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“Republika Srpska will have a referendum”: the rhetorical politics of Milorad Dodik

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The theory and practice of referenda played an important role in the break-up of Yugoslavia, especially in Bosnia-Herzegovina (BiH), where two divisive referenda preceded the Bosnian War of 1992–1995. After the failure of constitutional reforms in April 2006, Milorad Dodik, then Republika Srpska's prime minister, suggested that Republika Srpska had the right to hold its own referendum, with separation from Bosnia an unstated (yet soon openly discussed) aspiration. This paper presents an account of the emergence of Republika Srpska referendum discourse and how it was articulated by Milorad Dodik to establish his SNSD party as the dominant force in Republika Srpska. It documents the dialogical context and rhetorical gambits used by Dodik to articulate the discourse, tracing how it evolved in response to regional events and elections. The paper concludes by considering the limits of interpreting Dodik as a demagogue and of a discourse-centered approach to political rhetoric.

Keywords: rhetoric; referendum; discourse analysis; Republika Srpska; Bosnia

The position of the Serbian people in the Yugoslav Republic of Bosnia-Herzegovina cannot be changed through any parliament decisions but only by way of a referendum. Should parliament decisions be taken, the Serbian people will never recognize them.

Radovan Karadžić, speaking at the founding of the Serb National Council in Banja Luka, October 1990 (Tanjug 1990)

I think that Mr Dodik has won the elections thanks to this. With the sentence “we will have a referendum” he has in a way restored the shaken sense of dignity of most Serbs. But he has set the bar very high for himself, and the question is now what will come out of that.

Mladen Ivanić, speaking on BHTV 1 after the October 2006 elections (BHTV 1 2006)

I am positive that Bosnia has no future... We Serbs do not live in Bosnia, we live in the Serb Republic. Bosnia is a burden for us, something we want to shake off our back. Foreigners who have met here every Friday for years to make decisions on BiH know that. The clan of ambassadors knows that a multiethnic society can be implemented somewhere else, but in Bosnia it is impossible. Bosnia is a divided country in people's minds. Bosnia is a big mistake of the West.

Milorad Dodik, speaking before the October 2010 Bosnian elections to the Serbian newspaper *Vecernje Novosti* (Vujanovic 2010b).

A specter is haunting Bosnia-Herzegovina – the specter, once more, of territorial fragmentation. In 1990, a politically ambitious Bosnian Serb politician talked of “natural Serb areas in Bosnia-Herzegovina” and a referendum among Serbs from Bosnia-Herzegovina to determine the state they wanted.¹ His name was Radovan Karadžić, and the party he led, the Serb Democratic Party (SDS), would achieve its ambition of power in the Bosnian elections of 1990. The party was not, however, able to prevent the subsequent Parliament from declaring Bosnia a sovereign state and the possibility of a Bosnia-wide referendum on independence. Thus, on 9 and 10 November 1991, the SDS itself organized a referendum asking participants whether they wanted the Socialist Republic of Bosnia

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and Herzegovina to remain within the then Socialist Federal Republic of Yugoslavia (SFRY). Non-Serb Bosnians could vote, but only on a different question on a separately colored ballot. Few did so. Serbs from Bosnia living abroad could vote also, with one official claiming nearly 400,000 voted yes while only 20 no in Serbia (Champion 1991). Promoted by the Milošević-controlled media and orchestrated by local SDS party branches, the referendum was a simulated democratic event constituting Bosnia's Serbs as a separate people expressively voicing near-unanimous support for remaining within a Yugoslavia dominated by Serbia and its strongman leader Slobodan Milošević. The exercise also "legitimated" a separate "Assembly of the Serb People in Bosnia-Herzegovina," formed two weeks prior by delegates from nationalist Serb parties who had withdrawn from the Socialist BiH Parliament. On 21 November 1991, this Assembly cited the referendum in declaring the SDS-dominated autonomous regions announced that year across Bosnia to be federal units of Yugoslavia (Toal and Dahlman, 2011, 99–111). In December, Karadžić told the Assembly:

We have the right and the ability to prevent anyone on the territories where we conducted our referendum to secede from Yugoslavia. In all territories where Serbs took part in the referendum, regardless of whether they make 5% or 55% of the population, they are the constituent element of that town or that republic. All territories where we voted in our referendum to remain in Yugoslavia must stay in Yugoslavia if we decide so [applause]. (ICTY 1991)

But, despite the best efforts of the SDS to constitute them rhetorically, there were no agreed "Serb territories" in Bosnia-Herzegovina. When the socialist BiH parliament controversially authorized a referendum on Bosnian independence and this passed in March 1992, with Bosnia's Serb population overwhelmingly boycotting the vote, the new Republic of Bosnia-Herzegovina was plunged into generalized warfare. Forty-four months of killing, population displacement, and systematic human rights abuses followed, during which "ethnically clean" territories were violently produced. In November 1995, the General Framework Agreement signed at Dayton, Ohio, legitimated these territories under their wartime name: Republika Srpska (RS).

In April 2006, a major push by the international community and a cross-ethnic coalition to make the constitutional structure created at Dayton more functional failed by two votes. In the wake of the failure of this "April package," Republika Srpska's prime minister, Milorad Dodik, whose SNSD (Party of Independent Social Democrats) was striving to become the largest party in RS, began to speculate on an alternative option: a referendum in Republika Srpska. The suggestion, as Dodik well knew, was politically explosive and called into question the core Dayton settlement. It generated a heated reaction that polarized BiH once again along wartime lines. Because of this, and a series of other factors, the most significant of which was the waning power of the Office of the High Representative (OHR) in BiH, Milorad Dodik seized on the idea of an RS referendum to dominate political discourse in the entity and consolidate his power. In October 2006, the SNSD became the largest party in Republika Srpska, displacing the SDS for the first time. Dodik served as prime minister for a full four years, the first in the RS ever to do so. In October 2010, Dodik was elected president of Republika Srpska, avoiding a run-off vote by winning over 51% of the votes cast.

This paper is a study of Milorad Dodik's political rhetoric, and its context, since 2006. It traces the (re)appearance of the RS referendum idea as Bosnian politicians moved beyond the April package's failure, responded to the Montenegro referendum on independence, debated the legitimacy of the power of the OHR and of Kosovo's unilateral declaration of independence, and fought two state-wide elections. As a point of departure, Figure 1 provides a quantitative measure of the waxing and waning intensity of RS

referendum discourse between 2006 and 2010. The chart was generated using a word frequency count from the Bosnian daily newspaper *Dnevni Avaz* (*Daily Voice*). Established in 1995 by Fahrudin Radončić, a Bosniak entrepreneur and now politician with close ties to former BiH president Alija Izetbegović from the Sandžak region of Montenegro, *Dnevni Avaz* is headquartered in Sarajevo and holds close to two-thirds of the newspaper market in the Bosnian Federation (FBiH), the entity other than the RS in BiH. A tabloid newspaper that aggressively pushes the agenda of its owner, *Dnevni Avaz* (hereafter DA) is a useful though partial resource in the study of Bosnia-wide political discourse. Most major political statements and ongoing debates over the future of BiH are likely to be recorded in its pages. Figure 1 is a graphic display of the monthly totals between 2006 and 2010 of the frequency of four BCS (Bosnian-Serbo-Croatian) keywords – *referendum* (referendum), *otcepljenje* (secession, separation), *samostalnost* (independence, autonomy, sovereignty), and *nezavisnost* (independence) – that were published in article paragraphs alongside clear references to Republika Srpska within *Dnevni Avaz* over this period.² The graph helps isolate significant rhetorical eruptions over the idea of the RS holding a referendum. The first eruption occurred after the failure of the April package and at the time of the Montenegro referendum on independence from the union of Serbia and Montenegro (May–June 2006). Dodik’s suggestion that a national self-determination referendum in the RS might be appropriate received enormous reaction and coverage. The second eruption coincided with the period prior to the 2006 state-wide elections. Keyword totals dropped in October 2006 below their August levels, with several articles referencing the RS referendum only in a reflective manner. The debate waned in November and December 2006. The RS referendum scenario continued to register throughout 2007 but at low levels. Keyword totals only returned to higher levels of frequency in February 2008 as debate within Bosnia was intensified by linkage to Kosovo’s unilateral declaration of independence. A lower-frequency eruption occurred in October 2008 as RS politicians reacted strongly to a UN speech by Bosnian president Haris Silajdžić. The issue remained part of the agenda in 2009 and intensified considerably at the end of the year when another public power struggle between Dodik and the OHR erupted. The issue of an RS referendum reached its single largest peak of intensity in January 2010, when the RS Assembly adopted a new constitutional law on holding referenda. In the wake of this controversy, Dodik suggested in March 2010 that it was time to discuss Bosnia’s dissolution because it was an “unsustainable” (*neodrživa*) country. The right of the RS to hold a self-

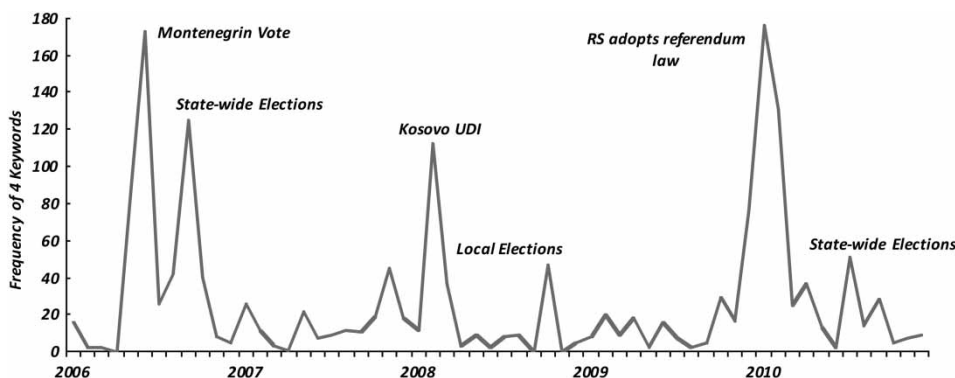


Figure 1. Variation in intensity of RS referendum discourse 2006–2010: monthly frequency of keywords published in *Dnevni Avaz*.

determination referendum was a demonstrative symbol central to Dodik's campaign for RS president that year. The World Cup (June 2010), *Dnevni Avaz*'s lavish coverage of its owner's new political party (Alliance for a Better Future for Bosnia-Herzegovina, SBB BiH), and a certain normalization of RS referendum discourse obscure this to some degree before the October 2010 elections. Thereafter, the issue was background to the "unsustainable" storyline of the SNSD and their post-election allies, the SDS. In March 2011, Dodik proposed that the RS hold a referendum on the OHR's imposition of judicial laws, only to cancel this after a high-profile meeting in May 2011 with European Union External Action Service head Catherine Ashton and regional envoy Miroslav Lajčák.

Word frequency counts are useful in isolating key moments of intense debate, but qualitative discourse analysis is needed to provide the necessary context and understandings of participants. The general literature on the analysis of political rhetoric is vast. Classical rhetorical analysis has been superseded by various varieties of post-structuralist discourse analysis in recent decades and these, in turn, are challenged and complemented by an "affective turn" offering new insights into representational and non-representational dimensions of rhetorical performance (Gregg and Seigworth 2010; Thrift 2008; Edelman 1988; Perelman 1982). This paper is concerned with examining linguistic representational practices in their broad political context. The rhetorical statements of Milorad Dodik, translated from BCS into English, are its primary data.³ Four foundational arguments about political rhetoric inform the analysis. The first is that political rhetoric needs to be understood as part of a multifaceted game with the object of accumulating legitimacy and support in politics. It is, first and foremost, a game against political opponents that involves self-positioning, adversarial framing, and other communication strategies designed to attract support from multiple audiences. Considerable rhetorical skill is required to play the game effectively. Discursive entrepreneurship or "witcraft," the ability to develop symbolic issues that mobilize support, to re-frame the categories of one's opponents to accumulate legitimacy, and to put rhetorical commonplaces to work for one's benefit are important capacities (Billig 1987). While election campaigns are defining and consequential arenas for rhetorical politics, the political game is played out endlessly in public life. Contestations emerge dialogically through debate and verbal exchange over present and past controversies.

The work of political rhetoric involves the creation of arguments built upon associations and differentiations. Metaphors, analogies, and resemblance heuristics do this cognitive work in ways that are largely automatic, instantaneous, and unconscious (Kahneman 2011; Lakoff and Johnson 1980). The claim "Republika Srpska has the same right to self-determination as Kosovo," for example, is a rhetorical gambit. It seeks to analogize territories with very different histories and suggest that both are equivalent self-determination units. Whether this argument persuades or not depends upon the affective disposition of audiences. This requires consideration of the foundations of association and differentiation practices in the human brain. The neural networks constructed during acculturation and growth into a language and culture provide the basis for human reasoning and strategies of action in the world (Connolly 2002; Damasio 1994; Swidler 1986). Researchers thus need to be particularly attentive to the ways in which distinctions are made and reasoning proceeds through metaphors and analogies. This is particularly important when considering the mimetic desire found in places aspiring for recognition as states. Key concepts like "self-determination," "people," "state," "citizens," "territory," and "sovereignty" are notions they seek to affirm and instrumentalize in the face of rhetorical practices that refuse these associations. The concept of a "referendum" is part of this game.

The literary theorist Roland Barthes famously distinguished between denotative and connotative meaning (1977). Denotative meaning refers to the literal, precise, and explicit meaning conveyed. Connotative meaning, on the other hand, refers to the cultural and historical context of an image or, in our case, a word (and associated keywords).⁴ This distinction is helpful in thinking about the word “referendum” in the Bosnian context. Denotatively, a referendum is merely a direct vote in which an electorate is asked to either accept or reject a particular proposal. It is assumed to be a legitimate democratic procedure in which, in the terms of a popular metaphor associated with it, “the voice of the people” is expressed. Part of a family of rhetorical commonplaces with associations to “democracy,” “modernity,” “legitimacy,” and “the West,” the word has strong positive suggestions. Connotatively, the meaning of “referendum” in the Bosnian context is much more contested and controversial. The event organized by the SDS in November 1991 was hardly a democratic procedure involving all citizens of Bosnia; instead, it was an extra-legal party-organized plebiscite premised on ethnic segregation. Nonetheless, its proponents proclaimed it democratic, with Karadžić entrepreneurially reversing criticism by terming it a “democratic reply to undemocratic pressures” (Croatian Radio 1990). This party referendum was followed by a disputed referendum on Bosnian independence on 29 February–1 March 1992, which the SDS and its supporters boycotted and its armed allies took as their warrant for war against the Bosnian government.

