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Master's degree in Southeast European Studies

Master's degree thesis

Conflict resolution in Bosnia and Herzegovina:

Public debate on the Dayton institutional framework and its ongoing reform

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1   Introduction

In the theory of conflict resolution experience and lessons learned in the case of the 1992-1995 conflict in Bosnia and Herzegovina (hereinafter BiH) have played a key role in the evolution of the discipline and the development of its subfields, owing to the timing, as well as the location of the conflict. The Bosnian conflict erupted at a time when conflict resolution was old enough to have developed its basic principles and attracted the policy-makers' attention, yet young enough to require new fields, in order to evolve, be tested and consolidated. The publicity Bosnian war gained, as the most violent conflict on European soil after World War II, and its geographic location on the borders of European Union motivated the necessary political will, in terms of both international funds and commitment, for thorough implementation of conflict resolution theory. Further, the international environment was favourable and allowing for the optimism that conflict resolution offered amidst an era when many envisaged eventual democratisation of the entire world, following the recent victory of liberal democracy and the end of the Cold War[1].

Today, both international and domestic conditions are suitable for an assessment of the peace-building process in BiH. Many years after Clinton's democratisation doctrine was replaced by Bush's call for a war against terrorism, BiH has disappeared from the media's view in most countries. The quality of international intervention has also been reorientated from post-war reconstruction towards European integration. Similarly, BiH's domestic political evolution has made it clear that the country is experiencing a realignment of its major political scene factors and a shift of the political agenda subjects, which is directly interrelated with the current phase of the reconstruction process[2]. Therefore, at this turning point it is crucial that we review the peace-building process so far and point out its successful elements, as well as the mistakes, setbacks and lessons learned.

At this point it should be made clear that I do not intend to use the Bosnian case to enrich or revise conflict resolution theory, but rather to take its established principles as given and to assess the whole Bosnian reconciliation

process in this light. Of course some amount of theoretical feedback cannot be necessarily ruled out in advance. Nevertheless, what I primarily investigate in this thesis is whether Bosnian public institutions, which have been allegedly crafted to promote inter-ethnic reconciliation and build a viable multi-ethnic state, actually serve this aim. Moreover, I expand on the reform of these institutions currently under negotiation, trying to predict the impact of the discussed proposals on further promotion of the peace-building aspect. In trying to answer this research question, my main point is that the current institutional framework of BiH, though nominally set to build a multi-ethnic state and society, in fact contains only superficial conflict resolution elements, whereas its core rationale hinders in-depth reconciliation; further, its mostly debated reform proposals do not seek to profoundly alter this character, but merely to rearrange power. Nevertheless, far from being a pessimist about the future of BiH as a viable multi-ethnic state, I recognise the realities on the ground that dictated less integrative institutions and further elaborate on pragmatic and yet integrative suggestions, so that this paper can also be read as a conflict resolution manual for the Bosnian case.
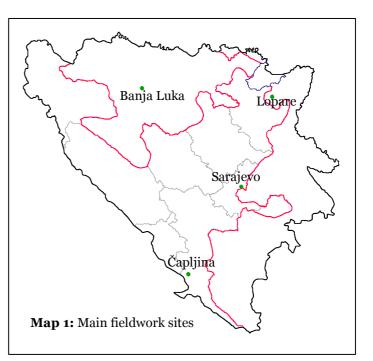
In order to present the debate on Bosnian public institutions more consistently, I decided to structure my thesis according to the debate's thematic categories. Accordingly, the other two dimensions, i.e. the respective stances of the actors engaged, as well as distinction between current institutions and proposed ones, are included in each chapter.

Consequently, in the main body of the thesis I first discuss the public administration system of the country. This includes the way that power is structured and exercised, along with its subdivisions, both territorial and non-territorial ones. The election chapter follows immediately afterwards, for public administration is closely related to the question of who staffs it and how they are selected. The next chapter is about formal categories of identity, strictly regulated in the consociational setting, and how they affect people's perceptions of self. Next I move to discuss the part of the public debate that concerns the intervention per se, since international institutions are a key and decisive factor

in Bosnian politics. Finally I sum up my conclusions and make a few suggestions.

On the methodological side, this thesis is based on a combination of bibliographical and field research. During the first research leg, I gathered material from Greek academic libraries and the internet, including books, articles, collective volumes electronic journals and reports. Bibliographical research was continued in several libraries in Sarajevo, which enhanced the local point of view in the bibliography. However, this is also where I got the most partial sources, which I nonetheless included in the bibliography after filtering out partial remarks and judgments.

Field work included primarily interviews and local media updates. With regard to electronic media, Croatian Mostar-based ones were under-represented, since my cable-TV provider did not offer them, and with regard to printed media, Sarajevo-based ones were over-represented, because I stayed most of the time in the Bosnian capital. Interviews took the form of typical interviews with Bosnian officials or everyday discussion with ordinary people (some of whom I knew personally, whereas others were accidental encounters). Although I lacked the means to ensure a truly random pool of interlocutors, I tried to make it as representative as possible, including all main ethnic groups and as many other societal groups as possible. Thus, my main fieldwork target were: long-term Sarajevo residents of various backgrounds, namely Bosnian Muslims who either stayed throughout the war or returned after it, Croats who stayed throughout the war, Serb minority returnees,

Map 1: Main fieldwork sites

Croat minority returnees, Serb relocatees in the Serb-dominated outskirts of Eastern Sarajevo, people of mixed ethnic background who either stayed throughout the war or returned after it; Serbs comprising the majority in the overwhelmingly Serbian (even before the war) town of Lopare in Northeast Bosnia; Serb students in Banja Luka originated from the Federation of Bosnia and Herzegovina (FBiH); Bosnian Muslim returnees in Čapljina, a town in Croat-dominated Western Herzegovina (see map 1). Of course any relevant findings of my first field visit in BiH in 2005 were also used, compared with and supplemented by recent findings.

Before advancing with the analysis of my thesis subject, I would like to express my gratitude to the Secretariat and other members of the Association of Election Officials in BiH, as well as the rest of my friends there, who helped me develop a valuable network of human sources throughout the country and reinforce my interest in the study of BiH.

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[1] Marina Ottaway: "Promoting Democracy After Conflict: The Difficult Choices" in *International Studies Perspectives*, Vol.4 (2003), p.317-318

[2] Apostolos Karabairis: "Bosnia and Herzegovina's Continuing Political Evolution" in *Balkanalysis.com*, 23 January 2009 (www.balkanalysis.com/2009/01/23/bosnia-and-herzegovina%E2%80%99s-continuing-political-evolution)

2   Public administration

Not surprisingly, public administration lies in the core of the debate about Bosnian institutions. Administrative structure determines the power-sharing system in the country, which is of utmost importance especially in the ethnically divided political scene of BiH, where each ethnic elite seeks to maximise its influence in decision-making, in the name of guaranteeing political prerogatives for their respective ethnic community. Public administration structure of the Bosnian state has been and still is very much debated, because it intends to strike a balance between preserving the multi-ethnic character of the country, securing ethnic autonomies and providing for substantially efficient state functioning.

With this purpose, the negotiating parties at Dayton decided to employ both consociational and federal elements for the post-war Bosnian state[1]. The division of state into 2 entities and of FBiH into 10 cantons, each of which has to give its consent for transfer of authorities from one administrative level to the other, reflects the federalist aspect. On the other hand, consociational arrangements provide for non-territorial representation of the three so-called constituent peoples, namely Bosniaks, Bosnian Serbs and Bosnian Croats, as distinct communities, to whom BiH 'belongs' as a homeland, the way a nation state 'belongs' to its titular nation; thus it is the 3 constituent peoples, not the federal units, that are represented (in equal numbers) in the state collective presidency and the parliaments' upper houses, as well as in a series of other administrative posts.

After all, BiH satisfies all four of the key characteristics of consociational democracies that Arend Lijphart, the basic theoretician of consociationalism, points out:
- Grand coalitions
- Mutual veto
- Proportionality
- Segmental autonomy and federalism[2]

Indeed, perfect proportional representation electoral system and subjection of the governments to both houses of the parliaments' approval ensures that the

governing coalition includes a wide range of parties of all ethnic backgrounds, which have to find a common coalition ground at the top to run the state. Further, Bosnian laws envisage the protection of 'national interest' of each ethnic community by granting veto rights to every ethnic caucus in the parliament or other public institutions in nearly all fields. Further, the proportionality rule is applied in the act of staffing most administration and civil service posts. Finally, segmental autonomy and federalism are maintained by regulations allowing each ethnic constituency to decisively control the selection of their own representatives within a complex federal scheme.

i. Assessment of public administration system

The bibliography reviewing BiH's public administration is huge, which derives from the fact that the country's status and state-building procedure was made the subject in numerous international programmes for resolving the Bosnian conflict.

The rationale behind the extensive decentralisation

So far it has been made clear that BiH is a highly decentralised state, where quite extensive powers are devolved down to sub-national centers (federal units) or representatives of segments of the population on an ethnic base (consociational features). This choice is not accidental, but serves the specific purpose of making a state acceptable and inclusive for as many of its citizens as possible. That is why extensive ethnic autonomies have been established.

In the first place, federalist elements had to be introduced in order for Serbs and Croats to give their consent to the common state. Because out of the 3 major ethnic groups only Bosnian Muslims have considered BiH as a whole their home, Croats and especially Serbs had to be given something to which they would be willing to devote their loyalty[3], despite territorial subdivisions with single ethnic dominance running against the integration goal.

On the other hand, application of consociational regulations in deeply divided societies, such as BiH, is critical and serves a fundamental purpose: to

offer incentives to all societal groups to participate in the established polity. Existence of deep cleavages in a society means that an individual can hardly move from one group to the other. Salient ethnic identities like in BiH are particularly inflexible, because they are largely considered to be inherited, not acquired, hence not changeable. Therefore, when political choices are aligned with ethnic belonging, which is not infrequent in BiH, as well as in other ethnically divided countries, a demographic minority is doomed to remain a permanent political minority, if decisions are taken by simple majority rule. That is why in majoritarian systems demographic minorities determined to politicise their difference are not particularly encouraged, not to say discouraged, to seek their interests through the legal institutionalised track; instead they have an incentive to defy the established rules, since the latter give them no chance to ever have a say in the decision-making process, and thus tend to create parallel structures that they can control and by which they can impose their will.

This was the case with the pre-war Republic of Bosnia and Herzegovina, where a decision as important as the republic's independence from Yugoslavia was to be taken by simple majority in a referendum. Citizens' attitudes vis-à-vis the cause were aligned with their ethnicity, Bosnian Muslims and Croats being in favour of independence and Serbs against. Thus the latter, having no chance to win the referendum, due to the demographic majority of Bosnian Muslims and Croats together, proclaimed their own state and declared secession from the republic[4].

