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THREE PEOPLES, ONE STATE? CONSTITUTIONAL DESIGN, ETHNIC IDENTITY, AND GOVERNANCE CHALLENGES IN BOSNIA

Elmar Ismayilzada*

Abstract. This paper analyzes the structural challenges of governance in Bosnia and Herzegovina, stemming from its consociational constitutional design adopted through the 1995 Dayton Agreement. While the system recognizes three “constituent peoples” (Bosniaks, Croats, and Serbs), it has institutionalized ethnic divisions and weakened the effectiveness of governance. The political framework, though internationally supported, has proved financially burdensome and functionally inefficient. Entities like Republika Srpska and HDZ-BH have actively challenged the authority of the central government, eroding state legitimacy. The central scientific finding of the article is that the imbalance between ethnic identity and constitutional structure intensifies political fragmentation and paralyzes institutions. The novelty of this research lies in its comprehensive analysis of the constitutional initiatives and political crises between 2021 and 2025. The core hypothesis posits that the model of “Three Peoples- One State” cannot sustain itself without inclusive and renewed constitutional reforms that go beyond ethnic power-sharing.

Keywords: Bosnia and Herzegovina, ethnic, constitutional, governance, political, peoples

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ТРИ НАРОДА, ОДНО ГОСУДАРСТВО? КОНСТИТУЦИОННОЕ УСТРОЙСТВО, ЭТНИЧЕСКАЯ ИДЕНТИЧНОСТЬ И ПРОБЛЕМЫ УПРАВЛЕНИЯ В БОСНИИ

Эльмар Исмайлзаде*

Абстракт. В статье анализируются проблемы управления в Боснии и Герцеговине, вызванные этнически ориентированной конституционной моделью, принятой после Дейтонского соглашения. Несмотря на предполагаемое равноправие трех "учредительных народов" (бошняков, хорватов и сербов), система усилила этнические противоречия и политическую фрагментацию. Международное сообщество, стремясь к стабильности, внедрило консociональную модель, которая оказалась дорогостоящей и неэффективной. Основным научным выводом статьи заключается в том, что отсутствие баланса между этнической идентичностью и конституционной структурой подрывает легитимность государственных институтов. Новизна работы заключается в детальном анализе конституционных реформ и политических кризисов в 2021–2025 гг. Гипотеза исследования утверждает, что без новой инклюзивной конституционной модели концепция "три народа- одно государство" обречена на провал.

Ключевые слова: Босния и Герцеговина, этнический, конституционный, управление, политический, народы

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ÜÇ XALQ, BİR DÖVLƏT? BOSNİYADA KONSTITUSİYA QURULUŞU, ETNİK KİMLİK VƏ İDARƏETMƏ ÇAĞIRIŞLARI

Elmar İsmayılzadə*

Abstrakt. Bu məqalədə Bosniya və Herseqovınada etnikəsaslı idarəetmə modelinin səmərəliliyi və konstitusional quruluşun idarəetmədə yaratdığı çağırışlar təhlil olunur. Deyton Sazişi çərçivəsində formalaşan üç “təsisçi xalq” (boşnaklar, xorvatlar və serblər) arasında güvən və əməkdaşlıq əvəzinə, dərin parçalanma və qarşılıqlı etimadsızlıq müşahidə olunur. Məqalədə göstərilir ki, beynəlxalq ictimaiyyətin tətbiq etdiyi konsosiasional model həm yüksək maliyyə xərclərinə, həm də funksional qeyri-effektivliyə səbəb olmuşdur. Serb Respublikası və Bosniya və Herseqovina Xorvat Demokratik Birliyi kimi etnik siyasi aktorların konstitusiyaya zidd iddiaları mərkəzi hökumətin legitimliyini zəiflədir. Məqalənin əsas elmi nəticəsi odur ki, konstitusional quruluş və etnik identiklik arasında tarazlığın olmaması siyasi parçalanmanı dərinləşdirir və dövlət institutlarının legitimliyinə zərbə vurur. Tədqiqatın yeniliyi Bosniyada son illərdə (xüsusilə 2021-2025-ci illərdə) baş verən konstitusiyaya təşəbbüsləri və siyasi böhranların etnik idarəetməyə təsirinin kompleks təhlilindədir. Hipotez ondan ibarətdir ki, “üç xalq – bir dövlət” modeli yeni və inklüziv konstitusional yanaşmalar olmadan davamlı ola bilməz.