The idea of a referendum, thus, has deeply polarizing associations in the Bosnian context. In the mouths of Bosnian Serb politicians, the word triggers associations with Karadžić and his project to divide Bosnia. Even if Dodik is being apparently legalistic and denotative in his use of the term, many older Bosnians hear Karadžić’s project to break up Bosnia. To them, the ostensibly democratic form of a referendum is a transparently anti-democratic stratagem to finalize the work of ethnic cleansing. To many RS war veterans and their families, on the other hand, Dodik’s rhetoric resonates with their aspirations and provides strong motivation for supporting him. A referendum is heard simply as *the referendum*, the referendum that will eventually lead to Republika Srpska’s independence. The connotative meaning, the memory and desire primed by the word “referendum,” mobilizes – rather than the literal content of his statements on what type of referendum it might be. It is reasonable to assume that Dodik, as an experienced and skilled politician, knows the rhetorical games he is playing. His ability to control this rhetoric, and where it leads, is another matter.

Second, political rhetoric is performative. It does more than state a point of view, describe a situation, or report on a reality. Political rhetoric is political action, an intervention in the political process that seeks to promote certain claims and de-legitimize others. The act of declaring certain rights, for example, is performative in that it brings into existence the very claim that is made. This was the case with declarations of universal human rights amidst the American and French Revolutions, which depended upon performative assertions that these rights already existed and were merely being defended (Hunt 2007). The performative force of certain utterances depends on felicitous conditions and context. The call for a referendum in RS, for example, only has performative force because the prime minister or president of Republika Srpska makes it. Political speech is usually held to be sincere speech, though all involved in its production and reception know that it has dramaturgical aspects that are part of the game of politics.

Here we need to consider a second understanding of performativity, namely the acting that is needed to accumulate and retain power. A constant preoccupation of politicians in democratic contexts is maintaining their political standing and favorability ratings. They need to be able to mobilize and lead, to connect and affirm in ways that serve their ends.

Crucially, in the Bosnian context, Dodik's primary audience is only the electorate of Republika Srpska, an entity that is overwhelmingly populated by Serbs as a consequence of wartime forced displacements and post-war migrations. Over the years, Dodik has altered his way of talking in order to connect with this electorate. A glimpse of how Dodik has learned how to behave in this respect is provided by the journalist Senad Pećanin (2007), who recounted a conversation with him from 2003 in which he explained:

I go to a pre-election rally, let's say in Teslić, and the whole town is there. I talk about the rule of law, order, Euro-Atlantic integration, human rights, economy . . . they stare at me like blockheads. No reaction whatsoever. And then I throw in the slogan: "We will defend Republika Srpska" – and my job is done. Ovarions! Neither I nor they know what that means exactly, or who is trying to take it away from us, but the theatre-like audience suddenly comes to a boiling point, and a large part of my voters are recruited there and then from their ranks.

We need to be somewhat skeptical of this story because its source is indirect, and also because Dodik is being self-serving. Equally important to consider is how Dodik is recruited himself into the ranks of such sentiment within these theatres, as he sings out its automatic verses and gives voice to its passions and imitative desires.

The fact that Dodik does actually sing at some campaign rallies leads to a third point. Rhetorical gamesmanship and performativity work by mobilizing affective passions, by creating and activating positive primary feelings toward one candidate and position, and negative feelings toward opponents. The political brain is grounded in emotional reasoning and rewards cognitive activity that affirms one's own political commitments in the face of contradictory evidence (Westen 2007). Furthermore, the act of speaking is a corporal one that communicates words but also body language, tone, intonation, attitude, accent, and disposition. All are significant in understanding Dodik's referendum discourse as embodied political performance, one he has honed over the years, and also as a discourse structured around embodied appeals (Lakoff 1996). In dramaturgical terms, Dodik's performances affirm the longstanding conceit that Serbs are a victimized people. The international community is against them, and local enemies want their destruction. Dodik's rhetoric affirms this victimhood status in order to go beyond it. The category "they" – foreigners and Muslims generally, the OHR and named Bosniak politicians in particular – are portrayed as outside groups in unreasonable opposition to a virtuous self, an "us" that suffers daily humiliations and silencing. Dodik casts himself as also suffering before these outside groups for what he believes, what he dares to say.⁵ Images of subordination, silencing, and humiliation permeate Dodik's discourse as negative frames. Being told what to do when young, being stigmatized and unwanted, being silenced by authority: such implicit parent-child dynamics recur throughout Dodik's discourse (RSPTV 2010).⁶ These set up the circumstances for Dodik's heroic drama: the former child/colony/dependent becomes the strong man/state/independent entity, the man of the people who stands up and fights against the humiliations and indignities suffered by ordinary people. Dodik's discourse is about restoration of lost dignity, power, and pride. The formerly stigmatized grows up and gains self-confidence. To the condition of symbolic castration, he offers remasculinization. His rhetorical performances embody this by projecting a strong message in blunt, brusque, and even bullying terms.⁷ His language is sometimes polemical and rude, his gestures theatrically defiant (such as storming out of a gathering or throwing a BiH flag from a meeting table), his behavior undiplomatic. On occasion he does little to hide his contempt for BiH, indicating, for example, that he would never cheer for Bosnia in a sports contest unless it was playing Turkey (Dodik is a former basketball player who now owns his own team). His

own pride and that of Republika Srpska are conflated: in a sense, he is the RS body politic. Sincerity and seriousness are prerequisites for the performance to be believable rather than cynical and self-serving. Some of the tensions between the two, as well as the always-present issue of Dodik's pride, can be gleamed from an interview he gave on the eve of the 2010 elections to a fawning journalist:

Our campaign has not been conducted a month in advance of the election, but from the very first day, when we entered the government. They [described earlier as foreign embassies, the high representative, international brokers, nongovernmental organizations, and his domestic opposition] could not touch us. We are waiting for the results of the election completely relaxed. This is not a battle for power, for votes; this is a battle for dignity. (Vujanovic 2010a)

The battle for dignity, of course, translated into a battle for votes and the retention of power by Dodik.

Fourth, we should not assume that discourse is under the control of any speaker or that their rhetorical performances necessarily work as might have been intended. As mere borrowers of language, people can try to bend it to their purposes but there is no guarantee that they will succeed. Dodik's rhetoric has worked upon his overwhelmingly Bosnian Serb electorate. It has manifestly helped his SNSD party become the dominant party in the RS since 2006 and has allowed him to consolidate his political power – and a political crony economy organized around the SNSD that dominates Banja Luka and the RS today. But we should not assume that Dodik “controls” the discourse of an RS referendum or that this can be switched off when he wishes or when he leaves the political scene. While it is useful to consider the motivations of Dodik in employing RS referendum rhetoric, the discourse has a life of its own that transcends its immediate context of production. The complexity of political speech in BiH needs to be appreciated. As a rough rule, when speaking to Serbian newspapers, RS television, newspapers close to his government like the tabloid *Glas Srpske* (*Voice of Srpska*), or the more professional-market *Nezavisne Novine* (where long commentaries occasionally appear under his name), Dodik is more demonstratively nationalist; whereas when speaking to BH television, *Dnevni Avaz*, *Oslobodjenje* or *Dani* magazine his speech tends to be more mitigated and less strident (there are exceptions – see Pećanin 2007). When speaking to Croatian media, he tends to voice his support for Croatian separatism in BiH, and when talking to the non-regional press, his support for Dayton. Yet, tailored messaging by prominent politicians in BiH is difficult because the country is small and media networks tend to reverberate the words of politicians within their own frameworks. His words get circulated and transposed into different contexts. Becoming a prominent politician in BiH requires mastering very different speaking situations – Brussels and Washington, D.C., Sarajevo, Banja Luka, and Belgrade – and satisfying very different audiences, a task that can be very challenging if one wants, as Dodik does, to retain authenticity and popularity with base voters. The media echo-chamber and competing political demands often produce discourse that is dissonant, confusing, and, on its face, contradictory. Finally, as rhetorical theorists remind us, acts of a speaking body are, to some extent, always unknowing about what they perform, convey, and communicate (Butler 1997, 10). What some see as the projection of strength, others see as the projection of aggressive intent. The same utterances can communicate reassurance or stoke fear. Receptivity is not something rhetorical performers control.

The rest of this paper is devoted to analysis of the evolution of RS referendum discourse since 2006. To contextualize this analysis, however, we need to provide a little background on its main performer and provocateur: Milorad Dodik.

The rise of Milorad Dodik

Milorad Dodik owes his initial political career to his family. His father was a farmer from Laktaši, north of Banja Luka, who reportedly became wealthy from land dealings and furniture manufacture. Because of his relative standing and power, his son became head of the Laktaši council at the age of 26. Dodik's start benefited from the Communist Party youth organization, family connections, his education at the Faculty of Political Science at the University of Belgrade, his popularity as a basketball player, and the networks he built with private businesses and reformist Bosnian Communists. He became part of the clientistic network of Nenad Kecmanović, former rector of the University of Sarajevo and a longstanding figure in the Socialist Alliance of BiH, an association of civil organizations (Pejanović 2004). Kecmanović was part of the founding committee of the League of Reformist Forces, the new political party formed in July 1990 by then Yugoslav Prime Minister Ante Marković. He and another founding member Dzemal Sokolović recruited Dodik as a candidate for the party list. In Bosnia's first open elections in November 1990, the party attracted sufficient votes for him to be elected to Parliament. As politics polarized, Dodik was notable for his moderate social-democratic leanings. He spoke out against the "regionalization" policy of the SDS that was a prelude to the plotted breakup of the country by the SDS and its allies. Nevertheless, in the crucial period that saw the SDS withdraw from the Socialist BiH Parliament and establish an "Assembly of the Serb People of Bosnia-Herzegovina," Dodik cast his lot in with the SDS agenda, supported the establishment of what became Republika Srpska, and took a seat in the "National Assembly of Republika Srpska" in Pale. With a narrow SDS clique from Sarajevo at the center of the secessionist statelet, Dodik was on the political margins. He spent most of the war based in Laktaši making money, mostly from cigarette smuggling according to press reports (*BH Dani* 2002). He appears to have developed a profitable working relationship with contraband crime syndicates based in Montenegro, an important hub in the so-called Ronhill Trail (Glenny 2008). Dodik's relationship with the powerful Montenegrin leader Milo Đukanović was forged during this period – some suggest Đukanović, another Balkan "big man" and former basketball player, is an important role model – as were important business contacts in Trebinje and elsewhere. Dodik's position in the RS Parliament gave him a level of immunity and protection. Nevertheless, some of his business ventures apparently suffered at the hands of more powerful SDS officials, themselves with extensive interests in contraband commerce (*BH Dani* 2001). Reports suggest his life was threatened during this time (Selimbegović 2007). The official biography of Dodik cites him as a founding member during this period of the Independent Members of Parliament Caucus, the only opposition group to the SDS in the RS Assembly (SNSD 2010). It also cites his mobilization and eight-month service in the RS army (VRS). Dodik's wartime political positioning became the basis for his post-war career as an anti-SDS but pro-RS "moderate Serb" politician.

In the wake of the Dayton peace accords, officials from the US Embassy began a search for "moderate Serbs" with whom the US could potentially cooperate to make the peace accords work. Milorad Dodik and Mladen Ivanić were two figures identified. Following two years of stalemated SDS rule, international officials encouraged then RS President Biljana Plavšić to form a new non-SDS coalition government.⁸ After an attempt with Mladen Ivanić failed because he would not include the Bosniak SDA party, Dodik, whose RS oppositional group had become the Party of Independent Social Democrats (SNSD), was elected RS prime minister on 11 January 1998 in a coalition

that included the SDA. In return for a more cooperative attitude toward the implementation of the Dayton accords, Dodik's government was provided with \$5 million in emergency funding and promised a further \$45 million in project aid (Reuters 1998). Dodik's government did indeed adopt a more conciliatory posture, and his cooperation helped pull the RS back from the brink of economic collapse and failure. Dodik also allegedly embezzled some public funds to pay off his debts to Macedonian suppliers of contraband (E-novine 2010).⁹ It is worth underscoring that Dodik's tenure at this time required personal courage because the SDS and other extreme nationalists vilified him as a foreign stooge.

Dodik's government lasted three years, falling after the SNSD captured little beyond 10% of the vote in RS in the November 2000 elections. Given future developments, it is worth recalling that these elections featured a referendum, organized by separatists within the Croat nationalist HDZ party, in the Croat-majority region in western Herzegovina, to support its campaign for a separate Croatian entity within BiH. The SNSD position was that the referendum "reveals the intention of destructive forces to revise the Dayton Agreement." Party spokesman Stanislav Cadjo declared in October 2000 that "it was precisely because of the referenda held in 1991 that things later developed as they did." The party's position was that the referendum threatened the Dayton agreement and could lead BiH into an uncertain future. "Such initiatives are the last desperate move by nationalist forces, because after the November elections new forces will appear on the political scene of Bosnia-Herzegovina, which will discuss these issues in a different, democratic manner, so as not to undermine the Dayton agreement" (BH Press 2000). Cadjo was being optimistic. Running for RS president that November, Dodik was crushingly defeated by the SDS candidate. The HDZ and the SDS returned to power with renewed strength.

Turned out of office despite his success in rehabilitating the RS in the international community, Dodik devoted considerable energy to modernizing his party and turning it into an effective political force. In this effort he was aided by the US National Democratic Institute (NDI), who were working with a range of opposition RS parties deemed to be moderate. The NDI helped SNSD party officials in the organizational mechanics of establishing constituency offices, building party membership, and conducting voter research to develop stronger campaign messaging.¹⁰ The party expanded by incorporating a series of smaller parties. It also recruited more nationalist figures into its ranks, including some former SDS members.¹¹ The party improved its vote totals in the 2002 elections and was widely considered the most professional RS party. Exploiting voter discontent with economic stagnation, non-transparent privatizations, and manifest corruption, Dodik proved to be a formidable opposition politician. He returned to power in February 2006 after the collapse of an SDS coalition government, becoming RS prime minister for a second time at the head of a new coalition. Pensioners, sacked workers, youth, and discharged soldiers are currently humiliated, he declared upon entering office. "The RS can be a prosperous region, and its legal system must protect the rights of its citizens" (ONASA 2006). Dodik promised a new future.

