



Building the Future

Bosnia and Herzegovina
and the Potential
of Constitutional Pluralism

edited by
Mario Perini

קריית
FIRENZE
UNIVERSITY
PRESS

USiena
PRESS

STRUMENTI DEL DIPARTIMENTO DI GIURISPRUDENZA DI SIENA

ISSN 3035-5656 (PRINT) | ISSN 3035-5842 (ONLINE)

STRUMENTI DEL DIPARTIMENTO DI GIURISPRUDENZA DI SIENA

Editor-in-Chief

Mario Perini, University of Siena, Italy

Scientific Board

Gian Domenico Comporti, University of Siena, Italy

Mauro Guerrini, University of Florence, Italy

Stefania Ninatti, University of Milano-Bicocca, Italy

Andrea Pisaneschi, University of Siena, Italy

Emanuele Stolfi, University of Siena, Italy

Building the Future

Bosnia and Herzegovina and the Potential of Constitutional Pluralism

edited by
Mario Perini

Building the Future : Bosnia and Herzegovina and the Potential of Constitutional Pluralism / edited by Mario Perini. – Firenze : Firenze University Press ; Siena : USiena Press, 2026.
(Strumenti del Dipartimento di Giurisprudenza di Siena ; 6)

<https://books.fupress.com/isbn/9791221509823>

ISSN 3035-5656 (print)
ISSN 3035-5842 (online)
ISBN 979-12-215-0981-6 (Print)
ISBN 979-12-215-0982-3 (PDF)
ISBN 979-12-215-0983-0 (XML)
DOI 10.36253/979-12-215-0982-3

Graphic design: Alberto Pizarro Fernández, Lettera Meccanica SRLs

Front cover image: Map of the Republika Srpska painted on a building in East Sarajevo. © TerraProject

Funded by the European Union - Next Generation EU, mission 4, component 1, investment 3.4 “Didattica e competenze universitarie avanzate”, sub-investment T4 “Iniziativa transnazionali in materia di istruzione” CUP B61I24000450006 - Project Proposal TNE23-00057.

Visual and Photographic Research by TerraProject. Concept and Project Development by TerraProject and Edin Škrebo.

All photographs published in this volume are by TerraProject.

TerraProject

Peer Review Policy

Peer-review is the cornerstone of the scientific evaluation of a book. All FUP - USiena PRESS's publications undergo a peer-review process by external experts under the responsibility of the Editorial Board and the Scientific Boards of each series (DOI 10.36253/fup_best_practice.3).

Referee List

In order to strengthen the network of researchers supporting FUP - USiena PRESS's evaluation process, and to recognise the valuable contribution of referees, a Referee List is published and constantly updated on FUP - USiena PRESS's website (DOI 10.36253/fup_referee_list).

USiena PRESS Editorial Board

Roberta Mucciarelli (President), Federico Barnabè, Massimiliano Guderzo, Emilia Maellaro, Federico Rossi, Paola Bernardini, Guido Badalamenti, Marta Bellucci (Managing editor).

Best Practice in Scholarly Publishing (DOI 10.36253/fup_best_practice)

🔗 The online digital edition is published in Open Access on www.fupress.com.

Content license: except where otherwise noted, the present work is released under Creative Commons Attribution-ShareAlike 4.0 International (CC BY-SA 4.0: <https://creativecommons.org/licenses/by-sa/4.0/legalcode>). This license allows you to share any part of the work by any means and format, modify it for any purpose, including commercial, as long as appropriate credit is given to the author, any changes made to the work are indicated, derivative works are licensed under the same license and a URL link is provided to the license.

Metadata license: all the metadata are released under the Public Domain Dedication license (CC0 1.0 Universal: <https://creativecommons.org/publicdomain/zero/1.0/legalcode>).

© 2026 Author(s)

Published by Firenze University Press and USiena PRESS

Powered by Firenze University Press
Università degli Studi di Firenze
via Cittadella, 7, 50144 Firenze, Italy
www.fupress.com

*This book is printed on acid-free paper
Printed in Italy*

Table of Contents

Concept and Presentation <i>Mario Perini, Edin Škrebo, TerraProject</i>	7
Introduction <i>Mario Perini</i>	9
Building The Future: a Journey Through Bosnia and Herzegovina and the Potential of Constitutional Pluralism <i>Edin Škrebo</i>	11
PHOTOGRAPHIC REPORTAGE <i>TerraProject</i>	31
The Authors	103

Concept and Presentation

Mario Perini, Edin Škrebo, TerraProject

Bosnia and Herzegovina is a country defined by its diversity and history, as well as the unresolved questions surrounding its future. Signed in 1995, the Dayton Peace Agreement not only brought an end to a devastating war and laid the foundations for peace, but also provided the country with a new constitution. However, it also introduced a complex political system based on ethnic and territorial divisions which continues to strongly influence everyday life. Today, constitutional tensions, political fragmentation and renewed institutional crises are raising concerns about stability, security, and social cohesion.

However, it is precisely this pluralism and fragmentation that define Bosnia and Herzegovina, making the country a reflection of the complexities of contemporary societies.

Within the framework of the IMP-ACCTS project, TerraProject proposes a documentary photography project that explore these themes through images. The project aims to visually portray Bosnia and Herzegovina's constitutional reality and its societal impact, using photography as a communication and awareness tool. The images are conceived as being in dialogue with one another, seeking to reconstruct the everyday lives of citizens in present-day Bosnia and Herzegovina. Cameras entered schools, workplaces, places of worship, stadiums, city streets and remote rural villages, resulting in a complex and often contradictory narrative. However, this does not diminish the importance of these stories, as the pluralism at their core is precisely the essence of Bosnia and Herzegovina: yesterday, today and tomorrow.

During the project's development, many different realities were encountered. This has offered a distinctive viewpoint from which to observe the influence of constitutional frameworks and political conflicts on public spaces, social relations, and everyday life. Alongside visible signs of division, such as symbols, institutions and memorials of the past war, the project also highlights the lived experiences of individuals and communities working to overcome separation. Particular focus is given to younger generations, artists, activists and associations that promote dialogue, inclusion and shared values, transcending ethnic

and religious divisions. Even as their voices are increasingly overshadowed by nationalist rhetoric, these individuals and communities continue to strive for a more inclusive society.

Rather than offering a stereotypical portrayal of Bosnia and Herzegovina as a society frozen in the aftermath of war, this project aims to reveal its complexity and potential. Through portraits, landscapes, buildings and scenes of everyday life, the photographs explore how pluralism can be a source of both tension and a path towards a more inclusive future where diversity does not necessarily lead to division. Bringing together law, photography and social research, the project invites viewers to consider democracy, peace and citizens' roles in creating a shared future, transcending historical and political divisions.

The images contained in this volume offer a glimpse into the society of Bosnia and Herzegovina, without, however, claiming to fully represent its complexity and diversity, providing the viewer with a mirror in which all this is reflected.

Introduction

Mario Perini

This book is the result of a photographic journey developed within an academic and cultural framework, seeking to connect research, visual storytelling and public reflection. The project, “Building the Future: Bosnia and Herzegovina and the Potential of Constitutional Pluralism”, was conceived as a documentary exploration of contemporary Bosnia and Herzegovina.

This volume is part of the wider International Mobility Programme: Assessing Constitutional Crisis Impact and Security (IMP-ACCTS), an international academic initiative that fosters cooperation between universities. Through mobility, research collaboration and interdisciplinary dialogue, the programme examines how constitutional systems operate in contexts of political tension and institutional transformation. The programme’s overarching goal is to promote a critical understanding of democratic governance and to strengthen academic networks capable of addressing complex societal challenges.

Within this framework, photography provides a valuable additional perspective. While legal scholarship and the social sciences analyse institutions, norms and political processes, visual documentation can capture the environments and human experiences within which these structures ultimately take shape. This photographic project was developed with precisely this intention: to explore how a constitutional framework, understood here as a neutral analytical backdrop tracing the country’s institutional evolution, which is often discussed in abstract terms, coexists with the daily realities of the people who live within it.

The work carried out by TerraProject does not attempt to interpret Bosnia and Herzegovina through ideological lenses, nor does it propose political readings of its institutional arrangements. The photographs are not intended to argue, persuade or advocate. Rather, they seek to observe. They depict places, people, landscapes and gestures, as ordinary moments that together form the texture of contemporary life. In this sense, the project does not advance any particular political vision but instead develops an artistic and documentary inquiry grounded in observation.

Mario Perini, University of Siena, Italy, mario.perini@unisi.it, 0000-0001-7238-2333

Referee List (DOI 10.36253/fup_referee_list)

FUP Best Practice in Scholarly Publishing (DOI 10.36253/fup_best_practice)

Mario Perini (edited by). *Building the Future. Bosnia and Herzegovina and the Potential of Constitutional Pluralism*, © 2026 Author(s), CC BY-SA 4.0 published by Firenze University Press and USiena PRESS, ISBN 979-12-215-0982-3, DOI 10.36253/979-12-215-0982-3

During the project, the photographers travelled across the country and explored a wide variety of environments, including urban centres, rural villages, public institutions, informal gathering places, classrooms, workshops, cultural venues, religious spaces and sports arenas. Each setting revealed a different aspect of the social landscape, offering fragments of a diverse and interconnected reality.

The resulting images do not follow a single narrative line. Instead, they function as a visual constellation, with different scenes interacting with one another. A street corner, a school corridor, a stadium crowd, a quiet rural road or an individual captured in a moment of stillness all contribute to a broader mosaic. Together, they convey the complexity of a society that cannot be reduced to simplistic categories or historical stereotypes.

Importantly, the project was conceived in a constructive and forward-looking manner. Bosnia and Herzegovina is often represented by images focusing almost exclusively on past conflicts or political tensions dominating international headlines. While these are undeniable parts of the country's history, they do not fully define the experience of its citizens today. This photographic work therefore seeks to broaden the perspective by highlighting the everyday spaces where life unfolds, relationships develop and communities evolve.

Specific attention is given to individuals and environments that embody openness, creativity and dialogue. Young people, cultural initiatives, grassroots associations and shared public spaces are all featured throughout the project, showcasing places where interaction and coexistence flourish. Rather than presenting a simplified or idealised portrait of the country, these scenes reveal the many ways in which individuals navigate diversity and complexity in their daily lives.

For this reason, the images collected in this book should not be interpreted as a political statement. They do not promote a particular vision of Bosnia and Herzegovina's constitutional future, nor do they seek to depict the country definitively. They are instead rooted in a research framework that remains analytically neutral with respect to competing constitutional and political perspectives. Their purpose is more modest, yet equally meaningful: to provide viewers with a visual space in which they can freely reflect on fragments of reality.

The collaboration between an academic research programme and a documentary photography project reflects a broader belief in the value of interdisciplinary dialogue. Understanding societies, especially those shaped by layered histories and plural identities, requires multiple perspectives. Law, the social sciences and visual narratives each shed light on different aspects of the same reality. This volume brings these approaches together to open new ways of looking at the relationship between institutions, communities, and everyday life.

Ultimately, this book is an invitation. It encourages readers to move beyond simplistic narratives and experience Bosnia and Herzegovina through a series of visual moments: places that are inhabited, lives that are unfolding and stories that are suggested rather than explained. The photographs do not claim to capture the full complexity of the country. Instead, they offer glimpses of a living society whose future is still being shaped by its inhabitants.

