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(Re)constructing a Deeply Divided Society

Peacebuilding Lessons from Bosnia and Herzegovina

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Acknowledgments

Abstract

In this thesis I have discussed the possibility of building a stable and long-lasting peace in a state whose society is considered to be deeply divided – Bosnia and Herzegovina. The main question to be answered by this study was *Which factors facilitate and which factors obstruct stable and long-lasting peace in a deeply divided society?* I have examined the post-war constitutional design of Bosnia and Herzegovina and the consociational devices built in the Constitution of the country. I have tried to generate new hypothesis on what it takes to create stable peace in a deeply divided society and propose a theoretical alternative through inductive conclusions, based on the empirical research of the Bosnian case as the starting point of this research.

My conclusion is that constitutional devices lead to further division of society, which in fact is an explicit goal of the theory, but expected results (politics of accommodation) are absent. Ten years after signing of The General Framework Agreement for Peace, Bosnia and Herzegovina is still a highly divided society, with no accommodation in sight. I argue that ethnonational balance of power, as prescribed by consociationalism, is an obstructing factor for peacebuilding and that the facilitating factor for peacebuilding in societies such as Bosnian, is instead a framework that will lead politics beyond ethnonational way of thinking, a framework that will dissolve the segments and not emphasise them.

Key words: Bosnia and Herzegovina, Dayton Peace Agreement, Deeply divided society, Consociationalism, Sustainable peace.

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List of Abbreviations

BiH	Bosnia and Herzegovina
DPA	Dayton Peace Agreement
EU	European Community
EUFOR	European Force
FBiH	Federation of Bosnia and Herzegovina
HDZ	Croat Democratic Union (Hrvatska demokratska zajednica)
HR	High Representative
IC	International Community
ICG	International Crisis Group
IFOR	Implementation Force
NATO	North Atlantic Treaty Organisation
OHR	Office of High Representative
OSCE	Organisation for Security and Cooperation in Europe
RS	Republic of Serbian People (Republika Srpska)
SBiH	Party for Bosnia and Herzegovina (Stranka za BiH)
SDA	Party of Democratic Action (Stranka demokratske akcije)
SDP BiH	Social Democratic Party of BiH (Socijaldemokratska partija BiH)
SDS	Serb Democratic Party (Srpska demokratska stranka)
SFOR	Stabilization Force
SFRJ	Socialist Federative Republic of Yugoslavia (Socijalisticka Federativna Republika Jugoslavija)
SNSD	Party of Independent Social Democrats (Savez nezavisnih socijaldemokrata)
UN	United Nations

1   Introduction

> For students of deeply divided societies, conflict and disorder are expected;
> stability and persistence are puzzling (Lustick, 1979:327).

Societies that are classified as deeply divided are considered to be, as the quotation above suggests, inherently unstable. Peace process, under these conditions, needs to be both long-range and profound. Thus, the constitutional design of a post-conflict society affects the very probability of a peaceful future.

The war in Bosnia and Herzegovina and the following peace process has encompassed both a 'traditional' peace plan and a new constitution, organising the state in the way it, at the time and from the understanding of what the war was about, seemed as the only possible. The new constitution has introduced power-sharing mechanisms in the society, allocating power between what is perceived as the three mutually exclusive segments – Bosnian Muslims, Croats, and Serbs. Today, ten years after signing of the peace plan, there is a growing consensus on the need for change, but disagreement on how these changes should look like. None the less, it is the constitution, as written into the peace plan, which determines what changes are possible. In that sense the constitutional design has created a framework for what kind of peace is possible for Bosnia and Herzegovina.

1.1   Statement of Purpose

The aim of this research is to look at consociationalism as means to manage violent conflicts in deeply divided societies and then generate new knowledge about peacebuilding under such circumstances. I will use Bosnia and Herzegovina (henceforth BiH) as my case study, because the country has a strong pluralistic character, and as such makes a good basis for me to be able to draw some conclusions on how peace in a deeply divided society should be built. My research problem is as it follows: *Which factors facilitate and which factors obstruct stable and long-lasting peace in a deeply divided society?* This question is of a general character and, in order to generate some answers, I will furthermore propose three empirical questions that are specifications of the general one, and as such, determined by the theoretical approach of this thesis (consociationalism):

- What are the characteristics of consociationalism and in what manner does it organise a deeply divided society?

- How has BiH become affected by consociational devices written in its Constitution?
- What conclusion about consociationalism, as peacebuilding strategy in deeply divided societies, can be drawn from the case of BiH?

1.2   Methodology

The research method one chooses depends on the purpose of the research and the empirical questions being asked. This thesis is a qualitative research based on a detailed case study of BiH ten years after the signing of the General Framework Agreement for Peace, popularly referred to as the Dayton Peace Agreement (henceforth DPA). Because a case study is a unique illustration, a common criticism of qualitative research is that it is unrepresentative and atypical (Burnham *et al*. 2004:53). The interpretations of collected material can be highly subjective and not open to external validation. Furthermore, qualitative research is not reproducible and it cannot be compared, therefore it does not make the basis on which generalisations can be made. Devine argues that these criticisms are misplaced. It is the aim and the objective of the research project that decides what a valid method is (Devine, 2002:205). Because this is a single case study, I can not expect to be able to produce generalisations about how conflicts in deeply divided societies should be handled, but it is possible for me to generate hypotheses that can be tested later on. The aim of this thesis is to generate knowledge about peacebuilding in a deeply divided society which makes qualitative research based on one single study a valid research design.

The thesis will apply the theory of consociationalism on the case of Bosnia and Herzegovina and at the same time engage in theory development. Bjereld *et al.* assert that when a researcher formulates his or hers problem there is always a certain amount of preconception of the scientific problem, that is, the researcher already has some ideas as to how the final result might look like. This preconceived opinion consists of two different parts. One part is the theoretical apprehension that the researcher wants to challenge and the other part is the theoretical alternative that he or she wants to advance (Bjereld *et al*. 1999:13). Consociationalism applied in BiH has had deep impact on the Bosnian society. The question is, has it been able to create the stable peace that consociationalism promises? My preconception is that consociationalism has created peace but its stability is fragile. I will try to generate new hypothesis on what it takes to create stable peace in a deeply divided society and propose a theoretical alternative through inductive conclusions, based on the empirical research of the Bosnian case as the starting point of this research.

1.3   Material

The source of data for this study includes both primary and secondary material. The primary material consists of in-depth elite interviews (discussed below) conducted during my field work in BiH November-December 2005. Besides interviews my primary material consists of DPA, the Bosnian constitution, as well as constitutions of the two entities, international community's statistical data, and private print media. My stay in BiH has been of a great help in understanding the currant situation in the country as well as the political divisions and problems that the Bosnian society is facing today.

The secondary material consists of the research in the field of consociationalism, ethnic conflicts, structural prevention of ethnic violence as well as evaluation reports, both from the Office of High Representative (henceforth OHR) and the International Crisis Group (henceforth ICG), on the ongoing peace building and implementation of Dayton-agreement.

It is worth mentioning that I have mostly used Arend Lijphart's books when discussing consociationalism because all other theorists that support consociationalism have his writings as starting point. Furthermore, some of the books (e.g. Kasapović, Ćurak, Ibrahimagić) are written in Bosnian which means that the quotations used are translated by myself, opening up for a possibility that the quotations are coloured by my understanding. I've tried to translate them as literary as possible in order to avoid misinterpretation.

1.3.1   In-depth Interviews

According to Seidman the purpose of an in-depth elite interview is to come to an understanding of other peoples experience and the meaning they make of that experience (Seidman, 1998:3). Elite interviewing can make considerable contribution to understanding of a specific political phenomenon one studies. Seidman writes that a way for a researcher to investigate an institution or a process is through the experience of the individuals who make up the organisation or are involved in the process about to be investigated. Social abstractions, he writes, are best understood through the experience of people involved (Seidman, 1998:4). The individual experience as such is not of any major interest for this thesis but when put in a context it can generate some well needed knowledge on how the theory works in practice.

The 'elite' in this context can be defined as target group being studied (an elite of some kind) and/or a respondent who is an expert on the topic one studies (Burnham *et al*. 2004:205). My definition of 'elite' includes both a target group and the experts. The in-depth elite interviews were conducted with representatives of the major parties in the parliamentary assembly and the representatives of OHR, former non-governmental organisation analyst and academic and intellectuals that are experts on the subject.

The interviews had an unstructured character and were focused on the consociational and power-sharing aspects of peacebuilding in Bosnia and its effects on the society as whole. The questions have varied from the interviewee to interviewee but have all been Grand tour-questions[1] allowing the interviewee to elaborate on his answers.

The targets of interviews were determined by the purpose of the study. This thesis is trying to generate knowledge about peacebuilding in deeply divided societies and the effects consociationalism has on that process, hence the choice of public officials and academics involved in the debate as the primary target of interviews. They can generate some answers on how consociationalism is working in practice and reflect on its purpose.

One of the challenges was to decide which actors to include. I have used snowballing as way to find informants. This way of collecting informants can be criticised because the interviewees may suggest people that they are interconnected with and thus produce similar answers (Devine, 2002:205; Burnham *et al.* 2004:207). In my own research I've tried to put emphasis on variety and sought to interview people that are positive to consociationalism, such as professor Vlaisavljević, and those who consider consociationalism to have negative effect on Bosnian society (e.g. associate professor Mujkić).

The interviews have been conducted on Bosnian, except for the interview with Kevin Sullivan, the spokesperson for OHR, which was conducted on English. All interviews have been 'face-to-face' and have lasted approximately 30 to 40 minutes. All interviews, accept for two, have been taped.

In-depth Interview Informants[2]
I have conducted ten interviews, four of them have been with political parties represented in the Parliamentary Assembly of BiH: Party of Democratic Action (SDA), Party for BiH (SBiH), Social Democratic Party BiH (SDP BiH), Party of Independent Social Democrats (SNSD).