Dodik's decision to assume power before the October 2006 elections was a risky move, because the sitting SDS government was unpopular and he could have coasted to the elections in opposition. His decision appears to have been motivated by a series of calculations. The first was the anticipated increase in public revenue as a result of BiH's replacement of a sales tax with a value-added tax in January 2006. The second was his ability to decisively shape two of the largest privatizations in the RS, those of Telekom Srpska and the Bosanski Brod oil refinery. A 65% stake in Telekom Srpska

was eventually purchased by Telekom Srbije, the state-owned Serbian telecom company, in December 2006, for a price of €646 million, well above the minimum asking price of €400 million and substantially ahead of the only other bid, of €467 million, from Telekom Austria. Majority stakes in the Bosanski Brod and Modrica refineries, as well as the fuel service company Petrol Banja Luka, were sold to Zarubezhneft, a Russian oil company whose largest stakeholder was the Russian government, for €119 million, with the Russians promising substantial reinvestment. Both privatizations provided the RS public treasury with substantial funds, capitalizing an RS Investment and Development Bank that Dodik chaired. Third, Dodik wanted to be in a powerful position to shape the constitutional-change debate on the Bosnian political agenda.

Dodik was a key participant in the 2005 background negotiations on constitutional reform organized by Donald Hays, a retired US diplomat and former deputy high representative in BiH. This process helped the SNSD refine *its* preferred vision for the future of BiH: for it to become a federalized state with two or more republic-like entities. Crucially, each republic would have a clearly defined right of its peoples to self-determination. This vision, in effect, sought to reconstitute BiH along the lines of the former Yugoslavia, a polity that was often compared to Bosnia in the past. One manifest implication was that each entity or republic would enjoy the right to hold a referendum on its status within the federation and to leave if it chose to do so. In effect, as those opposed to this vision saw it, Dodik's vision for the future of BiH was a halfway house to its dissolution. While this became Dodik's preferred option, he was willing to make a compromise deal on constitutional change. For Hays, Dodik and SDS leader and RS President Dragan Čavić were "the most positive members of the working group discussing concrete changes" in the constitution.¹²

The idea of a referendum in the RS was not novel. Contentious disputes over administrative reform, especially defense reform and the police, had generated calls for referenda by various parties. Opponents of state defense reform in the RS National Assembly proposed a Republika Srpska referendum in 2003 on the issue (BH Radio 1 2003). This group included the SNSD and the Democratic People's Alliance (PDP), the party of Mladen Ivanić. The following spring, a legal challenge by then Bosniak member of the BiH presidency, SDA leader Sulejman Tihić, to the name Republika Srpska provoked Dodik to propose a referendum of "citizens" (of the RS) on the issue (SRNA 2004).¹³ Tihić later withdrew his legal challenge, but the idea of an RS-only referendum as a response to supposed threats to its existence was born.

The Montenegrin referendum: "I like this form of democratic expression"

A referendum on the independence of the Republic of Montenegro from the State Union of Serbia and Montenegro was held on 21 May 2006. Two days later, all five permanent members of the United Nations Security Council recognized preliminary results according to which more than 55% had voted for independence. This percentage also satisfied the approval threshold set before the referendum by the European Union, indicating that a formal declaration of independence would receive widespread international recognition. Regionally, Macedonia and Croatia welcomed the outcome, while the leadership of Serbia waited for verification of results before reluctantly accepting them.

Montenegro's independence was a significant blow to the long-standing Serb nationalist aspiration of uniting all Serbs in a single state. Serbian right-wing political factions have long stressed the historical ties between Montenegro and Serbia and the supposed

common ethnic identification of their populations. These narratives emphasize that Montenegro is a traditionally Serb land, with Montenegrin peoples belonging to a wider Serb nationality. Though there is abundant historical evidence of inextricable ties between the two peoples, the population of contemporary Montenegro came to increasingly identify as Montenegrin in a national sense (Bieber 2003). This was eventually reflected in the outcome of the referendum. With a loss of Serb held areas in Croatia, the RS remaining part of an intact Bosnia-Herzegovina after Dayton, and Kosovo under NATO control, Montenegro's independence was another perceived fragmentation of a collective Serb nation and incited feelings of loss among many nationalist Serbs. A cause for concern also was that the Montenegro referendum was a fillip for Kosovar Albanians looking to orchestrate their own independent state.

Milorad Dodik supported the move of his longtime ally Milo Đukanović to hold a referendum on Montenegro's independence. Over a week before the vote (12 May 2006), he visited Đukanović in Igalo, Montenegro, and made a statement supporting the democratic and legitimate right of Montenegrins to decide on their future. It is possible, even probable, that Dodik and Đukanović discussed the idea of a similar referendum in the RS at this time.

A rhetorical battle over the meaning of Montenegro's vote began with public comments by Kosovo's Prime Minister Agim Ceku that the referendum was "the last act of the historic liquidation of Yugoslavia... This year Kosovo will follow in Montenegro's footsteps" (Krasniqi 2006). Unusually for a Serb politician, Dodik welcomed the idea of a referendum on Kosovo as a basis for reaching a decision on its status. Commenting on Ceku's statement, Dodik noted on 25 May that the right to self-determination was the universal right of every nation, and that people should be given the right to declare themselves on the matter. He added:

I like this form of democratic expression of the will of the people to decide on such matters and perhaps it would be simply a formal question to hold a referendum in Kosovo on what status it desires and for that to be the foundation for making a decision. (DA, 27 May 2006, 2)

Dodik's initial comments did not mention the idea of a similar referendum in Republika Srpska. Nevertheless, press coverage projected Dodik's support for "referenda in the region." His statement generated some concern at the OHR, where the activist tenure of Lord Paddy Ashdown had given way to the "non-interventionist" style of the 75-year-old former German politician Christian Schwartz-Schilling.¹⁴ Principal Deputy High Representative Lawrence Butler released a statement on 26 May 2006 demanding an explanation from Dodik. Butler stated that there was no connection between the events in Montenegro and Bosnia. He further stressed the obligation of RS politicians to respect the Dayton agreement that had confirmed Bosnia-Herzegovina as a sovereign state. In direct reference to Dodik's statements, Butler warned that public officials needed to focus on reforms and economic problems instead of empty rhetoric.

The OHR's statement solicited a public response from Dodik that challenged its power to curtail discourse in Bosnia. In an interview the following day (27 May) with the Sarajevo daily *Oslobodjenje*, he stated explicitly for the first time that Montenegro's referendum on independence was a model applicable also to the future of Bosnia. Articulating his vision of Bosnia as a federal union, he argued: "that union should affirm the right to self-determination through the right to hold a referendum which would be organized in line with democratic standards as defined by the European Union." The current situation in BiH, he argued, was worse than before the breakout of war in the early 1990s. "The

people who live in Bosnia-Herzegovina believe less and less in the existing state model” (Vukovic 2006).

Dodik’s interview unleashed a firestorm of reaction. Bosniak politicians and multi-ethnic parties reacted swiftly to Dodik’s floating of the idea of an RS referendum. A full range of responses was published in the 28 May 2006 edition of *Dnevni Avaz*. All were united in underscoring that events in Bosnia had no connection with Montenegro and that there was no legal foundation for an independence referendum in the RS. Sulejman Tihić, then presiding member of the Bosnian presidency and the president of the mostly Bosniak Party for Democratic Action (SDA), cited two legal principles according to which the RS did not have a right to secede. In addition to the Bosnian Constitution agreed at Dayton, he cited the Badinter Commission established by the then European Economic Community in 1991 to provide legal advice on issues arising from the disintegration of Yugoslavia. Its opinions would become the guiding principles for decisions to recognize Yugoslav republics declaring sovereignty and independence. Applying the international legal principle of *uti possidetis* (“as you possess”), the Banditer Commission determined that only constituent Yugoslav Republics were entitled to statehood. It stated that the boundaries of republics could not be altered without consent. The commission concluded that “the Serbian population in Bosnia and Herzegovina and Croatia is entitled to all the rights concerned to minorities and ethnic groups” and “that the Republics must afford the members of those minorities and ethnic groups all the human rights and fundamental freedoms recognized in international law including, where appropriate, the right to choose their nationality” (Pellet 1992). This finding privileged the self-determination of existing territorial republics over the more generic claim to “national self-determination.” The goal of “self-determination,” in other words, could only be exercised through preexisting political structures, sometimes termed “self-determination units” in international law. Citing Badinter, Tihić differentiated between the independence of Montenegro, which was a former Yugoslav Republic, and Republika Srpska, only a part of one since 1995.

In addition to citing legal impediments, Bosniak politicians and social-democratic parties of FBiH used blunt language to criticize Dodik’s comments. Thus, Tihić characterized the idea as “political nonsense,” while the Social Democratic Party (SDP) called on all public officials to “get serious” and focus on the economy and realistic goals (DA, 29 May 2006, 2). Others not only discredited the possible secession of the RS but used the affair to continue questioning its legitimacy as an administrative entity. Thus, a prominent Bosniak politician and member of Social Democratic Union (SDU), Nijaz Duraković, said that “Dodik should know that the RS is a genocidal creation and a war catch, it is not eternal, and cannot have future” (DA, 28 May 2006, 4). Many Bosniak politicians, in reactions to the RS referendum idea, used such rhetoric, an indication of its effective power to polarize and divide Bosnians again along wartime lines. Additional international reactions came from the European Commission, whose spokesperson stated: “The European Union supports only the BiH in its internationally recognized borders. Only such BiH has the support of the European Commission in its further journey and progress toward European integrations.” A spokeswoman for the office of the EU’s Special Representative for Foreign Affairs, Javier Solana, had a similar message: “BiH’s integrity is indisputable for the [European] Union and therefore our position is that there is no possibility for holding a referendum about RS’s secession from BiH” (DA, 28 May 2006).

Dodik reacted to the controversy generated by his remarks in an interview with the Banja Luka–based newspaper *Nezavisne Novine* on 28 May 2006. His statement presented

a revealing framing of the scene. He was willing to talk to everyone about the future of BiH but he was not willing to accept anyone's dictatorship: "I can and will talk, but I cannot and will not just listen and nod my head." "It must be said out loud," Dodik stated, "that the unwillingness to accept the constitutional changes has shaken BiH's foundations much more seriously than my theoretical consideration of a referendum as a theoretical possibility" (Popovic 2006). All ethnic groups in Bosnia, Dodik noted, had to be treated equally, and talk about a referendum would be unnecessary if agreement were reached on how to make the country better for everyone. Evident in this interview are two rhetorical devices that facilitated the emergence of RS referendum talk as legitimate political discourse. The first is the presentation of the idea of an RS referendum as *merely reactive* to the failure of constitutional changes. Dodik's discourse developed a characteristic symmetrical structure that involved, firstly, characterizing the position of his opponents as a threat, and secondly, articulating his position as a legitimate and legal response to this threat. Haris Silajdžić's successful campaign against the April package allowed Dodik to present himself as a positive actor who sought to better BiH in good faith. To Dodik, Silajdžić wanted to dictate how BiH should be organized alone. This dangerous attitude violated the principle that all peoples needed to be treated equally. Dodik played this scene as part of a resonant historical storyline: Serbs were facing the danger of Ottoman/Muslim (or Habsburg/OHR) dictatorship and the referendum was a legitimate response based on the right of oppressed peoples to freedom and self-determination. Dodik's rhetorical game was effective because it used Silajdžić's rhetoric as its warrant.

Second, by creatively overstating the failure of the April package as undermining the foundations of BiH, Dodik presented his referendum talk as *merely speculative*. With speech acts publicly coded as tentative (his double use of "theoretical"), it became difficult for the international community to make a definitive assessment of whether his rhetoric constituted a violation of the Dayton accords. In view of this ambiguity and without concrete steps toward holding a referendum, the OHR could not easily justify sanctions against Dodik. Its only weapon was the verbal reprimand, a gesture that played into Dodik's scenario of foreigners dictating to the Serbs and treating them like children. Dodik was embarking on a symbolic power struggle with the OHR that he would decisively win over the next five years. Initially, this took the form of his testing of the parameters of legality and permissible speech, followed by tactical retreat and amelioration of his words. But quite quickly it took the form of open provocations and later defiant actions, which generated predictable responses that reinforced his storyline.

Dodik underscored the "theoretical" nature of his referendum talk a few days later, on 31 May 2006. Expressing surprise at how his referendum talk had caused a political storm whereas calls for the abolition of the RS had not, Dodik sought to recast himself as reasonable:

I am no adventurer who thinks that this should be held now, because I am aware that there is no support for anything of this kind and there is no possibility to have such a form recognized. But, if the attempts to destroy the constitutional and political system continue and if the constant attempts to blame and accuse the Serb Republic of something negative continue, obviously the patience of the people here will have to take a different course. (Banja Luka Radio 2006)

The statement is significant for its simultaneous articulation of assurance and wishful thinking.¹⁵ While acknowledging the practical obstacles to a referendum, his "now" began what would become an elaborated fantasy that BiH could *one day* enjoy a "peaceful separation" because of the manifest reasonableness of those undertaking such a move.

The scenario held that the breakup of Bosnia by a secessionist referendum, thereby undoing the Dayton peace accords, was an action that could eventually be accepted by the international community. In accusing international officials of one-sided treatment of anti-Dayton rhetoric, Dodik declared that blame for the emergence of the RS referendum idea should not be assigned solely on him. This seemingly banal rhetorical claim was a longstanding feature of Serb nationalist discourse (and that of others too), one that inscribed Serbs as victims of unfair and one-sided criticism while projecting blame outwards onto others who sought to blame Serbs for their own failings. The arguments, actions, and criticism of others were framed as acts of collective blaming. The response was a symmetrical reversal: those who blamed should themselves be blamed.

Dodik uses the same rhetorical moves so frequently that they merit some comment. In formal rhetorical terms, one of Dodik's favorite modes of reasoning is a quasi-logical argument of reciprocity. "Arguments of reciprocity aim at giving the same treatment to two situations which are counterparts of each other" (Perelman and Olbrechts-Tyteca 1969, 221). In Dodik's discourse, more often than not, the counterparts are not Bosnia's two entities, the FBiH and the RS; rather, they are BiH itself and the RS, or Kosovo and Montenegro and the RS. In his very structuring of symmetry, Dodik is aggrandizing the status of the RS to a state-like entity and, crucially, a potential "self-determination unit." Dodik's arguments of reciprocity are usually warrants for action because reciprocity is being denied to the RS. Here arguments of reciprocity become arguments of reversal and projection, and justifications for "reactive" action. This mode is more interesting than a simple reversal of what others are saying. Instead it is a reversal of what the speaker imagines and constructs that others are saying. In this sense, it is actually a revealing window into the cognitive frames that are considered significant by the speaker. Read symptomatically, these discursive utterances can provide insight into the nonconscious concerns of the practitioner. Psychological projection is a process whereby persons unconsciously deny their own attributes, thoughts, and emotions by ascribing them to the outside world and to other people. Projection involves imagining or projecting beliefs and fears one holds internally, but cannot fully admit or publicly articulate, onto others, to justify one's own position as merely reactive to or pre-emptive of these positions. Speech act projection is ostensibly a response to, but symmetrical with, the repudiated beliefs. The sound bite that holds, "Bosnians want to abolish the RS and, therefore, the RS is justified in holding a referendum on its own future," can be read as an example. A convenient construct – foreigners and internal enemies want to abolish the RS – becomes the excuse for a dangerous desire to be publicly proclaimed as a legitimate defensive act.