Together, these images convey a quiet yet hopeful message: a reminder that, despite constitutional frameworks and political debates, there are always spaces where people come together through dialogue, creativity and shared experiences to build a better future.

Building The Future: a Journey Through Bosnia and Herzegovina and the Potential of Constitutional Pluralism

Edin Škrebo

Our journey through Bosnia and Herzegovina begins in a place where history has simply accumulated over time, rather than being staged. Inside the State Archives, the air is heavy with the scent of dust and paper. Documents lean against one another as if for support, spilling from shelves that cannot contain them all. Boro, the custodian of the archive, moves through the room with the calm precision of someone who knows that order, in this country, is always provisional. From a box marked only by a faded number, he extracts one of the original copies of the Treaty of Berlin, signed in 1878. His finger rests on Article 25, the legal passage through which the Great Powers authorised the transfer of Bosnia and Herzegovina from Ottoman to Austro-Hungarian administration.

This article represents the first decisive moment in modern history in which Bosnia and Herzegovina's fate was determined not by its people, but by international powers. Sovereignty changed hands without consultation, borders were stabilised to prevent wider conflict, and Bosnia and Herzegovina became an area managed in the name of European balance. The logic was clear: peace first, legitimacy later.

More than a century passed, and this same logic resurfaced with devastating familiarity.

After nearly four years of war characterised by violence, ethnic cleansing and genocide, the General Agreement for Peace in Bosnia and Herzegovina, also known as Dayton Peace Agreement, was negotiated at a US air base in Ohio in 1995. The choice of location was deliberate, offering distance from the conflict, control over the process and pressure for results. Dayton was not intended to be a framework for reconciliation or a means of building a democratic constitution. Rather, it was a ceasefire that was transformed into a state structure. Its primary goal was to stop the violence immediately and irreversibly.

Annex IV of the General Agreement for Peace became the Constitution of Bosnia and Herzegovina, making it one of the few countries whose constitutional order is embedded directly in an international peace treaty.

Legally speaking, Dayton Peace Agreement is a paradox. It affirms sovereignty while simultaneously undermining it. Although Bosnia and Herzegovina exists as a state under international law, its internal governance is fragmented, asymmetrical and heavily restricted. Power is shared through a consociational system based on ethnic representation and mutual vetoes. The intention was to prevent renewed domination and violence. The consequence has been chronic institutional paralysis.

Understanding Bosnia and Herzegovina requires an appreciation of a constitution conceived not as a social contract, but as a permanent ceasefire. The Constitution of Bosnia and Herzegovina, contained in Annex IV of the Dayton Peace Agreement, is less a founding act than a containment mechanism. Its primary objective was not to establish an efficient or participatory democracy, but to prevent the resumption of the war. Every institutional choice reflects this logic.

Legally, Bosnia and Herzegovina is a sovereign and independent state that is recognised internationally. It possesses a single legal personality under international law. It is a member of international organisations, maintains diplomatic relations and is bound by international treaties. Yet internally, its sovereignty is deliberately fragmented by design. The Constitution begins by proclaiming the will of the Bosniak, Croat and Serb, as constituent peoples, (along with others) to define the Constitution of Bosnia and Herzegovina, recognising the existence of two entities: the Federation of Bosnia and Herzegovina, which is mainly inhabited by Bosniaks and Croats, and Republika Srpska, which has a Serb majority. The Brčko District was later added as a separate, self-governing administrative unit under the sovereignty of Bosnia and Herzegovina. This structure gives rise to a distinctive federal system based on a hybrid consociational model. In this arrangement, power is shared both vertically, across the various levels of government, and horizontally, among groups defined by ethnicity.

The principle of constituent peoples lies at the heart of this system. Bosniaks, Croats and Serbs are all constitutionally recognised as equal collective subjects of the state. This recognition is reflected in every major institution. Political participation, representation and decision-making are structured around ethnicity as a legal category. While citizenship exists in theory, ethnic affiliation takes precedence. Equality is conceived collectively before it is recognized individually.

At state level, executive power is vested in the Presidency of Bosnia and Herzegovina, which comprises three members: one Bosniak, one Croat and one Serb. Each member is elected directly, but through separate electoral units that reinforce territorial and ethnic divisions. The Bosniak and Croat members are elected in electoral colleges in the Federation of Bosnia and Herzegovina, while the Serb member is elected from Republika Srpska. The Presidency functions on the basis of consensus or, if consensus cannot be reached, complex veto procedures, with a rotating chairmanship every eight months. While this structure ensures representation, it often makes decisive action difficult.

The Council of Ministers acts as the state's executive government. Its powers are narrowly defined and limited primarily to foreign policy, trade, customs, immigration, monetary policy and coordination with international institutions. Even within these areas, implementation frequently depends on cooperation from entity-level authorities, which is often withheld.

Legislative power in Bosnia and Herzegovina is exercised by the Parliamentary Assembly, which is composed of two chambers: the House of Representatives and the House of Peoples. While the House of Representatives reflects a degree

of proportionality, the House of Peoples is explicitly designed to protect ethnic interests, ensuring equal representation of Bosniaks, Croats and Serbs. The latter chamber has extensive powers to block legislation through invoking “vital national interest”, a mechanism that allows ethnic caucuses to suspend legislation that they perceive as threatening their collective rights. Although intended as a safeguard, this instrument is often used as a political veto, reinforcing the impasse.

The judicial architecture reflects the complexity of the state. The Constitutional Court of Bosnia and Herzegovina is composed of nine judges, including three international judges appointed by the President of the European Court of Human Rights. The Court plays a pivotal role in arbitrating disputes between state and entity institutions, as well as interpreting the Constitution itself. While its jurisprudence has been instrumental in maintaining the state’s formal unity, its authority is increasingly being challenged, particularly in Republika Srpska, where its rulings are occasionally disregarded.

The Constitution also incorporates international human rights law directly into the domestic legal order. The European Convention on Human Rights and its protocols take precedence over all other legislation. In theory, this makes Bosnia and Herzegovina a rights-based democracy. However, in practice, the constitutional emphasis on ethnic representation often takes precedence over individual rights, resulting in structural discrimination, as was most notably highlighted in the *Sejdić-Finci* Case and subsequent rulings by the European Court of Human Rights.

Below the state level, the entities have extensive constitutional autonomy. The Republika Srpska operates as a centralised entity.

By contrast, the Federation of Bosnia and Herzegovina is composed by ten Cantons, each with its own constitution, government and legislature. This reflects unresolved political compromises between Bosniak and Croat elites, resulting in multiple overlapping jurisdictions. Education, healthcare, policing and cultural policy are often regulated at the cantonal level, producing significant disparities and administrative inefficiency. An additional layer of governance is provided by municipalities beneath the cantons, further complicating matters.

Complicating an already intricate system further is the Brčko District, which is a self-governing administrative unit under the sovereignty of Bosnia and Herzegovina, yet outside the authority of either entity. Brčko was established through international arbitration and has its own institutions and legal order. Its existence prevents the Republika Srpska from achieving territorial continuity and serves as a constitutional bridge between the entities. Brčko is a reminder that Bosnia and Herzegovina survives through carefully designed exceptions.

To grasp the fragile equilibrium of Bosnia and Herzegovina, a visit to Brčko is essential. More than just a city, Brčko is a legal construct, a political compromise and a constitutional experiment born of the unresolved tensions between war and peace. Its importance far exceeds its geographic size. Located in the north-east of the country on the banks of the Sava River, Brčko occupies a strategic position. Control over this territory was one of the most contentious issues during the Dayton negotiations.

When the Dayton Peace Agreement was signed in 1995, the negotiators deliberately left the status of Brčko unresolved. Rather than assigning the area to either entity, Annex II of the agreement subjected Brčko to international arbitration. This reflected the intensity of competing claims and the fear that any definitive allocation would jeopardise the fragile peace. Heavily affected by ethnic

cleansing during the war, the city had been transformed demographically and symbolically into contested ground.

The Brčko Arbitration Tribunal, chaired by an international arbitrator, was tasked with determining the area's final status. In its Final Award of 1999, the Tribunal established an administrative unit: the Brčko District of Bosnia and Herzegovina. The district was placed under the direct sovereignty of the state and was explicitly removed from the jurisdiction of both the Federation of Bosnia and Herzegovina and Republika Srpska. In effect, Brčko became a condominium of the two entities, belonging fully to neither.

From a constitutional perspective, Brčko represents a deliberate suspension of the entity-based logic that defines the rest of the country. The district is unitary, multiethnic and self-governing, with its own statute, institutions and legal order. It has a directly elected Assembly, a Mayor elected by the Assembly, an independent judiciary and a unified administration.

This institutional arrangement did not emerge organically. For many years, Brčko was subject to intense international supervision, including the presence of a Supervisor with powers similar to those of the High Representative. The Supervisor oversaw institutional development, ensured the return of displaced persons, integrated administrative systems and dismantled parallel entity structures. Supervision was only formally suspended in 2012, following assessments that the District had reached a sufficient level of institutional stability, though international oversight was never fully abandoned.

Brčko has disproportionate economic importance. Historically, it has been one of the main transport and trade hubs in northern Bosnia and Herzegovina. The Port of Brčko is the only river port in the country with access to international waterways. It connects Bosnia and Herzegovina to the Danube corridor and, by extension, to Central and Eastern Europe. Control over this infrastructure was one of the key reasons why Brčko was so fiercely contested during and after the war.

The District's economy is based on logistics, agriculture, light industry and trade. The surrounding fertile land supports agricultural production, while the city's position along major road and rail routes facilitates commerce. Unlike many other parts of the country, Brčko has attracted investment thanks to its special status, relatively efficient administration and legal certainty compared to entity-level governance.

Fiscal autonomy has also been a crucial factor. Brčko collects and manages its own revenues, including a share of indirect taxation redistributed at the state level. This financial independence has enabled the district to provide public services, infrastructure and education with fewer political obstacles than elsewhere in Bosnia and Herzegovina. In a country where budgets are often held hostage by ethnic vetoes, Brčko stands out as a relatively functional space.

The District has served as a laboratory for social reintegration. After the war, large numbers of displaced persons returned, restoring a degree of multiethnic coexistence that is rare in other contested areas. Schools operate under a unified administration, avoiding the "two schools under one roof" model that is prevalent elsewhere, although ethnic identities remain.

However, Brčko's success remains fragile and conditional. Its autonomy is guaranteed by international arbitration rather than domestic consensus. The District's status is protected by the Constitution of Bosnia and Herzegovina, which explicitly prohibits either entity from asserting authority over it.

Politically, Brčko also highlights the contradictions within the wider system. While it shows that multiethnic governance without rigid ethnic quotas is possible, this can only be achieved through exceptional legal arrangements and sustained external pressure. Its existence challenges the idea that division is inevitable, while also showing how difficult coexistence can be without careful safeguards.

Brčko is often described as an exception, but a more accurate description would be that it is a counterfactual, a glimpse of what Bosnia and Herzegovina might look like under a different constitutional logic. It demonstrates that pluralism can be managed without paralysis and that diversity can be handled without constant conflict. However, its dependency on international guarantees highlights that such models remain politically risky.

Within the broader constitutional landscape of Bosnia and Herzegovina, Brčko is anything but peripheral.

