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The Significance of Kosovo From The Point of View of Bosnia and Herzegovina

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Questions of the legitimacy of an independent state have become particularly topical today in light of the debate over the status of Kosovo. These discussions are still needlessly being politicized and carry over into Bosnia and Herzegovina, with attempts to "internationalize" the problem of Kosovo, particularly as a means of exerting pressure on the international community from Belgrade and Banja Luka, by equating the position of Republika Srpska with that of Kosovo. As a result, what seems at first glance to be a persuasive analogy turns out to be a false dilemma: if Kosovo cannot remain in Serbia, why should Republika Srpska remain in Bosnia and Herzegovina. The answer to why Republika Srpska is not the same as Kosovo may lie behind Allen Buchanan's point that "states are not legitimate if they (1) threaten the lives of significant portions of their populations by a policy of ethnic or religious persecution, or if they (2) exhibit institutional racism that deprives a substantial proportion of the population of basic economic and political rights."

If we consider Serbia and Bosnia and Herzegovina, and the position of Kosovo and Republika Srpska as their entities, significant differences become apparent. First and foremost, for several decades now Belgrade's nationalist politics have proven to be a threat to a significant sector of its population – the Kosovo Albanians. This threat had already been expressed in the shape of ethnic or religious persecution, and culminated in the late 1990s when the Yugoslav army entirely ethnically cleansed Kosovo of its Albanians, prompting international intervention. What preceded this brutal military action by Belgrade was decades of institutional racism, depriving a significant proportion of the population of the state of its fundamental economic and political rights. The institutions of autonomous Kosovo were to be abolished in the late 1980s, and the total exclusion of Albanians from public and political life in Kosovo, accompanied by an armed campaign, called into question the legitimacy of the state of Serbia on that part of its territory.

And what about the position of Republika Srpska within Bosnia and Herzegovina? It is the very opposite. Republika Srpska cannot therefore enjoy the same status as Kosovo, since Serbia meets both conditions for the loss of legitimacy in Kosovo, whereas Bosnia and Herzegovina is in no position to do so in the territory of Republika Srpska. Bosnia and Herzegovina does not remotely have the capacity to be a threat to a significant proportion of its population, nor is there any marked political platform

expressed as a policy of ethnic and religious persecution of the Bosnian Serbs in Republika Srpska, nor is it in a position to Exercise institutional racism depriving the Bosnian Serbs in Republika Srpska of their fundamental economic and political rights. In fact, it is rather the other way about – it is Republika Srpska, or part of it at least, to echo the verdict of the International Court of Justice, that had a policy of ethnic and religious persecution of the non-Serb population during the war and maintains it in peacetime with the help of institutional racism that marginalizes a significant proportion of its population politically and economically – the Bosniacs and Croats. The real question, then, is not whether Bosnia and Herzegovina has legitimacy as a state, but whether Republika Srpska can be said to have any legitimacy, since we see that on both grounds this entity is delegitimizing itself and that now, following the verdict of the International Court of Justice, we are not questioning the very legitimacy of this entity. If Milorad Dodik's wishes regarding the right to secession in the absence of any injustice towards Republika Srpska were to be met (always supposing the very position of this entity in Bosnia and Herzegovina is not regarded as an "injustice" in the minds of ethnonationalist politicians) by virtue of a false analogy with Kosovo, it would constitute a dangerous precedent.…

No state can claim legitimacy if it systematically rides roughshod over the dignity of the free citizen, if its constitutional foundation means not only that it lives in a permanent state of crisis provoked by nationalism, but that its very constitution generates crisis that stands in the way of any kind of rational state organization, revealing a continued absence of the need for acting for the "general good." What is at work in Bosnia and Herzegovina is the denigratory ethnic abuse of the citizen, perpetrated in union with the ethnopolitics gathered around the so-called national parties and representatives of the international community and enacted into law by the Constitution, along with the devastating knowledge that Dayton Bosnia and Herzegovina is based on the crudest form of discrimination deriving from the collectivist features of ethnic affiliation construed as biological. As a result, the much-vaunted collectivist right of a people to self-determination has completely wiped out a civilizationally older right, the right of the citizen to self-definition.

Translated by Saba Risaluddin – © 2008 Saba Risaluddin
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