Açar sözlər: Bosniya və Herseqovina, etnik, konstitusional, idarəetmə, siyasi, xalqlar

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1.Introduction

This paper investigates the constitutional design of Bosnia and Herzegovina and its interplay with ethnic identity and governance. It focuses on the post-Dayton system that institutionalized ethnic representation through a power-sharing arrangement among Bosniaks, Croats, and Serbs, aiming to preserve peace. However, the main finding of this study is that rather than fostering stability, this arrangement has entrenched political fragmentation, obstructed functional governance, and weakened the legitimacy of state institutions. The paper concludes that the model of "Three Peoples – One State" cannot be sustained under the current framework without fundamental constitutional reform.

The central problem addressed is the incompatibility between ethnic power-sharing mechanisms and the requirements of effective and unified governance. In Bosnia and Herzegovina, political authority is fragmented across multiple layers with overlapping and often conflicting competencies. Terms such as "consociationalism", which refers to the political accommodation of segmented societies through elite cooperation, and "constituent peoples," denoting constitutionally privileged ethnic groups, are essential to understanding this structure. The system also includes veto powers and ethnic quotas designed to prevent domination, but these tools have increasingly been used to block reforms and entrench nationalist agendas.

This issue is critically important because it affects not only Bosnia's internal governance but also its prospects for EU integration, democratic consolidation, and long-term stability. Numerous international and domestic actors have attempted to resolve this challenge. Initiatives such as the Prud and Butmir processes, the Sejdić-Finci ruling by the European Court of Human Rights, and constitutional reform attempts led by the Office of the High Representative (OHR) have aimed to reshape the post-war framework. However, these efforts have largely failed. Why? Because they lacked inclusivity, were often elite-driven, and faced entrenched resistance from political actors benefiting from the status quo. The foundational obstacle is the system's dependency on ethnicity as the basis for political representation, which undermines civic identity and obstructs any attempts at deep reform. Investing time and resources in this issue is justified not only by the need to prevent renewed conflict but also by the broader benefits of creating a stable, functional, and European-oriented Bosnia. Successful reform would benefit international peacekeepers, regional stability actors, the EU, and most importantly, Bosnia's citizens especially the marginalized groups excluded from current political participation.

This paper thoroughly develops the topic by offering a multidimensional analysis of Bosnia and Herzegovina's post-Dayton constitutional architecture, particularly its reliance on consociational power-sharing among the three constituent peoples. The study explores the structural inefficiencies of the governance system, its entrenchment of ethnic divisions, and its failure to support functional statehood. Drawing on a wide range of legal, institutional, and political developments from 2021 to 2025, the research highlights how the Dayton model, though originally intended to ensure peace, has become a source of institutional paralysis and political fragmentation [Istrefi, 2022; Karić, 2020]. The elaboration includes a detailed examination of veto mechanisms, asymmetric governance structures between the Federation and Republika Srpska, and the manipulation of legal norms by nationalist actors [Stiftung, 2024; Vrbetic, 2024]. Notably, the article incorporates contemporary challenges such as the 2025 draft constitution adopted by Republika Srpska and the political fallout from the Milorad Dodik case, illustrating the erosion of central authority and the weakening of the state's legal foundations [Balkan Insight, 2025; France 24, 2025]. By integrating empirical evidence, case studies, and scholarly analysis, the study offers both a critical assessment of existing institutional failures and a forward-looking perspective on the prospects for reform and civic-based governance.

Among the many obstacles, this paper addresses the manipulation of veto mechanisms by political elites as a key source of gridlock. By analyzing legal provisions, empirical cases, and political discourse, the study reveals how these veto rights are used less for protection and more as tools of obstruction. It proposes institutional redesign that limits abuse while retaining minority protections, showing that institutional safeguards need not become instruments of paralysis.