This architecture is designed to prevent domination rather than enable governance. Every institution contains mechanisms of mutual control, veto, and balance. Conflict is not resolved, but managed. While stability is achieved, this comes at the cost of political dynamism and social trust.

Yet, paradoxically, within this rigid framework lies potential. Although burdensome, constitutional pluralism reflects the reality of a deeply diverse society. Rather than denying difference, Bosnia and Herzegovina institutionalises it. The challenge lies in whether this recognition can evolve from being a tool of separation to becoming a foundation for shared citizenship.

Bosnia and Herzegovina's constitution is often described as temporary, unfinished or imposed. But it has endured. It has prevented war. It has allowed life to continue. The question that remains is not whether this structure can survive, but whether it can transform, whether a constitution born of fear can become a framework for trust and whether carefully managed pluralism can one day be experienced as a shared vision rather than an enduring boundary.

This structure becomes apparent the moment one enters Republika Srpska. A mural reading "Banja Luka" in Cyrillic marks a linguistic and constitutional shift. The Republika Srpska, as an entity of Bosnia and Herzegovina, has its own constitution, its own president, its own government, its own parliament, its own courts, its own police force, and its own public administration. Within its territory, it operates with a level of cohesion and centralisation that the state itself lacks.

Over time, the issue of the autonomy of the Republika Srpska has come to play a central role within the political landscape of Bosnia and Herzegovina. Since the post-war period, some of the entity's political leaders have gradually adopted positions that increasingly advocate for greater autonomy for the Republika Srpska. In this context, the legitimacy of state institutions is sometimes called into question, and certain decisions of the Constitutional Court of Bosnia and Herzegovina are contested. Meanwhile, the issue of possible secession periodically resurfaces in political debate.

Although the Republika Srpska has not formally achieved independence, a political strategy aimed at strengthening its autonomy has emerged. This is evident in attempts to limit or remove certain powers from the state level, block or slow down institutional reforms, and promote the perception that the Republika Srpska already functions largely as an autonomous state whilst remaining formally part of Bosnia and Herzegovina.

These dynamics are not merely symbolic; they have a tangible impact on the country's governance, contributing to the weakening of state institutions and generating recurring institutional tensions and a climate of political uncertainty. Consequently, these issues remain a constant feature of public debate and the media for many citizens, reflecting the fact that the institutional future of Bosnia and Herzegovina continues to be a subject of contention and dispute.

This political orientation is reinforced by Russian influence, which operates less through formal diplomacy and more through symbolic alignment. During our time working in Sarajevo, we attended a conference hosted by the Academy of Sciences and Arts of Bosnia and Herzegovina. A young official from the Russian embassy took the floor. In a calm, rehearsed tone, he insisted that Russia was not waging war in Ukraine, but rather conducting a "special military operation". This statement, delivered in a country deeply affected by international interventions and euphemistic language, resonated profoundly. It echoed the same logic used elsewhere to justify violence through legal and semantic manipulation.

These narratives are mirrored in public spaces. Restaurants named after Vladimir Putin, posters bearing his image and political gestures of admiration signal an ideological alignment that challenges Bosnia and Herzegovina's stated commitment to Europe. Here, geopolitics is not abstract, it is painted on walls and spoken into microphones.

The walls also bear the weight of unresolved history. In Banja Luka, murals depicting Ratko Mladić, who was convicted of genocide by the International Criminal Tribunal for the former Yugoslavia, remain visible. When questioned, Bosnia and Herzegovina's judiciary has repeatedly claimed that it cannot legally prove that the portraits depict Mladić, citing insufficient resemblance or ambiguity. This legal formalism becomes a tool of denial, allowing glorification to persist without consequence.

In response to such practices, the then High Representative, Valentin Inzko, imposed amendments to the Criminal Code of Bosnia and Herzegovina in 2021, which criminalised the denial of genocide and the glorification of war criminals. The law was an attempt to directly protect historical truth and the dignity of victims. However, its introduction triggered a strong backlash, particularly in Republika Srpska, where the local institutions declared the law illegitimate. This episode revealed the limitations of imposed justice in a society where there is still no consensus on the past.

Bosnia and Herzegovina's peace is a fragile equilibrium, and reconciliation remains an unfinished project. Thirty years after the Dayton Agreement, the wounds of war have not fully healed and are not universally acknowledged. Reconciliation is instead hampered by contradictions within and between each of the country's constituent peoples, whose memories, narratives and political ambitions continue to shape public life.

For Bosniaks, the main contradiction lies between the demand for justice and the desire to move forward. The Bosniak community carries the weight of the Srebrenica genocide, the siege of Sarajevo and extensive wartime suffering. Recognition of these atrocities is central to their collective identity and political claims. However, the emphasis placed on remembrance can conflict with the practical need for coexistence. Bosniak political leaders often emphasise victimhood and historical memory in a way that can seem intransigent to Serb and Croat communities. While this moral and emotional claim is legitimate, it can inadvertently reinforce ethnic divisions and limit opportunities for dialogue.

At the same time, some Bosniaks are grappling with internal contradictions. While the younger generation seeks a future beyond ethnic conflict, political discourse remains dominated by narratives of trauma and existential threat. Schools, which are still largely divided along ethnic lines, teach selective histories, making reconciliation an educational and social challenge from an early age. Although international law recognises their rights, inconsistent enforcement leaves a gap between the moral recognition of past crimes and practical legal and civic reconciliation.

For Serbs, the contradictions revolve around simultaneously asserting victimhood and persisting with nationalist narratives. Republika Srpska, as a highly centralised entity, fosters a strong sense of autonomy and identity. Many Serbs emphasise their suffering during the war, including displacement and casualties, as well as the perception that international interventions, tribunals and external narratives unfairly focus on their community's responsibility. Certain political actors often exploit such sentiments through a narrative centred on the perception of external threats and the need for resistance. In this narrative, sovereignty is presented as a means of protecting and safeguarding the entity's interests.

Yet the contradiction emerges when nationalist rhetoric clashes with practical realities. While political leaders invoke secessionist ambitions, the daily lives of most citizens depend on integration with the Federation of Bosnia and Herzegovina, whether through trade, employment, education or infrastructure. At the same time, politically expedient gestures such as murals glorifying Ratko Mladić and the denial of the Srebrenica genocide actively undermine reconciliation, exposing younger generations to distorted historical narratives and entrenching unresolved divisions. Legal attempts to criminalise genocide denial, such as the High Representative amendments, are met with intense resistance, highlighting the tension between international law, domestic politics and local memory.

The Croat community also faces its own set of contradictions. Croats are a demographic minority, dispersed throughout the Federation and concentrated in Herzegovina and Central Bosnia. They often perceive themselves as politically marginalised within the Federation, particularly in cantonal power-sharing arrangements where Bosniaks hold majorities. Therefore, Croat parties emphasise the need for constitutional protections and proportional representation, while advocating either enhanced autonomy or the creation of a separate Croat entity. Such demands, however, risk reopening unresolved territorial questions and reactivating the unaddressed traumas of the Bosniak-Croat conflict of 1993-1994, a chapter of the war that remains politically sensitive and socially fragile.

At the same time, society is divided internally. While the political elite remain focused on ethnic claims and representation, many ordinary citizens are less invested in nationalist agendas and more concerned with economic stability and opportunities abroad. These conflicting priorities create a sense of duality: political advocacy for institutional guarantees exists alongside a daily life grounded in cooperation and interdependence. This reveals a gap between the strategies of the political elite and the sentiments of the general population.

Another shared contradiction emerges across all three communities in relation to memory and the past. Each group maintains selective narratives that reinforce identity and justify political claims: Bosniaks emphasise victimhood and the need for recognition of war crimes, while Serbs highlight their own suffering and challenge external judgements. Croats, meanwhile, stress marginalisation and fear domination. These narratives are reinforced through education,

the media, commemorations and political speeches, creating parallel realities in which the same events are interpreted differently and sometimes oppositely.

The consequences are profound. Divided schools, ethnically segregated institutions and exclusive curricula perpetuate separation from an early age. Political rhetoric and commemorative practices reinforce tribalised memory rather than a shared history. Legal frameworks intended to protect peace, such as the Dayton Constitution and ethnic veto mechanisms, inadvertently cement these divisions by embedding ethnic identity into the very fabric of governance. Even where the law permits multiethnic cooperation, political incentives often discourage it.

Economic difficulties exacerbate these tensions. High unemployment, youth emigration and fragile infrastructure lead to competition and resentment between communities, while ordinary citizens suffer the consequences of disputes between the elite over territory, representation and historical interpretation. In this sense, reconciliation is an economic and social challenge as well as a moral and legal one, dependent on creating trust and shared incentives for cooperation.

Reconciliation in Bosnia and Herzegovina is inextricably linked to the issue of returning refugees and internally displaced people, which is a process rife with political, social and psychological challenges. The Dayton Peace Agreement guaranteed the right of all displaced persons to return to their pre-war homes, and international law enshrines the restitution of property and the protection of minority rights. However, implementation has proven extremely challenging, highlighting the limitations of formal guarantees and the extent of ethnic polarisation.

We visited Žepa, a small village in eastern Bosnia located within Republika Srpska. During the war, Žepa was declared a “safe area” by the United Nations, yet it was subjected to a siege and ethnic cleansing. The Bosniak population was forcibly expelled, many perished, and the physical infrastructure was devastated. Returning Bosniaks faced enormous obstacles.

Against this backdrop, Imam Elvedin, a survivor of the war who had returned to Žepa, emerged as a spiritual and civic leader. He reopened the mosque and organised religious and educational activities in an effort to restore the village’s social fabric. In addition to leading prayers and providing religious instruction, Elvedin served as a mediator, negotiating with local authorities to support returns and the reconstruction of homes. His work demonstrates that rebuilding a community after ethnic cleansing requires more than just legal rights; it also demands trust, mediation and moral authority. Nevertheless, progress has been slow, and Žepa remains a symbol of the difficulty of reintegrating a population into a community restructured along ethnic lines during the war.

A parallel yet distinct narrative emerges in Kraljeva Sutjeska, a historic site located in the heart of Bosnia and Herzegovina. Now part of the Federation of Bosnia and Herzegovina, this location was once the capital of the medieval Kingdom of Bosnia. Here, the Croat population was displaced during the war, while the Bosniak majority community often resisted the full restitution of property and public office positions. Bono, a Franciscan friar and custodian of the centuries-old Kraljeva Sutjeska monastery, became a central figure in facilitating returns. He helped the reconstruction of homes, religious sites, and communal infrastructure, advocating for reconciliation while ensuring that the town’s historical identity, deeply rooted in Catholic and Franciscan heritage, was respected.

In both cases, the return of refugees involves physical, social and cultural aspects. This process involves rebuilding trust between communities who either

witnessed or perpetrated violence, reconstructing destroyed religious and cultural landmarks, and re-establishing a functioning government capable of providing security and services. Bureaucratic hurdles, such as delays in property restitution, incomplete documentation and unresponsive municipal authorities, compound the psychological burden of those returning. In both Republika Srpska and the Federation, returning minorities often face discrimination, harassment and social marginalisation, meaning that voluntary return is a rare and courageous choice rather than the norm.

