe that had some form of political cooperation with Moscow, such as the Republic of Srpska and Serbia. While the destabilization came in the North of Kosovo, the RS faced further instability along all three determinants – relations with the Constitutional Court and the OHR, inter- and intra-ethnic relations, and activities of external actors. The pressure pushed for additional radicalization – the West, primarily the US, attempts to bring the RS into line with European attitudes toward

the war and state reforms, including imposition of sanctions against Milorad Dodik and its associates, on the one side, and attempts to achieve broader independence, including both territorial and national integrity of the Republic of Serbia and Serbs in general, on the other (Kostić Šulejić and Blagojević 2024, 455–460). The action-reaction mode in B&H characterized a further and more intense period after February 2022.

Relations of the RS and its leadership with the Constitutional Court and the OHR

Disputes regarding state property continued throughout 2022. On February 10, the National Assembly in Banja Luka passed the Law on Immovable Property Used for the Functioning of Public Authorities. This caused a real uproar in the Bosniak public, because of the intention to declare that property to be the property of the federal authorities. HR Schmidt in April decided to suspend the application of the Law on immovable property used for the functioning of public authorities. The main objective was to prevent the entities from controlling state property until a new law was passed, while the federal authorities were given the authority to manage it (OHR 2022). Additionally, On September 22, the Constitutional Court of Bosnia and Herzegovina passed a decision that stated that the "Republic of Srpska does not have the constitutional authority to regulate legal matters", which is the subject of Schmidt`s Law (Bilten Ustavnog suda Bosne i Herzegovine 2022). This decision is considered by the RS as a direct violation of Articles 3.3[3] and 3.5[4] of the BH Constitution.

As a response to the actions of the High Representative and the Constitutional Court, at the end of December 2022, the National Assembly of the Republic of Srpska passed the Law on Immovable Property Used for the Functioning of Public Authorities (Службени гласник Републике Српске 16/23, 2023). In March 2023, the Constitutional Court of Bosnia and Herzegovina issued a decision invalidating the law on immovable property passed by the Assembly of the Republic of Srpska (Radio Slobodna Evropa 2023a). In mid-March, Dodik warned that the Republic of Srpska would secede from Bosnia and Herzegovina if attempts to

[3] Article 3. 3. "competences not given to the federal authorities in Constitution belong to the entity".

[4] Article 3. 5. spoke that the state of Bosnia and Herzegovina can provide competence if there is an entity's consent.

confiscate its property continued. He proposed unification with Serbia into a single state. Having considered the attitude of the Constitutional Court to be discriminatory toward the Serbs, the People's Assembly of the Republic of Srpska called on the Serbian members to withdraw from its work and thereby make it illegal (Tanjug 2023).

Since HR Schmidt did not have the approval of the UN Security Council, the National Assembly of Republic of Srpska decided on June 21 to pass a law by which the decisions of the High Representative are considered invalid on its territory (Народна скупштина Републике Српске, бр. 02/1-021-696/23 2023). Six days later the Constitutional Court also lost its legitimacy, when the National Assembly of the Republic of Srpska decided to pass a law that would not apply the decisions of the Constitutional Court of Bosnia and Herzegovina until the Parliamentary Assembly of Bosnia and Herzegovina passed a new law on the Constitutional Court. The essence of the law is that it requires a fairer attitude towards the rights of the Serbian people. In addition, the law exempts from criminal responsibility all persons who had to respect the decisions of the Constitutional Court of Bosnia and Herzegovina, and the institutions of Republic of Srpska provided them with protection (Народна скупштина Републике Српске, бр. 02/1-021-726/23 2023). On July 1 the HR prevented the entry into force of the Law on Amendments to the Law on publication of laws and other regulations on the territory of the Republic of Srpska (Канцеларија високог представника 2023a) and suspended the law that refers to the decision not to apply the decisions of the Constitutional Court on the territory of RS (Канцеларија високог представника 2023b).

On this occasion, the US State Secretary Blinken stated that the RS is undermining the sovereignty and territorial integrity of Bosnia and Herzegovina, as well as the decisions of the High Representative, which Dodik and Srpska are violating (Al Jazeera Balkans 2023). For this reason, on July 31, the State Department decided to impose sanctions against four officials of the Republic of Srpska (Milorad Dodik, President, Nenad Stevandić, President of the National Assembly, Radovan Višković, Prime Minister, and Željka Cvijanović, Serbian member of the Presidency of Bosnia and Herzegovina). They are accused of destroying the legal order, the Dayton Agreement, the Constitution, sovereignty, and territorial integrity of Bosnia and Herzegovina. It was especially pointed out that the High Representative has the right to be the "supreme authority for the interpretation of the Dayton Agreement", and that Dodik, after signing

the decree on the entry into force of these laws on July 7, violated the constitution (U.S. Embassy in Sarajevo 2023a).