While facing criticism from international officials and Bosniak-dominated parties, Dodik's referendum rhetoric received endorsement from other Serb parties and non-governmental organizations based in the RS. On 29 May 2006, *Dnevni Avaz* published a statement by the union of RS-based non-government organizations (SPONA) in which all of its members expressed support for Milorad Dodik's standpoints on the political status of the RS. In Banja Luka, it began a petition drive collecting signatures to organize a referendum, even though there was no provision in RS law concerning petitions as a basis for referenda. Dodik's main political rival within the RS, the Serb Democratic Party (SDS), also expressed approval of the referendum idea as a means for protecting Serb interests. SDS leader and RS President Dragan Čavić argued that "in places where there is no agreement, separatism and demands for a referendum are unavoidable. I see that story as a hypothetical possibility created by the collapse of the Dayton Agreement" (DA, 14 July 2006, 5). The third-largest Serb party, Party of Democratic Progress (PDP),

and other smaller political factions also approved of a theoretical exploration of the potential referendum as a response to attacks against the RS. In sum, most RS-based parties fell in behind the frames of debate established by Milorad Dodik.

This unity behind the idea of a referendum suggests that Bosnian Serb parties had confidence in the popularity of separatist sentiments among RS citizens, though public opinion polls by the NDI and others showed that unemployment was their overriding concern – and that of most Bosnians (Ó Tuathail, O’Loughlin, and Djipa 2006). Dodik ratcheted up the discourse by making the overwhelming appeal of RS independence a warrant for its legitimacy. In an address to Matica Srpska, the oldest cultural-scientific society in Serbia, in Novi Sad on 6 June 2006, Dodik warmed to the theme of Sarajevo versus Banja Luka, and envisioned a near-unanimous outcome to any referendum Serbs would be forced to hold (as a defensive reactive measure):

If those [officials] from Sarajevo persistently repeat that the RS should not exist and that it is a genocidal creation, then they will get an answer called “the people” and “the referendum.” But, when they asked me what I think about the fact that 55 percent of voters were needed for Montenegro independence, I said, give us 90 percent and you will see that such is the real state of mind in the RS. (DA, 7 June 2006, 2)

The bragging claim was undoubtedly a welcome symbolic gesture before the audience of Matica Srpska, which can be translated as “parent body [queen bee] of the Serbs,” adjusting to the “loss” of Montenegro and contemplating that of Kosovo. For many Serbs and some internationals, Serbian “losses” in Montenegro and Kosovo justified “compensation” in Bosnia.

The issues were certainly connected in the mind of the Serbian prime minister, Vojislav Koštunica. The first official Serbian state visit since the end of the union of Serbia and Montenegro was a meeting between Koštunica and Dodik in Banja Luka on 9 June 2006. In a prelude to the visit, the Serbian minister of finance, Mladen Dinkić, indicated that one of the topics to be discussed was “an effort by Prime Minister Milorad Dodik to hold a referendum about the status of the RS” (DA, 7 June 2006, 2). This statement prompted a fierce reaction from Bosniak officials, who portrayed it as a renewal of Serbian attempts to break up the Bosnian state. High Representative Christian Schwartz Shilling issued a statement asking Dodik to stop talking about the referendum, informing him that the OHR would consider any discussion of this topic with representatives of foreign government “a serious move” (DA, 9 June 2006, 2). In the aftermath of the meeting, Koštunica declared that an RS referendum was not a topic of discussion, adding that Serbia fully supported the Dayton agreement as well as UN Resolution 1244 regarding the temporary status of Kosovo. Koštunica’s connection of Dayton and Resolution 1244 was a deliberate speech act designed to link their status: abandon one and the other may be threatened. Koštunica emphasized that the Dayton agreement guaranteed the existence of two entities, stating that any challenges to this could “cause different reactions” (DA, 10 June 2006, 2). Implicit in these remarks was Koštunica’s conceptualization of the RS and Kosovo as extensions of a greater Serbian nation that the Serbian state was obligated to defend.

Within three weeks of Dodik’s initial comments on a referendum, the radicalization of Bosnian political discourse was obvious. *Glas Srpske*, a newspaper close to Dodik, admirably described his suggestion as having “triggered a massive political earthquake in Bosnia-Herzegovina” (Markovic 2006a). In this time period, all but one edition of *Dnevni Avaz* contained articles that pertained to the RS referendum. All but four editions published such articles on the first two pages. On 15 June 2006, the rhetoric led to peaceful street protests as 2000 people marched through Banja Luka calling for the secession of the

RS from BiH. It also led to public policy shifts as SNSD secretary Rajko Vasić stated that his party would continue negotiations on constitutional reforms only if they contained provisions for a right to self-determination by entities. Vasić also said that Dodik had talked about a referendum only as a “democratic option, which everywhere in the world has its place in constitutions of democratic countries and in international law” (DA, 9 June 2006, 4).

Turning the 2006 elections into a referendum

In floating the idea of an RS referendum, Milorad Dodik found that he was able to dominate political discourse in Republika Srpska and set the terms of debate over the future of Bosnia. International officials tried, largely in vain, to point out to politicians, the media, and many voters that Bosnia had pressing material and institutional problems that did not involve zero-sum struggles over existential identity questions. Economic development, unemployment, and corruption are enduring problems within Bosnia-Herzegovina, with gross domestic product in 2006 only 85% of what it was in 1991. Olli Rehn, the European commissioner for enlargement, and Erhard Busek, the coordinator of the Stability Pact for Southeast Europe, declared that “a message needs to be sent to those talking about a referendum that they need to study statistics and per capita GDP in the RS, and after that concern themselves with better life of people living in that entity” (DA, 31 May 2006, 5). Christian Swartz-Shilling also periodically labeled the referendum as a distraction. Referendum talk, he argued, “diverted attention from urgent reforms that will help create jobs and improve standard of living. Referendum talk will not eliminate poverty, will not secure investments, will not create a single job, and will not feed people” (DA, 26 June 2006, 9). Nonetheless, nationalist themes persisted and intensified as elections approached. All major Serb parties supported the legitimacy of a “reactive referendum” in Republika Srpska, with the circumstances justifying it vague. In the Bosnian Federation, the principal split was between those who supported the failed constitutional reform of April 2006 and those who opposed it. Haris Silajdžić, leader of the Bosniak Party for Bosnia-Herzegovina (SBiH), campaigned hard on his role in defeating the April package. The SBiH’s campaign slogan was “100 percent BiH,” which was interpreted darkly by some as a plan for a Bosnia without Serbs. SBiH presented the failure of constitutional reforms as a victory of Bosnian patriots who managed to protect the country from destructive forces. Dodik’s referendum talk was portrayed as evidence of a plan to destroy Bosnia, while the proposed constitutional reforms were faulted for offering a legal framework for RS independence. In public speeches, Silajdžić claimed credit for foiling this alleged secessionist strategy:

We have rejected [constitutional reforms] because they were bringing a referendum and the secession of the RS. The Dayton Agreement is not good, and (the April package of) constitutional reforms are similar to Dayton, the same story that was just altered a bit, with one difference being that Dayton was made at a chaotic time. By keeping entity voting, BiH would be in hands of those who don’t want it. (DA, 17 July 2006, 4)

Silajdžić’s rhetoric was similar to Dodik’s in that shoring up a threatened and endangered entity was its locus. It was unclear how the proposal for constitutional reforms that confirmed Bosnian sovereignty and did not include a right to a referendum created conditions for a secessionist referendum to be held. The SBiH opposition to the April package was built around the argument that the proposals offered only “cosmetic” changes and solidified internal divisions without substantially strengthening the central government. Proof of this was the retention of entity voting, the Dayton-era requirement that one-third of the

delegates from each entity were required to pass legislation in the state Parliament. The SBiH campaign contended that this would allow Serb nationalists to continue to obstruct the functioning of the central state, accusing its main Bosniak rival the SDA and the multi-ethnic SDP of consenting to the plan which would produce the eventual demise of Bosnia-Herzegovina. The SBiH campaign advocated reforms that would strengthen the state and weaken the entities in a more fundamental manner. It also appealed to Bosniak aspirations for the eventual abolition of the RS, presenting itself as a political option most capable of achieving that ultimate aim. The SBiH further argued that the abolition of entities was a political agenda that could legally be pursued within the existing state institutions, while calls for the RS referendum constituted an attack against those very institutions. It was proof that Dodik and Serbs could not be trusted to keep Bosnia unified.

The Bosniak Party of Democratic Action (SDA) also attempted to build voters' trust in its ability to defend Bosnian sovereignty, albeit on sharply different premises. Contrary to the SBiH, the SDA's campaign contended that the April 2006 constitutional reforms would have confirmed Bosnian international status, strengthened central institutions, and made any talk of referendum irrelevant. Bakir Izetbegović, a prominent SDA politician and the son of the first president of Bosnia, Alija Izetbegović, argued that his father "would have been puzzled by the naivety of certain Bosniak politicians and intellectuals who scored an own goal and are still celebrating it. If the constitutional reforms were adopted, Dodik's talk about referendum and independence of RS would be silly" (DA, 29 September 2006, 5). Despite supporting the April package with RS parties, the SDA was not willing to surrender leadership in promoting abolition of the RS to the SBiH. In a campaign speech, the SDA president, Sulejman Tihić, reacted to SBiH's vision of a future entity-free Bosnia:

Whenever they appear, they talk about abolishing the entities. SDA does not say that it will abolish entities. We are abolishing entities every day. What else is it other than abolition of entities when after my initiative the constitutional court of BiH declares the anthem and emblem [of RS Serbs] void, as well as the emblem of Federation, then abolishment of [separate] armies of Federation and RS? (DA, 20 September 2006, 9)

Thus, two leading Bosniak parties ran highly negative campaigns to discredit each other's strategies for achieving a more unified Bosnia-Herzegovina. In contrast, the political campaigns in the RS showed a smaller gap between the positions of Serb parties on the perceived national issues. The campaigns of the three leading parties, the SNSD, SDS, and PDP, employed comparable rhetoric that defended the right of the RS to hold a referendum if threats against Serb interests continued. For example, then SDS president Dragan Čavić argued that if attacks against the internal arrangement of BiH defined at Dayton continued, "this would mean a referendum for the RS, period" (DA, 28 June 2006, 4). Similarly, Mladen Ivanić suggested, "our calls for a referendum will certainly follow if demands for abolishment of the RS continue" (DA, 23 August 2006, 9).

None of the RS leaders were as skilled as Dodik in folding the RS referendum question into long-standing questions of respect, resentment, and identity. In his election speech performances, Dodik often charged that Serbs had been disrespected and even humiliated in Bosnia. He was the man, however, capable of putting an end to the alleged mistreatment. For example, at SNSD's first official campaign rally, held in the town of Dobo, he declared: "I want the RS to enjoy even treatment within BiH in the future. If not, it will be independent. Not a single man will be humiliated any longer" (DA, 2 September 2006, 9). The following day, he told the Serbian news agency FoNet that BiH was not sustainable in the long run and that a referendum on the independence of Republika Srpska was inevitable. The main conditions for the RS remaining part of BiH were guarantees that

“outvoting and radical Islam would not prevail.” The RS was a “permanent category” and “it will be defended as long as I defend it” (FoNet 2006).

High Representative Schwartz-Schilling provided Dodik with an ideal opportunity to further enhance his status as defender of the RS when he warned Dodik that he would remove him from office if he did not cease his referendum rhetoric. Schwartz-Schilling, however, suffered from a credibility problem, having initially styled himself as “anti-Ashdown” in philosophy and style. His age and frequent trips abroad reinforced the impression he was passive. Dodik called his bluff, saying he did not believe the HR would come to such a position and carry out such a move. He stood behind everything he said and did not feel the need to deny or explain anything (SRNA 2006). Dodik had calculated correctly, for there was little international appetite for removing a popular Serb leader among the key quintet powers (Germany, France, Italy, the United Kingdom, and the United States) on the Peace Implementation Council (PIC) steering board. Later, a few days before voting, he was more direct in addressing Schwartz-Schilling:

Who is he to make threats all the time? Enough of that! It would be proper for him to call on the international community to stop applying pressure and for us to start working on reaching agreements. I firmly reject any kind of pressure. After all, let him try [to remove me]. I will continue to talk. Schilling keeps threatening us as if we were pre-school children. (Markovic 2006b)

At a rally in Brčko just before the election, he told the crowd that the forthcoming elections would have the power of a referendum. The Bosniaks were scared of an RS referendum, and his policies were already yielding results, for Tihić had withdrawn his lawsuit against the RS name. “Do not be scared of Tihić, or Haris, or the arrogant [SDP leader] Lagumdžija. Let me deal with them.” (DA, 27 September 2006, p. 10) Dodik’s claim to be the symbolic protector king of the Serbs (and implicit heir to Karadžić) was given a choreographed public boost by both Serbian President Tadić and Prime Minister Koštunica soon thereafter. Amidst considerable pomp, both attended a ceremony on 26 September 2006 marking the signing of an agreement on “special parallel relations” between the RS and Serbia.

Dodik remained the referendum’s leading advocate despite the fact that other major Serb parties also campaigned in its favor. The issue allowed him to outflank the SDS as the leading guardian of perceived Serb national interests, a noteworthy political achievement. Dodik was also not willing to surrender his party’s already established leadership on the economy and social issues. Along with the discussion of the referendum and “national interests,” Dodik’s campaign offered a strategy for economic progress that corresponded to its main campaign slogan, “Charge Ahead Srpska.”

The outcome of the 2006 elections left Bosnia deeply entrenched in ethno-politics. The SNSD swept the elections in the RS, winning 45% of RS assembly seats, compared to 19% for the SDS. For the first time, it became the leading party in the entity. In the Federation, Haris Silajdžić won a landslide victory to become the Bosniak member of the Bosnian State Presidency, while the SDA held a one-seat advantage over SBiH in the Bosnian House of Representatives. The SBiH made gains at the SDA’s expense compared to 2004. The two leaders, Milorad Dodik and Haris Silajdžić, whose positions on the RS became polarizing opposites, emerged as the dominant political figures in BiH political life.

Kosovo’s unilateral declaration of independence: “Why can Kosovo do it and the RS cannot?”