Unfortunately I was unable to get interviews with officials from Serb Democratic Party (SDS) and Croat Democratic Union (HDZ), which are the biggest parties of respective groups. When it comes to SDS, the High Representative Paddy Ashdown has introduced sanctions against this party because of the party's assumed connection with Radovan Karadzic, accused for crimes against humanity. This has resulted in a complete lack of resources. After several telephone calls trying to get an interview the telephone number was no longer in use and it was no longer possible for me to contact SDS.[3] I have also tried mailing directly to their representatives in Parliamentary Assembly without any results. When it comes to HDZ, I was in contact with them several times, but at the end did not manage to get an interview. I was promised an interview by e-mail but did not received their answers. This is, doubtlessly, problematic because one of the major nationalist parties has been interviewed – SDA – who is seen as a representative of Bosnian Muslims. Small compensation for this is my interview

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[1] For further discussion see Esaiasson (2004:290).
[2] For the complete list of interviewees and introduction of the same see Appendix I.
[3] I should also mention that SDS does not have a webpage on the Internet.

with SNSD, which is a Serb dominated party based in RS. Some of the politics of SNSD, especially when it comes to the position of the entities in the BiH's constitution, is shared with SDS, and in that way at least some of the aspects of the ethnonational politics of the Serb people in BiH are covered. Unfortunately, Bosnian Croats are left out when it comes to interviews.

When choosing the political parties to interview, because of limited time and space, I hade decided to interview only those with three or more mandates which covers all the 'major' parties. The rest of them (another eight) have one mandate each.[4]

Other types of informants for in-depth interviews were so called "experts" – mostly academics and publicly active intellectuals. Besides them, three public officials, employed at the OHR were interviewed, out of whom two wanted to remain anonymous because of their delicate work. Both persons were interviewed at the same time and the interview was not taped. When referring to them I will describe them as 'persons X and Y'.

1.3.2 Prior Research

There is an extensive academic literature on both the war in BiH and the implications of the DPA (both legal and political). Most of the literature puts the war and the Bosnian society in a context of an ethnic war and nationalist struggle. In spite of the extensive literature on BiH one thing is striking – most of the literature is, too borrow an expression from an associate professor at Sarajevo University, Nerzuk Ćurak, "an office work", meaning that most of the work is a reproduction of already written books with very little field work of its own (Ćurak, 2005-11-20). The consequence of this is that the same perspective on BiH society is reproduced over and over again – a multiethnic, multinational society that lived in a peaceful coexistence in the former Socialist Federative Republic of Yugoslavia but a society that was inherently unstable.

If the multiethnicity and pluralism of the BiH's society has been extensively studied from the perspective of ethnic warfare, one could not say the same thing about the literature on BiH and the possibility for consociational democracy to work in the country. During my one-month field study in BiH I have learnt that the consequences of consociational constitutional design are just starting to be discussed in the academic world (and to a lesser extent media). As far as I know the only book written on prospects of consociationalism in BiH is the newly published *Bosnia and Herzegovina – a divided society and unstable state*[5] by Mirjana Kasapović (2005). Besides Kasapović, Florian Bieber (1999) has examined the consociational features of BiH in a comparative perspective, so has Sumantra Bose (2002). The possibility of consociationalism has also been discussed by Nerzuk Ćurak and Asim Mujkić (among others) at the Faculty of

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[4] For the entire list of parties represented in the Parliamentary Assembly of BiH see http://www.parlament.ba/bos/pd/pik/struktura.php.

[5] Original name*: Bosna i Hercegovina - podijeljeno društvo i nestabilna država.*

Political Science, University of Sarajevo, and professor Ugo Vlaisavljević at the Faculty of Philosophy, all of whom I have interviewed.

Internationally, none of the consociationalist scholars and the critics of the theory have explicitly done a study on BiH. What is striking is that Arend Lijphart, the most prominent advocate of consociationalism, hardly mentions BiH in his recent work.

1.4   Case Selection

Bosnia and Herzegovina is an excellent case to apply the consociational theory on because of the society's ethnical division and the harsh experience of ethnic violence.

This study is an empirical case study of Bosnia and Herzegovina. An in-depth analysis of the Bosnian society and the constitutional devices within it, will hence be a major part of this thesis.

1.5   Definitions and Limitations

There is a need to define the term *stable and long-lasting peace*. This because it is central to this thesis and there is a variety of ways to understand it. There is no easy way of defining the word 'peace'. If one is asking a question what peace is, one is posing a highly normative question, whose answer will be dependent on one's values. In order to keep the definition of 'stable and long-lasting peace' as simple as possible, I will translate it to 'positive peace', a term well known within the field of political science. The term can be compared to 'negative peace' meaning a mere absence of war or military violence. This kind of peace has existed in BiH since the signing of DPA in 1995. A positive peace, on the other hand, means a state of harmony and cooperation.[6] This, for me, resembles a complete absence of the term 'peace' in the minds of the people and in the public sphere, the way it is in societies such as Swedish. To that definition of peace I would like to add a definition of 'stable and long-lasting' as the extent to which contemporary democratic political system has managed to resolve the key issues which have divided the society. This definition I partially borrow from Lederach who states that a long-lasting peace amounts to conceptual paradigm and praxis of peacebuilding shifting significantly away from traditional framework of static diplomacy (Lederach, 1997:24).

The time-limitation I am using in this thesis are the last ten years, from 1995[7] to 2005. To be able to conduct an in-depth analysis of that period it is inevitable to

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[6] For further discussion see Fogarty (2000).
[7] The time of signing the DPA.

go back to the pre-war period but I will not engage in any deeper discussion on pre-war issues. My main focus is the post-war Bosnian society.

2 Theoretical Approach: Consociationalism as a Way to Peace

Conflicts with high degree of ethnic violence are harder to manage because of the violence's impact on and between ethnic groups involved. During the war the relationship between ethnic groups become highly tens and, unlike in the cases of interstate-conflicts, the ethnic groups and former adversaries must after the war (in most of the cases) learn to live with each other again and find a viable way to meet each others demands. Many conflicts that are characterised as ethnic are based on claims for self-determination but because of today's emphasis on democratic governance and protection of fundamental human rights, there is an aspiration to accommodate these claims within the existing state. *Consociationalism* addresses these questions and tries to reconcile principles of self-determination and protection of minority rights within a framework of multiethnic state, through some form of power-sharing.

Consociationalism can be defined in broad terms. Sisk interprets power-sharing as a political system *"that foster governing coalitions inclusive of most, if not all, major mobilized ethnic groups in society"* (1996:4). Arend Lijphart, one of the most prominent advocates of consociationalism, sees ethnic groups as building blocs of national politics in multiethnic states. For him multiethnic societies are viable but there are certain predispositions to be met in order for the society to be democratic. Consociationalism has many other advocates, but was most convincingly introduced and advocated by Lijphart in his book *The Politics of Accommodation: Pluralism and Democracy in the Netherlands* (1968).[8] Lijphart believes

> that consociational democracy is not only the optimal form of democracy for deeply divided societies but also, for the most deeply divided countries, the only feasible solution (Lijphart, 2002:37).

Bosnian society today uses ethnic groups as building blocks, hence the application of Lijphart's theory of consociationalism.

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[8] Although there has been some academic research prior to Lijphart's *The Politics of Accommodation* it is first with this book that the debate on consociationalism takes place.

2.1 Consociational Democracy

Most simply defined, consociational democracy[9] means "government by elite cartel designed to turn a democracy with a fragmented political culture into stable democracy" (Lijphart, 1969:216). Theory of consociationalism gives weight to formal institutions, such as federalism and proportional representation, in regulating ethnic conflicts. In deeply divided societies, under the conditions of dissensus and segmentation, it is only the consociational devices, such as elite accommodation, that can create stability (Barry, 1975:480). According to Barry a consociational democracy is identifiable by the existence of mutually isolated groups with low level of consensus between them. Their aspirations are articulated through different political parties that, during the election time, fight for votes by appealing to the loyalty of their own client group and by bringing the group ideology and sentiment to the surface. There is an emphasis on uniting against the other. After the elections, the leaders of the parties use the free hand given to them to settle the issues, which divide the groups, in a pragmatic way (Barry, 1975: 486).

According to Lijphart, a pluralistic society is divided by segmental cleavages which are manifested when political divisions follow lines of objective social differentiation, such as religious, ideological, cultural or ethnical. In such societies the political parties tend to be organised along these lines (1977:3f). Distinct lines of cleavage appear to be conducive for consociational democracy because subcultures with divergent interests may coexist in peace. Conflicts arise only when the segments are in contact with each other (Lijphart, 1969:219). Because political parties are considered to be the principal institutional means for translating segmental cleavages into the political realm, the relationship of party system cleavages to other major cleavages in society is very important (Lijphart, 1977:83).

Lijphart's consociational democracy is characterised by the fact that 1) all significant segments of the society are part of a grand coalition, 2) the mutual veto serves as a protection of vital minority interest, 3) the political representation is built upon a proportionality system, and 4) there is a high degree of autonomy for each segment (Lijphart, 1977:25).

In divided societies a grand coalition is, according to Lijphart, the only possibility of avoiding the permanent exclusion of the minority from the government (Lijphart, 1977:30). In stable democratic societies it is the existence of centrifugal forces (social cleavages) and of centripetal forces (cross pressure) that make democracy work, and make social cleavages that exist in every society harmless. In segmented or deeply divided societies, social cleavages tend instead to reinforce each other, and the social groups are likely to develop antagonistic feelings toward each other. One way of resolving this could be a majoritarian rule but, because of the risk for minority becoming permanently excluded from power,

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[9] *Consociation* means, according to Barry, more or less the same as "association" and can be used both as an abstract noun and a concrete one, while *consociational democracy* encapsulates a theory (Barry, 1975:478).

this is not a viable solution for creation of stable democracies. According to consociationalism, social heterogeneity does not have to be balanced at the mass level. It is possible to compensate for it at the elite level by cooperation rather than competition between political elites (Andeweg, 2000:509f). The most important characteristic of the grand coalition is the participation by the leaders of all significant segments in governing a plural society (Lijphart, 1977:31).

> The grand coalition cabinet is the most typical and obvious, but not the only possible, consociational solution for a fragmented system. The essential characteristic of consociational democracy is not so much any particular institutional arrangement as the deliberate joint effort by the elites to stabilize the system (Lijphart, 1969:213).

When decisions are made in grand coalitions there still exists a possibility that a minority, although it is represented in such a coalition, can be outvoted by a majority. When that happens vital interests of minority segment may be affected and thus endanger inter-segmental elite cooperation. A veto gives a complete guarantee of political protection of the each segment (Lijphart, 1977:36). Lijphart himself recognises that mutual veto can lead to a "minority tyranny" but states that there are three main reasons for why this will not be the case. The first of them is that all the segments of the society (all minority groups) have a right to veto, and a too frequent use of it can be turned against the group's own interests. Second reason is that a mere existence of the right to veto gives a sense of security, which makes the actual use of it improbable. The last reason is that each segment would not want the veto to lead to deadlock and immobilisation of the political system (Lijphart, 1977:37).