Similarly, in post-war FBiH in 2000, after OSCE imposed regulations according to which all ethnic caucuses in the federal House of Peoples would be elected jointly and not exclusively by electors of their respective ethnic background, Croats revolted against the decision on the grounds that they would have much less influence in the voting procedure due to Bosniak numerical predominance, which could lead to the de facto absolute control of the FBiH upper house by Bosniak-controlled parties (with far-reaching impacts, such as exclusion from government and deprivation of veto rights)[5]. After failing to have their complaints satisfied, most Croatian parties boycotted all FBiH institutions in what constituted perhaps the most serious challenge to the peace-building

process in the country. Although a wide-spread crisis was avoided owing to the High Representative's rigorous measures[6], the incident offers evidence that leaders of an ethnic group tend to act outside of the legal track, if they cannot defend their will from being outvoted by the demographic predominance of alien groups, when it involves an array of issues that are too significant not to be addressed by consensus.

Therefore, no serious assessment advocates the elimination of ethnic autonomies in BiH. The question, however, remains to what extent such autonomies should be allowed to entrench their positions and what are the side effects this process can produce. In fact, this is the substance of the entire debate about Bosnian public administration.
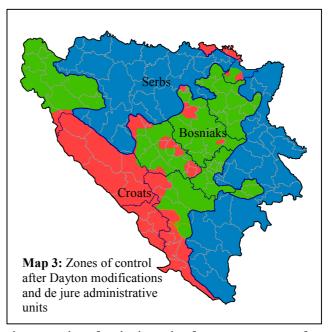
Criticism

Bosnian public administration structure, as envisaged in the post-war settlement, has been the target of ample criticism for failing to provide sound footing for effective peace- and state-building in the country. This criticism is articulated through two grand arguments: the multi-culturalism argument and the functionality argument.

a. The multi-culturalism argument

Proponents of multi-culturalism – be they Bosnians who miss their country's pre-war culture of accommodation or factors of the international community with a strong commitment to the ideal of peaceful co-existence in plural societies – resent the allocation of extensive autonomies to the sub-national administrative units, because criteria used to draw their boundaries are largely ethnic. Indeed, not only the Serbian Republic (RS) spans the territory that remained under the control of the Serbian Republic Army (with slight modifications made at Dayton), but also FBiH cantons were thus designed so that 8 out of 10 contain a clear ethnic majority, according of course to the new reality that ethnic armies had created on the ground at the end of the war (see map 3). This, they argue, runs against Dayton's commitment to rebuild a multi-ethnic

country and ultimately solidifies the accomplishments of ethnic cleansing[7].

In fact the post-war settlement straddles the divide between satisfying ethnic territorial claims and restoring the pre-war demographic map. On the one hand, not only was everyone's right to return to their pre-war homes explicitly stated at Dayton, but also did the concept

Map 3: Zones of control after Dayton modifications and de jure administrative units

of return become a banner for many international missions in the country. On the other hand, however, RS was recognised as the homeland of Bosnian Serbs exclusively, while only Bosniaks and Bosnian Croats were granted the status of constituent peoples of FBiH*. In a country where populations have lived intermingled, linking a territory with a specific ethnicity discourages displaced persons and refugees to return to their homes, if they do not belong to the dominant ethnic group in the area, because by crafting basically mono-ethnic administrative units and handing extensive autonomies to them, local nationalist elites, who retained power after the war, amidst total absence of concrete guarantees at the Dayton agreement for the return right, can refrain from taking any specific measures to facilitate sustainable minority return and repatriation, even though they may appear to support it in general in their official statements.

Accordingly, the multi-culturalism argument puts blame on the powerful mono-ethnic sub-national centers for the insufficient restoration of the country's demographic picture to date. Its advocates argue that unless extensive powers are transferred from the largely mono-ethnic sub-national levels to the inclusive central government or internal borders are redrawn, so that administrative units have multi-ethnic constituencies and hence multi-ethnic authorities, too, one

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* It changed in 2001 following the Constitutional Court's decision.

cannot expect large-scale minority returns and repatriations with all the implications for the conflict resolution process that this entails.

The multi-culturalism argument targets not only the current federal structure of the state, but also its consociational elements. This dimension of the argument is mainly articulated by academics who disagree with consociationalism in principle. Contrary to the critique of the territorial divisions of BiH and wide autonomies allocated to them, to which some domestic, mostly Bosniak, political activists are also engaged, consociationalist features are hardly opposed by Bosnian politicians; after all, their parties fit the consociational scheme.

Arguments against consociationalism in the Bosnian administrative structure are the ones typically applied to other cases as well. As it is generally acknowledged, consociationalism, in its attempt to regulate inter-ethnic relations, institutionalises ethnic identities, turns them into key elements of the system and thus increases the salience of ethnicity in political life[8], while conflict resolution aims to decrease and depoliticise it.

Quite apart from that, the simplistic categories of ethnic communities set by the consociational system cannot accommodate the whole array of more complex perceptions for collective belonging. As it will be discussed in chapter 4, the current system makes provisions only for the three uniform ethnic categories of Bosniaks, Serbs and Croats. Alternative in-between identities are hushed up under the secondary faceless category of 'Others' instead of being fostered as bridges between the three main communities.

However, criticism to consociationalism fails to provide an alternative workable solution. Outright dismissal of the principle of power-sharing on an ethnic base is far from being a realist stance, since in the aftermath of a bitter violent conflict ethnic belonging is anyway polarised, long before the application of the post-war consociational regulations. All the same, this criticism has some justification, as it introduces the challenge of working out a system that on the one hand effectively shares power between the three main ethnic groups and on the other reduces the salience of ethnicity in politics, while at the same time not

only it allows for alternative identities without marginalising them, but also fosters them, because it is a crucial social capital for resolution of the conflict.

b. The functionality argument

Apart from its contribution to the restoration of the country's multi-ethnic character, the administrative system is also assessed in terms of its functionality. The Bosnian administrative system has been a trade-off between functionality and securing fair ethnic representation. These two values have often been regarded as opposing goals, because normally ensuring all three ethnic elites' input in decision-making entails consensus rule, which means increased blocking power for voting minorities, which ultimately leads to greater potential for procedural deadlocks. Inversely, functionality, i.e. swift and effective decision-making, is usually secured by limiting veto powers, thus reducing the ability of voting minorities to block the procedures; and because veto powers are organised on an ethnic basis, eliminating veto rights deprives ethnic elites of their distinct prerogatives.

The most indicative example of ethnic prerogatives turning out to be at the expense of functionality is the protection of vital national interests[*]: during parliamentary procedure at both state and entity level, whenever a vital national interest of any of the three constituent peoples is at stake, the respective law has to be voted on by the majority of the deputies within each of the 3 ethnic caucuses of the upper house in order to pass. The crucial point is that the notion of vital national interest is not precisely defined. Instead, any issue can constitute a vital national interest case, if two-thirds of any ethnic caucus decides so. This way ethnic community representatives can grant themselves a veto right in practically all cases and block a law that they do not agree with, even if it has received the approval of the majority of deputies[9].

Abuses of the fair inter-ethnic power-sharing principle like this and generally other inefficiencies of the system give ground to the development of the functionality argument. This argument gives priority to the efficiency of the

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[*] The term 'national' applies to each one of the ethnic groups, not the whole people of BiH, who is hardly ever referred to as one single nation.

system and the results it produces in the field of governance, while it also downplays the importance of inter-ethnic balance of power. Advocates of the functionality argument point out how multi-level administration and inter-ethnic power-sharing mechanisms are too complex, inflexible, time-consuming and prone to deadlock, due to extensive application of consensus rule, so that at the end of the day the cost paid in compromising good governance is too high in comparison to the benefit gained out of a satisfactory inter-ethnic power-sharing.

Obviously, the functionality argument is more frequently and assertively employed by those who anyway advocate state centralization. These people view state centralisation as a necessary step towards inter-ethnic reconciliation[10], on the grounds that less communal prerogatives bring about more inclusive and integrative policies. In this trend one can include Bosniaks, too, who cite the functionality argument not only for its own sake, but rather because, as the most populous community, they have a reason to favour majoritarian over parity rule. For them the functionality argument is a convenient pretext against the positions of Serbs and Croats who are usually skeptical of centralisation calls, due to their numerical inferiority.

The functionality argument has become increasingly popular especially with regard to BiH's EU integration process. EU officials have demanded that the centrifugal and inflexible current public administration system has to be replaced by a modernised one that can function efficiently and in harmony with the rest of the member states. And because all political forces irrespective of ideology or ethnicity and Bosnian citizens alike are more or less committed to European integration, the functionality argument has gained considerable gravity in the reform debate.

ii. Reform proposals

On the grounds that this debate has set, numerous administrative system reform proposals have been developed over the last few years. Depending on the values they prioritise, proposals cover a wide range, varying from outright partition to cantonised republic with purely civic polity.

Partition

The partition of BiH into 3 ethnically modified zones and creation of three respective nation states with potential subsequent incorporation of two of them into their neighbouring mother states was the goal of war-time nationalists. While partition was assertively ruled out as an option in the post-war peace talks and accords, hardliners inside the country kept supporting the idea and working against any effective reintegration of BiH. After more than a decade of ceasefire and intensive international intervention, hardly any Bosnian Croat or Serb political actor remains seriously in support of secession from BiH, though nearly all of them advocate a highly decentralised state with wide ethnic autonomies.

Surprisingly, at a moment when domestic actors have been convinced to give up calls for partition, some voices from international academia have spoken up in favour of partition. Building on the setbacks following the parties' failure to agree on the April 2005 constitutional reform package, arguments stemming from historical determinism are employed to justify such positions. Projecting the historical course of other western states onto BiH, historical determinists maintain that a modern state, in order to become viable, stable and enter the phase of national development has first to go through a violent phase of national homogenisation by means of war, redrawing of borders, ethnic-cleansing, assimilation and so on, therefore partition of BiH is its natural course, its unavoidable destiny[11].

The idea of partition is also supported or, at best, tolerated by technocrats, who are fed up with the dysfunctionality of the Bosnian state owing to the hyper-ethnicisation of its institutions, as well as by adversaries of lasting deep intervention, the so-called autonomists, who would prefer a quick transition to a functioning administration not dependent on the existing international guidance system, even if that means the disintegration of BiH into smaller sovereign states[12].

Partition, as practical as it might look as a solution at first glance, is in the final analysis both inapplicable and unacceptable. Even though ethnic groups do

indeed have larger concentrations in specific areas, generally populations in the largest part of the country have lived intermingled, so drawing lines between ethnic groups is a close to impossible task. After all, as the 1992-'95 experience has proved, partition does not lead to peace and prosperity but to war. Besides, partition runs against the values that the international community has stood up for in BiH: inter-ethnic tolerance, multi-cultural societies, condemnation of ethnic cleansing, non-violation of existing borders etc. Ending up in a partition solution for the Bosnian issue would be a blatant acknowledgement that peaceful co-existence in mixed societies is neither protected nor desirable and that overseeing the above mentioned values is not only easy, but also the only ultimate workable solution, not to mention that it would set a precedent for other similar cases around the globe[13]. Further, choosing partition would violate the principle of impartiality by totally ignoring the positions of Bosniaks and other Bosnians whose loyalty is dedicated to BiH as the perceived homeland and totally endorsing Serbian and Croatian separatists.