The findings suggest that an inclusive and functionally coherent governance model is both desirable and possible. By rethinking ethnic quotas, enhancing state-level competencies, and reinforcing civic representation, Bosnia can overcome the current institutional impasse. The proposed solution strengthens the legitimacy of state institutions, fosters cross-ethnic cooperation, and creates a governance structure more aligned with European standards.

Nonetheless, this is not a simple fix. The entrenched nature of ethnic politics, the asymmetry between entities, and the lack of political will pose significant barriers. Reform requires not only institutional redesign but also a shift in political culture and international engagement strategies. The complexity of the issue demands a long-term, multidimensional approach.

In relation to the existing literature, this study contributes to the growing body of work that critiques consociationalism in deeply divided societies.

While some scholars argue for maintaining ethnic guarantees, this paper aligns with those advocating for a gradual transition toward civic-based governance.

2.Ethnic Power-Sharing and Structural Dysfunction: Anatomy of Post-Dayton Governance

With the signing of the Dayton Peace Agreement in 1995, Bosnia and Herzegovina embarked on a post-war political journey shaped by the consociational model of governance. This model institutionalized Bosniaks, Croats, and Serbs as "constituent peoples", granting them collective political rights and representation across all levels of government. The state's architecture was divided into two semi-autonomous entities: the Federation of Bosnia and Herzegovina, primarily composed of Bosniaks and Croats, and the Republika Srpska, predominantly Serb. To ensure peace and oversee implementation, the international community established the Office of the High Representative (OHR) with extensive powers, including the imposition of legislation and dismissal of public officials. However, despite its peace-preserving intentions, this framework has generated a system that heavily prioritizes ethnic affiliation over civic participation and institutional efficiency. The multiple layers of governance have resulted in administrative overlap, duplication of services, and an overall lack of policy coordination. Instead of fostering integration, the system has entrenched ethnic segmentation, empowering nationalist elites who often use ethnic narratives to block reforms and maintain their influence. This governance structure, although successful in preventing a return to violent conflict, has become a barrier to democratic consolidation, institutional functionality, and progress toward Euro-Atlantic integration.

Following the signing of the Dayton Peace Agreement in 1995, Bosnia and Herzegovina underwent a profound transformation in its political and constitutional structure. Central to this transformation was the formal recognition and institutionalization of the country's three dominant ethnic groups as "constituent peoples." This designation granted each group collective political rights and representation, embedding ethnicity as the foundational principle of the post-war state. The consociational arrangement aimed to balance power and prevent renewed conflict by ensuring that no single group could dominate the others. However, by making ethnic identity the primary basis for political participation and institutional design, the system entrenched communal divisions and laid the groundwork for ongoing political fragmentation. The recognition of these groups as co-equal "owners" of the state was intended to promote inclusivity and stability, yet it has simultaneously raised fundamental questions about the coherence,

functionality, and democratic legitimacy of a state built on ethno-political segmentation [Istrefi, 2022, p.1272].

In the aftermath of the Dayton Peace Agreement, Bosnia and Herzegovina was established as a highly decentralized state composed of two main political and administrative entities: the Republika Srpska (RS) and the Federation of Bosnia and Herzegovina. Each entity was granted a significant degree of autonomy, with its own government structures, parliaments, and administrative competencies. This dual-entity system was designed to reflect the ethnic distribution of power and to accommodate the interests of the three constituent peoples within separate territorial frameworks. To oversee the implementation of the peace agreement and maintain international oversight over the fragile post-conflict state, the Office of the High Representative (OHR) was created. Armed with sweeping executive powers, including the authority to impose laws and dismiss elected officials, the OHR functioned as a guardian of the Dayton framework. While intended as a temporary mechanism to guide the country toward stability and self-governance, the OHR has remained a powerful and controversial institution, symbolizing both international support and persistent external intervention in Bosnia and Herzegovina's domestic affairs [Istrefi, 2022, pp.1272-1273].