Proportionality makes sure that all civil service appointments and financial resources are divided among the different segments in the society. Another purpose of proportionality system relates to the decision-making process. The different segments of society are not only *represented* in the decision-making organs but they are being represented *proportionally* as well (Lijphart, 1977:38f).

One of the main parts of Lijphart's consociational democracy is segmental autonomy and federalism, which he defines as the "rule by the minority over itself in the area of the minority's exclusive concern" (Lijphart, 1977:41). For a successful establishment of democratic government in pluralistic societies Lijphart identifies group autonomy as one of the most important elements. Power-sharing in some form of grand coalition will guarantee that all important segments of the society participate in political decision-making, but group autonomy will give these segments authority over their own internal affairs, such as education and culture. These two elements are the primary attributes of consociational democracy (Lijphart, 2004:97).

2.1.1 Measuring the Degree of Plurality

'Plural society', as defined by Lijphart and other consociationalists, equals deeply divided society (Lijphart, 1989:39). Lijphart defines plural societies as

societies that are sharply divided along religious, ideological, linguistic, cultural, ethnic, or racial lines into virtually separate subsocieties with their own political parties, interest groups, and media of communication (1999:32).

In his article *Consociation Theory: Problems and Prospects* (1981) Lijphart develops four criteria to determine how plural a plural society is – whether a society is completely plural or deviates from perfect pluralism. The first criterion is that, in a perfectly plural society, the segments into which the society is divided are clearly identifiable. The second criterion is that the exact size of each segment is known (how many people belong to each segment). Perfectly plural society must fulfil the third criterion which is a perfect correspondence between segmental boundaries and the boundaries between political, social, and economic organizations. Final criterion states that, since party loyalty coincides with segmental (in a completely plural society), there should not be any change in voting support of the different parties, "in a perfectly plural society, an election is a segmental census" (Lijphart, 1981:356). Lijphart admits that he himself does not know of any empirical example that fulfils all four criteria and that all societies deviate in one way or another from the ideal type (ibid.).

2.2   Criticism

The theory of consociationalism has been highly criticised. The criticism does not consist of one debate about its validity but of a number of small debates about different elements of consociational democracy. Highly criticised parts of the theory have been the argument that there is a relationship between majoritarianism and democratic collapse, the argument that the consociational democracy is a response to the problem plural societies face (the opponents saying that it is rather the other way around), the democratic system created by consociationalism is either not democratic or not democratic enough, and possibilities for maintenance of consociational democracy, and so forth.

For the time being, I will leave the criticism aside, and engage in the empirical study of BiH. I will come back to criticism in chapter four when I examine the consociational devices in BiH and their effects on the society.

3 Divided in Order to be Preserved – the Case of Bosnia and Herzegovina

The previous chapter discussed the theoretical approach of this thesis. The following two chapters offer an analysis of the empirical case – Bosnia and Herzegovina – with the help of the same theory. What are the consociational features of BiH? How do they affect the society and the conflict within it? Has consociationalism been positive or negative for Bosnia?

Before engaging in consociational aspects of BiH, a short background of the war, leading to introduction of consociationalism in the society, is necessary.

3.1 Background: A Society at War

Before the war, BiH was part of Socialist Federative Republic of Yugoslavia (henceforth SFRJ), officially created in 1946. SFRJ consisted out of six republics with Serbs, Croats, Montenegrins, Macedonians, Muslims,[10] and Slovenians as constituent peoples analogous to five of its republics (Serbia, Croatia, Montenegro, Macedonia, and Slovenia). The sixth republic, BiH, did not have a corresponding nation but was considered to be inhabited by fragments of Serb and Croatian nations and Muslims (Malcolm, 1994:198).[11]

The war in BiH was part of dissolution of SFRJ[12]. In 1990 the first multiparty-elections were held in SFRJ on the republic-level[13] resulting in major nationalist parties winning in every republic. Slobodan Milošević emerged as winner in Serbia, and encouraged a sense of being under threat among the Serbian people. An equivalent to Milošević emerged in Croatia, Franjo Tudjman, the leader of Croatian Democratic Union (HDZ). In Bosnia and Herzegovina the politics also became nationalist-oriented. Sister parties to HDZ in Croatia and SDS in Serbia were formed, along with SDA, a Muslim-dominated party led by Alija Izetbegović (Cousens – Cater, 2001:18).

The elections were followed by referendums on self-determination in Slovenia and Croatia. In 1991 these two countries proclaimed their sovereignty and withdraw from SFRJ (Williams, 2001:94). In Croatia, the withdrawal led to

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[10] Muslims were granted status of constituent people first after the amendments of 1974.

[11] Bosnian population before the war consisted of 44 per cent Muslims, 31 per cent Serbs, 17 per cent Croats, and 8 per cent others. The political power was balanced between these constituent nationalities (Cousens – Cater, 2001:21).

[12] For more detailed discussion on dissolution of SFRJ see Woodward (1995).

[13] The choice of holding the elections on the republic-level rather than on the state level indicated the forthcoming dissolution of the federation.

proclamation of *Serb autonomous region of Krajina*[14] (Srpska Autonomna Krajina) by the Croatian Serbs led by their nationalist party SDS (Malcolm, 1994:216). This pushed the newly proclaimed sovereign state of Croatia right in to war.

Nationalists won the elections in BiH as well. Each of the nationalist parties, SDA, HDZ, and SDS, claimed to represent the interest of the respective constituent people in BiH. SDS did not under any circumstances want BiH to withdraw from SFRJ and saw its future together with Serbia. HDZ wanted closer contacts and, eventually, incorporation of the Croat-inhabited parts of BiH into Croatia (Cohen, 1995:173).[15] SDA was accused by the Serb and Croat nationalists of trying to create 'a Muslim state' but, although there was a pro-Islamic group within the SDA, the official position of the party was a unitary BiH with power-sharing mechanisms and representation of all ethnic groups (Cohen, 1995:144; Bieber, 2002:321). After the elections a coalition government, consisting of the three nationalist parties, was formed.[16] Despite consociational features the grand coalition survived only few months (Bieber, 1999:83). The nationalist rhetoric and action taken by Milošević in Serbia and Tuđman in Croatia, each talking about Greater Serbia and Greater Croatia respectively, spread fear through Bosnia. The relations between the peoples of BiH gradually deteriorated and culminated when Izetbegović turned in a formal request to European Community for recognition of BiH's sovereignty. The request was followed by a referendum on self-determination, boycotted by most Bosnian Serbs. The Bosnian Muslims and Croats voted almost unanimously for self-determination. On the 6th of April 1992 BiH was formally recognised as an independent state (Woodward, 1995:189ff).

The sovereign state of BiH was immediately thrown into war. SDS, led by Radovan Karadžić, proclaimed in conformity with its Serb counterparts in Croatia, a Republic of Serbian People – Republika Srpska (henceforth RS) – and within few weeks the Bosnian Serbs controlled more than 60 per cent of the Bosnian soil (Agrell, 1994:138). In the beginning Bosnian Croats were allied with the Bosnian Muslims, together composing the government of BiH, but with the creation of Herceg-Bosna (the Bosnian Croats equivalent to RS) the alliance broke. Bosnian Muslims and Croats turned into open adversaries in 1993 when it became more and more obvious that the Croatian president Tuđman and Serbian president Milošević agreed on dividing BiH between themselves. The Croatian army now actively backed the Bosnian Croats and a second front emerged. The idea was that the proclaimed territorial autonomies would eventually join with the respective 'motherland'. The war between the Bosnian Croats and the Army of BiH ended in 1994 upon signing the Washington Agreement brokered by the USA uniting the parties in a Federation of Bosnia and Herzegovina (henceforth FBiH) (Cousens, 2001:121; Bieber; 2002:321).

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[14] The region consisted out of sex municipalities around the city of Knin and was inhabited by large number of Serbs.
[15] See Bosnian Report (1997).
[16] The President of the presidency was given to a Muslim from SDA (Alija Izetbegović), the Prime Minster was a Croat and a Serb became the president of the Parliament (Bieber, 1999:82).

During the war, that lasted between 1992 and 1995, approximately 250 000 people were killed and more than 1.8 million people became refugees. The war in BiH became notorious for the ethnic cleansing that took place during those years.

3.1.1 The Dayton Peace Agreement

The war ended with the signing of DPA in November 1995. It was an outcome of both 'tour de force' of international diplomacy, as Cox put it, and a joint military action by Croatian and Bosnian forces which tipped over the military balance in favour of Muslim-Croat alliance and pushed Serbs towards the negotiating table. Another important reason for why the agreement was made possible is that at the end of 1995 almost all goals of the warring parties had been achieved – the separation of population and division of territory was almost complete (Cox, 2003:257f; Cousens – Cater, 2001:23f).

The Washington Agreement and DPA created a decentralised Bosnia and Herzegovina, dividing the country between two entities, the Federation of Bosnia and Herzegovina (FBiH) and the Republika Srpska (RS), with a weak central government. FBiH covered 51 per cent of the country's territory and Republika Srpska 49 per cent (Hurtić *et al*. 2000:318).

The DPA consists of *The General Framework Agreement,* where the parties basically agree on the arrangements made between the FBiH and RS, and the following 11 Annexes. [17] The most important Annex of DPA is Annex 4 containing the Constitution of BiH.

A High Representative [18] (henceforth HR) designated by the International Community (henceforth IC) oversees the Bosnian parties' compliance with the peace agreement. The HR coordinates activities of the civilian international organisations and agencies, reports to IC, and is the final arbiter and interpreter of the civilian implementation of the peace agreement (DPA, Annex 10). NATO was charged with overseeing the military aspects of DPA through a multinational military Implementation Force (IFOR) [19] (DPA, Annex 1A, §1:a).

The success of DPA is hard to measure. The IC had two main goals with the DPA: ending the war and rebuilding the Bosnian society. The first one, securing a military cease-fire, has been implemented most successfully. The cease-fire has

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[17] *Annex 1-A* Agreement on Military Aspects of the Peace Settlement; *Annex 1-B* Agreement on Regional Stabilization; *Annex 2* Agreements on Inter-Entity Boundary Line and Related Issues; *Annex 3* Agreement on Elections; *Annex 4* Constitution; *Annex 5* Agreement on Arbitration; *Annex 6* Agreement on Human Rights; *Annex 7* Agreement on Refugees and Displaces Persons; *Annex 8* Agreement on the Commission to Preserve National Monuments; *Annex 9* Agreement on BiH Public Corporations; *Annex 10* Agreement on Civilian Implementation; *Annex 11* Agreement on International Police Task Force .