At the beginning of July, the Prosecutor's Office of Bosnia and Herzegovina formed a team of three prosecutors who launched an investigation against Dodik, the president who signed the decree on the disputed laws, and Miloš Lukić, acting director of the RS Official Gazette, where the laws were published on July 9 (Службени гласник Републике Српске, бр. 60 2023; Radio Slobodna Evropa 2023b). On September 9, the Prosecutor's Office of B&H filed an indictment against Dodik and Lukić. They were accused of violating Article 203 of the Criminal Code because they did not respect the decisions of the High Representative, which blocked the adoption of the two aforementioned controversial laws (Tužilaštvo BiH 2023). The trial started on October 15, 2023. In November 2023, a draft of the new Law on the immunity of officials of the Republic of Srpska was drafted, according to which any official can refer to this law if criminal or civil proceedings are initiated "as a consequence of not respecting the dignity of the High Representative" (Article 8) (Paragraf 2023).

In the BH Federation, the leader of the Croatian Democratic Union, Dragan Čović, asked to discuss the adoption of the new electoral law, to prevent the possibility of Bosniaks electing a Croatian member of the Presidency. On the other hand, Dodik demanded the adoption of the law on the Constitutional Court and the removal of foreign judges, who as a rule always voted against the Republic of Srpska (Al Jazeera Balkans 2024). The High Representative Schmidt demanded that the new electoral law requested by the Croats be adopted, and warned that in another case, he would impose an electoral law. On January 3, 2024, Dodik warned that the RS itself will pass an election law according to which the election commission of this entity will control the municipal and republican elections, while the elections for the Presidency and the House of Representatives of Bosnia and Herzegovina will be under the jurisdiction of the federal election commission (CIK BIH) (RTS 2024).

Political representatives of the ruling parties of Serbs, Croats, and Bosniaks met on January 18 at Dodik's private estate in Laktaši, where they negotiated the way to change the electoral law and three laws required by the EU. Croat leader Čović requested that the electoral law be changed so that the political representative of Croats in the Presidency is elected if he receives a majority of votes in three of the five cantons where Croats have a majority, to prevent Bosniaks from electing their

representative. It was announced that significant progress has been made in passing the laws and that a final agreement will be reached in February (Radio Slobodna Evropa 2024). Of course, the SDA as the largest Bosniak opposition party, which for a long time used the electoral law to elect a Croatian member of the Presidency, sent strong protests (Danas 2024).

External factors

Further differences between the entities came concerning the presidential elections in Montenegro (Jakov Milatović was seen by Bosniaks as a "Serbian" man, while the RS supported the changes in Montenegro (Deutsche Welle 2023a), the commemoration of the day of martyrdom of the Serbs in the Jasenovac camp on April 23 (when Dodik warned that in the case of continuing to promote the policy that denies the Republic of Srpska, it should become a single state together with Serbia), the NATO membership (when Dodik was accused for separatist statements that undermine the Euro-Atlantic integration of Bosnia and Herzegovina (U.S. Embassy in Sarajevo 2023b) and the state of property law when the US supported the decision of the Constitutional Court of Bosnia and Herzegovina that state property does not belong to the entities, but to the federal authorities (U.S. Embassy in Sarajevo 2023c).

Further radicalization and disparity of RS with other entities came with Dodik's visits to Hungary in May 2023 (CPHA 2023) and Orbans's return visit in June (Deutsche Welle 2023b) when he supported Dodik. Dodik also visited Moscow on May 24, when he met Putin, which was badly received by Western leaders (U. S. Embassy in Sarajevo 2023d). The crisis in Northern Kosovo that started with elections of Albanian mayors into municipalities in the north of Kosovo without Serbian participation led to the unilateral Bosniak Defense Minister Zukan Helez's decision to allow American B-1B bombers to fly over cities in Bosnia and Herzegovina, including RS (Sputnik Srbija 2023a). The US Ambassador Murphy spoke only a few days before this action, about the need to respect territorial integrity and sovereignty (U. S. Embassy in Sarajevo 2023e), but the RS leadership was not satisfied with these explanations (Sputnik Srbija 2023b). Activities of the RS and Dodik in 2023 were seen by the US as "undercutting national institutions" and "undermining the federation's constitutional order" as well as "increasing interethnic tensions" by divisive and inflammatory rhetoric, and "limiting the freedoms of assembly and expression" (U.S. Department of State n.d.).