After the 2006 elections, High Representative Schwartz-Schilling decided he needed to use his Bonn powers to remove Dodik, especially after post-election statements revealed

his continued insistence on an RS referendum. When he proposed this to the PIC, he did not receive strong support, because of concern about how the OHR would handle the consequences of removing a recently elected RS leader. Worried international officials ended up choosing an alternative path. The OHR would not be closed by 2007 as initially envisaged, and Schwartz-Schilling would be replaced. Raffi Gregorian, the US diplomat who served as Brcko supervisor, sought to head off the referendum issue in his area of responsibility. On 2 February 2007, he issued a decision banning any referenda in the territory of Brcko without the supervisor's written consent (OHR 2007). Such a decision was within the powers of the High Representative, but it was not taken.

The catalyst for a new round of debate on an RS referendum came from negotiations regarding the status of the Serbian province of Kosovo. The question of Kosovo, of course, had been present at the outset, when Dodik's initial statement contrasted the Montenegrin referendum with Kosovo's desire for independence. Kosovo, moreover, was a central touchstone for the Serb nationalist wave of the late '80s and early '90s that had precipitated the Bosnian War. After Dayton and the Kosovo War of 1999, the status of Kosovo and the future of BiH were occasionally linked by Serb politicians. In 2003, Mladen Ivanić, serving as BiH foreign minister, stated in an interview with the Austrian newspaper *Die Presse* that if Kosovo became independent then this would open the issue of the status of Croat and Serb peoples in BiH. "Then the question would be posed: 'How come they can they do it, and we cannot?'" The idea of secession from the common state is still present among Bosnian Serbs and Croat" (NATO 2003). Ivanić's remarks resulted in a minor controversy and a verbal reprimand from the PIC.

During the 2006 election, Serb politicians made occasional statements warning that Kosovo's potential independence could have extensive regional consequences. With the separatist ambitions of Kosovo's majority Albanian population seemingly enjoying Western support, it appeared to nearly all Serb politicians in both Serbia and Bosnia that Euro-Atlantic institutions had "double standards" in dealing with the "right to national self-determination." As negotiations of the final status of Kosovo approached a conclusion in 2007, parallels between the status of the RS and the disputed Serbian province provided fresh occasions for rhetorical performance of the RS referendum scenario. The first distinct intensification of the discourse in the post-election period occurred in January of 2007 as a result of statements linking the secessionist demands of Kosovar Albanians to Serb aspirations for RS independence. There were also several other periods of increased discursive activity in 2007 and 2008, with Kosovo providing a catalyst for each. As might be expected, the most significant event was Kosovo's unilateral declaration of independence in February of 2008.

Figure 1 shows that a first post-election cluster of intense discussion of RS independence occurred in the second half of January 2007. The escalation was provoked by then Serbian Foreign Minister Vuk Drašković, who declared, "the citizens of the RS have a right to self-determination and independence if the UN Security Council accepts the same request by Kosovo Albanians" (DA, 16 January 2007, 2). Stated a few days prior to the 21 January 2007 parliamentary elections in Serbia, Drašković's speech act was a transparent electoral ploy to attract nationalist voters. Nonetheless, it was sufficient to generate a flurry of reactions in Bosnia. Haris Silajdžić called Drašković's statement "aggression through a microphone" (DA, 16 May 2007, 2). The EU's high representative for the common foreign and security policy, Javier Solana, and High Representative Christian Swartz Shilling released a joint statement reiterating Bosnian sovereignty and Serbia's obligation to respect the Dayton agreement (DA, 18 January 2007, 2).

The response of RS-based politicians was much more ambiguous. In their initial comments, some Serb officials contended that there was no relation between the issues of Kosovo and RS independence. Thus, Mladen Ivanić said that “BiH will continue resolving its problems on its own” and that “Kosovo is an internal problem of Serbia” (DA, 18 January 2007, 2). However, two statements by Dodik less than two weeks apart reveal the rhetorical gamesmanship on the issue. On 25 January 2007, Dodik and the US Ambassador to Bosnia, Douglas McElhaney, made a joint statement that a “decision on the final status of Kosovo will not have any significant impact on the situation in BiH. RS is conscious of its obligations” (DA, 26 January 2007, 3). On 6 February 2007, Dodik said that future events in RS and BiH would depend on the final status of Kosovo (DA, 7 February 2007, 4). Such contradictory rhetorical performances were hardly new for Dodik. In the presence of international officials, Dodik usually acted as a responsible politician. In the arena of RS and Bosnian politics, he employed the rhetorical strategems that he believed outflanked his opponents and kept him popular with base Serb voters. Keeping both constituencies happy was no doubt challenging. After the failure of a crucial police-reform meeting in March 2007 (at which Dodik had shown considerable flexibility while Haris Silajdžić had not), it is reasonable to assume that his respect for the competence and even-handedness of international officials in BiH further declined. By June 2007, Dodik was strident in his rhetoric of defiance against any potential use of the Bonn powers by the OHR. When asked by one journalist what he would do if he were removed, Dodik replied that he “will simply not accept it, not because I love power, but because I will not permit them to humiliate the people and the Serb Republic to that extent. I will continue my work” (Vujanovic 2007).

For the most part, Dodik and other RS politicians discussed the idea of an RS referendum in a carefully worded manner. While refraining from outright calls for RS secession, their rhetoric was characterized by vague warnings that Kosovo’s independence would be a destabilizing precedent with wider regional consequences. Yet, they asserted that legal restrictions would be obeyed and that the RS would remain peaceful regardless of the Kosovo resolution. Not all Serb nationalist interest groups or politicians were so cautious. While the RS politicians balanced separatist aspirations with legal obligations, right-wing Bosnian Serb non-governmental organizations (veterans groups, cultural organizations, and advocacy movements) were more forthright in tying the status of RS to the outcome of Kosovo negotiations. Operating with fewer legal limitations than RS public officials, who were theoretically answerable to the OHR, such organizations had more freedom to articulate nationalist aims.

President Boris Tadić limited his rhetoric to cautioning against regional destabilization, but his opposition occasionally linked the status of Kosovo and the RS. For example, Ivica Dačić, leader of Serbian Socialist Party, declared in the Serbian Parliament that “Serbia should decisively defend Serbs on the other side of the Drina river... Why wouldn’t Serbia unilaterally declare independence of RS if Kosovo unilaterally declares independence, and why couldn’t RS hold a referendum?” (DA, 17 July 2007, 4). The SDS in Bosnia articulated the same line. If Kosovo is allowed the right to secede, its president explained, “the SDS will seek the same right for Republic of Srpska” (DA, 23 May 2007, 2).

The involvement of Serbia in Bosnian affairs intensified in October 2007 in the aftermath of an OHR decision to strengthen the central government by amending the Council of Ministers Law and changing regulations concerning the Bosnian Parliament. It was the first public move by the new high representative, Slovak diplomat Miroslav Lajčák, who assumed office in March 2007 after Schwartz-Schilling departed. The response in

the RS was fierce. Noisy public demonstrations were held in Banja Luka and elsewhere against the decision, with protesters holding signs of Russian president Vladimir Putin. Dodik demanded that the high representative retract his decision, and temporarily withdrew RS officials from joint institutions. Serbian prime minister Vojislav Koštunica drew direct parallels between the OHR decision and the UN-brokered Ahtisaari Plan that called for conditional independence of Kosovo. Both, he claimed, “are designed to undermine Resolution 1244 and the Dayton Agreement, that is, to declare Kosovo’s independence and abolish the RS. This is an open endangerment of fundamental interests of Serb peoples.” Prime Minister Dodik, he declared, “can count on full support from Serbia, and we will defend both Resolution 1244 and the Dayton Agreement with equal resolve” (DA, 26 October 2007, 3). Koštunica’s alleged willingness to defend the statuses of RS and Kosovo “with equal resolve” sent a clear message of symmetry between Kosovo and the RS, even though BiH was a separate sovereign country (and the rule changes hardly rose to the level of abolishing the RS). The claim that Kosovo’s independence would be a dangerous legal precedent that could encourage separatist ambitions elsewhere was double-voiced: ostensibly it was a statement of fact, but with the RS usually as illustration, the statement also had revanchist echoes. This was not lost on non-Serb politicians in Bosnia. Željko Komšić, the Social Democrat elected as the Croat member of the joint presidency, reacted bluntly in stating that Koštunica should “keep his fingers off BiH, because he could ‘get it’ across both the fingers and the nose” (DA, 27 October 2007, 4). Western diplomats maintained that Kosovo negotiations and the RS were unrelated, warning Serbia that its progress toward the EU could be hindered by intrusion into affairs of other sovereign states. By contrast, Russian Chinese and other state officials sided with Koštunica and the Serbian government’s storyline on Kosovo.

The Bosnian political crisis was eventually diffused in late November 2007 with a compromise that diluted the initial OHR proposal. Although the RS leaders made concessions that enabled this compromise, their political rebellion bolstered the position of Dodik in several ways. First, it generated a display of Serb unity behind his leadership, including his readiness to oppose any imposed measures by paralyzing the central government. Second, the governments of Serbia and Russia publicly backed his position and showed little reluctance to avoid confrontation with Euro-Atlantic institutions on Bosnia’s future. The swift public reaction to the largely technical changes proposed by the OHR made its leadership even more reluctant to involve itself in the effort to overcome Bosnia’s political dysfunctionality. While Miroslav Lajčák demonstrated a willingness to be more active than his predecessor, the quintet powers on the PIC showed little appetite for backing him. (In March 2009, he left his post to become the Slovak foreign minister; he subsequently became managing director for Russia, Eastern Neighborhood, and Western Balkans in the European External Action Service, and was central to brokering the May 2011 deal cancelling the proposed RS referendum.) An activist high representative seemed part of Bosnia’s old road to the future. With Kosovo generating international divisions that played to his advantage, Dodik sought to constitute a new road for Bosnia to the future. In January 2008, his SNSD party launched a party platform that called for transforming Bosnia into a union federation of three ethno-territorial units. According to the proposal, all three units had a right to secede from the union. In the eyes of many Bosniaks, the plan was for a two-stage dismantling of Bosnia-Herzegovina. The future of the country was for it not to have a future.

These developments set the stage for the renewed debate over an RS referendum as Kosovo moved toward a unilateral declaration of independence. In mid-February 2008, an extraordinary session of the RS Assembly was organized to coordinate a response.

Dodik had to contend with opposition parties endeavoring to use Kosovo against him. The SDS depicted the developments in Kosovo as a cause for RS secession from Bosnia, calling on RS leaders to fulfill their campaign promise of holding the RS independence referendum. These demands were bolstered by public pressure from the Serb Movement of Independent Associations (SPONA), an umbrella organization of 11 leading RS-based non-governmental organizations, most notably Army of Republika Srpska (VRS) war veterans and former prisoners. In a 12 February 2008 press statement, SPONA's chairman Branislav Dukić called for the outright "secession of RS without a referendum" as a response to possible Kosovo independence (*Nezavisne Novine*, 14 February 2008).

Kosovo unilaterally declared independence on 17 February 2008. The decision heightened tensions in Bosnia, triggering street protests throughout the RS. In addition to voicing opposition to Kosovo's independence, protesters demanded an RS independence referendum and outright secession from BiH. The SDS and the Serb Radical Party (SRS) called for a similar unilateral declaration of RS secession. Dodik, by contrast, struck a more measured tone. On the day of the declaration, he stated that politicians were faced with a difficult task of answering the question of "why Kosovo can do it, and the RS cannot" (DA, 18 February 2008, 10). However, Dodik also rejected nationalist demands and called for restraint. In a press release on 20 February 2008, he rounded on his critics on the nationalist right:

The radicalization sought by the SDS and SRS in the aftermath of illegal declaration of Kosovo's statehood with demands that the RS government declare independence is only nationalist opportunism. SNSD and the current government have been, for the past two years, working rationally and systematically for the protection of RS rights based on the Dayton Agreement. (DA, 21 February 2008, 9)

Dodik's portrait of his opposition as agitators who were trying to inflame passions for political benefit constituted the SNSD as the true guardian of the RS. They did not act on impulse but through a well-designed, legally based strategy that had been proven effective. Dodik objected not to the political goal of an independent RS per se but to the means by which the SDS and SRS sought to achieve that end. In an interview the same day with *Glas Srpske*, Dodik portrayed himself as a thinking nationalist: "Of course, I am not an emotionless man, and I would like some things straight away, but some of these are not realistic. In any case, many things we have to do slowly, cautiously, cleverly. We could do more harm than good with rash moves." When pressed to act on his promise of an independence referendum, Dodik revisited his long-standing theme that tied the potential referendum to threats against the RS. The SNSD will call a referendum if the RS is denied, but "it is not denied with Kosovo's independence," though it was an affront to the Serbian people (Dzepina 2008).

Large protest rallies in Belgrade and Banja Luka on 21 February 2008 against Kosovo's independence further heightened tensions, with the US embassy set alight in Belgrade (not to be outdone, Bosnian Serb protesters violently attacked the US consulate at a subsequent rally in Banja Luka on 26 February). Dodik was in an uncomfortable position because, on the one hand, he had done much to stir nationalist emotions within and about the RS, but on the other hand, his strategy called for careful legalism and patience at crucial moments. Addressing the volatile crowd in Belgrade, he was greeted with whistles and jeers. At an extraordinary session of the RS Assembly that night, most RS parties reached a compromise on the text of a resolution regarding Kosovo's declaration of independence that bore marks of tactical political maneuvering. The resolution claimed that possible recognition of Kosovo by a majority of UN members would set a legal precedent that would give the RS a right to hold an independence referendum. An assertion

worded in this manner was fittingly designed to maximize the potential political opportunities from an ostensibly deplorable action. It maneuvered around the contradiction of treating Kosovo's independence simultaneously as illegal and as a potentially useful precedent to be followed. By defining the right to hold a reactive referendum in response to widespread recognition of Kosovo, the RS Assembly sought to have it both ways. On the one hand, adoption of a resolution citing the referendum scenario assuaged nationalist demands by attempting to first lay legal foundations for a future potential referendum. On the other hand, it served to discourage potential recognition of Kosovo's independence, assisting Serbia in its upcoming legal attempts to dispute the unilateral secession. In this manner, the RS politicians treated Kosovo's declaration of independence as a decision of great political but little legal significance.