[18] The designated HR is Lord Paddy Ashdown, who will in January 2006 be replaced by Christian Schwarz-Schilling. While the DPA has not been formally changed since its ratification in 1995 the role of HR has been enhanced giving him the right to remove officials from offices and impose laws (Bieber, 2002:323). According to Cox, by mid-2001, the HR imposed over 150 laws and dismissed 75 public officials making him a central pillar of Bosnia's real constitution (Cox, 2003:270).

[19] IFOR was replaced by Stabilisation Force (SFOR) followed by European Forces (EUFOR).

held firm and the number of armed forces has been reduced significantly. If it has restored peace to Bosnian society is harder to asses. Ćurak argues that if success of an agreement is measured by ending the violence, then one could say that DPA has been an accomplishment. But at the same time, to attribute success to an agreement because of absence of war really shows how unsuccessful the agreement has been, because its only measure of success is the absence of war (Ćurak, 2005:50). Stedman defines peace implementation as the process of carrying out a specific peace agreement with the focus on short-term efforts and measured in relation to ending violence. Peacebuilding, on the other hand, is a long-term commitment evaluated by amelioration of root causes of conflict and the promotion of justice, positive peace, reconciliation and so forth (Stedman, 2002:2).The eleven Annexes of DPA indicate that the IC did not just engage in peace implementation but also in peace building through a holistic approach, addressing the issues of governance, democratic legitimacy and social inclusion. Hence, the success of DPA cannot only be measured in terms of 'absence of war' but has to contain the extent to which the society has been rebuilt.

3.2   Institutional Design of Dayton State

The IC involved in peacemaking efforts[20] was internally divided prior to signing of the DPA. The division concerned the questions of impartiality towards the parties, whether to intervene militarily or not, the analysis of the origin of the war, and the role of UN peacekeeping (Cousens, 2002:536; Holbrook, 1999:28ff). The international involvement throughout the war-years consisted of a number of failed peace plans and mediation initiatives. All peace plans proposed some kind of division of the state into ethnically based territorial units (Cox, 2003:256). DPA, finally bringing peace to BiH, held on to "tradition" of keeping BiH's external borders intact through internal division. The result was an extremely loose state structure, creating confusion around the definition of what kind of state BiH really was, a federation or a confederation.

The formal ascription of the nature of the state of BiH is avoided in the Constitution. The previous attribute 'Republic' is dropped, and even though, the preamble of the Constitution states that the parties are committed "to the sovereignty, territorial integrity, and political independence" of BiH, the following articles effectively delegate major responsibilities, such as defence, internal affairs and economics, to the entities, leaving the state without any real powers (Constitution of BiH, §1-2).[21] One could say that the constitutional design of BiH is a hybrid form of confederation composed out of two entities: *Republika Srpska* (ethnically homogenous, inhabited by a majority of Bosnian Serbs) and the *Federation of Bosnia and Herzegovina* (a federation between Bosnian Muslims and Bosnian Croats) both of which were created during the war.[22]

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[20] EU, USA, UN, OSCE, NATO.

[21] The original language of the Constitution is English, hence no translation has been conducted.

[22] See Appendix II.

DPA is a compromise between two different visions of how the state of BiH should look like, a single state for all its ethnic groups or division into three nationally homogenous ministates. In their eagerness to accommodate these two visions the mediators of DPA crafted an accord that is ambivalent between its partitionist and its integrative elements. On the one hand, Dayton stabilizes lines of confrontation creating the two entities, and at the same time tries to override such divisions, both from above – in its joint institutions – and from below, in its provisions for return (Cousens, 2002:543).[23] This contradiction was, according to Kevin Sullivan, a spokesperson at the OHR, something that was tolerated in the first five years, but as the awareness that the BiH was here to stay grew, the possibilities of implementation of amendments creating a ground for that contradiction to disappear, grew as well (Sullivan, interview, 2005-11-30).

The inter-entity boundary line bares no relation to historical, economic or administrative regions. International Crisis Group (ICG) argued in one of its reports that RS was constituted on negation of BiH's history, demography and integrity (ICG, 2001:i). Thus, making RS a part of the future of BiH is somewhat controversial. In the words of Cox, "continuity of the Bosnian Serb entity was preserved, while that of the state itself was somehow impaired" (Cox, 2003:260).

The new Bosnian Constitution, written into the DPA as its Annex 4, establishes consociationalism through legal arrangements and is the primary mechanism to manage the tension between the pull toward unity and the push towards partition (Cousens, 2001:125). Decision-making is shared between the presidency and the Council of Ministers, and there is an in-built division of power among the three constituent peoples of BiH – Bosniacs,[24] Croats and Serbs. The preamble of the constitution determines that "Bosniacs, Croats, and Serbs, as constituent peoples (along with Others) and citizens of Bosnia and Herzegovina" are those that the state of BiH derives its sovereignty from, entailing that it is ethnic groups rather that the people of BiH that are the subjects of sovereignty. Furthermore, it means that ethnic groups are represented as *groups* in different state institutions, institutionalising the ethnicity as the primary political objective.

3.2.1 Consociational Devices within State Institutions[25]

DPA sets the framework for how power should be shared among the three ethnic groups through joint political institutions. The Parliamentary Assembly has two chambers: the House of Peoples and the House of Representatives. Both of the houses have a proportional representation of the constituent peoples with a ratio of two FBiH members to one RS. All legislation requires the approval of both chambers and all decisions are taken by majority of those present and voting, although the Delegates and Members shall "make their best efforts to see that the

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[23] Annex 7 gives all refugees and displaces persons right to "freely return to their homes of origin" and the right to "have restored to them property" and to "be compensated of any property that cannot be restored to them" (DPA, Annex 7, §1:1).

[24] *Bosniacs* is the term used for Bosnian Muslims, established during the war.

[25] See Appendix III and IV.

majority includes at least one-third of the votes of Delegates or Members from the territory of each Entity". If the majority vote does not include one-third of the votes from each Entity a commission will form to obtain an approval within three days of the vote. Any proposed decision of the Parliamentary Assembly may be declared to be destructive of vital interests of Bosniac, Croat or Serb people (Constitution of BiH, §4).

The House of Representatives is elected directly by the voters of the entities with a guarantee that one-third of the seats will be taken by the politicians from RS, and two-thirds by politicians from the FBiH. There is no guarantee for representation of the constituent people in this chamber but the House of Peoples, consisting of 15 members, chosen by the parliaments of the entities is constituted out of five members of each nation, with Serbs elected from RS and the other two from the FBiH (Bieber, 2002:325).

The state has a three-person Presidency – one Croat, one Bosniac and one Serb. The Bosniac and Croat are elected by the FBiH voters and the Serb is elected by voters from RS. The collective presidency adopts its decisions by consensus but a majority decision is possible if all "efforts to reach a consensus have failed". A member of the Presidency may then declare a decision taken by majority vote to be destructive of vital interests of the Entity from which he/she was elected. If confirmed the decision will not take effect (Constitution of BiH, §5).

The Presidency nominates the Chair of Council of Ministers, who then nominates the other, appropriate Ministers. No more than two-thirds of all nominated may be appointed from the territory of the FBiH. The Chair also nominates Deputy Ministers, who may not be of the same constituent people as their Ministers (Constitution of BiH, §5:4).

The vital interests are vaguely defined in the constitutions of the Entities. Both constitutions share same definition of vital interests which are defined as exercise of the right to be adequately represented in the legislative executive and judicial bodies; identity of constituent people; constitutional amendments; organisation of the bodies of public authority; equal rights in decision making process; education, religion, language; promotion of culture, tradition and cultural heritage; territorial organisation; public information system; and other issues (§17:a of the Constitution of FBiH and §70 of the Constitution of RS).

Proportional representation of all three segments of the society does not only encompass governmental but other public institutions as well, Central Bank, Constitutional Court and so forth. The abovementioned indicates extensive consociational devices in use.

3.2.2 The Entities

The Bosnian Serbs constituted 31 per cent of the prewar population but got 49 percent of the Bosnian territory. The Bosnian Croats, who constituted 17 per cent of the population before the war now share land and power with Bosniacs within the FBiH that covers the remaining 51 per cent of the country. When the FBiH

was created it was predicted that the territory of the Bosnian Serbs would join it, however, the concept changed, and the two units became constituent parts of the new confederal state.

The FBiH has four levels of government – state, entity, canton and municipality. There are ten different cantons containing all aspects of sovereignty – its own constitution, legislation and judiciary. Each canton is ethnically defined. Five of them have a Bosniac majority, three a Bosnian Croat majority and two of them consist of ethnically mixed population (Bojić-Dželilović, 2003:283).

RS does not have any cantons and is generally considered to be more centralised and homogenous than FBiH. There is a slight asymmetry between consociational devices on state-level and on the levels of the two entities. The constitution of the Federation is grounded on consociational devices. Besides the territorial autonomy for the cantons, it guarantees proportional representation of Bosniacs and Croats in all important federal public institutions, and a decision-making process according to principle of consensus and qualified majority (Constitution of FBiH). Power-sharing mechanisms in the RS are limited. The power-sharing that does exist is highly informal, and consists of the support for certain decisions from Bosniac parties, that is mostly based in their interest in keeping the extreme nationalist parties away from governance (Bieber, 2002:329). The Constitutional Court's ruling from 2000 is considered though to be improving of power-sharing on the level of entities (Bieber, 2002:330).[26]

Because the representatives of the three segments in state institutions are not only proportionally represented according to their nationalities, but also according to the territory they live on, it is the entities, and not the state, that constitute the primary political power in Bosnia (Bieber, 2002:328). The far-reaching responsibilities and rights of each of the Entity deprive the state of its sovereignty. The Bosnian state (the central government) is exclusively dependent on the readiness of entities to implement decisions that the central government makes. Because the central government has only limited implementation powers it is a deviant case in the basic principle of state theory, which gives those that are assigned to make decisions the authority to implement them as well (Miličević, 1999:47). Furthermore, many vestiges of the state have not been recognised in the Serb and Croat-dominated areas. One of the main OHR priorities has been strengthening of state-level authority in both entities through creation of new security and defence ministries and other institutions (NIT, 2005:3; OHR Mission Implementation Plan, 2005). The weak position of the central government is also shown by the fact that BiH is the only federation that does not have its own financial revenues but is dependent on its entities (Sadiković, 1999:51).[27]

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[26] The creation of entities generated new minorities in the country: the Bosnian Serbs became minorities in the Federation while the Bosniacs and Croats became minorities in Rep. Srpska. This was later corrected by the ruling of the Constitutional Court of Bosnia and Herzegovina on 1st of July 2000, giving all three BiH people constituent status in both its entities, requiring changes in the constitutions of both entities and an introduction of second chamber in RS (Bojić – Dželilović, 2003:281; Constitutional Court of Bosnia and Herzegovina, Partial Decision, Case No. U5/98-III).
[27] The state does not have any independent source of revenue so the finances come entirely from transfer from the two entities, 2/3 from Federation, 1/3 from RS (Hurtić, *et al.*, 2000:318). This will however change in 2006 when value-added-tax on the state level will be introduced.