Third entity

Creating a third entity in BiH, in fact splitting FBiH into Croat and Bosniak territories, so that all constituent peoples get their own administrative unit, was the firm cry of Croats during the early post-war years. Bosnian Croats claimed that the Dayton settlement was asymmetric at their expense, because they were the only Bosnian community to have no entity with a majority of theirs. In fact they wanted to have their de facto statelet Herceg-Bosna ex postis recognised the way RS was at Dayton[14]. As expected, their proposal met strong opposition from both the international community and the Bosniak side, because its realisation would create three distinct ethnic zones on the ground, which would be a step closer to partition and would diminish the only multi-ethnic administrative units in the country. In other words, the triple-entity proposal is a replication of the partition one, with the difference that the three entities would not be sovereign states, but federal units.

In 2000 Bosnian Croats unsuccessfully tried to unilaterally proclaim their

own entity, but following the Office of High Representative (OHR)'s shock therapy measures targeting their leaders, the latter were effectively transformed into relatively cooperative politicians who quickly ceased questioning state integrity and status quo.

Today that the administrative system debate is on there is no serious or influential proposal for a triple-entity system.

Civic democracy

On the extreme opposite side of partition lies the proposal for the abolition of the entity system and the consociational features and introduction of a state-wide canton system, in which administrative units would coincide with geographic-historical regions of the country, irrespective of ethnic make-up. This proposal has been associated with Silajdžić, a Bosniak politician known for his maximalist calls for immediate removal of ethnic elements from the Bosnian administrative system. The concept is to transform BiH from a democracy of equal constituent peoples to a democracy of equal citizens. Accordingly, the elimination of any ethnic factor would have to be reflected in administrative subdivisions, as well. Abolishing the entities is the first step to this direction, since the inter-entity boundary line is the only internal border drawn as a result of war and is therefore regarded, especially by Bosnian Muslims, as a reminder of ethnic cleansing.

It is not surprising that this proposal is a bête noire for Serbian and Croatian mainstream public opinion, while also the ideal solution for Bosnian Muslims. This is because most Bosnians continue to consider the ethnic group as the basic societal collective unit that fights for its interests in the political arena in zero-sum game terms. Hence the 'one person – one vote' system looks more like a way for Bosniaks to maximise their input in decision-making, rather than a transcendence of the ethnic preoccupations in politics[15].

Nonetheless, the proposal is totally articulated in civic terms, employing extensively both multi-culturalism and functionality arguments, which makes it very attractive to civic-minded Bosnian Muslims of the major urban centers

(Sarajevo, Tuzla, Zenica etc.). Indeed most of my young internationally orientated Bosnian Muslim interviewees, who explicitly denounce nationalism, have convinced themselves that this proposal is a neutral and workable one and self-righteously dismiss Serbian and Croatian –but not Bosniak– positions as nationalistic and conservative.

The de-ethnicisation of the administrative system of BiH is a proposal with good marketing potential, because it employs the language of the international arbitrators. However, it enjoys little acceptance among Serbs and Croats. After all, its rationale requires a political culture that is still to be developed in the country. A sudden introduction of purely civic democracy would not foster inter-ethnic reconciliation, but instead would backfire, invoking reactions on the side of skeptics[16]. Therefore the system must continue to guarantee communal prerogatives for as long as political discourse is expressed in ethnic terms, but if it is to promote conflict resolution, it has to enhance its civic elements. But this must be done incrementally, because political culture and trends cannot change overnight; it is a lasting process even under the most favourable conditions[17].

Cantonisation of existing administrative units

The proposals mentioned so far occupy the two opposite edges on the civic-ethnic axis, along which reform debate takes place. Most probably the final negotiated settlement will end up in a compromise, somewhere in between the two edges, so that all parties consent to it.

One of the most influential and pragmatic proposals is the one that suggests preservation of existing administrative units, but change of their status. Namely, it is suggested that the entity system be replaced by a state-wide canton system of 12 cantons, where FBiH cantons form ten of them and RS and Brčko district the rest[18].

This scheme might need quite a few modifications for its eventual implementation, but its basic notion strikes a good balance among all parties. At first, it satisfies the Bosniak claim for abolition of the entities, while rendering the system more functional, as one layer of government would be eliminated.

Besides, it introduces a uniform system all over the country responding this way to complaints for asymmetry articulated mainly by Croats. Moreover, it satisfies the Serbian claim for preservation of RS, albeit not as an entity, but still as a federal unit.

BiH's reform course since the early post-war years has shown that it is not so much of a political taboo for Serbian politicians to consent to transfer of powers from entity to state level, if it is done so gradually. On the contrary, symbolic issues, such as the name of the republic and its very existence, seem out of question at least for the foreseeable future, not only for Serbian politicians, who want to survive in front of a nationally sensitive constituency, but also for ordinary people, even moderate ones. Three of my Serbian interlocutors with totally different backgrounds, in completely distinct interviews, had the very same reaction, when it came to abolition of the entities for functionality reasons: "*OK, but then what did we fight for?*" Apparently, these people would welcome any reform towards better governance, provided that it still offers them a psychological counterbalance that their kin did not fight in the war in vain.

Impartial and pragmatic though it might be, this proposal also has a weak point: it offers only a vague framework for administrative reform; it needs further modifications and basically to determine the powers of the central and cantonal authorities, otherwise it is not a comprehensive plan. However, this is perhaps at the same time its great advantage: it can constitute an agreed negotiating basis to serve as a launching point for the final settlement.

Strong municipalities

An alternative proposal for administrative system reform that tries to cope with the problems of ethnic sectarianism and procedural complexity is the one that suggests the abolition of all intermediate administrative levels and transfer of their powers to the remaining state and municipal levels, so that at the end of the day there is both one effective central government with sufficient powers, and also strong local self-government with extended competencies.

This has actually been the proposal of some mainstream Croatian parties

since 2000, when they had unsuccessfully tried to establish their own separate structures. Adopting such a position was probably a signal that they had given up their secessionist aspirations and were ready to negotiate a mutually acceptable new deal[19].

Because in the 2000 incidents the issue at stake was Croatian status vis-à-vis FBiH's Bosniak majority, the strong municipalities proposal, which came out in the aftermath of the crisis, addressed basically Croat-Bosniak relations, leaving aside the Serbian factor. Indeed, this plan offers no incentive for Serbs to accept, but it constitutes an interesting deal between Bosniaks and Croats and could apply at least to FBiH, managing some of its functional and political issues.

First of all, it revokes the canton system along with its numerous dysfunctionalities. In fact most of them have been due to the parties' unwillingness for constructive cooperation, especially in the mixed cantons (6 and 7). Other problems stem from ineffective coordination among cantonal authorities, as well as the small size of a few cantons (2 and 5), which lack sufficient competent human resources. After all, due to the multiple layers of governance in FBiH, cantons under the current system take up competences provisioned for the first degree of local self-government in the European Chart for Local Self-Government, so FBiH municipalities have to get strengthened anyway in the course for European integration[20].

What is more, neither Croats nor Bosniaks have got emotional bonds with the cantons, unlike Serbs' strong loyalty to RS. On the contrary, Bosniaks want as few internal divisions as possible, favouring a unitary state. On the other hand, Croats are not fond of the particular canton system either, because quite a large part of the areas they dominate lies in the two mixed cantons (6 and 7), where they have to share offices with Bosniaks, thus do not exercise absolute control; however, if substantial power is to be allocated to the municipalities and no other institutions have authority over them, except for the state ones, Croats will feel that they have got what belongs to them, albeit not inside a single unified administrative unit, as they initially wished. After all, as some interlocutors hold, in the case of a single Croatian entity it would be difficult for the sizeable Croatian enclaves in Central Bosnia and Posavina to be incorporated within that

formation, whereas with the strong municipalities proposal there is no such problem.

iii. Overview

When analysing reform proposals, it becomes clear that they move on two axes, pursuant to the criticism arguments: the functionality axis, in which all sides wish to move to the maximum, and the civic-ethnic axis, in which all involved parties must work out a compromise, since they have different views. In principle, this is in accordance with conflict resolution theory and practices, because on the one hand the stability that a well-functioning system offers is a precondition for progress in this field, and on the other neither the outright introduction of civic democracy nor the absolute ethnicisation of the polity would promote the goals of conflict resolution. However, it is too simplistic to hold that a good balance on a linear course between 'civic' and 'ethnic' is enough; instead concrete policies must be adopted. In the next chapters the discussion focuses on such policies in some of the most important fields for the conflict resolution process.

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[1] Sumantra Bose, ***Bosnia After Dayton: Nationalist Partition and International Intervention***, Hurst & Company, London 2002, p.205

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[10] European Stability Initiative, ***The worst in class: How the international protectorate hurts the European future of Bosnia and Herzegovina***, ESI, Berlin, Brussels, Istanbul 8 November 2007, p.4-7

[11] Belloni, op.cit, p.33-34

[12] Ibid., p.37-39

[13] Ibid., p.34-40
[14] Ibid., p.56-58
[15] Ibid., p.54-55
[16] Ibid., p.55
[17] European Stability Initiative, **Waiting for a miracle? The politics of Constitutional Change in Bosnia and Herzegovina**, ESI, Berlin, Brussels, Sarajevo February 2004, p.7-9
[18] European Stability Initiative, **Making Federalism Work: A Radical Proposal for Practical Reform**, ESI, Berlin, Brussels and Sarajevo 8 Jan. 2004, p.2-5
[19] International Crisis Group, **Bosnia's Nationalist Governments: Paddy Ashdown and the Paradoxes of State Building**, Balkans Report №146, Sarajevo/Brussels 22 July 2003, p.19
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3   Elections

Electoral engineering has been a useful conflict resolution tool, applied in most post-war societies. Electoral systems, though just a set of legal regulations, determine voters' behaviour to a great extent by channeling their priorities into specific choices in a field where normally deep societal cleavages are expressed through the vote. BiH is not an exception to the rule: since Bosnian politics is overwhelmed by the ethnic issue and elections is the moment where citizens are asked to make their own input to politics, voting is perceived as the moment when the individual takes his or her position in the inter-ethnic bargaining of power. What is more, in BiH electoral engineering received a very high rank in the intervention agenda, owing to its being a very tangible measurement for the country's progress in the field of democratisation, which was the banner of the West all during the '90s.

The Bosnian electoral system has remained in constant evolution since the first post-war elections in 1996, though it has retained its basic lines, and is one of the main fields whose reform is intensively debated both in domestic and international circles, proving thus its key position in the Bosnian conflict resolution process. Currently three grand thematic pillars make up the Bosnian electoral debate: reform of the seat allocation system in parliamentary elections, introduction of alternative voting methods in combination with prospects of cross-ethnic voting and removal of discriminating elements from the electoral legislation.

i. Seat allocation system

The electoral system according to which seats are allocated in the parliamentary elections is pure proportional representation (PR)[1]. It was adopted because in the multi-ethnic setting of BiH a majoritarian system would turn demographic predominance into permanent political predominance[2]. After all, in an ethnically divided party system genuinely competitive elections could not exist under the-winner-takes-them-all system, where what matters is only who comes

first and subsequent ranking has little significance; if a party of one's own ethnic background is always preferable to one of an alien background, voters are encouraged to vote strategically for the perceived most powerful party of theirs, rather than scatter their votes to more parties and thus risk having another ethnic group's party get the most votes[3]. On the contrary PR systems do not discourage vote scattering, since even parties with mediocre percentages can enter the parliament, so it allows for expression of in-group cleavages and not only ethnic ones.