These individual stories highlight broader structural challenges. While the Dayton Constitution guarantees the right of return and property restitution, it lacks robust mechanisms to enforce these rights uniformly across the entities. Ethnic dominance within municipal institutions can impede restitution, while limited economic opportunities and destroyed infrastructure reduce the incentive for families to return. Consequently, many displaced persons, particularly young people, choose to emigrate rather than return.

Religious leaders such as Elvedin and fra Bono play an indispensable role in these dynamics. Their authority transcends formal political structures, enabling them to mediate between returning and resident populations, lobby municipal authorities and provide a moral framework for coexistence. However, their efforts remain limited by systemic issues, including insufficient investment in infrastructure, ongoing ethnic tensions, and limited engagement from state institutions.

The cases of Žepa and Kraljeva Sutjeska demonstrate that returning is a human and political process situated at the intersection of law, memory, identity and trust. Without sustained legal, economic and social support, returns remain fragile and merely symbolic rather than representing lasting transformations. Furthermore, these villages show that reconciliation is closely linked to physical reintegration, and that rebuilding communities is vital for the wider reconstruction of the country's pluralistic social fabric.

In this sense, the story of refugee return in Bosnia and Herzegovina is not merely a post-war issue; it is a living test of the Dayton Constitution itself and the institutions it established. It is also a test of citizens' ability, supported by civil society, religious leadership and international oversight, to rebuild not only homes, but also trust, coexistence and a shared future.

However, contradictions also have the potential to drive transformation. Across Bosnia and Herzegovina, communities, civil society organisations and individuals are resisting ethnic determinism. Young people, students and grassroots activists are increasingly engaging in initiatives that transcend ethnic boundaries, such as joint cultural events, interfaith dialogue, collaborative educational programmes and shared civic projects. Although these initiatives are fragile and are frequently overshadowed by nationalist politics, they demonstrate that reconciliation is feasible; it is merely hindered by historical trauma, institutional design, and the conflicting demands of memory and survival.

In short, Bosnia and Herzegovina's struggle with reconciliation is multidimensional. It is moral and legal, social and political, generational and economic. It is shaped by the contradictions within each ethnic group—Bosniaks, Serbs and Croats—whose collective memories, political claims and social behaviours often clash despite their shared desire for security, recognition and opportunity. The challenge lies in moving from a pluralism of division to a pluralism of coexistence and transforming these contradictions into the foundations of a more inclusive, shared society.

These divisions are perpetuated from an early age within the education system. Bosnia and Herzegovina is infamous for its “two schools under one roof” model, where children attend the same building but follow different curricula based on their ethnic background. There are effectively three educational frameworks: Bosniak, Serb and Croat. The history, language and literature curricula differ substantially.

The tension between unity and fragmentation is strikingly evident in a photograph taken inside a school in Brčko. To set a single assignment for her students, the teacher must write the same text three times in Bosnian, Serbian and Croatian using both the Latin and Cyrillic alphabets, as required by the District’s legislation. This seemingly pedagogical exercise is, in fact, a subtle reflection of the country’s constitutional and social reality.

The blackboard, covered in lines of writing, seems to speak without a voice. It tells the story of an education system—and of a country—in which reality is presented in three distinct versions, each carefully preserved and separated from the others. Each version emphasises its own particularities, often magnifying subtle linguistic differences to define the boundaries of identity. However, the languages, histories and everyday lives of Bosnia and Herzegovina’s peoples are much closer than these divisions suggest.

This insistence on difference risks eroding something essential. When identities are treated as incompatible, attention is diverted from the concrete challenges affecting young people’s lives, such as access to quality education, employment opportunities, social mobility, and the freedom to envisage a future beyond inherited divisions. Thus, the blackboard becomes more than a surface for learning; it becomes a reflection of a society that is still struggling to reconcile pluralism with cohesion, and of a generation growing up amid distinctions that often obscure what truly unites them.

Young people grow up navigating competing realities, and many ultimately choose to leave. Emigration has become a silent referendum on the system’s failure to provide opportunities and a sense of coherence. While political discourse in Bosnia and Herzegovina remains anchored to the 1990s, its young people live in a global present, and increasingly, abroad.

In Bosnia and Herzegovina, it is not institutions or treaties that determine the future, but the faces of its young people. Look closely at their hopeful, restless and sometimes weary expressions and you will see the tension between the past and the possibility of a new future, between the stories they inherit and the dreams they pursue. They are a whole generation caught in a country shaped by history, where the echoes of war still linger in politics, society and everyday life.

Bosnia and Herzegovina is shrinking, and it is its young people who are leaving first. Since the last official census in 2013, more than 600,000 people have left the country, an “exodus” largely driven by young adults seeking opportunities beyond fractured systems, limited economic prospects and political stagnation. In a population of around 3.2 million, this represents an enormous shift that will have a profound effect on families, communities, and the future of the state.

For young people from Bosnia and Herzegovina, the world often seems both accessible and out of reach. Almost half of those aged 18 to 29 say they have seriously considered emigrating long-term or permanently because they see few opportunities for meaningful work, personal growth or economic security at home. For many, emigration is not just an idea, but a plan already in motion.

However, this is not a story of failure; it is a story of ambition colliding with structural barriers.

In classrooms across Bosnia and Herzegovina, from Sarajevo to Banja Luka and Mostar to Tuzla, young people sit at desks that increasingly frustrate rather than inspire them. Around 70% complete secondary education, and almost one in five earns a university degree. They are proficient in languages, connected to global culture online, and adept at technology. However, after graduation, they face the stark reality that youth unemployment can exceed 40%, and meaningful employment often remains elusive. Internships are scarce and entry-level opportunities are limited, meaning many young graduates find themselves in jobs unrelated to their training. Some remain dependent on family support long into adulthood.

This mismatch between qualifications and opportunities gives rise to what economists refer to as a “lost cohort”, a generation whose education far exceeds the needs of the domestic economy, yet whose skills remain unutilised due to an inadequate job market.

The social consequences are clear to see. Young people express profound uncertainty about the future, citing economic hardship, political paralysis and ethnic division as impediments to their aspirations. While Bosnia and Herzegovina’s institutions are legally robust, they often seem distant and unresponsive to the needs of young people. Schools, especially those outside major cities, remain segregated along ethnic lines, perpetuating distinct narratives of history, culture, and identity, barriers that an increasing number of young people are beginning to question.

This fragmentation fosters a sense of social disillusionment. Rather than sharing a story of progress, young people often find themselves navigating multiple, overlapping identities—Bosnian-Herzegovinian, entity-based, religious and ethnic—without a clear sense of priority or unity. These complex identities are not inherently negative; they are part of the country’s pluralism. However, when political discourse emphasises division over inclusion, young people begin to associate the state with gridlock, conflict and limitation rather than opportunity and cohesion.

The result is a steady outward flow. Young Bosnians and Herzegovinians are emigrating to Germany, Austria, Croatia, Slovenia and other EU countries in search of higher wages, job stability and clear pathways to citizenship. Unlike previous waves of labour migration, today’s departures often involve highly educated individuals, people that Bosnia and Herzegovina can least afford to lose. This phenomenon is commonly called “brain drain”, but it is more than that: it is the departure of hope in search of a horizon that young people feel is more attainable elsewhere.

And yet, for all the departures, there are also returns: though less visible, they are no less significant. Some young Bosnians and Herzegovinians return, bringing the skills, networks and experiences they have gained abroad. Others stay engaged from afar, working on cross-border initiatives, cultural projects and transnational collaborations. They see Bosnia and Herzegovina not as a cage, but as a canvas waiting to be painted with new ideas.

Across the country, young people are anything but passive observers. They organise cultural festivals, create start-ups, volunteer for environmental movements, advocate open education and participate in civic forums that bridge ethnic divides. While these efforts rarely make international headlines, they form the backbone of a quietly emerging civil society that seeks not only to survive within the constraints of Bosnia and Herzegovina, but also to transform them.

A similar sense of quiet transformation emerges in Zenica, where we encountered a youth association that has, almost against the odds, become a small laboratory for the future. Born out of ideas, determination, and persistence, this collective has carved out a space entirely devoted to young people, an open environment where age, background, and personal histories recede, giving way to shared curiosity, experimentation, and creativity.

Here, children can attend drawing and art workshops where they learn to express their imagination on paper. Teenagers gather for sports activities, discussions, and initiatives focused on active citizenship, discovering that participation can be more than just a slogan. The walls of the youth centre reflect the energy of movement, conversation and possibility. There is a sense of anticipation in the air, a feeling that something is slowly but surely being built.

This atmosphere stands in sharp contrast to Zenica's industrial legacy. For decades, the city lived in the shadow of its vast steelworks, once among the largest in Europe. Their chimneys still dominate the skyline and their pollution has long defined everyday life. Inside the youth center, however, that heavy air seems to lift. The future remains uncertain for many young people in Bosnia and Herzegovina, but here a different language emerges: one that speaks of initiative, responsibility, and belief.

In this small microcosm, young people are practicing the future they hope for. It is neither easy nor idealised, but a shared vision shaped by effort and trust. Far from political rhetoric and industrial decay, the future is no longer an abstract promise within these rooms; it is something tangible that is being worked towards and quietly imagined together.

However, the obstacles are not only economic. Many young people report a lack of trust in institutions, not because they reject Bosnia and Herzegovina as their homeland, but because they feel that their voice is not heard in public life. When consultations fail to produce tangible change and budgets are blocked by ethnic vetoes, political debate circling back to the 1990s war rather than the 2020s' challenges makes young people question their stake in the system they are expected to inherit.

This political disengagement is not apathy, but exhaustion, an exhaustion born of living in a place that prioritises old wounds over new solutions.

Mental health issues reflect this reality. Feelings of anxiety, disillusionment and uncertainty are common among educated and capable young people whose opportunities feel blocked by structures that were not designed with them in mind. Nevertheless, young people are forming support networks, peer-to-peer counselling groups, art collectives that explore identity and trauma, and online communities that transcend geographical boundaries.

The story of Bosnia and Herzegovina's youth is not singular; it is layered, complex and often contradictory. It is the story of a generation who grew up after the war, yet whose lives are still affected by its legacy, which is embedded in school curricula, political rhetoric and social structures. It is the story of young people who love their country—its landscapes, music and languages—yet feel compelled to leave in order to build lives they believe are possible elsewhere.

The central paradox is this: Bosnia and Herzegovina's future depends on a generation that is both deeply connected to the country's past and increasingly mobile beyond its borders.

What would happen if these young people stayed?

They could revitalise the economy, build bridges between communities, and reshape politics with voices rooted in diversity rather than division. They could

transform Bosnia and Herzegovina's legal framework of pluralism into a lived reality, one where difference is not a boundary, but a basis for shared creativity.

What would happen if they left?

Communities shrink, traditions fade and the demographic foundation necessary for a functioning welfare state is eroded. Political institutions lose legitimacy when they fail to reflect the aspirations of those they claim to represent. Bosnia and Herzegovina's story then becomes one of memory rather than of the future.

Bosnia and Herzegovina's young people are a generation of potential migrants, entrepreneurs, dreamers and returnees, all carrying different versions of hope. They are the silent authors of the next chapter in this country's history, shaping it through their choices, voices and movements across borders.