Within the post-Dayton constitutional framework of Bosnia and Herzegovina, the distribution of competencies between the central government and the entities reflects a delicate and complex balance of authority. The central state holds jurisdiction over several core sovereign functions, including foreign policy, customs policy, monetary policy, immigration, refugee and asylum regulation, the implementation of international and inter-entity criminal law, and the regulation of inter-entity transport and air traffic. These centralized responsibilities were intended to preserve the international legal personality and functional integrity of the state. However, a significant portion of domestic governance remains under the authority of Republika Srpska and the Federation of Bosnia and Herzegovina which retain control over sectors such as law enforcement, social policy, and education. This division often results in conflicting competencies and uneven policy implementation across the country. Furthermore, entities are granted the constitutional right to establish "special parallel relationships" with neighboring states, provided that such relationships do not contradict Bosnia and Herzegovina's sovereignty and territorial integrity. This provision, while intended to accommodate regional ethnic affinities, has frequently fueled controversies and fears of external influence or separatist agendas [Karić, 2020, pp.100-101].

Within the complex institutional framework of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina and the Republika Srpska exhibit

significant asymmetries in their internal governance structures. The Republika Srpska (RS) operates as a more centralized entity, with a unified government and administrative system that allows for relatively streamlined decision-making and policy implementation. Unlike the Federation, which is subdivided into ten cantons with substantial autonomy, RS maintains a single-tier system of governance, reducing internal fragmentation and institutional redundancy. This centralized configuration has enabled RS to present a more coherent political front, particularly in its interactions with the central government and in articulating its entity-specific interests. In contrast, the Federation's canton-based model often results in overlapping jurisdictions, political gridlock, and inconsistent policy execution across its regions. The structural centralization of RS has, in many respects, strengthened its political leverage and bargaining power within the post-Dayton framework, but it has also raised concerns about the potential for unilateral actions and resistance to state-level coordination. This institutional asymmetry between the two entities continues to shape inter-entity dynamics and represents a significant challenge to the development of a balanced and cohesive governance system at the state level [Karić, 2020, p.100].

The international community has played a central role in shaping the post-conflict political order of Bosnia and Herzegovina, with its reform initiatives largely aimed at promoting greater centralization and functional coherence within the state apparatus. In the years following the Dayton Peace Agreement, international actors most notably the Office of the High Representative (OHR) exercised extensive powers to impose legislation, restructure institutions, and guide constitutional reforms intended to strengthen the authority of the central government. However, these interventions were often met with resistance, particularly from political elites in Republika Srpska and Croat-dominated areas, who perceived centralization efforts as a threat to their entity-based autonomy and collective ethnic rights. The OHR's assertive involvement, though grounded in the goal of securing a stable and unified state, was frequently criticized for undermining democratic legitimacy and fostering external dependency. From the 2010s onward, facing growing domestic opposition and shifting geopolitical priorities, the international community began to reduce its direct involvement in Bosnia's internal affairs. Emphasis shifted toward supporting local ownership, capacity-building, and bottom-up governance, with the aim of encouraging domestic political actors to take greater responsibility for reforms. This gradual withdrawal, however, revealed deep-seated structural weaknesses and raised concerns about the long-term viability of a system still deeply reliant on international oversight. These dynamics are central to understanding the evolving relationship between

external intervention, local governance, and constitutional development in Bosnia and Herzegovina [Vrbetic, 2024, pp. 220-221].

The political system established in Bosnia and Herzegovina has been widely criticized for placing excessive emphasis on ethnic identity and for institutionalizing a level of decentralization that undermines state cohesion and effective governance. By structuring political representation, public administration, and decision-making processes along rigid ethnic lines, the system reinforces ethno-national divisions rather than promoting integration or civic participation. This ethnic prioritization, enshrined in both constitutional and legal provisions, not only perpetuates identity-based politics but also limits the space for cross-ethnic cooperation and inclusive policymaking. Moreover, the multilayered administrative framework has produced overlapping competencies, bureaucratic inefficiencies, and costly duplication of services. The over-decentralized nature of the system allows for frequent political obstruction and the use of veto powers by ethnically-defined political actors, which often results in institutional paralysis. Critics argue that such a model, while originally designed to prevent renewed conflict, has evolved into a mechanism that entrenches political stagnation and inhibits the development of a unified, functional, and democratically accountable state [Istrefi, 2022, p.1273].