In presidential elections the system is simple majority, but in this case fair ethnic representation is secured by other means: both state and entity presidencies are comprised of three members, one from each constituent people; moreover, candidates for the posts run in single slates and in three separate races depending on ethnicity, so that competition takes place among candidates of the same ethnic belonging.

However suitable for the ethnically defined Bosnian political scene, the electoral system currently in use is far from flawless. First of all, PR bears the typical disadvantages that all countries which have adopted such a system experience. Since small parties not only survive, but also play a key role in the formation of government, PR has led to hyper-segregation of party system, with parties often organised around an influential personality, rather than an ideological base. Moreover, governmental coalitions are shaky and dependant on every capricious claim of governmental partners, which intensifies instability in the already problematic Bosnian political life[4].

What is more, PR and separate races bear a disadvantage vested with the very multi-ethnic character of Bosnian society, to which it is supposed to respond. Namely, because the system is designed to accommodate in-group competition, it disregards inter-group dependence. Parties of the same ethnic background compete with each other to pool votes from their respective ethnic constituency, but not beyond it. Thus the easiest and least costly way to harvest votes is the populist method of offering the highest bid in national issues. This way the electoral system reinforces sectarian discourse and perpetuates inter-

ethnic tensions[5].

Some authors put blame on nationalist politicians for obstructing conflict resolution progress[6], reflecting on international community's attempts to transform incalcitrant politicians or replace them with allegedly non-nationalist ones. Others, however, like Roberto Belloni, maintain that it is the institutions that create sectarianist politicians, not that conflict is within their genes[7]. Even Lijphart in his theory about consociationalism is particularly generous to party leaders, given though that enlightened elites, contrary to centrifugal societal trends in the base, cooperate at the top to let the system function properly[8], something not observed in BiH[9].

Recent political history of the country points out institutions, too. The West's favourite in RS, supposedly moderate Dodik managed to overturn omnipotence of the labeled as nationalist SDS, only when his party played the national card. Furthermore, after the international community had successfully made HDZ compromise its national stances, they had HDZ defectors in 2006 founding a more nationalist party and rushing to fill in the nationalist discourse vacuum that HDZ had left open. Expectably, HDZ had to harden its position again to withhold shrinking of its base.

ii. Cross-ethnic voting formulas

Aware of these setbacks of PR systems in deeply divided societies, Donald Horowitz in his masterpieces on ethnic relations introduced the idea of applying composite voting methods that encourage politicians to make cross-ethnic appeals and voters to consider voting for candidates out of their group. His theory formed the opposite to consociationalism pole and gathered those who believe that a conflict can be resolved not by maintaining parallel ethnic universes within a multi-ethnic society, which is what consociationalism does, but rather by integrating separate political realms into one throughout the country; hence this theory is often called 'integrative'[10].

Integrative systems usually include methods of multiple ranked preferences, known in election bibliography as alternative voting (AV). According to it, voters

can mark on the ballot several ranked preferences. If no party receives the absolute majority of first preferences, the party with the least votes is eliminated and its votes are redistributed to the remaining parties according to its voters' second preferences. This procedure continues until a party reaches the necessary 50% plus one to get elected. Under this system, voters are anticipated, after giving their first preferences to their own group's parties, to give subsequent preferences to parties that might not be of the same ethnic background, but, at least, are not considered detrimental to their group's interests. Hence, parties with multi-ethnic orientation will receive second preferences from all groups, contrary to hardcore ethnic parties, which might get many first preference votes from their respective ethnic constituencies, but will hardly receive any subsequent preferences to reach the required majority and enter office[11].

BiH experienced AV in 2000. After strong lobbying by proponents of integrative theory, the OSCE-led Provisional Election Commission, which was still in search of the possibly most favourable for conflict resolution electoral system, adopted AV for the RS presidential elections (FBiH presidency has always been elected indirectly). Its introduction was quite ceremonial advertising the system as promoting inter-ethnic dialogue and moderation and calling voters to take advantage of it. Clearly, the international community wanted to prevent ultra-nationalist SDS from returning again to the RS presidential office[12]. However, AV did not demonstrate its potential, since the SDS candidate appeared too strong to lose to any of his benefitted from AV rivals. Already first preferences he got were slightly below 50%. Hence, he easily outvoted all other candidates after the first transfer of votes, when last candidate's votes were redistributed, albeit not because he received many second preferences, but because many

Table 1: **RS President and Vice-President 2000**						
	1st counting		1st transfer	2nd counting		
	Votes	Percentage		Votes	Percentage	
SDS	313,242	49.84%	35	313,277	50.16%	V
SNSD	161,407	25.68%	212	161,619	25.88%	
PDP	54,338	8.65%	41	54,379	8.71%	
SDP	48,992	7.80%	3,419	52,411	8.39%	
GDS	37,613	5.99%	5,220	42,833	6.86%	
BOSS	12,851	2.04%	-12,851	0	-	
Total valid	**628,443**	**100%**	**-3,924**	**624,519**	**100%**	

ballots of the last candidate contained no second preferences, so they were subtracted from the total lowering thus the required 50% threshold (see table 1).

AV was applied once more, in the municipal elections of 2004 in the races for mayors in FBiH, but was subsequently retreated, amidst severe criticism. Nationalists portrayed AV as flagrant gerrymandering aiming to distort genuine popular will; its complexity made them sound quite convincing. Technocrats complained that AV was too complex, costly and time-consuming[13]. Finally, even a considerable part of international academia questioned its efficacy.

In a pessimist mood about prospects of cross-ethnic voting, Sumantra Bose in his extensive work about BiH rushes to conclude that AV would not bear fruit, because Bosnians are extremely reluctant to vote beyond ethnic lines. To justify his claim he points to the vote transfer in the RS 2000 presidential race, when the BOSS candidate, who came last, had his votes redistributed according to second preferences; nearly all voters of BOSS, an overwhelmingly Bosniak party, who bothered to mark second preferences, did so for other Bosniak parties and not for the least nationalist Serb variant[14]. His argument though fails to take into consideration the possibility that Bosniak BOSS voters might indeed have preferred moderate Serbian variants over SDS, but since there were more Bosniak candidates, they preceded Serbian moderates in the ranking list.

That Bosnians vote largely along ethnic lines is unquestionable; however, denying any cross-ethnic voting is a blatant oversight. Bosnians do vote for candidates of different ethnicity under certain circumstances, even when they prioritise their narrow ethnic interests. The most outstanding example is the state presidential race for the Serbian member. This post is elected by RS voters, but only Serbs can run for it. Assuming that voters have roughly the same preferences in parliamentary and presidential races, in 1996 and 1998 nationalist parties had approximately the same numbers of votes in the two races, as table 2 shows (rows A and B). On the other hand, moderate Serbian parties had considerably more votes in presidential than in parliamentary race (rows C and E). Obviously, additional votes came from non-Serb voters, who had no co-ethnic to vote. Although indeed some 50,000 non-Serb voters in both years did not cast their ballot at all for the Serbian presidency member (rows C+D and E+F), their vast

majority did support the perceived as the least nationalist Serbian candidate. In 2002 and 2006 though there were a couple of FBiH-based parties, which put forward Serbian candidates and thus ran in the race. Automatically, the moderate parties' percentages between parliamentary and presidential almost equalised (rows C and E), obviously because most non-Serb votes went to non-Serb parties (rows D and F).

	Electoral race	Party type	1996	1998	2000	2002	2006
Table 2: Comparison of state parliamentary and presidential race results in RS							
A	state parliamentary	nationalist Serbian	692.489	308,929	No state presidential race	197,103	139,136
B	state presidential	nationalist Serbian	690,646	314,236		224,474	130,824
C	state parliamentary	moderate Serbian	136,077	229,672		136,717	274,782
D	state parliamentary	non-Serbian	219,267	186.044		79,740	71,301
C+D	state parliamentary	moderate Serbian + non-Serbian	355,344	415.716		216,457	346,083
E	state presidential	moderate Serbian	307,461	359,937		119,652	287,675
F	state presidential	non-Serbian	-	-		64,519	50,957
E+F	state presidential	moderate Serbian + non-Serbian	307,461	359,937		184,171	338,632

Consequently, cross-ethnic voting is not absent from the Bosnian electoral behaviour, but it needs the appropriate institutional framework and conditions to take place. Therefore, it is purposeful to draft integrative systems, since there is an underlying dynamic that now appears only occasionally. Judging by a single incident one cannot extract safe conclusions. After all, institutions need a certain amount of time to demonstrate their efficacy.

Much though cross-ethnic voting is recommended for integration of deeply divided political systems, it can turn into boomerang, if it is not properly regulated. Usually, when minorities slightly influence the electoral outcome, majorities do not question legitimacy of integrative systems. If, however, whole communities decisively determine representatives of another community, the latter is most likely to revolt.

In BiH Croats are the most cautious with regard to cross-ethnic voting, due

to their numerical inferiority, as well as because they do not have a federal unit of their own. Two major incidents in recent years justified Croatian concerns.

The first one, already mentioned in the previous chapter, has to do with the election of deputies to the FBiH House of Peoples from the Cantonal Assemblies. As roughly described in p.7-8, in 2000 international arbitrators in BiH gave a different interpretation of the FBiH constitution and ruled that all members of each Cantonal Assembly irrespective of ethnic belonging can select all the deputies to the federal House of Peoples that the canton is to delegate. Croats being the smaller of the two constituent peoples complained that this way the selected Croat delegates would not reflect the will of the people they are called to represent, whereas their influence on the selection of the Bosniak delegation would be minimal. After international organisers of elections refused to withdraw the measure, most Croatian parties boycotted FBiH institutions, deepening this way the de facto partition of the entity[15].

The second case took place in the last general election in 2006, when the multi-ethnic, but with a predominantly Bosniak voter base SDP put forward a Croat candidate, taking advantage of the fact that for the first time there we two serious challengers for the Croatian seat of the state presidency coming from purely Croatian parties. Therefore, making use (or abuse) of the electoral provision according to which FBiH citizens can vote either for a Bosniak or a Croatian presidential candidate, SDP called its voters to vote for its candidate irrespective of ethnicity. As expected, the SDP candidate mainly backed by Bosniak votes outvoted both candidates that draw their electoral power form a purely Croatian voter pool, inciting a feeling of injustice among Bosnian Croats. This time there was no stepping out of the system, but it surely acted towards discouraging real pluralism within the Croatian political community in BiH[16].

These incidents can teach domestic and international reform drafters in BiH a very important lesson: that any introduction or preservation of cross-ethnic voting formulas must take into account ethnic concerns too, otherwise institutions will never gain legitimacy in the eyes of the negatively affected communities, which might lead at worst to serious institutional crisis or at best to a perpetuating state inclusion problem.

iii. Compatibility with human rights standards

While debate on AV electoral systems and prospects of cross-ethnic voting for BiH is substantially confined within a circle of conflict resolution analysts and maybe a few international policy-makers, especially after the adoption of the permanent election law, domestic factors pursuant to their characteristic preoccupation with purely legal issues and maybe because few of them realise the rationale of sophisticated electoral engineering, turn the lights of reform debate on the discriminatory clauses of the electoral laws. Indeed, and quite apart from electoral engineering, Bosnian electoral system, in an outright violation of human rights standards, deprives Bosniaks and Croats of RS and Serbs of FBiH, as well as 'Others' anywhere in the country, of their right to run for the state presidency and parliament upper chamber. In an attempt to secure fair inter-ethnic power-sharing, Dayton drafters included the discriminatory clauses in the state constitution[17], overseeing the fact that they stood in conflict with numerous treaties and conventions on human rights, which were also made part of Bosnian legal order at Dayton[18].