The question is not whether Bosnia and Herzegovina will change, but how its youth will shape that change. With each passport issued, each job accepted abroad, each startup launched at home and each community project begun in a divided schoolyard, the answer becomes clearer: the future of the country will be written by those who not only envision a life for themselves, but also build it, here, there and everywhere in between.

Alongside the determination and restlessness of young people striving to reshape Bosnia and Herzegovina, another, quieter form of exclusion exists, one embedded not in daily interactions but in the very architecture of the state. The Constitution refers to them with the inadequate term "others". This expression suggests marginality, implying that being "other" means existing beyond the boundaries of the political community itself. In many ways, at least institutionally, that is precisely what it means.

Under the current constitutional framework, access to some of the country's highest offices—most notably the Presidency of Bosnia and Herzegovina and the House of Peoples of the Parliamentary Assembly—is exclusively reserved for members of the "constituent peoples": Bosniaks, Croats, and Serbs. Originally conceived as a mechanism to preserve peace and balance after the war, this system has hardened over time into one of exclusion. Through constitutional interpretation, political practice, and the sheer force of numbers, this logic has expanded well beyond its original scope. This effectively bars minorities, such as Jews and Roma, as well as other legally recognised communities, from meaningful participation in large parts of the state apparatus.

In this system, citizenship is stratified. While equality exists in theory, it does not extend to access to power. Those who do not belong to one of the three "constituent peoples" find themselves citizens without a full political voice, present in society but absent from core decision-making processes.

It was in Sarajevo that we met Jakob Finči, one of the most prominent and respected figures among those constitutionally defined as "others". Jakob Finči, a former ambassador of Bosnia and Herzegovina and a leading member of the Jewish community, he is above all a Sarajevan with a deep attachment to his city and country. His identity is layered and cannot be reduced to constitutional categories.

Watching him move through his office and listening to his measured words creates the impression of stepping into a story by Isak Samokovlija, the Jewish writer and physician whose grave can be found overlooking Sarajevo from the historic Jewish cemetery. The city itself, with its narrow streets and overlapping histories, seems to live on in Finči. Through his posture and presence, one can sense the long history of the Jewish community in Bosnia and Herzegovina, as

well as its endurance, intellectual richness, and quiet contribution to the country's cultural fabric.

His study only serves to reinforce this impression. The walls are adorned with portraits of notable figures from Sarajevo's Jewish community and Bosnia and Herzegovina as a whole. Among them is Emerik Blum, the visionary founder of Energoinvest, one of the greatest industrial and technological enterprises of socialist Yugoslavia. Blum was a man who helped shape the country's economy and modern identity. Standing before these portraits, one cannot help but question how individuals so deeply interwoven in Bosnia and Herzegovina's literary, industrial, and social history could ever be categorised as "others", as if they were peripheral to the nation's narrative rather than its authors.

Yet Jakob Finci is not only a witness to this contradiction; he is also the person who most forcefully challenged it. Alongside Dervo Sejdić, a representative of the Roma community, Finci first took his case to the courts of Bosnia and Herzegovina and then to the European Court of Human Rights. Their demand was disarmingly simple yet profoundly radical: the right to be treated as equal citizens. They wanted the right to vote and to stand for election to the Presidency and the House of Peoples, not as members of a privileged group, but as citizens of Bosnia and Herzegovina.

Their legal battle exposed one of the deepest paradoxes of the constitutional system: a democracy designed to protect peace that is nevertheless structured in a way that institutionalises inequality. The *Sejdić-Finci* Case revealed more than just a legal flaw; it exposed the country's ongoing tension between collective protection and individual rights.

Through Jakob Finci's story, the abstraction of constitutional law is given a human face. The category of "others" is given a face, a voice and a history. In that encounter, one realises that the struggle for equality in Bosnia and Herzegovina is not only about reforming institutions, but also about redefining belonging and deciding who is permitted to fully embrace the concept of citizenship in a country that prides itself on its diversity.

The legal contradictions of the system are perhaps most clearly exposed in the *Sejdić-Finci* Case. In 2009, the European Court of Human Rights ruled that Bosnia and Herzegovina had violated the European Convention on Human Rights by preventing citizens who did not belong to the three constituent peoples from standing for election to the Presidency and the House of Peoples. Jakob Finci, a member of the Jewish community, challenged the constitution itself, arguing that collective equality had come at the expense of individual rights.

The Court agreed. Yet the Constitution remains unchanged. The ruling exposed the fundamental tension at the heart of the Dayton Agreement: a system designed to balance ethnic groups cannot easily accommodate individuals who refuse or transcend ethnic classification. Equality before the law is still subject to ethnic calculations.

Not far from the Jewish Community Centre in Sarajevo, where we spoke with Jakob Finci about the limitations and unrealised potential of Bosnia and Herzegovina's constitutional system, the city gradually unfolds along the banks of the Miljacka River. Its waters, dark and restless like a mountain river after a storm, cut a quiet path through the city. Walking alongside the river, passing historic bridges, we reach a white building whose mirrored windows capture and fragment the city's image.

The glass reflects Sarajevo back onto itself—its streets, its pedestrians, its passing moments—while concealing what lies behind it. From inside, one can

observe the city without being seen by it. This deliberate separation feels symbolic, almost unsettling. Hidden behind those reflective surfaces is one of the country's most powerful and controversial institutions: the Office of the High Representative headquarters.

Bosnia and Herzegovina's complex constitutional system is overseen by the Office of the High Representative, which has the extraordinary power to impose laws and remove elected officials. This office is both a safeguard and an admission of failure, proving that peace has endured and that self-governance remains incomplete.

Initially conceived as a temporary mechanism to oversee the civilian implementation of the Dayton Peace Agreement, the Office of the High Representative (OHR) has become a defining feature of Bosnia and Herzegovina's constitutional reality. For almost three decades, it has shaped the country's legal order, political culture, and understanding of sovereignty.

The legal basis of the OHR is found in Annex X of the Dayton Peace Agreement, which established the position of the High Representative as the final authority in theater regarding interpretation of the Agreement on the civilian implementation of the peace settlement. The High Representative is responsible for monitoring the implementation of the agreement, coordinating international civilian organisations, facilitating the work of domestic institutions and ensuring compliance with the obligations undertaken by Bosnia and Herzegovina and its entities. Initially, the role was conceived as supervisory and coordinating rather than executive. It was assumed that domestic political actors would gradually take ownership of the peace process, rendering international oversight unnecessary.

However, this proved overly optimistic.

In the immediate post-war years, nationalist parties that had emerged from the conflict retained overwhelming political power. Institutions largely existed on paper, while cooperation between entities was minimal and was often openly obstructed. Faced with persistent deadlock and non-compliance, the international community progressively expanded the authority of the High Representative. This was formalised in 1997 at the Peace Implementation Council (PIC) conference in Bonn, where participating states endorsed the so-called "Bonn Powers".

Through these powers, the High Representative acquired the authority to impose binding decisions when domestic institutions failed to act. This included the enactment of laws and constitutional amendments, as well as the removal of elected and appointed officials deemed to be in violation of the Dayton Agreement. Legally, these measures were justified as being necessary to safeguard the peace settlement. Politically, however, they effectively turned the OHR into a body with unparalleled executive authority in contemporary Europe.

Particularly in the early years following the adoption of the peace treaty, senior officials made extensive use of these powers. They have imposed key state-level legislation, including that which established a unified currency, state flag and anthem, common passport and central institutions, such as the State Court of Bosnia and Herzegovina and the High Judicial and Prosecutorial Council. They have also removed presidents, ministers, judges, mayors and members of parliament, often without judicial review or the possibility of appeal. While these interventions have contributed to the functional consolidation of the state, they have also generated a paradoxical form of governance in which democratic institutions operate under the shadow of an unelected authority.

From a constitutional perspective, this arrangement raises profound questions. Although Bosnia and Herzegovina is a sovereign state, sovereignty is partially delegated to an international official. Democratic legitimacy is established through elections, yet the ultimate authority can override electoral outcomes. The OHR thus embodies a “guardianship model” of democracy, prioritising peace and stability over full self-determination.

The presence of the OHR has had a lasting impact on the country’s domestic political culture. On the one hand, it has prevented the collapse of state institutions and curtailed overt challenges to the constitutional order. On the other hand, however, it has also fostered a politics of dependency and deflection. Domestic leaders often avoid taking responsibility by anticipating international intervention, while nationalist actors exploit the OHR’s authority to portray the state as being imposed from the outside and as being illegitimate. In this sense, the OHR simultaneously sustains and undermines the constitutional order that it was designed to protect.

This tension between necessity and legitimacy was particularly evident in 2021 when outgoing High Representative Valentin Inzko imposed amendments to the Criminal Code that criminalised the denial of genocide, crimes against humanity and war crimes, as well as the glorification of convicted war criminals. The legal basis for this intervention was Bosnia and Herzegovina’s obligations under international human rights law, and the necessity of protecting the dignity of victims. Yet the political reaction was immediate and severe. Institutions in Republika Srpska suspended cooperation with state bodies, declared the imposed law unconstitutional and accused the OHR of overreach. This episode highlights the ongoing significance of the High Representative’s authority and the profound opposition it evokes.

The future of the OHR has been debated for years. The Peace Implementation Council has formally identified a set of conditions, known as the ‘5+2 agenda’, that must be met before the office can close. These include resolving state property issues, ensuring fiscal sustainability, upholding the rule of law, and fully complying with the Dayton Agreement. Despite periodic declarations of progress, these conditions remain unmet. The ongoing constitutional crises, secessionist rhetoric and institutional blockades have repeatedly delayed any meaningful transition away from international supervision.

From a sociological perspective, the OHR occupies an ambiguous space in the collective imagination of Bosnia and Herzegovina. For some citizens, it represents protection, an external guarantee against renewed conflict. For others, however, it symbolises the incompleteness of sovereignty and the failure of domestic elites to govern responsibly. This ambivalence is deeply ingrained, reflecting broader tensions between security and autonomy, and between order and democracy.

Legally speaking, the OHR remains a unique experiment. No other European state operates under such an arrangement. Bosnia and Herzegovina thus exists in a prolonged post-conflict constitutional period, in which the distinction between international law and domestic governance is deliberately blurred. The High Representative is not a colonial administrator nor merely an advisor; rather, he is an institutional bridge between war and peace, between imposition and consent.

As Bosnia and Herzegovina moves forward, the question is no longer whether the OHR should exist, but what its continued presence reveals about the country’s constitution. It reveals a constitutional system designed to manage divi-

sion rather than transform it. It reveals a political class that is more invested in maintaining power than in reforming the state. It also reveals a society caught between the desire for full self-governance and the fear of what might happen without external restraint.

During our stay in Sarajevo, we had the opportunity to visit the building housing the office of the High Representative. Stepping inside, where sophisticated security systems were in place, we could not help but think of Kafka's parable about the man waiting at the doors of the law. Power here feels distant and guarded, suspended in procedure. Once inside, the noise of the city fades away. The windows and walls absorb Sarajevo's sounds, muting its vitality, contradictions, and pulse.

It feels almost like a loss. It is as if, by entering these quiet rooms, one risks losing contact with the people whose lives are shaped by the decisions made here.

Our conversation with the High Representative is brief due to time constraints. However, we do not shy away from difficult—or even uncomfortable—questions, such as those surrounding his mandate, authority and the criticism of his role. Nevertheless, the exchange remains open and sincere. Through it, a clearer picture emerges of how he perceives Bosnia and Herzegovina and its citizens, and of the responsibility he bears.