One of the most persistent criticisms of the Dayton Constitution is its inherent discriminatory structure, particularly toward individuals and communities that do not belong to the three constitutionally recognized “constituent peoples”. By codifying political rights primarily on the basis of ethnic affiliation, the constitutional framework systematically excludes members of minority groups and those who identify as ethnically “other” from key political positions and decision-making processes. For instance, high-level offices such as the tripartite Presidency and the House of Peoples are legally reserved for representatives of the three constituent nations, effectively barring Roma, Jews, and other unrecognized groups from full political participation. This exclusionary design was brought into international focus by the 2009 judgment of the European Court of Human Rights in the *Sejdić and Finci* case, which ruled that Bosnia and Herzegovina’s constitutional arrangements violate the European Convention on Human Rights. Despite this legal precedent, efforts to amend the constitution and eliminate structural discrimination have repeatedly stalled due to political resistance and the entrenched power of ethnic elites. As a result, the Dayton framework not only institutionalizes ethnic hierarchies but also perpetuates democratic deficits and violates universal principles of equality and inclusion- challenges that lie at the heart of the state’s ongoing constitutional crisis [Pratiwi, and others., 2019, p.115].

The introduction of the veto mechanism within Bosnia and Herzegovina's political system was originally intended by the international community as a safeguard to ensure that no single ethnic group could dominate the others, and to foster constructive dialogue among the country's divided communities. Framed as a conflict-prevention tool, this mechanism granted representatives of each constituent people the right to block legislation or decisions perceived to threaten their vital national interests. In theory, this consociational feature was designed to encourage compromise and consensus-building among political actors from different ethnic backgrounds. However, in practice, the veto mechanism has often been manipulated by nationalist elites who exploit it to advance ethnocentric agendas, stall reforms, and obstruct the functioning of state institutions. Rather than facilitating cooperation, it has frequently served as an instrument of political blackmail and institutional paralysis. This strategic misuse of the veto not only undermines legislative efficiency but also erodes public trust in democratic processes and deepens interethnic polarization. The repeated invocation of veto rights for partisan or symbolic reasons has contributed to chronic political deadlock and recurrent governance crises, highlighting the risks inherent in institutional designs that prioritize ethnic representation over functional accountability. This issue remains one of the core obstacles to the consolidation of an effective and unified state apparatus in Bosnia and Herzegovina [Karić, 2020, p.103].

3.Reform Failures and the Crisis of Constitutional Legitimacy

Among the most notable attempts to reform Bosnia and Herzegovina's post-Dayton political system were the Prud and Butmir processes, both initiated with substantial support and encouragement from the international community. These reform efforts aimed to address the structural dysfunctions of the country's highly decentralized and ethnically segmented governance model by promoting greater institutional coherence, democratic legitimacy, and compliance with European human rights standards. The Prud Process, launched in 2008, brought together representatives of the three main nationalist parties to negotiate constitutional reforms, while the Butmir Process, initiated in 2009 under the facilitation of the European Union and the United States, sought to build on those discussions and push forward a more inclusive and enforceable reform package. However, both initiatives ultimately failed to achieve their objectives. Deep-rooted disagreements among ethnic political elites over the scope and content of the proposed changes led to deadlock and the eventual collapse of the negotiations. Furthermore, the lack of broader public engagement and the elite-driven nature of the dialogue processes contributed to their legitimacy crisis. These failures highlighted not only the resilience of ethnonationalist veto power but also the limitations of externally

driven reform agendas in the absence of genuine domestic political will. The collapse of the Prud and Butmir processes serves as a critical example of the entrenched obstacles facing constitutional transformation in Bosnia and Herzegovina [Kočan, 2023, pp.570-571].

One of the defining shortcomings of the constitutional reform efforts in Bosnia and Herzegovina has been their lack of inclusivity. Rather than engaging a broad spectrum of political, civil, and societal actors, these initiatives have predominantly taken place behind closed doors, negotiated among a narrow circle of political elites and leaders of ethnically-based parties. This elite-centric approach has not only limited the democratic legitimacy of the reform processes but also alienated significant segments of the population, particularly minority groups and non-ethnically aligned citizens. The exclusion of civil society organizations, independent experts, and grassroots voices has contributed to a disconnect between institutional reforms and the everyday needs and aspirations of the broader public. As a result, proposed reforms often reflected the strategic interests of entrenched political actors rather than a genuine commitment to systemic change or democratic deepening. The failure to adopt an inclusive and participatory model of constitutional negotiation has repeatedly undermined the credibility and sustainability of reform efforts, reinforcing the perception that the political system remains captive to ethno-political elites who prioritize power preservation over democratic transformation. This pattern continues to impede meaningful progress toward a more equitable and representative constitutional framework [Kulenovic & Hasic, 2016, p.80].