Intense calls for removal of this legal anomaly have become more urgent after two Bosnian nationals of Roma and Jew background appealed the discriminatory regulations before the European Court of Human Rights. Court's ruling is expected by the end of 2009, so both constitution and election law will have to be amended before the general elections of autumn 2010[19].

Some proposals are already on the table, but most of them are either less integrative or remove guarantees for fair ethnic representation. Namely, the proposal suggesting one single state-wide electoral constituency for presidential candidates, so that voters are not confined by their entity belonging in their choice of candidate's ethnicity shifts the incentives for cross-ethnic voting and hence political moderation, as described in the previous subchapter; not to mention that it does not resolve the issue of exclusion of 'Others'. If, on the other hand, presidency opens up for 'Others' there is a serious danger for manipulation by the most populous community, as it happened in the 1990 elections. Back then

Bosnian presidency comprised of 7 members, two reserved for each constituent people and one for the 'Others'. SDA, the predominantly Bosnian Muslim party, except for candidates for the two Muslim seats, nominated a candidate for the 'Others', who despite his strong ethnic consciousness, had declared himself a Yugoslav, in order to run for this post. Of course, due to their numerical superiority, Bosnian Muslims had him elected, increasing thus their representation in comparison with Serbs and Croats and at the expense of the 'Others'[20]. Consequently, a workable solution for this issue should remove legal obstacles for excluded citizens, but at the same time render it politically impossible for a constituent people not to be represented or, inversely, have its representation extended. The proposal that presidency should be elected indirectly by the parliament sounds more pragmatic, but still it eliminates the race where most cross-ethnic voting is observed.

Relevant reform so far, however, shows that engaged actors do not have such concerns. In 2002, following Constitutional Court's ruling on constituent peoples, entity institutions were reformed to become more inclusive and deal the issue of discrimination of Bosniaks and Croats in RS and Serbs in FBiH. The solution given at entity level though, in fact entrenched institutional ethnicisation, which international community not only did not prevent, but actually enforced[21].

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[9] Bose, op.cit., p.217

[10] Belloni, op.cit., p.78-79

[11] Bose, op.cit., p.220-221

[12] Ibid., p.221-222, 231

[13] Izborna Komisija BiH & Udruženje izbornih zvaničnika u BiH [Election Commission of BiH & Association of Election Officials in BiH], *Lokalni izbori 2004. godine – naučene lekcije: Stručno-naučna konferencija – Zaključci konferencije* [Local elections 2004 – lessons learned: Expert-scientific conference – Conference conclusions], Jahorina, 26-28 April 2005, p.15 (www.izbori.ba/documents/Jahorina/zakljucci.pdf)

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[15] Nevenko Herceg, Zoran Tomić, *Izbori i izborna kampanja u Bosni i Hercegovini 2000. godine* [Elections and Electoral campaign in BiH], Sveučilište u Mostaru, Mostar 2001, p.85-90, 130-133

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[17] *General Framework Agreement for Peace in Bosnia and Herzegovina*, Annex 4, Articles II, IV.1 and V (www.ohr.int/dpa/default.asp?content_id=372)

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[21] Belloni, op.cit., p.68-69

4   Self-perceptions and formal categories of identity

Examining collective identities is essential in a conflict resolution paper. Identification with a collective object defines who is 'ours' and who is the 'other' and determines certain attitudes and behaviour, stemming from that very membership to the particular group. Hence, in an identity-based conflict, the evolution of people's self-perceptions plays a key role in the transformation of the conflict and its course towards resolution.

Research on identities takes place at the bottom level, among ordinary people, contrary to public administration and electoral research, which includes mainly the elites. Getting down to ordinary people's private views is also very valuable for conflict resolution, because not only does it examine a more representative sample of the population, since it does not exclude social strata with little input into the production of hegemonic discourse, but also might reveal alternative views, even wide-spread ones among the majority, but suppressed by some petrified allegedly unquestioned national doctrines.

Institutions, which comprise the subject of this paper, have often made their own impact on the formation and evolution of identities as well, either directly, by regulating them explicitly, or indirectly, by fostering the respective social and political processes. In BiH institutions do so in both ways. The direct impact is that the constitution, as in any typical consociational polity, confirms internal divisions by recognising three constituent peoples, thus raising the ethnic group from a solely societal formation into a legal collective subject that bears special collective rights, a process that in turn reinforces ethnic divisions. The indirect impact is that the already provisioned constituent peoples are given such extensive autonomies, that each community's political realm is quite independent from developments taking place in the other's, which results in fostering further distinctiveness among ethnic communities.

Additionally, what is special in BiH is that generally people recognise the state's authority in regulating identities. Yugoslavia bequeathed this mentality to its successor states, because it adopted a Soviet-modeled ethnic policy. According to it, citizens were classified into six nations and several nationalities, the former

being entitled to a republic within the federation. Ethnicity was also a formal category in the pan-Yugoslav census and generally ethnic quotas had applied in the allocation of certain posts, especially since the '80s. After all, the Yugoslav state was built as a union of its nations and nationalities[1]. Unlike the French paradigm[*], whereby the state is indifferent to its citizens' ethnic background and generally the notion of 'ethnicity' is absent from its institutional terminology, Yugoslavs were ethnically classified vis-à-vis the state by state act; although citizens could declare themselves according to their own free choice, they did so upon the state authorities' request, let alone that ethnic categories were more or less pre-determined by the formal state ethnography. The mentalities and practices of the régime ancien have bound self-perceptions with state ethnic policy in today's Bosnian collective consciousness. This can probably explain why public debate on identity issues inside the country involves mainly revising the relevant legal framework.

i. Formal categories of identity and their function

In several interactions with the authorities, from running as a candidate for high state functions to simply be the beneficiary of specific rights, Bosnians are frequently asked to declare themselves ethnically. It is required, usually because in the consociational setting many public bodies are staffed through the application of ethnic quotas. The provisioned formal categories of ethnic identities are Bosniak, Croat, Serb and 'Other'. The latter category is negatively defined: it is not defined as the category that includes Jews, Roma, etc., but as the one that includes all citizens that do not classify themselves in any of the three former ones, which are the constituent peoples.

This scheme reveals the state's perception about ethnic belonging in BiH. Firstly, ethnic categories are considered mutually exclusive. For example, one cannot belong to both categories of Croat and Serb at the same time; once they choose to be Croat, they can be neither Bosniak, nor Serb, nor anything else, i.e.

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[*] Named after France, because the French Revolution was the pioneer in the establishment of civic nationalism.

'Other'. Further, constituent people members have to be pure Bosniaks, Serbs or Croats; if they do not declare themselves in any of the exclusive ethnic terms, they automatically fall into the ranks of the 'Others', i.e. constitute the national minorities of BiH.

This structure of the consociational ethnic classification system brings about certain side effects in the way Bosnians perceive their ethnic identities. It basically polarises ethnic belonging by channelling people into adopting one of the provisioned mutually exclusive identities. This way, people associated with at least one of the constituent peoples, but not entirely or exclusively, are encouraged to abandon their vague or in-between identity and identify with one clear-cut and predetermined national identity. It should be noted that the established formal categories of ethnic identities are not the sole factor that polarises ethnic belonging in BiH. It comes well after various social factors, such as inter-ethnic prejudice and mistrust; it stems from them and reinforces them, creating a vicious circle. Nevertheless, the reinforcing effect that institutional framework has is quite large, much larger than my initial hypothesis had projected.

Indeed, although I used to downplay this parameter, the field turned out to be very rich in relevant evidence. It was a quite frequent debate subject in television discussion panels (in some Sarajevo-based channels) challenging hegemonic views of ethnic belonging, as well as a hot issue for many of my interviewees even without my conscious effort to lead the discussion to this subject. In the following text I cite the most striking cases, which took up much space in my ethnographic diary, combined with selected cases from the bibliography.

Dragan[*] from Sarajevo, a close friend and basic informant of mine, told me several times:

> "*They say I'm Croat, 'cause I cross myself with five fingers, but, no, I'm Bosnian*"

Dragan having been born in a mixed marriage (Croatian father, Serbian

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[*] All interlocutors' names are fake for obvious reasons of anonymity.

mother) is apparently being pushed by his social circle to adopt the Croatian identity on the basis of his given religion, Catholicism. In addition, I observed even his girlfriend, a Croat, referring to him as Croat, too. Although Dragan is adamant in his Bosnian identity, the point is that he is under pressure to give it up in favour of a constituent people's one. How the institutional framework contributes in this direction is evident from the reaction I got from Zoran, a local television journalist, when I started talking to him about Dragan's case. Very soon I had Zoran asking Dragan's ethnicity.

- He is Bosnian, I replied.

- Do you mean Bosniak?

- No, I mean Bosnian. His name isn't Muslim; he's called Dragan.

- Then he's either Croat or Serb. There are no Bosnians; we are all Bosnians. You can either be Bosniak, Croat or Serb; or if you are from a mixed marriage you belong to the 'Others'. This is how the law reads.

Zoran, as he usually does in his job as a journalist, conveyed the dominant discourse about ethnic identification in BiH, encapsulated in his remarks. Masked in the guise of political correctness, this dominant discourse recognises almost exclusively the three main categories. As for belonging to the 'Others', this choice is reserved only for those born in a mixed marriage, not for those who choose so. Further, the choice to be Bosnian, with all the connotations it bears, is negated, as politically incorrect, on the grounds that it needs further specification, it is perceived as being too general.

Bosnian, i.e. non-ethnic, identification is not only negated in private life, but in practice it is annulled in transactions with the public sector, as well. Aida, a former colleague of mine, who also chooses to declare herself as Bosnian, complains that, because her name is Muslim, she is being registered by the civil servants as Bosniak, especially in the municipality offices, where they know her and her family personally, although she always writes 'Bosnian' in the ethnicity field in her formal statements, applications, etc. And she was not the only one to report such an incident.

Although there are people like Dragan and Aida who insist in their non-ethnic identification, still most people succumb to the formal ethnic declaration

scheme and its dominant interpretation[2]. Denis, one of my main interlocutors in Čapljina, when we first met, introduced himself as a Bosnian Muslim. Later, when we started discussing in more detail his background, he revealed to me that out of his parents only his mother was Muslim, his father being Serb. All the same, he insisted in his initial ethnic declaration, attributing it to his circumcision.

Admittedly, there are a few more reasons that led Denis to adopt the Bosnian Muslim identity. The household where the family settled used to belong to his mother's parents; his father moved there upon marriage, not to mention that he comes from another town. Consequently, the children were raised according to the mother's family patterns. Moreover, Serbs are almost non-existent in Čapljina and its vicinity, so Denis has experienced his alterity vis-à-vis the Croatian majority as a Muslim with his fellow Muslims, not least having been displaced in the Muslim-controlled sector of Mostar during the war and socialising almost exclusively with the other Muslim returnees of the town.