In his view, the role of the High Representative is not to replace the will of the people or permanently substitute the political elites elected to represent them, even if it may sometimes seem that way. Rather, his role is to provide assistance and, when necessary, intervene so that state institutions and social structures can function and improve. He unequivocally asserts that the future of Bosnia and Herzegovina lies solely with its citizens. Only they can claim it, beginning with the changes that affect their daily lives most directly.

It is not an easy task. Deep divisions remain, and many wounds are still open. Nationalist rhetoric continues to circulate, often drowning out the language of compromise. The bitter observation by writer Miroslav Krleža that “the sheepfold is warm, but it stink” still resonates today. For many, the comfort of belonging to a group, party or faith is preferable to venturing out into the cold, uncertain but clean air of change.

This tension is evident throughout Bosnia and Herzegovina, where some people prefer the familiarity and warmth of nationalism to the risks involved in a shared, pluralistic future.

During a brief moment of relaxation, the High Representative, Christian Schmidt, invites us into his office, where he spends much of his working life. On his desk lies a well-thumbed copy of the Dayton Peace Agreement, covered in Post-it notes and endlessly annotated. This document is both a peace treaty and a constitution, as well as a reminder that Bosnia and Herzegovina's political architecture is still provisional.

The walls are adorned with images of the country, showcasing its landscapes, cities, and serene beauty. They seem to acknowledge the difficulty of understanding—and governing—a country that is not one's own, yet which is deeply intertwined with Europe's history and future.

We take our leave amid shared laughter and a few personal anecdotes. Stepping back outside into the streets of Sarajevo, we feel both encouraged and unsettled. We are encouraged by this country's resilience and potential, yet unsettled by the weight placed on its citizens, those walking home from work, crossing bridges and moving through the city's everyday rhythms.

They often carry the burden of deciding whether Bosnia and Herzegovina will remain a place defined by fear and division, or become a place shaped by courage, plurality, and shared responsibility.

In this sense, the Office of the High Representative cannot simply be dismissed as an anomaly. It reflects the unfinished nature of Bosnia and Herzegovina's constitutional project, as well as the ongoing challenge of establishing democracy in the aftermath of violence. Whether or not the OHR will one day become redundant depends not only on international decisions, but also on Bosnia and Herzegovina's capacity to reimagine its pluralism as a shared foundation rather than a permanent fault line.

The journey ends at the heavy doors of the Parliamentary Assembly of Bosnia and Herzegovina. Inside, debates echo endlessly within a framework designed to prevent collapse rather than enable transformation. Outside, society moves forward, fractured, impatient and hopeful.

Bosnia and Herzegovina is not frozen in time. It is suspended within it. Its constitutional pluralism is a war-inherited burden, but also a lens through which to understand a world increasingly shaped by diversity, fragmentation and contested truth. The future here is difficult, fragile and unresolved, but it is precisely for this reason that Bosnia and Herzegovina speaks so powerfully to us all.

It is a country of contrasts. Its landscapes—mountains rising sharply from river valleys, mosques and churches standing side by side, ancient towns and modern streets—mirror the complexity of its social fabric. It is a place where history weighs heavily, yet life moves insistently forward. The scars of war are visible in memorials, murals and the architecture of cities such as Sarajevo and Banja Luka, but so too is the often quiet and unexpected resilience carried by ordinary people.

The country's difficulties are undeniable. Political gridlock, ethnically fragmented governance, economic fragility and demographic decline present daily challenges. Young people continue to leave in search of opportunities. Minority communities face obstacles to full participation, and reconciliation remains an ongoing challenge. Nationalist rhetoric persists, sometimes overshadowing the efforts of those who strive to build bridges rather than walls.

Yet it is precisely these contradictions that hold the key to Bosnia and Herzegovina's future. Pluralism, carefully embedded in the Constitution and tested in Brčko, is practised in schools, places of worship, workplaces and communities, and remains the country's most potent tool. This structure is designed to manage difference, and if it is cultivated beyond mere survival, it can become a source of strength, creativity and cohesion. Bosnia and Herzegovina's diversity is not only a challenge to be overcome, but also a resource to be embraced: multiple identities, languages and traditions can coexist and collaborate if the civic imagination allows.

The potential for change can be seen in the energy of the young, the courage of those who have returned to places such as Žepa, Kraljeva Sutjeska, and many others across the country, and the commitment of educators, artists and activists who refuse to accept division as destiny. This potential is evident in Brčko, where multiethnic governance thrives despite adversity, demonstrating that diversity can be managed without causing paralysis. It is also evident in civil society initiatives, cultural exchanges and everyday acts of kindness and cooperation that transcend ethnicity.

Bosnia and Herzegovina shows us that pluralism is never straightforward. It requires patience, courage and ongoing negotiation. It demands that memo-

ry be honoured without letting it imprison the present, that differences be recognised without allowing them to define limits, and that dialogue be ongoing rather than episodic. However, navigating these tensions can foster resilience, empathy and adaptability, which are the hallmarks of a society that is capable of enduring and evolving.

This complex and contradictory country invites us to view pluralism not as a problem to be solved, but as a path to possibility. Its future will be shaped by those who engage with its challenges, listen to multiple perspectives and are willing to establish institutions and communities that reflect the rich diversity of its population.

Ultimately, Bosnia and Herzegovina offers a lesson in realism and hope. It is a nation that is neither perfect nor static, but vibrant and resourceful. Its story is not one of despair, but of the fragile yet beautiful process of embracing differences, forging connections across divides and envisaging a future in which co-existence is not only possible, but also a source of strength.

Those who look closely will see that the country whispers this truth: even in a land shaped by conflict, pluralism can be a compass, guiding us towards an inclusive, resilient, and uniquely vibrant future.

PHOTOGRAPHIC REPORTAGE

TerraProject

Mario Perini, University of Siena, Italy, mario.perini@unisi.it, 0000-0001-7238-2333

Referee List (DOI 10.36253/fup_referee_list)

FUP Best Practice in Scholarly Publishing (DOI 10.36253/fup_best_practice)

Mario Perini (edited by), *Building the Future. Bosnia and Herzegovina and the Potential of Constitutional Pluralism*, © 2026 Author(s), CC BY-SA 4.0 published by Firenze University Press and USiena PRESS, ISBN 979-12-215-0982-3, DOI 10.36253/979-12-215-0982-3



Figure 1 – Documents burned in the State Archives of Bosnia and Herzegovina after thousands of people set fire to government buildings during the mass demonstrations of 2014, which erupted in protest against corruption and the consolidation of political elites.





Figure 2 – House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina. Since the Dayton Peace Agreement, the country has been divided into two federal administrative entities, each with its own Parliamentary assembly: one in the Republika Srpska, in Banja Luka, and the other in the Federation of Bosnia and Herzegovina, in Sarajevo.







Figure 3 – A bus stop in Banja Luka, the administrative center of Republika Srpska, one of Bosnia and Herzegovina's two entities created under the 1995 Dayton Peace Agreement.



Figure 4 – Elderly residents in central Banja Luka. Behind them, construction continues on a new memorial dedicated to the fallen of the Serb army (1992–1995).



Figure 5 – Ajila Masić, a student of the Islamic madrasa in Banja Luka, one of the city's institutions of Islamic education.



Figure 6 – The High Representative for Bosnia and Herzegovina building. The institution was created in 1995 immediately after the signing of the Dayton Agreement, to oversee the civilian implementation of the peace agreements.



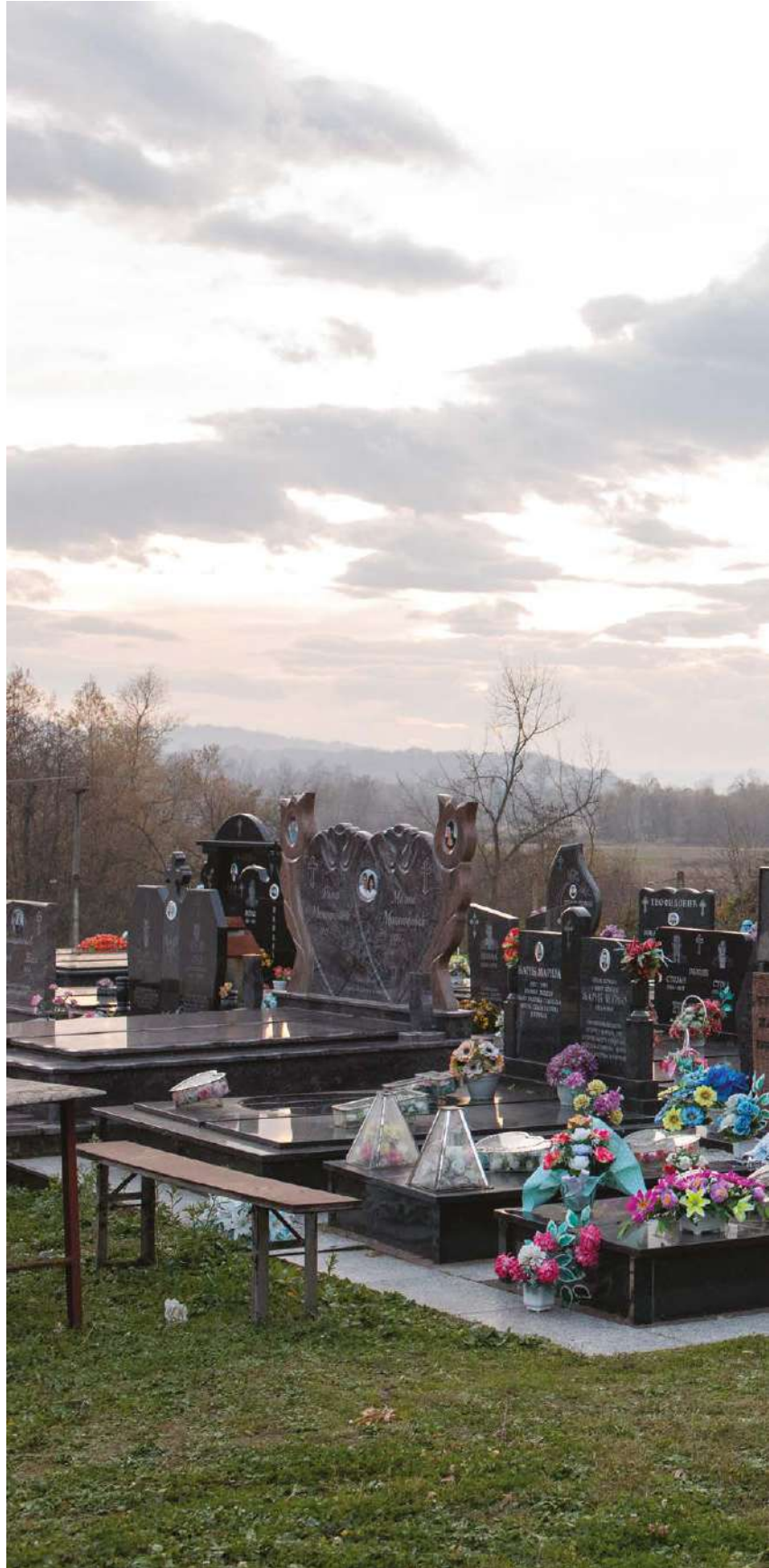


Figure 7 – A cemetery in Dugo Polje (Modriča) on the banks of the Bosna River in Republika Srpska. A life-size statue of a Serb soldier commemorates the enduring legacy of the war.

