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A Foucauldian Critique of the Dayton Accords: The Iron Cage of Surreality

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The manifest function of the Dayton Accords was to stop the sociocidal war in Bosnia-Herzegovina, a war that was killing the country's society. The war was unconscionable and immoral bringing deaths and horrific consequences to the lives of many and their communities. The genocide in Srebrenica stood as the ignoble pinnacle of this war, but some argue, and this author agrees, genocide was occurring at the very beginning of the war in the pogroms in other areas such as Foča and Prijedor of Bosnia-Herzegovina even though these pogroms are not described as genocide. The Dayton Accords stopped the sociocidal war, and for this reason the Dayton Accords is praised as an important diplomatic achievement in our times. And yet the Dayton Accords has an unfortunate way of splitting and separating citizens.

The Dayton Accords were intended to be a transitional tool. During the drafting of the Dayton Accords, emergency measures regarding the inflated rights of three ethnic groups as a constituent people were taken. The latent function of the Dayton Accords has been to leave Bosnia-Herzegovina politically stagnant and tantamount to a failed state. Nationalists in each ethnic group use the Dayton Accords to continue and complete the lethal project which the war started. The unanticipated consequence of the Dayton Accords could be the death of Bosnia-Herzegovina as a unitary country.

Nationalist leaders (two of whom, Franjo Tuđman and Slobodan Milošević, were war criminals in the war they themselves started) ratified the Dayton Accords. A state with two entities, the Federation of Bosnia-Herzegovina and the Republika Srpska, three constitutive peoples, one district, ten cantons, a rotating tripartite presidency was established. Nikola Kovač, former ambassador to France for Bosnia-Herzegovina during the war, keenly noted, "The international community tolerated the initiators of conflict and took the side of the stronger (not the victim), in the belief that the 'lords of war' were the only interlocutors."

Bosnia-Herzegovina is primarily but not entirely composed of three ethnic groups. They are Bosniak, Croat, or, if one will, Bosnian Muslim, Bosnian Croat, and Bosnian Serb. None of the three ethnic groups hold a monolithic majority as was the case in the other Yugoslav republics. Bosniaks are a plurality. More than ten percent of the country's inhabitants do not now belong to one of these three ethnic groups. Bosnia-Herzegovina was more of a polyethnic society than other republics, but this difference

of degree should not mask the reality that other Yugoslav republics are also polyethnic societies. Bosnia-Herzegovina stood as a model of a polyethnic solidarity for the other republics. Bosnia was called a mini-Yugoslavia. It could just as well be said that Yugoslavia was a gigantic Bosnia.
Bosnia-Herzegovina remains a polyethnic society. Likewise, the other former Yugoslav republics remain polyethnic societies even after being established as independent nation-states. It is wrong-headed to say that since, after the death of Tito, Yugoslavia could not remain a united country, neither could Bosnia-Herzegovina. Ivo Banac critiques the comparison of the collective identity of Yugoslavia with the collective identity of Bosnia-Herzegovina, noting how the difference is not only one of degree but also one of kind.

> If Bosnia were a collectivity of separate entities, then it would have been a mini-Yugoslavia. But it is not that. Bosnia is a historical entity which has its own identity and its own history I view Bosnia as primarily a functioning society which Yugoslavia never was. My question is how does one keep a complicated ,complex identity like Bosnia-Herzegovina together?

It was a mistake for the international community to imagine the constitution of Bosnia-Herzegovina could be structured like Switzerland's consociational democracy. Bosnia-Herzegovina is an authentic polyethnic society, not a formulaic multi-ethnic society. The Dayton Accords fails to keep a complicated, complex identity like Bosnia-Herzegovina together. The Dayton Accords, in fact, does the opposite. It prevents a complicated, complex identity like Bosnia from remaining a united country, and Michel Foucault helps us see why.

When Foucault says the power of the state is found in the viewpoint of the objective, he means the power of the state is found in a surreal sense of objectivity. The epistemology is like surrealistic art. There is understanding without meaning. There is meaning without understanding. The subject and object are fused.