International officials in Bosnia contested the portion of the RS Assembly resolution that advocated the right to a referendum. US ambassador Charles English pointed out that entities cannot invoke sovereignty because they do not have it (HINA 2008). The PIC issued a statement from Brussels indicating that neither entity in BiH would be allowed to secede. High Representative Lajčák limited his reaction to rejecting any links between the situations in Kosovo and BiH, without giving a perspective on the legality of Kosovo's decision. Whether genuinely perplexed or not, he indicated he "did not see the point of such talk" because Dodik had "unequivocally stated that he regarded the RS as an entity within BiH" (DA, 25 February 2008). Later, he sought to creatively use the ostensibly sincere qualifications around RS referendum rhetoric as a means of ending such talk. Speaking on Bosnian television, he declared that Dodik was "right when he says that he would like to hear from his coalition partners [FBiH parties] that they would recognize the RS, as they would then have to say 'we recognize the Serb Republic and enough of this referendum talk,' as this is a story for children, we all know this." But, he concluded, the current discursive standoff suits these parties because it diverts people's attention from real-life issues (BOBNTV 2008). The point was favorable to Dodik in that it treated his discourse as ostensibly sincere and that of his opponents as insincere, but Lajčák's point itself was probably somewhat insincere given that he was aware of the utility of the discourse to Dodik. All parties, it can be surmised, knew they were playing a rhetorical game whose rules were not as genuine as they were presented.

This particular debate over an RS referendum subsided in the second half of March 2008, more than a month after it began. Nationalist passions aroused by Kosovo's decision seemed largely depleted, giving way to diplomatic battles regarding the recognition of self-declared independence. A particular boost to diplomacy occurred in May of 2008, with the relative victory of pro-EU reformist forces over radical nationalists in Serbian parliamentary elections. While the victors, led by President Boris Tadić, insisted on Kosovo remaining under Serbian sovereignty, their arguments were generally more moderate than those of Serbian Radical Party politicians.

A higher level of independence

When he first came to power, Dodik began to set aside funds in the RS budget for lobbying firms to represent the interests of Republika Srpska abroad. In May 2006, his government hired Capitol Links LLC, a D.C. lobbying firm with ties to the US Republican Party (Sacic 2007). Later, the RS would hire Quinn Gillespie, which included former Deputy High Representative Ralph Johnson (August 1999–July 2001) on its staff, as well as Dewey and LeBoeuff, LLP (\$1,782,736.53 paid in 2009 for legal counsel), Picard Kentz and Rowe LLP (\$1,832,910 paid in 2009, \$1,740,000.00 in 2010 and \$2,373,000.00 in

2011, for policy and legal work) and the Laurus Group, LLP (\$439,739.00 in 2011 for US government lobbying and communications strategy) (all figures from the US Department of Justice's Foreign Agents Registration Act report; www.fara.gov). Dodik led the effort to establish international offices, working independently of the BiH embassy, to represent the entity. It is not unusual for a geographic region of a country to have a trade and economic development office in Brussels or Washington, D.C. The fact that the RS established such offices in Brussels, Belgrade, Moscow, Jerusalem, Stuttgart, Vienna and even Sarajevo, however, raised the suspicion of some that the outreach effort was part of a broader secessionist agenda.

In the period after Kosovo's independence, the outlines of Dodik's vision for the future of Bosnia-Herzegovina and Republika Srpska became more apparent. Dodik began a concerted communications campaign within the RS to outline his vision for the RS as a "permanent category" and BiH as a contingent one. For example, in one of a series of long commentaries published under his name in *Nezavisne Novine*, Dodik began with the observation that "all the debates over the creation of the Dayton Bosnia-Herzegovina have showed again that it is a forced state. The three constituent entity groups, which have mainly different aspirations, have been entrapped in the project of preserving 'the microcosm of Yugoslavia' which was the nickname for Bosnia-Herzegovina." This rhetoric was a clear revival of the wartime discourse of BiH as an "artificial," "unnatural," and "impossible" country (Toal and Dahlman 2011). Bosnia, in Dodik's opinion, has since Dayton functioned as an undeclared protectorate of the international community, with the OHR a bureaucracy that has turned into an organization that finds its own reason to persist. Some Bosniaks, he argues, have "not yet given up on the wartime goal: the creation of an apparent civic state, where 'the most equal' ethnic group would have the right to its state. Instead of understanding and consensus, we have pressures and blackmail" (Dodik 2008a). The "unitarism" demanded by the European Union and Bosniaks is the path to disintegration. In a similar piece in *Glas Srpske*, he described Bosnia after Dayton as "the imposition of the situation of an unfinished war" (Dodik 2008b). Bosnia is stuck in the mud, moving neither forward or backward. There are two ways out, one involving Euro-Atlantic integration and the building of a multiethnic state; the other, break-up. While the European path is the best possible solution, some powerful institutions and individuals believe that BiH is not sustainable as a multiethnic state (he does not indicate that he is part of this group). Break-up does not suit anyone, but it is not impossible. The best option for BiH is to recognize that it is a federal state. "By reexamining the powers that have been transferred in an unconstitutional manner, the Serb Republic could opt for a higher degree of independence within Bosnia-Herzegovina." (Dodik 2008b).

To this end, Dodik began a campaign to have the entity powers previously transferred to the BiH state re-transferred to the RS. Upcoming Bosnian-wide municipal elections were undoubtedly part of the calculation – as they were for Haris Silajdžić, whose SBiH was facing a resurgent SDA in the Bosnian Federation. On 24 September 2008, Silajdžić, serving his turn in the rotating BiH presidency, gave a speech at the United Nations Assembly in New York that reminded the world that the RS was a product of an ugly genocide against ordinary non-Serb citizens of Bosnia. Dayton was intended to reverse ethnic cleansing, but the RS systematically thwarted this intent. One day ahead of Silajdžić's speech in New York, the Serb representative in the Bosnian presidency, Nebojša Radmanović, sent a letter to the UN General Assembly protesting the "unauthorized" speech. Dodik supported the action, and RS president Rajko Kuzmanović requested an emergency session of the RS Assembly to discuss Silajdžić's speech. The "outrage"

was politically useful in election season and given due attention by a compliant media. In the October 5 elections, the SNSD secured a majority in over half of the municipalities in the RS. It won 39 mayoralities, against 16 for the SDS, thus completing the dislodgement of the SDS from the position of the first “party of power” in the statelet the party itself had created. On 13 October 2008, the “extraordinary” session met to discuss Silajdžić’s outrage, the SDA’s pre-election call for reinstatement of the constitution of prewar Bosnia-Herzegovina, and a 10-page document by the RS president Ratko Kuzmanović (SNSD), *Creating a Serb Republic*, released on 10 October. The document described how the RS should be constituted as a “state-building unit within Bosnia-Herzegovina” and asked the RS National Assembly to express “its full readiness to use all legal and political means, including the right to a referendum of the citizens of the RS, to defend [the RS’s] legitimate interests and preserve the identity confirmed in the Dayton Accords” (DA, 10 October 2008). The document prompted a statement of response by US ambassador English reminding Kuzmanović and the Assembly that “Bosnia and Herzegovina is a sovereign state; the RS is not. BiH’s territorial integrity is settled. These are facts of international law and Bosnia’s constitution. Bosnia was recognized as an independent, sovereign state by the United States in 1992. In the same year, it was admitted to the United Nations as a sovereign state. Its territorial integrity was again affirmed and guaranteed by the Dayton Peace Agreement in 1995.” With an eye to the schemas for retransferring powers, it added: “My government will not tolerate any challenges, whether they be internal or external, to Bosnia’s sovereignty or territorial integrity” (English 2008). At the Assembly meeting, Dodik evoked the specter of Serbs being “outvoted” in Bosnian institutions and complained that 61 Dayton powers had been transferred from the RS to the state level in an unconstitutional manner. Though the referendum was part of the debate, the resultant resolution steered clear of mentioning it.

Dodik’s campaign against the central state took on a very personal character after a corruption investigation was announced into the RS infrastructure deals, particularly the new government center in Banja Luka, whose cost was said to be four times what it should have been. Dodik responded aggressively, filing criminal charges against Raffi Gregorian, the US diplomat who served as deputy high representative, and foreign prosecutors in Bosnia. (Foreign prosecutors were introduced to facilitate the implementation of the Dayton accords.) Gregorian knew Dodik well and, unlike most diplomats in BiH, was prepared to take him on publicly. The result was considerable vilification in the RS media and a lobbying campaign to have Gregorian removed. He also received anonymous death threats. As this fight got under way, Dodik stated, in another revealing utterance, “We’re tired of being treated as a banana republic” (Bilefsky 2008). Nebojša Radmanović, the Serb member of the Bosnian presidency, articulated the general anti-foreigner message when he declared that “there was no rule of law if we were prosecuted and tried by foreign prosecutors and judges” (Mrkonjic 2008). In February 2009, Bosnia’s State Investigation and Protection Agency (SIPA) sent a report to the State Prosecutors’ Office with corruption allegations about Dodik. He declared the charges politically motivated, and saw broader existential significance in them: “Even the little faith I had in the state of Bosnia and Herzegovina is now lost due to this farce with the criminal charges against me. They have made the country pointless” (Bilefsky 2009).

The charges hanging over Dodik were background to the major symbolic struggles in 2009 and 2010 between the RS and the OHR. In March 2009, Miroslav Lajčák was replaced by an Austrian diplomat, Valentin Inzko. A few weeks later, Inzko was faced with a very public challenge to his authority and to Dayton’s Bosnia when the RS Assembly passed resolutions reclaiming competencies supposedly transferred “illegally” by it to

the state and investing control over entity voting in itself. Less than a week after they were printed in the *RS Gazette* (thus becoming law), Inzko issued a decision voiding these resolutions. Dodik denounced Inzko's "tyranny" and declared that his actions were "proof that law is subordinate to force." When asked if his "rhetoric" was a problem, he responded (referring to himself in the third person):

What rhetoric? Where does it say that rhetoric can be a problem, except in dictatorial regimes? My rhetoric is no problem. I say things that are true, that no one dares to say. The demand that I soften my rhetoric is a demand that I be quiet. Well, I will not be quiet. And I must not be quiet! . . . Maybe they think that getting rid of Dodik is the easiest thing. One way or another. If he cannot be removed from office, then turn him into a criminal, and thus turn the people against him so they do not vote for him. And then bring in someone who has no character and who is willing to be quiet. But as long as I am here, I will speak at the top of my voice. I am not to blame for the fact that someone created the Dayton Agreement and is now unwilling to abide by it, and that they are bothered by the fact that I am doing just that. (Vujanovic 2009)

Besides its characteristic heroic performativity, Dodik's reaction was also characterized by an aggressive legal discourse. In the same interview, Dodik declared, "We will file suit against the governments of the countries from which the high representatives have come," noting that "we have retained an American company that is advising us." Dodik was referring to the Washington, D.C., K Street legal firm Picard Kentz & Rowe LLP, with whom the RS signed a representation contract in May 2009. Together, they developed an RS friendly interpretation of the Dayton accords. Article V of Annex 10 of the agreement designated the high representative as "the final authority in theater regarding the interpretation of this Agreement on the civilian implementation of the peace settlement." The PIC had granted the OHR special Bonn powers to impose legislation and fire public officials deemed obstructionist toward Dayton implementation. Dodik's legal strategy was not only to refuse to recognize the OHR's Bonn powers but also to claim that all policies in Bosnia, including OHR actions, required the consent of Republika Srpska since it accepted the Dayton accords as a sovereign power (the RS rejects that the Republic of Bosnia-Herzegovina was the legal sovereign successor to the Socialist Republic of Bosnia-Herzegovina). The RS "has never given its consent to the high representative imposing laws." "There is no legitimacy because no one consulted the Serb Republic, but it is a signatory to the agreement and must be consulted" (Vujanovic 2009). In these and other statements, Dodik advances the claim that the RS is more powerful than the OHR, and can contest final authority on the interpretation of the agreement. He later pushed this logic further, claiming that the OHR was "mostly working on breaking up the Dayton agreement, as Paddy Ashdown is still boasting about"¹⁶ (Ashdown 2007; Dodik 2010a). Dodik's position echoes the conservative "strict constructionist" legal philosophy in the United States. He uses the word *legalista* in BCS to convey this meaning: "When I say that I do not want to live in their Bosnia-Herzegovina, but in the one created in Dayton, I am only a legalist [*legalista*] and I do not act against the Dayton agreement" (Dodik 2009). Indeed, he evoked his own version of this philosophy on RS TV: "Bosnia-Herzegovina is an intended state, an impossible state, simply impossible in this way. Its only chance lies in the strict implementation of the Dayton Accord and local partnership and dialogue. Facilitation by foreigners is only making the situation worse" (RSPTV 2009).

In September 2009, Dodik announced that the RS would hold a referendum on membership in NATO. In October, he went on the rhetorical offensive against the OHR and the current state of Bosnia-Herzegovina in a series of outspoken interviews, as international talks on the deteriorating situation were announced at Butmir, a Sarajevo-area military facility. He declared that the RS would hold a referendum in the case of the imposition

of constitutional solutions in BiH. Also, he let it be known that he wanted the RS to clearly demarcate the “inter-entity boundary line” that would, in his imagined scenario, become an international border. “Why do we need BiH?” he asked rhetorically (FENA 2009). The Butmir talks toward the end of October resulted in no agreement between the parties. Just after, in a move that caused considerable outrage in BiH, Dodik sent an RS government airplane to Sweden to transport just-released former Bosnian Serb prime minister and convicted war criminal Biljana Plavisić to Belgrade. Dodik made a public show of accompanying her to a new residence and life in the city.

A pro-Dayton referendum

By December 2009, political tensions in BiH were once again chronic. Another high-profile international mediation effort had failed. The RS leadership was openly defiant of the OHR and scathing about the future of Bosnia. International and local press publications speculated about the breakup of the country. Tensions, however, were only to increase further. In December, Dodik found another issue worthy of a referendum in the RS: the decision by High Representative Inzko to extend the mandate of the foreign judges serving on Bosnian courts.¹⁷ Dodik announced that this was “an issue of legal dignity and sovereignty of a country and the right of the RS to have its stance, and we shall not give that up” (SRNA 2009). He called for another “extraordinary” RS Assembly to meet and organize a referendum in March 2010. “Sarajevo’s constant accusations of separatism against the RS could indeed lead to secession,” Dodik indicated. Presenting a paper called “Your Srpska, Your Vote,” he declared that sovereignty was the goal and that only an independent RS could reach its full economic potential. His government, he stated, ultimately planned a referendum on independence. “The time has come for people to say what they think about Srpska’s future.” Independence was the “best solution,” he believed, but he was willing to consider other options. The status quo, he argued, was unacceptable (Mitrovic 2009).

What unfolded over the first months of 2010 was a political spectacle over the legal right to hold referenda. Dodik outlined a new strategy in January that involved first amending the existing RS law on referenda so one could be held, and then announcing the holding of a particular referendum. The OHR immediately warned Dodik that holding a referendum would be considered a violation of the Dayton accords. It was less clear whether changing an existing wartime law on referenda would constitute a violation. It was this effort that attracted a massive amount of media attention and speculation. The Croatian president, Stjepan Mesić, a longtime critic of Dodik, highlighted the deteriorating Bosnian political scene quite dramatically on 21 January 2010 when he said he would send tanks to cut the RS in two if Dodik held a referendum. Bosnia’s disintegration was “unacceptable to Croatia” (HINA 2010).