Nonetheless, there would definitely be space for an additional parallel Serbian identity, had a more flexible and inclusive ethnic declaration system been in place. Indeed, when I intrigued him by denying his self-declaration and claiming he is 'actually' half-Muslim and half-Serbian, he replied:

- OK, but since I can't declare Bosnian, I declare Bosniak.

His answer implied that given the legal constraints on multiple ethnic affiliations, he opts for the ethnicity that is the closest to his perception of self. After all, there is nothing else that could justify Denis's refusal to adopt a Serbian identity, as well: his name is not Muslim (neither Orthodox) and Bosnian Muslim identity in that part of the country is not built against Serbs, but against Croats; nor has Denis hostile sentiments towards Serbs.

In the field I came across a couple more similar cases, namely in Lopare a descendant of an Orthodox Vlach family from Vojvodina and in Sarajevo a lady of a Bosnian Muslim mother and an Albanian Kosovar father, who declared themselves as solely Serb and Bosniak respectively. Even though I did not have the chance to interview them thoroughly, I believe that the formal ethnic categories scheme had a similar impact on them both.

In conclusion, Bosnian state policy about identities has a homogenising effect. Its functions resemble the nationalising policies of the typical nation states, which seek to eliminate all identity discrepancies within its citizenry and incorporate them into a uniform national body. However, the difference with BiH is that instead of a single national elite there are three distinct ethnic community ones, hence three distinct parallel homogenising processes applying only on a segment of the society each, on ethnic key. Accordingly, identity policy not only does not homogenise the whole Bosnian population, which some consider necessary for political community's coherence and subsequently state legitimisation, but on the contrary, it enhances triple polarity by distinguishing Bosnians into three ethnic groups emphasising their distinctiveness and hushing up the fact that quite a significant part of the population sits on the fence it is set to raise among people's self-perceptions of identity.

ii. Divergence from formal categories

Notwithstanding the formal discourse and elites' centrifugal tendencies, an observer can easily spot in the field several cases that do not comply with the standard ethnic declaration scheme. Admittedly, my profile, interests, social circle and staying in Sarajevo increased my chances to meet people with alternative identities, but it often occurred out of my narrow circle of contacts or without my asking a relevant question that could lead to a biased response. After all, ethnographic studies confirm so, too[3].

Incompatibility with formal categories

The most typical cases where current ethnic policy fails to reflect the reality are people who do not fit into, defy or even protest against formal categories of identity. Despite the war which polarised the population on ethnic base, there are still people who have experienced their identity as members of the multi-cultural society, rather than that of an ethnic group. These people understand themselves through multiple parallel or concentric identities or prefer a single civic identity, usually Bosnian.

The great degree of inter-marriage (dating back several decades) has created a pool of people who, expectedly, face the most obvious confusion with regard to their identity. In the words of Lara, the daughter of my landlords in Sarajevo:

> *"How shall I declare myself? My father is a Serb and my mother a Muslim: I'm neither just Serb nor just Muslim. And I'm not 'Other', because I'm both Serb and Muslim."*

Of course, mere mixed background does not always entail incompatibility with the official ethnic categories. In the precious subchapter we have discussed a couple of cases of people coming from a mixed marriage, but fitting into the current scheme nevertheless. Although mixed background increases the chances for alternative identification, it is rather one's life experiences that constitute the decisive factor in forming their identity.

Consider Dragan once more. As already mentioned, even though he is often attributed the Croat identity by those in his close environment on the basis of his father's ethnicity and his given religion, he resists it, but not because his mother is a Serb. Dragan strongly dislikes both Serbs and Croats for their disintegrating causes at the expense of his homeland, not surprisingly since he stayed in Sarajevo all during its siege and was schooled during and after the war in the Bosniak-dominated schools and faculties of Sarajevo; furthermore, his family is made up of sworn leftists, Tito admirers, who feel nostalgic about the good old days of socialist self-management.

Dragan's case points out two more important factors: subjection to the dominant narratives of the place where one spent their war and post-war years and nostalgia for the previous regime. Indeed, it is a common observation that minorities that chose (or were allowed) to stay all during the war and after it in an alien area of control bear the narratives of the respective majority[4] (see also Sandra's case, p.41). This has helped minorities integrate among the majority they decided to stay with and sometimes, as in Dagan's case, has influenced the shaping of their very own identity.

Appreciation for communist Yugoslavia is the second factor that led Dragan to opt for a civic identity, pursuant to the Titoist policy of suppressing the

salience of ethnicity. This function is confirmed in Pickering's study, too, where Petar, a former communist bureaucrat and active member of the World War II veteran's association, declares himself as Bosnian and Yugoslav, disregarding his Serbian background[5]. Indeed, in my opinion, Yugo-nostalgia might prove a very powerful tool for conflict resolution in BiH, because on the one hand it is a widespread sentiment among the population, who miss the high living standards of those years, and on the other hand it is associated with the principle of 'brotherhood and unity' of the Yugoslav nations and nationalities. Nevertheless, peace-building agencies have hardly taken advantage of it, probably due to the West's near-phobic syndrome against anything communist. Yet, a careful look-up on the arguments of the locals who favour co-existence reveals that they derive from the pre-existing culture of inter-ethnic accommodation, which to some extend survived the war, and to a lesser degree from the internationally brokered anti-nationalism, multiculturalism and tolerance movements. It is not accidental that SDP, the successor to the League of Communists party, which has not broken ties with its past, is the only sizeable party in BiH with clear cross-ethnic appeal.

Another factor that correlates with rejection of ethnic identification is urbanisation. Because of the large concentration of elite Yugoslav bureaucracy in the major urban centers, their relative openness to cosmopolitan ideas and ways of life and the intermingling of ethnicities there, Bosnian urbanites had hardly developed any sense of ethnic belonging before the war, whereas ethno-religious cleavages were more prominent in the countryside[6]. Predictably, after the war city people would resist ethnic labels more.

Tangible proof of this is seen in the development in major urban centers, notably Sarajevo and Tuzla, of a movement advocating declaration as 'Bosnian', which started taking organised form and lobbying for the introduction of 'Bosnian' as an official identity category[7]. Regardless of the implications that its possible application might cause at the consociational mechanisms, which is why it is fervently opposed by Serbian and Croatian politicians[8], it is a signal that part of the population is ready and willing to get rid of ethnic labels.

Nevertheless, this is not a clear signal that the population is ready to

transcend ethnic mentalities, too. The vast majority of those who want to declare Bosnian identity come from a Muslim background, so they are anyway devoted to the Bosnian homeland and recognise the legitimacy of the Bosnian state. This is why the term 'Bosnian' and the country itself has acquired Muslim connotations, making it problematic for Serbs and Croats to embrace Bosnian identity, as well. Indeed, contrary to the political correct use of the term 'Bosnian', as supposedly free of narrow ethnic associations, in informal speech it is often used interchangeably with the terms 'Bosniak' or 'Muslim'[9].

Variation depending on the occasion

Identity is not a static element of the individual. It changes over time, but also depending on the occasion. Who one is depends on who the other is vis-à-vis whom identification takes place. This parameter is particularly intense in BiH, due to a complex array of identities that an individual can have at various levels (local, returnee or relocatee; Bosnian or Herzegovinian; Bosniak, Serb or Croat). Close relations with other countries of former Yugoslavia add another dimension in the identity list.

I first considered this aspect when Ana, a former inhabitant of downtown Sarajevo, who has now relocated to the outskirts of Eastern Sarajevo in RS, told me her own perception of her identity. Although she is a devout Orthodox (she carries paper icons in her wallet and enjoys visiting religious sites), she is officially declared as Bosnian, hence 'Other'. When our discussion advanced, she told me that her being an 'Other' helped her get a job in a supreme state institution, because competition among the 'Others' was less than among Serbs or other constituent people members. Without me asking further, she told me that in Eastern Sarajevo, among her kin, she is counted as Serb, whereas in FBiH Sarajevo she makes herself a Sarajevan. "*This makes your life much easier*" she concluded with a smile. Adapting her identity according to the setting was Ana's response to the nationalists' restrictions on her professional and social evolution.

Vera, a Serb, member of a returnee family in Mostar, who studies in the University of Banja Luka, is not ambivalent about her Serbian identity. However,

out of the interview and on different discussions and in different meetings, she unconsciously accepts various identities that others attribute to her depending on where she is and with who she deals. Contrary to Ana, who purposely adapts her identity to match that of the majority, Vera is defined by contrast. Thus, among her colleagues at university she is a Herzegovinian; when at home in Mostar she is a Serb; when she travels to Serbia proper she is a Bosnian.

Applying different meanings in the same identity

One of the functions of the collective identities is to put people of the same characteristics, which the identity describes, into one group, in order to be treated altogether as a unit, based on their common characteristics. Do however people who are gathered under the umbrella of an ethnic identity have essentially the same interests, characteristics, agonies and needs, so that they can be treated as a uniform body? Both bibliography and my own research answer negatively, even in the Bosnian case, where elites have exerted great pressure on people who bore the respective ethnic label to conform to their proclaimed goals down to the letter, invoking war conditions.

At the macro-level, the most commonly cited relevant example is the difference between Croats of Western Herzegovina, a continuous territory inhabited almost exclusively by Croats, and the Croats of Central Bosnia and Posavina, who live scattered in exclaves among Bosnian Muslims. Although both segments of the Croatian community bear the same ethnic identity, they have substantially different interests regarding their relations with other ethnic groups and often allocate different meanings in constructing their identity. In Western Herzegovina, where the main body of Herceg-Bosna used to stretch, Croats had an interest obstructing central institutions, so that crucial powers remained at their parallel institutions, over which they had absolute control, whereas Croats in Posavina and Central Bosnia had to cooperate with their Muslim neighbours, otherwise they would live in encircled pockets with communication and supply problems. Besides, the former usually view themselves as an extension of the Croatian nation from Croatia proper, from which they are separated, because the

border happened to lie a few kilometers from their towns, while many of the latter consider themselves Bosnians of Catholic faith, hence of Croatian ethnicity[10].

The more we move down to smaller groups, such as minorities, the more we discover cases, which in spite of opting for the same identity with a majority, they essentially perceive it in a different way, not to mention interests. Pickering's study offers ample examples on this issue: Goran, a Croat from Bihać, and Ljubo, a Serb from Sarajevo, did not view their identity as necessarily in conflict with Bosniaks, although their ethnic peers did so and foreigners anticipated so as well; moreover, Mira, a Serb who returned to Sarajevo, realised that her profile was actually closer to non-Serbs of Sarajevo than to Serbs of RS, when she came in contact with her ethnic kin across the inter-entity boundary line[11]. Sandra, a Croat and widow of a Serb fighter from Lopare, though originally from Tuzla, stayed all through the war with her family in that Serbian town of Northern Bosnia. When the war was over, she went across to Tuzla to see her Croatian relatives, but, according to her...

> "...all they did was to blame Serbs for causing the war and killing their children; as if I hadn't lost my husband in the war, too. I felt so alienated from them, that I hardly ever go to visit them any more."