The Dayton Accords insists on the "exact" narration of the ethnic composition of the country. The Dayton Accords classifies Bosniaks, Croats, and Serbs as constituent peoples. The Dayton Accords not only ignores but also disenfranchises over ten percent of the citizens in the country who are not members of one of these ethnic groups and who are labelled Other. Participation in both the House of Representatives and the House of Peoples, the two chambers of the state's parliament, as well as the Presidency is restricted to members of these three ethnic groups and regulated on the basis of a balanced representation between the three ethnic groups. Ethnic ratio and rotation inform the presidential body of the country, and this is called the collective presidency constituted by three members, each representing one of the three ethnic groups. Two members of the collective presidency cannot be from the same ethnic group. Each member of the collective presidency from a different ethnic group rotates as president of the country.

These three presidents are selected from the two entities: the Federation of Bosnia-

Herzegovina and the Republika Srpska. The two entities are a result of the ethnic cleansing of territories during the war from 1992-1995 erasing centuries of a historical polyethnic heritage. The two entities were violently established and a-historically and artificially affirmed by the Dayton Accords. According to the Dayton Accords, a Bosnian Serb living in the Federation of Bosnia-Herzegovina rather than the Republika Srpska cannot be a candidate for the country's presidency; only a Bosnian Serb living in Republika Srpska. Bosnian Serbs living in Republika Srpska as well as Bosniaks and Bosnian Croats living in Republika Srpska can only vote for the Bosnian Serb who is running for the presidency living in Republika Srpska. Their status is Other as is the status of Bosnian citizens who are not members of one of the three major ethnic groups. The Dayton Accords discriminates against their political rights to equal and full citizenship. Likewise, a Bosniak or Bosnian Croat living in Republika Srpska cannot be a member of the country's presidency, only a Bosniak or Bosnian Croat living in the Federation. Their status, like the status of citizens who are not members of the three major ethnic groups, is Other. The Dayton Accords discriminates against people's rights to equal and full citizenship.

Dervo Sejdić and Jakob Finci, Bosnians who are Roma and Jewish, Bosnians who are neither Bosniak, Croat, or Serb, filed and won in 2009, a law suit charging discrimination at the European Court of Human Rights. Nothing has changed after Europe's highest human rights court condemned the Dayton Accords as discriminatory, giving citizens outside the three ethnic groups second-class status.
To reify this perversity, the Dayton Accords bans someone who does not wish to declare an ethnic identity from running for the country's highest office. The power of the Dayton Accords is found in the way it operationalizes the "exact" narration of the ethnic composition of the country. Ms. Azra Zornić, like Dervo Sejdić and Jakob Finci, also filed a case of political discrimination and human rights violation to the European Court of Human Rights and won in 2014 her suit. Since Zornić simply refused to declare an ethnic identity and instead simply declared herself a citizen of Bosnia-Herzegovina, she is denied the right to run for the country's highest office. Her case is not mentioned as much as the one with Sejdić and Finci, and one reason may be because it is a woman rather than a man who is suing. Her lawsuit, however, is more consequential and deeper in that she is suing on behalf of not her ethnicity and minority rights, but on behalf of her very citizenship as a Bosnian which she shares with all Bosnians, the very thing the Dayton Accords fails to support. The Dayton Accords insists on the "exact" narration of the ethnic composition of the country and in doing so it becomes disconnected with reality and truth. The category of Other trumps and erases the category of citizenship as a politically meaningful category in Bosnia-Herzegovina.

This fragmentation of a polyethnic society with exact ratios occurs at the lower levels of government as well. In the Federation, to insure an objectively balanced representation, each of the three main ethnic groups are entitled to two positions among the six prominent positions in the Federation (the president of the Federation, the prime minister, the presidents of the two chambers of the Parliament, the president of the Appeal Court and the president of the Constitutional Course). When the distribution is not heeded, the government's decisions are challenged. The Dayton Accords objectifies the ethnic fragmentation which the war violently created. This objectification becomes its own legitimacy; the legitimacy resides in the

objectification.

When the Dayton Accords reifies ethnic differences, it keeps Bosnians separate and puts a void between them. This anti-synthetic logos of the Dayton Accords is alien to the country it purports to hold together and actually breaks apart. The Dayton Accords is a perfectly imperfect peace.

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