However, on January 8, 2024, the day before the state holiday of the RS, American military envoy Eric Adams was admitted to an urgent visit to Defence Minister Helez, who, without the approval of the Presidency of BH, permitted two American planes to fly over Banja Luka, as he had done six months earlier (RTRS 2024a). The American Embassy in Sarajevo immediately announced that the military exercises were "allegedly" taking place in the region of Tuzla and Brčko, cities very far from Banja Luka, which was by no means true. The next day, it was announced that January 9 is considered an unconstitutional holiday according to the decision of the Constitutional Court because it discriminates against other peoples in the RS, and therefore the authorities in this entity must comply with this decision (U.S. Embassy in Sarajevo 2024a). Tensions between the RS and the U.S. administration continued and reached a climax just two months later. On March 13, the US Embassy conveyed the decision of the Ministry of Finance in Washington to impose sanctions "against officials of the Republic of Srpska for violating the Dayton Peace Agreement" (U.S. Embassy in Sarajevo 2024b).

The European Commission recommended to the Council of the EU on November 8, 2023, to start accession negotiations with Bosnia and Herzegovina, after it has achieved the necessary criteria for membership in this organization. In December, the EU discussed the beginning of negotiations for the admission of new members. Bosnia and Herzegovina was told that it must adopt three new laws by March and the meetings of state leadership took place for several times but without productive outcomes.

CONCLUSION: POSSIBLE OUTCOMES FOR THE REPUBLIC OF SRPSKA

Political changes in Bosnia and Herzegovina that have occurred since 1995, especially following the onset of the war in Ukraine in February 2022, have produced two completely opposite processes. On one hand, there is an intention to centralize the country and abolish the entities and, on the other, there are actions in the direction of RS independence. The activities of the Constitutional Court and the High Representative, or at least the RS interpretation of these institutions' intentions, have led RS to begin questioning its position within the state of Bosnia and Herzegovina and to initiate a process toward "peaceful separation", or the creation of its own statehood. The extension of these outcomes might be

the willingness of RS to unite itself with Serbia. The opposition between two radical outcomes for RS – abolition or independence – in the face of more pressure from federal institutions towards the federalization of the country, is sure to cause new instabilities and political conflicts in Bosnia and Herzegovina in the coming years.

Besides the activities of the federal institutions, the Western countries initiated an action on the adoption of the Resolution on the genocide in Srebrenica before the UN General Assembly, which greatly affected the entire RS entity and was interpreted as an attempt to disqualify the very existence of the entity. At the end of April and during May 2024, a strong diplomatic action was launched by Germany, the USA, Turkey, Rwanda, Great Britain, and other Western countries to pass the United Nations Security Council Resolution on the genocide in Srebrenica (Al Jazeera Balkans 2024b). Since it was impossible to win in the Security Council, due to the opposition of Russia and China, the Western countries initiated a vote in the General Assembly of the United Nations where a half-majority of the countries present could make a decision (United Nations-UN News 2024; United Nations-Meetings Coverage and Press Releases 2024). The resolution was adopted with 84 votes in favor, 19 against, and 68 abstentions, while 22 states did not vote at all (UN GA 2024). After the resolution was passed, an even greater division arose in Bosnia and Herzegovina regarding the future development of relations between constituent peoples and the future of the state. One of the statements that caused a lot of controversy was made by the Minister of Defence Helez, who suggested abolishing the Republic of Srpska and dividing it into two parts, thus integrating it into a unitary state of Bosnia and Herzegovina (Novi Glas 2024). Helez reiterated similar claims in mid-June in a press statement, where he again floated the idea of dividing Srpska into two cantons (Eastern Bosnia and Herzegovina and Northern Bosnia). However, this time he also elaborated on future actions, proposing that authorities in Sarajevo submit an application to the United Nations to prevent RS from continuing to use that name after the resolution is adopted. He also warned that Serbs in this entity could face a fate similar to Serbs expelled from Croatia during Operation Storm in 1995 (RTRS 2024b). Dodik immediately warned that he would initiate a process of "peaceful separation" from BH, aiming to eventually declare independence for the entity of RS. This decision stems from constant challenges to its name, jurisdiction, and constitutionally guaranteed rights (Политика 2024). However, the US Embassy in Sarajevo immediately

issued a warning that any initiation of this process would lead not to the independence of the entity, but to the abolition of the Republic of Srpska (Al Jazeera Balkans 2024c). Additionally, HR Schmidt declared himself "the guarantor of the existence of the Republic of Srpska and the Federation of Bosnia and Herzegovina," which is also something that diminishes the sustainability and sovereignty of the RS (OHR 2024a; Al Jazeera Balkans 2024a). On March 29, the National Assembly of the Republic of Srpska passed a draft new election law, according to which the Republican Election Commission of this entity is responsible for all election processes for all levels, entity and federal (45 MPs in favor, eleven abstained, none against). Schmidt's decisions on the electoral law were declared null and void, and was also demanded that all his other decisions were to be annulled within seven days (RTS 2024b). That the so-called high representative's office did not listen to the warnings was evident from his decision on April 2 to issue a correction to the decision on the Electoral Law. He changed only one article of this law which did not change its essence (OHR 2024b). In a speech before the Parliament on March 29, Dodik directly accused the representatives of the USA, Great Britain, and Germany of acting to the detriment of the interests of the Serbian people in BH, while the US held the position that "Dodik stands in the way of Euro-Atlantic integration" and that the US will use the means at its disposal to "respond to the anti-Dayton action" (U.S. Embassy in Sarajevo 2024c). Besides the election law, which placed the electoral process under the control of the entity's Election Commission, on April 19, the RS National Assembly adopted laws on the referendum and citizens' initiative, the law on the immunity of RS, and other laws.