The multi-level and ethnically based governance system in Bosnia and Herzegovina is both financially costly and functionally ineffective. This structure, which is directly linked to the constitutional design, is accompanied by duplication of services, weak coordination, and inconsistencies in policymaking. Political confrontations and obstructions, particularly regarding the legitimacy and powers of state institutions, paralyze governance. The cantons within the Federation, especially those dominated by Croats, further undermine coordination at the state level. Claims by major ethnic political actors, such as the Republika Srpska and HDZ-BH, that entities and cantons possess equal rights with the state systematically erode the unified state model. The coordination mechanism established for EU integration has remained inactive since 2021 due to a lack of political will, clearly demonstrating the extent to which the constitutional structure has become dysfunctional. These challenges reflect the deep tension between ethnic identity and constitutional design, as well as the political fragmentation that seriously threatens the sustainability of governance [Stiftung, 2024, pp.34-35].

In 2021 and 2022, the government of Republika Srpska (RS) took a series of actions that openly defied the constitutional authority of the state-level institutions, further exacerbating tensions within Bosnia and Herzegovina's already fragile constitutional order. Most notably, RS authorities rejected the rulings of the Constitutional Court of Bosnia and Herzegovina that declared the celebration of RS National Day to be unconstitutional, as well as decisions that affirmed public property inherited from the Socialist Republic of Bosnia and Herzegovina as belonging to the central state rather than to the entities. Instead of complying with these legally binding decisions, RS leadership continued to treat such assets as entity property and proceeded to register them under its own jurisdiction. This deliberate non-compliance not only undermined the authority of the Constitutional Court but also signaled a growing institutional disobedience by one of the country's entities. Such developments further entrench ethno-political divisions and weaken the already fragile framework of shared governance established by the Dayton Agreement, raising serious concerns about the long-term functionality and territorial integrity of the Bosnian state [Stiftung, 2024, p.16].

The adoption of a new draft constitution by the Bosnian Serbs in March 2025, despite both international and domestic opposition, can be seen as a direct challenge to the existing constitutional order of Bosnia and Herzegovina. This initiative reflects the Republika Srpska's intention to distance itself from the jurisdiction of the central government and to establish a parallel political and legal structure. Such steps undermine a governance model based on trust and cooperation among the "three constituent peoples", complicate the coexistence of constitutional design with ethnic identity, and pose an institutional threat to the sovereignty of the state. At the same time, this development highlights the practical ineffectiveness of the multinational governance system established by the Dayton Agreement and brings to the fore the necessity of new constitutional approaches [Balkan Insight, 2025].

The decision by Bosnia and Herzegovina's authorities in July 2025 to revoke the arrest warrant for Milorad Dodik following his questioning reveals how vulnerable and ineffective the country's legal and political institutions are when faced with ethnically motivated pressures. This event once again exposes the extent of ethnic political leaders' influence over state institutions and the problem of the selective application of legal legitimacy. Such incidents prove how the constitutionally intended balanced governance system has weakened in practice, particularly as entities like the Republika Srpska increasingly resist decisions made by the central government. These developments call into question the sustainability of the "three peoples – one state" model from both

governance and legal perspectives and contribute to the widening gap between ethnic identity and state institutions [France 24, 2025].

The developments in 2025 further exposed the fragility and unsustainability of Bosnia and Herzegovina's current constitutional arrangement. The adoption of a new draft constitution by the leadership of Republika Srpska signaled a direct challenge to the authority of the central government and the Dayton framework itself. This move not only revealed the deepening estrangement between the entity and the state but also demonstrated the increasing assertiveness of ethno-political actors in undermining national unity. Furthermore, the annulment of the arrest warrant for Milorad Dodik following his interrogation illustrated how legal processes remain vulnerable to political manipulation, especially when ethno-nationalist leaders exert disproportionate influence over state institutions. These events underscore the limitations of a governance system that allows for selective enforcement of the law and provides space for parallel power structures. The model of "Three Peoples – One State," once seen as a pragmatic compromise, now appears increasingly dysfunctional under the weight of ethno-political fragmentation and institutional paralysis. Without a fundamental constitutional transformation that transcends ethnic boundaries and promotes inclusive, civic-based governance, Bosnia and Herzegovina risks deepening its political crisis and drifting further away from the principles of democratic rule and European integration.