Dodik’s response was a characteristic retreat into sophistry and reversals. In another long self-justificatory commentary published under his name in *Nezavisne Novine*, he explained that the RS respected Dayton and the rule of law and therefore believed that it had the right and duty to ask others to do the same. “A referendum on the obligation to comply with the Dayton Agreement will help Bosnia-Herzegovina on its democratic and European path.” Such a pro-Dayton referendum, he claimed, is feared by those who regularly breach and undermine Dayton and “who dream about a majority Bosniak unitary Bosnia-Herzegovina.” Holding referenda in Bosnia should not be controversial. But “an atmosphere of real hysteria was created as soon as we announced our intention to harmonize the Serb Republic’s existing law on referenda with the constitution and

practices in European countries” (Dodik 2010b). Instead of the RS, it is the OHR that is the problem: its existence is incompatible with democracy, the rule of law, and BiH’s European path.

The RS Assembly met to discuss a new referendum bill on 9 February 2010. The headline in *Nezavisne Novine* that day, “United States Does Not Object to Referendum in RS if it Does Not Jeopardize Bosnia-Herzegovina,” seemed positive news. The story featured an interview with Nikola Špirić, prominent SNSD politician and chair of the BiH Council of Ministers (effectively the state-level prime minister, though that name was reserved for the entities), who had returned from meetings with the World Bank, the IMF, and officials in the US government, including Congress. He reported that US officials were primarily interested in having BiH’s territorial integrity unchallenged. No one could be against the RS referendum bill because, he believed, it “does not have the goal or intention to weaken Bosnia-Herzegovina. We simply have to formulate the law because there will be issues that will have to be discussed at the local level – for example, where some land-fill is located. And people in the local community will have to declare themselves on this” (Sajinovic 2010). Špirić was being disingenuous in framing the referendum as about mundane local issues. The US embassy in Sarajevo had felt it sufficiently important to release a statement underscoring that “the United States would consider provocative any referendum that threatens the stability, sovereignty or territorial integrity of BiH, as well as any question that would challenge the structures of the Dayton Peace Accords, including the authorities and decisions of the High Representative.” It went further in urging caution “in any discussion of the use of referenda. While a referendum can be a legitimate mechanism in the right circumstances, it can be counterproductive, and even provocative, when used to pursue a narrow political agenda” (US Embassy Sarajevo 2010). While not directly opposing the RS’s having the capacity to conduct referenda, the US position was one of concern about its use in BiH politics.

A civic group handed in a petition with over 40,000 signatures in support of the bill. Dodik stated that the law was not the first step to secession by the RS. After some debate, the law was adopted. Distinguishing between a law on holding referenda and a referendum itself, the OHR did not react to the new law. A few days later, Dodik indicated that a referendum on the status of the RS should not be taboo (Brezo 2010). The Bosniak caucus in the Council of Peoples, the upper house of the RS Parliament, sought to prevent the entry into force of the law, citing the protection of vital national interests. Their objection was later dismissed by the Republika Srpska Constitutional Court (widely held by international officials to be under political influence). The double-voiced quality of Dodik’s messaging at this time is evident in an interview he gave to the Serbian newspaper *Blic* on 18 February 2010:

The Serb Republic will not express its opinion about secession, as some are maliciously trying to imply. A referendum on secession will never be on our agenda; however, no one can completely rule out the possibility that, at a given time, in keeping with assessments and the rights that the citizens have, there will be talk of a referendum on the status of the Serb Republic. The RS has the right to protect its status, which it brought into BiH. The citizens of the Serb Republic are confronted with decisions by the high representatives, who have enacted laws for which there was no basis under international law or according to their job description. All along, we see violations of the Dayton Agreement, and we have been compelled to respond to this lawlessness. (Jevtic 2010)

Law and lawlessness were indeed concerns on Dodik’s mind. With the corruption investigation against him looming and no referendum authorized despite many promises, he continued stirring up matters with inflammatory rhetoric. On 22 March in Banja Luka, he reiterated that BiH was not a sustainable country but then added that, in his opinion,

it was time for discussion of a “peaceful partition.” Only foreigners were trying to maintain the illusion of BiH’s functioning. Predictably, the remarks drew sharp reactions from all the other major political parties in BiH.

Throughout this time, Dodik had fervent supporters and critics in the RS. Among the latter was former RS president Dragan Cavić, who had left the SDS to found a new political party, the Democratic Party. Cavić was scathing about the SNSD claim in 2009 about “illegally transferred powers,” asking whether the SNSD members of the BiH parliament who had voted for these voted illegally. “This is all a ploy to dupe the Serbs, as were the referendum and RS secession stories, but nothing concrete is ever done” (Katana 2008). He viewed the “peaceful partition” remark as like the 2006 SNSD election campaign, “only in different packaging” (DA, 23 March 2010). Mladen Ivanić charged that the SNSD was using the referendum as a story to entertain people. It was “a direct screen, deliberately created, so as to divert attention” from economic failings (Mandal 2010).

“This story is a rerun”: the 2010 elections

On 20 April 2010, the law on referenda that had been passed in February was printed in the official *RS Gazette*. To mark this occasion, Dodik announced that the RS Assembly would pass a decision calling for a referendum, and determine the date and referendum question at the same session. His goal was to hold a referendum before the election. It was technically feasible and, he declared, must be procedurally impeccable (Skrbic 2010). But no referendum was ever authorized by the Assembly. Instead, the discursive practices that had characterized the previous years were recycled over the following months as Bosnia launched into another election campaign. Three events became occasions for the deployment of RS discourse and associated symbolism.

The first was Srebrenica. The 15th anniversary of the massacre of men and boys there by VRS forces, RS police units, and other irregular forces was marked on 11 July 2010. In an important move, the Serbian parliament passed a motion condemning the massacre, though it avoided using the word “genocide,” which did not satisfy some. The Serbian president, Boris Tadić, made the important gesture of attending the anniversary in person. Dodik’s attitude toward Srebrenica was more complex than he conveyed. His anti-SDS positionality had always led him to use the war crimes committed by its wartime leaders as a weapon against them. Unlike some Serb politicians, Dodik readily acknowledged that crimes were committed at Srebrenica, indeed at points terming it a “genocide” but a “limited local” one (RT Serbia 2010). He had also said the opposite, stating that “we cannot and will never accept that event [Srebrenica] being qualified as genocide” (interview with *Vecernje Novosti*, 27 April 2010). Dodik’s position is built on not conceding the Bosniak storyline on Srebrenica, lest this then affirm its corollary that the RS is a product of genocide. His standard line, therefore, is the assertion that the Serb people in the region were also victims. Electoral politics mandated a zero-sum attitude toward victimhood. The fact that the wartime Bosniak leader Naser Orić, who organized the defense of Srebrenica for a while and led raiding parties against Serb villages in the region, was arraigned at the ICTY but then released greatly irked Bosnian Serb opinion. A number of years prior, a far-right group had organized a counter-memorial on 12 July in the village of Bratunac to commemorate what were alleged to be 3000-plus Serbs killed in the Drina Valley during the war. Dodik refused to attend the Srebrenica memorial on the 11th and instead attended the Serb-centered event on the 12th. Before these events and at the memorial, he denied there was “genocide” committed at Srebrenica “because women and children were not killed” (Schneider 2010). (In 2009, 534 of Srebrenica’s

victims were buried, including 44 who had been under the age of 18 at the time of their death [Nettelfield 2010, 291].)

The second issue was the International Court of Justice's advisory opinion declaring that Kosovo's unilateral declaration of independence did not violate international law (22 July 2010). The ruling was a significant blow to Serbia and its case against Kosovo's secession. Dodik offered his view on RS TV, which feature an interesting elaboration of his "strict constructionist" conception of Dayton. "We remain committed to the original Dayton, not the reformed Dayton, not the Dayton with the violence of the high representative, not the Bosnia-Herzegovina where the high representative is dealing with the internal policy and is saying what should or should not be done in the election and whom he considers to be a good or a bad guy." A Dayton without a high representative was an original Dayton indeed! Like its US counterpart, this "strict constructionist" interpretation was a mythic ideal that was useful in asserting the prevailing interpretation of its proponents as "original intent." It was a move in the rhetorical struggle over meaning. Dodik went on to articulate his view of Bosnia as involving the forced capture of Serbs and how the country is destined to fail because of primordial hatred:

Bosnia-Herzegovina is a necessity for us; we were forced into it, and we are there, because of the policy of certain people, who were powerful in the world at the time, and who thought that things should be this way. [They tried] to preserve Bosnia-Herzegovina, which was on the ruins of the former Yugoslavia and which was preserved through almost a totally opposite process, with the application of the international political force, as well as the military force, at the very end of the war. People used to refer to Bosnia-Herzegovina as a small Yugoslavia. The big Yugoslavia did not survive based on the ethnic and interethnic relations. It is impossible to expect that Bosnia-Herzegovina would be rehabilitated based on this principle, where the hatred has been present for centuries. The latest war, that is, the latest wars, have generated even more hatred, and misunderstanding, among the ethnic groups. (RSPTV 2010)

This "clash of incompatible peoples" thesis got further expression a week later, in an interview with *Nezavisne Novine*. There he highlighted the contradiction of the international position, questioning how "the foreigners" could explain that "Albanians and Serbs could not live together in Serbia because they fought against each other" but then explain that "Bosniaks and Serbs could live together in BiH. How can we live together in the same country with those who persistently oppose the RS, believe that the Serbs are criminals, and the main culprits for everything that happened?" (DA, 6 August 2010, 5).

The third event was the election campaign in earnest. On the stump, Dodik touted the referendum law as itself a victory, and hinted it was all part of a plan that would be set in motion at "the right time." At a rally in Gradiska, he told the crowd: "You don't have to worry about RS's destiny, I am here to make decisions, but when the time is right. We have the Referendum Law which we will know how to use at a right time" (DA, 29 September 2010). Dodik had foreshadowed this storyline in an interview with *Die Presse* in early August. "We Serbs," he said, "are not in Bosnia because we like it but because we signed Dayton... We have the right to a referendum under our laws, which meet the European standards. But we are not adventurers. We supported Dayton. But when pressure continues to be exerted on the Republika Srpska we will make use of our right to a referendum. We will wait for the right moment" (Schneider 2010).

Dragan Cavić was critical of Dodik throughout his campaign. In an interview with *Oslobodjenje*, he argued that the "peaceful dissolution" of BiH story was "a rerun." "Conflict," he explained, "is the best way to create an impression that Serbs are inferior and need a strong leadership that is going to defeat the policy that attacks the RS. Thus, it is best to appeal to emotions with the story about endangerment, and hide other things

behind it. The social situation in the RS,” he argued, “is marked by nepotism, vast squandering of money, and privileges for a small group of individuals. I believe that the voters will recognize this and punish it” (Katana 2010). Cavić, a former RS president and SDS leader once removed from power by the OHR for obstructing Dayton implementation, was now in the former position of the SNSD, a small party looking to displace the “party of power.” Like the SNSD in the past, he was being optimistic about the RS’s voters. Dodik was elected RS president in the first round of voting with over 51% of the vote. The result was a minor surprise because his party had a virtual lock on the RS media and public-opinion polls beforehand had him receiving about 65% of the vote. Perhaps some RS voters were fatigued by the perpetual talk about an RS referendum. A majority, however, saw in Dodik the strong man they wanted to lead the RS.

A referendum proposed and withdrawn

It took Bosnia 15 months before an agreement was eventually finalized to establish a central state government. During this period, Dodik pursued an agenda aimed at the state judicial institutions he feared. In March 2011, he announced he was requesting that the RS National Assembly approve a referendum on whether RS citizens were in favor of accepting laws imposed by the OHR, especially the laws of the BiH Constitutional Court and Prosecutor’s Office. He also met with Vladimir Putin in Belgrade and reiterated his position that the RS would hold a referendum asking its citizens whether they wanted to join NATO. In April, he outlined his case against the two state judicial institutions, charging that both “are in the service of Bosniak political interests. Since both these institutions are the work of international centers of power, they have been constantly under the direct control of foreigners.” Both institutions, he charged, “have a selective approach to the investigation and prosecution of war crimes, apply differing criteria in court proceedings and judgments, and work to the detriment of the Serbian people with a clear political tendency to create an extremely negative image of Serbs in war events” (SRNA 2011). The referendum was duly approved on 11 April, and attracted considerable press speculation on its heralding an OHR veto, international sanctions, and the possible breakup of Bosnia. Dodik, in his now well-practiced manner, publicly declared that the referendum was not against Bosnia nor against any one people, but in line with the Dayton agreement and the BiH Constitution (RTRS Radio-TV 2011). Yet, he also suggested there might be more than one referendum: “Whether or not this referendum would be followed by a second referendum or even a referendum on the status of the Serb Republic, is something that depends more on the future practice of the international community than on us” (Maric 2011). The text of the proposed referendum was published in the *RS Gazette* on 25 April and was hardly neutral in its framing: “Do you support the imposed laws of the High Representatives in B-H, specifically the B-H judicial laws, and their unconstitutional verification in the B-H Parliamentary Assembly?” The considerable political crisis generated by Dodik’s gamesmanship was eventually defused on 13 May 2011, when Catherine Ashton and Miroslav Lajčák met with Dodik in Banja Luka and he agreed to suspend the referendum plan in return for EU-sponsored talks on structural reform of the Bosnian judicial institutions to align them with EU requirements and standards for potential membership applicants.

Conclusion: more than a demagogue

The compromises and contradictions that characterize contemporary Bosnian politics were apparent in two recent events. On 28 December 2011, the leaders of the six major

political parties in BiH announced they had finally reached agreement on the formation of a central state government. Dodik's SNSD had demanded four cabinet positions but settled for three. Perhaps more significantly, the RS Prosecutor's Office announced the day before that it was dropping all corruption investigations against Dodik. Further, as part of the political horse-trading, Dodik's party was given the right to nominate the new head of SIPA. Needless to say, these developments were a significant blow to anti-corruption campaigners in BiH. In 2009, Transparency International Bosnia revealed that the RS Investment and Development Bank that Dodik chairs had approved a loan of BAM3 million to the Fruit Eco Company, headquartered in Laktaši. Dodik's 19-year-old son was listed as one of the owners of the company specializing in growing and processing fruits. After these revelations, Transparency International had to close its office in Banja Luka because its director received death threats.¹⁸ It was only able to return to the RS after concerted international pressure was brought to bear upon Dodik's government. Other allegations about "loans to favorites" by this bank are in the public domain (Center For Investigative Reporting and RFE/RL 2009).