4 Consociationalism in BiH – A Success or a Failure?

As written earlier, consociational democracy gives weight to formal institutions, such as federalism and proportional representation of all segments in the society. Consociational democracy is identifiable by the existence of mutually isolated groups with low level of consensus between them. Furthermore, consociational democracy requires that all segments are part of a grand coalition, the existence of mutual veto, proportional representation, and high degree of segmental autonomy.

The Bosnian government at the state-level is based on a strict parity of the three segments and power-sharing mechanisms are laid down by the constitution to the last detail. The highest state organ, the Presidency, guarantees equal representation and the right to veto for each group. The members of the Presidency are elected by the two entities separately, thus making the Presidency based on territorial and national representation. This and other constitutional devices built in the Constitution classify BiH as a consociational democracy.

What is then the contribution of consociationalism to peacebuilding in BiH? Have consociational devices paved way for stable and long-lasting peace in the society?

4.1 Segmental Autonomy

Bosnia and Herzegovina today consists out of three different segments identified as three different nations – Bosniacs, Croats and Serbs. The territorial autonomy of each of the constituent nations is far-reaching but asymmetrical, because the Bosnian Serbs have their own entity while FBiH is shared between the Bosnian Croats and Bosniacs. None the less it is a segmental autonomy as defined by Lijphart.

According to Sisk, partition of multiethnic society is a viable solution only when ethnic groups are homogeneously concentrated in territory, if the partition will not produce any significant minorities themselves, and when the state, that is being partitioned, is willing to allow the territory in question to secede (1996:28f).The territorial autonomy of both segments (RS more than FBiH) is result of war gains. The creation of ethnically homogeneous territories was one of the principle goals of the warring parties. The massive displacement of people, particularly from the areas under control of SDS and HDZ respectively, has often been accompanied by mass killings and other atrocities – commonly known as ethnic cleansing. When the international community created the new

constitutional framework for BiH the idea behind it was, that giving political autonomy to territorially defined ethnic groups would lead to constructive dialogue and peaceful management of the conflict (Bojić-Dželilović, 2003:289). According to Lijphart, keeping the different segments apart limits their mutual contact and subsequently lessens the probability of antagonism and open hostility. In my interviews with political parties a different picture is represented. Puzigaća, a member of SNSD, says

> In the past there has not been any constructive dialogue between the three segments, on the contrary it was very bad. Some cooperation is although being established now, but my personal opinion is that the cooperation between the major ethnic parties is based on personal gains – the parties back each other up to keep the status quo (Puzigaća, interview, 2005-11-29).

Hećo, from SBiH, confirms this picture. According to him there is no cooperation at the state level (interview, 2005-11-21).

Another problem with segmental autonomy is that the ethnic groups, that inhabited BiH before the war, were dispersed throughout the country and larger urban areas were typically multiethnic (Bojić-Dželilović, 2003:282). The division into ethnically homogenous, mutually isolated segments was made possible by ethnic cleansing and irredentist politics.[28] Ćurak writes in his book, *Geopolitics as Destiny,* that the USA (as the main mediator) has forced upon BiH a peace agreement without inner historical meaning for BiH, demanding from political actors in the country to accept the get-together of unhistorical (the new entity-divided BiH) and historical (legal existence of the BiH state) reality to enable BiH to remain a political subject (2002:67). According to Sisk, the international community should, if its principal aim was to institutionalise peace, create incentives at the state level by rewarding interethnic toleration, inclusivity, and respect for rights. A system should not reward ethnic exclusion and chauvinism (Sisk, 1996:92).

The critics of consociationalism point at the probability that segmental autonomy might lead to reification of ethnic identity and outright secession (Barry, 1975:503; Sisk 1996:39). Lijphart admits that segmental autonomy contradicts the widely held assumption that mutual contacts foster mutual understanding, but states that

> It is in the nature of consociational democracy, at least initially, to make plural societies more thoroughly plural. Its approach is not to abolish or weaken segmental cleavages but to recognize them explicitly and to turn the segments into constructive elements of stable democracy (Lijphart, 1977:42).

If we explicitly recognizing the segments, consociational democracy will increase the organizational strength of these segments and their strength will, instead of creating conflict, open up a possibility for the elite to play a constructive role in conflict resolution (Lijphart, 1985:106f; 2004:45). On the contrary, Ibrahimagić

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[28] An illustration of that is that the northern Bosnia was in 1991 inhabited by proximately 355 956 Muslims, by the end of the 1995 there were only 13 000 of them left. The city of Bihać was in 1991 inhabited by 29 398 Serbs, in 1995 the number had declined to 1000 (Kaldor, 1999:65).

argues that, because BiH still faces pretensions of its neighbouring countries, Croatia and Serbia, towards its territory, every homogenization of any of Bosnia's three peoples, especially when it takes form of some kind of political and administrative unit, is a threat to territorial sovereignty of BiH. Furthermore, such homogenization manifests itself as discriminatory for other two peoples remaining in these territories on basis of ethnic background and religion (Ibrahimagić, 2001:35). According to Abazović, the segmental autonomy is just another thing showing that the differences between the people of BiH are not recognised in order for their negative outcomes to be removed, but on the contrary – the public space has become 'a prisoner' of the collective and the individual has been thrown away (Abazović, 2005:134).

The result of segmental autonomy is an ahistorical BiH, internally divided, both when it comes to territory and its people. Slatina, a former research analyst for ICG says that

> BiH is today a segregated country. Soon we will have entire generations that have not experienced the multiethnic Bosnia. I am afraid that the young people will be the biggest bearers of nationalism. Unfortunately the international community doesn't want to accept the fact that DPA needs to be changed from the ground. It is a matter of principals – the relationship between the individual and the collective right. Do we want to give primacy to the citizen or to a member of a nation? The current constitution negates the citizen as a category. The new constitution needs to put the citizen in the first place but at the same time give protection to collective rights as well (Slatina, interview, 2005-12-13).

4.2   Grand Coalition

When all significant segments in a society are represented in government and decision-making bodies, then we can say it is a grand coalition. Lijphart claims that there is no option to grand coalition if one wants to avoid permanent exclusion of the minority from the government. A grand coalition does not have to be based on ethnic parties' representation in a parliamentary system. A grand coalition might as well be defined in broader terms as a participation of linguistic or other groups in a pre-determined ratio (Lijphart, 2002:46). The Constitution of BiH determines that all executive bodies must have a proportional number of representatives from each ethnic group, making the government a grand coalition even if not all major parties are represented. The grand coalition in BiH consists thus, out of ethnonational groups rather than political parties. Even if major ethnonational-parties (HDZ, SDA, and SDS) are not represented in the government [29] the persistence of the grand coalition is guaranteed through constitutionally predetermined representation of the ethnonational segments. For the time being the major nationalist parties form a government together, with the support of SBiH. When asking Ajanović from SDA how this grand coalition

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[29] As it happened between 2000 and 2001 when non-nationalist parties formed the government.

works, considering that the three parties have diametrically opposing views on the Bosnian state, he answered

> I would rather call it a partnership, not a coalition. We don't have anything in common with them, our political programs differ. But, in the last elections we received approximately 30% of the votes. Should we have said no to forming a government? We cooperate with them on some questions. On those questions where we can't agree we ask the international community for help. No, I wouldn't call it a coalition (Ajanović, interview, 2005-11-22).

The most serious criticism directed towards consociational democracy is its failure to bring about and maintain political stability, and its tendency toward antidemocratic and inefficient decision-making. Some critics argue that grand-coalitions lead to slower decision-making process, immobilism, deadlock, and democratic breakdown. The constitutional design of BiH, with its consociational character, has resulted in 14 different constitutions – one constitution for the state of BiH, on for each entity, ten cantonal and one for District Brčko.[30] This entails 14 legislative bodies, 14 governments and more than 200 ministries, not to mention three presidents. This, in a country with less than four million inhabitants, makes the democratic process inefficient and perplexing. According to Lijphart, inefficiency is a short term effect. In the long-term consociationalism is more effective than adversarial politics because of the stability it creates. Lot of decisions will be taken at the subunit level affecting the decision-making pace at the national level in a positive way and lowering the probability of immobilisation (Lijphart, 2002:42). Yet, when trying to make the institutions more effective, OHR is introducing laws and institutions that strengthen the state at the expanse of the entities, thus diminishing their segmental autonomy. This because OHR recognises that increased transparency and efficiency are closely related with strong governmental institutions (OHR Implementation Plan, 2005).

According to critics consociationalism suffocates vigorous opposition politics (Sisk, 1996:39) and forces all parties to adopt ethnically focused politics. Lijphart admits that consociationalism has an "imperfectly democratic nature" but states, at the same time, that plural societies don't have much choice. Even if majoritarian democracy shows better democratic quality it is most probable that it will not work in plural societies, hence it is not a realistic option. The choice a plural society stands in front is either consociational democracy or no democracy at all (Lijphart, 1985:109). In Republika Srpska SNSD is the strongest challenger to SDS, but is, in the words of Manning and Antic, a "loyal opposition" (2003:55). The leader of SNSD, Milorad Dodik, emerged at the end of 1990s as a progressive opposition to SDS, but has at the end adopted a nationalist rhetoric. "People who know Dodik well say that he is no nationalist" (ICG, 2003:26), but because all political discourse in the RS takes place within nationalistic terms of reference, and SNSD derives its strength from the Serb constituency, he has no alternative but to play 'the nationalist card'. In a recent article in the daily newspaper *Dnevni Avaz*, Dodik's answer on the question of what kind of changes

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[30] The city of Brčko was perceived to be of strategic importance for all sides in the war. The DPA was unable to settle the Brčko-question and the IC thus made it a district of its own.

within the Constitution were possible was – "either a federative state or dissolution" (Dnevni Avaz, 2005-10-17). Puzigaća from SNSD confirms this view in my interview with him, by saying that the entities cannot be abolished and that they welcome creation a third one (interview, 2005-11-29).