The middle ground between these opposing outcomes for the RS can be found in the return to the basic principles on which BH is formed and the commitment of all parties to fix existing structures, internally and externally, and preserve the Constitution and Dayton Peace Agreement primarily on the grounds of consociative democracy and consensus of all peoples in BH. The basic forces that call for the reform – the EU integration and possible NATO membership – must be reconciled with all three peoples if stability is to be achieved and unity maintained.

On June 8th, 2024 political representatives of Serbs from all former Yugoslav countries gathered in Belgrade. At the All-Serbian Assembly, as this gathering was named, it was decided to establish a National Council of the Serbian People that will convene every two years to discuss key national issues (Председник РС 2024). The Declaration on

the Protection of National and Political Rights and the Common Future of the Serbian People has been adopted, emphasizing the importance of "national unity" of the Serbian people and rejecting any additional qualifiers to the Serbian ethnic identity (such as Bosnian Serbs, etc.). The declaration expressed the determination to join the EU, with an emphasis that both Serbia and the Republic of Srpska seek to maintain military neutrality. This means that Bosnia and Herzegovina must also accept this reality due to the consociative system of the state. A new national holiday for the Republic of Srpska has been established, which aligns with Serbia's holiday on February 15th. It was also noted that the celebration of January 9th as the founding day of the entity will continue. A common anthem for all Serbs ("Bože pravde") has been established, and there is an expressed commitment to preserving cultural institutions, material, cultural, and other heritage important for national identity. This Declaration also confirmed the desire of both Serbia and the Republic of Srpska for the respect of the Dayton Peace Agreement, the need for the preservation of the BH as a state composed of two entities, and the special role of Serbia as one of the guarantors of the Peace Agreement.

The analysis of three outcomes for the RS – maintaining guaranteed rights, abolition, or independence – was made according to the three variables: relations with the Constitutional Court and the OHR, inter- and intra-ethnic relations as well as activities of external actors. We compared these variables before and after 2022 and the war in Ukraine. The first variable showed the continuation of distancing of RS from the federal institutions and OHR with the radical outcomes expressed in the form of the withdrawal of judges and legal process against the RS leadership, accompanied by the US sanctions. The second variable showed the further alienation between the Bosniaks with Serbs and the Croats and the rise of tensions among the political actors inside each of ethnic group. The third variable showed the greatest involvement and actions of external factors that contributed to the polarization and radicalization of the possible outcomes for the Republic of Srpska and the whole of Bosnia and Herzegovina. By examining how the war in Ukraine since February 2022 affected these variables, we concluded that it created more radicalized relations regarding all three variables leading to even more instability in the future to come.

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РЕПУБЛИКА СРПСКА НАКОН РАТА У УКРАЈИНИ: ИЗМЕЂУ ЗАГАРАНТОВАНИХ ПРАВА, НЕСТАНКА И НЕЗАВИСНОСТИ***

Резиме

У чланку су идентификоване и анализиране три главне детерминанте које утичу на положај Републике Српске (РС) у Босни и Херцеговини (БиХ) пре и након почетка рата у Украјини у фебруару 2022. године како би се утврдио конфликтни потенцијал ове позиције и могући исходи. Главна хипотеза је да су услед ЕУ и НАТО интеграција, једнострано проглашене независности Косова и пораста глобалних сукоба и поларизација након фебруара 2022. односи у БиХ постали нестабилнији и радикализованији. Могући исходи које аутори разматрају су: очување дејтонске позиције РС у БиХ, нестанак РС као посебног ентитета у БиХ и независност РС као вид самоопредељења и начина да штити суверена права Срба. Аутори су користили методе анализе садржаја и дискурса и поређења три детерминанте пре и после фебруара 2022. Аутори закључују да је од рата у Украјини позиција РС гурнута ка „радикалним исходима" – нестанку или независности – по обрасцу акција-реакција, који су истовремено и најконфликтнији исходи, а мање ка најпожељнијем – очувању Дејтонског споразума и

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Кључне речи*:* Босна и Херцеговина, Република Српска, Дејтонски споразум, високи представник за БиХ, консенсуална демократија, Срби, Србија