Even though she has retained her Croatian identity, Sandra has broken ties with her Croatian relatives, reiterates Serbian narratives, raises her daughter as a Serb and finds it handier to write in Cyrillic. In a nutshell, she feels more attached to her Serbian neighbours in Lopare, than her Croatian kin. For Croatian nationalism, Sandra is an empty shell, since she only bears the label, but does not fulfill any of her 'obligations' to the nation.

Significance of diverging identities

The fact that in BiH there are still numerous cases that diverge from the rigid triple-constituent-peoples scheme shows that the homogenising process of the three main ethnic communities has not totally penetrated society. Bosnians who cannot identify with exclusive ethnic categories are not few and, more

important, there are conditions that a greater share of theirs can join in less exclusive identifications, so that the existing polarisation between the three clearly defined groups is alleviated. Alternative identities are usually related with more than one main identity category, creating a common space of belonging into two or even three ethnic groups, filling their in-between gap. Besides, overlapping belonging is more likely to create societal groups that view themselves as bound to multi-ethnic BiH, rather than mono-ethnic contiguous competing homelands. Ultimately and perhaps most importantly, in-between identities are there to remind that it is oversimplifying and inadequate to consider only three simple categories with only a few marginal exceptions.

iii. Ethnic identity policy reform

Although public administration and election reform will affect drastically the function of state and society, still identity policy reform is a more profound change, since it puts on the negotiation table the very raison d'être of the Bosnian state as the homeland of its three constituent peoples. It has a much less practical impact, but a strong symbolic value.

Again, the relevant debate moves along the civic-ethnic axis. Because minorities do not have access to the public tribune, left to promote identity policy reform are civil society activists from the Bosniak-majority urban centers, who advocate the use of the civic label 'Bosnian'. Their initiatives have gained the support of some Bosniak parties, which also favour civic elements in other fields for their own reasons each.

Unsurprisingly, for their part, Serbian and Croatian leaders resist such initiatives, because they can turn into being the long arm of Bosniaks in their effort to acquire more power. If a new official category is to be added or anyhow representation of non-constituent peoples to be increased, citizens of Bosnian Muslim background can take advantage of it and extend their representation beyond their provisioned quotas, owing to their numerical superiority and not least to their greater (either spontaneous or strategic) willingness to declare themselves as Bosnians, similar to the 1990 presidential race (see p.28-29).

The existence of opposing views on the issue means that no radical reform can be expected. As long as ordinary people and elites alike for their largest part maintain the 3-constituent-peoples view, current formal categories cannot be dismissed at once. However, since a visible part of the civil society promotes alternative, notably civic, identity choices and most important, has had its cause backed by part of the elite, it is politically feasible that the rigid three-constituent-peoples scheme is opened up to reflect Bosnian society better. Once it is institutionally guaranteed that Bosniaks cannot turn the reformed institutions into a Trojan horse to disturb the power balance, Serb and Croat leaders do not have a legitimate reason to negate more plural identity options for the citizens of BiH.

Widening the range of identity choices not only is dictated by the freedom of self-determination, but also contributes to conflict resolution and state-building. It might be unfeasible to foster a strong single unifying Bosnian identity, because ethnic elites can prevent the elimination of ethnic divisions, but they cannot prohibit the development of alternative identities, if other elites convincingly promote them, for, as discussed in the previous subchapter, there is fertile ground for it.

The establishment of such elites and their rooting into the society could take place under the auspices of the international community. However, despite its profound involvement in other fields of public life in BiH, and its potential for policy-making there, hardly any factor of the international intervention remains engaged in the identity debate, leaving it for domestic politicians and 'national academics'. Accordingly, no relevant policy with conflict resolution scope is promoted by internationals. On the contrary, very often international officials, due to their insufficient knowledge of the field, share the same perspectives on identities with local ethno-nationalists, whom they are supposed to oppose[12].

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[1] ***Устав Социјалистичке Федеративне Републике Југославије*** [Constitution of the Socialist Federal Republic of Yugoslavia], Уводни део, Основна начела, §1, [Introduction part, Basic principles, §1], Службени лист Социјалистичке Федеративне Републике Југославије, година XXX, број 9, Београд, 21. фебруар 1974 [Official Gazette of the Socialist Federal Republic of Yugoslavia, XXX year, №9, Belgrade, 21 February 1974]

[2] Paula M. Pickering, *Peacebuilding in the Balkans: The View from the Ground Floor*, Cornell University Press, Ithaca and London, p.65, 67

[3] Notably, Tone Bringa, *Being Muslim the Bosnian Way: Identity and Community in a Central Bosnian Village*, Princeton University Press, New Jersey 1995 and Paula M. Pickering, op.cit., several references all through the books

[4] Pickering, op.cit., p.54-55, 65, 80, 97-98

[5] Ibid., p.65

[6] Bringa, op.cit., p.4

[7] "Želim se izjašnjavati kao pripadnik/ica bosanskohercegovačke nacionalnosti!" in *Facebook* (www.facebook.com/group.php?gid=23936180637)

[8] "Ivanić: Bošnjaci pokušavaju da stvore imaginarnu bosansku naciju" in *RTM news portal* (www.rtvmo.ba/index.php?option=com_content&task=view&id=24791&Itemid=2)

[9] Paula M. Pickering, op.cit., p.66

[10] Prism Research, *Focus Group Discussion Report*, NDI, 25.7.2000, p.60

[11] Pickering, op.cit., p.54-55, 78, 80

[12] Roberto Belloni, *State Building and International Intervention in Bosnia*, Routledge, New York 2007, p.8-9

5   International intervention

The international factor is an integral part of the Bosnian institutional framework. International intervention in the country not only has extensive executive powers, but also steers, not to say conducts, domestic policy-making. Therefore, the role of international intervention is also included in the reform debate. Besides, debate over the formation of a universal intervention model also touches upon the Bosnian case, because it has been one of the first prominent, extensive and lasting interventions of the post-Cold War era.

The relevant debate, apart from arguments on specific operational issues, concerns mainly the intervention's duration, scope and depth. How long should an intervention last, which fields should it cover and how deep its involvement should be are key elements of an international peace-building mission. The difference in answering these questions defines the two major currents of the debate over interventions. Thus, advocates of lasting, wide and deep interventions are called strong interventionists, whereas those who maintain a quicker withdrawal after a certain stage are the so-called autonomists.

Arguments between autonomists and strong interventionists are particularly intense in BiH, because intervention there has already by the mid-2000s completed a first phase and reached a turning point where it has to gradually withdraw or reorientate itself[1].

i.   The autonomist view

Autonomists are convinced that the international intervention in BiH has completed its mission and it is time that ownership of the peace and state-building process is transferred to the hands of Bosnians. They maintain not only that international guidance is unacceptable for a sovereign country, especially today, more than a decade after the end of the violent conflict to which intervention came as a response, but also that the country would benefit from international withdrawal. Their arguments can be classified into two major groups: those focusing on the undemocratic means and those focusing on the side

effect of creating irresponsible leaders and citizens.

The democratic deficit of the intervention system stems from the special position interveners have within the institutional framework. In the course of time and in an attempt to be effective in the consolidation of positive peace and rule of law in BiH international intervention, notably its head, the High Representative, has been granted extraordinary powers (e.g. dismissing obstructive elected officials, imposing laws by decree)[2] and has been placed above the law (inability to appeal against an OHR decision)[3].

Nobody can deny the contradiction of imposing democracy with undemocratic means. International officials are neither elected by nor accountable to citizens of BiH and in fact whenever they undertake an action, it is against the will of the democratically elected representatives of Bosnians and often the public opinion, as well[4]. This stands in complete discordance with the very democratic principles international intervention is tasked to establish, as well as European Union standards, which has further implications for the country's ongoing integration process[5].

The other argument of the autonomists concerns the political culture fostered by hyper-interventionism. Constant involvement in the policy-making of the state does not train politicians to assume responsibility for their actions. Instead, this practice allows ethnic leaders to take unrealistic but palatable decisions, so that they can remain popular among their constituencies, knowing that their decisions will be overturned in the end of the day by internationals, who will shoulder the political cost, instead of by themselves[6]. Citizens, for their part, observing these tactics, have become more and more unwilling to participate in elections and generally in public life, because they feel unable to influence their country's course, since most important decisions are taken by appointed international officials, not accountable to them.

The autonomist view had gained much ground during the mid-2000s, when there were serious discussions about the international community's exit from the country. Amidst calls from the influential and clearly autonomist think tank European Stability Initiative[7], Schwarz-Schilling, the High Representative who assumed office in early 2006, stated that he would refrain from using his special

powers, in order to prepare local leadership to take over ownership. However, the poor results of this approach and the progress setbacks that followed, toned down autonomist calls[8].

ii. The strong interventionist view

Contrary to autonomist views, strong interventionists advocate the thorough involvement of international community in the peace and state-building process with no hasty exit. Strong interventionists dismiss accusations that the current system renders the country a protectorate, because the international presence is legitimised by the principle of consent, i.e. locals invited international missions in their country[9]. They also hold that unaccountable interveners and non-democratic methods are justified by the special conditions that prevail after a violent conflict[10] and the need to build a sound state, until local institutions can provide by themselves good governance and guarantee rule of law[11]. Once intervention's mandate is reflected on the actions taken –and indeed progress in BiH is owed at a great degree to international initiatives– there is no legitimacy issue for strong interventionists, irrespective of the local reactions[12]; after all, if constructive forces were prevalent in Bosnian society, there would be no need for external involvement.

As for an international withdrawal, strong interventionists believe there must be no specific timeframe; departure must depend on the fulfillment of the task. A hasty withdrawal is regarded as an irresponsible attitude, because once the intervention came into place, it changed the conflict setting. Therefore, a quick departure risks producing a dangerous power vacuum, which might endanger achievements made to date and perhaps the whole conflict resolution process[13]. Certainly, today (in late 2000s) the current context does not really favour international departure: amidst renegotiation of the very institutional skeleton of BiH, inter-ethnic relations expectably are more tenuous than usual; besides, regional stability is at a crucial point, as pending Kosovo's final status is often linked with that of RS[14].

The strong interventionist approach is backed by another very influential

think tank, International Crisis Group, which has published numerous reports on the Bosnian case. Their reports were welcomed more by Bosniaks[15], because strong interventionism is believed to favour integration, in contrast with autonomist approach, which removes control from the local centrifugal forces[16]. Strong interventionists seemed to have it their way, when European Union gradually assumed the reins of international intervention, starting from the early 2000s. This transition officially confirmed a widening of the scope of the international mission, since its mandate was not only to continue building sustainable peace in the country, but in addition to prepare it for integration into European structures, a much more demanding and specific task[17]. Moreover, the intrusive powers of the High Representative were retained, as a result of the disappointing performance of the autonomist Schwarz-Schilling, mentioned above. Subsequent High Representatives adopted a more active attitude, having in mind though that domestic policy-makers must be trained adequately to take over.

iii. Assessment of international intervention

Numerous authors and international bodies, as well as domestic factors, have stepped out to evaluate Dayton's progress so far. The Peace Implementation Council, the ad hoc self-established body that ultimately oversees implementation of the Dayton Agreement, has been cautiously positive in the reviews it issued after its regular meetings without however hesitating to use harsh language in crucial matters, although for political reasons it is not expected to be too critical of the performance of the intervention it has endorsed[18]. Academics, expectably, have been more critical in their evaluations and offered more comprehensive reviews. With regard to the locals, Serbs and Croats, who generally favour wider ethnic autonomies, tend to consider the intervention impartial at their expense, because usually the internationals' integrative goals coincide with Bosniak national stances. This feeling is somehow more widespread among Serbs, maybe because they have retained the memory of international military involvement against them at the last stage of the war.