In FBiH, HDZ still has a strong hold on the Croatian constituency, while SDA, in spite of losing some of its votes to other non-nationalist parties, remain strong among Bosniacs. All three parties have affectively managed to 'monopolise' the right of defending the respective constituent people. It is questionable whether separate communal representation has been desirable in BiH, because it tends to magnify existing communal differences. The parties' electoral campaigns continue to be dominated with appeals to communal prejudices and communities are stirred to fuller self-consciousness. For example, during the elections of 2002, the election slogan of SDS was 'vote Serb', HDZ's electoral poster called for defence of Croat patrimony, faith and interests, and SDA attacked the Alliance parties'[31] alleged neglect of Bosniac interests, and unfair criticism of Bosniac wartime heroism (ICG, 2003:8). Horowitz argues that by appealing to electorates in ethnic terms and by strengthening the influence of ethnically chauvinist elements within each group, "parties that begin by merely mirroring ethnic divisions help to deepen and extend them" (Horowitz, 1985:291). Ghai suggests that when it is necessary to guarantee representation of an ethnic group in government bodies, it is better to integrate it within the general electoral system, for example mandatory nomination of a minimum number of minority candidates, than to integrate it into the Constitution (Ghai, 2002:153f).

Lijphart gives much attention to cooperation of leaders but little emphasise is placed on how to make leaders to cooperate. Horowitz has argued that consociational theory lacks incentives for compromise. According to him "[u]nless there is an incentive to compromise over ethnic issues, the mere need to form a coalition will not produce compromise". Coalitions should be a part of accommodative arrangements only if they are likely to produce compromise, not perpetuate conflict (Horowitz, 1991:175). For democracy to be effective each and every segmental elite needs to engage in politics of accommodation and move beyond politics of conflicts. In Lijphart's words

> The second key requirement is that the *leaders* of the self-contained blocs must be particularly convinced of the desirability of preserving the system. And they must be willing and capable of bridging the gaps between the mutually isolated blocs and of resolving serious disputes in a largely nonconsensual context (Lijphart, 1968:104f).

In the post-Dayton BiH the three segments don't support consociational devices in the society in the same way. One of the segments repudiates consociationalism while the other two accept it "conditionally, unequally, and selectively" (Kasapović, 2005:160). The main opponents to the current political design of BiH are the Bosniacs that claim that the international community has forced them to accept ethno-territorial division of the country and demand a

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[31] In general elections in November 2000, an Alliance for Change, consisting of non-nationalist parties won for the firs time, ending a ten-year-long monopoly of ethnically based parties but lasted only for a year (Bojić – Dželilović, 2003:286).

design based on the 'citizen' and not on the ethnonational segments. Because the Bosniacs are in the majority there is great fear of a unitary Bosnia and the national domination of Bosniacs over the other two ethnic groups. Serbs on the other hand, don't see Republika Srpska as created through DPA but rather through the SDS-organised referendum in 1992. Because it is not created through DPA, it can not be abolished by the revision of the same either. According to the Serb political elite the current constitutional design in BiH is a "maximal Bosnian state" that can be accepted by the most Serbs. In that sense the Bosnian Serbs can be seen as the guardians of the current political design. The Bosnian Croats have a two-faced politics. Their support for the Bosnian state has been withdrawn during the war but forced upon them by the Washington Agreement creating a Federation of the Bosnian Muslims and Bosnian Croats. At the same time the voices are raised today for the creation of the third entity. The argument is that as long as the Serbs have their own entity why shouldn't the Croats? Because Croatian political elite recognised that the IC would never allow a third entity, their official stance is a reconstruction of the entire state into three levels of government (Oslobođenje, 2005-10-15).

An assumption that all leaders in ethnically divided states want to promote accommodation is a dangers one. The leaders themselves are participants in the society and as such have been part of the process that led to ethnic conflict and thus may entertain hostile feelings toward members of other groups. Vlaisavljević states, in an interview for *Vreme*, that post-war politics "lives from the happenings during the war", and derives its legitimacy from the war itself. The political elite today is, according to him, constituted as war subjects which means that the politics they represent today, their identity, and understanding of reality is based upon the experience of war (Vreme, 2005-05-26). The same parties that during the first half of the 1990s tried to destroy the state of BiH (with the exception of SDA) are now legitimate partners in creating the future of the same state. SDS derives its strength from its position as the wartime party that built Republika Srpska (ICG, 2001:21). HDZ is still seen as the leader of the Croatian people that fought for 'reunion' with the motherland, and SDA even if it during the war fought for preservation of the Bosnian state for all its people, has none the less derived its strength almost unexceptionally from the Bosniac people.

The consociational model's reliance on elite accommodation misses the problem of elite-initiated conflict. In the consociational literature elites are never expected to initiate conflict on their own, but in fact, elites might fuel conflict along group lines in order to bolster their own bargaining position at the political centre (Tsebelis, 1990:9; Horowitz, 1985:564). Lijphart's answer to this is that if the consociational democracy fails, which it might, it will be because of segmental leaders are either not able or not willing to manage the difficulties with inter- and intra segmental balancing acts (Lijphart, 1985:100). But one of the preconditions for consociationalism is cooperation-oriented elite, thus introducing consociationalism in a state where this does not exist is counterproductive. Andeweg draws parallel between the consociational assumptions that elite cooperation leads to political stability with playing children – "there will be no fights in the playground when children stop quarrelling". Put it that way the

consociational theory becomes a descriptive category (rather than theory of cause and effect) defined by a problem, the reaction to the problem and the consequences of that action (Andeweg, 2000:520; Barry, 1975:480). The problem of BiH was nationalist politics that emerged during the 1990s leading the country into war. The reaction to that problem was introducing an internally divided state with a consociational design. The consequences should have been amelioration of inter-communal relations through politics of accommodation. Slatina argues that

> the nationalist politics are still dominant in BiH because DPA and the Constitution support nationalist politics and transform politicians, that try not to be nationalists, into bigger nationalist than the SDS (Slatina, interview, 2005-12-13).

4.3 Mutual Veto

The Constitution of BiH prescribes right to veto when vital interest of one of the constituent people comes into question. This enables each ethnic group to prevent any attempt from the state to violate its autonomy.

The criticism directed towards mutual veto is the possibility of 'minority tyranny', or in the case of BiH, plainly tyranny, because there are no minorities in the constitutional sense – all three segments are constituent. Lijphart argues that mutual veto will not lead to tyranny or immobilism because it will give each segment a sense of security, and a mere recognition that the other segments have the same right will detract the political elite from over-extensive use of veto. In BiH, the evidence show otherwise. Because the primary objectives of SDS are to block any further transfer of power from the entity to state level the Serb members of the House of Peoples have blocked laws such as the Law on Associations and Foundations, the Law on the BiH Foreign Trade Chamber, the Law on Sports and so on, using the excuse that these laws were a threat to vital interest of the Serb people (ICG, 2001:43f). Working for destabilisation of the central government and hence strengthening the entity is an incentive in itself for the nationalist parties. The same obstruction occurs in all joint institutions. Even if the three-member Presidency is known for reaching a consensus, proposals are often stopped in the main body of the state – the Parliament. Further more, proposals encounter resistance in the House of Peoples which often turns down proposals coming from the House of Representatives. The obstructions come mainly from those opposing strengthening the role of the state – Bosnian Serbs and Croats (Bojić-Dželilović, 2003:287).

In BiH, right to veto is "extendable" – at the state level any group can veto any decision without specific limitation (Bieber, 2004:7) because the "national vital interest", that the mutual veto is suppose to protect, is not concretely defined. Bieber writes that the right to veto granted to each nation has not been misused due to the assertive role of the HR (2002:325). According to my interviewees this is not entirely true. Irfan Ajanović, from SDA, and Skenderagić, a member of SDP, say that the veto has been misused because of the lack of definition of vital interests (2005-11-22). Vahid Hećo from SBiH thinks though differently, and sees

the right to veto as a mechanism that keeps the parties' propositions away from those that might be seen as questioning the vital interest of any of the segments (interview, 2005-11-21).

According to Kasapović, the right to veto in BiH is necessary for protection of the smallest nation. The Bosnian Croats do not compose even one-third of the population and can not make up even one-third of the parliamentary assembly on the state level, hence their national interest cannot be protected in any other way, especially not by qualified majority (Kasapović, 2005:186). Luckham *et al* argue though that there are ways to remedy the defects of majoritarianism.

> *Strong, constitutionally guaranteed, human rights protection:* these are both desirable in their own right, and can reduce minority fear of discrimination and state persecution. Whether they should include group rights is more debatable, since the latter can sometimes undermine individual rights and reinforce the isolation of minority communities (Luckham *et al.* 2003:47).

BiH has good predispositions for strong protection of human rights. The Constitution mentions no less than 15 different Human Rights Agreements giving *The European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols* priority over all other law (Constitution of BiH, §2:2). What is needed is strong implementation of these rights.

When interviewed all parties agreed on the need for constitutional changes because of the ineffectiveness of the state. But, the low degree of intercommunity trust within Bosnia, combined with diametrically opposing views on the nature of the state, results in the inability of dominant political parties to agree on constitutional reforms. By using veto-right, any constitutional change that might strengthen the state is avoided, and considered to be an attack of the vital interests of this or that nation, hence the ongoing discussion on possible changes is deadlocked.

4.4   The Contribution of Consociationalism to Peacebuilding in Bosnia and Herzegovina

Two international workers on high positions in OHR that I interviewed, say that BiH is far from a sense of "us" and that the kind of ethnonational balance that is practiced does not work for BiH in the long run (Person X and Y, interview, 2005-11-30) implicating that the contribution of consociationalism in BiH has had short-term effects (stopping the war by separating adversaries) but the long – lasting and stable peace is far from achieved.