4. Conclusion

The post-Dayton constitutional architecture of Bosnia and Herzegovina, although instrumental in ending a devastating war, has increasingly revealed its structural and functional shortcomings. Designed to balance the interests of Bosniaks, Croats, and Serbs through consociational power-sharing, the system has instead reinforced ethnic divisions and paralyzed effective governance. The political incentives embedded in this framework have empowered ethnonationalist elites, who often exploit institutional mechanisms such as veto rights and ethnic quotas to obstruct decision-making and preserve the status quo. Consequently, the country's governance has become marked by stagnation, frequent political crises, and weak institutional legitimacy.

Recent developments, including Republika Srpska's unilateral constitutional initiatives and the politicization of judicial processes, demonstrate how the existing structure has failed to ensure cohesive state functioning or equal rule of law. The erosion of trust between ethnic communities and between entity and state institutions is symptomatic of a deeper democratic and constitutional malaise. Rather than serving as a platform for reconciliation and state-building,

the consociational model has ossified ethnic boundaries and hindered civic integration.

This analysis concludes that Bosnia and Herzegovina cannot achieve long-term stability, democratic consolidation, or Euro-Atlantic integration without a fundamental rethinking of its constitutional framework. Future reforms must aim to reduce the centrality of ethnicity in governance and instead prioritize inclusive, citizen-based political participation. A new constitutional model founded on shared sovereignty, functional institutions, and respect for individual rights could provide a sustainable path forward. Only through such structural transformation can the state transcend its post-war ethnic paradigm and evolve into a more unified, democratic, and resilient polity.

REFERENCES

1. Balkan Insight. (2025). Bosnian Serbs adopt new draft constitution despite condemnation. Retrieved from Balkan Insight: <https://balkaninsight.com/2025/03/14/bosnian-serbs-adopt-new-draft-constitution-despite-condemnation/>
2. France 24. (2025). Bosnia ends warrant for Bosnian Serb leader after questioning. Retrieved from France 24: <https://www.france24.com/en/live-news/20250704bosnia-ends-warrant-for-bosnian-serb-leader-after-questioning>
3. Istrefi, R. (2022). Upholding Peace Settlements Through Constitutional Review In Bosnia And Herzegovina, Kosovo And North Macedonia. *Zbornik PFZ*, 72(5), 1259-1301.
4. Karić, M. (2020). Consociationalism in the post-Dayton Bosnia and Herzegovina. *Bosnian Studies: Journal for research of Bosnian thought and culture*(1), 82-107.
5. Kočan, M. K. (2023). ‘A Blitzkrieg Against the Republika Srpska’: Securitizing Constitutional Reform in Bosnia and Herzegovina. *Ethnopolitics*, 22(5), 568-588. doi:10.1080/17449057.2022.2072560
6. Kulenovic, N., & Hasic, J. (2016). The Influences Of Dayton Agreement On Institutions: Parliamentary Assembly Of Bosnia And Herzegovina. *Proceedings Of The Conference Twenty Years After Dayton. The Constitutional Transition Of Bosnia And Herzegovina* (pp. 63-81). LUISS University Press.
7. Pratiwi, F. I., Salleh, M. A., Alif, M., Raga, Z. S., Alfiansyah, I. B., & Putri, N. P. (2019). *The Role of Identity In Politics and Policy Making*. CV. Revka Prima Media.
8. Stiftung, B. (2024). *BTI 2024 Country Report*. Gütersloh: Bertelsmann Stiftung.

9. Vrbetic, M. (2024). Protecting Dayton's Shared Governance By Countering Faux Narratives Of Russia's Influence In Bosnia And Herzegovina. *National Security And The Future*, 1(25), 213-286.