The second event was a "20th birthday party" for Republika Srpska, organized and hosted by Dodik in Banja Luka on 9 January 2012. Domestic politicians like Dragan Čović from the HDZ BiH and Boris Tadić, president of Serbia, attended the festivities. The date commemorated the declaration of the secessionist "Serb Republic of Bosnia and Herzegovina" by the SDS presidency of Radovan Karadžić, Momcilo Krajisnik, and Biljana Plavsic in Pale – an entity formed in opposition to the rump Bosnian Parliament left in the wake of the withdrawal of most of its Serbian deputies. After subsequently launching a war to destroy the internationally recognized Bosnian state, it renamed itself simply Republika Srpska. Dodik faced a considerable challenge in celebrating the birth of an entity whose founding figures were either convicted war criminals or on trial for war crimes at the Hague. His strategy was to mythologize the historical record with Titoist discourse (1992 was like 1942!) and attack those who questioned it as biased critics. The Serb Republic, he explained before the celebration, "built in its foundations the anti-fascist spirit of the Serb people, who, like no other nation in this part of Europe, paid the high price in the fight against fascism and Nazism." "The people who took the leadership of the national movement at the time deserve our gratitude, because it took courage and vision to do such a thing" (RTRS Radio 2012b). In public remarks at the celebration, he acknowledged war crimes only in repudiating their connection to the entity:

No criminal killed for the sake of his nation; he killed because he is a criminal degenerate. No criminal should be protected from just punishment for as long as he lives, but there should be no selective justice there, no framed indictments, the forced confessions, as the B-H Prosecutor's Office and the Court have been doing, so that the victims are only on one side, and the criminals only on the other side. This is the goal of those who declare the Serb Republic to be a genocidal creation. We will never agree to those lies and the alteration of the real events. (RTRS Radio 2012a)

Earlier, he had indicated that "one of the national priorities was to stop the attempts from Bosnia-Herzegovina, as well as from outside the country, to 'Srebrenize' Bosnia-Herzegovina" (RTRS Radio 2012b).

One figure haunts the study of classical studies of political rhetoric: the demagogue. In ancient Greek definition, a demagogue is a leader (*agogas*) of the people (*demos*) who poses a dangerous threat to democracy as a procedural system of government (Signer 2009). In his study, Signer identifies four rhetorical practices characterizing demagogues. First, they represent themselves as belonging to the ordinary common people and not to elite society. Second, their politics depends on a visceral connection with and championing

of “the people” that goes well beyond the standard popularity of certain political leaders. Third, they manipulate their trumpeted connection to “the people” to further their own material interests and political ambition. Fourth, they threaten an outright break with established rules of conduct, institutional structures, and the rule of law.

Dodik’s rhetorical performances offer up considerable evidence for all four practices. First, it is a standard stratagem in Dodik’s rhetorical vocabulary to rage against international officials, judges, and prosecutors, as well as political elites in “Sarajevo circles.” In this he draws upon well-established regional antagonisms within Bosnia as well as a history of resentment against imperial overlords. Second, his rhetoric makes direct appeals to affective conditions and embodied states, asserting stubborn defiance in the face of perceived dictates and demonstrative pride in response to suggestions of dishonor and shame. Dodik represents himself as standing up for the criticized, humiliated, and humbled. International recognition of the genocide at Srebrenica, for example, plays into a politics of resentment against external elites and domestic enemies out to shame Serbs and ignore their suffering.

Third, it is no small irony that the new administrative center building of the Republika Srpska government in Banja Luka – whose profile is used, White House style, as a visual background prop for the RS Presidency – was the subject of public corruption allegations involving Dodik and figures from his home town of Laktaši. Unlike the vast majority of people in the RS, Milorad Dodik is a wealthy man. Many see him as a cynical opportunist who changed his political beliefs to acquire power and further his own material interests. Dodik, like Slobodan Milošević, was once a critic of nationalism who changed his political rhetoric to become its leading proponent and manipulator. In a manner similar to Milošević, he has established effective influence over the press and judiciary so there is limited scope for independent actions and judgments in the RS. In such a relatively small place it can be difficult to have a career when openly challenging the ruling party of power.

Fourth, Dodik’s referendum rhetoric is a direct challenge to the General Framework Agreement agreed at Dayton that established the rules of Bosnian political life since 1995. His rhetorical provocations have sought, through opportunistic analogies to neighborhood geopolitics, to leverage Republika Srpska’s status as an entity within a state into a “self-determination unit” with the right of its “citizens” or “people” to democratic self-expression. The *modus operandi* is “fake it till you make it”: simulate sovereignty and stateness until such time as circumstances allow it to be realized. Dodik’s discourse represents itself as a defense of the Dayton agreement and a call for a return to its “original meaning” – which functions as a self-serving construct. In short, in the name of preserving Dayton, Dayton is subverted. In the name of supposed strict legalism, the law is undone. This form of behavior, countering existing law with law of one’s own aspiration and personal construction, typifies how demagogues justify their break from inconvenient prevailing constitutional norms and the rule of law. It is also a long-standing disposition among nationalist Serbs in Bosnia, as Karadžić’s remarks from 1990 (introductory quotation) reveal.

However, characterizing Dodik as simply a demagogue is analytically insufficient. The concept of a “demagogue” offers too easy, and indeed too tempting, a categorical scheme for dividing politicians into normative categories. Many politicians in democratic societies exhibit demagogic practices, such as Silvio Berlusconi in Italy and Viktor Orbán in Hungary. Other Bosnian politicians could be characterized thus. Further, the concept offers personal ambition and material interest as convenient interpretations of practices that are often much more complicated. Most importantly, reducing Dodik’s rhetoric to

that of a self-serving and self-interested demagogue can marginalize the structural conditions that encourage demagogic rhetorical politics.

Dodik's rhetorical politics is made possible by the unresolved legacy of the Bosnian War. The General Framework Agreement signed at Dayton was an armistice that papered over the contradictions within the compromise. Republika Srpska was a hardline ethnocratic entity created in opposition to the Bosnian state and by means of horrific violence against non-Serbs. In recognizing and legitimating this entity, there was hope for conflict transformation and reconciliation. To some degree this occurred as Karadžić's hardline ethnocracy gave way to an ostensibly more liberal ethnocracy under Dodik and others. But Dayton institutionalized an ethnoterritorial division of Bosnia organized around war territories, locking nationalist antagonism into the very structure of the state. Entities allowed nationalist parties and armies to create mini-states to realize some of their fantasies: their own institutions, identity systems, iconography, citizenship, and claim to be a people. Creating separate entities allowed the establishment of different "resonance machines," namely assemblages of institutions – churches, cultural associations, patriotic businesses, veterans' organizations, film directors and memory projects (e.g. Emir Kusturica and his Andrićgrad project) – that conjure and affirm enveloping worldviews (Connolly 2008). Bosnia's political geography keeps wartime divisions alive and rewards exclusivist appeals more than others. To get elected in Republika Srpska, one needs to master the rhetoric of Serb nationalist politics. And, in many ways, the performative structure of this nationalism has remained consistent over the last 20 years. *A Muslim majority threatens the Serbs. Therefore, as a defensive measure, Serbs have the right to choose their own state.* Karadžić's description of the November 1991 SDS plebiscite expresses this in a phrase: "a democratic reply to non-democratic pressures" (Croatian Radio 1990). Dodik has been singing this same tune in his referendum discourse over the last six years.

That the RS referendum discourse manifestly involves the mobilization of affect to create visceral connections and passionate politics necessitates a methodological caution in conclusion. Discourse analysis as a method tends to focus on deliberative argument and inevitably foregrounds linguistic productions and textual analysis rather than embodied performance and visual presentation. Yet it is not enough for scholars to grasp the discursive terms of a political debate; it is important to study how it feels to participants and how it works on audiences. It is virtually impossible to find Bosnians who do not have strong feelings about Milorad Dodik and his RS referendum rhetoric. Most experience him through television and have instantaneous reactions to his face, voice, gestures, and what they feel viscerally. These reactions are prior to any deliberation on the content of his statements. For many Bosnians, they are grounded in wartime experiences and traumas, "neuropolitical" levels of thought that need to be considered (Connolly 2002). Westen notes that "the brain gravitates toward solutions designed to match not only data but desire, by spreading activation to networks that lead to conclusions associated with positive emotions and inhibiting networks that would lead to negative emotions." Human brains "have a remarkable capacity to find their way to convenient truths" (Westen 2007, 100). This capacity for self-serving reasoning is central to explaining Bosnian Serb political discourse.

The implications of this analysis are not reassuring. In championing the idea of Republika Srpska as a self-determination unit, Milorad Dodik has reignited the passions that drove Bosnia to war in the past. With turbulent economic conditions across Europe and secessionist movements strengthening in Catalonia and Scotland, escalating tensions and even violence cannot be ruled out. The specter of fragmentation still stalks Bosnia.

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Notes

1. The construction "natural Serb areas in Bosnia-Herzegovina" is from the first party program of the Serb Democratic Party (SDS); see *Oslobodjenje*, 2 August 1990. Later that month, separatist Serb forces in the Krajina organized a referendum restricted to Croatian Serbs that asked if they supported Serb autonomy and sovereignty in Croatia. Karadžić defended this action, though he acknowledged it had no legal force. But at a meeting founding the SDS branch for Novo Sarajevo, he held out the idea of a referendum as a legitimate defensive response to the drift toward a confederation where former Yugoslav republics would be functionally independent states: "There can be no confederation without Serb peoples' consent. And we don't want confederation, our choice is federal Yugoslavia. In the final instance, Serb peoples will insist on a referendum for expressing its will regarding the structure of its state." See *Oslobodjenje*, 22 August 1990, p. 4, and 23 September 1990, p. 4.
2. The word count was compiled by creating a relevant electronic archive of articles. This began by using the available search engine within the *Dnevni Avaz* archive (purchased through subscription). Because the four keywords have different grammatical forms in use, the constant stem forms of the keywords *referendum*, *otcjep*, *nezavisn*, and *samostaln* were used. This large collection of articles was then extracted from the DA archive and individually inspected. Extraneous articles were discarded. The keywords were then manually counted only if Republika Srpska was referenced in some way in the same paragraph. Keywords occurring in the title were counted only when the title also cited the RS.
3. There is an enormous archive of Dodik's rhetoric translated into English by BBC Monitoring Europe and available through LexisNexis Academic. I have largely followed the translation in these documents. Adis Maksić translated other references and articles.
4. This denotative/connotative distinction has a certain heuristic value but a deeper analysis would investigate cognitive psychological processes like priming, substitution, and anchoring. Barthes developed the distinction when considering images, and it is worth noting that images, particularly maps and visual representations of RS territory, are part of RS referendum discourse. For an example, see the widely circulated photograph of Dodik pointing to a large map of Republika Srpska in Champion (2010).
5. An aspect of the embodied nature of Dodik's reasoning relates to his own personal health. Dodik is known to suffer from debilitating migraines that leave him unable to speak and function. His constant complaints about how foreigners constantly put "pressure" on the RS, therefore, have a visceral corporal register for him, and are all the more deeply felt.
6. In a revealing appeal to a family metaphor, Dodik said in July 2010 that "we will never forget that the Serb Republic is the unwanted child in Bosnia-Herzegovina, that many people in Bosnia-Herzegovina, outside the Serb Republic, do not want to see the Serb Republic" (RSPTV 2010). It can be argued that an unconscious sense of "unwantedness" and a conscious sense of being stigmatized (for genocide) are the foundations of Bosnian Serb political discourse. The gendered dimensions of Dodik's discourse, and of nationalism in general, are topics that deserve more consideration that is presented here.
7. For various examples of Milorad Dodik's style, see the clips gathered under his name on the YouTube website.
8. Plavsic was one of the most senior Bosnian Serb leaders during the 1992–95 war in Bosnia and Herzegovina. She was a member of the Bosnian presidency before the war, a member of the Republika Srpska government during the war, and the president of

Republika Srpska after the conflict. Breaking with the Pale-dominated SDS, she received some Western support and together with Dodik tried to soften the hard ethnocentric nature of the RS and its hostility toward the Dayton accords. She was indicted by the ICTY in 2000 and voluntarily surrendered herself in 2001. Two years later, she admitted her guilt and was sentenced to 11 years in jail for crimes against humanity and forced expulsions prompted by religious, political, and racial motives. She was released after serving two-thirds of her sentence.

9. Dodik was tried for embezzlement of public funds after he left office but was acquitted of all charges.
10. NDI officials worked on providing information on “voter demand” – for jobs and economic development – not on what the SNSD should say to voters. They stopped working with the SNSD in 2007.
11. The BiH chairman of the Council of Ministers until 2012, Nikola Spirić, is a case in point. He had been a member of the Serbian Radical Party (SRS) in 1993, then by 1998 an SDS member, then in 2000 a PDP official. In 2002 he switched again, this time to the SNSD.
12. Email correspondence with Donald Hays, 8 February 2011.
13. Tihić’s legal challenge was spurred by a Constitutional Court decision ordering the RS to remove the prefix “Srpska” from the names of 13 towns in the entity renamed during the war. The prefix was judged to be discriminatory. Tihić’s legal challenge made the claim that the very name “Republika Srpska” was ethnically exclusivist and discriminated against Bosnians who were not Serb.
14. The tone and style of Schwartz-Schilling’s tenure were established by his first television address on 31 January 2006. He appeared seated very comfortably in a soft armchair with a roaring fire behind him. He announced that the OHR would be closed in the near future, and he would become simply the EU special representative to the country.
15. A few days later, in a lecture at the Belgrade city assembly, Dodik, who has a house in Belgrade, undermined his “no adventurer” claim by describing how the calling of a referendum on the RS’s secession from BiH would be “a political adventure” (Beta 2004).
16. In June 2007, former high representative Paddy Ashdown published a book called *Swords and Ploughshares*. A passage in the book explained that Ashdown relied on his friendship with Chris Patton at the European Commission in order to have his agenda supported as European criteria for BiH to meet. The passage became headline news in *Nezavisne Novine* as confirmation that Ashdown was leveraging BiH’s desire to join the EU to impose unnecessary requirements on the RS. Dodik had the offending passage framed and made a point of showing it to visiting ambassadors to underscore his arguments.
17. Dodik’s agitation did earn him a victory, for Inzko decided not to extend the tenure of the foreign judges working on civil law cases, including corruption, but only those serving on war crimes cases.
18. Interview with Srdjan Blagovcanin, 21 October 2010. Transparency International’s reports are available on the web site: <http://www.ti-bih.org>.

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