Consociational devices – segmental autonomy and grand coalitions – led to introduction of constituent peoples in the Constitution of BiH, because the segments needed to be represented in the grand coalition and segments were identified as three different ethnic groups. This has resulted in politics becoming entirely communal, making most of the parties ethnically based and creating incentives for the political parties to appeal to narrow ethnic interests (Ghai,

2002:149). The three constituent peoples form today the three "pillars" of the Bosnian society which means that the political parties – SDA, HDZ and SDS – are able to monopolize the "job" of being representatives of this or that segment.

The governmental devolution of powers to the communities in Bosnia has greatly reduced the influences of those whose primary identification lies with the state and not with the communities, leaving no room for those who simply don't want to identify themselves as Bosniacs, Croats or Serbs, but would rather see themselves as citizens of BiH. According to associated professor Mujkić, the Constitution of BiH

> is only encouraging procedural democratic representation of ethnic groups, repressing any citizen initiative, and in a legitimate way, through free elections, takes away from the individual (or the citizen) any kind of political power (Mujkić, interview, 2005-11-28).

Who are the citizens? Can one be a citizen without belonging to one of the communities? Mujkić says that today, that is impossible and that the category 'citizen' in the Constitution is totally unnecessary.

> The individual is forced to make a choice because if a person doesn't make a choice, he or she will be dispatched to the margins of the society. The 'private' – my ethnic or religious affiliation – becomes, in this ethnonational constellation, the determinant in the public discourse (Mujkić, interview, 2005-28-11).

In line with Lijphart, Vlaisavljević argues though, that the 'citizen-alternative' is not a viable option for BiH, because

> it is impossible to expect that there will come a moment when the nationalist parties disappear, because of the constituent status of the Bosniac, Croat and Serb people. Any attempt to create a unitary state will be interpreted as assimilation of the minor segments – Croats and Serbs (Vlaisavljević, interview, 2005-12-9).

What Vlaisavljevic is saying, although he argues for consociationalism, is that BiH is locked in an indefinite state of ethnification of the public sphere, unable to move beyond politics of identity that once led the country into war.

The Constitution of BiH has to been seen as part of peacebuilding strategy the IC had, because it is encompassed in the DPA. The war in the 1990s was understood as an ethnic war, caused by a deeply divided society. I argue that consociational devices within the Constitution have cemented the social division established during the war, creating a fragile peace in BiH, a peace where military violence is absent but where the issues that have divided the society cannot be ameliorated because a framework that would enable that to happen does not exist. In stead, consociationalism has frozen the conflicting issues and created something that looks like elite accommodation but is rather an attempt to keep the status quo, at the expense of the citizens and the state.

Kasapović claims that BiH is indeed an example of a typical divided society and that its segmental division – both religious and ethnic – have deep historical roots (2005:7). On the contrary to Kasapović, Ghai sees ethnicity as a phenomenon that can either be emphasized or degenerated depending on several

different social and economic factors – one of them being the design and orientation of the state itself (Ghai, 2000:5). I argue that the most persistent communal cleavage in BiH is religious affiliation. This is the only objective difference between the three groups. If one takes away the religious features of their identity there is not much left to keep them apart. My arguments are supported by Mujkić who, in my interview with him, confirms my point by saying that "the religion is the only apparent and most important difference between the three segments" (2005-11-28). The ethnonational balance created through the Constitution has both cemented those divisions by making the three groups 'constituent peoples', and robbed them from a possibility of building on a common identity of Bosnian and Herzegovinian. Vlaisavljević supports Kasapović's classification of the Bosnian society as a deeply divided society. He grounds his arguments on three factors – the lack of trust among the three groups; the different collective identities are stronger than the shared one; and existence of national set of institutions (from language, education, political parties and so forth) (Vlaisavljević, interview, 2005-12-9). While, one cannot argue against the facts that Vlaisavljević points at, the question is if these divisions are being emphasised and exaggerated through consociational devices and continued nationalistic politics?

> In BiH we have never had mutually exclusive cultures. The differences between the cultures in BiH have all emerged from the confessional variation. Genocide, ethnic cleansing, falsifying of history, and so forth, have been used to create division within the minds of people (Mujkić, interview 2005-11-28).

The conflict in BiH has been labelled as 'an ethnic war', but, just because the polarisation occurred along ethnic lines it does not mean that the ethnicity in itself was the cause of war,[32] hence there is a need for critical analysis of devices that lead to further division of society.

Consociationalism as a theory does not problematise ethnic or national identity as such, but rather accept its existence and tries to ameliorate the society in order to appease the national identities and specific interests that might arise from those identities. Critics have argued that Lijphart's biggest problem is that he does not make a distinction between cultural diversity and subcultural segmentation. Steiner argues that the existence of various languages or religions in a society indicate cultural diversity [33] but not necessarily subcultural segmentation (Steiner, 1981:341). Before the war, in the survey of 1989, 90 per cent of correspondents described inter-ethnic relations as good or very good, and 62.75 per cent answered that nationality was not important when choosing life partner. This can be compared with the post-war survey where only Bosniacs (80 per cent of them) answered that they could live in peace with other two groups in a single state while Croats (88 per cent) and Serbs (89 per cent) thought that it was no longer possible for the three communities to live together (Malešević,

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[32] For detailed discussion on the course and cause of the war in BiH see among others Woodward (1995), Mønnesland (1992) and Gagnon (2004).
[33] Steiner defines cultural diversity as differing cultural attributes of the members of the society (1981:341)

2000:162). This indicates that the deep division of the current BiH society is not as historical as Kasapović claims, but could be a combined result of the harsh experience of war and the ethnonational division of the society cemented by the Constitution.

It is argued that because ethnic identification is the most salient one in BiH, there is no other option but consociationalism. But the same consociational devices that BiH "needs" are the same reasons for why ethnic identities persist in BiH (besides the obvious fact of fears and resentment caused by war). In the words of Mujkić

> The ethnic communities, or the 'constituent people' in a ethnopolitical context are recognised and accepted in an essentialist and absolutist terms, resulting in a *ethnoabsolutism* (Mujkić, interview, 2005-11-28).

In order to maintain structures created during the war, the nationalist parties foster inter-ethnic fear and hostility, making the gap between the three ethnic groups bigger and bigger. The nationalist goal during the war was to "prove" that Bosnian Serbs, Croats and Muslims couldn't live together in order to legitimise the division of the country. This "truth" is now, through consociational provisions in the Constitution, becoming a self-fulfilling prophecy. Slatina says that the misuse of national feeling for political goals is still a dominating concept (interview, 2005-12-13). Hence, consociationalism has not succeeded in enabling a long-lasting and stable peace to the Bosnian society, because the issues that once divided the country remain strong.

5 Conclusion

Kasapović and Bose argue that BiH, as a deeply divided society, has no other option than to accept consociationalism as its organising principle (Kasapović 2005:194; Bose, 2002:247). I have tried to show that societies, that are considered to be divided, indeed have other options, and the ability to see these other options, depend on the judgment of the origin of divisions. There is something sinister about the term 'deeply divided society'. It implies that the division of the society is bound to go on *ad infinitum* and the consociational method for it is acceptance and further division in order to create stability. So in stead of *reconstructing* a deeply divided society consociationalism is *constructing* it.

My research problem upon starting this thesis was *Which factors facilitate and which factors obstruct stable and long-lasting peace in a deeply divided society?* Stable and long-lasting peace was defined as permanent settlement of the issues that divide the society. Ten years after signing of DPA, with its inbuilt consociational devices, the Bosnian society has not yet managed to solve the conflicting issues or move beyond particularistic politics.

I set out to generate new hypothesis on what it takes to create this kind of peace and propose theoretical alternative through inductive conclusions, based on the empirical research of the Bosnian case. What kind of lessons can we draw from peacebuilding in Bosnia?

5.1 Creating Stable Peace in a Divided Society – Lessons to be Learnt

An explicit goal of consociationalism is further division of society. In Bosnia and Herzegovina, this has meant, that an already weak motivation to reach consensus in everyday politics, has become even weaker, creating destabilisation and ground for more division.

What then facilitates a stable and long-lasting peace? Put simply, the facilitating factor is a creation of a nation of 'Bosnian and Herzegovinian' – a community divers in its multiethnic, multireligious components that none the less share a common feeling of belonging to the nation of BiH. Some argue that this would never be accepted, and that it would lead to growing resistance from Serbs and Croats, making BiH a potentially conflicting society. But that understanding entails that the construction of all-embracing Bosnian and Herzegovinian identity would take form without consent of the Bosnian Serbs and Croats. What I am suggesting is not a forced-up Bosnian identity but rather creating a social framework where a construction of such identity would be enabled. By that I

mean a public space free from particularistic politics, a space that gives the 'citizen' primacy over the community. When a person is protected as a citizen in the country, it follows that its other identities are protected as well. Kasapovic writes that BiH is not sustainable as a non-ethnic federation and that ethnic communities will never be satisfied with some kind of "non-emotional regionalism" that exist in Western countries, because ethnic communities today live in more or less homogenous territories (Kasapović, 2005:198). It is true that, after the harshness of the war in the 1990s, it is idealistic to expect that the fear, hatred and antagonism between the three ethnic groups, will disappear over night. What is needed is a constitutional framework that will allow each of the segments to feel secure, but at the same time, create a framework that opens up for interethnic communication, because multiethnicity is not, as Kasapović has tried to prove, an unknown territory for the people of BiH. If we do not create the possibility for a common future, not just within geographical borders of the country, but also within and between the people living it, we can never hope for multiethnicity and stable peace. Instead we can say, as Kasapović does, that BiH is a divided country, accept it as such, and through division enable survival of BiH.

When a state derives its sovereignty and right to existence from an ethnic community, the diversity within that community tends to be oppressed by political leadership, leading to stagnation of the community and making the people hostages of one and the same paradigm. Ethnic groups are hardly ever homogenous – within a group exists class, gender, generational and other differences, that tend to be ignored. Furthermore, reserving representation to particular ethnic group in specified parts of the country assumes that the population is separated physically along ethnic lines. Non-Serbs living in Republika Srpska cannot be elected to the House of Peoples or the presidency, and nor may Serbs or 'others' resident in the Federation. Partition is therefore written into the structure of representation. Furthermore, because of the division in the country, one loose the sight of why it was important to keep BiH intact in the first place. The international community obviously set out to keep Bosnia's external borders intact, and the country was legally recognised as a sovereign state, but most importantly of all, BiH has been a multiethnic state during the course of its entire history. In 1992, the nationalist forces set out to undo, through what became known as 'ethnic cleansing', the legacy of Balkan and BiH history and tried to eradicate BiH's national, cultural, religious, social, and demographic diversity, creating something that never existed on the Balkan Peninsula: national, ideological, and political homogeneity (ICG, 2001:20). It is not an anomaly that the current constitutional design does not work, it is rather natural, because the Bosnia of today is in a historically unnatural state of being. It is for the first time in history that the country is internally divided and ethnically homogenous. In BiH, the politics are reduced to one single dimension – ethnicity – putting the entire society in an indefinite state of emergency!