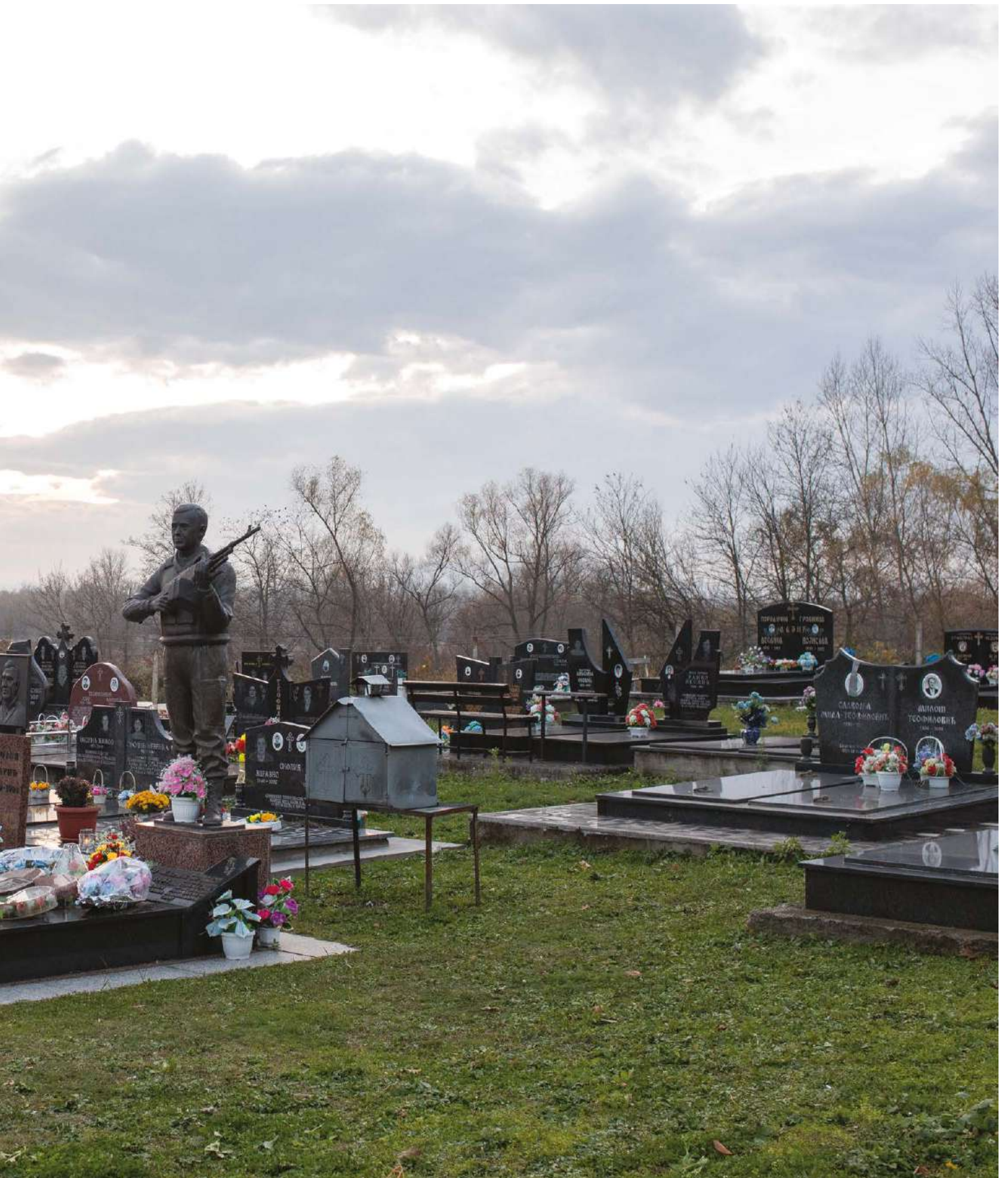




Figure 8 – Lazar Balaban, priest at the Serb Orthodox Cathedral of Christ the Savior in Banja Luka.







Figure 9 – An abandoned train in Prijedor. Many rail lines formerly used for transporting minerals were shut down after the closure of several mines in the region.

Figure 10 – Naida Kurtović works as student coordinator at the Mostar Rock school, which provides a range of support services for young musicians and bands on the rise.







Figure 11 – Milorad Dodik leaving the presidential palace. Despite being barred from public office, Mr. Dodik continues to exert significant influence over Republika Srpska's political landscape.



Figure 12 – A view of Mostar from the Partisan Memorial Cemetery, built in 1965 in honor of the Yugoslav Partisans of Mostar who were killed during World War II in Yugoslavia.





Figure 13 – Cleaning one of the confessionals inside the Church of St. John the Baptist at the Franciscan Monastery of Kraljeva Sutjeska. Founded in the Middle Ages and still active today, the monastery is a quiet repository of Bosnian Catholic history, safeguarding manuscripts, artworks, and collective memory through centuries of political upheaval.



Figure 14 – A IEDD (Improvised Explosive Device Disposal) specialist from Italy's 1st San Marco Regiment, serving under EUFOR, gets ready to conduct a patrol on the outskirts of Sarajevo to ensure regional security.



Figure 15 – The polling station in Laktaši, the hometown and constituency of Bosnian Serb secessionist leader Milorad Dodik.



Figure 16 – Elvedin Selimović, the Imam of Žepa, during the Friday prayer.

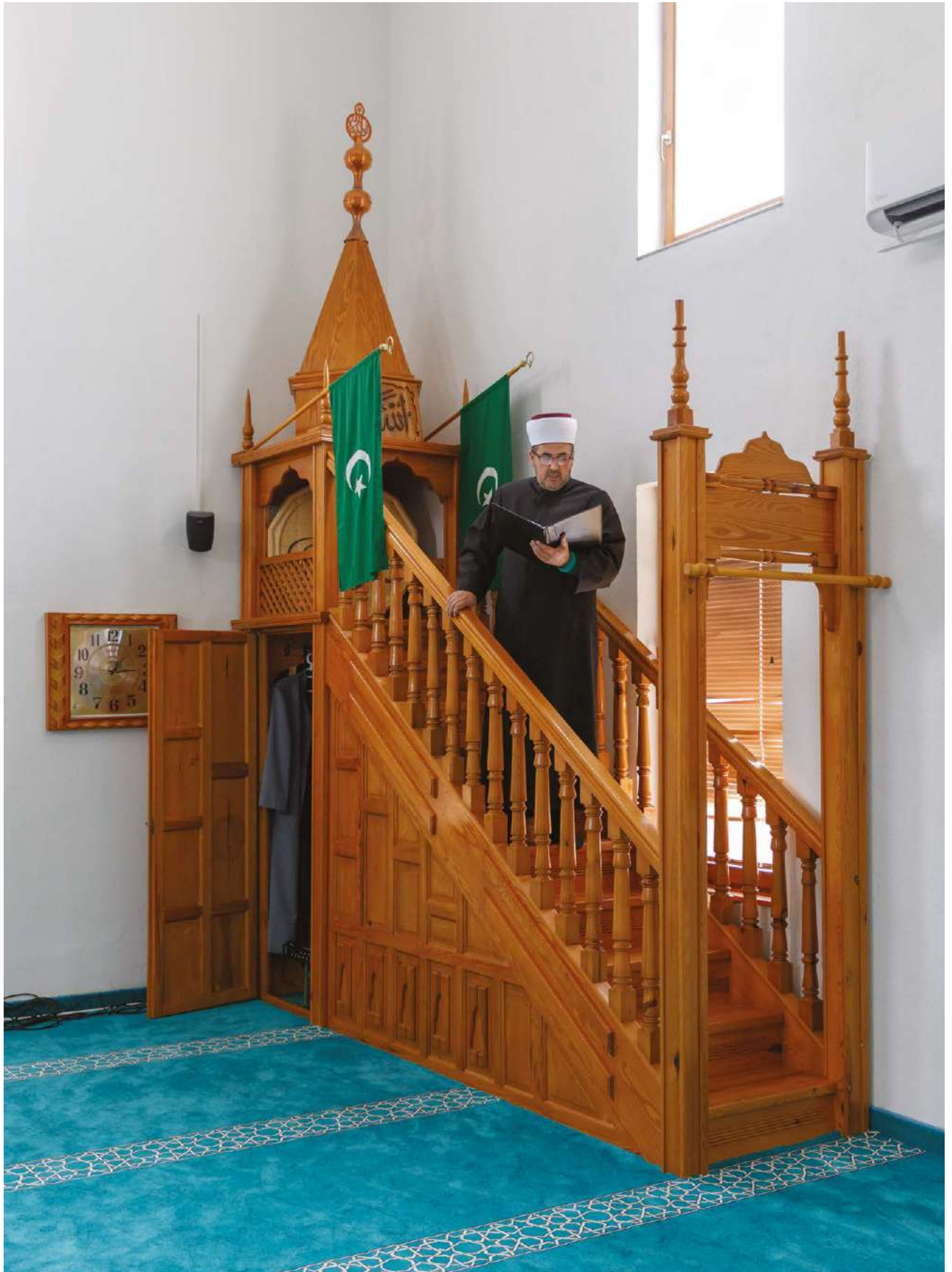


Figure 17 – Jakob Finci, former ambassador, activist, and president of the Jewish Community of Bosnia and Herzegovina. Mr. Finci appealed to the European Court of Human Rights, arguing that Bosnia and Herzegovina's Constitution violates the European Convention on Human Rights. The Court ruled that the Constitution and electoral law discriminate against minority groups, including Jewish and Roma citizens.







Figure 18 – The hall of the National Assembly of the Republika Srpska of Bosnia and Herzegovina is the main legislative chamber (together with the Council of Peoples) of Republika Srpska, one of the two entities that make up Bosnia and Herzegovina.



Figure 19 – School director Zumka Grabus at JU Četvrta Osnovna school on Bulevar Mira (Peace Boulevard) in Brčko. The blackboard displays a lesson on the three official languages used within the District's integrated education system.



Figure 20 – Entrance to the Main Hall, which hosts the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina. Following its destruction during the 1990s war, the building was restored in accordance with the original Yugoslav architectural design.



Figure 21 – Various flags on sale at the informal Gradska Pijaca market in Brčko. A multi-ethnic, self-governing District, Brčko was established following an international arbitration process as a neutral condominium between the Federation of BiH and Republika Srpska.







Figure 22 – The main hall of the Brčko District Assembly. This chamber serves as the legislative hub where elected representatives from all ethnic groups and political parties meet to pass local laws.



Figure 23 – A stencil depicting Bosnian Serb General Ratko Mladić on the wall of Gradski Stadion in Banja Luka. Mladić was convicted of genocide, war crimes, and crimes against humanity by the International Criminal Tribunal for the former Yugoslavia (ICTY), yet remains a celebrated figure among certain nationalist circles.





Figure 24 – Smoke rises from agricultural burning near Orašje, the capital of Posavina Canton. The city sits on the Sava River, marking the border between Bosnia and Herzegovina and Croatia.