Recent developments in Kosovo, have given Serbs an additional reason to accuse the international community of not applying universal standards everywhere. On the other hand, Bosniaks usually do want intrusive intervention, but they do not spare accusations either for alleged inconsistency and incompatibility of international actions with the declared goals, whenever they do not have their claims satisfied[19].

A composition of all the opinions about international intervention in BiH is encapsulated in the statement that Dayton, as an intervention model, has had only partial success in reaching true conflict resolution. The likelihood that violence erupts again might indeed seem unthinkable and institutions might conduct their basic functions, but still inter-ethnic relations are strained and the stateness question exists for large parts of the population, despite the amount of resources and commitment allocated. It is a common place in the bibliography that, while the military wing of the intervention is quite positively evaluated, its civilian wing is not described as satisfactorily as expected[20].

Authors, put blame on the international community's negotiating the peace settlement essentially with the warlords who waged the war and had therefore little incentive to consent to more integrative elements at Dayton. Nonetheless, most of them, like David Chandler, are pragmatic. They acknowledge that, since priority was given to the termination of the bloodshed, international community had to negotiate a compromise with no clear winner, hence with nationalist warlords, who had retained their power, as negotiating partners. In this light, nationalists unavoidably would have never accepted any agreement, had they not secured their political survival and power. Under these circumstances, Chandler holds that Dayton was a good deal and a useful tool in the hands of the interveners, not least because it allowed for flexible interpretation, depending on the dynamics of the conflict at each point in time and their transformation[21].

This approach, far from downplaying the potential of international interventions, seeks to find methods that maximise their outcome, given the existing constraints, which cannot be ignored in practice. Hence, international intervention is not inherently flawed, but rather some choices of the mediators, made after Dayton, decreased the efficiency of the peace-building process.

To begin with, parties that intervene in a conflict normally have their own stakes, interests and priorities. Hence, some choices of the interveners served primarily their own interests, without necessarily promoting peace and state building in BiH; notably, Clinton, in light of his upcoming second candidacy for the presidency of the USA, wanted by all means timely organisation of the first post-war elections in 1996, so that he could use it as a proof to his electorate that the much-debated Bosnian intervention was successful[22]. Generally, during the first post-war years priority was given to tasks with measurable and swift returns, such as effective ceasefire. However, a quick achievement of it required separation of the conflicting parties, which stood in contrast with the inter-ethnic approach that was the goal in the years to follow[23]. Unclear and contradictory goals of the various components of the international mission were frequent before the OHR sought to enhance the complementary character of peace-building organisations. For example, soon after the ceasefire various governmental and non-governmental organisations assumed the infrastructural and dwelling rebuilding of the country. This seemingly apolitical activity though had a negative impact on the conflict resolution, because it not only encouraged displaced persons to relocate to newly built houses, rather than return to their destroyed homes, but also gave to the then ruling nationalists additional means to manage, by which they could maintain their clientele[24]. Several similar cases revealed the need for effective coordination of the activities of international agencies, which was weak, especially in the beginning of the intervention, mainly due to NATO's reluctance to become subjected to the guidance of the OHR's civilian mission[25]. Critics do not blame only uncoordinated fragmentation among several peace-building agencies, but even application of short-term projects, even irrelevant with each other, which is often the working mode of the involved organisations[26].

With all its flaws and its strong points international intervention has admittedly a key role in BiH and constitutes per se an element of its institutional framework. All during its deployment in the field, it has proved quite flexible, although not always very successful, depending on the changing conflict dynamics, as well as the interests of the contributing states. And certainly the

direction of future Dayton intervention reforms is closely bound to the course of the other components of the Bosnian institutional framework.

[1] David Chandler: "From Dayton to Europe" in David Chandler (ed.), ***Peace without Politics? Ten Years of International State-Building in Bosnia***, Routledge, London and New York 2006, p.35

[2] Ibid., p.34-35

[3] Roberto Belloni, ***State Building and International Intervention in Bosnia***, Routledge, New York 2007, p.31-32

[4] Ibid., p.30-32

[5] Chandler, op.cit., p.37

[6] Belloni, op.cit., p.177

[7] European Stability Initiative, ***After the Bonn Powers: Open Letter to Lord Ashdown***, ESI, Sarajevo July 16 2003; European Stability Initiative, ***The worst in class: How the international protectorate hurts the European future of Bosnia and Herzegovina***, ESI, Berlin, Brussels, Istanbul 8 November 2007

[8] Belloni, op.cit., p.25

[9] Chandler, op.cit., p.31

[10] Sumantra Bose: "The Bosnian State a Decade after Dayton" in David Chandler (ed.), ***Peace without Politics? Ten Years of International State-Building in Bosnia***, Routledge, London and New York, 2006, p.24

[11] Belloni, op.cit., p.29

[12] Bose, op.cit., p.25

[13] Belloni, op.cit., p.39-40

[14] Barry Wood: "Bosnian Serbs Renew Nationalist Rhetoric in Run-up to Election", Belgrade 17 September 2006, in ***Voice of America News*** (www.voanews.com/english/archive/2006-09/2006-09-17-voa31.cfm?moddate=2006-09-17)

[15] Bose, op.cit., p.19

[16] Belloni, op.cit., p.37

[17] Chandler, op.cit., p.35-39

[18] PIC Madrid Declaration, Madrid 16/12/'08 (www.ohr.int/pic/default.asp?content_id=5190); Declaration of the Peace Implementation Council, Brussels 24/5/'00 (www.ohr.int/pic/default.asp?content_id=5200); Declaration by the Steering Board of the Peace Implementation Council, Sarajevo 31/10/'07 (www.ohr.int/pic/default.asp?content_id=40758); Declaration by the Steering Board of the Peace Implementation Council, Brussels 27/2/'08 (www.ohr.int/pic/default.asp?content_id=41352)

[19] For example, Faruk Borić: "Odustaje li OHR od Dejtonskog sporazuma?" ["Has OHR abandoned Dayton Agreement?"] in ***Oslobođenje***, Godina LXV, Broj 22.165, 22.9.2008, p.5

[20] Lester H. Brune, ***The United States and Post-Cold War Interventions: Bush and Clinton in Somalia, Haiti and Bosnia 1992-1998***, Regina Books, Claremont (California) 1998, p.117-118, 129, 135-137

[21] Chandler, op.cit., 30-31

[22] Suad Arnautović, ***Izbori '96. i reintegracija BiH*** [Elections of '96 and reintegration of BiH], Vijeće kongresa bošnjačkih intelektualaca, Sarajevo 1996, p.3-4; John M. Reid: "The Dayton Accord Elections in Bosnia and Herzegovina" in Shatzmiller Maya (edit.), ***Islam and Bosnia: Conflict Resolution and Foreign Policy in Multi-Ethnic States***, McGill-Queen's University Press, Montreal & Kingston, London, Ithaca 2002, p.148-149

[23] Belloni, op.cit., p.1, 173

[24] Patrice McMahon: "Managing Ethnic Conflict in Bosnia: International Solutions to Domestic Problems" in Jeffrey Morton (edit.), ***Reflections on the Balkan Wars: Ten Years After the Break-up of Yugoslavia***, Palgrave Macmillan, Houndmills, Basingstoke 2004, p.203; European Stability Initiative, ***Reshaping international priorities in Bosnia and***

Herzegovina, Part Two: International Power in Bosnia, ESI, Berlin, Brussels, Sarajevo
March 2000, p.3, 15-17
[25] McMahon, op.cit., p.196-202
[26] Belloni, op.cit., p.179

6   Conclusions

Public administration, electoral legislation, ethnic identity policy and the role of internationals are the four most debated subjects of the Bosnian institutional framework, as analysed in this thesis. Unraveling the relevant debates makes it clear that despite the progress and achievements so far, Bosnian institutions have inherent deficiencies that inhibit genuine conflict resolution. Various reform proposals indicate that there is space for improvement.

In public administration the Dayton-sponsored combination of federal and consociational system forms a smart power-sharing scheme, but lacks truly effective peace- and state-building tools. The reform agenda, in light of contains various proposals, which either argue for the preservation of the ethnicity as the basis for representation or propagate moving towards civic forms of democracy or suggest a compromise.

In the field of elections, again the electoral system represents a fair inter-ethnic power-sharing mode, rather than aims at the creation of a single integrated Bosnian political universe. Moreover, election institution building experienced in the first post-war decade has faded out. International organisations have substantially handed electoral procedure ownership to domestic actors, who work towards consolidation of the existing system and discuss only the few pending issues of discrimination, without showing particular interest for the political repercussions of the electoral rules.

Further, the current exclusivist ethnic identity policy is lately targeted by a spontaneous societal movement, which despite often being the civic proxy of Bosniak nationalism, still challenges the rigid hegemonic triple-community scheme. However, hardly anyone takes advantage of the sizeable part of the society that is more prone to overlapping, concentric or otherwise multiple identifications, which could be used as the live challenge to ethnic identity polarisation.

The record of international intervention in BiH has indicated that initially decisive and often arbitrary actions are necessary to stimulate institutions and transition from war mentalities to inter-ethnic reconciliation. However, as time

advances, local human capital needs to be trained to take over, otherwise a culture of dependency is likely to develop among the locals, which will delay the advent of the ripe moment for international departure. Therefore, the exit date needs to be decided after impartial assessment of the progress and the prevailing conditions, which is rarely the case, since interveners' vested interests are more decisive factors.

Fortunately for Bosnians, Europe retained its interest for the region, when United States priorities had altered. What is also fortunate for BiH is in the current difficult conjunction of events the High Representative retains his extensive authorities and can still navigate the country through the rocky waters of the state constitutional reform and the repercussions of Kosovo's final status. Once this test is successfully passed, the soil will be steady enough for BiH to take its first steps without the international crutches. But until then a lot of work must be done.

First of all, the long-anticipated constitutional reform offers a chance for international community to push towards more integrative institutions in this axis legal document, before ethno-nationalists have it their way and impose their mentalities in this crucial turning point. The more truly favourable regulations for conflict resolution are adopted, the faster internationals can plan their exit.

Of course, apart from external imposition, one more international dimension should be taken into account and that is the European carrot. The prospect of accession to EU can make many Bosnian politicians concede to more inclusive institutions, like the case of police reform. Although it is not one of the typical preconditions, EU officials labels it as such, in order Bosnians to reform this institution, which is responsible for much obstruction to the inter-ethnic reconciliation, owing to its notorious past[1]. This way, by invoking EU prospects, international community can challenge many established obstructive institutions, maybe as much as it did by its direct intervention.

All in all, as it is the main point of this thesis, BiH has much underlying potential to advance with conflict resolution; but what it needs is the proper stimulus.

[1] European Stability Initiative, ***The worst in class: How the international protectorate hurts the European future of Bosnia and Herzegovina***, ESI, Berlin, Brussels, Istanbul 8 November 2007

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