BiH was divided in order to be preserved, now the international community is working over-time to patch it together again, because the reality of Bosnian people is in a country united in all its diversity. I am not arguing against

consociationalism and federal arrangements *per se*. The outcome depends on the historical, political, and social conditions of the particular society, and the way it has come about – in case of BiH, by violence and ethnic cleansing. What I am arguing is that it is obstructing for peacebuilding to accept division within a society as natural and unavoidable.

As Ćurak argues, the change in the political structure of BiH, will not come from below. In order for radical changes within the non-functioning Bosnian state to come about, the citizens of BiH need to be offered something totally different from the existing structures (Ćurak, 2004:147). In BiH today, ethnic identity is strongly felt and behaviour based on ethnicity is normatively sanctioned, thus the political system created with the DPA, has not managed to resolve the key issues which have divided the society. On the contrary to what consociationalism prescribes, I argue that a facilitating factor is achieved by providing a political space in which non-nationalist political parties and other social actors can shift the balance of political forces away from the issues of division and confrontation based on ethnic identities. In words of Paul Brass, a political scientist,

> A consociational system is inherently undemocratic and violates both the rights of non-recognized groups and the rights of individuals… It violates the rights of those groups in being and those that may develop in the future whose existence is not recognized by the state. It also fails to provide protection to and may lead to the oppression of individuals who wish not to be identified with or wish to be free themselves from identification with particular cultural groups. The use of particular consociational devices does not necessarily have this effect, but the creation of a system based on rigid segmental autonomy and isolation certainly does (Brass, cited in Bose, 2002:246).

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APPENDIX I: Representation of the Interviewees

AJANOVIĆ, IRFAN. Party of Democratic Action (SDA), Chairperson of the Main Board of SDA, and one of the founders of the party. The interview was taped, and conducted on the 22nd of November 2005.

ĆURAK, NERZUK. Associated Professor at Faculty of Political Science, University of Sarajevo. The interview was not taped, conducted on 20th of November 2005.

HEĆO, VAHID. Party for Bosnia and Herzegovina (SBiH), Vice-chairperson of the House of Peoples of the Federation of Bosnia and Herzegovina, a member the Executive committee of SBIH. The interview was taped, and conducted on 21st of November 2005.

MUJKIĆ, ASIM. Associated Professor at Faculty of Political Science, University of Sarajevo. The interview was taped, and conducted on 28th of November 2005.

PERSONS X AND Y, high ranking officials at the Office of High Representative. Both wanted to remain anonymous, and the interview was conducted at the same time on the 30th of November 2005. The interview was not taped.

PUZIGAĆA, DRAGO. Party of Independent Social Democrats (SNSD), a delegate of the House of Peoples FBiH, member of the Main Board of SNSD. The interview was taped, and conducted on 29th of November 2005.

SKENDERAGIĆ, NIJAZ. Social Democratic Party BiH, (SDP BiH), member of the Main Board of SDP and one of the founders. The interview was taped, and conducted on 22nd of November 2005.

SLATINA, SENAD. Former analyst at the International Crisis Group when represented in Sarajevo. Is today one of the founder of the Center for European Integration Studies. The interview was taped, and conducted on 13th of December 2005.

SULLIVAN, KEVIN. Spokesperson at the Office of High Representative. The interview was taped and conducted on 30th of November 2005.
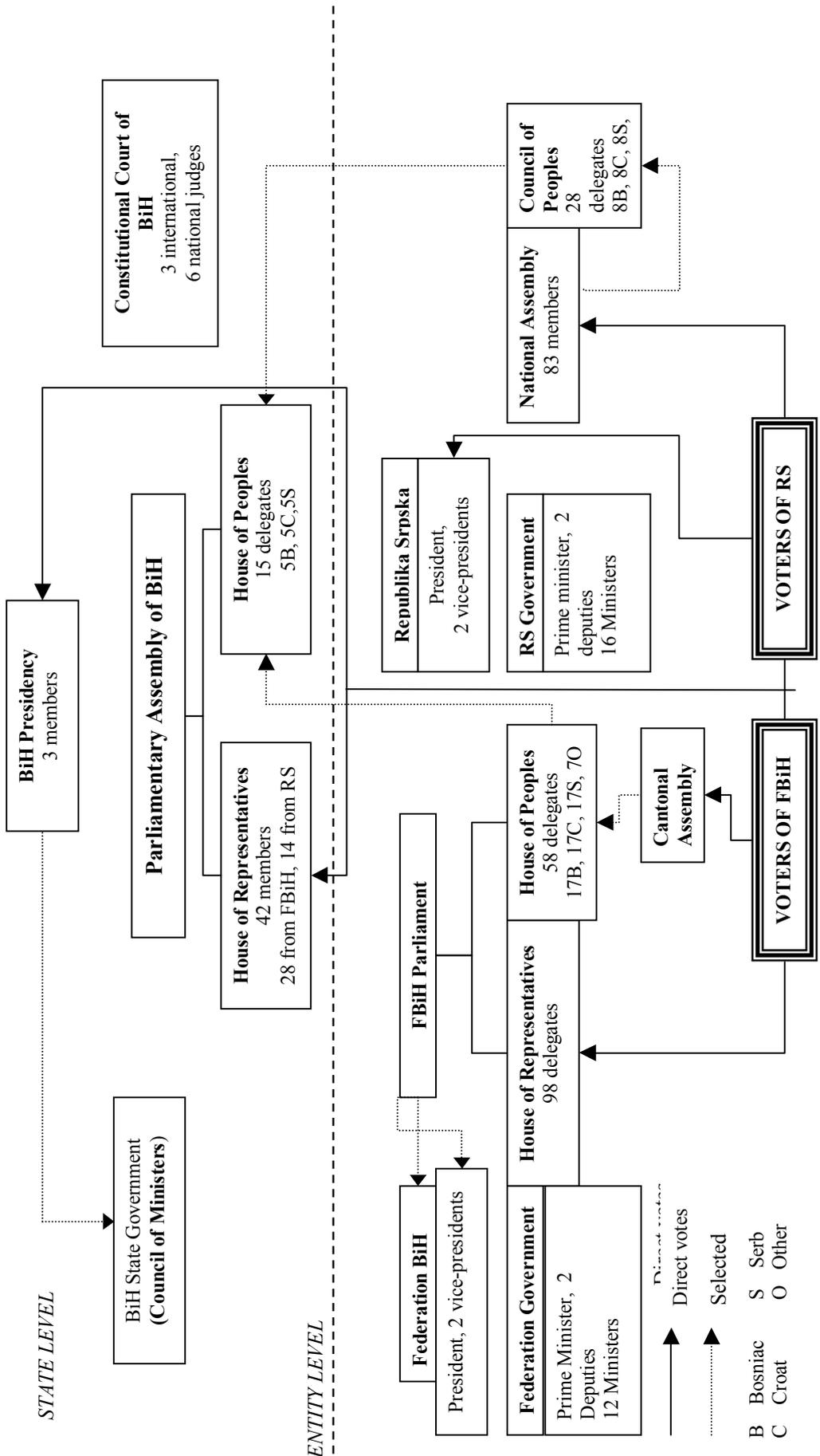
VLAISAVLJEVIC, UGO. Professor at Faculty of Philosophy, University of Sarajevo. The interview was taped, and conducted on 9th of December 2005.

APPENDIX II: Map of BIH with the Inter-entity Boundary Line

From: Manning – Antic, 2003. "Lessons from Bosnia and Herzegovina – The Limits of Electoral Engineering" in *Journal of Democracy*, vol. 14, no. 3.

APPENDIX III: Political Structure of Bosnia and Herzegovina

STATE LEVEL

Constitutional Court of BiH
3 international,
6 national judges

BiH Presidency
3 members

**BiH State Government
(Council of Ministers)**

Parliamentary Assembly of BiH

House of Peoples
15 delegates
5B, 5C, 5S

House of Representatives
42 members
28 from FBiH, 14 from RS

ENTITY LEVEL

Council of Peoples
28 delegates
8B, 8C, 8S,

National Assembly
83 members

Republika Srpska
President,
2 vice-presidents

RS Government
Prime minister, 2
deputies
16 Ministers

VOTERS OF RS

FBiH Parliament

House of Peoples
58 delegates
17B, 17C, 17S, 7O

House of Representatives
98 delegates

Cantonal Assembly

VOTERS OF FBiH

Federation BiH
President, 2 vice-presidents

Federation Government
Prime Minister, 2
Deputies
12 Ministers

Direct votes

Selected

B   Bosniac   S   Serb
C   Croat   O   Other

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APPENDIX IV: Power-sharing in Bosnia and Herzegovina

	Parliamentary Representation	Grand Coalition	Veto Right	Segmental Autonomy
<u>Bosnia and Herzegovina</u>	Proportional representation; Bi-cameralism House of Peoples (15): reserved seats (5B, 5C, 5S)	Quota 2/3 FBiH, 1/3 RS; 2 deputy ministries of other ethnicity to each minister	Yes. "Vital National Interest" of Constituent People, trough representation in House of People, mediation procedure, and Constitutional Court	Two entities; One district
<u>Federation of BiH</u>	Proportional representation; Bi-cameralism House of Representatives (98): reserved seats (min. 5B, 5C, 5S) House of Peoples (58): reserved seats (17B, 17C, 17S, 7O)	Presidency: 1 president 2 vice-presidents of other group Government: deputy minister of other ethnicity to each minister (8B, 5C, 3S)	Yes. "Vital National Interest" of Constituent People in House of People, mediation procedure, and Constitutional Court	Ten cantons
<u>Republika Srpska</u>	Proportional representation: National Assembly (83): reserved seats (min, 4B, 4C, 4S) Council of Peoples (28): reserved seats (8B, 8C, 8S, 4O)	Presidency: 2 vice-presidents of other group Government: reserved seats (5B, 3C)	Yes. "Vital National Interest" of Constituent People, mediation procedure Constitutional Court	No

B Bosniacs
C Croats
S Serbs
O Others

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