Figure 25 – View over Srebrenica, a town marked by the 1995 genocide and still navigating the weight of its divided post-war reality.





Figure 26 – Election campaign posters in the periphery of Banja Luka. Siniša Karan, a university professor representing Milorad Dodik's Alliance of Independent Social Democrats (SNSD), narrowly won the early election for President of Republika Srpska on 23 November 2025. The early elections were called after the Central Election Commission decided to revoke Milorad Dodik's mandate as President of the RS, as he had been convicted by the top Court of BiH for refusing to implement decisions of Constitutional Court of BiH and decisions issued in 2023 by the High Representative in BiH, Christian Schmidt, and was banned from holding political office for six years.

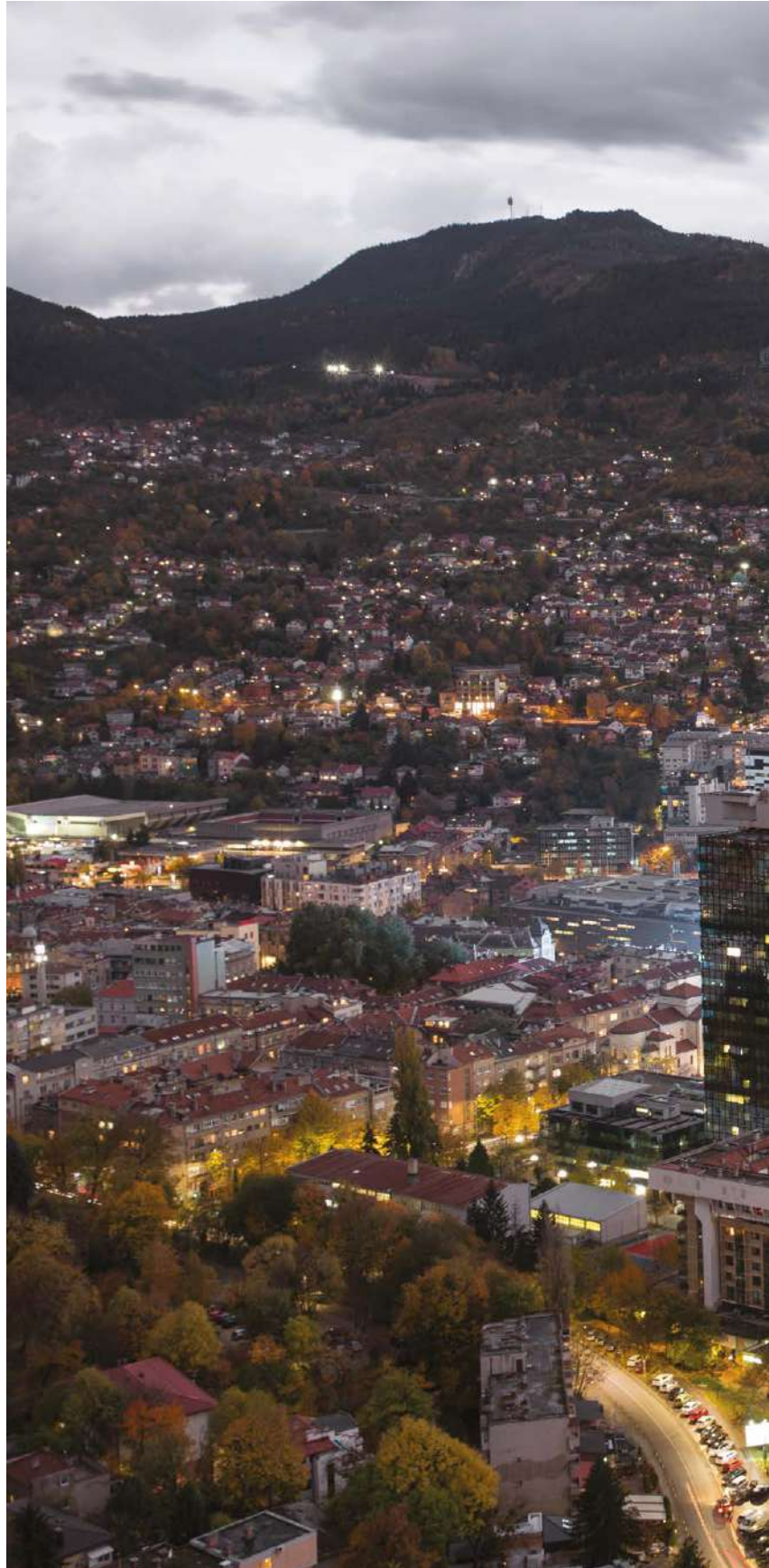


Figure 27 – View of the city center of Sarajevo.



Figure 28 – Igor Bencion Kožemjakin, the hazzan of the Jewish Community, inside the synagogue of Sarajevo.



Figure 29 – Map of the Republika Srpska painted on a building in East Sarajevo. Under the terms of the Dayton Peace Agreement, the easternmost part of the capital was administratively assigned to the Republika Srpska. The Agreement divided the country into two entities, allocating 51% of the territory to the Federation of Bosnia and Herzegovina and 49% to the Republika Srpska.







Figure 30 – The sports hall in Banja Luka after the launch convention of Mayor Draško Stanivuković's new political movement, PSS. The party plans to run in the 2026 elections and positions itself as a right-wing alternative to Dodik's party.

Figure 31 – Hans Christian Friedrich Schmidt, High Representative for Bosnia and Herzegovina since August 2021, in his office in Sarajevo. The High Representative is an *ad hoc* office appointed by the Peace Implementation Council (PIC), the international group of countries and organisations responsible for overseeing the implementation of the Dayton Peace Agreement. The High Representative has broad powers and can adopt binding decisions if local administrations are unable or unwilling to act. He can also remove public officials who have violated legal commitments or the terms of the Dayton Agreement. However, his authority is increasingly being challenged by various political figures.





Figure 32 – A view over the Stari Most on the Neretva river, in Mostar. Originally built in the 16th century, it was destroyed in 1993 by the Croatian Defence Council and reconstructed in 2004. Today, Stari Most stands as both a symbol of cultural continuity and of Bosnia and Herzegovina's unresolved postwar fractures.



Figure 33 – View of the Church of St. Luke the Evangelist, a Catholic church located in Alipašino Polje, a large planned residential neighbourhood in Sarajevo.



Figure 34 – Belma Lepir-Cviko, member of the polling station in Novo Sarajevo municipality, during the voting operations in the absence of the early presidential elections of the Republic of Srpska. Here, 66 people were registered, but only one voted.







Figure 35 – The training field of FK Borac, the main football club in Banja Luka.

The Authors

Mario Perini is Full Professor of Constitutional Law at the Department of Law, University of Siena. His research focuses on constitutional adjudication, systems of government, the separation of powers, and political parties, on which he has published extensively.

Edin Škrebo is researcher and lecturer in public and constitutional law, currently teaching at the University of Pavia and research fellow at the University of Milan-Bicocca. His work focuses on constitutional identity, pluralism, and European law, with international academic experience and publications.

TerraProject Photographers is a documentary photography collective founded in Florence in 2006 by Michele Borzoni, Simone Donati, Pietro Paolini and Rocco Rorandelli. Among the first collectives of its kind in Italy, it soon became a space for dialogue and collaboration, while also serving as a platform to support and promote its members' work. Over time, the group has developed a distinctive approach to "collective authorship," producing projects shaped by a carefully maintained stylistic consistency.

Their work has consistently engaged with social and environmental questions, both in Italy and internationally. Within Italy, they have built a substantial visual record of the country through major public and private commissions.

Their photographs appear regularly in leading Italian and international publications, and have been shown in galleries, festivals and major institutions worldwide, including the Institut du Monde Arabe (Paris), the MAXXI (Rome), the Fondazione MAST (Bologna), the MACRO (Rome), the Benaki Museum (Athens), the Palazzo Ducale (Genoa), the UCCA Center for Contemporary Art (Beijing), the Katzen Arts Center (Washington), the National Gallery of Victoria (Melbourne), Les Rencontres d'Arles (Arles), Cortona on the Move (Cortona), Festival della Fotografia Etica (Lodi), and the European Parliament (Bruxelles).

TerraProject has published several monographs and collective volumes, and its work is held in important public and private collections. The members of the

collective have received several international awards, including the World Press Photo (2010 and 2012), the Premio Canon (2010), the Fund for Investigative Journalism (2011), the Premio Pesaresi (2013), the Premio Graziadei (2014), the Celeste Prize – Streamers (2016), the Landskrona photobook dummy award (2018), the Premio Gabriele Basilico (2020), and the ISPA Grant (2023).

STRUMENTI DEL DIPARTIMENTO DI GIURISPRUDENZA DI SIENA

TITOLI PUBBLICATI

1. Mario Perini (a cura di), *Il gioco d'azzardo: una prospettiva multidisciplinare. Atti del convegno tenutosi presso il Dipartimento di Giurisprudenza dell'Università degli Studi di Siena il 1° dicembre 2023*, 2024
2. Gianfranco Orlando, *Beni culturali umani. Reificazioni, risignificazioni, restituzioni*, 2024
3. Mario Perini (a cura di), *La tutela dei diritti nell'era della riproduzione artistica digitale. Atti del Convegno tenutosi presso il Dipartimento di Giurisprudenza dell'Università degli Studi di Siena il 19 aprile 2024*, 2025
4. Chiara Angiolini, Antonello Iuliani (a cura di), *Manuale sulla protezione e circolazione dei dati personali*, 2025
5. Gianfranco Orlando, Chiara Angiolini (a cura di), *Diritti di uso pubblico e beni comuni. Riedizione critica dell'arringa di Pasquale Stanislao Mancini, Del diritto di uso pubblico del Comune e del popolo di Roma sulla Villa Borghese, corredata della pertinente giurisprudenza*, 2025
6. Mario Perini (edited by), *Building the Future. Bosnia and Herzegovina and the Potential of Constitutional Pluralism*, 2026

Building the Future

Bosnia and Herzegovina
and the Potential
of Constitutional Pluralism

edited by
Mario Perini

The publication *Building the Future: Bosnia and Herzegovina and the Potential of Constitutional Pluralism*, explores the country's social, political and cultural complexities through documentary photography. Shaped by the 1995 Dayton Agreement and a constitution based on ethnic divisions, Bosnia and Herzegovina is a place where pluralism and fragmentation coexist in daily life. The images depict schools, workplaces, religious spaces, and urban and rural environments, showcasing historical divisions alongside efforts towards dialogue and inclusion. Particular focus is given to young people, artists, and activists who promote social cohesion. Through these portraits and scenes of everyday life, pluralism emerges as both a challenge and an opportunity, prompting us to reflect on democracy, peace, and the possibility of inclusive coexistence.

MARIO PERINI is Full Professor of Constitutional Law at the Department of Law, University of Siena. His research focuses on constitutional adjudication, systems of government, the separation of powers, and political parties, on which he has published extensively.

TerraProject

ISSN 3035-5656 (print)
ISSN 3035-5842 (online)
ISBN 979-12-215-0981-6 (Print)
ISBN 979-12-215-0982-3 (PDF)
ISBN 979-12-215-0983-0 (XML)
DOI 10.36253/979-12-215-0982-3

www.fupress.com